

# Minutes

## Ordinary Council Meeting

**Wednesday 26 November 2025,**  
At 5.30pm

Council Chambers, 39 Bannister Road, Boddington

A vibrant and connected community with excellent lifestyle and employment opportunities in a beautiful natural environment.

## **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of Boddington for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff. The Shire of Boddington disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council/Committee meetings or discussions. Any person or legal entity who acts or fails to act in reliance upon any statement does so at that person's or legal entity's own risk.

In particular and with derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of Boddington during the course of any meeting is not intended to be and is not taken as notice or approval from the Shire of Boddington. The Shire of Boddington warns that anyone who has an application lodged with the Shire of Boddington must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of that application and any conditions attaching to the decision made by the Shire of Boddington in respect of the application.

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## 1. **DECLARATION OF OPENING**

The Shire President declared the meeting open at 5:30pm.

I would like to begin by acknowledging the Wilman People as the Traditional Custodians of the land we are meeting on today, and pay respect to Elders past and present, as well as the continuation of cultural, spiritual, and educational practices of Aboriginal people.

Councillors, to ensure clarity and effective communication during this Council Meeting, I kindly remind you to switch on your microphones when called upon to speak. This meeting will be recorded.

## 2. **ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**

### 2.1 **Attendance**

Cr Eugene Smalberger	Shire President
Cr Paul Carrotts	Deputy Shire President
Cr Ian Macpherson	Councillor
Cr Hans Prandl	Councillor
Cr Johan van Heerden	Councillor
Cr Paul Kessler	Councillor
Cr Andrew Ryley	Councillor
Mrs Julie Burton	Chief Executive Officer
Mr James Wickens	Executive Manager Development Services
Mrs Cara Ryan	Executive Manager Corporate Services
Mr Fabian Houbrechts	Executive Manager Infrastructure Services
Mrs Grace Dwyer	Executive Assistant (Minutes)
Visitors	2 (From 5:42pm)

### 2.2 **Apologies**

Nil

### 2.3 **Leave of Absence**

## 3. **DISCLOSURES OF INTEREST**

Councillor Ian Macpherson declared a Financial Interest in Item 9.1.2, the nature of the interest being that he is a supplier of fresh produce to the Boddington Diner.

Councillor Paul Carrotts declared a Proximity Interest in Item 9.1.3, the nature of the interest being that he owns land opposite the subject land on Farmers Avenue, Boddington.



**4. PUBLIC QUESTION TIME**

Nil

**5. PETITIONS/DEPUTATIONS/PRESENTATIONS/SUBMISSIONS**

Nil

**6. CONFIRMATION OF MINUTES**

**Officer Recommendation and Council Decision**

**COUNCIL RESOLUTION: 109/25**

**Moved: Cr P Kessler          Seconded: Cr I Macpherson**

**That the minutes of the Ordinary Council Meeting held on Wednesday 22 October 2025 be confirmed as a true record of proceedings.**

Carried:          **7-0**

For:                Cr E Smalberger, Cr P Carrots, Cr A Ryley, Cr H Prandl, Cr J van Heerden, Cr I Macpherson, Cr P Kessler

Against:          Nil

**Officer Recommendation and Council Decision**

**COUNCIL RESOLUTION: 110/25**

**Moved: Cr P Carrots          Seconded: Cr A Ryley**

**That the minutes of the Special Council Meeting held on Monday 3 November 2025, be confirmed as a true record of proceedings.**

Carried:          **7-0**

For:                Cr E Smalberger, Cr P Carrots, Cr A Ryley, Cr H Prandl, Cr J van Heerden, Cr I Macpherson, Cr P Kessler

Against:          Nil

**7. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**8. RECEPTION OF MINUTES AND RECOMMENDATIONS OF COMMITTEES**

Nil

**9. REPORTS OF OFFICERS**

## 9.1 DEVELOPMENT AND COMMUNITY SERVICES

### 9.1.1 Community Grant Program

File Reference:	3.0080
Applicant:	Boddington Golf Club
Previous Item:	Nil
Author:	Coordinator Community and Economic Development
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments:	9.1.1A Community Grant Program Application

#### Summary

Council is requested to consider financially supporting an application received for the Community Grant Program from the Boddington Golf Club.

#### Background

The Shire's Community Grant Program provides funding to incorporated bodies to deliver projects and programs that build an engaged, vibrant, inclusive and healthy community.

Applications are invited from eligible organisations throughout the year and be for no more than \$3,000 in any single financial year. The funding will support up to 75% of total project costs. In-kind services and volunteer labour are considered eligible components of the applicant's 25% contribution. Successful applications will meet at least one outcome from the Council Plan 2025-35 or have clearly identified and evidenced the need for the project.

Applications will be assessed according to:

- Community Benefit - evidence of the social or economic need the project or program addresses, how this need was identified, and how the application responds to it.
- Alignment with Council Plan - evidence that the project or program aligns with and supports an outcome within the Shire of Boddington's Council Plan 2025-35.
- Community Support and Partnerships - evidence of local support from community members and partnerships with local organisations, businesses or other funding providers.
- Organisational Capacity - evidence of planning, budgeting and capability to successfully manage and deliver the project or program.

The eligibility criteria comprise:

- Being an incorporated, not for profit organisation, or be auspiced by one.
- Hold current public liability insurance.
- Have no outstanding acquittals or debts with the Shire.
- Not have received the maximum allocation of funding within the same financial year.
- Not be engaged in a multiyear funding agreement with the Shire; and
- Not be an individual, political party, State or Federal Government organisation or school.

For applications to be accepted and proceed to assessment they must:

- Meet the eligibility criteria.
- Be submitted on the official form by the closing date and completed in full.
- Include relevant attachments, such as evidence of insurance, financial information and quotes.
- Be for projects or programs delivered within the Shire.
- Not be retrospective or commence before the notification date.

- Not be for maintenance, or operating costs.
- Not be for political or fundraising purposes; and
- Demonstrate the capacity to deliver the project or program.

#### Comment

One application has been received and assessed within the table below, in line with the eligibility criteria outlined in the Community Grant Program Policy. It is recommended that the application be approved for funding by Council.

<b>Applicant</b>	<b>Project</b>	<b>Requested Funding</b>	<b>Officer Recommendation</b>
Boddington Golf Club	Putting Cups and Holders	\$2,479	\$2,479
<b>Application Summary</b> Boddington Golf Club is seeking funding to replace the existing sand green cups and holders with a new set, due to declining condition. At present their condition impacts the experience of players, comprising residents and visitors, who encounter difficulty separating the holder from the sand, as well as the course presentation resulting from the flags not displaying straight.			
<b>Assessment</b> <ul style="list-style-type: none"> <li>• The applicant sits within the Boddington Golf Club's broader plan to attract members by upgrading facilities and amenities.</li> <li>• Community led project to offer and promote social connection by improving the player experience to increase length of stay and encourage repeat visitation to the Golf Course.</li> <li>• The project has been chosen to be delivered ahead of a three-day Carnival in August 2026 that will attract up to 70 players from throughout the Great Southern region, alongside an existing event program comprising the Men's Open Day (40 players), Mick Williams Memorial Scroungers Day (45 players) and the Ladies Open Day (36 players).</li> <li>• This is in addition to overnight and weekend visitors who use the Golf Course throughout the year to complete a nine-hole or eighteen-hole game.</li> <li>• Increases activation and densification of the Golf Course will deliver indirect economic benefit to the Boddington Sports and Community Club, as well as local businesses more broadly.</li> <li>• Aligns with a number of People, Place and Prosperity aspirations within the Shire's Council Plan 2025-35 relating to Boddington being a healthy, active, inclusive and supportive community (Outcomes 2 and 3); creating attractive community spaces (Outcome 8), as well as attractive destination for daytrips and short stay visitors (Outcome 11).</li> <li>• The application contains a number of mechanisms to acknowledge Shire support, including social and print media.</li> <li>• The applicant's total project cost is \$3,363, with the Club seeking \$2,479 (74%). This is in line with the Policy of awarding a maximum of \$3,000 (75%).</li> <li>• Documentation provided includes public liability insurance and an annual financial statement 2024-25.</li> </ul>			
<b>Recommended to approve the requested funding amount of \$2,479.</b>			

#### Consultation

Consultation occurred with the Boddington Golf Club as part of the application process.

### Strategic Implications

Aspiration                      People  
Outcome 2                      A healthy and active community.  
Objective 2.2                      Grow participation in sport, recreation, and leisure activities.

### Legislative Implications

Nil

### Policy Implications

Community Grant Program Policy.

### Financial Implications

The application is recommended for approval, totaling \$2,479. This is within the 2025-26 Annual Budget allocation of \$15,000.

### Economic Implications

The project increases activation and densification of the Golf Course and will deliver economic benefit to the Boddington Sports and Community Club, as well as indirectly to local businesses by increasing the Golf Course's appeal to visitors, supporting their length of stay and encouraging repeat visitation.

### Social Implications

The Community Grant Application received supports varying levels of participation, social connection, community cohesion and improvements to quality of life.

### Environmental and Climate Change Implications

Nil

### Risk Considerations

Risk Statement and Consequence	The primary risk of this item is approving Community Grant Program applications that don't align with the eligibility requirements and priority areas outlined in the Policy, which creates a precedent when considering future applications.
Risk Rating (prior to treatment or control)	Minor
Principal Risk Theme	Reputation
Risk Action Plan (controls or treatment proposed)	Nil

### Officer Recommendation and Council Decision

**COUNCIL RESOLUTION: 111/25**

**Moved: Cr P Carrotts**

**Seconded: Cr I Macpherson**

**That Council approve the Community Grant Program application submitted by the Boddington Golf Club for \$2,479 to purchase putting cups and holders.**

Carried:       **7-0**

For:           Cr E Smalberger, Cr P Carrots, Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
                Cr I Macpherson, Cr P Kessler

Against:       Nil

## COMMUNITY GRANT PROGRAM 2025-26

## APPLICATION FORM



Applications are accepted throughout the year and can be submitted by email, or hand delivered.

The outcome of the application will be advised within one week of the Council Meeting.

## APPLICATION CHECKLIST

<input checked="" type="checkbox"/>	Contacted the Community and Economic Development team to discuss the proposed project and eligibility for funding.
<input checked="" type="checkbox"/>	Completed all questions in the Application Form
<input checked="" type="checkbox"/>	<p>Ensured any attached documents to your application are clearly marked and are in a clear and easy to understand format:</p> <ul style="list-style-type: none"> <li>• Annual financial statement attached for project amounts over \$1,000.</li> <li>• Evidence of public liability insurance.</li> <li>• Letters of support, including letter of support from auspice organisation (if applicable).</li> </ul>

## APPLICATION ACCEPTANCE CRITERIA

<p>Meet the eligibility criteria:</p> <ul style="list-style-type: none"> <li>• Be an incorporated not for profit organisation, or be auspiced by one;</li> <li>• Hold current public liability insurance;</li> <li>• Have no outstanding acquittals or debts with the Shire;</li> <li>• Not have received the maximum allocation of funding within the same financial year;</li> <li>• Not be engaged in a multiyear funding agreement with the Shire; and</li> <li>• Not be an individual, political party, State or Federal Government organisation or school.</li> </ul>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Be submitted on the official form by the closing date and completed in full.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Include relevant attachments, such as evidence of insurance, financial information and quotes.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Be for projects or programs delivered within the Shire.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Not be retrospective, or commence before the notification date.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Not be for maintenance, or operating costs.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Not be for political or fundraising purposes.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Demonstrate the capacity to deliver the project or program.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

**If you answered 'No' to any of these questions, please contact the Community and Economic Development team.**

## ORGANISATION DETAILS

This is the group undertaking the project.

Legal Name of Organisation	BODDINGTON GOLF CLUB INC
Postal Address	PO BOX 131, BODDINGTON, WA 6390
ABN	838 6693 8716
Registered for GST	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Not-for-profit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Incorporated	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## ORGANISATION CONTACT

This is the person legally authorised to enter into contracts on behalf of the organisation. This is generally the President, Chair or CEO.

Name	RODGER WOTHERSPOON
Position	PRESIDENT
Mobile / Telephone	0447180505
Email	rwspoon57@hotmail.com      boddgolfclub@gmail.com

## PROJECT DETAILS

Project Name	INSTALL NEW PUTTING CUPS & HOLDERS
Which <u>Shire of Boddington Council Plan</u> outcome aligns with your project?	2, 8 & 11
Anticipated commencement date	15/02/2026
Anticipated completion date	15/03/2026
Total Project Cost	\$3363
Funding Amount Requested	\$2479
Single or Multiyear Funding Agreement	SINGLE

<b>Provide a summary of the project</b>	<p>THE AIM IS TO REPLACE THE OLD, RUSTED SAND GREEN CUPS &amp; HOLDERS WITH A NEW SET. AS THE CURRENT SET HAVE RUSTED IT MAKES THE CUP DIFFICULT TO SEPARATE FROM THE HOLDER TO REMOVE THE SAND, ALSO DUE TO AGE &amp; USE THE FLAG POLES NO LONGER SIT STRAIGHT IN THE CUPS. NEW CUPS WILL MAKE THIS TASK OF REMOVAL &amp; EMPTYING EASIER FOR ALL PLAYERS, STRAIGHT FLAGS LOOK BETTER &amp; MAKE THE COURSE MORE PRESENTABLE.</p>												
<b>Which are your project's target groups?</b>	<p> <input checked="" type="checkbox"/> General community  <input type="checkbox"/> Children 0-10  <input type="checkbox"/> Youth 11-25  <input type="checkbox"/> Women  <input type="checkbox"/> Men  <input type="checkbox"/> Seniors  <input type="checkbox"/> Aboriginal or Torres Strait Islander people  <input type="checkbox"/> People with disabilities and/or carers  <input type="checkbox"/> Other (please specify) <u>_GOLFERS &amp; LEARNER GOLFERS_</u> </p>												
<b>Describe how the project will benefit those participating, as well as the broader community.</b>	<p>THE BODDINGTON GOLF CLUB IS ATTRACTING NEW MEMBERS &amp; IS ONE OF THE STRONGER CLUBS IN THE UPPER GREAT SOUTHERN ASSOCIATION. THE CLUB IS ALSO ONE OF THE MORE PROGRESSIVE AS WE HAVE MIXED-GENDER GAMES AND COMMITTEE. THE CLUB IS ALWAYS LOOKING FOR WAYS TO IMPROVE AND WE HAVE RECENTLY INSTALLED CONCRETE RAMPS FOR EASIER ACCESS TO THE COURSE, HAD NEW BRIGHT SHIRTS DESIGNED WHICH HIGHLIGHT BODDINGTONS BRIDGE AND RED-TAILED COCKATOOS, INSTALLED A SHORT COURSE FOR JUNIOR/ LEARNER/SENIOR PLAYERS AND CONTINUE TO LANDSCAPE THE COURSE TO GIVE IT A PARKLAND ASPECT.</p> <p>IN AUGUST 2026 THE LADIES WILL BE HOSTING A THREE DAY CARNIVAL FOR COMPETITORS FROM THE UPPER GREAT SOUTHERN AND EASTERN GREAT SOUTHERN ASSOCIATIONS. Continued on page</p>												
<b>Provide details of any collaborations or partnerships that will assist in the delivery of this project, and outline how they will support the project.</b>  <b>Provide letters of support where relevant.</b>	<table border="1"> <thead> <tr> <th>Organisation Name</th><th>Contact Details</th><th>Describe their involvement</th></tr> </thead> <tbody> <tr> <td></td><td></td><td></td></tr> <tr> <td></td><td></td><td></td></tr> <tr> <td></td><td></td><td></td></tr> </tbody> </table>	Organisation Name	Contact Details	Describe their involvement									
Organisation Name	Contact Details	Describe their involvement											
<b>How will you acknowledge the Shire of Boddington's contribution to the project?</b>	<p>THE SHIRE WILL BE ACKNOWLEDGED IN OUR FACEBOOK PAGE WHICH NOW HAS 145 MEMBERS, AS WELL AS THE TWO MAIN BODDINGTON FACEBOOK PAGES. THE SHIRE WILL ALSO BE ACKNOWLEDGED IN ARTICLES IN "BODD NEWS".</p>												
<b>Clearly identify what the Shire's funding contribution will be used for in the project</b>	<p>THE FUNDING IS FOR THE PURCHASE OF 18 SAND GREEN CUPS &amp; HOLDERS FROM DAVID GOLF (SOLE AUSTRALIAN DISTRIBUTOR) &amp; TRANSPORT.</p>												



## BUDGET DETAILS

Use the table below to evidence all sources of income for this project, proposed and confirmed, cash and in-kind, and how it will be expended. The value of contributions made toward the project by partnering organisations noted previously should be specified in this section.

The budget should align to the proposed project activities and outcomes specified in this application.

Please note Shire of Boddington's contribution is limited to 75% of the total project, and no more than \$3,000 per financial year.

**Do not include GST in the costings below.**

Budget Item (i.e what the funding will be spent on)	This Grant (\$ excluding GST)	Other Cash or Grants (\$ excluding GST)	In-kind Support Please estimate the dollar value of the in-kind support (\$)	Source of Other Cash or In-kind (Please state if confirmed or unconfirmed)
<i>E.g. Catering</i>	\$200	\$200	\$200	<i>Department of XYZ</i>
18 CUPS & HOLDERS	\$ 2456	\$	\$ 907	VOLUNTEER LABOUR
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
<b>Total</b>	<b>\$ 2456</b>	<b>\$</b>	<b>\$ 907</b>	

**Have you applied for grant funding from other sources for this project? If yes, please provide details below.**  
NO


Funding Body or Program	Amount	Status of Application
	\$	<input type="checkbox"/> Confirmed <input type="checkbox"/> Pending
	\$	<input type="checkbox"/> Confirmed <input type="checkbox"/> Pending

**Has your organisation received any type of funding from the Shire of Boddington in the last 2 years? If yes, please provide details below.**

Year	Amount	Purpose	Fully Acquitted
2024	2000	BUILD 2 CONCRETE RAMPS FOR COURSE ACCESS	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2023 & 2024	\$1000 EACH YEAR	DIESEL FUEL SUBSIDY	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

## DECLARATION

- ☒ I declare the organisation has read and understands the Community Grant Program Guidelines.
- ☒ I declare I am the authorised person to submit this application on behalf of my organisation and are authorised to sign legal documents on behalf of the organisation.
- ☒ I declare the information provided in this application and attachments is to the best of my knowledge true, correct and discloses all estimates as accurate as possible.
- ☒ I understand false or misleading statements listed in this Community Grant Program Application can result in the application being rejected or the withholding of any funds that may be approved as result of this application.
- ☒ I declare the organisation applying for the grant funding will complete and submit a Community Grant Program Acquittal Form within 12 weeks following the project's completion.
- ☒ I declare the organisation submitting this form understands this is an application only.

<b>Name</b>	RODGER WOTHERSPOON	<b>Position</b>	PRESIDENT
<b>Signature</b>		<b>Date</b>	08/11/2025

THE BODDINGTON GOLF CLUB IS ATTRACTING NEW MEMBERS & IS ONE OF THE STRONGER CLUBS IN THE UPPER GREAT SOUTHERN ASSOCIATION. THE CLUB IS ALSO ONE OF THE MORE PROGRESSIVE AS WE HAVE MIXED-GENDER GAMES AND COMMITTEE. THE CLUB IS ALWAYS LOOKING FOR WAYS TO IMPROVE AND WE HAVE RECENTLY INSTALLED CONCRETE RAMPS FOR EASIER ACCESS TO THE COURSE, HAD NEW BRIGHT SHIRTS DESIGNED WHICH HIGHLIGHT BODDINGTONS BRIDGE AND RED-TAILED COCKATOOS, INSTALLED A SHORT COURSE FOR JUNIOR/LEARNER/SENIOR PLAYERS, PURCHASED A PORTABLE TOILET FOR PLAYERS CONVENIENCE ON COMPETITION DAYS AND CONTINUE TO LANDSCAPE THE COURSE TO GIVE IT A PARKLAND ASPECT.

IN AUGUST 2026 THE LADIES WILL BE HOSTING A THREE DAY CARNIVAL FOR COMPETITORS FROM THE UPPER GREAT SOUTHERN AND EASTERN GREAT SOUTHERN ASSOCIATIONS. THERE WILL LIKELY BE BETWEEN SIXTY AND SEVENTY PLAYERS. THE TOWN WILL BENEFIT AS THE CARAVAN PARK HAS ALREADY BEEN BOOKED, THE BODDINGTON MOTEL AND HOTEL HAVE HAD ROOMS BOOKED, A QUINDANNING FARM STAY AND AIRBNB'S MIGHT ALSO BE USED. A LOCAL COFFEE VAN HAS BEEN INVITED TO ATTEND ON SEVERAL MORNINGS. A LOCAL BUSINESS IS BEING SOUGHT TO DO THE WEDNESDAY NIGHT DINNER AT THE COMMUNITY CLUB. OTHER CAFES IN TOWN WILL ALSO BENEFIT FROM COFFEES AND BREAKFASTS.

THE CLUB ALSO RUNS OTHER EVENTS DURING THE YEAR THAT DRAW COMPETITORS FROM OTHER CLUBS, SUCH AS THE MENS OPEN DAY WITH AROUND FORTY PLAYERS, THE MICK WILLIAMS MEMORIAL SCROUNGERS DAY WITH ABOUT FORTY FIVE PLAYERS AND THE LADIES OPEN DAY WITH AROUND THIRTY SIX PLAYERS, THESE DAYS ALSO PROMOTE USAGE OF THE COMMUNITY CLUB.

THE NEW CUPS WILL ENHANCE THE COURSE AND HELP TO BRING GOLFERS BACK. WE HAVE TOURIST GOLFERS COME FROM PERTH OR FROM THE OVERNIGHT CARAVANS TO DO NINE OR EIGHTEEN HOLES AND THEY SPREAD THE WORD AMONGST THEMSELVES.

THE GOLF CLUB DOES RAISE MONEY DURING THE YEAR A LOT OF WHICH GOES TOWARDS MAINTAINING A SMALL FLEET OF TRACTORS, RIDE ON MOWERS, A FOUR GANG MOWER, WATERING/FIRE EQUIPMENT AND THE COURSE ITSELF SO THIS GRANT WOULD BE GREATLY APPRECIATED.

## CERTIFICATE OF CURRENCY

**CERTIFICATE NO. 88760**

This certificate confirms that the under mentioned policy is effective in accordance with the details shown.

**Name of Insured:** **BODDINGTON GOLF CLUB INC**

**Cover:**

Public Liability:	\$10,000,000 any one occurrence
Products Liability:	\$10,000,000 any one occurrence and in the aggregate
Professional Indemnity:	Not Insured
Management Liability:	Not Insured

(For The Business of Golf only)

**Sport/Business:** Golf

**Excess:** As per policy schedule.

**Period of Insurance:** 31/05/2025 to 31/05/2026

**Underwriter:** Certain Underwriters at Lloyd's led by QBE Underwriting Limited, Syndicate 386 & HDI Global Specialty SE-Australia under contract number B1750L250503 & SCA/PL/2025 respectively

**Policy Number:** PMEL99/0128812

**Territorial Scope:** Worldwide

**Jurisdictional Limits:** Commonwealth of Australia and New Zealand

**For full terms, conditions and exclusions please refer to Your Policy Wording version  
Combined\_Liability\_Policy\_Wording\_05.25**



**MANAGER**

15/09/2025

**DATE**

**SPORTSCOVER™**

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**UAC**  
UNDERWRITING AGENCIES COUNCIL  
INSURING SPORT SINCE 1986

<b>BODDINGTON GOLF CLUB FINANCIALS</b>				
<b>Statement Balance 1/11/24-31/10/25</b>				
<b>Operating Account</b>				20927.49
<b>Plus receipts</b>		48269.79		69197.28
<b>Less payments</b>		46303.19		22894.09
<b>PlusTerm Deposit 1</b>				30000
<b>PlusTerm Deposit 2</b>				5000
<b>TOTAL FUNDS</b>				<b>57894.09</b>

David's Golf

davidgolf.com.au

X

sandscape putting cup - Pack

Pack

\$1,188.00

-

2

+

\$2,376.00

Coupon:

INSERT COUPON CODE HERE

Apply Coupon

Update cart

cart totals

Subtotal

\$2,376.00

Shipping

Flat rate (Over \$1,200): \$80.00

Shipping to BODDINGTON Western Australia 6390.

[Change address](#)

GST

\$245.60

Total

\$2,701.60

Proceed to checkout

Cr I Macpherson declared a financial interest in this item and left the Chambers at 5:34pm

### **9.1.2 Development Application – 53 Bannister Road, Boddington, Signage and Advertising**

File Reference:	3.0027
Applicant:	Tony & Louise Kasper
Previous Item:	Nil
Author:	Executive Manager Development and Community Services
Disclosure of Interest:	Nil
Voting Requirements:	Simple
Attachments:	9.1.2A Plans and information from applicant 9.1.2B Extract from <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>

#### Summary

Conditional development approval is recommended for proposed upgrades to the commercial property at 53 Bannister Road. The works are expected to refresh the appearance of this prominent town centre site while meeting the requirements of the local planning framework.

#### Background

The applicant seeks development approval to complete an external upgrade of the commercial property at 53 Bannister Road. In particular, the applicant proposes:

- To paint the exterior of the building in pink, with black gabling, guttering and downpipes.
- To replace the existing sign with 'Boddington Diner' logo (illuminated); and
- To place 2 pink buggy cars on the roof with their lights shining towards the sign/logo. Each buggy car is 1.008m in length, 0.62m wide and has a height of 0.5m.

Details provided by the applicant are set out in Attachment 9.1.2A.

Background relating to the site and the application includes:

- The site is 569m<sup>2</sup> in area, contains an existing commercial building with existing signage (including a roof sign). The site was previously used as a café (Food Boss and prior to that the Black Sheep Café).
- The site is zoned 'Commercial' in the *Shire of Boddington Local Planning Scheme No. 3* (LPS3).
- The site is located within the study area of *Local Planning Policy 2 – Boddington Town Centre Design Guidelines* (LPP2). LPP2 was adopted by Council in 2007.
- The site is located outside of the designated bushfire prone area.
- The site is not a heritage-protected place.
- It is a high-profile site.
- The Shire invited written comment on the application through placing details on the Shire website and inviting comments from adjoining/nearby landowners for a two-week period. No submissions were received.

The applicant currently operates Retro Eateries Pty Ltd.

In addition to LPP2, the other relevant Council policy is *Local Planning Policy 14 – Signs and Advertisements* (LPP14).

Attachment 9.1.2B is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

### Comment

Following assessment against LPS3, LPP2, LPP14, the existing roof sign and details provided by the applicant, it is concluded that the Development Application should be conditionally approved.

While noting the pink colours are inconsistent with the town centre colour palette, set out in LPP2, it is highlighted that no development approval is required to repaint commercial buildings. The Shire can only encourage colours to address the colour palette for a property that is not a heritage-protected place (on the Shire's Heritage List).

Accordingly, the focus of the current Development Application is on the two proposed buggy cars on the roof. LPP14 enables a roof sign. The buggies are essentially a form of advertising. The buggy cars are modest in size at 1.008m in length, 0.62m wide and have a height of 0.5m. Additionally, the buggy cars are small in relation to the existing roof sign, which is intended to be retained.

Noting that repainting is outside the scope of the planning system, there are not considered to be strong grounds to refuse a Development Application for the two small buggies on the roof.

While noting the above, the Council is able to refuse the Development Application and could do so largely for loss of amenity and precedent reasons. As Councilors are aware, the applicant has the ability to lodge a Right of Review (previously called an 'appeal') to the State Administrative Tribunal should the Council refuse the Development Application.

### Consultation

The Shire administration invited public comment on the Development Application for 14 days through writing to neighbours and advertising on the Shire's website. No submissions were received.

### Strategic Implications

Aspiration	Prosperity
Outcome 10	A thriving economy with good access to education and jobs for everyone.
Objective 10.1	Grow and diversify the economy and local job opportunities.

### Legislative Implications

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015* and LPS3.

### Policy Implications

Local Planning Policies are relevant in assessing the Development Application, including *LPP2 Boddington Town Centre Guidelines* and *LPP14 Signs and Advertisements*. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application.

LPP2 was approved in 2007, and in-time will need reviewing. There are some components of



LPP2 that vary from LPS3 and LPP14.

#### Financial Implications

The applicant has paid the Development Application fee. The applicant can request a right of review (appeal) to the State Administrative Tribunal on the Council's decision.

#### Economic Implications

The development may promote increased visitation and may support increased monies spent in Boddington.

#### Social Implications

No objections were raised by neighbours or by the community.

#### Environmental and Climate Change Implications

Nil

#### Risk Considerations

Risk Statement and Consequence	Development Application is refused, and the applicant appeals to the State Administration Tribunal.
Risk Rating (prior to treatment or control)	Medium
Principal Risk Theme	Financial
Risk Action Plan (controls or treatment proposed)	Approval of development application with conditions

#### Officer Recommendation and Council Decision

##### **COUNCIL RESOLUTION: 112/25**

**Moved: Cr H Prandl**

**Seconded: Cr A Ryley**

**That Council approve the Development Application for the external upgrade to the commercial building at Lot 20 on Diagram 69428 (No. 53) Bannister Road, Boddington, pursuant to Schedule 2, Part 9, Clause 68 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and subject to the following conditions and advice notes:**

- 1. The development hereby approved must be carried out generally in accordance with the plans and specifications submitted, outlined in Attachment 9.1.2A, and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**
- 2. The sign and buggies are well maintained to the satisfaction of the local government.**

#### Advice

- A) The applicant is advised that this development approval is not a Building Permit. A Building Permit may be required to be obtained before the commencement of any development works.**

- B) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.**

Carried: **6-0**

For: Cr E Smalberger, Cr P Carrots, Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
Cr P Kessler

Against: Nil

Cr I Macpherson returned to the Chambers at 5:35pm.

## APPLICATION FOR DEVELOPMENT APPROVAL

Owner details		
Name: <u>Tony &amp; Louise Kaspar</u>		
ABN (if applicable): <u>83 399 467 261</u>		
Address: <u>53 Bannister Rd</u> <u>Boddington</u> Postcode: <u>6390</u>		
Phone: <u>[REDACTED]</u> Work: <u>[REDACTED]</u> Home: <u>[REDACTED]</u> Mobile: <u>[REDACTED]</u>	Fax: <u>[REDACTED]</u>	Email: <u>[REDACTED]</u>
Contact person for correspondence: <u>Louise</u>		
Signature: <u>[Signature]</u>		Date: <u>03/10/2025</u>
Signature: <u>[Signature]</u>		Date: <u>03/16/2025</u>
<p><i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i></p>		

Applicant details (if different from owner)		
Name:		
Address: .....		
.....Postcode: .....		
Phone: ..... Work: ..... Home: ..... Mobile: .....	Fax: .....	Email: .....
Contact person for correspondence:		
<p>The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>		
Signature:		Date:

## APPLICATION FOR DEVELOPMENT APPROVAL

Property details		
Lot No: <b>20</b>	House/Street No: <b>53</b>	Location No:
Diagram or Plan No: <b>69428</b>	Certificate of Title Vol. No: <b>2125</b>	Folio: <b>605</b>
Title encumbrances (e.g. easements, restrictive covenants): .....		
Street name: <b>Bannister Rd</b>		
Suburb: <b>Boddington</b>		
Nearest street intersection: <b>George St</b>		
Proposed development		
Nature of development: <input type="checkbox"/> Works <input type="checkbox"/> Use <input type="checkbox"/> Works and use		
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Use		
Description of proposed works and/or land use: <b>Would like to paint the outside of the building in Tenderheart Dulux Pink</b>		
Description of exemption claimed (if relevant): .....		
Nature of any existing buildings and/or land use: <b>Use of existing Sign</b>		
Approximate cost of proposed development: <b>\$6,000</b>		
Estimated time of completion: <b>Within 1 mth.</b>		
<div style="text-align: right;"><i>OFFICE USE ONLY</i></div> Acceptance Officer's initials: _____ Date received: _____ Local government reference No: _____		

# Proposal for Upgrading 53 Bannister Rd Boddington

Enhancing Value, Efficiency, and Customer Experience

## Executive Summary

This proposal outlines a comprehensive plan to upgrade the commercial property located at the above address. The recommended improvements aim to increase the property's market value, attract tourists, and become an icon for Boddington.

## Objectives

There is only one main Objective and that is to give Boddington a Unique attraction that will encourage tourists to come to town but also give locals somewhere different to hang out.

## Scope of Upgrades

1. Paint Exterior of the building Dulux Tender Heart Pink, this will increase visibility and is in theme with the Internal style that we have created and the colour in our logo.
2. Gable would be painted Black as would all guttering, balustrading and downpipes, this will make the Pink “pop” but make it look classy at the same time.
3. Upgrading signage from Black Sheep to Boddington Diner Logo (picture has been included).
4. We would like to put 2 x Pink Buggy cars (picture has been included) on the roof, each facing the sign so that their headlights illuminate the Sign making it easier to see of a nighttime but also giving it a uniqueness and making it an attraction.
5. We would like to put up 2 x neon open signs as well.

## Benefits

- Enhanced reputation and market competitiveness
- Increased tourists to Boddington

### Estimated Timeline Budget Estimate

The preliminary budget for the proposed upgrades is estimated at \$6,000 AUD. This includes all materials, design fees, permits, and contingency allowances.

## Conclusion

Upgrading the commercial property represents a strategic investment that will deliver significant long-term benefits. These enhancements will position the property as a premier choice for tourists to come and visit, and make it an Iconic landmark, in turn benefiting Boddington with increased tourism.

We thank you for taking the time to read our proposal and look Forward to getting your response.

Kind Regards

Tony & Louise Kaspar – Retro Eateries Pty Ltd



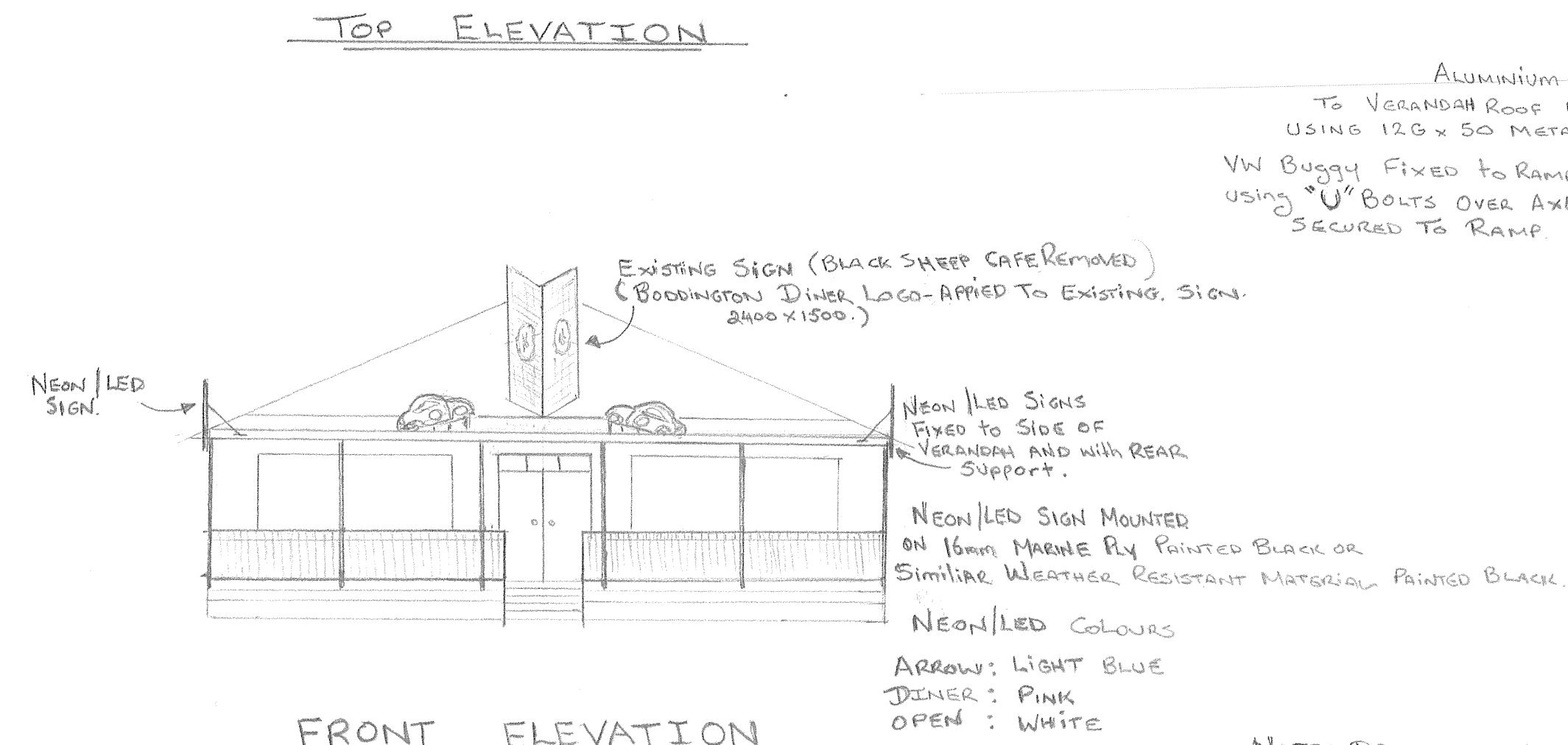
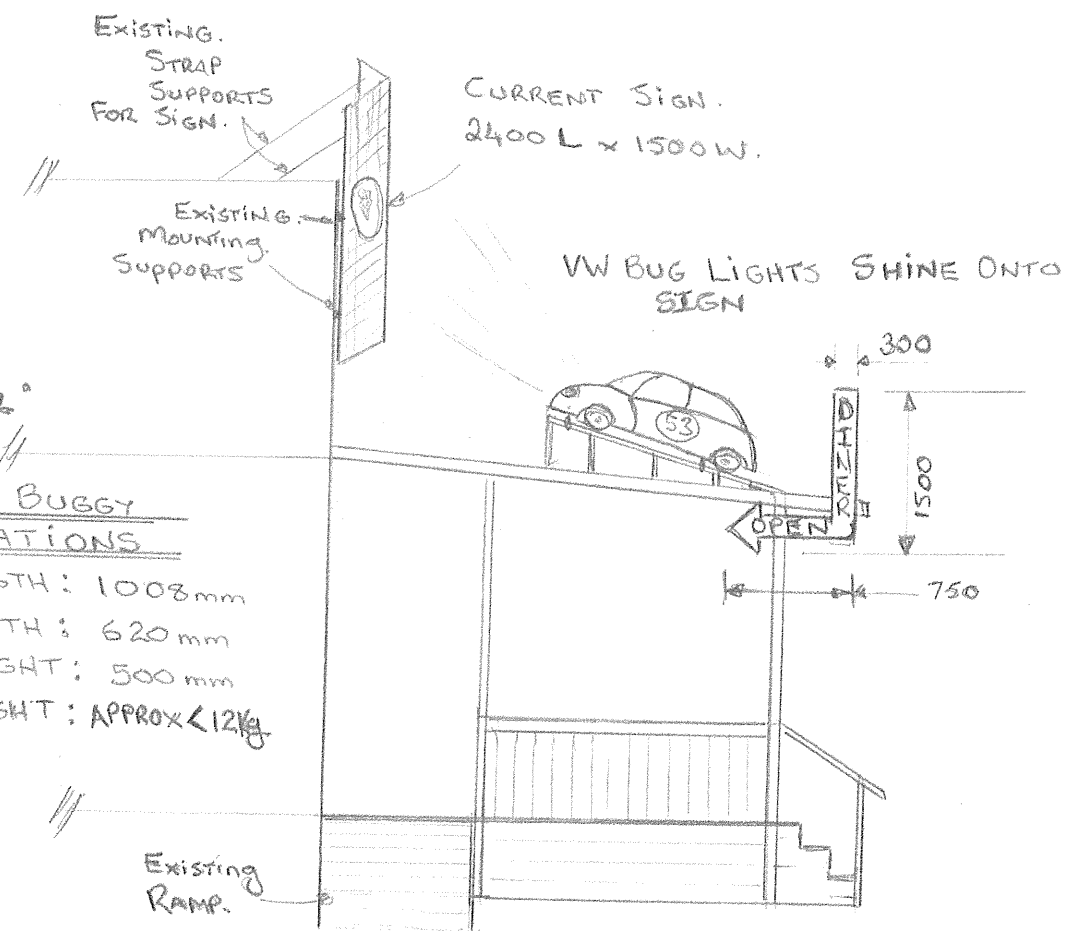
**BUGGY RAMP MATERIAL**  
 ALUMINIUM ANGLE 30x30x3mm.  
 ALL PARTS WELDED.

**ALUMINIUM RAMP SPECIFICATIONS**

LENGTH: 1200mm  
 WIDTH: 750mm.  
 HEIGHT: Approx ~ 450mm  
 ANGLE: Approx ~ 20° to 22°

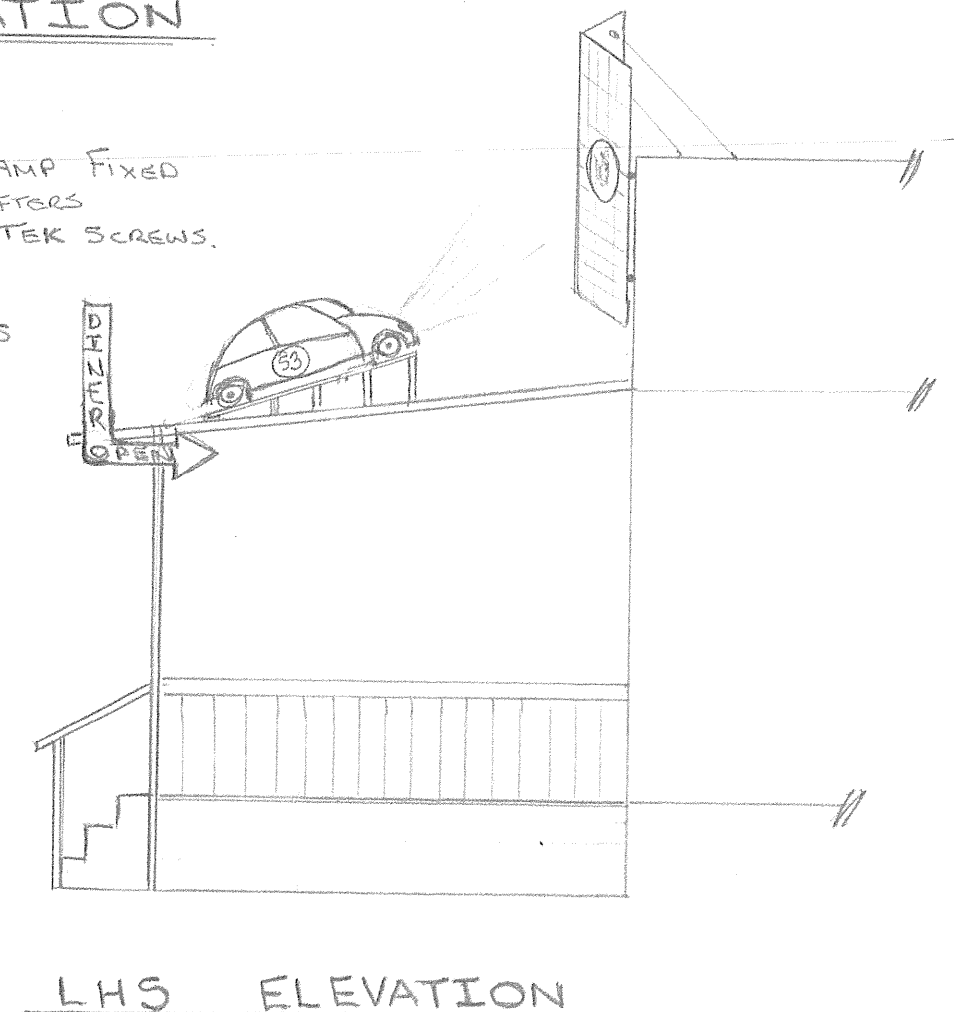
**Childs VW Buggy SPECIFICATIONS**

LENGTH: 1008mm  
 WIDTH: 620mm  
 HEIGHT: 500mm  
 WEIGHT: APPROX < 12kg



ALUMINIUM RAMP FIXED TO VERANDAH ROOF RAFTERS USING 12G x 50 METAL TEK SCREWS.

VW Buggy Fixed to RAMP USING "U" BOLTS OVER AXLES SECURED TO RAMP.



NOTE: DRAWING NOT TO SCALE  
 ALL MEASUREMENTS IN MILLIMETERS

FOR: TG & LM KASPAR - BODDINGTON DINER - 53 BANNISTER ROAD - BODDINGTON



Nanna,  
Lou's

Boddington

Diner









**TITLE NUMBER**

Volume Folio

**2125 605****RECORD OF CERTIFICATE OF TITLE**  
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

**BGRoberts**  
REGISTRAR OF TITLES**LAND DESCRIPTION:**

LOT 20 ON DIAGRAM 69428

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

RETRO EATERIES PTY LTD OF 29 CHRISTIE STREET RANFORD WA 6390

(T Q500206 ) REGISTERED 8/7/2025

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:**  
(SECOND SCHEDULE)

1. THE LAND THE SUBJECT OF THIS CERTIFICATE OF TITLE EXCLUDES ALL PORTIONS OF THE LOT DESCRIBED ABOVE EXCEPT THAT PORTION SHOWN IN THE SKETCH OF THE SUPERSEDED PAPER VERSION OF THIS TITLE. VOL 2125 FOL 605.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.  
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

**STATEMENTS:**

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 2125-605 (20/D69428)  
PREVIOUS TITLE: 1741-272  
PROPERTY STREET ADDRESS: 53 BANNISTER RD, BODDINGTON.  
LOCAL GOVERNMENT AUTHORITY: SHIRE OF BODDINGTON

## 67. Consideration of application by local government

- (1) Development approval cannot be granted on an application for approval of —
  - (a) development that is a class X use in relation to the zone in which the development is located, unless —
    - (i) the development relates to land that is being used for a non-conforming use; and
    - (ii) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use;
  - or
  - (b) development that otherwise does not comply with a requirement of this Scheme, unless —
    - (i) this Scheme gives the local government discretion to waive or vary the requirement or to grant development approval despite non-compliance with the requirement; or
    - (ii) the development is permitted under a provision of this Scheme in relation to non-conforming uses.
- (2) In considering an application for development approval (other than an application on which approval cannot be granted under subclause (1)), the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —
  - (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
  - (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;
  - (c) any approved State planning policy;
  - (d) any environmental protection policy approved under the *Environmental Protection Act 1986* section 31(d);
  - (e) any policy of the Commission;
  - (f) any policy of the State;
  - (fa) any local planning strategy for this Scheme endorsed by the Commission;
  - (g) any local planning policy for the Scheme area;
  - (h) any structure plan or local development plan that relates to the development;
  - (i) any report of the review of the local planning scheme that has been published under the *Planning and Development (Local Planning Schemes) Regulations 2015*;
  - (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;
  - (k) the built heritage conservation of any place that is of cultural significance;
  - (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;
  - (m) the compatibility of the development with its setting, including —
    - (i) the compatibility of the development with the desired future character of its setting; and

- (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
  - (n) the amenity of the locality including the following —
    - (i) environmental impacts of the development;
    - (ii) the character of the locality;
    - (iii) social impacts of the development;
  - (o) the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;
  - (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
  - (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;
  - (r) the suitability of the land for the development taking into account the possible risk to human health or safety;
  - (s) the adequacy of —
    - (i) the proposed means of access to and egress from the site; and
    - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
  - (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
  - (u) the availability and adequacy for the development of the following —
    - (i) public transport services;
    - (ii) public utility services;
    - (iii) storage, management and collection of waste;
    - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
    - (v) access by older people and people with disability;
  - (v) the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;
  - (w) the history of the site where the development is to be located;
  - (x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
  - (y) any submissions received on the application;
  - (za) the comments or submissions received from any authority consulted under clause 66;
  - (zb) any other planning consideration the local government considers appropriate.
- (3) Subclause (1) has effect despite the zoning table for this Scheme.

*[Clause 67 amended: SL 2020/252 r. 74.]*

Cr P Carrotts declared a proximity interest in this item and left the Chambers at 5:35pm.

### **9.1.3 South West Native Title Settlement – Noongar Land Estate Consultation**

File Reference: 2.063  
Applicant: Nil  
Previous Item: Nil  
Author: Executive Manager Development and Community Services  
Disclosure of Interest: Nil  
Voting Requirements: Simple Majority  
Attachments: 9.1.3A South West Native Title Settlement - Noongar Land Estate Consultation - Shire of Boddington Comments  
9.1.3B Request from Department of Planning, Lands and Heritage with supporting information.

#### Summary

Council is requested to endorse the comments as contained in Attachment 9.1.3A, which are to be provided to the Department of Planning, Lands and Heritage (Department) in regard to their recent request for comment on the proposed transfer of land under the South West Native Title Settlement.

The land subject of the proposed transfer includes 36 and 38 Farmers Avenue, Boddington and Reserve 16583 located on the corner of Farmers Avenue and Johnstone Street.

#### Background

The South West Native Title Settlement is a historic agreement between the State Government of Western Australia and the six Noongar Agreement Groups. Formalised through six Indigenous Land Use Agreements (ILUAs), the Settlement recognises the Noongar people as the Traditional Owners of the south-west region and finalises native title in exchange for a comprehensive benefits package.

A key component of the Settlement is the creation of the Noongar Land Estate, one of the largest land transfers in Australia. The Estate will ultimately include:

- Up to 300,000 hectares of land transferred as reserve or leasehold; and
- Up to 20,000 hectares transferred as freehold.

All land will be owned and managed by the Noongar Boodja Land Sub Pty Ltd, a wholly owned subsidiary of the Noongar Boodja Trust. The Trustee will work collaboratively with the Noongar Regional Corporations to identify suitable land for inclusion, determine preferred tenure, and guide future use, management, and development.

The Noongar Land Estate is intended to support the cultural, social, and economic aspirations of Noongar people, ensuring long-term benefits for current and future generations.

#### Comment

The Noongar Land Estate will be predominately drawn from the pool of unallocated Crown land (UCL) and unmanaged reserves (UMR). The Minister for Lands is responsible for delivering the outcome on behalf of the broader State Government.

The Shire has received a request from the Department, along with a list of land parcels identified

for potential transfer, as outlined in Attachment 9.1.3B. These parcels include 36 and 38 Farmers Avenue, Boddington, both classified as UCL, and Reserve 16583, located at the corner of Johnstone Street and Farmers Avenue, which is classified as an unmanaged reserve.

The Shire has been asked to consider each of these three land parcels and provide comments in response to the following questions.

1. Is the Shire of Boddington supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire of Boddington have any interest in the land?
3. Does the Shire of Boddington have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

Comments to these questions are contained in Attachment 9.1.3A.

In summary, it is recommended that the Shire support the transfer of the two UCL land parcels at 36 and 38 Farmers Avenue, Boddington. It is further recommended that the Shire **not** support the transfer of Reserve 16583. This reserve is directly adjacent to Reserve 21600, locally known as *Farmers Reserve*, which is managed by the Shire. There is no physical demarcation between the two reserves, and the Shire has effectively managed both areas as a single land parcel for many years. The area is important public open space for the town of Boddington, and it is recommended that the Shire seek a Management Order for Reserve 16583 to ensure it continues to be managed as public open space for the Boddington community.

#### Consultation

Nil

#### Strategic Implications

Aspiration	Place
Outcome 8	Attractive and welcoming streets and community spaces
Objective 8.2	Provide quality playgrounds, parks and community spaces.

#### Legislative Implications

*Land Administration Act 1997*

#### Policy Implications

Nil

### Financial Implications

The Shire currently manages Reserve 16583 by regularly mowing the grass and maintaining the drainage swales, however, this will cease if the reserve is transferred to the Noongar Land Estate.

### Economic Implications

The transfer of the two UCL parcels at 36 and 38 Farmers Avenue is not expected to create a significant economic impact, as the land is currently undeveloped and not earmarked for Shire-led projects. Transfer may, however, enable future Noongar-led land use opportunities that could contribute to local economic activity.

Should Reserve 16583 be transferred to Shire management, the ongoing provision of accessible open space supports nearby residential amenity and may contribute indirectly to property attractiveness, local investment, and community liveability.

### Social Implications

Supporting the transfer of UCL parcels affirms the Shire's commitment to the South West Native Title Settlement and positive engagement with Noongar Traditional Owners. This may enhance long-term relationships and cultural recognition within the community.

Reserve 16583 forms part of a continuous public open space with Farmers Reserve and has been used as such for many years. Retaining this reserve for Shire management ensures the continuation of community access, recreation opportunities and open space amenity.

### Environmental and Climate Change Implications

Transferring Reserve 16583 under Shire control supports consistent land management across Farmers Reserve, enabling coordinated weed management, fire mitigation, vegetation protection and ongoing environmental upkeep.

### Risk Considerations

Risk Statement and Consequence	There is a reputational risk to the Shire if it does not provide clear and timely comments on the proposed land transfers, potentially leading to community dissatisfaction and strained stakeholder relationships.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Reputation
Risk Action Plan (controls or treatment proposed)	Maintain clear, transparent communication with all stakeholders and provide a well-reasoned submission outlining the Shire's position.

### Officer Recommendation and Council Decision

#### **COUNCIL RESOLUTION: 113/25**

**Moved: Cr H Prandi**

**Seconded: Cr I Macpherson**

**That Council:**

- 1. Endorse the Shire of Boddington comments for the South West Native Title Noongar Land Estate Consultation as contained in Attachment 9.1.3A.**
- 2. Request the Chief Executive Officer to make an application to the Department of Planning, Lands and Heritage to obtain a management order for Reserve 16583.**

Carried: **5-1**

For: Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
Cr I Macpherson, Cr P Kessler

Against: Cr E Smalberger

Cr P Carrots returned to the Chambers at 5:36pm.




## South West Native Title Settlement – Noongar Land Estate Consultation – Shire of Boddington Comments

### Lot 159, HN 38 Farmers Avenue, Boddington



Is the Shire of Boddington supportive of the transfer of this land to the Noongar People under the Settlement?	Yes
Does the Shire of Boddington have any interest in the land?	No
Does the Shire of Boddington have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.	No
Is the land parcel subject to any mandatory connection to services?	Yes, if it was developed. Mains water is available along Farmers Avenue however there is no reticulated sewage.
Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?	No
Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?	Yes, the land to the immediate north which is privately owned by the Rail Heritage Foundation is part of an existing recreational 'rail' trail the Shire is currently developing.
Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?	There are no planning scheme amendments that would affect this land parcel.
Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	There are no known land management issues. <ul style="list-style-type: none"> <li>• Not on contaminated sites database</li> <li>• No known hazards or debris</li> <li>• Minor rubbish dumping</li> <li>• No threatened and priority flora and fauna or ecological communities on desk top search.</li> </ul>

	<ul style="list-style-type: none"> <li>Block is heavily vegetated</li> </ul>
Please provide any additional comments on the proposed transfer of this land as part of the Settlement.	The property is zoned General Industry under the Shire's Local Planning Scheme.
<b>Lot 160, HN 36 Farmers Avenue, Boddington</b>	
	
Is the Shire of Boddington supportive of the transfer of this land to the Noongar People under the Settlement?	Yes
Does the Shire of Boddington have any interest in the land?	No
Does the Shire of Boddington have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.	No
Is the land parcel subject to any mandatory connection to services?	Yes, if it was developed. Mains water is available along Farmers Avenue however there is no reticulated sewage.
Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?	No
Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?	Yes, the land to the immediate north which is privately owned by the Rail Heritage Foundation is part of an existing recreational 'rail' trail the Shire is currently developing.
Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?	There are no planning scheme amendments that would affect this land parcel.
Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	<p>There are no known land management issues.</p> <ul style="list-style-type: none"> <li>Not on contaminated sites database</li> <li>No known hazards or debris</li> <li>Minor rubbish dumping</li> <li>No threatened and priority flora and fauna or ecological communities on desk top search.</li> <li>Block is heavily vegetated</li> </ul>
Please provide any additional comments on the proposed transfer of this land as part of the Settlement.	The property is zoned General Industry under the Shire's Local Planning Scheme.



## An aerial photograph of a residential property. A large red star with a blue outline is placed in the center-left of the lot, marking a specific location. The lot is bounded by yellow lines. To the left of the lot is a paved road with a yellow curb. To the right is a driveway leading to a house with a blue roof. The lot itself contains several trees and a grassy area. The number '70' is visible on the right side of the lot.

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	The Shire does have a number of priority projects identified in the <u>Council Plan 2025 – 2035</u> whereby a study of land availability and site analysis would be required and this site could be considered as part of that process.
Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?	<p>There are no future proposals for adjoining land other than reserve 21600 which forms part of Farmers Reserve.</p> <p><u>The Boddington Town Centre Revitalisation Plan</u> along with rejuvenating the drainage swales also includes art pieces to be clustered in the southern entry on Bannister Road in Farmers reserve as an entry statement.</p>
Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?	There are no planning scheme amendments that would affect this land parcel
Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).	<p>There are no known land management issues.</p> <ul style="list-style-type: none"> <li>• Not on contaminated sites database</li> <li>• No known hazards or debris</li> <li>• Minor rubbish dumping</li> <li>• No threatened and priority flora and fauna or ecological communities on desk top search.</li> </ul>
Please provide any additional comments on the proposed transfer of this land as part of the Settlement.	The Shire does not support this land parcel being transferred as part of the settlement and would prefer that the reserve be transferred to the Shire so that it can continue to effectively managed and maintained.

**From:** Southwest Settlement [REDACTED]  
**Sent:** Friday, 17 October 2025 10:52 AM  
**To:** Records Department <[records@boddington.wa.gov.au](mailto:records@boddington.wa.gov.au)>  
**Cc:** Southwest Settlement <[REDACTED]>

**Subject:** South West Native Title Settlement - Noongar Land Estate Consultation - Referral reference Land List 1006

You don't often get email from [swsettlement@dplh.wa.gov.au](mailto:swsettlement@dplh.wa.gov.au). [Learn why this is important](#)

OFFICIAL

Dear Sir/Madam,

## **Request for Comment – Proposed Transfer of Land under the South West Native Title Settlement**

### **Background:**

The South West Native Title Settlement (Settlement) is a landmark native title agreement reached between the State Government (State) and the six Noongar Agreement Groups. The Settlement is comprised of six Indigenous Land Use Agreements (ILUAs) that provide for a broad range of commitments to be delivered by the State Government to the Noongar Regional Corporations and the Trustee for the Noongar Boodja Trust (Trustee). For more information, please refer to the following website: <https://www.wa.gov.au/organisation/departments-of-the-premier-and-cabinet/south-west-native-title-settlement>

The Settlement recognises the Agreement Groups as the Traditional Owners of the south west of Western Australia, while resolving native title in exchange for a negotiated package of benefits. The area subject to the Settlement is depicted in the attached map.

The cornerstone commitment under the six ILUAs is the Noongar Land Estate, which will be a vast and diverse land holding. It will comprise:

- up to 300,000 hectares transferred in reserve or leasehold; and
- up to 20,000 hectares transferred in freehold.

All land will be held by a centralised Landholding Body, being the Noongar Boodja Land Sub Pty Ltd (Land Sub), a wholly owned subsidiary of the Trustee. The Trustee works consultatively with the Noongar Regional Corporations in determining land for possible inclusion in the Noongar Land Estate, including the preferred tenure of the land and the use / management / development of the land into the future. All land will be used and managed in line with Noongar cultural, social and economic aspirations for the benefit of generations to come.

Work to deliver the Noongar Land Estate commenced in March 2021, and a ten year implementation timeframe applies.

### **Current Situation:**

As the Noongar Land Estate will be predominantly drawn from the pool of unallocated Crown land (UCL) and unmanaged reserves (UMR), the Minister for Lands is responsible for delivering this outcome on behalf of the broader State Government. The Department of Planning, Lands and Heritage (Department) is the State Agency principally assisting the Minister for Lands. An agreed process for delivering the Noongar Land Estate was committed under the six ILUAs, being the

Noongar Land Base Strategy (Strategy) at [Annexure J to the ILUAs](#). Per the Strategy, the Department works in partnership with the Trustee to progress these significant land tenure outcomes.

**Please be advised:** land under management order, or owned in freehold, by a State Agency, service provider or local government can be included in the Noongar Land Estate at the discretion of the management body / landowner. Please contact [REDACTED] if your local government has management of land, or owns land in freehold, that should be included in the Noongar Land Estate due to social, cultural or economic significance to the Noongar People.

**Referral details:**

The Department works in accordance with the *Land Administration Act 1997* (LAA), including the requirement under section 14 to consult with local governments. To that end, please find attached a spreadsheet comprising of land parcels identified for possible transfer, including detail of the tenure selected by the Trustee.

Please provide comments on each of the land parcels directly into the column labelled 'Referee Comments' in relation to the following:

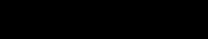
1. Is the Shire of Boddington supportive of the transfer of this land to the Noongar People under the Settlement?
2. Does the Shire of Boddington have any interest in the land?
3. Does the Shire of Boddington have existing or planned infrastructure within the land parcel that requires protection? If yes, please provide details and advise if access to this infrastructure will need to be maintained.
4. Is the land parcel subject to any mandatory connection to services?
5. Are any future proposals for the land identified? Please provide detail of what is proposed and in what timeframe?
6. Are there any future proposals for adjoining land that may affect the land identified in the spreadsheet? If so, in what timeframe?
7. Please advise of any proposed planning scheme amendments that may affect the zoning of this land at a State or Local government level. If a scheme amendment is to occur, what is the change proposed and when will it come into effect?
8. Please advise of any known land management issues such as site contamination, hazards, debris or rubbish dumping, unauthorised land use and environmental considerations (such as inundation or similar site constraints).
9. Please provide any additional comments on the proposed transfer of this land as part of the Settlement.

Once you have considered the land identified, the South West Settlement Project team would be pleased to receive your comments by email to [REDACTED]. Your advice is requested within 42 calendar days of receiving this email. As a result, please provide your comments by 26 November 2025. Should this timeframe not be achievable, please let me know as a matter of priority. Due to tight ILUA-prescribed timeframes, the Department must consider each extension request on a case-by-case basis, and due to the large volumes of land under consideration, may not be able to support a substantial extension request.

Where no response is received from the Shire of Boddington within the 42-day timeframe, this will be taken as having no comment on the land parcels referred.

If you have any queries, please do not hesitate to contact me on the details below.

Kind regards,

  
Project Manager | Native Title Agreements and Partnerships  
Department of Planning, Lands and Heritage  
140 William Street, Perth WA 6000  
[wa.gov.au/dplh](http://wa.gov.au/dplh) | 6552 4098

The Department of Planning, Lands and Heritage acknowledges Aboriginal people as the traditional custodians of Western Australia.

We pay our respects to the Ancestors and Elders, both past and present, and the ongoing connection between people, land, waters and community. We acknowledge those who continue to share knowledge, their traditions and culture to support our journey for reconciliation. In particular, we recognise land and cultural heritage as places that hold great significance for Aboriginal people.

Learn more about our [Reconciliation Action Plan](#).

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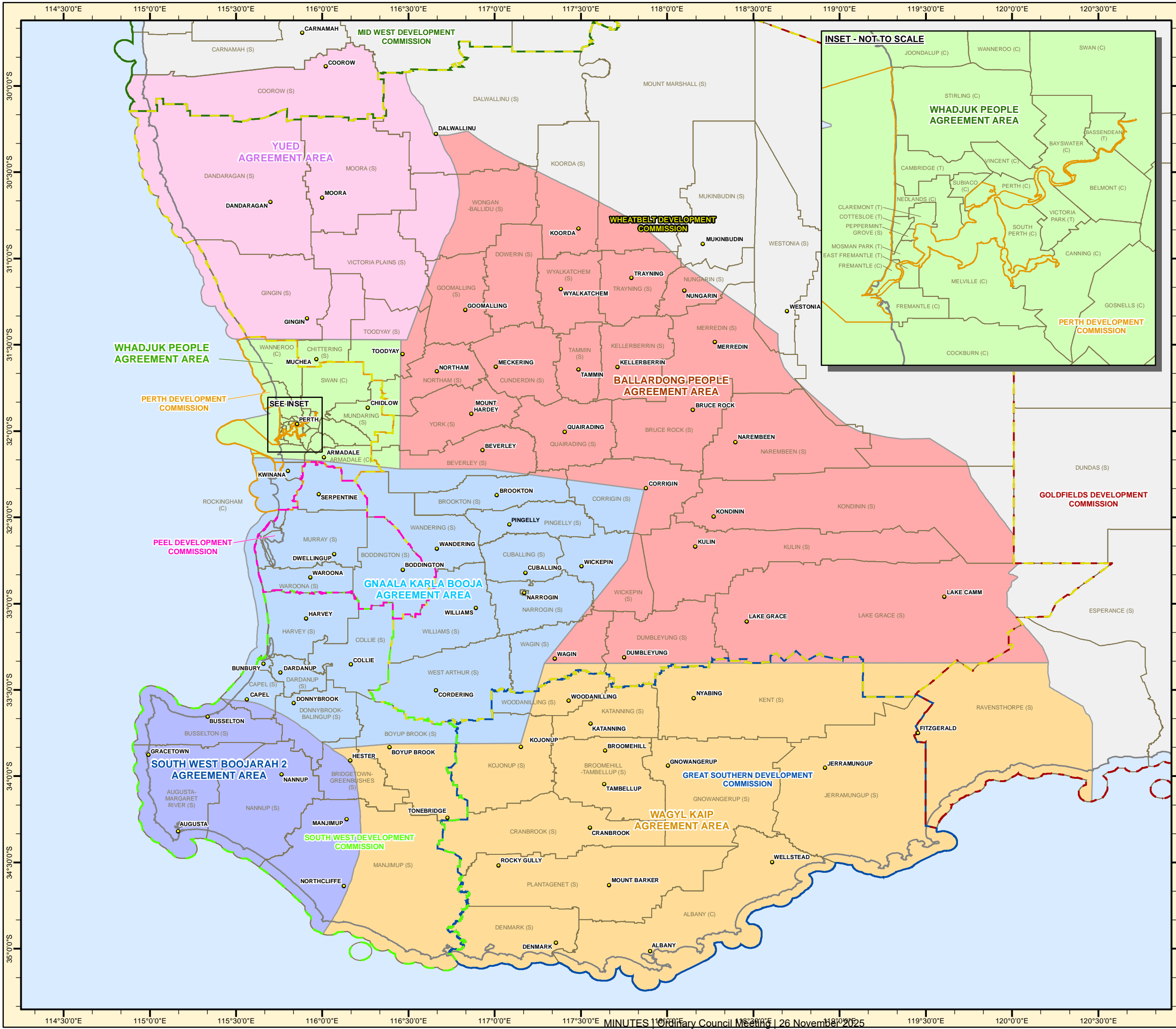
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Referral ID  
14682

PIN	Lot Numbe	Survey Nun	Street Addr	Locality	Sul	Townsite	LGA	Region	CLT	Reserve Nu	Area (Ha)	Part Pin	Part Pin Co	Reserve Pu	Referee Co	Selected Tenure
560083	159	DP185299	38 FARMEF	BODDINGT	BODDINGT	BODDINGT	Peel		LR3003/243		0.2	FALSE				Freehold
560084	160	DP185299	36 FARMEF	BODDINGT	BODDINGT	BODDINGT	Peel		LR3003/244		0.2	FALSE				Freehold
560164	50	DP143162		BODDINGT	BODDINGT	BODDINGT	Peel		LR3003/23' R 16583		0.4	FALSE		PUBLIC UTILITY		ReserveWithPowerToLease



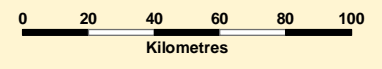


# SOUTH WEST SETTLEMENT AGREEMENTS

WITH REGIONAL DEVELOPMENT COMMISSION AND LOCAL GOVERNMENT BOUNDARIES

**LEGEND**

- Ballardong People Agreement Area
- Gnaala Karla Booja Agreement Area
- South West Boojarah #2 Agreement Area
- Wagyl Kaip Agreement Area
- Whadjuk People Agreement Area
- Yued Agreement Area
- LGA Boundary
- Regional Development Commission Boundaries
  - Goldfields
  - Great Southern
  - Mid West
  - Peel
  - Perth
  - South West
  - Wheatbelt
- Town



**DATA SOURCES**  
Cadastral and Tenure information sourced from Landgate Spatial Cadastral Database (SCDB).  
Administrative boundaries are sourced from the Landgate Administrative Boundaries Dataset.  
Topographical data sourced from the PSMA Dataset.  
Road names sourced from Landgate Road Centreline Dataset.  
Coastlines and shorelines are interpreted from aerial photography or recorded from ground surveys.  
Local Authorities terminate at Low Water Mark (LWM) unless otherwise specified.  
Pastoral Leases terminate 40 metres above High Water Mark (HWM) unless otherwise specified.  
Islands shown are Unallocated Crown Land (UCL) unless otherwise specified.  
Regional Development Commission Boundaries information sourced from Department of Regional Development and digitised from the SCDB as at 1 May 2015.



**DISCLAIMER**  
For informational purposes only. This map is a pictorial representation of data extracted from Landgate Datasets and is intended to be an overview of general geospatial information.  
Waterlines shown on this map do not necessarily depict an exact cadastral boundary.  
Native title application boundaries interpolated from descriptions held by the National Native Title Tribunal (NNTT) and Federal Court.  
Reference should be made to the NNTT for confirmation of this boundary for any legal purposes.  
In the event of any discrepancy between the written application boundary description and the areas depicted on this map the written description shall take preference as the maps and/or enlargements are indicative only.

**GRAPHIC SERVICES**  
PRODUCED: 08/02/2017

Street address: 1 Midland Square, Midland, WA 6056  
Postal address: PO Box 2222, Midland, WA 6936  
Tel: (08) 9273 7391 Fax: (08) 9273 7615  
email: [ntss@landgate.wa.gov.au](mailto:ntss@landgate.wa.gov.au)  
Internet: [www.landgate.wa.gov.au](http://www.landgate.wa.gov.au)



## 9.2 CHIEF EXECUTIVE OFFICER

### 9.2.1 Annual Review of Register of Delegations

File Reference:	2.015
Applicant:	Not applicable
Previous Item:	Nil
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachments:	9.2.1A Register of Delegations

#### Summary

Council is requested to endorse amendments to the Register of Delegations, following a review as required under the Local Government Act 1995.

#### Background

Delegations by Council are an effective way to undertake local government activities through prompt decision-making processes. The purpose of delegating power is to enable routine decision making to be undertaken in a cost effective and efficient manner, or rapidly where a time imperative may be involved. Decisions of high importance, such as those requiring an Absolute Majority vote, cannot be delegated. Council also has discretionary functions that involve making routine decisions that are high frequency and lower risk. It is appropriate for Council to delegate these functions.

Certain safeguards are incorporated into delegations such as limiting the use of when a delegation can be exercised, and placing conditions around reporting of the exercise of delegations. It is important to note that officers are not obliged to use a delegation; where a matter is determined to be of a contentious nature, the matter can be referred to Council.

All delegations made under the Act must be made by Absolute Majority, and recorded in a register. Sections 5.18 and 5.46 of the Act require that at least once every financial year, delegations are to be reviewed by the delegator for those delegations under the Act. This also presents an opportunity to review delegations made under other legislation. Sub delegations are reviewed as required by the Chief Executive Officer throughout the year.

#### Comment

As is required by section 5.46 of the Local Government Act 1995, a review of the Delegation Register for the 2025/26 financial year has been undertaken. Only minor changes are proposed. In summary, these changes are:

- An amendment has been made to Delegation 1.1.16 to remove the previous reference to a \$500,000 tender acceptance threshold and replace it with the \$400,000 limit set by Council in the conditions on the delegation. This change ensures the delegation is internally consistent, accurately reflects Council's intended financial limit for CEO-level tender acceptance, and prevents any ambiguity regarding the extent of the CEO's authority. The amendment does not alter the practical application of the delegation but simply aligns the operative clause with the existing Council-determined limit.
- Minor title changes either relating to a pre-existing title, or a change to the delegate or authorised officer.

The review continues to be based upon a best practice approach to delegations in local government, referencing the WALGA template delegations.

A 'tracked changes' version of the Council Delegations Register is in Attachment 9.2.1A.

#### Consultation

Nil

#### Strategic Implications

Aspiration	Performance
Outcome	Visionary Leadership and Responsible Governance
Objective	Maintain a high standard of leadership, corporate governance and customer service

#### Legislative Implications

Section 5.46(2) of the Local Government Act 1995 requires Council to undertake a review of its delegations at least once every financial year.

#### Policy Implications

Nil

#### Financial Implications

Nil

#### Economic Implications

Nil

#### Social Implications

Nil

#### Environmental and Climate Change Implications

Nil

#### Risk Considerations

Risk Statement and Consequence	Failure to review delegations will result in non-compliance with the Local Government Act.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Reputational, compliance
Risk Action Plan (controls or treatment proposed)	Annual reviews to be carried out.

#### **Officer Recommendation and Council Decision**

**COUNCIL RESOLUTION: 114/25**

**Moved: Cr I Macpherson    Seconded: Cr J Van Heerden**

**That Council endorse the annual review of the Register of Delegations as detailed in Attachment 9.2.1A to be effective from 1 December 2025.**

**Carried:            7-0**

**For:                Cr E Smalberger, Cr P Carrotts, Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
Cr I Macpherson, Cr P Kessler**

**Against:          Nil**



## DELEGATION REGISTER

November 2025

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Shire of Boddington

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# Register of Delegations

Shire of Boddington

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# Register of Delegations

Shire of Boddington

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**Register of Delegations**  
Shire of Boddington

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# Register of Delegations

Shire of Boddington

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## 1. Local Government Act 1995 Delegations

### Introduction

#### FORMAT OF REGISTER

This Register includes:

- Delegations from the Council to the Chief Executive Officer, and where appropriate to other employees or other persons; and
- Sub delegations from the Chief Executive Officer to other employees
- 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 the relevant delegation decision followed by a sub delegation decision (where relevant).

The Register includes instruments of sub delegation, authorisation (by Council or the CEO), and appointments, 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 Chief Executive Officer is the only employee authorised by the Shire of Boddington to commence (or authorise the commencement of) legal proceedings.

#### TERMINOLOGY AND ACRONYMS

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

Employee – refers to an employee of the Shire of Boddington. It should be noted although the Chief Executive Officer may generally only delegate a function or duty to an employee (s5.44 Local Government Act 1995 and others), any ‘person’ may be appointed an Authorised Person (although some Acts, such as the Building Act 2011 and Health Act 1911 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 Chief Executive Officer in the case of most sub delegations) will only delegate matters where the relevant employees (or other persons) have the appropriate skills and expertise to implement the delegation/sub delegation or authorisation within the Shire’s

# Register of Delegations

Shire of Boddington

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## 1. Local Government Act 1995 Delegations

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.

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

This Register describes:

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

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 Chief Executive Officer under 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.

### APPOINTMENTS

Consistent with the aim of providing a single resource, this Register includes appointments under various statutes, in some cases such appointments are "as of right" and in others the Council or the Chief Executive Officer has chosen not to make an appointment at the date of adoption of this Register.

### LOCAL GOVERNMENT ACT 1995

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

- any power or duty that requires a decision of an absolute majority or special majority of the local government,
- accepting a tender which exceeds an amount determined by the local government,
- appointing an auditor,

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## 1. Local Government Act 1995 Delegations

- 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.

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

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

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

## OTHER LEGISLATION

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

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## 1. Local Government Act 1995 Delegations

- 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

The Shire of Boddington Town Planning Scheme No 3 permits delegation by Council to employees (rather than via the CEO as per the Local Government Act). Accordingly, the process defined by the Town Planning Scheme for delegating authority and duties is utilised.

### SUB DELEGATION BY THE CHIEF EXECUTIVE OFFICER

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

### REVIEW OF DELEGATIONS

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

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

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

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

### RECORD OF ACTIONS AND DECISIONS

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

The record is to contain information on:

- how the person exercised the power or discharged the duty,
- when the person exercised the power or discharged the duty; and

# Register of Delegations

Shire of Boddington

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## 1. Local Government Act 1995 Delegations

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

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

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

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

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

### PRIMARY/ANNUAL RETURNS AND GIFT DISCLOSURES

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

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

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

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

### ACTING THROUGH ANOTHER PERSON

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

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

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

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

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

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

Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority. For further information, see Department of Local Government and Communities Guideline No 17 - Delegations.

# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### Local Government Act 1995 Delegations

#### 1.1 Council to CEO

##### 1.1.1 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>	<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.3.22(1) Compensation s.3.23 Arbitration
<b>Delegate:</b>	<b>Chief Executive Officer</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. 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>	<ol style="list-style-type: none"><li>a. Delegation is limited to settlements which do not exceed a material value of \$500</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>	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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

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## 1. Local Government Act 1995 Delegations

### 1.1.2 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>Chief Executive Officer</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 enter to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</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 Infrastructure 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><a href="#"><i>Local Government Act 1995:</i></a> s.9.10 Appointment of authorised persons – refer also s.3.32(2)]</p> <p>Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry</p> <p>s.3.34(2) Entry in an emergency – Refer to CEO Delegation</p>
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996



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# Register of Delegations

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## 1. Local Government Act 1995 Delegations

### 1.1.3 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>Chief Executive Officer</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 - 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 Infrastructure Services</b> <b>Executive Manager Development and Community 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>	In accordance with r19 Local Government (Administration) Regulations 1996

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## 1. Local Government Act 1995 Delegations

### 1.1.4 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>Chief Executive Officer</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>	<p>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.</p> <p>For vehicles with estimated value of \$1 - \$500 - Notices seeking offers for purchases shall be displayed on the Shire of Boddington's notice boards and on the website. Any vehicle not purchased will be disposed of at the Boddington Refuse Tip or donated to a community group.</p> <p>For vehicles with estimated value of \$501 - \$5,000 - Notice seeking offers for purchases shall be advertised with local public notice and displayed on the Shire of Boddington's notice boards and on the website. Any vehicle not purchased will be disposed of at the Boddington Refuse Tip or donated to a community group.</p> <p>For vehicles with estimated value of \$5,001 + - Items shall be tendered as per the requirements of S3.58 of the Local Government Act 1995. Any vehicle not purchased will be disposed of at the Boddington Refuse Tip or donated to a community group.</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

# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Infrastructure Services</b> <b>Executive Manager Development and Community 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:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

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## 1. Local Government Act 1995 Delegations

### 1.1.5 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>	<i>Local Government Act 1995:</i> s.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</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>	<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 Infrastructure Services</b> <b>Executive Manager Development and Community Services</b> <b>Ranger and Emergency Services Officer</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>	In accordance with r19 Local Government (Administration) Regulations 1996

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## 1. Local Government Act 1995 Delegations

### 1.1.6 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>Chief Executive Officer</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: <ul style="list-style-type: none"> <li>• 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>• consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ul> </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 [s.3.51].</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)] (relevant to a Townsite only).</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 Infrastructure Services</b>
<b>CEO Conditions on this Sub-Delegation:</b>	

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Shire of Boddington

## 1. Local Government Act 1995 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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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:	In accordance with r19 Local Government (Administration) Regulations 1996

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## 1. Local Government Act 1995 Delegations

### 1.1.7 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>	<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.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
<b>Delegate:</b>	<b>Chief Executive Officer</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 <i>Parks and Reserves Act 1895</i>. [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>	<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>	Nil
<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:	In accordance with r19 Local Government (Administration) Regulations 1996

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## 1. Local Government Act 1995 Delegations

### 1.1.8 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>Chief Executive Officer</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 <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</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> </ol> </li> </ol>

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## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good public assets damaged by the obstruction at the completion of works.</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> </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 Infrastructure Services</b> <b>Executive Manager Development and Community 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– Public Thoroughfare Obstruction – Determine Conditions</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 <a href="#">Local Government Act 1995</a></p>
Record Keeping	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

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## 1. Local Government Act 1995 Delegations

### 1.1.9 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>Chief Executive Officer</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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</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 Infrastructure 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.
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1. Local Government Act 1995 Delegations

	<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:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

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## 1. Local Government Act 1995 Delegations

### 1.1.10 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>Chief Executive Officer</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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</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

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<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Infrastructure 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.  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  <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>	In accordance with r19 Local Government (Administration) Regulations 1996

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## 1. Local Government Act 1995 Delegations

### 1.1.11 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>Chief Executive Officer</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 <i>Local Government (Uniform Local Provisions) Regulations 1996</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>	<b>Executive Manager Infrastructure 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><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>
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**1. Local Government Act 1995 Delegations**

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
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## 1. Local Government Act 1995 Delegations

### 1.1.12 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>Chief Executive Officer</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 <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</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 Infrastructure 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.
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## 1. Local Government Act 1995 Delegations

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

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## 1. Local Government Act 1995 Delegations

### 1.1.13 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>Chief Executive Officer</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 Infrastructure 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>	In accordance with r19 Local Government (Administration) Regulations 1996

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## 1. Local Government Act 1995 Delegations

### 1.1.14 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>Chief Executive Officer</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 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>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&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 Infrastructure 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>	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  Council Policy 13.3 Purchasing Policy
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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## 1. Local Government Act 1995 Delegations

### 1.1.15 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>Chief Executive Officer</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> </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

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## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Infrastructure 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>	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.

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  Council Policy 13.3 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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## 1. Local Government Act 1995 Delegations

### 1.1.16 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>Chief Executive Officer</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>i. The extent to which each tender satisfies the criteria for deciding which tender to accept; and</li> <li>ii. To accept the tender that is most advantageous within the \$4500,000 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 <u>OR</u> 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 <u>before</u> 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 <u>OR</u> 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, <u>after</u> it has been entered into, provided the variation/s are necessary for the</li> </ol>



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## 1. Local Government Act 1995 Delegations

	<p>goods and services to be supplied, and do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$20,000 (ex GST) whichever is the lesser value [F&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>
<b>Council Conditions on this Delegation:</b>	<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> <ol style="list-style-type: none"> <li>The total consideration under the resulting contract is \$400,000 or less;</li> <li>The expense is included in the adopted Annual Budget; and</li> <li>The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</li> </ol> <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 comply with the any Council Policy and must include evidence that the variation is necessary and does not change the scope of the contract.</p> <p>e. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) <u>and</u> that the contractor's performance has been reviewed and the review evidences the rationale for entering the extended term.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees</p>

<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>	<p>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.</p>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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**1. Local Government Act 1995 Delegations**

	<a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures
	<a href="#">WALGA Subscription Service</a> – Procurement Toolkit
	Council Policy 13.3 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

**Version Control:**

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.17 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>	<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) When tenders have to be publicly invited ( <i>exemptions</i> )												
<b>Delegate:</b>	<b>Chief Executive Officer</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 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>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>	<ol style="list-style-type: none"> <li>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: <table border="1"> <thead> <tr> <th>Category</th><th>Maximum Value for individual contracts</th></tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program [F&amp;G.r.11(2)(b)]</td><td>\$500,000</td></tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&amp;G.r.11(2)(e)]</td><td>\$500,000</td></tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&amp;G.r.(2)(f)]</td><td>\$500,000</td></tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&amp;G.r.11(2)(g)]</td><td>\$500,000</td></tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA</td><td>\$250,000*</td></tr> </tbody> </table> </li> </ol>	Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$500,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$500,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$500,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$500,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA	\$250,000*
Category	Maximum Value for individual contracts												
WALGA Preferred Supplier Program [F&G.r.11(2)(b)]	\$500,000												
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government [F&G.r.11(2)(e)]	\$500,000												
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below [F&G.r.(2)(f)]	\$500,000												
Supply of petrol, oil or any other liquid or gas used for internal combustion engines [F&G.r.11(2)(g)]	\$500,000												
Goods or services supplied by a person registered on the Aboriginal Business Directory WA	\$250,000*												

# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

	OR Indigenous Minority Supplier Office Limited (T/as Supply Nation) AND where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	*as specified in F&G.r.11(2)(h)(ii)
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$500,000
	<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 \$500,000 delegated above, the decision is to be referred to Council.</p>	
<b>Express Power to Sub-Delegate:</b>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>	

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Infrastructure 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>	a. Each sub-delegate may only use the sub-delegation in regard to contracts that are within the scope of the incumbent's position role and responsibilities, and in accordance with purchasing limits.

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p>Council Policy 13.3 Purchasing Policy</p>
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.18 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>	<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.3.58(2) & (3) Disposing of Property
<b>Delegate:</b>	<b>Chief Executive Officer</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 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 \$2,000 or less.</li> <li>c. When determining the method of disposal: <ul style="list-style-type: none"> <li>• Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>○ Reserve price has been set by independent valuation.</li> <li>○ 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>• 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>• Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>○ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> </ul> </li> </ul> </li> </ol>

# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> <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), or is an item of plant or equipment with a market value less than \$100,000 and specified in the Annual Budget, disposal may be undertaken:</p> <ul style="list-style-type: none"> <li>Without reference to Council for resolution; and</li> <li>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 Infrastructure 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>	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
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.19 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>Chief Executive Officer</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>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 Infrastructure Services</b> <b>Executive Manager Development and Community Services</b> <b>Finance Coordinator</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>Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</li> <li>Each payment is to be authorised by two members of staff including: <ul style="list-style-type: none"> <li>one or both of the Chief Executive Officer, Executive Manager Corporate Services, or/and</li> <li>Executive Manager Development Services, Executive Manager Infrastructure Services, Finance Coordinator.</li> </ul> </li> </ol>

<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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**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>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.20 Nominate an Employee to be a Designated Employee

<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> s3.57 Definition of a Designated Employee
<b>Delegate:</b>	<b>Chief Executive Officer</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 designate an employee to be a Designated Employee.
<b>Council Conditions on this Delegation:</b>	

Compliance Links:	<a href="#">Local Government Act 1995</a>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.21 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>Chief Executive Officer</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 [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. Waive fees, levies or charges for the use of facilities and services.</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 \$200 in accordance with the Financial Hardship Policy [s.6.12(1)(c) &amp; (2)].</li> <li>b. 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 \$200 or cumulative debts of a debtor valued below \$200. Write off of debts greater than these values must be referred for Council decision.</li> </ol> </li> <li>c. Fees, levies or charges in relation to the use of facilities may only be waived to a maximum of \$500, and where the application is from a local community group, or for a community purpose.</li> <li>d. Despite other indications in this delegation, where the proposed donation is considered by the Chief Executive Officer to be of a contentious nature, a decision on a proposed donation is to be determined by the Council.</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>	

# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

<i>Conditions on the original delegation also apply to the sub-delegations.</i>	
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Compliance Links:	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. Collection of Rates Debts – refer Delegations: 1.1.24 Agreement as to Payment of Rates and Service Charges 1.1.26 Recovery of Rates or Service Charges 1.1.27 Recovery of Rates Debts – Require Lessee to Pay Rent 1.1.28 Recovery of Rates Debts – Actions to Take Possession of the Land
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

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## 1. Local Government Act 1995 Delegations

### 1.1.22 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>Chief Executive Officer</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 Policy 9.5.</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 Finance Coordinator</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	A decision to invest must be jointly confirmed by two Delegates.

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
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**1. Local Government Act 1995 Delegations**

	<a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))  Council Policy - Investments
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.23 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>	<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.6.39(2)(b) Rate record
<b>Delegate:</b>	<b>Chief Executive Officer</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>	<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> – 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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.24 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>Chief Executive Officer</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 Council Policy.</li> <li>b. Agreements must be in writing and, subject to Council Policy, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.</li> <li>c. The CEO may approve, in exceptional circumstances, an agreement to be finalised within the subsequent two financial years.</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>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Council Policy 9.22 Financial Hardship Policy
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.25 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>	<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.6.50 Rates or service charges due and payable
<b>Delegate:</b>	<b>Chief Executive Officer</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 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>	<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>	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>	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

1	OCM 21 October 2021
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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.26 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>Chief Executive Officer</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 Council 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.
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.27 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>Chief Executive Officer</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 Council 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> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.  Council Policy 9.22 Financial Hardship Policy
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

1	OCM 21 October 2021

# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.28 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 re-vested in Crown if rates in arrears 3 years
<b>Delegate:</b>	<b>Chief Executive Officer</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 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>i. lease the land, or</li> <li>ii. sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>I. cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>II. cause the land to be transferred to the Shire [s.6.71].</li> </ol> </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 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 / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</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>	<b>Executive Manager Corporate Services</b>
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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### CEO Conditions on this Sub-Delegation:

*Conditions on the original delegation also apply to the sub-delegations.*

#### Compliance Links:

Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

[Local Government Act 1995](#) – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.

[Local Government \(Financial Management\) Regulations 1996](#) – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.

Council Policy 9.22 Financial Hardship Policy

#### Record Keeping:

In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.29 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>Chief Executive Officer</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 whom made the objection [s.6.76(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	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.
<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>	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i> <b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Government  <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>	<b>Chief Executive Officer</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>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&amp;G r.11(2)(ja)].</p> <p>This authority relates to:</p> <ul style="list-style-type: none"> <li>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</li> <li>contracts formed through a public tender.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<p>a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies:</p> <ol style="list-style-type: none"> <li>It is exercised at the sole discretion of the Local Government,</li> <li>It is in the best interests of the Local Government,</li> <li>It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration,</li> <li>It has potential to promote local and/or regional economic benefits.</li> </ol> <p>b. This authority may only be exercised where the total consideration for the renewal or extension is \$500,000 or less.</p> <p>c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).</p> <p>d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.</p>

# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

	<p>e. This authority may only be exercised where the total consideration under the resulting contract is \$500,000 or less.</p> <p>f. The CEO cannot sub-delegate this authority.</p>
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Compliance Links:	<p><a href="#">Local Government (Functions and General) Regulations 1996</a></p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p>Council Policy 13.3 Purchasing Policy</p>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.1.31 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>Chief Executive Officer</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>Determine that 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>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>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>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>Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Mayor or President (i.e., before the expense is incurred) in accordance with LGA s.6.8.</li> <li>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>The CEO cannot sub-delegate this authority.</li> </ol>



**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 Council Policy 13.3 Purchasing Policy
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.2 CEO to Employees

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<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 Corporate Services</b> <b>Executive Manager Development and Community Services</b> <b>Executive Manager Infrastructure 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>	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>	In accordance with r19 Local Government (Administration) Regulations 1996

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1	OCM 21 October 2021
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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<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 Infrastructure 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>	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 (Uniform Local Provisions) Regulations 1996</a>  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

**1. Local Government Act 1995 Delegations**

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.2.3 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>	Chief Executive Officer
<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>	Local Government (Uniform Local Provisions) Regulations 1996: 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 Infrastructure 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>	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 (Uniform Local Provisions) Regulations 1996</a>  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

**1. Local Government Act 1995 Delegations**

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.2.4 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>	Chief Executive Officer
<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.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 Infrastructure 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, 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>2. 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 Private Works on, over or under Public Places
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.2.5 Electoral Enrolment Eligibility Claims and Electoral Roll

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<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.4.32(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 families 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</li> </ol>



# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

	which is less than 100 days since the last election day [s.4.37(3)].
<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>	Nil.

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

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.2.6 Destruction of Electoral Papers

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<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>	Nil.

<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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

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## 1. Local Government Act 1995 Delegations

### 1.2.7 Appoint Authorised Persons

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<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.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
<b>Delegate:</b>	nil
<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 persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations: <ol style="list-style-type: none"> <li><a href="#">Local Government Act 1995</a> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act.</li> <li><i>Caravan Parks and Camping Grounds Act 1995</i>.</li> <li><i>Cat Act 2011</i>.</li> <li><i>Cemeteries Act 1986</i>.</li> <li><i>Control of Vehicles (Off-road Areas) Act 1978</i>.</li> <li><i>Dog Act 1976</i>.</li> <li><a href="#">Graffiti Vandalism Act 2016</a> – refer s.15; and</li> <li>any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</li> </ol> </li> <li>Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, <u>as a precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the <a href="#">Building Regulations 2012</a> and section 6(b) of the <i>Criminal Procedure Act 2004</i>.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL.

# Register of Delegations

Shire of Boddington

## 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.
Record Keeping:	Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.  A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.2.8 Information to be Available to the Public

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<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>	Nil.
<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

**1. Local Government Act 1995 Delegations**

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

### 1.2.9 Financial Management Systems and Procedures

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<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 (Financial Management) Regulations 1996:</i> 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>i. Collection of money owed to the Shire</li> <li>ii. Safe custody and security of money collected or held by the Shire,</li> <li>iii. Maintenance and security of all financial records, including payroll, stock control and costing records,</li> <li>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities,</li> <li>v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards,</li> <li>vi. Making of payments in accordance with Delegated Authority 1.1.19,</li> <li>vii. 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.

<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>
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1. Local Government Act 1995 Delegations

	<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 Guidance on reporting credit card and purchasing card transactions.
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<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 (Audit) Regulations 1996:</i> 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  i. risk management; and  ii. internal controls; and  iii. legislative compliance [r.17(1)].
<b>CEO Conditions on this Delegation:</b>	a. Each matter is to be reviewed at least once within every 3 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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

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## 1. Local Government Act 1995 Delegations

### 1.2.11 Infringement Notices

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Chief Executive Officer
<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>Ranger and Emergency Services Officer Executive Manager Development and Community 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, Parking Local Law, Infringement Notices is limited to the following listed positions ONLY: <ol style="list-style-type: none"> <li>(i) <b>Ranger and Emergency Services Officer</b></li> <li>(ii) <b>Executive Manager Development and Community 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><b>NOTE:</b> <i>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>

**1. Local Government Act 1995 Delegations**

<b>Express Power to Sub-Delegate:</b>	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:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 1.3 Local Law Delegations to the CEO

### 1.3.1 Local Laws

<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>	All the powers, duties, and responsibilities of the local government, in respect of all the Local Laws of the Shire of Boddington.
<b>Delegate:</b>	<b>Chief Executive Officer</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>	All the powers, duties, and responsibilities of the local government, in respect of all the Local Laws of the Shire of Boddington: <ul style="list-style-type: none"><li>• Cats</li><li>• Parking and Parking Facilities</li><li>• Unsightly land and refuse, rubbish, or disused materials on land</li><li>• Livestock &amp; wandering at large</li><li>• Pest Plants</li><li>• Dogs</li><li>• Fencing</li><li>• Bees</li><li>• Standing Orders</li><li>• Local Government Property</li><li>• Activities on Thoroughfares and Trading in Thoroughfares and Public Places</li><li>• Cemeteries</li><li>• Health</li></ul>
<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 (all matters)</b> <b>Executive Manager Development and Community Services (all matters)</b> <b>Executive Manager Infrastructure Services (all matters)</b> <b>Environmental Health Officer (Health Local Law)</b> <b>Ranger and Emergency Services Officer (all matters)</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.
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Shire of Boddington

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
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3	CEO amendment to sub delegation 5 December 2023
4	CEO amendment to sub delegation 22 April 2024
5	OCM 18 December 2024

# Register of Delegations

Shire of Boddington

## 2. Building Act 2011 Delegations

## 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>Chief Executive Officer</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>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. 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>	
<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)

# Register of Delegations

Shire of Boddington

## 2. Building Act 2011 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development and Community 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:	<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  <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  <i>Building Services (Registration Act) 2011 – Section 7</i> <i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i> <i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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# Register of Delegations

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## 2. Building Act 2011 Delegations

### 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>Chief Executive Officer</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>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. 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>	
<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>	<b>Executive Manager Development and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b>	



# Register of Delegations

Shire of Boddington

## 2. Building Act 2011 Delegations

*Conditions on the original delegation also apply to the sub-delegations.*

### Compliance Links:

[Building Act 2011](#)

s.119 Building and demolition permits – application for review by SAT  
s.23 Time for deciding application for building or demolition permit

*Building Services (Complaint Resolution and Administration) Act 2011 — Part 7, Division 2*

*Building and Construction Industry Training Levy Act 1990*

*Heritage Act 2018*

### Record Keeping:

In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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# Register of Delegations

Shire of Boddington

## 2. Building Act 2011 Delegations

### 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  Building Regulations 2012 r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Delegate:</b>	<b>Chief Executive Officer</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>	
<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>	<b>Executive Manager Development and Community 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>	<a href="#"><i>Building Act 2011</i></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  <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i>
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2. Building Act 2011 Delegations

	<i>Building and Construction Industry Training Levy Act 1990</i> <i>Heritage Act 2018</i>
Record Keeping:	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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# Register of Delegations

Shire of Boddington

## 2. Building Act 2011 Delegations

### 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>Chief Executive Officer</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 Building Regulations 2012.
<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>	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>	<a href="#"><i>Building Act 2011:</i></a> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
<b>Record Keeping:</b>	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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# Register of Delegations

Shire of Boddington

## 2. Building Act 2011 Delegations

### 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>Chief Executive Officer</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 make Building Orders in relation to: <ol style="list-style-type: none"> <li>Building work</li> <li>Demolition work</li> <li>An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>Authority to revoke a building order [s.117].</li> <li>If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>take any action specified in the order; or</li> <li>commence or complete any work specified in the order; or</li> <li>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>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>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)

# Register of Delegations

Shire of Boddington

## 2. Building Act 2011 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development and Community 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>	<a href="#"><u>Building Act 2011:</u></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
<b>Record Keeping:</b>	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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# Register of Delegations

Shire of Boddington

## 2. Building Act 2011 Delegations

### 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>Chief Executive Officer</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>	<b>Executive Manager Development and Community 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>Building Act 2011 - s.146 Confidentiality</i>
<b>Record Keeping:</b>	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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# Register of Delegations

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## 2. Building Act 2011 Delegations

### 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>Chief Executive Officer</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>	
<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>	<b>Executive Manager Development and Community 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>	
<b>Record Keeping:</b>	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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# Register of Delegations

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## 2. Building Act 2011 Delegations

### 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>Chief Executive Officer</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>	<b>Executive Manager Development and Community 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>	
<b>Record Keeping:</b>	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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# Register of Delegations

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## 2. Building Act 2011 Delegations

### 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>Chief Executive Officer</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>	<b>Executive Manager Development and Community 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>	
<b>Record Keeping:</b>	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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## 2. Building Act 2011 Delegations

### 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>Chief Executive Officer</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>	<b>Executive Manager Development and Community 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>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment.
<b>Record Keeping:</b>	In accordance with s130 Building Act 2011 and r 12 Building Regulations 2012

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# Register of Delegations

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## 3 Bush Fires Act 1954 Delegations

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

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

<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>Chief Executive Officer</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>	In such an event, the Shire will support DFES's management of any incident with: <ul style="list-style-type: none"><li>at least one and preferably more, senior Shire bushfire control officers will be a member of the Incident Management Team to provide local knowledge and facilitate effective liaison with local firefighting resources.</li><li>Shire bush firefighting resources, including appliances and volunteers, remain at the incident and assist in suppression activities as determined by the Incident Controller.</li></ul>
<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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

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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>Shire 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. The approval of the Shire of Boddington's Chief Bush Fire Control Officer should be obtained prior to the exercising of any aspect of this delegation.
<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>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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:	
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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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>	<p><i>Bush Fires Act 1954:</i></p> <p>s.18(5), (11) Restricted burning times may be declared by FES Commissioner</p> <p>s.22(6) and (7) Burning on exempt land and land adjoining exempt land</p> <p>s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions</p> <p>s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land</p> <p><i>Bush Fire Regulations 1954:</i></p> <p>r.15 Permit to burn (Act s.18), form of and apply for after refusal etc.</p> <p>r.15C Local Government may prohibit burning on certain days</p> <p>r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times</p> <p>r.39B Crop dusters etc., use of in restricted or prohibited burning times</p>
<b>Delegate:</b>	<b>Chief Executive Officer</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 fire-breaks and require the occupier of adjoining land to provide by the date of the burning, ploughed or cleared fire-breaks parallel to the common boundary [s.22(6) and (7)].</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> </ol>



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	<p>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</p> <p>7. Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</p> <p>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</p> <p>9. Authority to recover the cost of measures taken by the Shire or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p> <p>10. The approval of the Shire of Boddington's Chief Bush Fire Control Officer should be obtained prior to the exercising of any aspect of this delegation.</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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996
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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>Chief Executive Officer</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 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 person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>a person using explosives [r.39D(2)].</li> <li>a person using fireworks [r.39E(3)]</li> </ol> </li> <li>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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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 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>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>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>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>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>camping or cooking [s.25(1)(a)].</li> <li>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>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>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>

## Register of Delegations

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<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>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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 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>clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>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>as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>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>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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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 persons to be Bush Fire Control Officers for the purposes of the Bush Fires Act 1954; and <ol style="list-style-type: none"> <li>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>Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>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>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>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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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)].</li> <li>2. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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>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> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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 any individual cat or any class of cats within the 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 Development and Community Services Ranger and Emergency Services Officer</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>	Cat Regulations 2012 r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.
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	<div>r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2))  Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.</div>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

<b>Version Control:</b>	
1	OCM 21 October 2021
2	OCM 18 December 2024
3	CEO 19 August 2025 (sub delegation)

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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>Chief Executive Officer</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>Ranger and Emergency Services Officer Executive Manager Development and Community 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 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.</i>
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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

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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>Chief Executive Officer</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 Development and Community 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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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>2. 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 Development and Community 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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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 waiver 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 waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .
<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 Development and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	<p>a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i>.</p> <p>b. The registration fee may be waived for a maximum of 12 months where a cat is rescued from impoundment by a new owner.</p>

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

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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>	Chief Executive Officer
<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 Development and Community 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>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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 where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$250 [s.10A(1)(a) and (3)].</li> <li>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s.10A(1)(b) and (2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer is 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 Development and Community 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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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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>Chief Executive Officer</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>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i>, or the <i>Animal Welfare Act 2002</i>; or</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. 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>i. Authority, following seizure, to determine to cause the dog to be detained or destroyed or otherwise disposed of as though it had be found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</li> </ol> </li> </ol>

# Register of Delegations

Shire of Boddington

## 5. Dog Act 1974 Delegations

<b>Council Conditions on this Delegation:</b>	<p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. The CEO may waive the registration fee for a maximum of 12 months where a dog is rescued from impoundment by a new owner.</p>
<b>Express Power to Sub-Delegate:</b>	<p><i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)</p>

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development and Community Services Ranger and Emergency Services Officer</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><i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)</p>
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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 Chief Executive Officer is permitted to sub-delegate [s.10AA(3)]. b. Application processing and decisions under this delegation are to comply with the <<insert LG name>> 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 Development and Community Services Ranger and Emergency Services Officer</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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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 Chief Executive Officer is permitted to sub-delegate [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 Development and Community 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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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 Chief Executive Officer is permitted to sub-delegate [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 Development and Community Services Ranger and Emergency Services Officer</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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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Shire of Boddington

## 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>Chief Executive Officer</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 Chief Executive Officer is permitted to sub-delegate [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 Development and Community Services Ranger and Emergency Services Officer</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>	In accordance with r19 Local Government (Administration) Regulations 1996

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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), (2) and (5) Local government may revoke declaration or proposal to destroy
<b>Delegate:</b>	<b>Chief Executive Officer</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)] <ol style="list-style-type: none"> <li>i. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s.33H(2)].</li> </ol> </li> <li>4. Authority to consider application [s.33H(5)]</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The Chief Executive Officer 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 Development and Community Services Ranger and Emergency Services Officer</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
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**5. Dog Act 1974 Delegations**

Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996
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## 5. Dog Act 1974 Delegations

### 5.1.8 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>Chief Executive Officer</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 Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]. b. Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the Local Government Act 1995
<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 Development and Community 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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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 \$500. Compensation requests above this value are to be reported to Council.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

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# Register of Delegations

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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> <b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Government  <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>Chief Executive Officer</b> <b>Executive Manager Development and Community Services</b> <b>Environmental Health Officer</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 Food Act 2008 [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>	<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> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

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# Register of Delegations

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## 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>Chief Executive Officer</b> <b>Executive Manager Development and Community Services</b> <b>Environmental Health Officer</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 applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
<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, including but not limited to: <ul style="list-style-type: none"> <li>Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>WA Priority Classification System</li> <li>Verification of Food Safety Program Guideline</li> </ul>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

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## 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>Chief Executive Officer</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 Food Act 2008 [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: <ul style="list-style-type: none"> <li>• Appointment of Authorised Officers as Meat Inspectors</li> <li>• Appointment of Authorised Officers</li> <li>• Appointment of Authorised Officers – Designated Officers only</li> <li>• Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.

<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>	In accordance with r19 Local Government (Administration) Regulations 1996
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**6. Food Act 2008 Delegations**

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## 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>Chief Executive Officer</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 costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s.54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s.54(3)].  2. Authority to institute proceedings for an offence under the Food Act 2008 [s.125].
<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>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

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# Register of Delegations

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## 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>Chief Executive Officer</b> <b>Executive Manager Development and Community Services</b> <b>Environmental Health Officer</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>	NIL – Food Regulations 2009 do not provide for sub-delegation.

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

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## 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>Chief Executive Officer</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 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>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s.19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s.19(4)].</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 Infrastructure 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>	In accordance with r19 Local Government (Administration) Regulations 1996

#### Version Control:

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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 deal with an objection to a notice [s.22(3)].</li> <li>Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>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>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 Infrastructure 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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 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>	<b>Chief Executive Officer</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 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>	<b>Executive Manager Infrastructure 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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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 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>2. 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 Infrastructure 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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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>	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.

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

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].

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

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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 a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> <li>i. The Public Health Act 2016 or other specified Act</li> <li>ii. Specified provisions of the Public Health Act 2016 or other specified Act</li> <li>iii. Provisions of the Public Health Act 2016 or another specified Act, other than the specified provisions of that Act.</li> </ol> </li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two. [s.24(1) and (3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Subject to each person so appointed being; <ul style="list-style-type: none"> <li>• Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>• Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>b. A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	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)].

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

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

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# Register of Delegations

Shire of Boddington

## 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>Chief Executive Officer</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 \$500, with any proposal for compensation above this value to be referred for Council's determination.
<b>Express Power to Sub-Delegate:</b>	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)].

<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>	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 9. Planning and Development Act 2005 Delegations

## 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>Chief Executive Officer</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>	<b>Executive Manager Development and Community Services</b>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to the sub-delegations.</i>	

**9. Planning and Development Act 2005 Delegations**

Compliance Links:	Part 13 of the <a href="#">Planning and Development Act 2005</a>
Record Keeping:	In accordance with r19 Local Government (Administration) Regulations 1996

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# Register of Delegations

Shire of Boddington

## 9.1.2 Local Planning Scheme – Council to CEO

<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>	Shire of Boddington Local Planning Scheme No 3;
<b>Express Power or Duty Delegated:</b>	The CEO is delegated authority to determine development applications that fully comply with all requirements of the Act and Regulations, and the Local Planning Scheme.
<b>Delegate:</b>	<b>Chief Executive Officer</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 CEO is delegated power to administer all planning matters or functions for the Shire of Boddington, subject to compliance with: <ol style="list-style-type: none"> <li>a) Planning and Development Act,</li> <li>b) Planning Regulations,</li> <li>c) Residential R Codes</li> <li>d) Local Planning Schemes, and</li> <li>e) Local Planning Policies.</li> </ol> </li> <li>2. The CEO is delegated power to respond to – <ol style="list-style-type: none"> <li>a) any appeal against a discretionary decision of the local government in accordance with the local government's decision on the matter to which the appeal or request for reconsideration relates,</li> <li>b) Development Assessment Panel requirements.</li> </ol> </li> <li>3. Pursuant to clause 84C, Schedule 2 – Deemed provisions for local planning schemes, prescribed development approval functions in relation to prescribed single house development must be performed for and on behalf of the local government by the local government CEO or an authorised employee, and are not a function of this delegation.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>1. Requirements for Public Notice <ul style="list-style-type: none"> <li>• Making a determination on the form or forms of public notice to be given of a proposed development, scheme amendment, road closure or other proposal where the Local Planning Scheme or other legislation requires that such public notice be given and give such notice.</li> <li>• Making a determination to require that public notice of a development to be given in accordance with Local Planning Scheme where such notice is considered to be in the public interest.</li> </ul> </li> <li>2. Approval of Permitted "P", Discretionary "D", Advertising Required "A" and Incidental "I" Uses  Making a determination on al "P", "D", "A" and "IP" uses where a proposed development is generally in accordance</li> </ol>

# Register of Delegations

Shire of Boddington

	<p>with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and is consistent with guiding precedent approvals.</p> <p>3. Residential Design Code Matters</p> <p>Making a determination on any matter required to be determined under the Residential Design Codes including where an exercise of discretion is required, provided that appropriate notice of the proposed development is given to adjoining properties where it is required or is considered to have the potential to adversely affect the amenity of an adjoining property.</p> <p>4. Development Approval where Public Notice has been given</p> <p>Making a determination of "A" uses in accordance with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and established precedent on any Development Application that has been the subject of Public Notice. This includes determining applications involving:</p> <ul style="list-style-type: none"> <li>• The variation of Scheme provisions, Local Planning Policy or provisions of the Residential Design Codes; or</li> <li>• The exercise of discretion under the Scheme, Local Planning Policy or the Residential Design Codes.</li> </ul> <p>The above is provided the application has not been the subject of objection or if the matter has become contentious in any way.</p> <p>5. Minor Modification of Planning Determinations</p> <p>Making modifications to planning approvals where:</p> <ul style="list-style-type: none"> <li>• The modification conforms to the relevant Local Planning Scheme objectives and Local Planning Policies,</li> <li>• The modification does not have a detrimental effect on the amenity of the locality; and</li> <li>• The extension to a development approval is to a maximum of 2 years</li> </ul> <p>NOTES:</p> <ul style="list-style-type: none"> <li>• Where consent of abutting landowners was required for the original application, then the modification should also be referred to abutting landowners for comment where the modification requires a substantial variation from the original application.</li> <li>• Where the original application was required to be the subject of public notice under the relevant Local Planning Scheme or the Residential Design Codes, the (if the modification is considered substantial) the modification will need a new public notice readvertised in accordance with the Local Planning Scheme or the Residential Design Codes</li> </ul>
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# Register of Delegations

Shire of Boddington

	<p>6. Signs</p> <p>Approval of applications where consistent with Local Planning Policy No. 14 Signs and Advertisements.</p> <p>7. Dealing with Subdivisions</p> <p>Making recommendations to the Western Australian Planning Commission in respect of applications or other matters relating to Subdivision, Boundary Adjustment, Amalgamation and Strata Titling where such matters are in accordance with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and established precedent, including minor variation to approved subdivisions and clearance of conditions provided appropriate.</p> <p>8. Dealing with Scheme Amendments</p> <p>8.1 Requiring modifications to Local Planning Scheme Amendment documents to ensure that all documents are maintained at a consistent high quality and the information contained within the document addresses all issues considered relevant and will enable the public and referral agencies to fully understand the Amendment.</p> <p>8.2 Accepting modifications to Local Planning Scheme Amendment documents required by the Western Australian Planning Commission or the Minister for Planning at any stage throughout the Scheme Amendment process.</p> <p>8.3 Respond in writing to scheme amendment request.</p> <p>9. Legal Proceedings</p> <p>9.1 Taking all necessary action against owners or occupiers of properties to cease illegal uses, comply with the Local Planning Scheme and/or comply with conditions of Development Approval, including instituting prosecution proceedings under the Planning and Development Act, in the Court in its summary jurisdiction.</p> <p>9.2 Represent Council, or appoint appropriate representatives, where necessary at prosecutions, rights of review and enquiries pertaining to the enforcement of the provisions of the Planning and Development Act and the implementation of Council's Local Planning Scheme.</p> <p>10. Miscellaneous Matters</p> <p>10.1 Electing to return or defer consideration of incomplete and unsatisfactory applications for planning consent.</p> <p>10.2 Granting variations to relevant Local Planning Policies and provisions of the Residential Design Codes on Building Permit applications (where the application is exempt from the requirement to gain planning approval under the residential Design Codes and/or the Local Planning Scheme).</p> <p>10.3 Approve the use of street names where an approved street names list exists.</p>
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## Register of Delegations

Shire of Boddington

	<p>10.4 Provision of written and verbal responses to rights of review, mediated settlements resulting from rights of review and Western Australian Planning Commission requests for reconsideration.</p> <p>10.5 Prepare submissions and correspondence to government agencies and other organisations where consistent with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and guiding precedent approvals.</p> <p>10.6 Respond to referrals and correspondence from State Government agencies, servicing agencies and other organisations on matters including planning, land management, natural resource management and servicing where consistent with the Local Planning Scheme, Local Planning Strategy, Local Planning Policies and Council adopted documents.</p> <p>11. Right to have matter heard by Council</p> <p>Where an applicant disputes or has issue with a planning determination made in accordance with this delegation, it will be a matter of right for the applicant to request that the matter be reconsidered by Council, provided the exercise of such right does limit any other right of appeal that exist in Law.</p> <p>12. Matters that may be of significant financial interest to Council</p> <p>Despite other indications in this delegation, it is required that any planning matter that may have significant impact on Council infrastructure is to be determined by the Council.</p>
<b>Express Power to Sub-Delegate:</b>	
<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<b>Executive Manager Development and Community 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>	
<b>Record Keeping:</b>	In accordance with r19 Local Government (Administration) Regulations 1996

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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

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**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 Boddington

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

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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.

## 10.1.3 Noise Management Plans – Construction Sites

Published by:  
Environment

**GOVERNMENT GAZETTE**  
Western Australia  
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No. 71. 16-May-2014  
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**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.

## **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 Boddington

## 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 <i>Building Regulations 2012</i> (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 Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Essendon City of Baywater City of Belmont Shire of Beverley Shire of Boddington 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 Cannington Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont 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/Weest Kimberley Shire of Donnybrook-Balingup Shire of Dowerbin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</p> <p>Shire of Gingin Shire of Gnowangerup Shire of Goomalling City of Goolwa Shire of Halls Creek Shire of Harvey Shire of Inland Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalgoorlie-Boulder Shire of Katanning Shire of Kellerberrin Shire of Kent Shire of Kojonup 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 Meekathana City of Merville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Newman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbudin 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 Boddington

Shire of Nannup  
Shire of Narembea  
Shire of Narrogin  
Town of Narrogin  
City of Nedlands  
Shire of Nganyadjarrku  
Shire of Northam  
Shire of Northern  
Shire of Nungah  
Shire of Papanmint Grove  
Shire of Perenjori  
City of Perth  
Shire of Pingelly  
Shire of Plantagenet  
Town of Port Hedland  
Shire of Quairading  
Shire of Ravensthorpe  
City of Rockingham  
Shire of Roebourne  
Shire of Sandstone  
Shire of Serpentine Jarrahdale  
Shire of Shark Bay  
City of South Perth  
City of Stirling  
City of Subiaco  
City of Swan

Shire of 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 Woodanilling  
Shire of Wyalkatchem  
Shire of Wyndham-East Kimberley  
Shire of Yalgoo  
Shire of Yilgarn  
Shire of York



HON DONALD TERRENCE REDMAN MLA  
MINISTER FOR LANDS

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

### 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 Boddington

## 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 Boddington

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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 Boddington

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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.

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

## 10.4 Road Traffic (Vehicles) Act 2012

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



Government of Western Australia  
Department of Transport  
Driver and Vehicle Services

#### ROAD TRAFFIC (VEHICLES) ACT 2012

*Road Traffic (Vehicles) Regulations 2014*

RTVR-2017-202046

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

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

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

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

#### CONDITIONS

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

## Delegation Register

Shire of Boddington



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 online on 15 March 2021



## Delegation Register

Shire of Boddington

# 11 Authorisations and Appointments by the Council and CEO

## 11.1.1 Authorisations and Appointments by Council

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

Act/Section	Position	Purpose	Comment
Local Government Act 1995 s5.120	CEO	In the absence of the CEO designating another employee to be the Complaints Officer, the CEO is, by default.	This effectively relates to Division 4 Complaints under the Code of Conduct.
Local Government Act 1995, Reg 11 (3) Local Government (Model Code of Conduct) Regulations 2021 and Shire of Boddington Model Code of Conduct for Council Members, Committee Members and Candidates for Election (2021)	CEO	Council has authorised the CEO to receive complaints and withdrawals of complaints.	This effectively relates to Division 3 Complaints under the Code of Conduct.
Building Regulations 2012: r.70 Approved officers and authorised officers	CEO	Appointed an approved officer for the purposes of s.6(a) of the Criminal Procedure Act 2004, in accordance with Building Regulation 70(1) and (1A).	
Criminal Code Act Compilation Act 1913 – S70A(1)(a))	CEO	The Chief Executive Officer is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings	

## Delegation Register

Shire of Boddington

### 11.1.2 Authorisations by the CEO

The following Authorisations or appointments of Authorised Persons are made by the CEO, under delegated authority from Council, or by the CEO, as of right, under relevant legislation.

The CEO may appoint, in writing, persons to be Authorised Persons for the purposes of:

- the Local Government Act 1995
- the Caravan Parks and Camping Grounds Act 1995,
- the Cat Act 2011,
- the Cemeteries Act 1986,
- the Control of Vehicles (Off-road Areas) Act 1978,
- the Dog Act 1976.

For Authorised Persons, appointed by the CEO pursuant to s9.10 Local Government Act 1995:

- the CEO must give to each person appointed under subsection (2) an identity card that — on the front of the card, sets out —
  - the name and official insignia of the local government; and
  - the name of the person; and
  - a recent photograph of the person; and
- on the back of the card, specifies each law to which the person's appointment relates.

An authorised person must:

- always carry their identity card when performing functions under a specified law; and
- produce their identity card for inspection when required to do so by a person in respect of whom the authorised person has performed or is about to perform a function under a specified law.

Act/Section	Position	Purpose	Comment
Local Government Act 1995 s3.24, Subdivision 2	CEO  Executive Manager Infrastructure Services  Ranger and Emergency Services Officer	Subdivision 2 — Certain provisions about land	See conditions above
Local Government Act 1995 s3.25	CEO  Executive Manager Development and Community Services  Ranger and Emergency Services Officer	Authorised to issue notices under sections 3.25 and 3.27 and to perform any of the other functions set out in subdivision 2 of Division 3 Part 3 of the Local	See conditions above



## Delegation Register

Shire of Boddington

Act/Section	Position	Purpose	Comment
		Government Act 1995.	
Local Government Act 1995 s3.39	<p>CEO</p> <p>Executive Manager Infrastructure Services</p> <p>Executive Manager Development and Community Services</p> <p>Ranger and Emergency Services Officer</p>	Appointed and authorised as an authorised person for the purposes of section 3.39 of the Local Government Act 1995 (power to remove and impound goods)	See conditions above
Local Government Act 1995 s3.40A	<p>CEO</p> <p>Executive Manager Infrastructure Services</p> <p>Executive Manager Development and Community Services</p> <p>Ranger and Emergency Services Officer</p>	Appointed and authorised as an authorised person for the purposes of section 3.40A of the Local Government Act 1995 (power to remove and impound abandoned vehicle wreck).	See conditions above
Local Government Act 1995 s9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24	<p>CEO</p> <p>Executive Manager Infrastructure Services</p> <p>Executive Manager Development and Community Services</p> <p>Ranger and Emergency Services Officer</p>	CEO, Executive Manager Infrastructure Services, EMDS, Ranger are appointed an authorised person for the purposes of s9.11, 9.13, 9.16, 9.17, 9.19, 9.20 and 9.24 of the Local Government Act 1995.	See conditions above
Local Government Act 1995 s9.10	<p>CEO</p> <p>Executive Manager Infrastructure Services</p>	Appointed and authorised to perform the functions of an Authorised Person	See conditions above

## Delegation Register

Shire of Boddington

Act/Section	Position	Purpose	Comment
	Executive Manager Development and Community Services  Ranger and Emergency Services	for the purposes of all the Shire of Boddington Local Laws.	
Local Government Act 1995 s9.49(A)(4)	CEO	Authorised to sign and execute documents on behalf of the local government.	See conditions above
Local Government Act 1995 s9.49(A)(5)	CEO	Authorised to execute a document as a deed on behalf of the Shire where there is a requirement for the document to be executed as a deed.	See conditions above
Local Government Act 1995 s9.49	CEO	Authorised under s9.49 of the Local Government Act to sign building permit applications on behalf of the Shire for building permits required for work on Shire owned or managed property.	See conditions above
Local Government Miscellaneous Provisions Act 1960	CEO  Executive Manager Infrastructure Services  Executive Manager Development and Community Services  Ranger and Emergency Services Officer	Appointed and authorised as an authorised person for the purposes of the Local Government Miscellaneous Provisions Act 1960.	See conditions above
Building Act 2011 s96	CEO  Executive Manager Development and Community Services	Designated an Authorised Person for the purposes of the Building Act 2011 in relation to	Must be issued with an identity card.  Must always carry ID card when exercising powers or

## Delegation Register

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Act/Section	Position	Purpose	Comment
		buildings and incidental structures.	performing functions as an authorised person.
Building Act 2011 and Planning Act 2005	CEO  Executive Manager Development and Community Services	Appointed and Authorised Officer for the purpose of sections 100 to 104 of the Building Act 2011, Part 10 cl.79 of the Planning and Development (local Planning schemes)	Must be issued with Authorisation card.  Must always carry ID card when exercising powers or performing functions as an authorised person
Bush Fires Act 1954 s59(1), (3); s59A(2)	CEO	Only the CEO may institute legal proceedings. Only the CEO <del>or the Shire President</del> may withdraw infringement notices pursuant to s59A (3) Bush Fires Act 1954 and r4 Bush Fires (Infringements) Regulations 1958	
Caravan Parks and Camping Grounds Act 1995 s17(1) s23(11)	CEO  Executive Manager Development and Community Services  Ranger and Emergency Services Officer	Appointed and authorised as authorised person for the purpose of the Caravan Parks and Camping Grounds Act 1995.	See conditions above
Cat Act 2011 s48(1)	CEO   Executive Manager Corporate Services  Finance Coordinator	CEO is a Registration Officer and Authorised Person for all purposes of the Cat Act 2011  Executive Manager Corporate Services, Finance Coordinator as Registration Officers to perform the functions for Registration related matters in accordance with s9, 10, 11, 12, 13 of the Cat Act 2011.	See conditions above

## Delegation Register

Shire of Boddington

Act/Section	Position	Purpose	Comment
	Ranger and Emergency Services Officer	Ranger as Authorised Person for the purposes of s48, 49, 62, 63 of the Cat Act 2011.	
Control of Vehicles (Off-road Areas) Act 1978 s38(3)	CEO Executive Manager Infrastructure Services Executive Manager Development and Community Services Ranger and Emergency Services Officer	Appointed and authorised as an authorised officer for the purposes of the Control of Vehicles (Off-road Areas) Act 1978	See conditions above
Control of Vehicles (Off Road Areas) Act 1978 – s38(3)	CEO Executive Manager Infrastructure Services Executive Manager Development and Community Services Ranger and Emergency Services Officer	Appointed as Authorised Officers to perform all functions of the local government under the Act.	See conditions above
Criminal Code Act Compilation Act 1913 – S70A(1)(a))	CEO	CEO is deemed to be the person in authority of local government property and facilities, including the Council Chambers during Council and Committee meetings	
Dog Act 1976 s3(1) s14, s16(2),16(3A), s16(3), s16(3c), s16(6)	CEO Executive Manager Corporate Services	CEO, Executive Manager Corporate Services, Ranger, Finance Coordinator	See conditions above.

## Delegation Register

Shire of Boddington

Act/Section	Position	Purpose	Comment
	Ranger and Emergency Services Officer  Finance Coordinator	appointed and authorised as a registration officer for the purposes of the Dog Act 1976 s3(1) s14, s16(2), 16(3A), s16(3), s16(3c), s16(6)	
Dog Act 1976 s12A, S14, s29(1), s33G, s38, s43A, s47	CEO  Executive Manager Development and Community Services  Ranger and Emergency Services	CEO, EMDCS and Ranger are appointed and authorised as an authorised person for the purposes of s12A, S14, s29(1), s33G, s38, s43A, s47	See conditions above
Dog Act 1976 s33E, 33F, 33G, 33H, 39, 43A	CEO  Executive Manager Development and Community Services  Ranger and Emergency Services Officer	CEO, EMDCS, Ranger as a specifically Authorised Persons for the purposes of s33E, 33F, 33G, 33H, 39, 43A	See conditions above
Dog Act 1976	CEO  Executive Manager Development and Community Services  Ranger and Emergency Services Officer	CEO, EMDCS and Ranger to undertake the powers of an authorised person under the Dog Act 1976 and the Dog Regulations 2013 for all sections not mentioned in prior authorisations.	See conditions above
Dog Regulations 2013 cl 35(5)	CEO  Executive Manager Development and Community Services  Ranger and Emergency Services	Appointed and authorised as an authorised person to withdraw infringement notices.	See conditions above. <u>NOTE – cannot withdraw notice issued by same person.</u>
Environmental Protection Act 1986 s38	CEO	Pursuant to s38 of the Environmental Protection Act 1986 the CEO is authorised to refer Proposals to the	

## Delegation Register

Shire of Boddington

Act/Section	Position	Purpose	Comment
		Environmental Protection Authority.	
Fines, Penalties and Infringement Notices Enforcement Act 1994 s13(2)	CEO	<p>CEO is appointed and authorised as a Prosecuting Officer for the purpose of the Fines, Penalties and Infringement Notices Enforcement Act 1954</p> <p>CEO is authorised the power to provide written notice to the Registrar designating those officers that are prosecution officers for the purposes of sections 16 and 22 of the Fines, Penalties and Infringement Notices Enforcement Act 1994.</p>	Authorised to lodge and withdraw matters which have been registered with Fines Enforcement Registry. FER are notified of appointments by the Shire (see s13)
Food Act 2008 s38, s54, s62, s 65, s66, s67, s110, s112, s122, s125, s126,	<p>CEO</p> <p>Executive Manager Development and Community Services</p> <p>Environmental Health Officer</p>	<p>CEO, <u>Principal Environmental Health Officer/ Building Surveyor Executive Manager Development and Community Services, and Environmental Health Officer</u> are appointed and authorised as Authorised Persons for the purpose of the Food Act 2008.</p>	Shall be furnished with a certificate of authority in the prescribed manner and shall produce that certificate if asked to do so when entering food premises or requiring a person to produce anything or answer any question.
Graffiti Vandalism Act 2016	CEO	CEO is appointed an Authorised Person to deal with Objections and Suspension of effects of Notices and for all other relevant purposes under the Act.	See conditions above.
Graffiti Vandalism Act 2016	Executive Manager Corporate Services	CEO appoints the Executive Manager	See conditions above.

## Delegation Register

Shire of Boddington

Act/Section	Position	Purpose	Comment
	Executive Manager Infrastructure Services  Ranger and Emergency Management Officer	Corporate Services, <a href="#">Executive Manager Infrastructure Services Manager Works</a> , Ranger as Authorised Persons for the other purposes of the Graffiti Vandalism Act 2016, which prescribes Part 9 of the Local Government Act 1995 as the enabling power [s.15 of the Graffiti Vandalism Act 2016] and to have all the powers and duties of Chief Executive Officer, except as otherwise provided	
Health (Asbestos) Regulations 1992: r.15D(7) Infringement Notices  Pt 2 Criminal Procedure Act 2004	CEO  Executive Manager Development and Community Services  Environmental Health Officer	<a href="#">CEO Environmental Health Officer and Executive Manager Development and Community Services</a> be authorised pursuant to the Health (Asbestos) Regulations 1992 for the issuing of infringement notices.  <a href="#">Principal Environmental Health Officer/ Building Surveyor/Chief Executive Officer</a> be appointed as an Approved Officer pursuant to the Health (Asbestos) Regulations 1992 and the Criminal Procedure Act 2004 for the withdrawal or extension to a period to pay an infringement notice.	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)].

## Delegation Register

Shire of Boddington

Act/Section	Position	Purpose	Comment
Liquor Control Act 1988 s39 (Health), s40 (Planning), s61(1)(d), (2), s69(7), (8)	CEO  Executive Manager Development and Community Services  Environmental Health Officer	CEO is authorised to issue Certificates for grant, change or removal of liquor licences. CEO is authorised to provide comment and make recommendations on Applications for Extended Trading Permits. CEO is authorised to intervene in Applications.	
Litter Act 1979 26(1)(c)	All Council members and all employees – as of right, by virtue of Act.	Appointed and authorised as an authorised officer for the purposes of the Litter Act 1979.	Shall be issued with a certificate of appointment as an authorised officer in the prescribed form, evidencing the area of jurisdiction entrusted to him/her under this Act, which he shall, on reasonable demands, be produced.
Litter Act 1979 s30(4a)	CEO  <del>Shire President</del> <del>Executive Manager Corporate Services</del>  <del>Executive Manager Development and Community Services</del>	CEO, <u>Executive Manager Corporate Services, and Executive Manager Development and Community Services</u> <del>is</del> authorised to withdraw infringement notices. <del>If the Chief Executive Officer has issued the relevant infringement notice, the Shire President is authorised to withdraw such a notice.</del>	
Public Health Act 2016  Health (Miscellaneous Provisions) Act 1911	CEO  Executive Manager Development and Community Services  Environmental Health Officer	CEO, Executive Manager Development and Community Services and Environmental Health Officer are appointed as an authorised officer under s24 of the	A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016. Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised



## Delegation Register

Shire of Boddington

Act/Section	Position	Purpose	Comment
		Public Health Act 2016.	officer in accordance with s30 of the Public Health Act 2016.
Public Health Act 2016	CEO  Executive Manager Development and Community Services	CEO as an Authorised Person to undertake duties and functions in relation to: s125 Instituting proceedings and s126(13) The Chief Executive Officer is to be the Designated Officer.	A list of all officers designated as authorised officers must be kept and maintained in accordance with s27 of the Public Health Act 2016. Each person who is designed as an authorised officer must be issued with certificate of authority as an authorised officer in accordance with s30 of the Public Health Act 2016.

## Delegation Register

Shire of Boddington

### 12 Appointments (made, and as of right)

The following appointments are made by the CEO, under delegated authority from Council, or by the CEO, as of right, under relevant legislation. The list includes some, as of right appointments.

Act/Section	Position	Purpose	Comment
Animal Welfare Act 2002 s33(2)(a)(v)	CEO	Appointed as a General Inspector.	To be reviewed every financial year.
Bush Fires Act 1954 s38(1)	Robert Jones	Appointed and authorised as Chief Bush Fire Control Officer for the purpose of the Bush Fires Act 1954.	Shall be issued with a certificate of appointment by the local government.
Bush Fires Act 1954 s38(1)	As per BFAC Annual General Meeting.	Appointed and authorised as a Bush Fire Control Officer for the purpose of the Bush Fires Act 1954.	Shall be issued with a certificate of appointment by the local government.
Bush Fires Act 1954 s38(1)	Brant Lehmann	Appointed and authorised as Deputy Chief Bush Fire Control Officer for the purpose of the Bush Fires Act 1954.	Shall be issued with a certificate of appointment by the local government
Equal Employment Opportunity Act 1984 s145	CEO	CEO is to prepare and implement equal employment opportunity management plans pursuant to s145 Equal Employment Opportunity Act 1984.	
Freedom of Information Act 1992 s41	CEO	CEO is designated Internal Review Officer	
Freedom of Information Act 1992 s11, 12, 100	Executive Manager Corporate Services	Executive Manager Corporate Services appointed as Freedom of Information Coordinator to undertake the duties and functions associated with the lodgement and collation of an application for information in	

## Delegation Register

Shire of Boddington

		accordance with s11, 12, of the Freedom of Information Act 1992	
Freedom of Information Act 1992 s100	CEO	Principal Decision Maker is the Chief Executive Officer.	
Public Interest Disclosure Act 2003 – s23(1)(a)	CEO	Principal Executive Officer (Chief Executive Officer) designates the occupant of a specified position within the authority as the person responsible for receiving disclosures of public interest information. CEO of the Shire of is designated accordingly.	
Rates and Charges (Rebates and Deferments) Regulation Act 1992 – s12; s13; s32	CEO  Executive Manager Corporate Services	CEO is the Pensioner Rates Review Officer, as defined by the Act.  Senior Finance / Rates Officer is the Pensioner Rates Determination Officer as defined by the Act.	
Tobacco Products Control Act 2006 s77	CEO	Appointed and authorised as a Restricted Investigator for the purposes of the Tobacco Products Control Act 2006.	

## 9.2.2 Appointment of Presiding Members and Deputy Presiding Members to Committees

File Reference: 2.049  
Applicant: Not Applicable  
Previous Item: OCM October 2025 | 9.2.1  
Author: Chief Executive Officer  
Disclosure of Interest: Nil  
Voting Requirements: Absolute Majority  
Attachments: Nil

### Summary

The purpose of this report is for Council to appoint the Presiding Members (Chairs) and, where applicable, the Deputy Presiding Members (Deputy Chairs) to its established committees, in accordance with section 5.12 of the Local Government Act 1995 (WA).

### Background

At the October 2025 Council meeting, the following Councillors were appointed to Committees of Council:

- Audit Risk and Improvement Committee: Cr Smalberger, Cr Carrotts, Cr Ryley, Cr Prandl
- Local Emergency Management Committee: Cr Smalberger, Cr Carrotts
- Bushfire Advisory Committee: Cr Carrotts, Cr Kessler

Recent legislative reforms require that all existing committees of local governments have a formally appointed Presiding Member and (where applicable) Deputy Presiding Member.

The appointment of Presiding and Deputy Presiding Members ensures good governance, clear leadership, and procedural consistency in the operation of Council committees.

### Comment

The appointment of Presiding Members and Deputy Presiding Members will ensure each committee continues to operate with strong leadership, procedural consistency, and clear communication channels between the committees and Council.

The following appointments are proposed in accordance with section 5.12 of the *Local Government Act 1995 (WA)*:

Committee	Presiding Member	Deputy Presiding Member
Local Emergency Management Committee	Cr Smalberger	Cr Carrotts
Bushfire Advisory Committee	Cr Carrotts	Cr Kessler

The appointment of Presiding Members and Deputy Presiding Members to the Audit, Risk and Improvement Committee is being addressed through a separate Council Item, given the requirement under the *Local Government Act 1995 (WA)* to appoint external independent members to that committee.

Once appointed, the Presiding and Deputy Presiding Members will assume their roles immediately and preside over all meetings of their respective committees in accordance with the *Local Government Act 1995 (WA)* and the committees' terms of reference.

## Consultation

Nil

## Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.1	Maintain a high standard of leadership, corporate governance and customer service.

## Legislative Implications

Section 5.12 of the *Local Government Act 1995 (WA)*, as amended by the Local Government Amendment (No. 47) 2024, provides that:

- Subsection (1): The local government *must* appoint a member of a committee to be the presiding member of the committee.
- Subsection (2): The local government *may* appoint a member of a committee to be the deputy presiding member of the committee.

The appointments require an absolute majority decision of Council.

## Policy Implications

Nil

## Financial Implications

There are no direct financial implications associated with these appointments.

## Economic Implications

Nil

## Social Implications

Nil

## Environmental and Climate Change Implications

Nil

## Risk Considerations

Risk Statement and Consequence	Failure to appoint Presiding and Deputy Presiding Members by 1 July 2025 would result in non-compliance with the <i>Local Government Act 1995 (WA)</i> , potentially leading to governance and reputational risks.
Risk Rating (prior to treatment or control)	Low
Principal Risk Theme	Compliance, reputational.
Risk Action Plan (controls or treatment proposed)	Proceed with timely appointments by absolute majority resolution.

**Officer Recommendation and Council Decision**

**COUNCIL RESOLUTION: 115/25**

**Moved: Cr H Prandl Seconded: Cr A Ryley**

**That Council, in accordance with section 5.12 of the Local Government Act 1995 (WA):**

- 1. Appoints Cr Smalberger as the Presiding Member and Cr Carrotts as the Deputy Presiding Member of the Local Emergency Management Committee.**
- 2. Appoints Cr Carrotts as the Presiding Member and Cr Kessler as the Deputy Presiding Member of the Bushfire Advisory Committee.**

**Carried: 7-0**

**For: Cr E Smalberger, Cr P Carrotts, Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
Cr I Macpherson, Cr P Kessler**

**Against: Nil**

### 9.2.3 Agreement | Dump Truck Donation

File Reference:	3.000666
Applicant:	Not Applicable
Previous Item:	OCM November 2024   Resolution 170/24
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachments:	9.2.3A Community Investment Agreement – Boddington Truck

#### Summary

Council is requested to endorse the Community Investment Agreement – Boddington Truck Donation between the Shire of Boddington and Newmont Boddington Gold Pty Ltd (Newmont).

#### Background

Boddington has a long and significant association with the mining industry, and the community continues to place strong value on recognising this heritage. To support this, Newmont has proposed the donation of a fully decommissioned 793D haul truck as an iconic interpretive installation. The proposal has been under development since early 2024.

In November 2024, Council considered the matter in detail and resolved to approve the Old School Oval as the preferred location for the display and authorise a contribution from municipal funds of \$100,000 for the project.

That Council decision enabled project planning to commence, with Shire and Newmont representatives meeting throughout the past 12 months to progress the elements of the project. The Community Investment Agreement now presented to Council provides the formal legal framework for the donation and installation of the Truck, and articulates the expectations, responsibilities and risk allocation between the parties.

The Agreement also locks in Newmont's in-kind contribution, which includes significant engineering, transport, safety and installation works. Importantly, these works represent a considerable investment that the Shire would otherwise not be in a position to deliver.

#### Comment

The Agreement provides a robust and clear basis for progressing the project, and formalises arrangements that have been discussed informally with Newmont. The document outlines roles, responsibilities and expectations in a way that is manageable for the Shire and reasonable for a contribution of this size.

From an administrative perspective, the Agreement is appropriate, however, given the scale of the asset and the long-term obligations contained in the Agreement, Council should be aware of the following key considerations:

#### 1. Long-term Asset Management and Maintenance Obligations

Once the Truck is handed over, the Shire assumes full responsibility for:

- Long-term maintenance;
- Structural monitoring and safety;
- Insurance of the Truck and installation area;
- Management of public access; and

- Renewals or modifications required over time.

This is manageable, but Council should recognise the commitment spans 15 years and should be incorporated into long-term asset planning.

## 2. Indemnity and Release of Liability

Upon handover, Newmont is indemnified against all liabilities arising from the Truck and its installation. This is standard for donated equipment, but reinforces the need for adequate insurance coverage, routine inspections, and appropriate signage.

## 3. Termination Provisions

Clauses 13 and 16 allow Newmont to terminate the Agreement for convenience with notice. In practical terms, this risk is low because:

- The majority of Newmont's obligations arise early (transport, engineering, installation); and
- Once the Truck is installed, termination holds minimal operational consequence for the Shire.

## 4. Use Restrictions and Signage Requirements

The Truck must remain a static interpretive asset for 15 years and cannot be sold or recommissioned without Newmont's consent (Clause 5).

The Agreement is reasonable and proportionate to the scale of the donation. The obligations placed on the Shire are clear, manageable and consistent with Council's previous direction. No significant issues are identified that would prevent Council from endorsing the Agreement.

### Consultation

Community consultation occurred in 2024 as part of the site selection and project planning phase, which confirmed strong community support for the Old School Oval location. No specific consultation has occurred in relation to this Agreement.

### Strategic Implications

Aspiration	Prosperity
Outcome 11	An attractive destination for day trips and short-stay visitors
Objective 11.4	Conserve and promote Boddington's unique mining history and heritage to strengthen local identity and grow tourism,
Action 11.4.2	Consider where and how to display a gold mining dump truck to put the spotlight on Boddington's gold mining heritage and create a unique tourist attraction.

### Legislative Implications

Nil

### Policy Implications

Nil

### Financial Implications



The costs included in the Agreement were anticipated and incorporated into the revised project budget adopted by Council in November 2024. Additional insurance costs will equate to approximately \$1,000 per year.

#### Economic Implications

The dump truck display has the potential to stimulate economic activity in Boddington by attracting tourists, thereby supporting local businesses, and increasing visitor spending.

#### Social Implications

The proposed display may have social implications, including fostering community pride, promoting historical awareness, and creating opportunities for public interaction and engagement.

#### Environmental and Climate Change Implications

Newmont is responsible for draining fluids following installation. No other environmental factors are anticipated.

#### Risk Considerations

Risk Statement and Consequence	The key risks in relation to this item include asset deterioration or public safety issues if not adequately maintained, increased insurance and maintenance costs over time, and reputational risk if the project is delayed or poorly presented.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	People, Reputation, Financial
Risk Action Plan (controls or treatment proposed)	Regular assessments of the safety of the display are to be carried out following installation. An allocation for maintenance is to be considered in the Strategic Resource Plan.

#### Officer Recommendation and Council Decision

##### **COUNCIL RESOLUTION: 116/25**

**Moved: Cr I Macpherson    Seconded: Cr J Van Heerden**

**That Council endorses the Community Investment Agreement – Boddington Truck Donation between the Shire of Boddington and Newmont Boddington Gold Pty Ltd as provided in Attachment 9.2.3A.**

Carried:        **7-0**

For:            Cr E Smalberger, Cr P Carrotts, Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
                    Cr I Macpherson, Cr P Kessler

Against:       Nil

## Community Investment Agreement

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Newmont Boddington Gold Pty Ltd

Shire of Boddington

# Community Investment Agreement

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Date ►

Between the parties

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**Newmont**                      Newmont Boddington Gold Pty Ltd  
ABN 45 101 199 731  
Level 5, 500 Hay Street  
Subiaco WA 6008

**Grantee**                      Shire of Boddington  
ABN 22 502 664 685  
39 Bannister Road  
Boddington WA 6390

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- Recitals**
- A. Newmont is the manager of the Boddington Gold Mine Joint Venture between Newmont Boddington Pty Ltd (ABN 32 062 936 547) and Saddleback Investments Pty Ltd (ABN 96 134 978 224).
  - B. Newmont's Community Assistance Programme offers financial support to projects that offer long term sustainable benefits, such as the development of local economic, human capital and capacity, infrastructure and services, and the protection of natural resources, culture and heritage.
  - C. Newmont has agreed to provide funding to the Grantee on the terms and conditions in this Agreement.

## 1 Definitions and interpretation

### 1.1 Definitions

In this Agreement:

Term	Meaning
<b>Agreement</b>	this agreement and all schedules and annexures to it.
<b>Associated Works</b>	Newmont's Associated Works and the Grantee's Associated Works.
<b>Business Day</b>	a day which is not a Saturday, Sunday or bank or public holiday in Perth, Western Australia.
<b>Claim</b>	action, suit, proceeding or demand of any kind and any actual or alleged entitlement or right of any kind arising out of this Agreement or a breach of it, or arising at common law, in equity or under any Law.
<b>Commencement Date</b>	the date of this Agreement.
<b>Confidential Information</b>	<ul style="list-style-type: none"><li>(a) all information relating to the business and operations of the Grantee which Newmont has been advised by the Grantee to treat as confidential;</li><li>(b) all information relating to the business and operations of Newmont or any of its Related Bodies Corporate which the Grantee has been advised by Newmont or any of its Related Bodies Corporate to treat as confidential; and</li><li>(c) any other information which the parties agree from time to time to be confidential.</li></ul>
<b>Consequential Loss</b>	<ul style="list-style-type: none"><li>(a) loss of revenue or profit;</li><li>(b) loss of business, contract or anticipated savings;</li><li>(c) loss of use, data or production;</li><li>(d) loss of or damage to goodwill or reputation; or</li><li>(e) special, indirect or consequential loss or damage that does not naturally arise from an event or breach arising in relation to, or in connection with this Agreement.</li></ul>
<b>Contribution</b>	donation of the Truck.
<b>Government Authorisations</b>	all approvals, consents, authorisations, permits, clearances, licences or other requirements, that are required by or from any government agency.
<b>Grantee's Associated Works</b>	the works identified in clause (b) of Schedule 3, which are the responsibility of the Grantee.
<b>GST</b>	goods and services tax levied under the GST Act.
<b>GST Act</b>	<i>A New Tax System (Goods and Services Tax) Act 1999</i> (Cth).
<b>Installation Area</b>	Old School Oval, Boddington.

<b>Intellectual Property</b>	all intellectual property rights and includes any: <ul style="list-style-type: none"> <li>(a) patent, trade mark (whether registered or common law), copyright (including future copyright), moral rights, registered design or other design right and any corresponding property or right under the laws of any jurisdiction;</li> <li>(b) right under any Law or under the laws of any other jurisdiction to apply for the grant or registration of a patent, trade mark, copyright (including future copyright), moral rights, registered design or other design right and any corresponding property or right; and</li> <li>(c) rights in respect of an invention, discovery, trade secret, know-how, concept, idea, information (including Confidential Information), data, algorithm or formula.</li> </ul>
<b>Law</b>	common law, principles of equity and laws made by parliament (and laws made by parliament include State, Territory and Commonwealth laws, codes, bylaws and regulations and any other instruments under them).
<b>Liability</b>	liability, loss, damage (of any nature, including aggravated and punitive), cost (including legal costs), Claim, suit, charge, diminution in value action, statutory or equitable compensation, demand, expense or proceeding or loss of any nature and of any kind whatsoever and howsoever arising including under any Law or Government Authorisation.
<b>Newmont's Associated Works</b>	the works identified in clause (a) of Schedule 3, which are the responsibility of Newmont.
<b>Project</b>	establishment of an educational display featuring a mining truck for the public's use and access.
<b>Related Body Corporate</b>	has the meaning given to 'related body corporate' in section 50 of the <i>Corporations Act 2001</i> (Cth).
<b>Term</b>	a period commencing on the Commencement Date and ending on the earlier of: <ul style="list-style-type: none"> <li>(a) the date on which all of the parties' obligations have been completed in accordance with this Agreement; and</li> <li>(b) the date this Agreement is terminated in accordance with the terms of this Agreement.</li> </ul>
<b>Truck</b>	the Big Truck 793D Off Highway Truck with serial number DB01024 and machine build date of 2008/11/12.

## 1.2 Interpretation

In this Agreement unless the context requires otherwise:

- (a) the singular includes the plural, and the plural includes the singular;
- (b) a reference to a person includes an individual and a corporation;
- (c) a reference to a party includes that party's executors, administrators, successors and assigns
- (d) an expression importing a person includes any company, partnership, joint venture, associate, corporation or other body corporate and any governmental agency as well as an individual;
- (e) an obligation under this Agreement on the part of two or more persons binds each person individually and all of them jointly;

- (f) headings and bold type are for convenience only and do not affect the interpretation of this Agreement;
- (g) if the day a party must do something under this Agreement is not a Business Day, then the party must do it on the next Business Day; and
- (h) a reference to \$ is to Australian currency unless denominated otherwise.

## 2 Term

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This Agreement commences on the Commencement Date and continues for the Term unless terminated earlier in accordance with this Agreement.

## 3 Community investment objectives

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By entering into this Agreement, Newmont aims to support the Grantee's tourism development strategies and recognition of the role played by mining in the development of the Boddington Town.

## 4 Contribution and Associated Works

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- (a) Newmont will provide to the Grantee the Contribution and carry out Newmont's Associated Works in accordance with the terms of this Agreement.
- (b) The Grantee must carry out the Grantee's Associated Works in accordance with the terms of this Agreement.
- (c) The Grantee must not engage any contractors to perform the Grantee's Associated Works without the prior consent of Newmont.

## 5 Specific Project objectives

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The Grantee agrees that, for a total of 15 years from the Commencement Date, the Contribution provided by Newmont under this Agreement will only be used for the purposes of the Project, and will not be used for any other purpose, including commissioning the Truck for use as a mining vehicle or sold (including for scrap value) without the prior written consent of Newmont.

## 6 Performance

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In carrying out their obligations under this Agreement, each party must, and must ensure that its personnel:

- (a) comply with all relevant Laws and Government Authorisations;
- (b) be suitably skilled, qualified, trained and experienced in carrying out the Associated Works;
- (c) at all times exercise a standard of skill, diligence and care which would reasonably be expected from a skilled and experienced service provider engaged to perform the Associated Works;
- (d) perform their obligations in a safe, efficient and competent manner and in accordance with relevant Laws, Government Authorisations and this Agreement; and
- (e) co-operate with the other party, including by complying with the reasonable directions of the other party.

## 7 Risk, title and condition

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- (a) Risk and title in the Truck will pass to the Grantee once the Truck is handed over to the Shire in accordance with clause 8(b).
- (b) The Grantee acknowledges and agrees that the Truck is provided by Newmont on an as is, where is basis, including any faults and defects that may be present.

- (c) The Grantee acknowledges that:
  - (1) Newmont makes no representation or warranty of any kind, express or implied, as to the merchantability, condition, fitness for any particular purpose, or anything else with respect to the Truck; and
  - (2) any description, diagrams, photos, manuals, blueprints or other information provided by Newmont in connection with this Agreement is for the sole purpose of identifying the Truck and does not constitute a representation or warranty.

## 8 Delivery, installation and maintenance

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- (a) Once the Truck is delivered to the Installation Area, Newmont will install and secure the Truck to the Installation Area and undertake any of Newmont's Associated Works that have not yet been completed.
- (b) Once Newmont has carried out its obligations under clause 8(a), the parties will undertake a joint inspection of the Truck and the Truck will be handed over to the Shire.
- (c) Without limiting clause 7(a), the Shire agrees that the ongoing maintenance of the Truck is the Shire's responsibility and that it will maintain adequate insurance for the Truck and the Installation Area.

## 9 Indemnity and release of liability

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- (a) On and from the date risk in the Truck passes to the Grantee under clause 7(a), the Grantee:
  - (1) releases Newmont from all Liability (including any environmental Liability) arising from the Contribution, Newmont's Associated Works and this Agreement; and
  - (2) must, to the extent permitted by Law, indemnify all Newmont Indemnified Parties from and against all Liabilities (including any Claim from a third party) that any Newmont Indemnified Party suffers, sustains or incurs, arising from the Contribution, Newmont's Associated Works and this Agreement.
- (b) Neither Party will be liable to the other for any Consequential Loss.

## 10 Insurance

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Each party must obtain and maintain an insurance policy with a reputable insurance company with respect to risks or occurrences arising, or which may arise, from the performance of its obligations under this Agreement, including but not limited to public and product liability insurance for an amount not less than ten million dollars (\$10,000,000).

## 11 Progress, evaluation and reporting

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- (a) Within 3 months of the Truck being handed over to the Grantee under clause 8(b), the Grantee will provide Newmont with a concise written report on the activities and outcomes delivered by the Project that is generally consistent with Schedule 1.
- (b) The parties will use reasonable endeavours to ensure there is consistent and ongoing communication between the Newmont Director Social Performance Boddington and the Grantee's CEO to identify additional opportunities for community investment and provide progress reports on the Project to Newmont.

## 12 Acknowledgement of sponsorship

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- (a) In consideration of the payments made under this Agreement, the Grantee agrees that it will:
  - (1) acknowledge Newmont's support and include the Newmont logo in communications related to the Project;
  - (2) acknowledge Newmont's support for the Project on the Grantee's website, annual reports and other relevant reports or publications; and
  - (3) acknowledge Newmont's support and include Newmont's logo in the interpretive signage for the Truck, with final design to be agreed collaboratively with Newmont during the course of this Agreement.
- (b) Newmont reserves the right to, at any time, request the removal of any signage that associates Newmont with the Truck. If requested, the Grantee must promptly undertake the removal of the relevant signage.

## 13 Termination

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- (a) Newmont may at any time in its absolute discretion terminate this Agreement for their convenience by giving not less than 30 days' prior written notice to the Grantee.
- (b) Termination of this Agreement in accordance with clause 13(a) is without prejudice to accrued rights of the parties that arose prior to termination.
- (c) The Grantee will not have any Claim for damages, loss, expenses or costs, including Consequential Loss, on account of or arising out of the termination of this Contract by Newmont pursuant to clause 13(a).

## 14 Intellectual Property

---

- (a) The Grantee may use Newmont's Intellectual Property with the prior written consent of Newmont, which may be withheld by Newmont in its absolute discretion with such consent deemed to have been provided should no response be provided to the Grantee within 7 Business Days of such request being received by Newmont.
- (b) Any consent given to the Grantee to use Newmont's Intellectual Property is given on the basis that Newmont is granting the Grantee a revocable, royalty free, non-exclusive, non-transferable licence to use such Intellectual Property to the extent required to perform its obligations under this Agreement.
- (c) If the Grantee uses Newmont's Intellectual Property, it must comply with all reasonable directions, instructions and specifications given by Newmont from time to time regarding the manner of its use.

## 15 Confidential Information

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Each party (**Recipient**) must keep secret and confidential, and must not divulge or disclose any Confidential Information other than to the extent that:

- (a) the information is in the public domain as at the date of this Agreement (or subsequently becomes in the public domain other than by breach of any obligation of confidentiality binding on the recipient);
- (b) the Recipient is required by law to disclose the information or by the rules of any recognised stock exchange, provided that the recipient has (to the extent possible having regard to the required timing of the disclosure) consulted with the provider of the information as to the form and content of the disclosure;
- (c) the disclosure is made by the Recipient to its financiers or lawyers, accountants, investment bankers, consultants or other professional advisers to the extent necessary to enable the Recipient to properly perform its obligations under this Agreement or to conduct their business generally, in which case the Recipient must ensure that such persons keep the information secret and confidential and do not divulge or disclose the information to any other person;



- (d) the disclosure is required for use in legal proceedings regarding this Agreement; or
- (e) the party to whom the information relates has consented in writing before the disclosure.

## 16 Partnering against corruption and termination

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- (a) In carrying out its responsibilities in relation to this Agreement and otherwise, neither the Grantee nor any director, officer, employee or agent of the Grantee will, directly or indirectly, pay, promise to pay, or authorise the payment of any money, or offer, give, promise to give, or authorise the giving of anything of value to:
  - (1) any official or employee of any government, or of any department, agency or instrumentality thereof;
  - (2) any political party or official thereof, or to any candidate for political office, or
  - (3) any official or employee of any public international organisation,
 in each case for the purpose of influencing any act or decision of such official, employee, party or candidate, or inducing such official, employee, party or candidate to do or omit to do any act for the benefit of Newmont in violation of the lawful duty of such official, employee, party or candidate, or securing any improper advantage for Newmont, or inducing such party, official, or candidate to use its or his influence with a foreign government or instrumentality for the benefit of Newmont thereof to affect or influence any act or decision of such government or instrumentality, or otherwise promoting the business interests of Newmont in any respect. Newmont may immediately terminate this Agreement if it receives information which it determines to be evidence of conduct that is contrary to this clause 16(a).
- (b) Despite clause 16(a) above, Newmont may at any time terminate this Agreement for its convenience by giving not less than ninety (90) days prior written notice to the Grantee. From the date the termination takes effect, each party will be released from the obligation to comply with the requirements contained in this Agreement, including (in the case of Newmont) the obligation to pay future instalments of the Investment Amount.

## 17 Notices

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### 17.1 Form of Notice

A notice or other communication to a party under this Agreement (**Notice**) must be:

- (a) in writing and in English and signed by or on behalf of the sending party; and
- (b) addressed to that party in accordance with the details nominated in Schedule 2 (or any alternative details nominated to the sending party by Notice).

### 17.2 How Notice must be given and when Notice is received

- (a) A Notice must be given by one of the methods set out in the table below.
- (b) A Notice is regarded as given and received at the time set out in the table below.
- (c) However, if this means the Notice would be regarded as given and received outside the period between 9.00am and 5.00pm (addressee's time) on a Business Day (**business hours period**), then the Notice will instead be regarded as given and received at the start of the following business hours period.

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Method of giving Notice	When Notice is regarded as given and received
By hand to the nominated address	When delivered to the nominated address

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<b>Method of giving Notice</b>	<b>When Notice is regarded as given and received</b>
By pre-paid post to the nominated second Business address	At 9.00am (addressee's time) on Day after the date of posting
By email to the nominated email address	At the time indicated by the sending party's equipment as the time that the email was sent in its entirety (unless the sender receives a delivery failure notification indicating that the email has not been delivered to the addressee)

## 18 Goods and Services Tax

- (a) Any reference in this clause 18 to a term defined or used in the GST Act is, unless the context indicates otherwise, a reference to that term as defined or used in that Act.
- (b) Unless specifically described in this Agreement as 'GST inclusive', all amounts specified in the Agreement as being payable by either party to the other are exclusive of any GST.
- (c) If a Supply under or in connection with the Agreement constitutes a Taxable Supply, the Grantee may recover from the Recipient an amount on account of GST in addition to any payment or other consideration for the Supply. The additional amount is equal to the Value for the Supply multiplied by the prevailing GST rate charged by the GST Act at the time of Supply.
- (d) If any Supply is a Taxable Supply, then notwithstanding any contrary provision in the Agreement, Newmont is not obliged to make any payment under the Agreement unless the Grantee has provided a Tax Invoice in respect of the Taxable Supply attributable to that payment.
- (e) If the actual GST liability of the Grantee differs from the additional amount paid by the Recipient on account of GST, the Grantee will issue a valid Adjustment Note, and an amount equal to the difference must be paid by the Grantee to the Recipient or by the Recipient to the Grantee as appropriate.
- (f) If any party is entitled to payment of any costs or expenses by way of reimbursement or indemnity, then such payment must exclude any part of that cost or expense which is attributable to GST for which that party or the Representative Member of any GST Group of which that party is a Member is entitled to an Input Tax Credit. A party will be assumed to be entitled to a full Input Tax Credit unless it demonstrates that its entitlement is otherwise prior to the date on which payment must be made.

## 19 Duties, costs and expenses

### 19.1 Duties

The Grantee must pay all duty in respect of the execution, delivery and performance of this Agreement and any agreement or document entered into or signed under this Agreement.

### 19.2 Costs and expenses

- (a) Unless otherwise provided for in this Agreement, each party must pay its own costs and expenses in respect of the negotiation, preparation, execution, delivery and registration of this deed and any other agreement or document entered into or signed under this Agreement.
- (b) Any action to be taken by a party in performing its obligations under this Agreement must be taken at its own cost and expense unless otherwise provided in this Agreement.

**20.1 Further action**

Newmont and the Grantee must each do everything reasonably necessary to give effect to this Agreement.

**20.2 Governing law and jurisdiction**

- (a) This Agreement is governed by the law of Western Australia.
- (b) Each party irrevocably submits to the non-exclusive jurisdiction of courts of Western Australia.

**20.3 Prohibition and enforceability**

- (a) Any provision of, or the application of any provision of, this Agreement that is prohibited in any jurisdiction is, in that jurisdiction, ineffective only to the extent of that prohibition.
- (b) Any provision of, or the application of any provision of, this Agreement that is void, illegal or unenforceable in any jurisdiction does not affect the validity, legality or enforceability of that provision in any other jurisdiction or of the remaining provisions in that or any other jurisdiction.

**20.4 Assignment**

The Grantee must not assign or transfer all or any of the Grantee's rights or obligations under this Agreement to any third party without the written consent of Newmont.

**20.5 Survival**

The provisions in clauses 1 (Definitions and interpretation), 5 (Specific Project objectives), 7 (Risk, title and condition), 9 (Indemnity and release of liability), 10 (Insurance), 12(b), 13 (Termination), 14 (Intellectual Property), 15 (Confidential Information), 20.2 (Governing law and jurisdiction) and 20.5 (Survival), as well as any other provision, which by its general terms may be reasonably intended to survive, survive the expiration or termination of this Agreement.

**20.6 No partnership**

Nothing in this Agreement is to be treated as creating a partnership or trust and except as specifically provided in this agreement no party may act as agent of a party or in any way bind another party to any obligation.

**20.7 No waiver**

No party may rely on the words or conduct of the other party as a waiver of any right unless the waiver is in writing and signed by the party granting the waiver.

**20.8 Counterparts**

- (a) This Agreement may be executed in any number of counterparts that together will constitute one instrument.
- (b) A party may execute this Agreement by signing any counterpart and exchanging by sending a .pdf or facsimile copy of the executed instrument to the other party.

# Signing page

Executed by  
**Newmont Boddington Gold Pty Ltd**  
**ABN 45 101 199 731** in accordance  
with section 127(1) of the  
*Corporations Act 2001* (Cth)  
by

*sign here ▶* \_\_\_\_\_  
Director

*print name* \_\_\_\_\_

*sign here ▶* \_\_\_\_\_  
Director/Company Secretary

*print name* \_\_\_\_\_

*date* \_\_\_\_\_

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Executed by  
**Shire of Boddington ABN 22 502**  
**664 685**

*sign here ▶* \_\_\_\_\_  
Chief Executive Officer

*print name* \_\_\_\_\_

*date* \_\_\_\_\_

Reporting Requirements

1 ORGANISATION DETAILS

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Organisation Name:	
Applicant (if applicable):	
Postal Address:	
Contact Person:	
Telephone:	
Mobile:	
E-mail:	

2 GENERAL PROJECT INFORMATION

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Project Title:	
Start Date:	
Completion Date:	
Total Project Cost:	
Funding From Newmont:	

3 KEY OBJECTIVES AND OUTCOMES:

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#### 4 NEWMONT Support - Brand Recognition, Promotion and Publicity

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Provide an overview of how the Newmont support was communicated.

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#### 5 DECLARATION

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I..... (Title).....

of.....

hereby declare that the information provided within this acquittal form is a true and accurate record of the acquittal of funds received, and the recognition of support from the Newmont Community Assistance Programme for the granted project.

Signed .....this .....day of.....202.....

## Schedule 2

### Notice Details

<b>Newmont</b>	Address	Level 5, 500 Hay Street, Subiaco WA 6008 with a copy to: PO Box 48, Boddington WA 6390
	Attention	Daniel Marsh
	Phone	(08) 9423 6100
	Email	<a href="mailto:daniel.marsh@newmont.com">daniel.marsh@newmont.com</a> with a copy to <a href="mailto:Aus-Notices@newmont.com">Aus-Notices@newmont.com</a>
<b>Grantee</b>	Address	Shire of Boddington Administration Building 39 Bannister Marradong Road, Boddington WA 6390
	Attention	Julie Burton, CEO, Shire of Boddington
	Phone	08 9883 4999
	Email	<a href="mailto:shire@boddington.wa.gov.au">shire@boddington.wa.gov.au</a>

## Schedule 3

### Associated Works

- (a) Newmont is responsible for the following tasks to prepare, decommission and install the Truck at its own cost:
- (1) geotechnical engineering for the concrete pad for the Truck at the Installation Area;
  - (2) structural engineering for stands at the Installation Area;
  - (3) transporting the Truck to the Installation Area (including traffic control contractor, TMP and required permits);
  - (4) transporting tyres to the Installation Area;
  - (5) installing the tray to the Truck at the Installation Area;
  - (6) replacing the tyres on the Truck at the Installation Area;
  - (7) draining of Truck fluids as far as practical without on-site rebuild;
  - (8) installing polycarbonate infills for the Truck windows;
  - (9) painting and blasting the Truck;
  - (10) installation of platforms and stairs to enable access to the Truck; and
  - (11) designing, engineering and installing safety handrails on the Truck (including provision of steel for the handrails).
- (b) The Grantee is responsible for the following tasks to prepare the Installation Area and support the installation of the Truck at its own cost:
- (1) developing a site masterplan / agreed location;
  - (2) establishing a concrete pad at the Installation Area for the Truck (including site services investigations, temporary road, materials for the concrete pad and supervision of contractors) but excluding geotechnical engineering;
  - (3) establishing security and safety fencing so the Installation Area can be secured prior to, during the Truck installation and until works are complete;
  - (4) installation of signs at the Installation Area; and
  - (5) maintenance of all aspects of the Installation Area without further recourse to Newmont.



## 9.3 CORPORATE SERVICES

### 9.3.1 Payment Listing

File Reference: 3.0070  
Applicant: Nil  
Previous Item: Nil  
Author: Executive Manager Corporate Services  
Disclosure of Interest: Nil  
Voting Requirements: Simple Majority  
Attachments: 9.3.1A List of Payments ending 31 October 2025

#### Summary

The list of payments for the month ending 31 October 2025 is presented for noting by Council.

#### Background

Council has delegated the Chief Executive Officer the exercise of its power to make payments from the Shires municipal fund and the trust fund.

In exercising their authority, and in accordance with the Local Government (Financial Management) Regulation, it is a requirement to produce a list of payments made from Councils Municipal Fund and Trust Fund bank accounts to be presented to Council for the purposes of noting, in the following month.

#### Comment

The List of Payments have been made in accordance with Council's adopted budget, and statutory obligations.

#### Consultation

Nil

#### Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.2	Responsibly manage the Shire's finances, human resources and assets

#### Legislative Implications

##### *Local Government (Financial Management) Regulations 1996 - Reg 13*

- (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —
  - (a) the payee's name; and
  - (b) the amount of the payment; and
  - (c) the date of the payment; and
  - (d) sufficient information to identify the transaction.

#### Policy Implications

Nil

#### Financial Implications

As disclosed within the payment listing.

#### Economic Implications

Nil

#### Social Implications

Nil

#### Environmental and Climate Change Considerations

Nil

#### Risk Considerations

Risk Statement and Consequence	Failure to present a detailed listing of payments made from the Shire bank accounts in the prescribed form would result in non-compliance with the Local Government (Financial Management) Regulations 1996, which may result in a qualified audit.
Risk Rating (prior to treatment or control)	Minor
Principal Risk Theme	Reputational / Compliance
Risk Action Plan (controls or treatment proposed)	Nil

#### **Officer Recommendation and Council Decision**

##### **COUNCIL RESOLUTION: 117/25**

**Moved: Cr P Kessler                      Seconded: Cr J Van Heerden**

**That Council receive the list of payments for the month ending 31 October 2025 as presented.**

**Carried:                      7-0**

**For:                      Cr E Smalberger, Cr P Carrotts, Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
Cr I Macpherson, Cr P Kessler**

**Against:                      Nil**

**SHIRE OF BODDINGTON - LIST OF PAYMENTS - OCTOBER 2025**

Chq/EFT	Date	Name	Description	Amount
EFT28480	03/10/2025	BODDINGTON MEDICAL CENTRE	SOUTH32 COMMUNITY HEALTH INITIATIVE - 2ND INSTALMENT	27,500.00
EFT28481	03/10/2025	TEAM GLOBAL EXPRESS PTY LTD	COURIER CHARGES	223.58
EFT28482	03/10/2025	COLOR CONTRAST PAINTING SERVICES	PAINTING AT THE BODDINGTON SWIMMING POOL	13,915.00
EFT28483	03/10/2025	STATE LIBRARY OF WESTERN AUSTRALIA	BETTER BEGINNINGS 2025/2026	154.00
EFT28484	03/10/2025	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT COLLECTION FEES AUGUST 2025	143.00
EFT28485	03/10/2025	OZLITE PTY LTD	LED SOLAR BOLLARDS	3,211.58
EFT28486	03/10/2025	SHIRE OF NARROGIN	BUILDING SERVICES AUGUST 2025	1,708.00
EFT28487	03/10/2025	MARRADONG CONTRACTING PTY LTD	GRAVEL	3,604.43
EFT28488	03/10/2025	IANNELLO DESIGN	SHIRE OF BODDINGTON COUNCIL PLAN 2025	852.50
EFT28489	03/10/2025	PYKE PLUMBING & GAS PTY LTD	BACKFLOW DEVICE TESTING	468.13
EFT28490	03/10/2025	APEX ENVIROCARE	REHABILITATION OF LIONS WEIR	103,232.80
EFT28491	03/10/2025	WESTERN PROPERTY SERVICES	CLEANING OF GUTTERS VARIOUS SHIRE LOCATIONS	2,909.50
EFT28492	03/10/2025	WORKSCREEN MEDICAL PTY LTD	PRE-EMPLOYMENT MEDICAL	264.00
EFT28493	03/10/2025	FETCH PRINT	SIGNAGE	3,795.00
EFT28494	03/10/2025	WH LOCATIONS SERVICES PTY LTD	LOCATION OF SERVICES	1,117.74
EFT28495	03/10/2025	INTELIFE GROUP LIMITED	TREE LOPPING	6,160.00
EFT28496	03/10/2025	DEPARTMENT OF FIRE & EMERGENCY SERVICES	MITIGATION ACTIVITY GRANT - RETURN OF UNPEND FUNDS	42,538.50
EFT28497	03/10/2025	THE LOCK MAN SECURITY	NEW LOCKS - 16 BLUE GUM CL	350.00
EFT28498	10/10/2025	LANDGATE	ONLINE LAND ENQUIRY	195.60
EFT28499	10/10/2025	ADVANTAGE ENVIRONMENTAL PEST CONTROL	PEST CONTROL	302.28
EFT28500	10/10/2025	TANIA MARIE DAWSON	BODDFIT MEMBER INDUCTIONS	140.00
EFT28501	10/10/2025	SEEK LIMITED	SEEK ADVERTISING	537.35
EFT28502	10/10/2025	NEWMONT BODDINGTON GOLD	RENT 3 PRUSSIAN WAY	1,300.00
EFT28503	10/10/2025	DORMAKABA AUSTRALIA PTY LTD	AUTOMATIC DOOR SERVICING	115.50
EFT28504	10/10/2025	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT COLLECTION FEES SEPTEMBER 2025	11.00
EFT28505	10/10/2025	ZIRCODATA PTY LTD	STORAGE FEES	103.63
EFT28506	10/10/2025	ACCESS LIFE	STRENGTH FOR LIFE COACH FEES	560.00
EFT28507	10/10/2025	SURVEYING SOUTH	SURVEY - BODDINGTON CEMETERY	2,200.00
EFT28508	10/10/2025	MARRADONG CONTRACTING PTY LTD	HIRE OF DOZER	12,996.50
EFT28509	10/10/2025	PETE'S TREEWORX	RISK ASSESSMENT REPORT	2,732.40
EFT28510	10/10/2025	BODDINGTON SUPERMARKET PTY LTD	YOUTH CENTRE PURCHASES SEPTEMBER 2025	376.12
EFT28511	10/10/2025	GFG TEMPORARY ASSIST	TEMPORARY PERSONNEL SUPPORT	8,911.10
EFT28512	10/10/2025	PYKE PLUMBING & GAS PTY LTD	INSTALLATION OF BUBBLER TAP	603.46
EFT28513	10/10/2025	APEX ENVIROCARE	REHABILITATION OF LIONS WEIR	57,233.00
EFT28514	10/10/2025	UNIFORMS AT WORK AUSTRALIA PTY LTD	STAFF UNIFORMS	613.90
EFT28515	10/10/2025	COMMERCIAL IRRIGATION W.A	NEW RETICULATION AT THE CARAVAN PARK	7,370.00
EFT28516	10/10/2025	BODDINGTON PLUMBING & GAS	SWIMMING POOL CHANGEROOM UPGRADE	40,171.96
EFT28517	10/10/2025	EMERGE ENVIRONMENTAL SERVICES PTY LTD	MOUNTAIN BIKE TRAIL ENVIRONMENTAL SUPPORT	4,734.22
EFT28518	10/10/2025	HAMISH'S MAINTENANCE SERVICES	SWIMMING POOL CHANGEROOMS UPGRADE	10,750.00
EFT28519	10/10/2025	TELAIR PTY LTD	INTERNET SERVICE	517.00
EFT28520	10/10/2025	WESTCOAST ROOFS PTY LTD	ROOFING MATERIALS	5,000.00
EFT28521	10/10/2025	DUNBAR SERVICES (WA) PTY LTD	CLEANING OF HOTHAM PARK CAFE	2,733.50
EFT28522	10/10/2025	JOHNSON HICKS CONVEYANCING	RATES REFUND	1,016.25
EFT28523	10/10/2025	AVON WASTE	RUBBISH SERVICES SEPTEMBER 2025	14,265.81
EFT28524	10/10/2025	SHIRE OF BODDINGTON	BSL COMMISSION SEPTEMBER 2025	25.00
EFT28525	10/10/2025	DEPT OF MINES,INDUSTRY REGULATION & SAFETY	BSL SEPTEMBER 2025	1,289.19
EFT28526	10/10/2025	BODDINGTON SES	REIMBURSEMENT FOR THE SES	1,844.16
EFT28527	10/10/2025	VISIMAX	HELMET TORCHES	2,021.62
EFT28528	10/10/2025	THE LOCK MAN SECURITY	SWIMMING POOL - DE-INSTALL LOCKS & RE-ASSEMBLE	187.10
EFT28529	17/10/2025	BODDINGTON TENNIS CLUB INC	KEY BOND REFUND	400.00
EFT28530	17/10/2025	AUSTRALIA POST ACCOUNTS RECEIVABLE	POSTAGE SEPTEMBER 2025	136.71
EFT28531	17/10/2025	OFFICEWORKS BUSINESS DIRECT	STATIONERY ITEMS	341.93
EFT28532	17/10/2025	LANDGATE	GRV INTERIM VALUATIONS	16,588.15
EFT28533	17/10/2025	ABCO PRODUCTS PTY LTD	CLEANING PRODUCTS	91.63
EFT28534	17/10/2025	TEAM GLOBAL EXPRESS PTY LTD	COURIER CHARGES	475.66
EFT28535	17/10/2025	CURTIS ELECTRICAL CONTRACTING	ELECTRICAL WORK - VARIOUS SHIRE LOCATIONS	2,620.74
EFT28536	17/10/2025	SHERIDAN'S	COUNCILLOR NAME BADGES	126.34
EFT28537	17/10/2025	WALLIS COMPUTER SOLUTIONS	HARDWARE FOR WIRELESS LINK AT THE DEPOT	2,675.56
EFT28538	17/10/2025	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT COLLECTION FEES SEPTEMBER 2025	22.00
EFT28539	17/10/2025	H & H ARCHITECTS	BODDINGTON REVITALISATION PLAN	2,240.70
EFT28540	17/10/2025	ST JOHN AMBULANCE WESTERN AUSTRALIA LTD	SERVICING OF FIRST AID KITS	1,151.05
EFT28541	17/10/2025	RETRO ROADS	LINE MARKING MAIN STREET	11,713.68
EFT28542	17/10/2025	CORSIGN WA	GUIDE POSTS AND SIGNAGE	7,624.10
EFT28543	17/10/2025	BODDINGTON POST OFFICE & STORE	STATIONERY ITEMS	780.59
EFT28544	17/10/2025	SAPIO PTY LTD	INSTALL OF 3 SWIPECARD PORTALS + ANNUAL LICENSE	19,064.56
EFT28545	17/10/2025	BODDINGTON SUPERMARKET PTY LTD	SHIRE PURCHASES FOR AUGUST 2025	435.23
EFT28546	17/10/2025	SOS OFFICE EQUIPMENT	PHOTOCOPIER CHARGES	279.57
EFT28547	17/10/2025	GFG TEMPORARY ASSIST	TEMPORARY PERSONNEL SUPPORT	11,814.00
EFT28548	17/10/2025	APEX ENVIROCARE	REHABILITATION OF LIONS WEIR	61,563.70
EFT28549	17/10/2025	SLR CONSULTING AUSTRALIA	LIONS WEIR DREDGING	9,991.08
EFT28550	17/10/2025	SNAP MIDLAND	STATIONERY ITEMS	925.00
EFT28551	17/10/2025	BODDINGTON PLUMBING & GAS	PLUMBING WORK - BODDINGTON SWIMMING POOL	1,606.59
EFT28552	17/10/2025	AIR RESPONSE	REPAIRS TO COOL ROOM AT THE CAFE	820.67
EFT28553	17/10/2025	DONNA R PUNCH	REFUND OF STANDPIPE KEY BOND	115.00
EFT28554	17/10/2025	ROBERT DOE	PARTIAL BOND REFUND	100.00
EFT28555	17/10/2025	BODDINGTON ARTS COUNCIL	ART EXHIBITION ANNUAL DONATION	1,500.00
EFT28556	17/10/2025	GREG DAY MOTORS	FUEL SEPTEMBER 2025	8,518.38
EFT28557	17/10/2025	WESTRAC EQUIPMENT WA PTY LTD	REPAIRS TO TRACK LOADER BT09	3,057.12
EFT28558	17/10/2025	CHUBB FIRE & SECURITY PTY LTD	FIRE HYDRANT SERVICING AND PARTS	6,933.74
EFT28559	24/10/2025	RENTOKIL	SANITARY BIN SERVICE	740.80
EFT28560	24/10/2025	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA	COMMTELLIGENCE FORUM 2025	380.00
EFT28561	24/10/2025	OFFICEWORKS BUSINESS DIRECT	STATIONERY ITEMS	89.93
EFT28562	24/10/2025	LANDGATE	GRV INTERIM VALUATION	66.25
EFT28563	24/10/2025	ADVANTAGE ENVIRONMENTAL PEST CONTROL	TERMITE INSPECTION REPORTS	1,901.65
EFT28564	24/10/2025	BODDINGTON TYRE SERVICE	NEW TYRE	210.50

## SHIRE OF BODDINGTON - LIST OF PAYMENTS - OCTOBER 2025

Chq/EFT	Date	Name	Description	Amount
EFT28565	24/10/2025	ABCO PRODUCTS PTY LTD	CLEANING PRODUCTS	3,390.96
EFT28566	24/10/2025	BODDINGTON HARDWARE AND NEWSAGENCY	HARDWARE ITEMS SEPTEMBER 2025	6,162.44
EFT28567	24/10/2025	EDGE PLANNING & PROPERTY	PLANNING SERVICES	4,463.78
EFT28568	24/10/2025	TEAM GLOBAL EXPRESS PTY LTD	COURIER CHARGES	706.30
EFT28569	24/10/2025	LGISWA	INSURANCE RENEWAL 2025/2026 - 2ND INSTALMENT	200,761.33
EFT28570	24/10/2025	CURTIS ELECTRICAL CONTRACTING	ELECTRICAL WORK - VARIOUS SHIRE LOCATIONS	621.98
EFT28571	24/10/2025	EUREKA AUTO ELECTRICAL PTY LTD	REPAIRS TO AIR CONDITIONER	411.95
EFT28572	24/10/2025	NEWMONT BODDINGTON GOLD	RENT 25 FARMERS AVE	1,300.00
EFT28573	24/10/2025	AMPAC DEBT RECOVERY (WA) PTY LTD	DEBT COLLECTION FEES OCTOBER 2025	22.00
EFT28574	24/10/2025	VOLT AIR PTY LTD	INSPECTION OF AIR CONDITIONER	495.00
EFT28575	24/10/2025	EMERGE ASSOCIATES	BODDINGTON TOWN CENTRE MASTERPLANS	30,305.00
EFT28576	24/10/2025	SURVEYING SOUTH	LOWER HOTHAM RD FEATURE & CONTOUR SURVEY	10,890.00
EFT28577	24/10/2025	IAN DONALD MACPHERSON	REFUND OF NOMINATION BOND	100.00
EFT28578	24/10/2025	SCAVENGER SUPPLIES PTY LTD	PROTECTIVE WEAR	1,896.95
EFT28579	24/10/2025	PROMPT SAFETY SOLUTIONS	QUARTERLY WHS TOOLBOX MEETING	1,210.00
EFT28580	24/10/2025	J & M REID EARTHMOVING PTY LTD	WATER CART HIRE	792.00
EFT28581	24/10/2025	ANDREW THOMAS RYLEY	REFUND OF NOMINATION BOND	100.00
EFT28582	24/10/2025	SAPIO PTY LTD	CCTV MAINTENANCE 2024/2025 - 2ND INSTALMENT	5,323.82
EFT28583	24/10/2025	GFG TEMPORARY ASSIST	TEMPORARY PERSONNEL SUPPORT	4,617.25
EFT28584	24/10/2025	CONNECT CALL SERVICES	AFTER HOURS CALL SERVICE SEPTEMBER 2025	426.80
EFT28585	24/10/2025	PYKE PLUMBING & GAS PTY LTD	PLUMBING WORK AT THE OLD SCHOOL	247.50
EFT28586	24/10/2025	INTERNODE PTY LTD	BROADBAND SERVICE	109.99
EFT28587	24/10/2025	THE QUEEN OF BEANZ	COFFEE VAN - CHILDREN'S WEEK	400.00
EFT28588	24/10/2025	JOHANN PRANDL	REFUND OF NOMINATION BOND	100.00
EFT28589	24/10/2025	BODMEC MAINTENANCE SOLUTIONS	REPAIRS TO HINO TRUCK	845.83
EFT28590	24/10/2025	CONTRACT AQUATIC	SWIMMING POOL MANAGEMENT CONTRACT OCTOBER 2025	27,449.02
EFT28591	24/10/2025	BODDINGTON PLUMBING & GAS	POOL CHANGEROOMS TILING PLUS WATER LEAK REPAIRS	23,129.60
EFT28592	24/10/2025	FETCH PRINT	SIGNAGE	473.00
EFT28593	24/10/2025	STATEWIDE HOUSE RESTUMPERS	REPLACE STUMPS - TOWN HALL	15,928.00
EFT28594	24/10/2025	PAULINE ANNE DREW	REFUND OF BOND U/13-19 FORREST ST	1,425.00
EFT28595	24/10/2025	PAUL MARTIN KESSLER	REFUND OF NOMINATION BOND	100.00
EFT28596	24/10/2025	STEWART & HEATON PTY LTD	PROTECTIVE WEAR	252.15
EFT28597	24/10/2025	AVON WASTE	RUBBISH SERVICES OCTOBER 2025	7,042.13
EFT28598	24/10/2025	BODDINGTON SERVICE STATION	NEW BATTERY	215.00
EFT28599	24/10/2025	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASS.	WALGA LOCAL GOVERNMENT CONVENTION 2025	1,375.00
EFT28600	24/10/2025	WESTRAC EQUIPMENT WA PTY LTD	REPAIRS TO ROLLER BT005	653.40
EFT28601	24/10/2025	AUSTRALIAN TAXATION OFFICE (BAS RETURNS)	BAS SEPTEMBER 2025	12,123.00
EFT28602	24/10/2025	ROSS MATSEN	FIREBREAK MAINTENANCE	150.00
EFT28603	24/10/2025	BODDINGTON COMMUNITY RESOURCE CENTRE	CATERING SERVICES	70.00
EFT28604	30/10/2025	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA	LIFT OFF MENTORING PROGRAM 2025/2026	850.00
EFT28605	30/10/2025	BODDINGTON WINDSCREENS	SUPPLY & FIT REAR WINDOW	660.00
EFT28606	30/10/2025	FOOT PRINT (WA) PTY LTD	RATES BROCHURES	1,005.40
EFT28607	30/10/2025	WALLIS COMPUTER SOLUTIONS	WIFI RECREATION CENTRE + NEW FAILOVER OFFICE	14,492.80
EFT28608	30/10/2025	CLASSIQUE SECURITY GROUP PTY LTD	SECURITY SERVICE STAFF	1,232.00
EFT28609	30/10/2025	SCAVENGER SUPPLIES PTY LTD	PROTECTIVE WEAR	895.40
EFT28610	30/10/2025	BODDINGTON SUPERMARKET PTY LTD	SHIRE PURCHASES SEPTEMBER 2025	586.34
EFT28611	30/10/2025	GFG TEMPORARY ASSIST	TEMPORARY PERSONNEL SUPPORT	8,507.40
EFT28612	30/10/2025	CIVIL PRODUCTS WA	ACROD PARKING SIGNS	64.90
EFT28613	30/10/2025	ALLINGTON AGRI	WINTER VERGE SPRAYING	17,926.02
EFT28614	30/10/2025	PARKERS WA PTY LTD	SPEED HUMPS & FIXINGS	818.40
EFT28615	30/10/2025	GADGET CITY	HAND HELD RADIO KITS	3,172.16
EFT28616	30/10/2025	JESSICA WILLMOTT	REFUND OF GYM MEMBERSHIP FEES	81.00
EFT28617	30/10/2025	AVON WASTE	RUBBISH SERVICES OCTOBER 2025	7,076.36
EFT28618	30/10/2025	VISIMAX	FREIGHT CHARGES	39.44
DD17647.1	02/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,284.05
DD17647.2	02/10/2025	SYNERGY	ELECTRICITY CHARGES - PRUSSIAN PARK	122.82
DD17649.1	03/10/2025	NATIONAL AUSTRALIA BANK	TRANSACT FEE	15.00
DD17649.2	03/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	3,203.30
DD17649.3	03/10/2025	SYNERGY	ELECTRICITY CHARGES - VARIOUS SHIRE LOCATIONS	1,675.09
DD17650.1	06/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,019.05
DD17650.2	06/10/2025	SYNERGY	ELECTRICITY CHARGES - VARIOUS SHIRE LOCATIONS	229.57
DD17655.1	07/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,334.40
DD17655.2	07/10/2025	SYNERGY	ELECTRICITY CHARGES - VARIOUS SHIRE LOCATIONS	4,028.58
DD17655.3	07/10/2025	TELSTRA LIMITED	MOBILE PHONE CHARGES - SHIRE	836.16
DD17658.1	01/10/2025	BOND ADMINISTRATOR	RENTAL BOND	1,350.00
DD17658.2	01/10/2025	SYNERGY	ELECTRICITY CHARGES - VARIOUS SHIRE LOCATIONS	1,917.39
DD17659.1	08/10/2025	NEWBOOK PTY LTD	NEWBOOK ONLINE BOOKING FEE	148.50
DD17659.2	08/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	814.55
DD17659.3	08/10/2025	SYNERGY	ELECTRICITY CHARGES - SWIMMING POOL	315.77
DD17660.1	09/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	5,187.10
DD17661.1	10/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,351.05
DD17662.1	13/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,097.85
DD17678.1	16/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,511.75
DD17679.1	15/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,277.85
DD17692.1	14/10/2025	PRECISION ADMINISTRATION SERVICES PTY LTD	SUPERANNUATION CONTRIBUTIONS	17,288.24
DD17692.2	14/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,833.30
DD17693.1	20/10/2025	BUSINESS FUEL CARDS (FLEET CARD)	FIRE BRIGADE FLEET CARDS	21.90
DD17693.2	20/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	850.40
DD17693.3	20/10/2025	TELSTRA LIMITED	PHONE CHARGES - SES LANDLINES	195.89
DD17694.1	22/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,395.80
DD17695.1	21/10/2025	BOC GASES BOC ACCOUNT PROCESSING	GAS CONTAINER FEES	20.46
DD17695.2	21/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,485.20
DD17699.1	17/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,337.50
DD17699.2	17/10/2025	SYNERGY	ELECTRICITY CHARGES - NEW DEPOT	666.39
DD17700.1	24/10/2025	OPTUS COMMUNICATIONS	INTERNET - CCTV TRAILER	109.00

## SHIRE OF BODDINGTON - LIST OF PAYMENTS - OCTOBER 2025

Chq/EFT	Date	Name	Description	Amount
DD17700.2	24/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,136.00
DD17700.3	24/10/2025	SYNERGY	ELECTRICITY CHARGES - STREET LIGHTS	3,612.72
DD17701.1	27/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	630.45
DD17701.2	27/10/2025	TELSTRA LIMITED	PHONE & INTERNET CHARGES - VARIOUS LOCATIONS	834.69
DD17707.1	28/10/2025	PRECISION ADMINISTRATION SERVICES PTY LTD	SUPERANNUATION CONTRIBUTIONS	17,538.29
DD17707.2	28/10/2025	SUPAGAS	BULK GAS - VARIOUS SHIRE LOCATIONS	1,272.85
DD17707.3	28/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	1,554.00
DD17708.1	29/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	2,622.25
DD17709.1	30/10/2025	NATIONAL AUSTRALIA BANK	NAB CONNECT FEE	119.96
DD17709.2	30/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	162.65
DD17714.1	31/10/2025	NATIONAL AUSTRALIA BANK	NAB MERCHANT FEES	476.65
DD17714.2	31/10/2025	DEPARTMENT OF TRANSPORT	DEPT OF TRANSPORT AGENCY	752.15
DD17714.3	31/10/2025	SYNERGY	ELECTRICITY CHARGES - CENTRAL PARK	81.11
DD17727.1	31/10/2025	CREDIT CARD	CREDIT CARD PURCHASES	13,674.18
				<b>1,096,993.68</b>

### ITEMISATION OF CREDIT CARD PURCHASES

<b>JAMES WICKENS</b>				
01/09/2025	REGAL PETROLEUM DWELLINGUP	FUEL BT04		93.94
05/09/2025	OFFICEWORKS	CONFERENCE CHAIRS		3,523.45
16/09/2025	REMARKABLE	SUBSCRIPTION FEE		4.99
16/09/2025	SECURE PARKING	PARKING FEE - PEEL DEVELOPMENT MEETING		3.00
23/09/2025	SHIRE OF WANDERING	FUEL BT04		94.04
<b>SAM KEMPTON</b>				
11/09/2025	CROWN PROMENADE PERTH	COMMUNITY DEVELOPMENT CONFERENCE		697.94
15/09/2025	NETFLIX	SUBSCRIPTION		20.99
22/09/2025	SPOTIFY	MUSIC SUBSCRIPTION FOR THE LIBRARY		15.99
<b>FABIAN HOUBRECHTS</b>				
01/09/2025	DUNNINGS NORTHAM	FUEL BT61		94.02
05/09/2025	SP UFENCEIT	ALUMINIUM GATE		220.58
08/09/2025	DUNNINGS NORTHAM	FUEL BT61		92.76
11/09/2025	PLUMBINGSALES.COM.AU	TOILET SEAT		153.99
11/09/2025	SP UFENCEIT	ALUMINIUM GATE		-30.00
15/09/2025	DUNNINGS NORTHAM	FUEL BT61		83.37
24/09/2025	SHIRE OF BODDINGTON	PLATE CHANGE		32.00
26/09/2025	AGWEST MACHINERY	POLE PRUNER		1,495.12
29/09/2025	BUNNINGS	TOOLS		10.54
<b>CARA RYAN</b>				
01/09/2025	WA NEWSPAPER	DIGITAL SUBSCRIPTION		32.00
12/09/2025	PUBLIC EMA	EMAIL MASTERY COURSE		548.90
29/09/2025	WA NEWSPAPER	DIGITAL SUBSCRIPTION		32.00
29/09/2025	RINGCENTRAL INC	TELEPHONE SERVICE - MEDICAL CENTRE		330.00
<b>JULIE BURTON</b>				
02/09/2025	EXETEL PTY LTD	INTERNET PLAN		975.00
02/09/2025	CANVA	SUBSCRIPTION FEE		416.99
03/09/2025	MAILCHIMP	NEWSLETTER SOFTWARE		69.35
05/09/2025	DROP BOX	COUNCILLOR INFORMATION		18.69
15/09/2025	INDESIGN	ADOBE LICENSE		35.99
15/09/2025	ILLUSTRATOR	ADOBE LICENSE		32.99
16/09/2025	VISTAPRINT AUSTRALIA	MARKETING MATERIAL		518.38
16/09/2025	OPENAI.COM	CHATGPT SUBSCRIPTION FEE		142.24
17/09/2025	REMARKABLE	SUBSCRIPTION FEE		9.98
19/09/2025	BENCHMARK ENGRAVING	EXECUTIVE GAVEL SET		98.20
23/09/2025	SFS PCEC PERTH	REFRESHMENTS - LG LOCAL CONVENTION		13.50
23/09/2025	TTH PERTH	ACCOMMODATION LG LOCAL CONVENTION		528.74
25/09/2025	HILTON PERTH	ACCOMMODATION LG LOCAL CONVENTION		622.20
25/09/2025	HILTON PERTH	ACCOMMODATION LG LOCAL CONVENTION		622.20
25/09/2025	HILTON PERTH	ACCOMMODATION LG LOCAL CONVENTION		622.20
25/09/2025	HILTON PERTH	ACCOMMODATION LG LOCAL CONVENTION		622.20
25/09/2025	DUXTON HOTEL PERTH	ACCOMMODATION LG LOCAL CONVENTION		613.00
25/09/2025	DUXTON HOTEL PERTH	ACCOMMODATION LG LOCAL CONVENTION		521.22
26/09/2025	WILSON PARKING	PARKING FEE - LG LOCAL CONVENTION		116.59
29/09/2025	FACEBOOK	ADVERTISING		94.00
29/09/2025	NAB CARD FEE	FEE		45.00
29/09/2025	NAB INTERNATIONAL TRANSACT FEES	FEE		8.10

<b>PAYROLL PAYMENTS</b>				
	NAB	NET PAYROLL F/N ENDING 12/10/2025		93,936.24
	NAB	NET PAYROLL F/N ENDING 26/10/2025		91,134.11
<b>TOTAL MUNI</b>				<b>1,282,064.03</b>
<b>TOTAL TRUST &amp; MUNI</b>				<b>1,282,064.03</b>

### 9.3.2 Financial Report

File Reference: 3.0056  
Applicant: Nil  
Previous Item: Nil  
Author: Executive Manager Corporate Services  
Disclosure of Interest: Nil  
Voting Requirements: Simple Majority  
Attachments: 9.3.2A Monthly Financial Report 31 October 2025

#### Summary

The Monthly Financial Report for the period ending 31 October 2025 is presented for Councils consideration.

#### Background

In accordance with the Local Government Act 1995, a statement of financial activity must be presented at an Ordinary Meeting of Council. This is required to be presented within two months, after the end of the month, to which the statement relates.

The statement of financial activity is to report on the revenue and expenditure as set out in the annual budget for the month, including explanations of any variances. Regulation 34, from the Local Government (Financial Management) Regulations 1996 sets out the detail that is required to be included in the reports.

#### Comment

The attached monthly financial statements and supporting information have been compiled to meet compliance with the Local Government Act 1995 and associated Regulations.

#### Consultation

Nil

#### Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.2	Responsibly manage the Shire's finances, human resources and assets

#### Legislative Implications

##### *Local Government Act 1995*

Section 6.4 Specifies that a local government is to prepare such other financial reports as are prescribed.

##### *Local Government (Financial Management) Regulations 1996*

Regulation 34 states:

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d) for that month in the following detail:
  - (a) annual budget estimates, taking into account any expenditure incurred for an

- additional purpose under section 6.8(1)(b) or (c);
- (b) budget estimates to the end of month to which the statement relates;
- (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- (d) material variances between the comparable amounts referred to in paragraphs (b) and (c);
- (e) the net current assets at the end of the month to which the statement relates.

Sub regulations 2, 3, 4, 5, and 6 prescribe further details of information to be included in the monthly statement of financial activity.

#### Policy Implications

Nil

#### Financial Implications

As disclosed in the financial statements.

#### Economic Implications

Nil

#### Social Implications

Nil

#### Environmental and Climate Change Considerations

Nil

#### Risk Considerations

Risk Statement and Consequence	Failure to monitor the Shire's ongoing financial performance would increase the risk of a negative impact on the Shire's financial position. As the monthly report is a legislative requirement, non-compliance may result in a qualified audit.
Risk Rating (prior to treatment or control)	Minor
Principal Risk Theme	Reputational / Compliance
Risk Action Plan (controls or treatment proposed)	Nil

#### Officer Recommendation and Council Decision

**COUNCIL RESOLUTION: 118/25**

**Moved: Cr A Ryley**

**Seconded: Cr P Kessler**

**That Council receive the financial statements as presented, for the period ending 31 October 2025.**

**Carried: 7-0**

For: Cr E Smalberger, Cr P Carrotts, Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
Cr I Macpherson, Cr P Kessler

Against: Nil





# Monthly Financial Report

For the Period Ended 31 October 2025

**Monthly Financial Report**  
(containing the Statement of Financial Activity)  
**For the Period Ended 31 October 2025**

**Local Government Act 1995**  
**Local Government (Financial Management) Regulations 1996**

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## Statement of Financial Activity For the Period Ended 31 October 2025

	Note	Adopted Budget Estimates (a) \$	YTD Budget Estimates (b) \$	YTD Actual (c) \$	Variance \$ (c)-(b)	Variance % (c)-(b)/(b)
<b>Operating Activities</b>						
<b>Revenue from operating activities</b>						
General rates		7,336,829	1,332	0	(1,332)	(100%)
Grants, subsidies and contributions	11	718,009	321,263	329,979	8,716	3%
Fees and charges		1,431,427	394,088	399,953	5,865	1%
Interest revenue		386,830	126,376	112,474	(13,902)	(11%)
Other revenue		94,550	31,292	31,841	549	2%
Profit on asset disposals	8	121,711	0	0	0	0%
		10,089,356	874,351	874,247	(104)	
<b>Expenditure from Operating activities</b>						
Employee costs		(3,804,072)	(1,354,532)	(1,400,033)	(45,501)	(3%) ▼
Materials and contracts		(3,066,926)	(965,614)	(1,123,769)	(158,155)	(16%) ▼
Utility Charges		(370,119)	(123,320)	(118,706)	4,614	4%
Depreciation		(2,596,800)	(865,600)	(851,650)	13,950	2%
Finance Costs		(35,258)	(7,291)	(7,291)	0	0%
Insurance		(224,629)	(224,587)	(224,262)	325	0%
Other expenditure		(108,980)	(37,845)	(25,787)	12,058	32%
Loss on asset disposals	8	0	0	0	0	0%
		(10,206,784)	(3,578,789)	(3,751,498)	(172,709)	
Non cash amounts excluded from operating activities	2(c)	2,475,089	865,600	851,650	(13,950)	(2%)
<b>Amount attributable to operating activities</b>		<b>2,357,661</b>	<b>(1,838,838)</b>	<b>(2,025,601)</b>	<b>(186,763)</b>	
<b>Investing Activities</b>						
<b>Inflows from investing activities</b>						
Proceeds - capital grants, subsidies & contributions	11	8,235,383	335,000	342,693	7,693	2%
Proceeds - disposal of assets		161,000	0	0	0	0%
		8,396,383	335,000	342,693	7,693	
<b>Outflows from investing activities</b>						
Payments - property, plant and equipment	7	(4,944,594)	(399,070)	(404,121)	(5,051)	(1%)
Payments - construction of infrastructure	7	(9,457,596)	(841,000)	(847,769)	(6,769)	(1%)
		(14,402,190)	(1,240,070)	(1,251,890)	(11,820)	
<b>Amount attributable to investing activities</b>		<b>(6,005,807)</b>	<b>(905,070)</b>	<b>(909,197)</b>	<b>(4,127)</b>	
<b>Financing Activities</b>						
<b>Inflows from financing activities</b>						
Proceeds from new borrowings	10	500,000	0	0	0	0%
Transfer from reserves	5	1,253,500	0	0	0	0%
		1,753,500	0	0	0	
<b>Outflows from financing activities</b>						
Repayment of borrowings	10	(236,161)	(47,450)	(47,450)	(0)	(0%)
Transfer to reserves	5	(363,130)	(18,000)	(18,875)	(875)	(5%)
		(599,291)	(65,450)	(66,325)	(875)	
<b>Amount attributable to financing activities</b>		<b>1,154,209</b>	<b>(65,450)</b>	<b>(66,325)</b>	<b>(875)</b>	
<b>Movement in Surplus or Deficit</b>						
<b>Surplus or deficit at the start of the financial year</b>	2(a)	2,493,937	2,493,937	2,493,937	0	0%
Amount attributable to operating activities		2,357,661	(1,838,838)	(2,025,601)	(186,763)	10%
Amount attributable to investing activities		(6,005,807)	(905,070)	(909,197)	(4,127)	0%
Amount attributable to financing activities		1,154,209	(65,450)	(66,325)	(875)	1%
<b>Surplus or deficit after imposition of general rates</b>		<b>0</b>	<b>(315,421)</b>	<b>(507,186)</b>	<b>(191,765)</b>	

▲ ▼ Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.

Refer to Note 3 for an explanation of the reasons for the variance.

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

## Statement of Financial Position For the Period Ended 31 October 2025

		Actual 30/06/2025	Actual as at 31/10/2025
Note		\$	\$
<b>Current Assets</b>			
	Cash and cash equivalents	4 10,159,021	8,154,522
	Trade and other receivables	6 683,336	1,154,417
	Inventories	0	7,194
	Other assets	170,478	139,977
	<b>Total Current Assets</b>	<b>11,012,835</b>	<b>9,456,110</b>
<b>Non-Current Assets</b>			
	Trade and other receivables	32,976	32,976
	Other financial assets	39,810	39,810
	Property, plant and equipment	38,386,880	38,758,922
	Infrastructure	64,877,387	65,756,964
	<b>Total Non-Current Assets</b>	<b>103,337,053</b>	<b>104,588,672</b>
	<b>Total Assets</b>	<b>114,349,888</b>	<b>114,044,782</b>
<b>Current Liabilities</b>			
	Trade and other payables	9 1,036,162	743,793
	Other liabilities	11 4,170,847	5,888,739
	Borrowings	10 236,161	188,710
	Employee related provisions	280,501	280,501
	<b>Total Current Liabilities</b>	<b>5,723,671</b>	<b>7,101,743</b>
<b>Non-Current Liabilities</b>			
	Borrowings	10 922,122	922,122
	Employee related provisions	37,105	37,105
	<b>Total Non-Current Liabilities</b>	<b>959,227</b>	<b>959,227</b>
	<b>Total Liabilities</b>	<b>6,682,898</b>	<b>8,060,970</b>
	<b>Net Assets</b>	<b>107,666,990</b>	<b>105,983,812</b>
<b>Equity</b>			
	Retained surplus	37,666,046	35,992,090
	Reserve accounts	3,031,388	3,022,166
	Revaluation surplus	66,969,556	66,969,556
	<b>Total Equity</b>	<b>107,666,990</b>	<b>105,983,812</b>

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

## Statement of Financial Position For the Period Ended 31 October 2025

### 1 Basis of Preparation and Material Accounting Policies

#### Basis of Preparation

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

#### **Local Government Act 1995 requirements**

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

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

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

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

#### **Preparation Timing and Review**

Date prepared: All known transactions up to 20 November 2025

#### **The Local Government Reporting Entity**

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

All monies held in the Trust Fund are excluded from the financial statements.

#### **Material accounting policies**

Material accounting policies utilised in the preparation of these statements are as described within the 2025-26 Annual Budget. Please refer to the adopted budget document for details of these policies.

#### **Critical accounting estimates and judgements**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

As with all estimates, the use of different assumptions could lead to material changes in the amounts reported in the financial report.

The following are estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year and further information on their nature and impact can be found in the relevant note:

- Fair value measurement of assets carried at reportable value including:
  - Property, plant and equipment
  - Infrastructure
- Impairment losses of non-financial assets
- Expected credit losses on financial assets
- Assets held for sale
- Investment property
- Estimated useful life of intangible assets
- Measurement of employee benefits
- Measurement of provisions
- Estimation uncertainties and judgements made in relation to lease accounting

## Notes to the Statement of Financial Activity For the Period Ended 31 October 2025

### 2 Net Current Assets Information

		Adopted Budget Opening	Actual as at	Actual as at
		1/07/2025	30/06/2025	31/10/2025
<b>(a) Net current assets used in the Statement of Financial Activity</b>				
<b>Current Assets</b>				
Cash and cash equivalents	4	\$ 10,159,021	\$ 10,159,021	\$ 8,154,522
Trade and other receivables	6	683,336	683,336	1,154,417
Inventories		0	0	7,194
Other assets		170,478	170,478	139,977
		11,012,835	11,012,835	9,456,110
<b>Less: Current liabilities</b>				
Trade and other payables	9	(1,036,162)	(1,036,162)	(743,793)
Borrowings	10	(236,161)	(236,161)	(188,710)
Capital grant/contribution liability	11	(4,170,847)	(4,170,847)	(5,888,739)
Employee related provisions		(280,501)	(280,501)	(280,501)
		(5,723,671)	(5,723,671)	(7,101,743)
Net current assets		5,289,164	5,289,164	2,354,367
Less: Total adjustments to net current assets	2(b)	(2,795,227)	(2,795,227)	(2,861,553)
<b>Closing funding surplus / (deficit)</b>		<b>2,493,937</b>	<b>2,493,937</b>	<b>(507,186)</b>

### (b) Current assets and liabilities excluded from budgeted deficiency

#### Adjustments to net current assets

Less: Reserve accounts	5	(3,031,388)	(3,031,388)	(3,050,263)
Add: Current liabilities not expected to be cleared at the end of the year				
- Current portion of borrowings	10	236,161	236,161	188,710
- Current portion of employee benefit provisions held in reserve		0	0	0
		(2,795,227)	(2,795,227)	(2,861,553)

### (c) Non-cash amounts excluded from operating activities

#### Adjustments to operating activities

		Adopted Budget Estimates	YTD Budget Estimates	Actual as at
		30/06/2025	31/10/2025	31/10/2025
Less : Profit on asset disposals	8	(121,711)	0	0
Add : Loss on asset disposals	8	0	0	0
Add: Depreciation		2,596,800	865,600	851,650
Non-cash movements in non-current assets and liabilities:				
- Pensioner deferred rates		0	0	0
- Employee provisions		0	0	0
		2,475,089	865,600	851,650

#### Current and Non-Current Classification

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

## Notes to the Statement of Financial Activity For the Period Ended 31 October 2025

### 3 Explanation of Material Variances

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

The material variance adopted by Council for the 2025-2026 year is \$20,000 or 10% whichever is the greater.

Description	Variance \$	Variance %	Explanation of Variances
<b>Revenue from operating activities</b>			
Rates	(1,332)	(100%)	
Grants, subsidies and contributions	8,716	3%	
Fees and charges	5,865	1%	
Interest earnings	(13,902)	(11%)	
Other revenue	549	2%	
Profit on asset disposals	0	0%	
<b>Expenditure from operating activities</b>			
Employee costs	(45,501)	(3%)	▼ Timing
Materials and contracts	(158,155)	(16%)	▼ Timing
Utility Charges	4,614	4%	
Depreciation	13,950	2%	
Finance Costs	0	0%	
Insurance	325	0%	
Other expenditure	12,058	32%	
Loss on asset disposals	0	0%	
Non-cash amounts excluded from operating activities	(13,950)	(2%)	
<b>Inflows from investing activities</b>			
Proceeds - capital grants, subsidies & contributions	7,693	2%	
Proceeds - disposal of assets	0	0%	
<b>Outflows from investing activities</b>			
Payments - property, plant and equipment	(5,051)	(1%)	
Payments - construction of infrastructure	(6,769)	(1%)	
<b>Inflows from financing activities</b>			
Proceeds from new borrowings	0	0%	
Transfer from reserves	0	0%	
<b>Outflows from financing activities</b>			
Repayment of borrowings	(0)	(0%)	
Transfer to reserves	(875)	(5%)	
<b>Surplus or deficit at the start of the financial year</b>	0	0%	

## Notes to the Statement of Financial Activity For the Period Ended 31 October 2025

### 4 Cash and Cash Equivalents

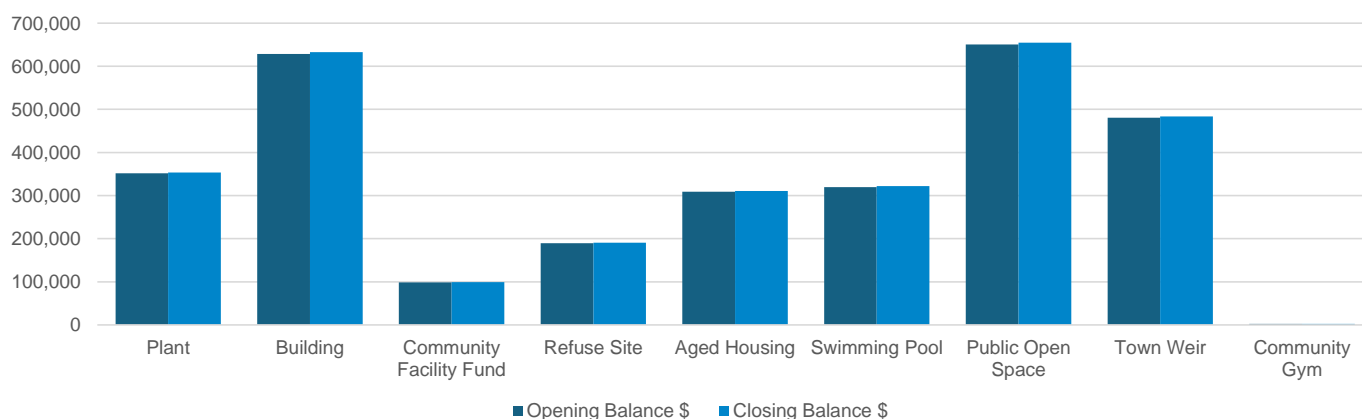
Description	Unrestricted	Reserve Accounts	Total	Trust	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
<b>Cash on Hand</b>							
Petty Cash & Floats	400	0	400				
<b>Cash at Bank</b>							
Municipal Funds	440,382	0	440,382		NAB		At Call
Reserve Funds	0	734	734		NAB		At Call
<b>Overnight Cash Deposits</b>							
Municipal Funds	4,645,032	0	4,645,032		WATC*	3.80%	Overnight
Reserve Funds	0	3,067,974	3,067,974		WATC*	3.80%	Overnight
<b>Total</b>	<b>5,085,814</b>	<b>3,068,708</b>	<b>8,154,522</b>	<b>0</b>			

#### Key Information

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

### 5 Reserve Accounts

Reserve name	Budget				Actual			
	Opening Balance	Transfers In (+)	Transfers Out (-)	Closing Balance	Opening Balance	Transfers In (+)	Transfers Out (-)	Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$
Plant	351,547	87,656	(155,000)	284,203	351,547	2,189	0	353,736
Building	628,842	22,638	(140,000)	511,480	628,842	3,916	0	632,758
Community Facility Fund	98,824	8,558	0	107,382	98,824	616	0	99,440
Refuse Site	189,271	161,814	(65,000)	286,085	189,271	1,178	0	190,449
Aged Housing	308,908	11,121	(90,000)	230,029	308,908	1,923	0	310,831
Swimming Pool	319,809	11,513	(50,000)	281,322	319,809	1,991	0	321,800
Public Open Space	650,873	23,431	(345,000)	329,304	650,873	4,053	0	654,926
Town Weir	480,814	29,309	(403,500)	106,623	480,814	2,994	0	483,808
Community Gym	2,500	7,090	(5,000)	4,590	2,500	15	0	2,515
	<b>3,031,388</b>	<b>363,130</b>	<b>(1,253,500)</b>	<b>2,141,018</b>	<b>3,031,388</b>	<b>18,875</b>	<b>0</b>	<b>3,050,263</b>

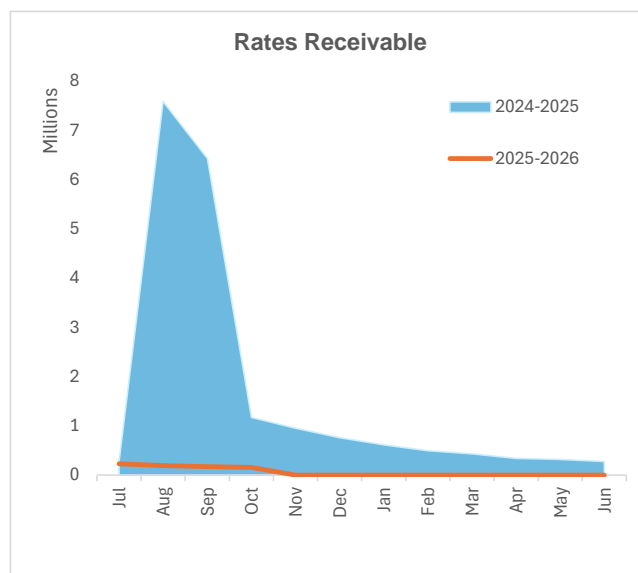




## Notes to the Statement of Financial Activity For the Period Ended 31 October 2025

### 6 Receivables

Rates receivable	30-Jun-25	31-Oct-25
	\$	\$
Opening arrears previous year	300,227	277,364
Annual Rates	6,539,477	0
Kerbside Collections	297,673	615
Emergency Services Levy	117,012	0
<b>Total Levied this year</b>	<b>6,954,162</b>	<b>615</b>
Less - collections to date	(6,977,025)	(120,600)
<b>Net Rates collectable</b>	<b>277,364</b>	<b>157,379</b>
% Collected	96.2%	43.4%



Receivables - general	Credit	Current	30 days	60 days	90 + days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(8,206)	887,384	8,632	1,393	4,289	893,492
Percentage		99.3%	1%	0.2%	0.5%	
<b>Balance per trial balance</b>						
Trade receivables						893,492
GST receivables						63,627
Allowance for credit losses of trade receivables						(6,401)
Receivables for employee related provisions						46,320
<b>Total receivables general outstanding</b>						<b>997,038</b>

Amounts shown above include GST (where applicable)

#### Key Information

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

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

#### Classification and subsequent measurement

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.

## Notes to the Statement of Financial Activity For the Period Ended 31 October 2025

### 7 Capital Acquisitions

Capital Acquisitions	Adopted		YTD Actual	YTD Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Furniture and Equipment	100,207	11,500	13,253	(1,753)
Plant and Equipment	1,055,070	100,570	100,362	(1,753)
Land and Buildings	3,789,317	287,000	290,505	(3,505)
Road Infrastructure	3,293,754	24,500	36,249	(11,749)
Drainage, Culvert & Bridges	505,169	1,500	1,500	0
Footpath	2,351,810	51,000	50,029	971
Other Infrastructure	3,306,863	764,000	759,991	4,009
<b>Total Capital Acquisitions</b>	<b>14,402,190</b>	<b>1,240,070</b>	<b>1,251,890</b>	<b>(13,781)</b>
<b>Capital Acquisitions Funded By:</b>				
	\$	\$	\$	\$
Capital grants and contributions	8,235,383	335,000	342,693	(7,693)
Proceeds from Asset disposals	161,000	0	0	0
Reserve accounts				0
Plant	155,000	0	0	0
Building	140,000	0	0	0
Refuse Site	65,000	0	0	0
Aged Housing	90,000	0	0	0
Swimming Pool	50,000	0	0	0
Public Open Space	345,000	0	0	0
Town Weir	403,500	0	0	0
Contribution - operations	4,757,307	905,070	909,196	(6,087)
<b>Capital Funding Total</b>	<b>14,402,190</b>	<b>1,240,070</b>	<b>1,251,890</b>	<b>(13,781)</b>

#### Key Information

##### Initial recognition

An item of property, plant and equipment or infrastructure that qualifies for recognition as an asset is measured at its cost.

Upon initial recognition, cost is determined as the amount paid (or other consideration given) to acquire the assets, plus costs incidental to the acquisition. The cost of non-current assets constructed by the City includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Local Government (Financial Management) Regulation 17A(5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Individual assets that are land, buildings and infrastructure acquired between scheduled revaluation dates of the asset class in accordance with the City's revaluation policy, are recognised at cost and disclosed as being at reportable value.

##### Measurement after recognition

Plant and equipment including furniture and equipment and right-of-use assets (other than vested improvements) are measured using the cost model as required under *Local Government (Financial Management) Regulation 17A(2)*. Assets held under the cost model are carried at cost less accumulated depreciation and any impairment losses being their reportable value.

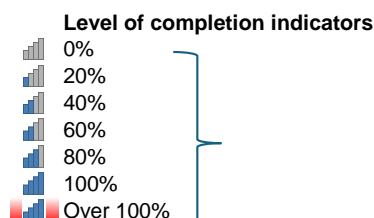
##### Reportable Value

In accordance with *Local Government (Financial Management) Regulation 17A(2)*, the carrying amount of non-financial assets that are land and buildings classified as property, plant and equipment, investment properties, infrastructure or vested improvements that the local government controls.

Reportable value is for the purpose of *Local Government (Financial Management) Regulation 17A(4)* is the fair value of the asset at its last valuation date minus (to the extent applicable) the accumulated depreciation and any accumulated impairment losses in respect of the non-financial asset subsequent to its last valuation date.

## Notes to the Statement of Financial Activity For the Period Ended 31 October 2025

### 7 Capital Acquisitions Detailed




































Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

Asset Description	Adopted			Variance Under/(Over)
	Budget	YTD Budget	YTD Actual	
IT Equipment	58,207	0	0	0
Upgrade Telecommunications - Recreation Centre	7,000	7,000	8,253	(1,253)
Library Entrance Project	35,000	4,500	5,000	(500)
<b>Total Furniture &amp; Equipment</b>	<b>100,207</b>	<b>11,500</b>	<b>13,253</b>	<b>(1,753)</b>
4.5 Tonne Tipper	67,570	67,570	68,284	(714)
6 Tonne Truck	270,000	0	0	0
Modifications to Service Truck	5,000	0	0	0
Ranger Utility	55,000	0	0	0
UTV Side by Side	32,000	0	0	0
4WD Utility	42,500	0	0	0
Loader	250,000	0	0	0
Roller - Vibrating Drum & 2.5T Twin Drum	130,000	0	0	0
500kg Plate Compactor	15,000	0	0	0
Groundmaster - Ride on Mower	47,000	0	0	0
EV Charging Station	33,000	33,000	32,078	922
SES - Lighting Tower Trailer	50,000	0	0	0
Mobile Generator & trailer	30,000	0	0	0
Standpipe Controller System	28,000	0	0	0
<b>Total Plant &amp; Equipment</b>	<b>1,055,070</b>	<b>100,570</b>	<b>100,362</b>	<b>208</b>
Building Asset Renewal Program	290,000	108,000	108,535	(535)
Recreation Centre - Swipe Card System	15,000	15,000	15,238	(238)
Pound Complex Improvements	10,000	0	0	0
Caravan Park - Cabins	2,540,817	26,000	25,320	680
Pavilion - Airconditioning	8,000	0	0	0
Swimming Pool - Building Improvements	220,000	138,000	136,413	1,587
Solar Panels	10,000	0	0	0
Pavilion - Power Upgrade	47,000	0	5,000	(5,000)
Recreation Centre - Power Upgrade	18,000	0	0	0
New Housing	600,000	0	0	0
Administration Office - Upgrade Security	30,500	0	0	0
<b>Total Land &amp; Buildings</b>	<b>3,789,317</b>	<b>287,000</b>	<b>290,505</b>	<b>(3,505)</b>
RTR - Days Rd	36,254	0	207	(207)
RRG - Crossman Rd	345,000	4,500	4,520	(20)
RRG - Lower Hotham Rd	195,426	1,500	1,410	90
RRG - Harvey Quindanning Rd	600,000	1,800	1,865	(65)
RRSP - Lower Hotham Rd	1,906,000	12,000	12,001	(1)
Newmarket Rd - Gravel Resheeting	41,132	3,000	6,852	(3,852)
Carparking - Acrod marking	5,000	1,700	1,700	0
Carparking - Recreation Centre Asphalt Seal	75,000	0	7,694	(7,694)
Quindanning Darkan Rd - Reseal	62,223	0	0	0
Taylor Court - Reseal	14,514	0	0	0
Anderson Road - Reseal	13,205	0	0	0
<b>Total Roads</b>	<b>3,293,754</b>	<b>24,500</b>	<b>36,249</b>	<b>(11,749)</b>

## Notes to the Statement of Financial Activity For the Period Ended 00 January 1900

### 7 Capital Acquisitions Detailed (Continued)

Asset Description	Adopted			Variance Under/(Over)
	Budget	YTD Budget	YTD Actual	
 New Kerbing - Townsite Roads	12,000	0	0	0
 Forrest Street Drainage Improvements	35,000	0	0	0
 Williams Street River Crossing	23,000	0	0	0
 RTR - Harvey Quindanning Culverts	94,000	0	0	0
 RTR - South Crossman Road Culverts	118,019	0	0	0
 RTR - Marradong Road Culverts	23,150	0	0	0
 Hotham Avenue - Drainage	75,000	500	500	0
 Illyarie Crescent - Drainage	25,000	500	500	0
 Hill Street - Drainage	40,000	0	0	0
 Adam & Hakea St Intersection	60,000	500	500	0
<b>Total Drainage, Culverts &amp; Bridges</b>	<b>505,169</b>	<b>1,500</b>	<b>1,500</b>	<b>0</b>
 Footpath Renewal Program	130,002	0	0	0
 Mountain Bike Trails	1,091,430	11,000	10,921	79
 Rail Trail	500,000	0	0	0
 Bannister Rd - Footpath	50,000	0	0	0
 Path - Townsite to Ranford Pool	580,378	40,000	39,108	892
<b>Total Footpaths</b>	<b>2,351,810</b>	<b>51,000</b>	<b>50,029</b>	<b>971</b>
 Regional Destination Signage	42,780	37,000	36,942	58
 Community Club - Playground	93,600	0	0	0
 Niche Wall Marradong	9,100	0	0	0
 Yarning Circle Project	368,000	0	382	(382)
 Lions Weir Rehabilitation	808,176	695,000	692,157	2,843
 Hotham Park - Solar Lighting	100,000	6,000	5,760	240
 Newmont Dump Truck Display	680,000	1,000	600	400
 Swimming Pool - Pump/Filtration Upgrade	70,000	0	0	0
 Koolangka Park - Shade	17,650	0	0	0
 Roller Display	31,812	14,000	13,834	166
 Central Park and 32 Bannister Rd Upgrades	875,855	1,000	605	395
 Wayfinding - Main Attractions & Parking	50,000	0	0	0
 Seating and Lighting	20,000	0	0	0
 Bowling Club - Stair Refurbishment	20,000	0	0	0
 Caravan Park - Pathway Lighting	10,000	0	0	0
 Caravan Park - Irrigation	20,000	10,000	9,711	289
 Refuse Site - Fencing	40,000	0	0	0
 Infrastructure Renewal Program	49,894	0	0	0
<b>Total Other Infrastructure</b>	<b>3,306,863</b>	<b>764,000</b>	<b>759,991</b>	<b>4,009</b>

### 8 Capital Disposals

Asset description	Budget			YTD Actual		
	Net Book Value	Proceeds	Profit / (Loss)	Net Book Value	Proceeds	Profit / (Loss)
Dozer	27,273	70,000	42,727	0	0	0
Isuzu Tipper	12,016	20,000	7,984	0	0	0
4WD Colorado Utility	0	18,000	18,000	0	0	0
Isuzu D-Max Utility	0	18,000	18,000	0	0	0
Mitsubishi Triton utility	0	25,000	25,000	0	0	0
Toro Mower	0	10,000	10,000	0	0	0
	<b>39,289</b>	<b>161,000</b>	<b>121,711</b>	<b>0</b>	<b>0</b>	<b>0</b>

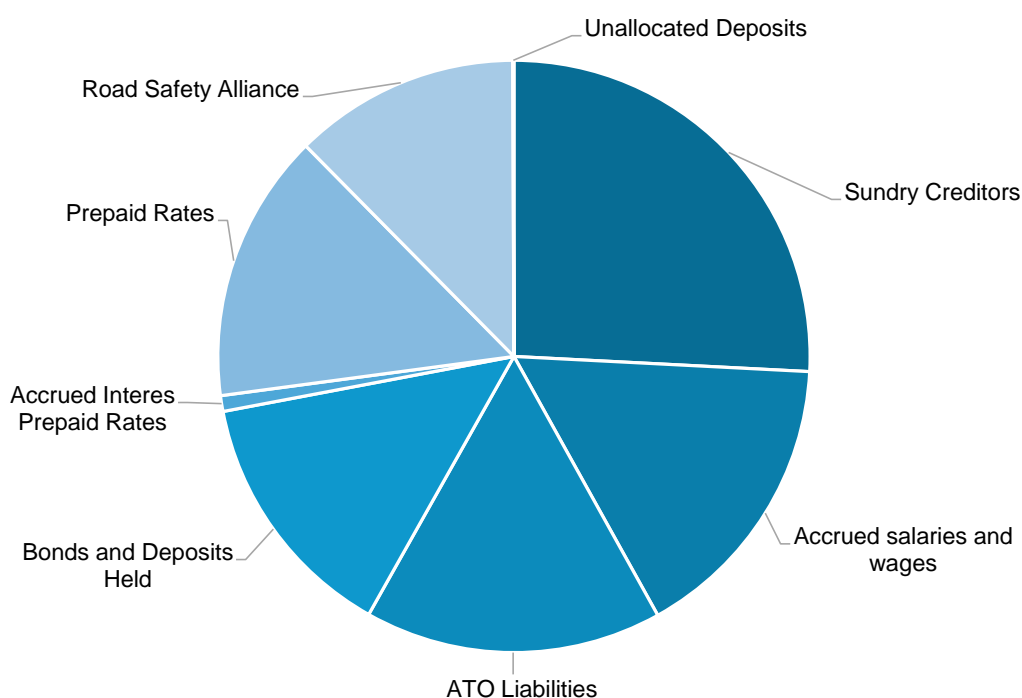
## Notes to the Statement of Financial Activity For the Period Ended 31 October 2025

### 9 Payables

Payables - general	Credit	Current	30 days	60 days	90 + days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	175,409	16,121	0	495	192,025
Percentage		91.3%	8.4%	0%	0.3%	
<b>Balance per trial balance</b>						
Sundry Creditors						192,025
Accrued salaries and wages						119,828
ATO Liabilities						120,752
Bonds and Deposits Held						103,094
Accrued Interes Prepaid Rates						6,394
Prepaid Rates						109,400
Road Safety Alliance						91,810
Unallocated Deposits						490
Total receivables general outstanding						<b>743,793</b>
Amounts shown above include GST (where applicable)						

#### Key Information

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



## Notes to the Statement of Financial Activity For the Period Ended 31 October 2025

### 10 Borrowings

#### Repayments - borrowings

Purpose	Loan No.	1 July 2025	New Loans		Principal Repayments		Principal Outstanding	
			Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$
Childcare Centre	100	22,953	0	0	(11,295)	(22,953)	11,658	0
3 Pecan Place	94	112,093	0	0	0	(19,666)	112,093	92,427
34 Hill Street	97	113,679	0	0	0	(19,944)	113,679	93,735
New Housing	108	0	0	500,000	0	0		500,000
Recreation Centre	106	390,144	0	0	(36,155)	(72,917)	353,989	317,227
Recreation Centre	107	519,414	0	0	0	(100,680)	519,414	418,734
<b>Total</b>		<b>1,158,283</b>	<b>0</b>	<b>500,000</b>	<b>(47,450)</b>	<b>(236,161)</b>	<b>1,110,833</b>	<b>1,422,123</b>
Current Borrowings		236,161					188,711	
Non-Current Borrowings		922,122					922,122	
		<b>1,158,283</b>					<b>1,110,833</b>	

#### Borrowing finance cost payments

Purpose	Loan No.	Interest %	Date final payment is due	Actual	Budget
				\$	\$
Childcare Centre	100	6.42%	2/03/2026	737	1,111
3 Pecan Place	94	6.45%	28/05/2030	0	6,918
34 Hill Street	97	6.45%	28/05/2030	0	7,016
New Housing	108	4.50%	-	0	0
Recreation Centre	106	3.36%	13/03/2030	6,554	12,501
Recreation Centre	107	1.56%	3/06/2030	0	7,712
<b>Total</b>				<b>7,291</b>	<b>35,258</b>

#### Key Information

All debenture repayments were financed by general purpose revenue.

The Shire has elected to recognise borrowing costs as an expense when incurred regardless of how the borrowings are applied.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature.

## Notes to the Statement of Financial Activity For the Period Ended 31 October 2025

### 11 Grants, Subsidies and Contributions

#### Operating grants, subsidies and contributions

Details	Contract Liabilities				Revenue		
	Liability 01-Jul-25	Increase Liability	Decrease Liability	Liability 31-Oct-25	Adopted Budget	YTD Budget	YTD Actual
	\$	\$	\$	\$	\$	\$	\$
Federal Grant - General Purpose	0	0	0	0	8,416	2,104	5,782
Federal Grant - Local Roads	0	0	0	0	129,045	32,262	38,135
DFES - Fire Brigade Operating Grant	0	0	0	0	107,300	53,650	53,650
Mitigation Activity Grant	42,539	74,596	(42,539)	74,596	149,192	0	0
DFES - SES Operating Grant	0	0	0	0	32,680	16,340	15,131
Abandoned Vehicles Contribution	0	0	0	0	500	168	0
South 32 - Community Health Grant	0	0	0	0	100,000	100,000	100,000
Youth Centre Contributions	0	0	0	0	100	0	0
Strength for Life Contributions	0	0	0	0	3,500	1,668	878
Seniors Week Grant	0	0	0	0	1,500	0	0
Level-up Youth Program	0	0	0	0	3,500	3,000	7,000
Welfare Grant Programs	0	0	0	0	52,373	0	0
Thank a Volunteer Grants	0	0	0	0	5,000	1,668	0
South 32 - Summer by River	0	0	0	0	25,000	25,000	25,000
Australia Day Grant	0	0	0	0	2,500	0	0
South 32 - Cultural Centre	1,755,624	0	0	1,755,624	0	0	0
Lotterywest - Christmas	0	0	0	0	10,000	0	0
Main Roads WA - Direct Grant	0	0	0	0	84,403	84,403	84,403
Tourism Contributions	0	0	0	0	1,000	332	0
HWEDA - Contributions	0	0	0	0	2,000	668	0
<b>Total</b>	<b>1,798,163</b>	<b>74,596</b>	<b>(42,539)</b>	<b>1,830,220</b>	<b>718,009</b>	<b>321,263</b>	<b>329,979</b>

#### Capital grants, subsidies and contributions

Details	Capital Grant/Contributions Liabilities				Revenue		
	Liability 01-Jul-25	Increase Liability	Decrease Liability	Liability 31-Oct-25	Adopted Budget	YTD Budget	YTD Actual
	\$	\$	\$	\$	\$	\$	\$
DFES - SES Lighting Tower	0	0	0	0	50,000	0	0
Lotterywest - Park Improvements	200,000	0	0	200,000	200,000	0	0
Growing Regions - Park Improvements	0	0	0	0	300,000	0	0
South 32 - Yarning Circle	0	0	0	0	358,000	0	0
Mountain Bike Trails Funding	111,407	0	0	111,407	876,407	0	0
Peel Devt. Commission - Rail Trail	13,414	0	0	13,414	0	0	0
Community Club - Playground	0	0	0	0	93,600	0	0
Department of Transport - Path	117,863	0	0	117,863	254,026	35,000	35,000
Active Transport Fund Program	0	0	0	0	72,326	0	0
EV Charging Grant	0	0	0	0	13,317	0	3,693
Roads to Recovery Funding	0	24,434	0	24,434	271,423	0	0
Regional Road Group Funding	0	0	0	0	760,284	300,000	304,000
Regional Road Safety Program	0	762,400	0	762,400	1,906,000	0	0
South 32 - Caravan Park Cabins	1,750,000	0	0	1,750,000	2,500,000	0	0
South 32 - Social Investment	100,000	900,000	0	1,000,000	0	0	0
Newmont - Donation of Dump Truck	0	0	0	0	80,000	0	0
Peel Development Commission - Truck	80,000	0	0	80,000	500,000	0	0
<b>Total</b>	<b>2,372,684</b>	<b>1,686,834</b>	<b>0</b>	<b>4,059,518</b>	<b>8,235,383</b>	<b>335,000</b>	<b>342,693</b>

### **9.3.3 Council Policies Review – Attendance at Events, Continuing Professional Development, and Code of Conduct**

File Reference:	2.00234
Applicant:	Nil
Previous Item:	Nil
Author:	Governance Coordinator
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachments:	9.3.3A Council Policy - Attendance at Events 9.3.3B Council Policy – Continuing Professional Development 9.3.3C Code of Conduct

#### Summary

This item seeks Council's endorsement of revised versions of the Attendance at Events Policy, Council Member Professional Development Policy, and Code of Conduct, ensuring compliance with relevant legislation and governance frameworks.

#### Background

Following the recent Council elections in October 2025, a review of council policies has been undertaken to ensure they remain consistent with statutory requirements and the Shire's governance framework, including the *Local Government Act 1995* and the Local Government (Model Code of Conduct) Regulations 2021.

As a result of this review, minor amendments have been made to the Attendance at Events Policy and the Council Member Continuing Professional Development Policy to improve clarity, consistency, and alignment with current best practice. The Code of Conduct for Council Members, Committee Members, and Candidates has also been updated to ensure continued compliance with legislative and governance standards.

#### Comment

The key amendments, which enhance clarity, compliance, and consistency across the policies, are summarised below:

- Attendance at Events Policy - Includes minor amendments to clarify the approval process and incorporate caretaker period provisions, ensuring attendance during election periods is managed appropriately, transparently, and in accordance with legislative requirements.
- Council Member Professional Development Policy - Refined to distinguish between mandatory and additional training, streamline approval and expense processes, and confirm maintenance of the Register of Councillor Training to meet reporting obligations. The title has been simplified by removing "Continuing," as professional development already implies ongoing learning. These updates enhance accountability, support professional development, and align with the Local Government Act 1995.
- Code of Conduct - Reformatted for clarity and checked for consistency with the Local Government (Model Code of Conduct) Regulations 2021. No substantive changes were required; however, the review ensures the document remains current and aligned with the Shire's governance framework.

Collectively, these policy updates strengthen Council's governance framework and ensure all



Council Members operate under clear, contemporary, and compliant standards following the recent Council elections.

#### Consultation

Nil

#### Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.1	Ensure governance and compliance frameworks are robust and transparent

#### Legislative Implications

Local Government Act 1995, Sections 2.10, 5.90A, and 5.103  
Local Government (Administration) Regulations 1996 - Regulation 34AB  
Local Government (Model Code of Conduct) Regulations 2021

#### Policy Implications

- Attendance at Events Policy - revised
- Council Member Continuing Professional Development Policy - revised
- Code of Conduct - updated

#### Financial Implications

Nil

#### Economic Implications

Nil

#### Social Implications

These policies support ethical leadership and positive community perception of Council, thereby enhancing trust and civic engagement.

#### Environmental and Climate Change Implications

Nil

#### Risk Considerations

Risk Statement and Consequence	Inconsistent application of event attendance or professional development policies could lead to perceived misuse of resources or inequity.
Risk Rating (prior to treatment or control)	Moderate
Principal Risk Theme	Reputational
Risk Action Plan (controls or treatment proposed)	Develop and implement clear guidance and communication for elected members to explain the policy rationale and demonstrate transparency.

### **Officer Recommendation and Council Decision**

**COUNCIL RESOLUTION: 119/25**

**Moved: Cr H Prandl                      Seconded: Cr I Macpherson**

**That Council:**

- 1. Endorses the revised Attendance at Events Policy as presented in Attachment 9.3.3A.**
- 2. Endorses the revised Council Member Professional Development Policy as presented in Attachment 9.3.3B.**
- 3. Adopts the updated Code of Conduct for Council Members, Committee Members and Candidates as presented in Attachment 9.3.3C.**

**Carried:            7-0**

**For:                Cr E Smalberger, Cr P Carrots, Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
                         Cr I Macpherson, Cr P Kessler**

**Against:           Nil**

### Purpose

The Shire of Boddington (Shire) is required under Section 5.90A of the Local Government Act 1995 to prepare and adopt an Attendance at Events Policy

The purpose of this Policy is to outline the process associated with attendance at any event, whether free of charge, part of a sponsorship or paid by the local government, and provide transparency about the attendance at events of Council Members and the Chief Executive Officer.

Attendance at an event in accordance with this Policy excludes the gift holder from the requirement to disclose a potential conflict of interest if the ticket is above \$300 inclusive of GST and the donor has a matter before Council. Any gift received that is \$300 or less, either one gift or cumulative over twelve months from the same donor, also does not need to be disclosed as an interest. Receipt of the gift is still required under the gift register provisions. In accordance with Section 5.90A of the Local Government Act 1995, this Policy outlines the circumstances under which Council Members and the Chief Executive Officer may attend events.

Attendance at certain events provides value to the Shire of Boddington (Shire), the community, or the professional development of attendees, and is encouraged where appropriate.

This Policy also provides transparency around event attendance and clarifies when Disclosure of Gifts or Conflicts of Interest is not required under the Act.

### Scope

This Policy only applies to Council Members and the Chief Executive Officer of the Shire. ~~The Chief Executive Officer is required to determine and apply a Policy regarding such matters, as they apply to all employees, other than the Chief Executive Officer.~~

### Definitions

Term	Meaning
Policy	This Shire of Boddington policy titled "Attendance at Events".
District	The Peel region of Western Australia and the Local Government areas covered by the Hotham-Williams Economic Development Alliance.
Council Members	Includes all Councillors.
Event	In accordance with section 5.90A of the Local Government Act 1995, an event is defined as a: <ul style="list-style-type: none"> <li>• Concert</li> <li>• Conference</li> <li>• Function</li> <li>• Sporting event</li> <li>• Occasion prescribed by the Local Government (Administration) Regulations 1996.</li> </ul>
Gift	Means a single gift or cumulative gifts within any rolling 12 month period and is not limited to either calendar or financial year.
<u>Caretaker Period</u>	<u>The period from the public notice of a local government election until polling closes. During this time, restrictions apply to prevent decisions or actions that may influence the election outcome.</u>

---

## Policy Statement

Council Members and the Chief Executive Officer occasionally receive tickets or invitations to attend events. ~~The event may be a paid event or a ticket/invitation may be gifted in kind, or indeed it may be a free/open invitation event to the community in general. These may be paid events, gifted tickets or invitations (in-kind), or free/open community events.~~

### Pre-Approved Events

~~In order to~~ To meet the policy requirements, tickets and invitations to events are to be addressed to the Shire, rather than to an individual in their official capacity, received by the Shire, as opposed to in the name of a specific person in their role with the Shire. Any individual tickets and associated hospitality with a dollar value above \$500, (inclusive of GST and travel if relevant applicable), ~~provided to the Shire~~ are to be referred to Council for determination.

Council approves attendance at the following events:

- Advocacy, lobbying or Members of Parliament or Ministerial briefings;
- Meetings of clubs or organisations within the Shire ~~of Boddington~~;
- Any free event held within the Shire ~~of Boddington~~;
- Australian or West Australian Local Government events;
- Events hosted by Clubs or Not for Profit Organisations within the Shire ~~of Boddington~~ to which the individual has been officially invited;
- Shire hosted ceremonies, functions and events;
- Shire sponsored functions or events;
- Community art exhibitions within the Shire ~~of Boddington~~ or District;
- Cultural events/festivals within the Shire ~~of Boddington~~ or District;
- Events run by a Local, State, or Federal Government;
- Events run by schools and universities within the Shire ~~of Boddington~~;
- Major professional bodies associated with local government at a local, state, and federal level;
- Opening or launch of an event or facility within the Shire ~~of Boddington~~ or District;
- Recognition of Service events within the Shire ~~of Boddington~~ or District;
- RSL events within the Shire of Boddington or District;
- Events run by Western Australian Local Government Association (WALGA), Local Government Insurance Scheme (LGIS), or other recognised and incorporated WA based local government professional association; and
- Where Council Member ~~or employee~~ representation has been formally requested.

If there is a fee associated with a pre-approved event, the fee, including the attendance of a partner, may be paid for by the Shire ~~out of the Shire's~~ from its budget, by way of reimbursement.

If there are more Council members than tickets provided, the Council President is to allocate the tickets.

### Approval Process

Where an invitation is received to an event that is not pre-approved, it may be submitted for approval prior to the event as follows:

- Events for the Council President may be approved by the Deputy Council President;
- Events for Councillors may be approved by the Council President; and
- Events for the Chief Executive Officer may be approved by the Council President;

Considerations for approval of the event are to include:

- Any justification provided by the applicant when the event is submitted for approval,
- The benefit to the Shire of the person attending,
- Alignment to the Shire's Strategic Objectives, and
- The number of Shire representatives already approved to attend ~~and~~
- Whether the timing of the event falls within a caretaker period, and whether attendance could

reasonably be perceived as an electoral advantage.

~~Where a Council Member has an event approved through this process and there is a fee associated with the event, the cost, including for attendance of a partner, is to be paid out of the Members Receptions budget. Where an employee has an event approved through this process and there is a fee associated with the event, then the cost is to be paid for out of the Shire's relevant budget line.~~

If a Council Member's event is approved and involves a fee (including for a partner), the cost is covered by the Members Receptions budget.

### Non-Approved Events

Any event that is not pre-approved, is not submitted through an approval process, or is received personally is considered a non-approved event and dealt with as follows:

- If the event is a free event to the public, then no action is required.
- If the event is ticketed and the attendee pays the full ticketed price and does not seek reimbursement then no action is required.
- If the event is ticketed and the attendee pays a discounted rate or is provided with a free ticket/s with a discount value greater than \$300, the recipient is to disclose the ticket/s and associated hospitality within ten days to the Chief Executive Officer (or Council President if recipient is the Chief Executive Officer).

If a Council Member receives a ticket in their name, in their role as a Council Member, and of \$300 value or greater, they are still required to comply with normal gift disclosure requirements.

An event does not include training, which is dealt with separately.

### Caretaker Period Attendance

- During the caretaker period, Council Members and the Chief Executive Officer are to avoid attending events unless attendance is urgent and compliant with this policy.
- Event invitations received during the caretaker period require Council approval (where practical) or the Chief Executive Officer's approval if urgent and compliant with this policy.
- Council Members are to avoid attending events that could be seen as promoting their re-election.
- Shire-funded attendance is limited to essential or statutory events (e.g. ANZAC Day, ceremonies or emergency management briefings).
- The Chief Executive Officer may attend events where required for operational or administrative purposes.

<b>Responsible Officer</b>	Chief Executive Officer
<b>History</b>	Adopted 28 May 2020 (Resolution 49/20) Amended 23 March 2023 (Resolution 25/23) <a href="#">Amended TBC</a>
<b>Delegation</b>	
<b>Relevant Legislation</b>	Section 5.90A of the Local Government Act 1995
<b>Related Documentation</b>	Forms & Templates : Declaration of Gifts, Code of Conduct

# Council Policy

## Council Member ~~Continuing~~ Professional Development

### Purpose

The purpose of this Policy is to ensure that Council Members of the Shire of Boddington (Shire) meet and comply with the prescribed professional development requirements under the Local Government Act 1995, and to further encourage participation in other conferences and training specifically designed to enhance the skills and knowledge relating to roles and responsibilities as a Council Member of the Shire.

The professional development of Council Members is an important activity to ensure that its decision making is of the highest standard and is the product of informed and ethical debate by trained and committed Council Members acting in the best interest of all the community.

### Scope

This Policy applies to all elected Council Members of the ~~Shire of Boddington Council Members.~~

### Definitions

Term	Meaning
Policy	This Shire of Boddington policy titled "Council Member Continuing Professional Development".
<del>Council Members</del>	<del>Includes all Councillors.</del>
<u>Mandatory Training</u>	<u>Training prescribed under regulation 35 of the Local Government (Administration) Regulations 1996.</u>
<u>Additional Training</u>	<u>Training, seminars, conferences or workshops not prescribed, but relevant to the role and responsibilities of Council Members.</u>
<u>Exempt</u>	<u>A Council Member who is not required to complete Mandatory Training, having undertaken the same training within the five years prior to their election, in accordance with regulation 36 of the Local Government (Administration) Regulations 1996.</u>

### Policy Statement

The Shire supports ongoing professional development for Council Members to ensure informed decision-making and good governance. This Policy outlines the requirements for mandatory training and encourages participation in relevant additional learning opportunities.

The formal training events to which this Policy applies is limited to those conducted or organised by any of the following organisations or individuals:

- The West Australian Local Government Association (WALGA),
- Local Government Professionals WA,
- Accredited training organisations offering training which is directly related to the role and responsibilities of Council Members,
- Information sessions organised by the Department of Local Government, and
- Seminars, training and/or information sessions provided by individuals with demonstrably

strong knowledge of local government in Western Australia.

### Council Member Professional Development Mandatory Training Requirements

Section 5.126 of the Local Government Act 1995 requires Council Members to undertake and successfully complete the following prescribed professional development training modules titled "Council Member Essentials" within the period of 12 months from the day the Council Member was elected, unless a prescribed exemption applies:

- Understanding Local Government;
- Serving on Council;
- Meeting Procedures;
- Conflicts of Interest; and
- Understanding Financial Reports and Budgets.

### Additional Professional Development

~~In addition to this, f~~Following each election, the Shire provides newly elected Council Members with information to support their understanding of Council Member roles and responsibilities, legislative obligations and the strategic direction of the Local Government. Continuing/previously elected Council Members are encouraged to participate in nominated elements of the induction program, to refresh their understanding.

Council Members are also encouraged to nominate to attend other conferences or training opportunities, to enhance and broaden their knowledge of local government issues in an aim to support the community.

The following are examples of other professional development opportunities that would be supported in principle:

- National General Assembly of Local Government,
- WA Local Government Week,
- Special 'one off' conferences sponsored by WALGA or the Department of Local Government on important local government issues,
- Annual conferences of major professions of local government,
- The Annual Road Congress,
- Conferences which advance the development of Council Members in their role, or
- Conferences of organisations on which a Council Member has been elected or appointed as a delegate.

### Expenses

Expenses relating to professional development are to be paid directly by the Shire.

Such expenses may include:

- Registration Fees
- Air fare~~Travel and accommodation~~;
- Travel insurance (if applicable);
- Meals and incidentals;
- ~~Conference registration~~;
- ~~Copy of conference proceedings~~;
- ~~Room accommodation~~;
- ~~Reasonable phone utilization~~;
- ~~Reasonable laundry expenses~~;
- ~~Meals; and/or~~
- ~~Travel to and from the event and to and from the airport.~~

All booking arrangements for Council Members are coordinated through the office of the Chief Executive Officer. Council Members should note that the Local Government Act 1995 precludes a Council Member to pre-spend Shire funds.

Where a Council Member is accompanied to conferences or training by someone other than an eligible Shire Employee, all costs for/or incurred by the accompanying person are not covered by the Shire. The exception to the above being the cost of attending any official event dinner where partners would normally attend.

#### Application and Approval

Professional development for the Shire President is to be approved by the Deputy Shire President in conjunction with the Chief Executive Officer. Professional development for other Council Members is to be approved by either Council or the Shire President in conjunction with the Chief Executive Officer.

Considerations for approval of professional development activities include:

- The costs of attendance including registration, travel, and accommodation;
- The budget provisions allowed and the uncommitted or unspent funds remaining;
- Any justification provided by the applicant when the training is submitted for approval;
- The benefits to the Shire of the person attending;
- Identified skills gaps of Council Members both individually and as a collective;
- Alignment to the Shire's strategic objectives; and
- The number of Shire representatives already approved to attend.

#### Reporting and Publishing

All Council Members are expected to report to Council on the benefits achieved by attending training and are to make the conference papers or learning materials available to the other Councillors.

The Chief Executive Officer maintains the Register of Councillor Training, which documents all completed training, including mandatory and approved additional development. This register supports legislative compliance, facilitates future training planning, and promotes transparency in Council Member development.

As required by section 5.127 of the Local Government Act 1995, a report on the mandatory training completed by each Council Member during the financial year is published on the Shire's website within one (1) month after the end of each financial year

~~A record of conferences and training attended by Council Members is to be maintained by the Chief Executive Officer.~~

~~The Chief Executive Officer is to prepare a report each financial year on prescribed professional development completed by Council Members in the financial year. This report is to be published on the Shire's official website within 1 month after the end of the financial year to which the report relates.~~

<b>Responsible Officer</b>	Chief Executive Officer
<b>History</b>	Adopted 28 May 2020 (Resolution 50/20) Amended 23 March 2023 (Resolution 25/23) Amended 24 July 2024 (Resolution 118/24)
<b>Delegation</b>	
<b>Relevant Legislation</b>	Sections 5.126, 5.127, 5.128, Local Government Act 1995 Regulation 32(1) and 35, Local Government (Administration) Regulations 1996
<b>Related Documentation</b>	Forms & Templates : Nil





# **Code of Conduct for Council Members, Committee Members and Candidates**

2025

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## The Shire of Boddington Vision

Boddington is well known for being:

A vibrant and connected community with excellent lifestyle and employment opportunities in a beautiful natural environment... just 90 minutes from Perth.

## Our Purpose

The Shire of Boddington exists to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.

This is in accordance with the Local Government Act 1995 (Section 1.3 (3) Role of Local Government).

We fulfill our purpose through the following roles:

 <p><b>Advocate</b> We are a voice for the local community on key issues.</p>	 <p><b>Facilitate</b> We help to make it possible or easier to meet community needs.</p>
 <p><b>Partner</b> We form strategic alliances in the interests of the community.</p>	 <p><b>Provide</b> We directly provide a range of services to meet community needs.</p>
 <p><b>Fund</b> We help fund organisations to deliver essential community services.</p>	 <p><b>Regulate</b> We regulate compliance with legislation, regulations and local laws.</p>

## Our Values

We conduct ourselves in line with the values that the local community cares deeply about.

We conduct ourselves in line with the values that the local community cares deeply about.

Proactivity Forward thinking and being positive	Dedication The continual pursuit of excellence	Honesty Acting with integrity and building trust	Transparency Being open and accountable	Respect Being tolerant, helpful and showing empathy and care for others	Cohesiveness Teamwork, unity and shared ownership
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## Division 1 - Preliminary provisions

### 1. Citation

This is the *Shire of Boddington Code of Conduct for Council Members, Committee Members and Candidates*.

### 2. Terms used

(1) In this code —

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

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

**complaint** means a complaint made under clause 11(1);

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

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

## Division 2 - General principles

### 3. Overview of Division

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

### 4. Personal integrity

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

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision-making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

## 5. Relationship with others

- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
  - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

## 6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

# Division 3 - Behaviour

## 7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

## 8. Personal integrity

- (1) A council member, committee member or candidate —
- (a) must ensure that their use of social media and other forms of communication complies with this code; and
  - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
  - (b) must comply with all policies, procedures and resolutions of the local government; and

## 9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

## 10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

## 11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
  - (a) in writing in the form approved by the local government; and
  - (b) to a person authorised under subclause (3); and
  - (c) within one month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise one or more persons to receive complaints and withdrawals of complaints.

## 12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - (a) engage in mediation;
  - (b) undertake counselling;
  - (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
  - (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4)

### 13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
  - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.

- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

#### 14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
  - (a) in writing; and
  - (b) given to a person authorised under clause 11(3).

#### 15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

### Division 4 - Rules of conduct

*Notes for this Division:*

1. *Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.*
2. *A minor breach is dealt with by a standards panel under section 5.110 of the Act.*

#### 16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

#### 17. Misuse of local government resources

- (1) In this clause —

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

**resources of a local government** includes —

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



## 18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
- (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
  - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.

## 19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

## 20. Relationship with local government employees

(1) In this clause —

**local government employee** means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
- (b) engaged by a local government under a contract for services.

(2) A council member or candidate must not —

- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
- (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
- (c) act in an abusive or threatening manner towards a local government employee.

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

(4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —

- (a) make a statement that a local government employee is incompetent or dishonest; or
- (b) use an offensive or objectionable expression when referring to a local government employee.

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

## 21. Disclosure of information

(1) In this clause —

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

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

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

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

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

- (a) derived from a confidential document; or

- (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
  - (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

## 22. Disclosure of interests

- (1) In this clause —
  - interest —**
    - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
    - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest—
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
  - (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
  - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and

- (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
  - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

## 23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

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### 9.3.4 Presiding Member – Audit, Risk and Improvement Committee

File Reference:	2.00234
Applicant:	Nil
Previous Item:	Nil
Author:	Governance Coordinator
Disclosure of Interest:	Nil
Voting Requirements:	Absolute Majority
Attachments:	9.3.4A Confidential   Stephen Brown – Expression of Interest 9.3.4B Confidential   Joanne Burges – Expression of Interest

#### Summary

This item seeks Council's endorsement to appoint two independent persons as Presiding Member and Deputy Presiding Member of the Audit, Risk and Improvement Committee (ARIC) in preparation for upcoming legislative changes to the *Local Government Act 1995*. These appointments are recommended for adoption in November 2025, following the local government elections.

#### Background

The *Local Government Amendment Act 2024* introduces significant reforms to local government governance and committee structures. Section 87 of the Amendment Act will amend sections 5.11A, 5.12, 7.1A and 7.1B of the *Local Government Act 1995* to require each local government to establish an Audit, Risk and Improvement Committee (ARIC) and to appoint an independent Presiding Member and independent Deputy Presiding Member.

Under the new provisions, Councils were originally required, by 1 July 2025, to appoint presiding and deputy presiding members for all committees by absolute majority. This requirement has not yet come into effect but it is considered best practice for the Shire of Boddington to make these appointments ahead of time to ensure compliance readiness and continuity in committee operations.

The ARIC plays a key role in supporting Council's governance framework through oversight of risk management, internal control systems, financial reporting, and continuous improvement processes.

#### Comment

To ensure compliance and preparedness for the upcoming reforms, the Shire undertook public advertising in August and October 2025 seeking expressions of interest from suitably qualified independent persons for the roles of Presiding Member and Deputy Presiding Member. No local responses were received.

Following consultation with WALGA Governance Services, two suitably qualified candidates, Stephen Brown and Joanne Burges, were identified and have confirmed their willingness to serve on the Shire's ARIC. Both individuals bring extensive experience in governance, audit, and risk management, ensuring the Committee is well-positioned to meet its expanded legislative responsibilities.

Under the Salaries and Allowances Tribunal determination, independent committee members may receive up to \$450 per meeting. As a Band 4 local government, fees of \$350 for the Presiding Member and \$200 for the Deputy Presiding Member are recommended as an appropriate level within the permitted range.

It is therefore proposed that meeting fees be applied as follows:

- Presiding Member - \$350 per meeting
- Deputy Presiding Member - \$200 per meeting

Applications and résumés for both nominees are provided as confidential attachments for Council's consideration.

#### Consultation

- WALGA Governance Services
- Public Advertising August and October 2025

#### Strategic Implications

Aspiration	Performance
Outcome 12	Visionary Leadership and Responsible Governance
Objective 12.1	Maintain a high standard of leadership, corporate governance and customer service

#### Legislative Implications

Local Government Act 1995,

Section 5.11A -Tenure of Committee Membership

Section 5.12 - Meetings of Committees

Section 7.1A - Audit Committee

7.1B Local Government Amendment Act 2024, Section 87

#### Policy Implications

The ARIC will support Council's governance framework and align with relevant Council policies, including risk management, financial management, and audit-related policies.

#### Financial Implications

Nil

#### Economic Implications

Nil

#### Social Implications

Improved community confidence through strengthened governance and transparency.

#### Environmental and Climate Change Implications

Nil

### Risk Considerations

Risk Statement and Consequence	Failure to appoint independent ARIC presiding members may result in non-compliance with forthcoming legislation and reputational risk. Appointment mitigates these risks and enhances governance integrity.
Risk Rating (prior to treatment or control)	Minor
Principal Risk Theme	Reputational / Compliance
Risk Action Plan (controls or treatment proposed)	Nil

### Officer Recommendation and Council Decision

#### **COUNCIL RESOLUTION: 120/25**

**Moved: Cr I Macpherson**

**Seconded: Cr J Van Heerden**

**That Council:**

- 1. Appoint Stephen Brown as Presiding Member and Joanne Burges as Deputy Presiding Member of the Audit, Risk and Improvement Committee (ARIC) for a two-year term, in anticipation of the upcoming legislative changes under section 87 of the Local Government Amendment Act 2024.**
- 2. Endorse the payment of meeting fees of \$350 for the Presiding Member and \$200 for the Deputy Presiding Member of the ARIC.**

**Carried: 7-0**

**For:** Cr E Smalberger, Cr P Carrotts, Cr A Ryley, Cr H Prandl, Cr J van Heerden, Cr I Macpherson, Cr P Kessler

**Against:** Nil



### 9.3.5 Newmont Headlease Renewal – Residential Accommodation

File Reference:	3.0046
Applicant:	Nil
Previous Item:	Ordinary Council Meeting February 2024   Resolution 21/24
Author:	Governance Coordinator
Disclosure of Interest:	Nil
Voting Requirements:	Simple Majority
Attachments:	9.3.5A - Headlease Agreement with Newmont Boddington Gold

#### Summary

Council is requested to endorse entering into a new Headlease with Newmont Boddington Gold for two residential properties located at 3 Prussian Way and 25 Farmers Avenue, Boddington, as the current agreement is set to expire on 30 January 2026.

#### Background

In November 2021, Council approved entering into a lease agreement with Newmont Boddington Gold for the purpose of securing residential housing for staff and community workforce needs. This arrangement included:

- 3 Prussian Way: Lease commenced 22 November 2021, expired 21 November 2023
- 25 Farmers Avenue: Lease commenced 17 January 2022, expired 16 January 2024

At the Ordinary Council Meeting on 15 February 2024, Council approved a Deed of Variation extending both leases to 30 January 2026.

As both properties continue to meet strategic housing needs, the Shire has negotiated a new five-year lease, with a further five-year extension option and scope for an additional mutually agreed term beyond ten years. Establishing a longer-term agreement provides continuity, reduces the administrative burden associated with annual renewals, and ensures ongoing housing availability to support operational and community workforce needs.

The key terms of the proposed new Headlease are as follows:

Commencement Date:	30 January 2026 (or other date mutually agreed)
Initial Term:	Five (5) years
Expiry Date:	31 January 2031
Renewal Option:	One additional five (5) year term
Rent:	\$1,300 (plus GST) per month, per property
Review of Rent:	Annual CPI review based on the CPI All Groups index for Perth
Bond:	\$1,200 per property
Use:	Residential accommodation
Additional Terms:	Standard conditions relating to maintenance, insurance, and residential tenancy responsibilities

A copy of the draft head lease agreement, incorporating these terms, is included as Attachment 9.3.5A.

#### Comment

The proposed lease ensures continued Shire access to long-term residential assets used to support strategic workforce needs. A multi-year agreement provides stability for both parties and removes the administrative and operational uncertainty associated with annual renewals.

The Shire may sub-lease the properties where appropriate, provided the proposed subtenant is an Affiliate of the Shire or an Essential Services Provider, meaning a person or entity involved in providing essential services to the community (including medical, health, childcare, education or major utilities services).

#### Consultation

Newmont Boddington Gold

#### Strategic Implications

Aspiration: Performance  
Outcome 12: Visionary leadership and responsible governance  
Objective 12.2: Responsibly manage the Shires finances, human resources and assets

#### Legislative Implications

Nil

#### Policy Implications

Nil

#### Financial Implications

The financial implications that will result from the recommendation are negligible, as the cost of the lease, as well as outgoings, will be passed on to the tenant. Minor maintenance items may need to be attended to during the period of the lease, however, where damage is caused by the tenant, this cost will be passed on to them.

#### Economic Implications

Providing reliable, well-maintained accommodation contributes to workforce stability, supports local employers and improves community infrastructure resilience.

#### Social Implications

Long-term housing availability enhances the Shire's ability to support community priorities, such as the temporary housing of medical professionals, thereby contributing to improved health access and community wellbeing.

#### Environmental Considerations

Nil

#### Risk Considerations

Risk Statement and Consequence	Failure to secure a long-term lease may result in loss of control over critical housing assets, reduce availability of workforce accommodation, and impact the Shire's ability to respond to service gaps, including medical staffing.
Risk Rating (prior to treatment or control)	High
Principal Risk Theme	Reputational

### **Officer Recommendation and Council Decision**

**COUNCIL RESOLUTION: 121/25**

**Moved: Cr I Macpherson**

**Seconded: Cr A Ryley**

**That Council:**

- 1. Approve entering into a new Headlease with Newmont Boddington Gold for the residential properties located at 3 Prussian Way and 25 Farmers Avenue, Boddington, commencing 31 January 2026, in accordance with the draft Headlease included as Attachment 9.3.5A.**
- 2. Endorse the lease terms, including:**
  - a. An initial five-year term expiring 31 January 2031;**
  - b. One further five-year renewal option; and**
  - c. Rent of \$1,300 (plus GST) per month, per property, subject to annual CPI (Perth All Groups) review.**

**Carried: 7-0**

**For:** Cr E Smalberger, Cr P Carrotts, Cr A Ryley, Cr H Prandl, Cr J van Heerden,  
Cr I Macpherson, Cr P Kessler

**Against:** Nil

Newmont Boddington Gold Pty Ltd  
Shire of Boddington

## Headlease

3 Prussian Way and 25 Farmers Avenue, Boddington WA

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**This Agreement** is made on

## **Parties**

- 1 **Newmont Boddington Gold Pty Ltd** (ACN 101 199 731) of Level 2, 388 Hay Street, Subiaco WA 6008 (**Newmont**)
- 2 **Shire of Boddington** of 39 Bannister Road, Boddington WA 6390 (**Shire**)

## **Recitals**

- A Newmont is the registered proprietor of the Premises.
- B Newmont has agreed to lease the Premises to the Shire on the terms and conditions set out in this Lease.

**It is agreed** as follows.

## **1 Definitions and interpretation**

### **1.1 Definitions**

The following definitions apply unless the context requires otherwise.

**Act** means the *Residential Tenancies Act 1987* (WA).

**Affiliate** means an officer, employee, contractor, subcontractor, representative or consultant of a party, and in the context of Newmont, includes any Related Body Corporate and its respective officers, employees, agents, contractors, subcontractors, representatives, consultants or invitees.

**Authority** includes:

- (a) any government in any jurisdiction, whether federal, state, territorial or local;
- (b) any provider of public utility services, whether statutory or not; and
- (c) any other person, authority, instrumentality or body having jurisdiction, rights, powers, duties or responsibilities over the Premises or any part or in relation to them.

**Bond** means the amount specified in 7 of Schedule 1.

**Building** means the improvements erected on the Land together with all modifications extensions or alterations from time to time and Newmont's Property.

**Business Day** means any day except Saturday or Sunday or a day that is a public holiday in Perth.

**Claim** includes any demand, remedy, injury, damage, loss, liability, right of action and claim for compensation or abatement of rent.

**Commencement Date** means the dates specified in Item 3 of Schedule 1.

**Condition Report** means a report that describes the condition of the Premises at the commencement of this Lease.

**Essential Services Provider** means a person or entity involved in providing essential services to the community (including medical, health, childcare, education or major utilities services).

**Expiry Date** means the dates specified in Item 5 of Schedule 1.

**Farmers Avenue Property** means the Building located on Lot 126 on Plan 15859 being the whole of the land comprised in certificate of title Volume 1820 Folio 916 and more commonly known as 25 Farmers Avenue, Boddington.

**Index Number** means the Consumer Price Index All Groups number for Perth published from time to time by the Australian Bureau of Statistics.

**Land** means the land specified in Item 2 of Schedule 1.

**Law** includes any requirement of any statute, rule, regulation, proclamation, ordinance or by-law, present or future and whether state, federal or otherwise.

**Newmont's Property** includes:

- (a) all plant and equipment, fittings, fixtures, furniture, furnishings of any kind including window coverings, blinds, floor coverings and light fittings from time to time on the Premises and owned or supplied by Newmont or any predecessor in title; and
- (b) all fire prevention aids and fire fighting systems from time to time located on the Premises or which may service the Premises.

**Premises** means the premises described in Item 1 of Schedule 1.

**Property or Properties** means either the Farmers Avenue Property or the Prussian Way Property or both, as the context requires.

**Prussian Way Property** means the Building located on Lot 76 on Plan 15858 being the whole of the land comprised in certificate of title Volume 1827 Folio 438 and more commonly known as 3 Prussian Way, Boddington.

**Related Body Corporate** has the meaning given in the *Corporations Act 2001* (Cth).

**Residential Agreement** has the meaning given in clause 5.2.

**Rent** means the amount specified in 6 of Schedule 1, as varied pursuant to clause 3.2.

**Shire's Property** includes all fixtures, fittings, plant, equipment, partitions or other articles and chattels of all kinds (other than stock-in-trade) which are not Newmont Property and which are at any time in the Premises.

**Term** means the term of this Lease, commencing on the Commencement Date, described in Item 4 of Schedule 1.

## 1.2 Interpretation

- (a) Headings are for convenience only and do not affect interpretation.
- (b) Nothing in this Lease is to be interpreted against a party solely on the ground that the party put forward this Lease or a relevant part of it.
- (c) The following rules apply unless the context requires otherwise.
  - (i) The singular includes the plural, and the converse also applies.
  - (ii) A gender includes all genders.
  - (iii) If a word or phrase is defined, its other grammatical forms have a corresponding meaning.
  - (iv) A reference to a person includes a corporation, trust, partnership, unincorporated body or other entity, whether or not it comprises a separate legal entity.
  - (v) A reference to a clause or Schedule is a reference to a clause of, or Schedule to, this Lease.
  - (vi) A reference to a party to this Lease or another agreement or document includes the party's successors, permitted substitutes and permitted assigns (and, where applicable, the party's legal personal representatives).

- (vii) A reference to legislation or to a provision of legislation includes a modification or re-enactment of it, a legislative provision substituted for it and a regulation or statutory instrument issued under it.
- (viii) A reference to conduct includes an omission, statement or undertaking, whether or not in writing.
- (ix) A reference to *dollars* or \$ is to Australian currency.
- (x) A reference to time is to Australian Western Standard Time.
- (xi) A *month* means a calendar month.
- (xii) A reference to year is a reference to each successive period of 12 months, commencing on the Commencement Date.

## 2 Grant of Lease

Subject to the terms of this Lease, Newmont grants the Shire a lease of the Premises from the Commencement Date until the Expiry Date or the earlier determination of the Term.

## 3 Rent and Bond

### 3.1 Payment of Rent

During the Term, the Shire must pay Newmont the Rent in equal monthly instalments in advance on the first day of the month via direct debit or any other method nominated by Newmont, unless otherwise agreed.

### 3.2 Index review of Rent

- (a) On the anniversary of the Commencement Date, the Rent will be varied in accordance with the following formula:

$$R = \frac{A \times B}{C}$$

Where:

R = the Rent payable immediately after the anniversary of the Commencement Date

A = the Rent payable immediately before the anniversary of the Commencement Date

B = the Index Number last published before the end of the year just ended; and

C = the Index Number last published before the commencement of the year just ended.

- (b) Until Newmont has determined the Rent payable after the anniversary of the Commencement Date, the Shire must continue to pay the Rent in accordance with clause 3.1.
- (c) Immediately following the determination of the Rent payable after the anniversary of the Commencement Date pursuant to paragraph (a), an appropriate adjustment and payment or repayment must be made between the parties to ensure that the Shire has paid the appropriate amount.

### 3.3 Payment of Bond

On or before the Commencement Date, the Shire must pay to Newmont the Bond to secure Newmont against loss or damage resulting from any default by the Shire under this Lease.



### **3.4 Interest**

- (a) If the Shire is late paying Newmont any money under this Lease, Newmont may charge the Shire interest on those amounts at the rate of 4% above the Overdraft Reference Rate (or its replacement) published by the Commonwealth Bank of Australia.
- (b) Interest will accrue on unpaid money daily from the day after it was due until and including the day that the Shire pays it in full.

## **4 Outgoings**

### **4.1 Shire's outgoings**

During the Term, the Shire must pay, or must procure that any subtenants pay, all assessments for electricity, telephone, gas and internet charges relating to the Premises on or before their due dates for payment.

### **4.2 Newmont's outgoings**

Newmont will promptly pay:

- (a) all rates and charges of any description payable to the relevant local authority in connection with the Premises;
- (b) charges for water consumed at the Premises, other than any charges for water consumption that may be classified as 'excess water' by any government authority; and
- (c) all taxes and assessments of any description levied on or in respect of the Premises by any government authority, including land tax.

## **5 Use**

### **5.1 Permitted Use**

The Shire must not use or permit the Premises to be used for any purpose other than the purpose specified in Item 8 of Schedule 1, without the prior written consent of Newmont, which may be withheld at Newmont's absolute discretion.

### **5.2 Subletting**

- (a) The Shire may only sublet the Premises in accordance with this clause 5.2 and must notify Newmont in writing prior to such sublease commencing.
- (b) During the Term, the Shire may sublet the whole or part of the Premises without the prior written consent of Newmont, providing that the proposed subtenant is an Affiliate of the Shire, or an Essential Services Provider, and the Shire and the proposed subtenant enter into:
  - (i) a residential tenancy lease that complies with the provisions of the Act; or
  - (ii) a boarding or lodging agreement.

**(Residential Agreement).**
- (c) Any Residential Agreement that the Shire enters into pursuant to paragraph (b) must:
  - (i) have a term that ends before the Expiry Date for the Property;
  - (ii) specify that the Residential Agreement will end immediately on the expiration or earlier determination of this Lease, subject to the satisfaction of any notice requirements under the Act; and

- (iii) require the subtenant to perform and observe the covenants of the Shire and the conditions contained in this Lease, to the extent those covenants are not inconsistent with the provisions of the Act.

### **5.3 Compliance with Laws**

The Shire must, and must procure that any subtenant:

- (a) punctually complies and observes all Laws relating to the Shire's or any subtenant's use or occupation of the Premises;
- (b) does not use the Premises for any illegal purpose; and
- (c) does not cause or permit a nuisance.

## **6 Condition Report**

- (a) Within 10 Business Days of the Commencement Date, Newmont will prepare and provide the Shire with the Condition Report.
- (b) Within 10 Business Days of receiving the Condition Report, the Shire must either:
  - (i) sign and return a copy of the Condition Report to Newmont; or
  - (ii) notify Newmont that it does not agree with the Condition Report.
- (c) If the Shire does not agree with the Condition Report, the parties must meet and consult in good faith to agree on the Condition Report as soon as reasonably practicable.
- (d) If the Shire fails to sign and return the Condition Report to Newmont or notify Newmont that it disagrees with the Condition Report within the period set out in paragraph (b), the Shire will be deemed to have accepted the Condition Report.

## **7 Maintenance, repairs and alterations**

### **7.1 Maintenance of Premises**

- (a) The Shire must keep and maintain the Premises in good order and repair, fair wear and tear excepted, and based on the condition of the Premises at the Commencement Date, except:
  - (i) any structural repairs or works of a capital nature; and
  - (ii) to the extent any repair or maintenance is required due to a breach by Newmont of this Lease, or any negligence or wrongful act by Newmont or any person under its control.
- (b) For the purposes of paragraph (a), the parties acknowledge and agree that the Condition Report is conclusive evidence of the condition of the Premises at the Commencement Date.

### **7.2 Right to inspect the Premises**

- (a) If the Shire has not sub-leased the Premises, the Shire must allow Newmont to enter and view the condition of the Premises at all reasonable times, subject to Newmont providing at least 2 Business Days prior written notice.
- (b) If the Shire has leased the Premises, Newmont's right to enter and view the condition of the Premises will be subject to the Shire promptly satisfying the notice requirements of a lessor under the Act.

### 7.3 Newmont's right to repair

- (a) If, at any time, the Shire defaults in the performance or observance of any provision of this Lease relating to the repair or maintenance of the Premises and has failed to remedy that default within 10 Business Days of being given written notice by Newmont to do so, Newmont may enter and repair the Premises, at the sole cost and expense of the Shire.
- (b) If the Shire has leased the Premises, then Newmont's right to enter and repair the Premises will be subject to the Shire promptly satisfying the notice requirements of a lessor under the Act.

### 7.4 Notice of damage

- (a) The Shire must promptly advise Newmont in writing of any damage sustained to the Premises (**Damage Notice**).
- (b) Within 10 Business Days of receiving a Damage Notice, Newmont will either:
  - (i) issue a maintenance notification to the Boddington Housing Trust, who will undertake the works required to rectify the damage the subject of the Damage Notice; or
  - (ii) reject the Damage Notice, with reasons.

### 7.5 Cleaning

The Shire must keep the Premises in a state of cleanliness and not allow any accumulation of useless property or rubbish.

### 7.6 Alterations

- (a) The Shire must not make or permit any alterations, additions or installations (**Proposed Works**) to the Premises without Newmont's prior written consent and the approval of every relevant Authority. Newmont may withhold its consent to any structural Proposed Works at its absolute discretion.
- (b) If the Shire wants to undertake or permit any Proposed Works, the Shire must submit plans and specifications of the Proposed Works to Newmont for consideration. Newmont may request further information about the Proposed Works from the Shire at any time, acting reasonably.
- (c) Subject to the Shire providing the plans and specifications and any further information that Newmont requests, Newmont will review the request for the Proposed Works and will either:
  - (i) issue work order to the Boddington Housing Trust, who will undertake the Proposed Works; or
  - (ii) reject the Proposed Works, with reasons.

## 8 Insurance

### 8.1 Insurances

During the Term, the Shire must effect and maintain:

- (a) public liability insurance for at least \$20,000,000 in respect of any single accident and in the aggregate;
- (b) insurance for the full reinstatement and replacement value of the Building, Newmont's Property and the Shire's Property; and

- (c) any other policy of insurance which Newmont from time to time during the Term requires the Shire to take out and maintain, acting reasonably.

## **8.2 Policies**

The insurance policies that the Shire takes out pursuant to clause 8.1 must:

- (a) be with a reputable insurer;
- (b) cover events occurring whilst the policy is current, regardless of when a claim is made;
- (c) not be limited with respect to the number of claims and;
- (d) be in the names of the Shire and Newmont for their individual rights and interests.

## **8.3 Evidence of insurance**

The Shire must produce to Newmont a copy of any policy of insurance taken out by the Shire under this lease and the current certificate of renewal at Newmont's request.

## **9 Newmont's obligations**

### **9.1 Vacant possession**

Subject to the Shire paying the Bond and demonstrating that it has complied with its obligations under clause 8, Newmont will give the Shire vacant possession of the Premises on the Commencement Date.

### **9.2 Quiet enjoyment**

Subject to the Shire paying the Rent and observing and performing its duties and obligations under this Lease, the Shire may occupy and enjoy the Premises during the Term without any interruption by Newmont or by any person claiming through or under Newmont.

### **9.3 Maintenance**

Newmont will:

- (a) ensure that the Premises are clean and are safe to live in at the Commencement Date;
- (b) keep the Premises structurally sound and waterproof during the Term;
- (c) provide an annual gutter cleaning service; and
- (d) repair any damage or defect in the Premises that is not the responsibility of the Shire under this Lease.

## **10 Default**

### **10.1 Events of default**

The Shire will breach this Lease if:

- (a) the Shire fails to pay the Rent in accordance with clause 3.1; or
- (b) the Shire does not perform or comply, on time, with every other term and condition of this Lease.

### **10.2 Termination for default**

- (a) If the Shire breaches this Lease, Newmont will give the Shire a notice requiring the Shire to remedy the breach within:
  - (i) 10 Business Days if it relates to the payment of any money the Shire owes Newmont or an essential term of this Lease; or

- (ii) 20 Business Days if it relates to anything else.
- (b) If the Shire fails to remedy the breach within the period referred to in the notice, Newmont may:
  - (i) immediately terminate this Lease by written notice to the Shire;
  - (ii) re-enter and take possession of the Premises;
  - (iii) exercise any other legal or equitable rights.

### **10.3 Essential terms**

The Shire's obligations under clauses 3.1, 4.1, 5, 7.1 and 8 are essential terms of this Lease. If the Shire breaches an essential term of this Lease, then in addition to Newmont's rights under clause 10.2(b), Newmont may sue the Shire for damages for loss of the benefits which performance of the covenants by the Shire would have conferred on Newmont between the date that Newmont terminates this Lease and the date that the Premises are re-let.

### **10.4 Reservation of rights**

- (a) The rights and powers conferred on Newmont by this clause 10 are in addition to any other right or power which may be conferred upon Newmont at law or in equity.
- (b) No default by the Shire will be deemed to be waived except by notice in writing signed by an authorised representative of Newmont.

## **11 Damage or destruction**

- (a) If the Buildings, or any part of the Buildings, are totally or partially destroyed or damaged by any event that is out of the control of the Shire or Newmont, which results in the Buildings, or any part of the Buildings, being wholly or substantially unfit for occupation or the Premises being wholly or substantially inaccessible, the Shire:
  - (i) may ask Newmont to rebuild the Buildings or repair the Premises; and
  - (ii) the Shire does not have to pay Newmont the Rent while the Buildings are unfit for occupation or the Premises is inaccessible.
- (b) Newmont may, but is under no obligation to, rebuild the Buildings or repair the Premises where the damage or destruction is caused by an event that is out of the control of the Shire or Newmont and may either:
  - (i) repair or rebuild the Premises or the Buildings within a reasonable time; or
  - (ii) notify the Shire that Newmont has decided not to repair or rebuild the Premises or the Buildings, in which case either party may end this Lease on 5 Business Days notice to the other party.

## **12 Termination of Lease**

### **12.1 Yield up**

- (a) On the expiration or sooner determination of this Lease, the Shire must yield up the Premises in an order and condition that is consistent with clause 7.1.
- (b) Unless Newmont indicates otherwise, the Shire must remove any fixtures or fittings which the Shire has installed on the Premises (including any fixtures or fittings installed in accordance with clause 7.6) within 5 Business Days of the expiration or earlier termination of this Lease and make good any damage arising from the removal of any fixtures or fittings.

- (c) If the Shire does not comply with paragraphs (a) or (b), then Newmont may make good the Premises at the cost of the Shire and recover that cost from the Shire as a liquidated debt payable on demand.

## **13 Liability**

### **13.1 Indemnity**

The Shire indemnifies and must keep indemnified Newmont and its Affiliates against any Loss or Claim incurred by Newmont that arises from or in connection with the Shire's use or occupation of the Premises, including under any Residential Agreement that the Shire enters into under clause 5.2 of this Lease, except to the extent that Loss or Claim is caused or contributed to by the negligent act or omission of Newmont or its Affiliates.

### **13.2 Release**

The Shire uses and occupies the Premises at its own risk and, to the fullest extent permitted by law, releases Newmont and its Affiliates from any Loss or Claim arising from or in connection with:

- (a) any injury or death of any person occurring on the Premises; and
  - (b) any damage to any property located on or within the Premises,
- except to the extent that Loss or Claim is caused or contributed to by the negligent act or omission of Newmont or its Affiliates.

## **14 Option for a new lease**

### **14.1 Grant of new lease**

Newmont agrees to grant a new lease under this clause 14 on the Expiry Date to commence on the next day, but only if:

- (a) the Shire gives Newmont a notice stating that it wants a new lease of the Premises for the term specified in Item 9 of Schedule 1;
- (b) Newmont receives that notice between 12 months and 6 months before the Expiry Date; and
- (c) at the time the Shire gives that notice, and up until the Expiry Date, the Shire is not in breach of this lease.

### **14.2 Terms of new lease**

The new lease is to be identical with this lease except that:

- (a) this clause 14 and Item 9 of Schedule 1 are deleted;
- (b) the term, the commencement date and the expiry date are to be those specified in Item 9 of Schedule 1;
- (c) the rent from the commencement date of the new lease is to be decided under clause 3.2; and
- (d) the new lease must reflect any variations to this lease, whether registered or not, which become effective during the Term.

## **15 Dispute Resolution**

- (a) If there is a dispute or difference (**Dispute**) between the parties arising out of or in connection with this Lease then within 10 Business Days of a party notifying the other

party in writing of the Dispute, a senior representative from each party must meet at least once and use all reasonable endeavours acting in good faith to resolve the Dispute by joint discussions.

- (b) A party may not start court proceedings in relation to a Dispute until the parties have acted in accordance with paragraph (a), unless the party seeks injunctive or other interlocutory relief.
- (c) Despite the existence of a dispute or difference each party must continue to perform this Lease.

## 16 GST

- (a) Unless the context requires otherwise, words and phrases used in this clause that have a specific meaning in the GST law (as defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth)) shall have the same meaning in this clause.
- (b) If GST is payable, or notionally payable, on a supply made under or in connection with this Agreement, the party providing the consideration for that supply must pay as additional consideration an amount equal to the amount of GST payable, or notionally payable, on that supply (the **GST Amount**).
- (c) Subject to the prior receipt of a tax invoice, the GST Amount is payable at the same time that the other consideration for the supply is provided. This clause does not apply to the extent that the consideration for the supply is expressly stated to be GST inclusive or the supply is subject to reverse charge.
- (d) Where any indemnity, reimbursement or similar payment under this Agreement is based on any cost, expense or other liability, it shall be reduced by any input tax credit entitlement, or notional input tax credit entitlement, in relation to the relevant cost, expense or other liability.
- (e) If an adjustment event occurs in relation to a supply made under or in connection with this Agreement, the GST Amount will be recalculated to reflect that adjustment and an appropriate payment will be made between the parties.
- (f) This clause will not merge upon completion and will continue to apply after expiration or termination of this Agreement.

## 17 Notices

Any notice, demand, consent or other communication given or made under this Lease:

- (a) must be in writing and signed by the sender or a person duly authorised by the sender (or in the case of email, set out the first and last name and position or title of the sender);
- (b) must be delivered to the intended recipient by prepaid post or by hand or email to the address, or email address below or last notified to the sender:

<b>Newmont</b>	Address:	Level 5, 500 Hay Street Subiaco WA 6008
	Email:	<a href="mailto:leigh.cover@newmont.com">leigh.cover@newmont.com</a> with a copy to <a href="mailto:aus-notices@newmont.com">aus-notices@newmont.com</a>
	Attention:	Leigh Cover, Director, Social Performance
<b>The Shire</b>	Address:	39 Bannister Road Boddington WA 6390

Email: ceo@boddington.wa.gov.au  
Attention: Julie Burton, CEO

- (c) will be conclusively taken to be duly given or made and received:
  - (i) in the case of delivery in person, when delivered;
  - (ii) in the case of delivery by post, 3 Business Days after the date of posting;
  - (iii) in the case of email, at the earliest of:
    - (A) the time that the sender receives an automated message from the intended recipient's information system confirming delivery of the email;
    - (B) the time that the intended recipient confirms receipt of the email by reply email; and
    - (C) three hours after the time the email is sent (as recorded on the device from which the sender sent the email) unless the sender receives, within that three hour period, an automated message that the email has not been delivered,

but if the result is that a Notice would be taken to be given or made and received on a day that is not a Business Day, it will be conclusively taken to have been duly given or made and received at the start of business on the next business day in that place.

## **18 General**

### **18.1 Assignment**

The Shire cannot assign, charge, create a security interest over, encumber or otherwise deal with any of its rights or obligations under this Lease, or attempt or purport to do so, without the prior written consent of Newmont, except sublease the Premises in accordance with clause 5.2. The consent of Newmont may be withheld in its absolute discretion.

### **18.2 Governing law and jurisdiction**

This Lease is governed by the laws of Western Australia and each party irrevocably submits to the non-exclusive jurisdiction of courts with jurisdiction there.

### **18.3 Stamp Duty**

The Shire must pay to Newmont on demand all stamp duty (if any, including penalties and fines other than those incurred due to the default of Newmont) which become payable on this Lease.

### **18.4 Entire agreement**

This Lease contains the entire agreement between the parties with respect to its subject matter and supersedes all representations, warranties or agreements between the parties in connection with its subject matter.

### **18.5 No waiver**

A failure to exercise or a delay in exercising any right, power or remedy under this Lease does not operate as a waiver.

### **18.6 Amendment**

This Lease may only be amended in writing.



**18.7 Severability**

Any provision of this Lease that is prohibited or unenforceable in any jurisdiction is ineffective as to that jurisdiction to the extent of the prohibition or unenforceability. That does not invalidate the remaining provisions of this Lease nor affect the validity or enforceability of that provision in any other jurisdiction.

**18.8 Further assurances**

Each party must do anything necessary or desirable (including executing agreements and documents) to give full effect to this Lease and the transactions contemplated by it.

**18.9 Counterparts**

This Lease may be executed in any number of counterparts. All counterparts together will be taken to constitute one instrument.

## Schedule 1 – Details

Item		Details
1	Premises	The Land, the Buildings and Newmont's Property
2	Land	<p>Lot 76 on Plan 15858 being the whole of the land comprised in certificate of title Volume 1827 Folio 438 and more commonly known as 3 Prussian Way, Boddington.</p> <p>Lot 126 on Plan 15859 being the whole of the land comprised in certificate of title Volume 1820 Folio 916 and more commonly known as 25 Farmers Avenue, Boddington.</p>
3	Commencement Date	31 January 2026
4	Term	5 years
5	Expiry Date	30 January 2031
6	Rent	\$1,300 per Property per month
7	Bond	\$1,200
8	Use of Premises	Residential accommodation
9	Particulars of new lease	<p><b>Term:</b> 5 years</p> <p><b>Commencement date:</b> 31 January 2031 <b>Expiry date:</b> 30 January 2036</p>

**Executed** in accordance with section 127 of the  
*Corporations Act 2001* by **Newmont Boddington**  
**Gold Pty Ltd:**

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Director Signature

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Director/Secretary Signature

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Print Name

---

Print Name

**Executed** by the **Shire of Boddington** under  
delegation:

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CEO Signature

---

Witness

---

Print Name

---

Print Name

### 9.3.6 Boddington Medical Centre | Housing Arrangements

File Reference: 3.00635  
Applicant: Nil  
Previous Item: Ordinary Council Meeting  
Author: Governance Coordinator  
Disclosure of Interest: Nil  
Voting Requirements: Simple Majority  
Attachments: Nil

#### Summary

Council is requested to approve the continuation of residential accommodation for the General Practitioner, providing services through the Boddington Medical Centre, at 3 Prussian Way Boddington, commencing 31 January 2026. This property is owned by Newmont and subleased by the Shire.

#### Background

At its Ordinary Meeting in October 2024, Council resolved to support a request from the Boddington Medical Centre to rent 3 Prussian Way with the rent set at \$350 per week. The current agreement is due to cease on 30 January 2026, and the Boddington Medical Centre has requested a new tenancy agreement commencing 31 January 2026 for a further 12 month term.

#### Comment

The continued provision of accommodation at 3 Prussian Way is essential to support the ongoing provision of medical services in Boddington. Secure and convenient housing is a critical factor in attracting and retaining medical professionals in regional areas. This arrangement has supported continuity of care for the local community and the operational needs of the Boddington Medical Centre.

It is proposed that the weekly rent amount remains unchanged, consistent with the Newmont Headlease, where the lease amount has not increased. The proposed tenancy details are as follows:

- Rental: \$350 per week (cost-recovery basis)
- Utilities: Tenant responsibility
- Insurance & Maintenance: Shire responsibility
- This reflects the base lease cost from Newmont, with recovery to the Shire through sub-lease to the BMC (Bouldermed Pty Ltd).

Extending the residential tenancy arrangement ensures continuity of GP services and complements Council's previously endorsed use of the Old Police Station for GP accommodation, supporting a coordinated and consistent approach to workforce housing.

#### Consultation

Boddington Medical Centre (Bouldermed Pty Ltd)

#### Strategic Implications

Aspiration: People

Outcome 2: A healthy and active community

Objective 2.1: Improve access to health facilities and services

#### Legislative Implications

Local Government Act 1995 and the Local Government (Functions and General) Regulations 1996.

- Section 3.58 of the Local Government Act 1995 outlines the requirements for the disposal of property, which includes leasing.
- The proposed sublease to Bouldermed Pty Ltd is considered a disposition, however, it is exempt from the public advertising requirements under Regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996, as the lease is to an organisation providing a public service (medical services) and is at a cost-recovery basis rather than a commercial arrangement.

#### Policy Implications

Nil

#### Financial Implications

The proposed rate is based on cost recovery to the Shire:

- 3 Prussian Way: \$350/week = \$18,200/year

This rate is consistent with the Newmont Headlease arrangements and reflects the total cost to the Shire of providing the accommodation.

#### Economic Implications

Provision of appropriate accommodation supports recruitment and retention of skilled health workers, indirectly strengthening local employment, economic resilience, and business activity.

#### Social Implications

Ensures continued access to general practice services, supporting community health and wellbeing.

#### Environmental Considerations

Nil

#### Risk Considerations

Risk Statement and Consequence	Failure to secure a long-term lease may result in loss of control over critical housing assets, reduce availability of workforce accommodation, and impact the Shire's ability to respond to service gaps, including medical staffing.
Risk Rating (prior to treatment or control)	High
Principal Risk Theme	Reputational

Risk Action Plan (controls or treatment proposed)	Nil
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### **Officer Recommendation and Council Decision**

#### **COUNCIL RESOLUTION: 122/25**

**Moved: Cr P Kessler**

**Seconded: Cr P Carrotts**

**That Council approve a periodic lease for the premise located at 3 Prussian Way Boddington at \$350 per week commencing 31 January 2026, to Bouldermed Pty Ltd or its Representative, to facilitate additional General Practitioner services within the Shire of Boddington.**

**Carried: 7-0**

**For: Cr E Smalberger, Cr P Carrotts, Cr A Ryley, Cr H Prandl, Cr J van Heerden, Cr I Macpherson, Cr P Kessler**

**Against: Nil**

#### **9.4 INFRASTRUCTURE SERVICES**

Nil

10. ELECTED MEMBERS' MOTION OF WHICH PREVIOUS  
MOTION HAS BEEN GIVEN

Nil

11. URGENT BUSINESS WITHOUT NOTICE WITH THE  
APPROVAL OF THE PRESIDENT OR MEETING

Nil

12. CONFIDENTIAL ITEMS

Nil



**13. CLOSURE OF MEETING**

Shire President Eugene Smalberger declared the meeting closed at 5.44pm.