



## GCM ATTACHMENT BOOKLET FOR ORDINARY COUNCIL MEETING

21 June 2023 at 5:00pm

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SHIRE OF MINGENEW



## DELEGATION REGISTER

Current as at 21 June 2023

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## 1 Local Government Act 1995 Delegations

### 1.1 Council to Committees of Council

#### 1.1.1 Dealing with Behaviour Complaints

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint
<b>Delegate:</b>	<b>Behaviour Complaints Committee</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to make a finding as to whether an alleged breach the subject of a complaint has or has not occurred, based upon evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur <i>[MCC.cl.12(1) and (3)]</i>.  In making any finding the Committee must also determine reasons for the finding <i>[MCC.cl.12(7)]</i>.</li> <li>2. Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> <li>a) take no further action <i>[MCC.cl.12(4)(a)]</i>; or</li> <li>b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates <i>[MCC.cl.12(4)(b), (5) and (6)]</i>.</li> </ol> </li> <li>3. Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal <i>[MCC.cl.13(1) and (2)]</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy 1.1.8 Code of Conduct Behaviour Complaints Management.</li> <li>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</li> <li>c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</li> <li>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee</li> </ol>

# Delegation Register

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## 1. Local Government Act 1995 Delegations

	<p>Member is absent, and a Deputy Committee Member is in attendance.</p> <p><u>NOTE TO Conditions (c) AND (d):</u> The purpose of these Conditions is to require that a Committee Member who is identified as either the Complainant or Respondent is required to recuse themselves by notifying the Presiding Member of their intention to be an apology for the meeting at which the Complaint is an agenda item.</p>
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	<p>2.01 Behaviour Complaints Committee Terms of Reference</p> <p>Council Policy 1.1.8 Code of Conduct Behaviour Complaints Management</p> <p>Council Policy 1.1.4 Code of Conduct for Council Members, Committee Members and Candidates</p>
<b>Record Keeping:</b>	<p>Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19. Committee Minutes shall be received by Council at the next Ordinary meeting of Council.</p>

### Version Control:

1	CDC02 Behaviour Complaints Committee (last reviewed 15 June 2022 – no change)
2	1.1.1 Dealing with Behaviour Complaints (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.1.2 Recruitment, Performance and Termination of the Chief Executive 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>Local Government Act 1995:</i> s.5.16 Delegation of some powers and duties to certain committees
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.5.39A Model standards for CEO recruitment, performance and termination
<b>Delegate:</b>	<b>Executive Management Committee</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	In accordance with Council Policy 1.1.7 CEO Standards for Recruitment, Performance and Termination, authority to: <ol style="list-style-type: none"> <li>1. Prepare and recommend to Council the selection criteria and job description for the position of CEO;</li> <li>2. Form the Selection Panel to conduct the recruitment and selection process for the employment of the CEO;</li> <li>3. Prepare and make recommendation to Council, the proposed terms of the contract of employment for the CEO</li> <li>4. Determine the process by which the CEO's performance will be reviewed and any performance criteria to be met by the CEO in addition to the contractual performance criteria</li> <li>5. Appoint an external consultant to assist with the CEO performance review (if desired)</li> <li>6. Conduct a review of the CEO's performance at least once per year, in consultation with the CEO, and make recommendations to Council to endorse the review</li> <li>7. Determine how to address and manage any issues identified in the performance review;</li> <li>8. Review the CEO's remuneration package annually and make recommendations to Council in relation to remuneration, in accordance with the CEO's contract of employment, having consideration to the CEO's performance, current level of remuneration and the Salaries and Allowances Determination;</li> <li>9. Consider and make recommendation to Council on any matters that may or do result in the termination of the CEO.</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The Selection Panel for employment of the CEO must include the appointment (by Council) of at least 1 independent person and any other person prior to commencing the recruitment and selection process.
<b>Express Power to Sub-Delegate:</b>	Nil.

<b>Compliance Links:</b>	Local Government Act 1995 Local Government (Administration) Regulations 1996 7.01 Executive Management Committee Terms of Reference (to be developed)
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

	Council Policy 1.1.7 CEO Standards for Recruitment, Performance and Termination Council Policy 1.1.4 Code of Conduct for Council Members, Committee Members and Candidates
Record Keeping:	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19. Committee Minutes shall be received by Council at the next Ordinary meeting of Council.

### Version Control:

1	CDC01 Chief Executive Officer's Performance Appraisal (adopted 19 December 2018)
2	1.1.2 Recruitment, Performance and Termination of the Chief Executive Officer (NEW)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2 Council to CEO

#### 1.2.1 Authorise Persons to Perform Specified Functions under the Local Government Act 1995

<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.3.24 Authorising persons under this Subdivision s.3.31(2) General Procedure for entering property s.3.39(1) Power to remove and impound s.3.40A(1) Abandoned vehicle wreck may be taken s.9.24(1)(c) and (2)(b) Prosecutions, commencing  <i>Local Government (Miscellaneous Provisions) Act 1960</i> s.449 Pounds, establishing; poundkeepers and rangers, appointing
<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 authorise persons for the purposes of <i>Part 3, Division 3, Subdivision 2 – Certain provisions about land</i> - to exercise the Local Government's powers under s.3.25 to 3.27 inclusive, to issue and administer notices requiring certain things to be one by owner or occupier of land [s.3.24]</li> <li>2. Authority to authorise persons to enter onto land, premises or thing, without consent of the owner / occupier, unless the owner / occupier objects [s.3.31(2)]</li> <li>3. Authority to authorise an employee to remove and impound any goods that are involved in a contravention that can lead to impounding [s.3.39(1)].</li> <li>4. Authority to authorise persons to commence prosecutions for offences under the Local Government Act 1995 and any Local Laws made under the Local Government Act 1995 [s.9.24(1)(c) and (2)(b)].</li> <li>5. Authority to authorise an employee to remove and impound a vehicle that has been determined as an abandoned vehicle wreck [s.3.40A(1)].</li> <li>6. Authority to appoint fit and proper persons as poundkeepers or rangers [Misc.Prov.s.449].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. A register of Authorisations is to be maintained as a Local Government Record.</li> <li>b. Only persons who are appropriately qualified and trained may be authorised to perform relevant functions.</li> <li>c. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD06 Authorised Persons for the Purposes of the Local Government Act (last reviewed 15 June 2022 – no change) CD11 Remove, Impound and Dispose of Uncollected Goods or Animals (last reviewed 15 June 2022 – no change)
2	1.2.1 Authorise Persons to Perform Specified functions under the Local Government Act 1995 (NEW)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.2 Performing Functions Outside the District

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.20(1) Performing functions outside district
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
<b>Council Conditions on this Delegation:</b>	a. A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.  b. A Memorandum of Understanding or another form written agreement with the affected landowner or manager of the land on which the function is to be performed must be established and recorded prior to enacting 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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	1.2.2 Performing Functions Outside the District (NEW)
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.3 Powers of Entry

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>Delegate:</b>	<b>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 entry to enter onto land to perform any of the local Government functions under this Act, other than entry under a Local Law [s.3.28].</li> <li>3. Authority to give notice of entry [s.3.32].</li> <li>4. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>5. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>6. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>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.</li> <li>b. When exercising authority to authorise persons under s.3.31(2): <ul style="list-style-type: none"> <li>• A register of Authorisations 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> <li>• Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> </ul> </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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

	<p><u>Local Government Act 1995:</u> Authorise person – refer s.3.31(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry s.3.34(2) Entry in an emergency – Refer to CEO Delegation</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	CD10 Powers of Entry (last reviewed 15 June 2022 – no change)
2	1.2.4 Powers of Entry (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.4 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.40A(4) Abandoned vehicle wreck may be taken
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Council Conditions on this Delegation:</b>	a. Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.  b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD11 Remove, Impound and Dispose of Uncollected Goods or Animals (last reviewed 15 June 2022 – no change)
2	1.2.5 Declare Vehicle is an Abandoned Wreck (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.5 Confiscated or Uncollected Goods

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>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>	<ol style="list-style-type: none"> <li>a. Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</li> <li>b. NOTE – declared abandoned vehicle wreck may only be removed and impounded by a person duly authorised under s.3.40A(1). Authority to appoint authorised person for this purpose may be delegated - refer Delegated Authority 1.2.1 Authorise Persons to Perform Specified Functions.</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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>
<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> :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.



# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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### Version Control:

1	CD11 Remove, Impound and Dispose of Uncollected Goods or Animals (last reviewed 15 June 2022 – no change))
2	1.2.6 Confiscated or Uncollected Goods (Amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.6 Disposal of Sick or Injured Animals

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	Local Government Act 1995: s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<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>	Chief Executive Officer
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD11 Remove, Impound and Dispose of Uncollected Goods or Animals (last reviewed 15 June 2022 – no change))
2	1.2.7 Disposal of Sick or injured Animals (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.7 Close Thoroughfares to Vehicles

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>Delegate:</b>	<b>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 [s3.51].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. If, under s.3.50(1), a thoroughfare is closed without giving local public notice, local public notice is to be given as soon as practicable after the thoroughfare is closed [s.3.50(8)].</li> <li>b. Maintain access to adjoining land [s.3.52(3)] (relevant to the 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>	<<list position titles>>
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<p>a. The following listed sub-delegates are limited to determining road closures in an emergency, where it is determined that there is reasonable and imminent risk to public safety or property and subject to the road closure being given effect through sufficient and compliant traffic management:</p> <p>- &lt;&lt;list position titles&gt;&gt;</p>
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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:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD09 Closing of Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.8 Close Thoroughfares to Vehicles (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.8 Control Reserves and Certain Unvested Facilities

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<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>	Chief Executive Officer
<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 of Mingenew that the Shire of Mingenew could do under s.5 of the <a href="#">Parks and Reserves Act 1895</a>. [s.3.54(1)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Limited to matters where the financial implications do not exceed a relevant and current budget allocation and which do not create a financial liability in future budgets.
<b>Express Power to Sub-Delegate:</b>	<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD07 Reserves under Control of Local Government (last reviewed 15 June 2022 – no change)
2	1.2.9 Control Reserves and Certain Unvested Facilities (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.9 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things – Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare – Sch.9.1. cl.3(2)
<b>Delegate:</b>	<b>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 <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a></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>

# Delegation Register

Shire of Mingenew

## 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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – 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	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD08 Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.10 Obstruction of Footpaths and Thoroughfares (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.10 Gates Across Public Thoroughfares

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Delegate:</b>	<b>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 <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Each approval provided must be recorded in the Shire of Mingenew'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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

	<p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	CD08 Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.11 Gates Across Public Thoroughfares

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.11 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
<b>Delegate:</b>	<b>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 <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public assets at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>
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<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record Keeping:</b>	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire’s record keeping database.</p>

### Version Control:

1	CD08 Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.12 Public Thoroughfare – Dangerous Excavations (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.12 Crossing – Construction, Repair and Removal

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7(2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to approve or refuse to approve, applications for the construction of a crossing giving access from a public thoroughfare to land or private thoroughfare serving land [ULP r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> .
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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> <p>Council Policy 1.5.3 Crossovers Policy</p>
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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### Version Control:

1	CD30 Crossing – Construction, Repair and Removal (last reviewed 15 June 2022 – no change)
2	1.2.13 Crossing – Construction, Repair and Removal (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> r.17 Private works on, over, or under public places – Sch.9.1 cl.
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>b. Permission may only be granted where, the proponent has: <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from or entered into a legal agreement with, each owner of adjoining or adjacent property which may be impacted by the proposed private works.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make good the public place at the completion of works.</li> <li>iii. Provided evidence of sufficient Public Liability Insurance.</li> <li>iv. Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ol> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>
<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

# Delegation Register

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## 1. Local Government Act 1995 Delegations

	<p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	CD08 Thoroughfares (last reviewed 15 June 2022 – no change)
2	1.2.14 Private Works on, over or under Public Places (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.14 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>	Chief Executive Officer
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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 1.3.1 Purchasing Policy
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD28 Expressions of Interest for Goods and Services (last reviewed 15 June 2022 – no change)
2	1.2.15 Expressions of Interest for Goods and Services (amended 21 June 2023)



# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.2.15 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>	Chief Executive Officer
<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

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

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## 1. Local Government Act 1995 Delegations

<p><b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i></p>	<p>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.</p> <p>b. &lt;&lt;The CEO decides conditions / limitations that apply when using subdelegated powers or duties&gt;&gt;</p>
<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p>Council Policy 1.3.1 Purchasing Policy</p>
<p>Record Keeping:</p>	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	CD25 Tenders for Goods and Services – Call for Tenders (last reviewed 15 June 2022 – no change)
2	1.2.16 Tenders for Goods and Services – Call Tenders (amended 21 June 2023)

# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.2.16 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>	Chief Executive Officer
<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 \$250,000 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 goods and services to be supplied, and do not change the scope of the</li> </ol>

# Delegation Register

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## 1. Local Government Act 1995 Delegations

	<p>original contract or increase the contract value beyond 10% or to a maximum of \$50,000 whichever is the lesser value [F&amp;G r.21A(a)].</p> <p>9. Authority to exercise a contract extension option that was included in the original tender specification and contract in accordance with r.11(2)(j).</p>
<p><b>Council Conditions on this Delegation:</b></p>	<p>a. Exercise of authority under F&amp;G.r.18(2) requires consideration of whether or not the requirements as specified in the invitation to tender have been expressed as mandatory and if so, discretion may not be capable of being exercised – consider process contract implications.</p> <p>b. In accordance with s.5.43(b), tenders may only be accepted under this delegation, where:</p> <ul style="list-style-type: none"> <li>i. The total consideration under the resulting contract is \$250,000 or less;</li> <li>ii. The expense is included in the adopted Annual Budget; and</li> <li>iii. The tenderer has complied with requirements under F&amp;G r.18(2) and (4).</li> </ul> <p>c. A decision to vary a tendered contract <u>before</u> entry into the contract [F&amp;G r.20(1) and (3)] must include evidence that the variation is minor in comparison to the total goods or services that tenderers were invited to supply.</p> <p>d. A decision to renew or extend the contract must only occur where the original contract contained the option to renew or extend its term as per r.11(2)(j) <b>and</b> that the contractor's performance has been reviewed and the review evidences the rationale for entering into the extended term.</p>
<p>Express Power to Sub-Delegate:</p>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>

<p><b>Sub-Delegate/s:</b> <i>Appointed by CEO</i></p>	<p>&lt;&lt;list position titles&gt;&gt;</p>
<p><b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i></p>	<p>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.</p> <p>b. &lt;&lt;The CEO decides conditions / limitations that apply when using subdelegated powers or duties&gt;&gt;</p>

<p>Compliance Links:</p>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p>
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# Delegation Register

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## 1. Local Government Act 1995 Delegations

	Council Policy 1.3.1 Purchasing Policy
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD25 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; exercising Contract Extension Options (last reviewed 15 June 2022 – no change)
2	1.2.17 Tenders for Goods and Services – Accepting and Rejecting Tenders; Varying Contracts; Exercising Contract Extension Options (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.17 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>	Chief Executive Officer													
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is expected to be included in the adopted Annual Budget [F&amp;G.r.11(2)].</li> <li>2. Authority to, because of the unique nature of the goods or services or for any other reason it is unlikely that there is more than one supplier, determine to contract directly with a suitable supplier [F&amp;G r.11(2)(f)].</li> </ol>													
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Tender exempt procurement under F&amp;G.r.11(2) may only be approved where the total consideration under the resulting contract is expected to be less than the maximum \$value specified for the following categories: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Category</th> <th style="text-align: center;">Maximum Value for individual contracts</th> </tr> </thead> <tbody> <tr> <td>WALGA Preferred Supplier Program <i>[F&amp;G.r.11(2)(b)]</i></td> <td style="text-align: center;">\$250,000</td> </tr> <tr> <td>Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government <i>[F&amp;G.r.11(2)(e)]</i></td> <td style="text-align: center;">\$250,000</td> </tr> <tr> <td>Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below <i>[F&amp;G.r.(2)(f)]</i></td> <td style="text-align: center;">\$250,000</td> </tr> <tr> <td>Supply of petrol, oil or any other liquid or gas used for internal combustion engines <i>[F&amp;G.r.11(2)(g)]</i></td> <td style="text-align: center;">\$250,000</td> </tr> <tr> <td>Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation)</td> <td style="text-align: center;">&lt;\$250,000*  <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i></td> </tr> </tbody> </table> </li> </ol>		Category	Maximum Value for individual contracts	WALGA Preferred Supplier Program <i>[F&amp;G.r.11(2)(b)]</i>	\$250,000	Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government <i>[F&amp;G.r.11(2)(e)]</i>	\$250,000	Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below <i>[F&amp;G.r.(2)(f)]</i>	\$250,000	Supply of petrol, oil or any other liquid or gas used for internal combustion engines <i>[F&amp;G.r.11(2)(g)]</i>	\$250,000	Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation)	<\$250,000*  <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>
Category	Maximum Value for individual contracts													
WALGA Preferred Supplier Program <i>[F&amp;G.r.11(2)(b)]</i>	\$250,000													
Goods or services obtained through the Government of the State or Commonwealth or any of its agencies, or by a local government or regional local government <i>[F&amp;G.r.11(2)(e)]</i>	\$250,000													
Goods or services that are determined to be unique so that it is unlikely that there is more than one supplier in accordance with delegation condition (b.) specified below <i>[F&amp;G.r.(2)(f)]</i>	\$250,000													
Supply of petrol, oil or any other liquid or gas used for internal combustion engines <i>[F&amp;G.r.11(2)(g)]</i>	\$250,000													
Goods or services supplied by a person registered on the Aboriginal Business Directory WA <u>OR</u> Indigenous Minority Supplier Office Limited (T/as Supply Nation)	<\$250,000*  <i>*as specified in F&amp;G.r.11(2)(h)(ii)</i>													

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

	<u>AND</u> where satisfied that the contract represents value for money. [F&G.r.11(2)(h)]	
	Goods or services supplied by an Australian Disability Enterprise [F&G.r.11(2)(i)]	\$250,000
	<p>b. Tender exempt procurement under F&amp;G r.11(2)(f) may only be approved where a record is retained that evidences:</p> <ul style="list-style-type: none"> <li>i. A detailed specification;</li> <li>ii. The outcomes of market testing of the specification;</li> <li>iii. The reasons why market testing has not met the requirements of the specification;</li> <li>iv. Rationale for why the supply is unique and cannot be sourced through other suppliers; and</li> <li>v. The expense is included in the adopted Annual Budget.</li> </ul> <p>c. Where the total consideration of a Tender Exempt procurement contract exceeds the \$250,000 delegated above, the decision is to be referred to Council.</p>	
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees	

Sub-Delegate/s: <i>Appointed by CEO</i>	<<list position titles>>
CEO Conditions on this Sub-Delegation: <i>Conditions on the delegation also apply to sub-delegation.</i>	<p>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.</p> <p>b. &lt;&lt;The CEO decides conditions / limitations that apply when using subdelegated powers or duties&gt;&gt;</p>

Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p>Council Policy 1.3.1 Purchasing Policy</p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD26 Tenders for Goods and Services – Exempt Procurement (last reviewed 15 June 2022 – no change)
2	1.2.19 Tenders for Goods and Services - Exempt Procurement (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.18 Panels of Pre-Qualified Suppliers 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 (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
<b>Delegate:</b>	Chief Executive Officer
<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 that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</li> <li>2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&amp;G r.24AD(3)].</li> <li>3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD(6)].</li> <li>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH(2)].</li> <li>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&amp;G r.24AH(3)].</li> <li>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</li> <li>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ(1)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	a. In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.
<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>	<<list position titles>>
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<p>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.</p> <p>b. &lt;&lt;The CEO decides conditions / limitations that apply when using subdelegated powers or duties&gt;&gt;</p>
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Compliance Links:	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p>Council Policy 1.3.1 Purchasing Policy</p> <p>Council Policy 1.2.9 Pre-Qualified Supplier Panels</p> <p>Management Procedure 1.2.9 Pre-Qualified Suppliers</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	CD27 Panels of Pre-Qualified Suppliers for Goods and Services (last reviewed 15 June 2022 – no change)
2	1.2.20 Panels of Pre-Qualified Suppliers for Goods and Services (amended 21 June 2023)

# Delegation Register

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## 1. Local Government Act 1995 Delegations

### 1.2.19 Application of Regional Price Preference Policy

<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 (Functions and General) Regulations 1996::</i> r.24G Adopted regional price preference policy, effect of
<b>Delegate:</b>	Chief Executive Officer
<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 when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. This delegation is to be carried out in accordance with Council's Regional Price Preference Policy and Purchasing Policy and Procedures.</li> <li>b. This delegation may only be enacted where the CEO has reason to believe applying a regional price preference would limit the number or quality of tenders to the Shire's disadvantage.</li> <li>c. A decision not to apply the Regional Price Preference must be outlined in any public notice and tender documentation related to the tender.</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 delegation also apply to sub-delegation.</i>	<ol style="list-style-type: none"> <li>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.</li> </ol>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Council Policy 1.3.7 Regional Price Preference
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD29 Application of Regional Price Preference Policy (last reviewed 15 June 2022 – no change)
2	1.2.21 Application of Regional price Preference Policy (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under sub regulation 11(2)(ja)
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)].  This authority relates to: <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>	a. The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ol style="list-style-type: none"> <li>i. It is exercised at the sole discretion of the Local Government;</li> <li>ii. It is in the best interests of the Local Government;</li> <li>iii. It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration;</li> <li>iv. It has potential to promote local and/or regional economic benefits.</li> </ol> b. This authority may only be exercised where the total consideration for the renewal or extension is \$250,000 or less. c. Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Mayor or President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c). d. The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy. e. This authority may only be exercised where the total consideration under the resulting contract is \$250,000 or less. f. The CEO cannot sub-delegate this authority.
<b>Express Power to Sub-Delegate:</b>	Not applicable

# Delegation Register

Shire of Mingenew

## 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 1.3.1 Purchasing Policy
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	1.2.22 Renewal or Extension of Contracts during a State of Emergency (NEW)
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

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

<b>Compliance Links:</b>	<a href="#">Local Government (Functions and General) Regulations 1996</a> <a href="#">WALGA Subscription Service</a> – Procurement Toolkit
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

	Council Policy 1.3.1 Purchasing Policy
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	1.2.21 Procurement of Goods or Services required to address a State of Emergency (NEW)
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.22 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 <i>Local Government (Functions and General) Regulations 1996:</i> R.30 Dispositions of property excluded from Act s.3.58
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>(a) the highest bidder at public auction [s.3.58(2)(a)].</li> <li>(b) the person who at public tender called by the local government makes what is considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s.3.58(2)(b)]</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s.3.58(3)].</li> <li>3. Authority to dispose of property, that is prescribed as exempt from the provisions of s.3.58: <ol style="list-style-type: none"> <li>(a) disposal of land to an adjoining owner, where the market value is less than \$5,000 and the delegate has determined that the land would not be of benefit to anyone other than the adjoining owner. [F&amp;G.r.30(2)(a)]</li> <li>(b) disposal of land, by lease, to an employee of the local government for use as the employee's residence [F&amp;G.r.30(2)(d)].</li> <li>(c) disposal of land, by lease, for a period of less than 2 years during all or any of which time the lease does not give the lessee the exclusive use of the land. [F&amp;G..r.30(2)(e)]</li> <li>(d) disposal of land, by lease, of a residential property to a person for residential purposes [F&amp;G.r.30(2)(f)].</li> <li>(e) disposal of property (other than land / buildings), where the property is disposed within 6 months after it has been unsuccessfully put out to auction, public tender or private treaty via Statewide public notice [F&amp;G.r.(2A)]</li> <li>(f) disposal of property, other than land / buildings, where the market value is determined as less than \$20,000. [F&amp;G r.30(3)(a)]</li> <li>(g) disposal of property, other than land / buildings, where the entire consideration received for the disposal is used to purchase other property AND the total value of the other property is not more, or worth more, than \$75,000. [F&amp;G.r.30(3)(b)]</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	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.

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

	<p>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 value of less than \$250,000.</p> <p>c. When determining the method of disposal:</p> <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> <li>○ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.</li> </ul> </li> <li>• A disposal under Functions and General Regulations 30(2)(a),(f), (2A) or (3)(a),(b), the disposal method selected must obtain a best value outcome for the Local Government.</li> <li>• A disposal under Functions and General Regulations 30(2)(d), must be assessed as equitable in context of disposals to other employees of the Local Government.</li> <li>• Disposal methodology must consider and where practicable demonstrate environmentally responsible outcomes.</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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.



# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

Version Control:

1	CD05 Disposal of Land (including Buildings) via Lease or Licence (last reviewed 15 June 2022 – no change)
2	1.2.24 Disposing of Property (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.23 Acquisition of Interest in Land by Lease or other Short Term Instrument

<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.3.59 Commercial enterprises by local governments <i>Local Government (Functions and General) Regulations 1996:</i> r.8A Amount prescribed for major land transactions; exempt land transactions prescribed r.8 Exempt land transactions prescribed
<b>Delegate:</b>	Chief Executive Officer
<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 acquire an interest in land (includes buildings), by lease or other short term instrument ONLY, where the total value of the consideration and anything done by the Shire of Mingenew is less than the threshold amount for a major land transaction [s.3.59(1), r.8A(1)].</li> <li>2. Authority to acquire an interest in land by lease or other short term instrument ONLY through an exempt land transaction [s.3.59(1), r.8(1)]:             <ol style="list-style-type: none"> <li>a. without intending to produce a profit to the Local Government; and</li> <li>b. without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction.</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Delegation excludes authority to purchase in fee simple land or buildings and is therefore limited to leases, rental or other short term acquisition instruments that do not commit the Local Government for a period greater than 12 months.</li> <li>b. Delegation is limited to acquisitions that are necessary to achieve an objective determined by Council resolution, including objectives identified in the adopted Corporate Business Plan, a Policy or Strategy and for which an associated budget allocation has been included, and is available, in the Annual Budget.  NOTE - <u>Examples</u> of acquisitions necessary to achieve an approved objective may include; hire a venue for a community event or short term lease of storage space for equipment while a refurbishment is completed.</li> <li>c. Where the acquisition total consideration value is greater than \$50,000, the value is to be verified by at least one written valuation obtained from a suitably licensed valuer not more than 3-months prior to the execution of the associated acquisition contract.</li> <li>d. In accordance with s.5.43, this delegation is limited to acquisitions that have a total consideration value of \$50,000 or less.</li> <li>e. Documents that give effect to an acquisition under this delegation, must be executed by a person duly authorised under s.9.49A.</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>	<<list position titles>>
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the original delegation also apply to subdelegations.</i>	<<The CEO has discretion to determine any conditions applicable to use of sub-delegated powers or duties>>
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<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.3.59 Commercial enterprises by local Government s.9.49A Execution of documents s.6.2 Annual Budget Corporate Business Plan as adopted by Council <a href="#">Local Government (Functions and General) Regulations 1995</a> – Regulations 8A and 8  <a href="#">Residential Tenancy Act 1987</a>  <a href="#">Commercial Tenancy (Retail Shops) Agreements Act 1985</a>
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	1.2.25 Acquisition of Interest in Land by Lease or other Short Term Instrument (NEW)
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.24 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>	Chief Executive Officer
<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 [FM.r.12(1)(a)].
<b>Council Conditions on this Delegation:</b>	a. Authority to make payments is subject to annual budget limitations. b. The purchase of freehold land and real estate are to be by Council Resolution.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<ol style="list-style-type: none"> <li>1. Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</li> <li>2. Payments by Cheque and EFT transactions must be approved jointly by two Delegates, one of whom must be the Chief Executive Officer, Finance and Administration Manager or Governance and Community Manager.</li> <li>3. Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</li> <li>4. &lt;&lt;The CEO decides conditions / limitations that apply when using subdelegated powers or duties&gt;&gt;</li> </ol>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a></p> <p><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.</p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p>Department of Local Government, Sport and Cultural Industries <a href="#">Operational Guideline No.11 – Use of Corporate Credit Cards</a></p> <p>Department of Local Government, Sport and Cultural Industries: <a href="#">Accounting Manual</a></p>
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### Version Control:

1	CD01 Payments from Municipal or Trust Funds (last reviewed 15 June 2022 – no change)
2	1.2.26 Payments from the Municipal or Trust Funds (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.25 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>	Chief Executive Officer
<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 of Mingenew [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire of Mingenew [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire of Mingenew [s.6.12(1)(c)]</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 \$30 in accordance with the Shire's Financial Hardship Policy [s.6.12(1)(c) &amp;(2)].</li> <li>b. A debt may only be waived where: <ol style="list-style-type: none"> <li>i. provision is made within Council's 'Supporting the Community' Policy where an application is made by a local club and/or not for profit organisation for activities that align with council's Strategic community plan;</li> <li>ii and the value does not exceed \$1,000 per application.</li> </ol> </li> <li>c. A concession may only be granted where: <ol style="list-style-type: none"> <li>i. provision is made within Council's 'Supporting the Community' Policy where an application is made by a local club and/or not for profit organisation for activities that align with council's Strategic community plan;</li> <li>ii and the value does not exceed \$1,000 per application.</li> </ol> </li> <li>d. A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Mingenew. <ol style="list-style-type: none"> <li>i. Limited to individual debts valued below \$100 or cumulative debts of a debtor valued below \$100. Write off of debts greater than these values must be referred for Council decision.</li> </ol> </li> <li>e. * During a State-declared emergency, the CEO may waive, grant a concession or write off individual debts valued below \$500 or cumulative debts of a debtor valued below \$500 (excluding rates and rate interest), and, in the case of outstanding rates, write off up to the value of the total interest on rates incurred in the current year, provided the applicant satisfies the definition of financial hardship in accordance with Council's Financial Hardship Policy. Debts greater than these values must be referred for Council decision.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> <li>1. &lt;&lt;second line manager&gt;&gt; may only waive fees and charges related to their operational responsibilities and where such waiver is to rectify a service failure on the part of the &lt;&lt;Shire/Town/City&gt;&gt; limited to a value less than \$&lt;&lt;value&gt;&gt; per customer within a financial year.</li> <li>2. &lt;&lt;first line manager&gt;&gt; may waive fees and charges related to their operational responsibilities where such waiver is either to:             <ol style="list-style-type: none"> <li>i. rectify a service failure on the part of the &lt;&lt;Shire/Town/City&gt;&gt; limited to a value less than \$&lt;&lt;value&gt;&gt; per customer within a financial year; or</li> <li>ii. assist a not for profit community group or charitable entity in fulfilling a service, social or cultural outcome within the Shire.</li> </ol> </li> <li>3. Concessions may only be granted where the debtor is &lt;&lt;insert condition / limitation as appropriate&gt;&gt;.</li> <li>4. &lt;&lt;first line manager&gt;&gt; may only write off debts limited to a value of less than \$&lt;&lt;value&gt;&gt; per debtor within a financial year.</li> </ol> <p>&lt;&lt;The CEO decides conditions / limitations that apply when using subdelegated powers or duties&gt;&gt;</p>

<b>Compliance Links:</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Collection of Rates Debts – refer Delegations:</p> <ul style="list-style-type: none"> <li>1.3.9 Debt Collection Policy</li> <li>1.3.11 Financial Hardship Policy</li> <li>1.4.2 Supporting the Community</li> <li>&lt;&lt;insert Ref #&gt;&gt; Agreement as to Payment of Rates and Service Charges</li> <li>&lt;&lt;insert Ref #&gt;&gt; Recovery of Rates or Service Charges</li> <li>&lt;&lt;insert Ref #&gt;&gt; Recovery of Rates Debts – Require Lessee to Pay Rent</li> <li>&lt;&lt;insert Ref #&gt;&gt; Recovery of Rates Debts – Actions to Take Possession of the Land</li> </ul> <p>&lt;&lt;insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation&gt;&gt;</p>
<b>Record Keeping:</b>	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	CD02 Debts, Waivers, concessions, Write Offs and Recovery
2	

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.26 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>	Chief Executive Officer
<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 1.3.3 Investment of Surplus Funds and 1.3.3 Investment of Surplus Funds Management Procedure.</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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<p><i>WALGA Note: {Delete prior to finalising the Register for Council adoption} The following Conditions are examples only – modify or delete to meet your Local Government's requirements.</i></p> <ol style="list-style-type: none"> <li>1. A decision to invest must be jointly confirmed by two Delegates.</li> <li>2. Investment decisions are limited to a maximum of \$&lt;&lt;value&gt;&gt; per transaction on the short-term money market and up to a value of \$&lt;&lt;value&gt;&gt; per transactions for other markets.</li> <li>3. Where exposure to a single market or investment type will exceed \$&lt;&lt;value&gt;&gt;, the decision must be referred to the CEO.</li> <li>4. &lt;&lt;The CEO decides conditions / limitations that apply when using subdelegated powers or duties&gt;&gt;</li> </ol>

<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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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

	<p><a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))</p> <p>Council Policy 1.3.3 – Investment of Surplus Funds</p> <p>Management Procedure 1.3.3 – Investment of Surplus Funds</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	CD22 Power to Invest and Manage Investments (last reviewed 15 June 2022 – no change)
2	1.2.28 Power to Invest and Manage Investments (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.27 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>	Chief Executive Officer
<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>	a. Decisions under this delegation must comply with Council Policy 1.3.10 Financial Hardship. b. Agreements must be in writing and, subject to the Council Policy 1.3.10 Financial Hardship, must ensure acquittal of the rates or service charge debt before the next annual rates or service charges are levied.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Council Policy 1.3.9 Debt Collection Management Procedure 1.3.9 Debt Collection Council Policy 1.3.10 Financial Hardship
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.27 Agreement as to Payment of Rates and Service Charges (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.28 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(2) Rates or service charges due and payable
<b>Delegate:</b>	Chief Executive Officer
<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 of Mingenew [s.6.50].
<b>Council Conditions on this Delegation:</b>	a. Excludes determining the due date and instalment due dates applicable to levying rates as part of the adoption of the annual budget.  <b>NOTE</b> - Financial Management Reg.64 specifies that instalment due dates are to be determined when adopting the annual budget.  b. Decisions under this delegation are limited to determining due date and instalment due dates applicable to interim rating only.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.31 Determine Due Date for Rates or Service Charges (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.29 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 1.3.10 Financial Hardship.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Council Policy 1.3.9 Debt Collection Management Procedure 1.3.9 Debt Collection Council Policy 1.3.10 Financial Hardship
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.32 Recovery of Rates or Service Charges (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.30 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>	Chief Executive Officer
<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 of Mingenew [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 1.3.10 Financial Hardship.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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 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.</p> <p>Council Policy 1.3.9 Debt Collection</p> <p>Management Procedure 1.3.9 Debt Collection</p> <p>Council Policy 1.3.10 Financial Hardship</p>
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.33 Recovery of Rates Debts – Require Lessee to Pay Rent (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
<b>Delegate:</b>	Chief Executive Officer
<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 of Mingenew [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 1.3.10 Financial Hardship.</li> <li>b. In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / changes through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</li> <li>c. Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> </ol>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

	<p><a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p> <p>Council Policy 1.3.9 Debt Collection</p> <p>Management Procedure 1.3.9 Debt Collection</p> <p>Council Policy 1.3.10 Financial Hardship</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	1.2.34 Recovery of Rates Debts - Actions to Take Possession of the Land (NEW)
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# Delegation Register

Shire of Mingenew

## 1. Local Government Act 1995 Delegations

### 1.2.32 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>	Chief Executive Officer
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD03 Rates Recovery (last reviewed 15 June 2022 – no change)
2	1.2.35 Rate Record – Objections (amended 21 June 2023)



# Delegation Register

Shire of Mingenew

## 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>	Chief Executive Officer
<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>	Nil
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

# Delegation Register

Shire of Mingenew

## 2. Building Act 2011 Delegations

Conditions on the delegation also apply to sub-delegation.	
Compliance Links:	<p><a href="#">Building Act 2011</a></p> <ul style="list-style-type: none"> <li>s.119 Building and demolition permits – application for review by SAT</li> <li>s.23 Time for deciding application for building or demolition permit</li> <li>s.17 Uncertified application to be considered by building surveyor</li> </ul> <p><a href="#">Building Regulations 2012</a> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011 – Section 7</i></p> <p><i>Home Building Contracts Act 1991 – Part 3A, Division 2 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> <p>&lt;&lt;insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation&gt;&gt;</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	CD12 Building and Demolition Permits
2	
3	

# Delegation Register

Shire of Mingenew

## 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>	Chief Executive Officer
<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>	Nil.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	<a href="#">Building Act 2011</a> s.119 Building and demolition permits – application for review by SAT
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# Delegation Register

Shire of Mingenew

## 2. Building Act 2011 Delegations

	<p>s.23 Time for deciding application for building or demolition permit</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 -- Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p> <p>&lt;&lt;insert / list other legislation, Local Laws, policies and procedures which must be considered when making decisions under this delegation&gt;&gt;</p>
Record Keeping:	<p>Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.</p>

### Version Control:

1	CD12 Building and Demolition Permits
2	
3	

# Delegation Register

Shire of Mingenew

## 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  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>Delegate:</b>	Chief Executive Officer
<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>	Nil.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	<p><u><a href="#">Building Act 2011</a></u></p> <p>s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT</p> <p><i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i></p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the

# Delegation Register

Shire of Mingenew

## 2. Building Act 2011 Delegations

	requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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### Version Control:

1	CD12 Building and Demolition Permits
2	
3	

# Delegation Register

Shire of Mingenew

## 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>	Chief Executive Officer
<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>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. Decisions under this delegated authority should be in accordance with r.5 of the Building Regulations 2012.</li> <li>b. 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.</li> </ol>
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	<i>Building Act 2011:</i>  s.97 each designated authorised person must have an identity card.  r.5A Authorised persons (s.3) – definition
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD32 Designate Employees as Authorised Persons
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# Delegation Register

Shire of Mingenew

## 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
<b>Delegate:</b>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>a. Building work</li> <li>b. Demolition work</li> <li>c. An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>2. Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>3. Authority to revoke a building order [s.117].</li> <li>4. If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order ; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	<i>Building Act 2011:</i> 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
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# Delegation Register

Shire of Mingenew

## 2. Building Act 2011 Delegations

	Part 9 Review - s.122 Building orders – application for review by SAT
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD33 Building Orders
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# Delegation Register

Shire of Mingenew

## 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>	Chief Executive Officer
<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>	Nil
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	<a href="#">Building Act 2011</a> - s.146 Confidentiality
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD34 Inspection and Copies of Building Records
2	
3	

# Delegation Register

Shire of Mingenew

## 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>	Chief Executive Officer
<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 refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>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 of Mingenew's District [s.145A(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Nil
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD35 Referrals and Issuing Certificates
2	
3	

# Delegation Register

Shire of Mingenew

## 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>	Chief Executive Officer
<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>	a. Decisions under this delegated authority should be informed by a person qualified 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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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# Delegation Register

Shire of Mingenew

## 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>	Chief Executive Officer
<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>	a. Subject to written advice being received and considered from a suitably qualified person (building surveyor, local government officer from another local government with building-related qualifications or experience).
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD36 Smoke Alarms – Alternative Solutions
2	
3	

# Delegation Register

Shire of Mingenew

## 3. Bush Fires Act 1954 Delegations

### 3 Bush Fires Act 1954 Delegations

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

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
<b>Delegate:</b>	Chief Executive Officer
<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 of Mingenew 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>	a. Subject to liaison with the Chief Bush Fire Control Officer and/or Deputy Bush Fire Control Officer and at least one Bushfire Brigade Captain.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	Nil.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD37 Make Request to FES Commissioner – Control of Fire
2	
3	

# Delegation Register

Shire of Mingenew

## 3. Bush Fires Act 1954 Delegations

### 3.1.2 Prohibited Burning Times - Vary

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to mayor or president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Delegate:</b>	<b>President and Chief Bush Fire Control Officer (jointly)</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17(7)].
<b>Council Conditions on this Delegation:</b>	a. Decisions under s,17(7) must be undertake jointly by both the President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	Nil.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	NEW – 3.1.2 Prohibited Burning Times - Vary
2	
3	

# Delegation Register

Shire of Mingenew

## 3. Bush Fires Act 1954 Delegations

### 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>	Chief Executive Officer
<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 of Mingenew 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>	Nil.
<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the



# Delegation Register

Shire of Mingenew

## 3. *Bush Fires Act 1954 Delegations*

	requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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### Version Control:

1	CD38 Prohibited Burning Times – Control Activities
2	
3	

# Delegation Register

Shire of Mingenew

## 3. Bush Fires Act 1954 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land  <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Delegate:</b>	Chief Executive Officer
<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> <li>6. Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</li> <li>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)].</li> <li>8. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for</li> </ol>

# Delegation Register

Shire of Mingenew

## 3. Bush Fires Act 1954 Delegations

	<p>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 of Mingenew or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</p>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	Nil.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD39 Restricted Burning Times – Vary and Control Activities
2	
3	

# Delegation Register

Shire of Mingenew

## 3. Bush Fires Act 1954 Delegations

### 3.1.5 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>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)].             <ol style="list-style-type: none"> <li>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].</li> <li>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of:             <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)].</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</li> <li>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	Nil.
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# Delegation Register

Shire of Mingenew

## 3. *Bush Fires Act 1954 Delegations*

Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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### Version Control:

1	CD40 Burning Garden Refuse / Open Air Fires
2	
3	

# Delegation Register

Shire of Mingenew

## 3. Bush Fires Act 1954 Delegations

### 3.1.6 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>	Chief Executive Officer
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> <li>d. determine that these matters have been acted upon to the satisfaction of the Shire of Mingenew.</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> <li>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	Nil.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD41 Firebreaks
2	
3	

# Delegation Register

Shire of Mingenew

## 3. Bush Fires Act 1954 Delegations

### 3.1.7 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>	Chief Executive Officer
<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 as a result 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 of Mingenew or those on behalf of the Shire of Mingenew to do [s.58].
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>NIL – Sub-delegation is prohibited by s.48(3)</i>

<b>Compliance Links:</b>	Nil
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD42 Recovery of Expenses Incurred through Contraventions of the Bush Fires Act (last reviewed 15 June 2022 – no change)
2	3.1.7 Recovery of Expenses Incurred through Contraventions of this Act (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 4. Cat Act 2011 Delegations

### 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>	Chief Executive Officer
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	<p>Cat Regulations 2012</p> <ul style="list-style-type: none"> <li>r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration.</li> <li>r.12 Period of registration (s.9(7))</li> <li>r.11 Changes in registration</li> <li>r.14 Registration certificate (s.11(1)(b))</li> <li>r.15 Registration tags (s.76(2))</li> </ul>
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# Delegation Register

Shire of Mingenew

## 4. *Cat Act 2011 Delegations*

	Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD19 Certain duties under the Cat Act 2011
2	
3	

# Delegation Register

Shire of Mingenew

## 4. Cat Act 2011 Delegations

### 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>	Chief Executive Officer
<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 of Mingenew's District [s.26].
<b>Council Conditions on this Delegation:</b>	Nil
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	<i>Cat Regulations 2012 – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.</i> Nil.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD19 Certain duties under the Cat Act 2011
2	
3	

# Delegation Register

Shire of Mingenew

## 4. Cat Act 2011 Delegations

### 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>	Chief Executive Officer
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	<p>Cat Regulations 2012:</p> <ul style="list-style-type: none"> <li>r.21 Application for approval to breed cats (s.36(2))</li> <li>r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f))</li> <li>r.23 Person who not be refused approval to breed cats (s.37(5))</li> <li>r.24 Duration of approval to breed cats (s.37(6))</li> <li>r.25 Certificate given to approved cat breeder (s.39(1))</li> </ul> <p>Nil.</p>
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD19 Certain duties under the Cat Act 2011
2	
3	

# Delegation Register

Shire of Mingenew

## 4. Cat Act 2011 Delegations

### 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>	Chief Executive Officer
<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>	Nil.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Nil.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD19 Certain duties under the Cat Act 2011 (last reviewed 15 June 2022 – no changes)
2	4.1.4 Recovery of Costs – Destruction of Cats (no amendments 21 June 2023)

# Delegation Register

Shire of Mingenew

## 4. Cat Act 2011 Delegations

### 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>	Chief Executive Officer
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Nil.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD19 Certain duties under the Cat Act 2011
2	

# Delegation Register

Shire of Mingenew

## 4. Cat Act 2011 Delegations

### 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>	Chief Executive Officer
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Nil.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD19 Certain duties under the Cat Act 2011
2	

# Delegation Register

Shire of Mingenew

## 5. Dog Act 1976 Delegations

### 5 Dog Act 1974 Delegations

#### 5.1 Dog Act Delegations Council to CEO

##### 5.1.1 Appoint Registration 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>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.3 Terms Used ( <i>Registration officer means a person authorised by the local government to effect the registration of dogs pursuant to this Act</i> )
<b>Delegate:</b>	Chief Executive Officer
<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 authorise a person for the purposes of performing the prescribed office of Registration Officer under the Dog Act 1976 [s.3].
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>b. A register of Authorisations is to be maintained as a Local Government Record.</li> <li>c. Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>d. Authorisations are to be provided in writing by issuing a Certificate of Authorisation.</li> </ol>
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Nil
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	NEW
2	

# Delegation Register

Shire of Mingenew

## 5. Dog Act 1976 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>	Chief Executive Officer
<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 been found in contravention of section 31, 32 or 33A and had not been claimed [s.17(6)]</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	a. The 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>	<<list position titles>>
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# Delegation Register

Shire of Mingenew

## 5. Dog Act 1976 Delegations

<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>
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<b>Compliance Links:</b>	<i>Dog Act 1976</i> s.17A If no application for registration made – procedure for giving notice of decision under s.16(3)  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – s.16A, s.17(4) and (6)  Nil
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<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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### Version Control:

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# Delegation Register

Shire of Mingenew

## 5. Dog Act 1976 Delegations

### 5.1.3 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>	Chief Executive Officer
<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 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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

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# Delegation Register

Shire of Mingenew

## 5. Dog Act 1976 Delegations

### 5.1.4 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>	Chief Executive Officer
<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 permitted to sub-delegate to employees [s.10AA(3)]. b. Proceeds from the sale of dogs are to be directed into the Municipal Fund.
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)

<b>Sub-Delegate/s:</b> <i>Appointed by CEO</i>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Nil.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

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# Delegation Register

Shire of Mingenew

## 5. Dog Act 1976 Delegations

### 5.1.5 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>	Chief Executive Officer
<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 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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

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# Delegation Register

Shire of Mingenew

## 5. Dog Act 1976 Delegations

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

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1) and (2) Local government may revoke declaration or proposal to destroy
<b>Delegate:</b>	Chief Executive Officer
<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> </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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal – See s.33H(5) of the <i>Dog Act 1976</i>
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

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# Delegation Register

Shire of Mingenew

## 5. Dog Act 1976 Delegations

### 5.1.7 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>	Chief Executive Officer
<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.
<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>	<<list position titles>>
<b>CEO Conditions on this Sub-Delegation:</b> <i>Conditions on the delegation also apply to sub-delegation.</i>	<<The CEO decides conditions / limitations that apply when using subdelegated powers or duties>>

<b>Compliance Links:</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

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# Delegation Register

Shire of Mingenew

## 6. Food Act 2008 Delegations

### 6 Food Act 2008 Delegations

#### 6.1 Council to CEO

##### 6.1.1 Prohibition Orders and Certificates of Clearance

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express Power or Duty Delegated:</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>Delegate:</b>	<b>Chief Executive Officer</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>	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>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	<<insert reference / detail identifying decision to adopt, amend the delegation>>
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# Delegation Register

Shire of Mingenew

## 6. Food Act 2008 Delegations

### 6.1.2 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>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 consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)].</li> <li>2. Authority to vary the conditions or cancel the registration of a food business [s.112].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>a. In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <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> </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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

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# Delegation Register

Shire of Mingenew

## 6. Food Act 2008 Delegations

### 6.1.3 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>	Chief Executive Officer
<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>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

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# Delegation Register

Shire of Mingenew

## 8. Public Health Act 2016 Delegations

### 7 Public Health Act 2016 Delegations

#### 7.1 Council to CEO

##### 7.1.1 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>	Chief Executive Officer
<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 of Mingenew [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>	Nil.
<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.
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

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# Delegation Register

Shire of Mingenew

## 8. Public Health Act 2016 Delegations

### 7.1.2 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>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <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> <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>	<p><i>Public Health Act 2016</i></p> <ul style="list-style-type: none"> <li>s.20 Conditions on performance of functions by enforcement agencies.</li> <li>s.25 Certain authorised officers required to have qualifications and experience.</li> <li>s.26 Further provisions relating to designations</li> <li>s.27 Lists of authorised officers to be maintained</li> <li>s.28 When designation as authorised officer ceases</li> <li>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</li> <li>s.30 Certificates of authority</li> <li>s.31 Issuing and production of certificate of authority for purposes of other written laws</li> <li>s.32 Certificate of authority to be returned.</li> <li>s.136 Authorised officer to produce evidence of authority</li> </ul> <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>
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# Delegation Register

Shire of Mingenew

## 8. Public Health Act 2016 Delegations

Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.
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# Delegation Register

Shire of Mingenew

## 9. Planning and Development Act 2005 Delegations

### 8 Planning and Development Act 2005 Delegations

#### 8.1 Council to CEO

##### 8.1.1 Dealing with and Approving Development Applications

<b>Delegator:</b> <i>Power / Duty assigned in legislation to:</i>	Local Government															
<b>Express Power to Delegate:</b> <i>Power that enables a delegation to be made</i>	<p><i>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</p> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Part 10 cl.82 - Delegations by local government Schedule 2 Part 10 cl.83 - Local government CEO may delegate powers</p>															
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Part 10 cl.83 Regulation 64 - Advertisement of approved amendment to local planning scheme</p>															
<b>Delegate:</b>	Chief Executive Officer															
<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 to:</p> <ol style="list-style-type: none"> <li>Approve certain development applications in accordance with the conditions below.</li> <li>Refer any development application for Council decision where the application may be contentious, or refusal of the application is recommended.</li> <li>Give notice with regard to local planning scheme amendments [r.64]</li> </ol>															
<b>Council Conditions on this Delegation:</b>	<p>a. All development applications may be dealt with by the CEO if they satisfy the following land uses and development classes as defined under the Local Planning Scheme No.4 Zoning Table [pg. 12]:</p> <table border="1"> <thead> <tr> <th>Type</th> <th>Description</th> <th>Meaning</th> </tr> </thead> <tbody> <tr> <td>"P"</td> <td>Permitted</td> <td>means that the use is permitted if it complies with all relevant development standards and requirements of the Scheme</td> </tr> <tr> <td>"I"</td> <td>Incidental</td> <td>means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of the Scheme</td> </tr> <tr> <td>"D"</td> <td>Discretionary</td> <td>means that the use is not permitted unless the local government has exercised its discretion by granting development approval</td> </tr> <tr> <td>"A"</td> <td>Advertising</td> <td>means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;</td> </tr> </tbody> </table>	Type	Description	Meaning	"P"	Permitted	means that the use is permitted if it complies with all relevant development standards and requirements of the Scheme	"I"	Incidental	means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of the Scheme	"D"	Discretionary	means that the use is not permitted unless the local government has exercised its discretion by granting development approval	"A"	Advertising	means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
Type	Description	Meaning														
"P"	Permitted	means that the use is permitted if it complies with all relevant development standards and requirements of the Scheme														
"I"	Incidental	means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of the Scheme														
"D"	Discretionary	means that the use is not permitted unless the local government has exercised its discretion by granting development approval														
"A"	Advertising	means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;														

# Delegation Register

Shire of Mingenew

## 9. Planning and Development Act 2005 Delegations

	<p><i>* approvals may be granted only where a sound assessment of the application has been undertaken to determine if legislative and Scheme requirements have been met.</i></p> <p>b. The delegation does not extend to "X" (Not permitted), or unidentifiable land uses, and development classes as defined under the Local Planning Scheme No.4 Zoning Table, and are to be referred to Council.</p>
Express Power to Sub-Delegate:	Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees

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

Compliance Links:	<p>Part 13 of the <a href="#">Planning and Development Act 2005</a></p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Shire of Mingenew Local Planning Scheme No.4</p>
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD14 Dealing with and Approving Development Applications (last reviewed 15 June 2022)
2	9.1.1 Dealing with and Approving Development Applications (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

## 9. Planning and Development Act 2005 Delegations

### 8.1.2 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>	Chief Executive Officer
<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>	Nil.
<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 delegation also apply to sub-delegation.</i>	N/A

<b>Compliance Links:</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>  Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Shire of Mingenew Local Planning Scheme No.4
<b>Record Keeping:</b>	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

#### Version Control:

1	CD20 Planning and Development Act – Illegal Development (last reviewed 15 June 2022)
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# Delegation Register

Shire of Mingenew

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

2	9.1.2 Illegal Development (amended 21 June 2023)
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# Delegation Register

Shire of Mingenew

## 9. Planning and Development Act 2005 Delegations

### 8.1.3 Subdivision Applications

<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>	Chief Executive Officer
<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 to:</p> <ol style="list-style-type: none"> <li>1. Give advice to the Western Australian Planning Commission with regards to applications referred to the Shire, subject to the application being consistent with the Shire of Mingenew Local Planning Scheme No. 4, the Residential Design Codes of Western Australia, the Shire of Mingenew Local Planning Strategy, the Shire of Mingenew Townsite Local Planning Strategy, and adopted Local Planning Policies and any other strategies or policies adopted by Council in respect of the affected land and only in the circumstances set out below:             <ol style="list-style-type: none"> <li>(a) Applications proposing the amalgamation of existing lots without any other changes to the boundaries of any of the lots affected by the application.</li> <li>(b) Applications affecting 'Residential' zoned land.</li> <li>(c) Applications for boundary adjustments on other than 'Residential' zoned land where the total number of lots within the area affected by the application will not increase, the size of the smallest lot within the application area will not decrease by greater than 10%, there will be no increase in the number of lots below 100 hectares in size and the proposal represents a rationalisation of boundaries to ensure greater consistency with physical and/or cadastral boundaries.</li> <li>(d) Applications consistent with an endorsed Subdivision Guide Plan or Structure Plan.</li> <li>(e) Applications involving the creation of lots for the purposes of public or servicing authorities, where the application does not involve the creation of any new roads.</li> <li>(f) Amended plans for applications that have been considered by Council within the last two years and the amendments are of a minor nature.</li> <li>(g) Applications previously determined by Council where the Western Australian Planning Commission period of approval has expired (or will imminently expire) and a new application has been required to be lodged.</li> </ol> </li> <li>2. Give advice to the Western Australian Planning Commission with regards to the clearance of conditions determined by the Commission and for which the local government is nominated as a clearance agency, subject to the application being consistent with the Shire of Mingenew Local Planning Scheme No. 4, the Residential Design Codes of Western</li> </ol>

# Delegation Register

Shire of Mingenew

## 9. Planning and Development Act 2005 Delegations

	<p>Australia, the Shire of Mingenew Local Planning Strategy, the Shire of Mingenew Townsite Local Planning Strategy, and adopted Local Planning Policies and any other strategies or policies adopted by Council in respect of the affected land and only in the circumstances set out below:</p> <p>(a) Where the Western Australian Planning Commission has not been advised in respect of any particular application pursuant to the delegations outlined in Clause 1.1 above, Council may, when giving consideration to the application identify any of the recommended conditions as being conditions that need to be referred to Council for consideration prior to clearing.</p> <p>(b) Where clearance of conditions is to be determined pursuant to this clause and the applicant feels aggrieved by any decision of the delegated officer, the applicant may require that the matter be referred to Council for reconsideration. In such cases the applicant shall provide a written statement outlining the basis of their request for reconsideration. Unless otherwise agreed to by the delegated officer, such written statement shall be provided a minimum of 10 working days prior to the meeting at which the applicant wishes the matter to be reconsidered.</p> <p>3. Notwithstanding the above, any matter may be referred to Council for consideration where, in the opinion of the delegated officer, it is considered appropriate.</p> <p>4. For each decision made during the preceding calendar month/s, the summary shall identify; the WAPC reference number, the name/s of the proponents and owners, the particulars of the affected property, a short description of the proposal, the date of determination, whether the decision was made pursuant to Clause 1 or 2 and if the decision was made under a sub-delegation.</p>
<b>Council Conditions on this Delegation:</b>	<p>a. All subdivision applications referred by the Western Australian Planning Commission that are not consistent with the Shire of Mingenew Local Planning Scheme No. 4, the Residential Design Codes of Western Australia, the Shire of Mingenew Local Planning Strategy, the Shire of Mingenew Townsite Local Planning Strategy, and adopted Local Planning Policies and any other strategies or policies adopted by Council in respect of the affected land and/or refusal of the application is recommended, shall be referred to Council for consideration.</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 delegation also apply to sub-delegation.</i>	N/A

<b>Compliance Links:</b>	<p>Part 13 of the <a href="#">Planning and Development Act 2005</a></p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p>
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# Delegation Register

Shire of Mingenew

## 9. Planning and Development Act 2005 Delegations

	Shire of Mingenew Local Planning Scheme No.4 Residential Design Codes of Western Australia Shire of Mingenew Local Planning Strategy Shire of Mingenew Townsite Local Planning Strategy Local Planning Policies
Record Keeping:	Regulation 19 LG (Admin) Regulations 1996, requires delegates to keep a written record of how and when they exercise the power or discharge the duty and the persons or classes of persons directly affected. The delegate is to ensure that all evidentiary documents meet the requirements of r19 LG (Admin) Regulations 1996 and are retained on the Shire's record keeping database.

### Version Control:

1	CD23 Subdivision Applications (last reviewed 15 June 2022)
2	9.1.3 Subdivision Applications (amended 21 June 2023)

# Delegation Register

Shire of Mingenew

10. *Statutory Authorisations and Delegations to Local Government from State Government*

## 9 Statutory Authorisations and Delegations to Local Government from State Government Entities

### 9.1 Environmental Protection Act 1986

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

Published by:  
Environment

**GOVERNMENT GAZETTE**  
Western Australia  
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No. 47. 19-Mar-2004  
Page: 919 [Pdf](#) - 476kb

**EV401**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

##### **Section 20**

Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

Dated this 9<sup>th</sup> day of January 2004.

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

# Delegation Register

Shire of Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

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

Published by:  
Environment

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

No. 232. 20-Dec-2013  
Page: 6282 Pdf - 3Mb

EV402

#### ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

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

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

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

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

# Delegation Register

Shire of Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

### 9.1.3 Noise Management Plans – Construction Sites

Published by:  
Environment

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

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

**EV405**

#### **ENVIRONMENTAL PROTECTION ACT 1986**

Delegation No. 119

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

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

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

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

# Delegation Register

Shire of Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

### 9.2 Planning and Development Act 2005

#### 9.2.1 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 Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

### 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 Bassendean 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 Cuse Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Doregin 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 Goonalling City of Gnowalla Shire of Halls Creek Shire of Harvey Shire of Irwin Shire of Jerramungup City of Joondalup Shire of Kalamunda City of Kalbarrie-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 Meekatharra City of Melville Shire of Menzies Shire of Merredin Shire of Mingenew Shire of Moora Shire of Morawa Town of Mosman Park Shire of Mount Magnet Shire of Mt Marshall Shire of Mukinbin Shire of Mundaring Shire of Murchison Shire of Murray</p>	<p>In accordance with and subject to approved Government Land policies.</p> <p>Any signature subject to the following endorsement: Signed only as acknowledgement that a development application is being made in respect of a proposal that includes Crown land, Crown reserves under management for the purpose, or a road and to permit this application to be assessed under the appropriate provision of the <i>Planning and Development Act 2005</i> (including any planning scheme). The signature does not represent approval or consent for planning purposes. Further, in the event that development approval is granted for the proposal, the above signature should not be taken as an acknowledgement of or consent to the commencement or carrying out of the proposed development or to any modification of the tenure or reservation classification of the Crown land component.</p>



# Delegation Register

Shire of Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

Shire of Nannup  
Shire of Narrogin  
Shire of Narrogin  
Town of Narrogin  
City of Nedlands  
Shire of Ngaanyatjaraku  
Shire of Northam  
Shire of Northampton  
Shire of Nungarin  
Shire of Peppermint Grove  
Shire of Perenjori  
City of Perth  
Shire of Pingelly  
Shire of Plantagenet  
Town of Port Hedland  
Shire of Qualcard  
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 Wickkepin  
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 Yalgam  
Shire of York



HON DONALD TERRENCE REDMAN MLA  
MINISTER FOR LANDS

*2nd*  
..... day of *June* ..... 2016

# Delegation Register

Shire of Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

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

29 January 2021

GOVERNMENT GAZETTE, WA

449

PL402

#### PLANNING AND DEVELOPMENT ACT 2005

##### INSTRUMENT OF DELEGATION

##### Del 2020/01 Powers of Local Governments

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

#### Preamble

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

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

#### Resolution under section 16 of the Act (delegation)

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

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

SAM FAGAN, Western Australian Planning Commission.

#### Schedule 1

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

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

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

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

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

Power to determine applications under—

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

##### 3. Reporting requirements

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

# Delegation Register

Shire of Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

### 9.3 Main Roads Act 1930

#### 9.3.1 Traffic Management - Events on Roads

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

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

RELATING TO  
TRAFFIC MANAGEMENT FOR EVENTS

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

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

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

- (a) the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for Events Code of Practice" (as amended or replaced from time to time in consultation with the Traffic Management for Events Advisory Group) issued by Main Roads Western Australia ("the Code") referring to the version which is current at the time of the event, a copy of which can be obtained from Main Roads Western Australia from [www.mainroads.wa.gov.au](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*.

# Delegation Register

Shire of Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

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 Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

### 9.3.2 Traffic Management – Road Works

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

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

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

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

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

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

# Delegation Register

Shire of Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

Dated:

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

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Name of Witness

### ACKNOWLEDGMENT BY AUTHORISED BODY

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

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

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Witness

# Delegation Register

Shire of Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government

### 9.4 Road Traffic (Vehicles) Act 2012

#### 9.4.1 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 Mingenew

## 10. Statutory Authorisations and Delegations to Local Government from State Government



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.

A handwritten signature in blue ink, appearing to read 'C. Davers', written over a horizontal line.

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

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

*[Approval for ranger vehicles to fit and use yellow flashing lights \(transport.wa.gov.au\)](http://transport.wa.gov.au)  
Extracted on line on 15 March 2021*



Dear Local Government Chief Executive Officers

I am writing to bring to your attention the issue of chronic absenteeism by the members of the Wildflower Committee. The committee has been unable to form a quorum during scheduled meetings, despite two attempted Annual General Meetings on December 10th, 2022 and February 16th, 2023. This lack of action and political will is unacceptable and requires immediate attention.

To address this issue, I recommend the following actions:

1. The Wildflower Country Committee should be disbanded, and the funds associated with it should be redirected back to the local governments in a manner to be determined.
2. The contract with Flash Marketing should be terminated immediately, and the Facebook and the Wildflower website should be cancelled as it is futile to maintain an online presence for an inactive committee.

It is disheartening that the underlying issues associated with the committee cannot be resolved, and the benefits of continued membership are not seen as sufficient to justify the effort and costs. However, the consequences of continued inaction and indecision will only exacerbate the situation further, leading to a complete loss for all local governments involved.

I urge you to consider my recommendations and take action towards this issue. If you have any suggestions, they will only be considered if you are willing to commit to the Wildflower Committee and manage your recommendations, if approved. We cannot afford to continue in this state of inactivity any longer.

If I do not hear from the local governments by Friday 12 May 2023, I will proceed to cancel the contract with Flash Marketing and place the associated funds into reserve. Please send all responses to [ceo@coorow.wa.gov.au](mailto:ceo@coorow.wa.gov.au) and copy in [cdo@threesprings.wa.gov.au](mailto:cdo@threesprings.wa.gov.au)

Sincerely,



Mia Maxfield

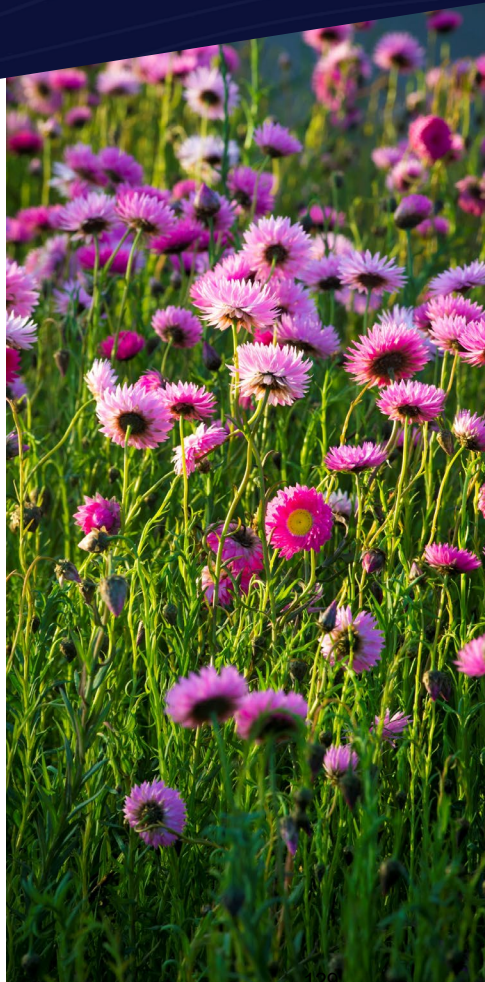
Chairperson

13 April 2023



# WILDFLOWER COUNTRY TOURISM ASSESSMENT

August 2022



DTM  
TOURISM  
LET'S PUT YOU ON THE MAP

Tourism  
WESTERN AUSTRALIA



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Report prepared by DTM Tourism, reviewed by Tourism WA.

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[www.dtmtourism.com.au](http://www.dtmtourism.com.au)

Authors

Karen Castiglioni and Bernard Whewell

Disclaimer

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# ACKNOWLEDGEMENT



## SPECIAL THANKS

We would like to thank and acknowledge the following organisations, volunteers and participants who contributed their time and valued opinions to forming this Tourism Assessment Study for Tourism WA.

Wildflower Country Chair and LGA Members  
Australia's Coral Coast  
Australia's Golden Outback  
Midwest Development Commission  
Wheatbelt Development Commission  
Dept of Biodiversity, Conservation and Attractions  
Botanic Gardens and Parks Authority  
Wildflower Society of WA

# INTRODUCTION



# ABOUT THIS STUDY

Western Australia's Wildflower Country lies in WA's mid-west region to the north-east of Perth, from Moora in the south to Dalwallinu in the east, Mullewa in the north and Greenhead and Geraldton to the west. The region greets visitors with vast expanses of farmland, natural bush landscapes and a dry, arid climate. What is not immediately obvious for visitors to the region, is the incredible biodiversity that hosts more than 12,000 different types of wildflowers which emerge from hibernation in the Spring, from July to October each year. In landscapes that would ordinarily appear to be dry and inhospitable, a vibrancy of colour appears and delicate flowers begin to reveal the wonder of nature that lies hidden beneath the surface; an unexpected, ever-changing natural attraction that Western Australia can own as being truly unique in the world.

What makes Western Australia's wildflowers so extraordinary? According to the Wildflower Society of Western Australia, amongst the many contributing factors are isolation, climate, pollination and the absence of natural disruption, contributing to WA's wildflowers being able to flourish in a league of their own. However, like all natural attractions, the proliferation of the flowers and their locations are never guaranteed from year to year, resulting in challenges for visitors to engage with a fulfilling wildflower experience when benchmarked against their expectations. In essence, WA's vastness and dry climate, the very environment that contributes to the existence of the wildflowers, can work against itself from a wildflower tourism perspective.

## PURPOSE OF THIS STUDY

Visually, wildflowers provide an exceptional opportunity to encourage tourism to Western Australia during 'off-season' periods in traditional visitation patterns in the southern half of the state. The locations of the flowers also encourage dispersal to regional towns. However, year-on-year, the length of the wildflower season is inconsistent due to its reliance on climate. In years of low rainfall, the wildflower season is shortened to the peak months of August and September. In some years, as temperatures climb into late September and October, bush flowers may still provide a visually fulfilling tourism experience, however, day-time temperatures will discourage visitors from venturing off the main highways to seek out the flowers.

As a result of the inconsistency of the annual wildflower season, visitation is condensed into a short window of time, the result of which leads to an under-valuing of wildflower tourism by many stakeholders in the Mid-West visitor economy as follows:

- Tourism service providers are less motivated to invest in capacity upgrades for an increase in business which may only fill for 6-8 weeks of the year.
- Local Governments are less motivated to invest in services, where there are limitations on return of investment due to capacity constraints.
- Tour operators are less motivated to develop tour itineraries and increase departure dates where capacity is limited and the quality of experience in the regions is unlikely to meet customer expectations.
- When there is a limitation on tour products and experiences to market, the wider tourism industry, including wholesalers and inbound agents, will be less motivated to committing marketing support to promote destination campaigns.
- Over time, the market simply contracts; awareness for WA's wildflower product declines and a competitive advantage for the state is diminished.

The purpose of this pre-feasibility study is to recognize the current challenges for leveraging wildflowers as a tourism development opportunity, assess the appetite for change in local communities – nominally in the 11 LGA's which contribute to the Wildflower Country tourism association, and to provide practical recommendations for a pathway forward.

## METHODOLOGY

Tourism WA appointed external consultants DTM Tourism to work collaboratively with Wildflower Tourism stakeholders to identify priority needs and opportunities. Engagement included:

- 3 x Presentations to Wildflower Country members
- Thorough online product audit of tourism assets in Wildflower Country
- Desktop research and case study review
- Site visits to 11 Wildflower Country local government areas
- 26 Stakeholder consultation interviews
- Project Management meetings with Tourism WA and Australia's Coral Coast

# PROJECT OBJECTIVES

Tourism WA acknowledge that the duration and quality of the Wildflower season is determined by the weather, and in particular rainfall patterns. The uncertainty of the season can impact on the experience and potential to attract visitors to the region from year to year. Importantly, trade partners both domestically and internationally are limited in their capacity to plan itineraries in advance to promote in WA's priority markets.

To partially alleviate this, and support economic growth in the region, the objective of this study is to undertake a pre-feasibility study to explore the appetite and opportunity within Wildflower Country to extend the wildflower season through the provision of permanent perennial wildflower displays in each LGA. It is proposed that this would be achieved through the LGA's participating in annual wildflower seed planting to create a display unique to each locality.

Tourism WA's intent is to make a cohesive tourism attraction for the region by suggesting that each LGA plant a specific species of wildflower in an area near, or within the main towns in Wildflower Country. This is to be designed to showcase an individual species, in each locality either through the use of planter boxes, entry statements, or plantings within open space/parks to create a perennial attraction. The expectation is that existing driving routes could then be turned into an extended seasonal tourism self-drive trail(s) where visitors can observe a specific wildflower in each town. This is designed to complement the existing wildflower season, and inspire people to stop in more LGA's and extend their trip in the region through an attraction that encourages visitor interaction with each town in the region, increases awareness of Wildflower Country and supports local businesses by increasing visitor spend.

Specifically, the project objective is to:

- Determine the desirability and viability of enhancing the Wildflower Country offering through additional wildflower planting each year, including the level of interest of State and Local Government to progress the concept

- Thoroughly understand all aspects of the proposed Wildflower Country tourism project including potential locations and species for each town
- Identify any potential problems that could occur while implementing the project
- Inform the deliberations of stakeholders and government
- Establish a rationale for a potential future Feasibility Study or Business Case
- Assist with any future funding applications
- In whole or part inform other parties/the public.

The project will only focus on the existing Wildflower Country area.

Assuming that there is an appetite to proceed, preliminary understanding of the following will assist the project to move to the next stage:

- Identify the best available locations for each wildflower planting area
- Identifies what wildflower seed planting will work best in each location
- The ease of growing a type of wildflower in each area
- The most cost-effective and simple way of executing the proposed project
- The best-practice method to manage the project
- The level of resourcing required annually to execute and manage the proposed project and
- Identify if there are opportunities to incorporate Aboriginal interpretation signage

# WILDFLOWER COUNTRY

## ABOUT WILDFLOWER COUNTRY INCORPORATED

Wildflower Country Incorporated is an association of 11 LGA's located north of Perth, traversing both the Mid-West Development Commission and Wheatbelt Development Commission boundaries. Originating as a consortium of 5 LGA's, the Wildflower Country brand was established in 2009. By 2011, the consortium had grown and a strategic plan was developed. The Wildflower Country consortium established the five-year Intent Statement for the group at its Strategic Planning Workshop held on November 8, 2011:

### PURPOSE

To promote and develop Wildflower Country's iconic tourism experiences.

### VISION

To make the Wildflower Country the preferred tourist destination in Western Australia .

The Wildflower Way ("Eastern Route") was the first tourist route established with 21 interpretive sites installed, featuring artistic steel sculptures. Visually, towns in Wildflower Country were connected by statement signage which was designed during the launch project, facilitated by Jesse Brampton, Kulbaradi Hill Consulting. Some 13 years later, the interpretive signage installations are still relevant in communicating the diverse storytelling of the region. The steel cut-out artworks, created as part of the original project, have retained their integrity and create an artistic curiosity in towns and points of interest where they are located.

In 2011, the Midlands Route ("Inland Route") was proposed as a 2nd stage development for Wildflower Country. It was opened in 2017, featuring 17 interpretive sites, developed in a triangle bound by Coorow, Mullewa and Geraldton. These sites are a further celebration of life and landscapes in Wildflower Country and tell an intriguing array of stories. All sites are clearly sign-posted and feature an engaging and informative interpretive panel, and uniquely designed sculpture.



Figure 1: Wildflower Country Drive Routes, Wildflower Country



# WILDFLOWER COUNTRY cont.

On researching the original brief for the Wildflower Way interpretive route and the development of the Wildflower Country brand, it is clear that the region has had a clear intent to develop tourism product which could potentially extend the traditional wildflower season by focusing on all other experiences of the region with the exception of wildflowers.

“While there was a clear understanding that summer is not a strong prospect for expansion, there was still the capacity to extend visitation to potentially cover the period from late March to late November... So, in shaping the outcomes of this project the consultants were faced with the challenge of expanding visitation to Wildflower Country – without focusing on wildflowers!” - Midland’s Route Final Report to Member LGAs.

## WILDFLOWER COUNTRY INCORPORATED - CURRENT STATUS

Each of the 11 member LGA’s nominates a representative to the WFC committee , who generally hold positions as either a Shire CEO, CDO or Councilor. During April to November, the committee meets monthly in Three Springs and bi-monthly, during the summer months.

The group produces and prints the annual Wildflower Country Holiday Planner, which is distributed through Visitor Centres in all member LGA’s and more widely through the Visitor Centre network in Western Australia. Additional marketing channels include a website, Facebook and Instagram, and more recently a subscriber e-newsletter. Representation has also been undertaken at consumer events in the past.

Consumer engagement with Wildflower Country’s social channels is positive, with user-generated content being shared with the association’s hashtag #wildflowercountry. Facebook was consistently updated during the 2021 season, whilst Instagram was utilized far less. A change in marketing resource was made late in the 2021 season and the association expects to achieve a more structured approach to general destination marketing, approaching the 2022 season. Currently, the social channels are promoting events in member towns, contributing to awareness and dispersal on a year-

round basis, which is a positive outcome. Ideally, collaboration within Wildflower Country members would include sharing of wildflower locations through the Visitor Centres. However, despite positive intent from Visitor Centre employees and volunteers, the sharing of timely and accurate flowering locations appears to be inconsistent and during consultation, **100% of interviewees supported an online sharing portal to be available on the Wildflower Country website for member LGA’s.**

In addition to building awareness of the Wildflower Country brand through destination marketing and despite the absence of a current strategic plan, WFC has continued to embrace the original strategic objectives for the association listed below, with a clear focus on tourism development to deliver year-round benefit to regional communities:

- Initiate innovative tourism products;
- Incorporate a series of signature tourism routes to link regional destinations and support industry growth and prosperity;
- Stimulate economic growth through tourism during the region’s off-peak months (November to July)

The group is currently undertaking the development of a Regional Trails Masterplan, linking local LGA projects within an over-arching strategy for WFC, aligned to regional and state tourism priorities.

Other projects under consideration include:

Regional Rest Area Upgrades	Improve rest areas throughout the WFC region, to improve visitor experience and access to interpretive information
Driver for Change:	The drivers of the Project are: <ol style="list-style-type: none"><li>1. Desire for increased utilisation of existing rest area sites (ideally increasing visitation time in WFC region)</li><li>2. Desire to diversify drive tourism beyond wildflower tourism (e.g. trails, astro-tourism, history)</li><li>3. Project identified and aligns with MWDC Tourism Development Strategy</li><li>4. Project aligns with Tourism WA’s Road Trip State approach</li></ol>

# WILDFLOWER COUNTRY cont.

<b>WFC Eco-Campgrounds</b>	<b>Audit potential campsites and develop eco-campgrounds in the region.</b>
<b>Driver for Change:</b>	The drivers of the Project are: <ol style="list-style-type: none"> <li>1. Desire to diversify away from wildflower-based tourism</li> <li>2. Alignment with MWDC Tourism Development Strategy</li> <li>3. Trends supporting eco-friendly tourism</li> </ol>

Under the current leadership, the intent for WFC is to grow its capacity and capability in developing tourism product, whilst leveraging existing partnerships with Destination Marketing Organisations (DMO's) including Australia's Coral Coast (ACC), Australia's Golden Outback (AGO) and Tourism WA to develop innovative marketing campaigns. The focus for the organization is to invest in tourism development to deliver year-round benefit to the region, diversifying the visitor experience beyond wildflower tourism so that the region is not solely reliant on the wildflower season to contribute economic value. However, this approach somewhat suggests that the wildflower season experience takes care of itself and nothing further needs to be done as towns are at capacity. This doesn't necessarily take into consideration, current visitor fulfillment. Whilst the wildflowers themselves meet expectations, there are known issues throughout WFC in delivering quality visitor accommodation, amenities and services.

It takes significant resources to re-position destination perception outside of a known seasonal experience. In the short to medium term, the opportunity for WFC is to leverage existing demand and perceived experience to create a degree of surety for 'wildflower experiences' to:

- extend the flowering season,
- deliver a higher level of visitor satisfaction in tourism services and
- enable a 'wildflower experience' year-round through art and interpretation

In 2011, as part of the development document for the Midlands Route, Kulbardi Hill Consulting identified additional stages to implement product development in a cohesive, holistic project vision for WFC. On review, this approach remains relevant, with **Stage 3 in the adjacent extract, aligning with the motivation for planting projects:**

STAGE 1:	Exploring Wildflower Country: Midlands Route	<ul style="list-style-type: none"> <li>• Undertake this product development plan</li> <li>• Seek grant funding for implementation</li> <li>• Refine designs for key interpretive structures, following input for the communities involved</li> <li>• Develop the 23 sites listed here-in</li> <li>• Prepare and distribute updated promotional material that merges this work with the earlier Wildflower Way outcomes</li> </ul>
STAGE 2:	"ArtBelt" project	<ul style="list-style-type: none"> <li>• Complete the detailed community-based planning project, as outlined in the next section of this report</li> <li>• Seek funding for development of individual projects likely to come from planning process</li> <li>• Revise and re-release promotional material to incorporate added attractions</li> </ul>
STAGE 3:	Local add-on projects	<ul style="list-style-type: none"> <li>• Individual local governments generate a list of possible local projects that might augment this work, and keep visitors in town longer (local in-town heritage trails etc)</li> <li>• Develop these projects and, if individual outcomes meet established "site template", seek to include in Stage 4 below</li> </ul>
STAGE 4:	Expand overall concept to include other "routes" or sets of sites	<ul style="list-style-type: none"> <li>• Consider expansion of the Exploring Wildflower Country concept to include an Indian Ocean Drive Route (and perhaps a Brand Highway Route)</li> <li>• Encourage appropriate planning and development of other suites of sites, which may be from beyond the core study area or may be from within</li> <li>• Revise and re-release promotional material to incorporate additional sites and/or routes</li> </ul>

Figure 2: Midlands Route Final Report - Staging The Project

# WILDFLOWER COUNTRY cont.

It's unclear as to how or when the original staged approach to visitor experience development in the Midlands Route Product Development Plan potentially lost its way. However funding approval is likely to be a major contributing factor. In recent years ( in the absence of an updated WFC strategic plan, projects have been identified to align with regional Development Commission Blueprints and broad TWA strategies in order to seek grant funding and state support.

It is a significant achievement that this group is committed to working together and that progress on development projects has been achieved (albeit slowly) under a volunteer committee structure, who all have full-time roles in their respective LGAs . Regional shires are struggling to retain experienced

CDO's and CEO's are regularly changing, leading to continuity challenges within the organization. However, the WFC association is cohesive and supportive of the current leadership direction.

Potentially, WFC would be assisted by a tourism operations & administration position in their governance structure, not only for this project, but as an investment in organization sustainability. Education and succession planning with the group is needed, supported by resourcing to develop a cohesive strategic plan, which builds on the foundations established in 2011, whilst maximizing alignment to broad regional plans.



# OPPORTUNITY CONTEXT



# 2021 SEASON IN REVIEW

2021 was a spectacular season for WA's Wildflowers with anecdotal comments in media reporting that it was the best season in 20 years. Early rain through the mid-west contributed to germination of wildflower seedbanks and mild temperatures combined with consistent rain ensured that flowers were sustained for a longer season than usual. For interstate visitors who were lucky enough to be in WA during the peak flowering months of July to September, the experience was breathtaking with carpets of wildflowers visible in hotspot locations across Wildflower Country.

Reports from the LGA's indicated that caravan parks and overflows were full in peak months, local cafes and visitor centres had opened for extended hours and communities were feeling the influx of tourists in their towns. **With milder weather late in the season, wildflower visitors were still travelling through the mid-west region into late October** and whilst the 'carpets' of wildflowers were no longer blooming, the road verges in some areas were still colourful. The length of the season meant visitation was positively impacted in mid-west communities however, as **visitor data is not adequately collated**, it presents a major challenge for benchmarking visitor growth potential when considering a business case for planting projects.

## IMPACT OF COVID-19

2021 also posed unique challenges for the annual wildflower season due to border restrictions as a result of COVID-19. The LGA's who did not formally record visitor numbers reported that despite border closures, they felt that visitor numbers were sustained. Again, anecdotally, they reported that there were less interstate visitors on the roads and **that the region attracted new visitors from Perth**.

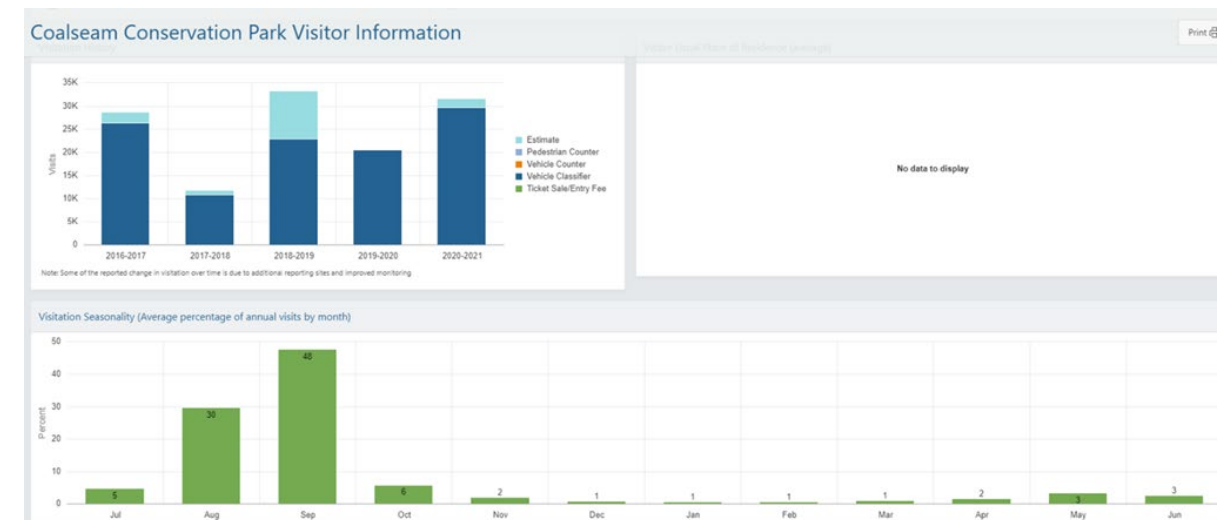
Visitor servicing however, proved to be a major challenge due to staff shortages and a reduction in volunteers, especially on weekends when Perth visitors were seeking short breaks or day trips. This meant that **although demand for evening and weekend meals was demonstrated, services were either limited by staff shortages** and the majority of LGAs reported that limited housing for staff was also contributing to an inability to meet demand. In practical terms, the net result of growth in economic value has likely been low this year, despite the abundance of flowers, as a result of downward market pressures.

## NATIONAL PARK VISITOR NUMBERS

In the absence of reported visitor numbers from the LGA's, an indication of visitor numbers can be measured by vehicle entry to Coalseam National Park. Bearing in mind that on average, 48% of visitors travel to the park in September, the 30,000 visitors quoted in 20/21 does not reflect the 2021 wildflower season in isolation. However, it provides some sense of visitor numbers in the northern section of WFC; far more than are using the services of Visitor Centres and indicating a need for more reliable services.

Of the 11 Wildflower Country LGAs, only 4 reported their visitor numbers for the 2021 season:

LGA	2021	2020	% Growth
Mingenew	2600	n/a	-
Mullewa	5966	n/a	-
Moora	2023	1889	+7%
Perenjori	3162	2490	+21%



# VISITOR EXPERIENCE

Fulfillment of a wildflower experience in WA is a subjective interaction and dependent on multiple factors; not just the quality and longevity of the flowers. During consultation with the Wildflower Country LGA's, each determined that wildflower visitors have varying needs and not every visitor is committed to searching for rare and iconic flowers. For some, a fulfilling experience is simply about an amazing Instagram moment.

## VISUAL FULFILLMENT

Whilst wildflowers occur in other states of Australia, the wildflower experience in Western Australia is characterized by images of 'carpets of wildflowers'. It is the proliferation of the display and visibility from defined drive routes that fulfill expectation for the vast majority of visitors. The experience is about 'the show' and the opportunity to take photos which demonstrate the scale of colour. When the fields of Everlastings are finished and the Wreath Flowers are no-longer visible on the road verges, the visual experience changes which has the potential for visitors to consider that the wildflower season is over. In reality, flowering is continuing, but visitors need to look further and seek alternative photo opportunities.

**Addressing visual attractions is a key consideration in growing tourism through the Mid-West** and it directly relates to understanding what constitutes fulfillment of a wildflower experience for audience segments. It is a regular site during the season to see cars pulled up on main routes to take photographs of small patches of flowers and logic dictates that a colourful planting display in regional towns would motivate the same curiosity to stop, investigate and potentially seek out more experiences and services. The opportunity for regional towns is to ensure that any flowering project is managed for longevity, authenticity and is sharable.

## ACCESS

According to the Wildflower Society and reiterated by tour operators consulted as part of this project, in the past, flowering road verges were a key drawcard for visitors. Wildflowers grew naturally on approach to regional towns in quantities which ensured that visitors were able to easily identify wildflower areas and access to flowering locations was as simple as pulling off the main roads. Over many years, as towns, farms and transport links have grown, land has been cleared and LGA

management of roadside verges has increased, resulting in an increase in traffic, but a contraction of visible wildflowers along drive routes.

LGAs are understandably concerned about vehicles stopping in potentially hazardous locations on roadside verges. Despite visitor servicing information being made available during the season to consider stopping in safe locations, not all visitors adhere to the advice. **Reduced access and visibility naturally leads to a high reliance on local knowledge through visitor servicing to locate flowers.** Local volunteers are regularly out during the season, marking locations of flowers with pink ribbon. These can be seen on roadsides and walking trails, however, the locations aren't necessarily specific and/or timely as volunteers can't be expected to remove these indicators if flowers are no longer visible. There is always a risk of environmental impact as a result of visitors move through natural bush areas trying to locate specific species.

For these reasons, the management of visitor impact as a result of wildflower tourism is important to the growth of the segment. Whilst the authenticity of finding flowers in their natural environment is highly desirable for visitors who are motivated to seek out these experiences, **creating access through planting projects that take into consideration visitor safety and environmental integrity should be considered in a sustainable approach to growth.**

## WILDFLOWER LOCATOR APPS

An ideal solution to enhance the visitor experience would be to have a digital repository of flower data for Wildflower Country, including an app where flower locations and identification could be shared in real time. The WA Wildflower Tracker app promoted by Tourism WA and managed by the WA Visitor Centre is designed for this purpose, however, feedback from the region has indicated that the app is difficult to use in many areas due to poor internet coverage, poor stability of the app, flower identification is often incorrect and location data is inaccurate. Never-the-less, in theory, the development of the technology would be a significant asset to improving the fulfillment of the overall visitor experience for all tourism stakeholders. However, **the success is reliant on adequate telecommunication infrastructure across the region as a priority.**

# ACCOMMODATION GAPS

## ACCOMMODATION

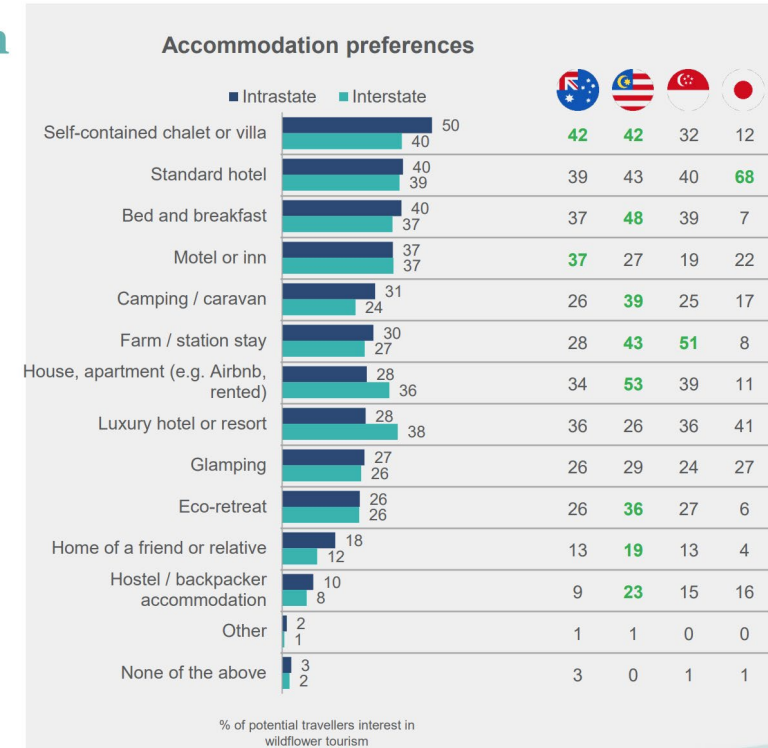
One of the challenges in understanding the potential for investing in Wildflower Tourism development lies in the quality of accommodation across Wildflower Country. Ideally, planting projects would not only encourage **visitors** to stop and spend in inland towns on Wildflower Country's routes, but also result in **overnight stays** in order to positively impact the visitor economy. Logistically, there is a fairly simple categorization of target audiences and source markets for Wildflower Country:

- Self-drive couples from Perth seeking a short break to see the flowers
- Caravan & camping retirees, both Intrastate and Interstate, specifically visiting the region for flowers
- Tour series, including Intrastate, Interstate and ITOs, requiring group accommodation as part of larger regional wildflower itineraries

Of these simple segments, the potential to grow visitation for the inland routes in the short term lies with the closest market to home; the self-drive couples from Perth, who can be nimble to respond to flower location data, potentially know the region and can travel at any time during the season – not just the peak months. However, this segment requires quality accommodation and apart from Geraldton, Jurien and Dalwallinu, there is a major gap in fulfilling their intent to travel as quality accommodation in inland towns is in limited supply. The net result is that the potential market is constrained and inland towns are effectively limited to relying on the Caravan and Camping segment to generate income, as all towns within Wildflower Country can meet the accommodation demand from this audience.

Tourism WA undertook visitor research in 2021 to determine intent and behavior psychographics for primary target audiences in priority source markets to gauge product development needs for wildflower tourism which included an assessment of accommodation demand. Amongst visitors with an interest in wildflowers and an intent to travel, lodging choices ranked significantly higher in preference than Caravan and Camping demand, indicating that **investment is needed in creating accommodation supply in regional towns concurrent to investment in wildflower experiences in order to grow meaningful visitation.**

## Accommodation preferences varies by source markets



# CARAVAN & CAMPING

As this segment makes up the majority of visitors supporting overnight visitation in Wildflower Country, it's worth understanding how this market has evolved as a result of changes in visitor behavior, influenced by COVID-19.

## VISITOR PROFILE

Domestically, Australians have embraced the caravan and camping lifestyle, reflective of a deep appreciation for unique and authentic outdoor experiences that caravan and camping offers. At the end of 2021, the Western Australian Caravan and Camping industry reported the following statistics representing the shift in demographic visitation for the segment in WA\*:

55 years and over	523,427	↑ 34.2%
30–54-year-olds	816,735	↓ 0.2%
20–29-year-olds	316,027	↑ 16.2%
15–19-year-olds	80,999	↓ 22.4%

The most popular activity done during domestic caravan and camping trips in 2021 was eating out, followed by nature-based activities, including bushwalking, visiting national/ state parks, and sightseeing. Social activities popular with caravanners and campers were going to pubs/ clubs, shopping for pleasure and visiting friends and family.

## TRENDS

Whilst traditional visitor segments remained consistent for WA in spite of COVID-19 influences in the last 2 years, the sector has seen growth in the youth segment and a rise in a new style of traveller – ‘Digital Nomads’. “Digital nomads are people who are location-independent and use technology to perform their job, living a nomadic lifestyle. Digital nomads work remotely, telecommuting rather than being physically present at a company's headquarters or office”.

This segment includes social media influencers and young families. They are seeking not only educational experiences, but locations of visual appeal that are eminently sharable on social media.

**Wildflower season is an ideal opportunity to appeal to this post-pandemic traveller.**

## WA's CARAVAN & CAMPING SECTOR

Statistics reported for Western Australia in the national State of the Industry 2022 report indicate a high preference for cabin accommodation in Western Australia, indicating an opportunity for LGAs to consider its investment in accommodation supply for Shire-owned Caravan Parks\*.

- On average, Caravan and Campers in WA spent \$651 per night, the second highest amount among all states. Average spend per night increased to \$143.
- In terms of revenue generation for caravan parks, 60% was derived from cabins, 38% from powered sites and 3% from unpowered sites.
- Cabin occupancy was at a low of 41% in February and increased to 71% in October. Similar trends are reflected in occupancy levels of powered and unpowered sites.
- Western Australia's caravan and camping visitor economy shows a consistency across seasons. This is due to the size of the state which fosters year-round demand for caravan and camping.

## WHAT DOES THIS MEAN FOR WILDFLOWER COUNTRY?

There is good evidence to support the opportunity for LGAs to invest in cabin accommodation to improve the visitor experience in inland towns, addressing a critical supply issue to meet latent demand in wildflower season. **Investing in planting projects to extend the wildflower season will have a higher potential return of investment if short-lead visitors from Perth with a demonstrated intent for wildflower experiences, can be accommodated in cabins.** Short-lead, accommodated visitors are likely to demonstrate a higher demand for eating out, tour activities and retail spend, generating a positive impact on local visitor economies.

\*Source = WA Caravan & Camping Industry State Snapshot December 2021



# STAKEHOLDER ENGAGEMENT



# CONSULTATION CONTEXT

During the consultation phase of this project, DTM undertook interviews across multiple tourism industry segments to understand the context of growing tourism in the Wildflower Country region. We determined that the tourism challenges faced in the region are significant and growth will be dependent on multiple factors being addressed; well beyond the scope of this project and expectations of what impact planting projects would be likely to have. However, despite obvious challenges in LGA resources, delivering quality accommodation, visitor amenities and a broad gap in understanding the value of wildflower tourism to communities, there is a positive intent amongst stakeholders to arrest the decline of experience and embrace wildflower tourism as a catalyst to effect change.

## Destination Marketing

In a destination marketing context, DTM consulted with both Australia's Coral Coast (ACC) and Australia's Golden Outback (AGO) to discuss the influences of wildflower imagery on consumer behavior, balanced with the expectations of visitors and the practicalities of travelling in the region. Topics discussed included the supply issues for tour operators and the impact that this has on engaging trade partners, and how planting projects would influence the length of the wildflower season, if at all. This project was originally motivated by creating wildflower attractions to deliver a visual fulfillment for visitors, which would provide certainty of experience despite weather challenges, providing a consistency in content and new attractions to entice visitors through destination marketing. However, what has evolved from this initial concept is a re-imagining of what this project will mean for community wellbeing in addition to tourism outcomes.

## Regional Destination Development

DTM presented and contributed to Wildflower Country meetings 3 times during the project. An initial presentation to the full committee in Three Springs was made to discuss the intent of the project, the opportunity and to request each LGA to think about what they would like to achieve as an outcome. LGAs were encouraged to think about locations, existing or planned projects and to engage their teams in concept development. Following site visits, findings were reported back to the group and at the end of season, the value of tourism was discussed, based on available visitor numbers, and the importance of record keeping to assist the project in its next stages.

To understand funding opportunities and alignment to regional development strategies, both the Mid-West and Wheatbelt Development Commissions were consulted. Both articulated that the challenge for the Development Commissions to support wildflower planting projects would be the emphasis on economic return. As there is so little data to benchmark economic value, in the short term, it may mean that the project may need to be considered as community outcome based. However, if data capture could be addressed and a funding model developed which demonstrated economic return, the Development Commissions could potentially support a proposal. Both indicated that they would consider working cross-regionally together and that their direction would align with regional destination management plans, currently under development for RTO's.

## Wildflower Communities

During consultation, we found a broad sense of support for Wildflower Country membership, in that they like the opportunity to meet with neighbouring shires and feel connected to a unified approach to tourism. Engagement within the group varied and practical suggestions were made as to how the group could work more collaboratively to assist the needs of visitors, especially in locating wildflowers beyond their shire boundary.

During the site visits, DTM met with each LGA and relevant local stakeholders to discuss the concept of planting projects as identified by TWA and to assess their appetite to invest both capital and skilled resource to create gardens or wildflower displays in their towns. As a result of very little available data, most of the smaller LGAs had little to no concept of the economic value to their towns in growing wildflower tourism. Most accepted that the season created a positive economic impact, but many voiced that council support for funding of a project which only influenced visitation for 2-3 months of the year, would be nearly impossible to achieve. Few of the LGA CEOs or CDOs were aware of a specific flower species for their Shire and most were reluctant to focus on promoting a singular species as a point of difference when the well known Everlastings and Wreath Flowers are known drivers of visitation. This included the City of Geraldton, who already have beautification projects in place for Wildflower Gardens, but were reluctant to be known for a signature floral species.

Therefore, **the scope of this project in its discreet form, as discussed with TWA, required a re-evaluation.**

# CONSULTATION CONTEXT cont.

In discussions with the LGAs, it was determined that **CEOs felt they would have a better chance of securing council support for planting projects to promote Wildflower tourism, if they could demonstrate a community outcome** beyond wildflower season. The vast majority of the LGA's were well prepared for site visits, had practical project information to contribute and were supportive of improving community amenities (within the Shire's control) to meet the demands of visitors and the community alike. Each LGA had a consistent sense of the scale of community projects that they felt were achievable. They were aware of community groups who could assist with implementation, and they also understood barriers in skillset to adapt their projects to incorporate wildflower planting.

## Horticultural Advice

Wildflower and horticulturalist expertise was sought to understand the context for the current proliferation of wildflowers, challenges of climate to the annual season and the need for planting projects to re-engage LGA's in valuing the preservation of wildflowers. The practicalities of planting specific species and flowering durations were explored in addition to consumer behaviour and the perception that a wildflower experience is primarily about 'shows' of colour, which could equally be achieved by a greater emphasis on planting 'bush flowers'.

## State Government Departmental Support

In addition to the two Development Commissions, both the Parks and Wildlife Service (Parks) and the The Botanic Gardens and Parks Authority (BGPA) in the Department of Biodiversity, Conservation and Attractions (DBCA) were consulted to understand the cross-agency appetite to support development of wildflower attractions, through planting projects and interpretation. In this pre-feasibility stage, the concept of the project was understood and broadly supported, however in the first instance, Parks determined that they would be unlikely to be a partner for activations in town locations. Were wildflower projects to extend to regeneration in reserves, this could potentially be a consideration for Parks, with associated contributions to interpretation.

The BGPA indicated that the potential for collaboration in this type of project was directly aligned to their strategic planning. The project would provide the BGPA with opportunities to take the success of

their wildflower gardens at both Kings Park and Bold Park to the regions, with the ultimate experience to be able to see wildflowers in their natural habitats. They recognize that they have the skills to assist local communities and this type of project would also support their education outcomes. Further consultation would be required to determine if master planning was required for Wildflower Country as a collective or if BGPA could be engaged in singular projects with individual LGAs. However, during the site visits, it was observed that all LGAs needed assistance with their entry statements and this would be an ideal project to establish a partnership with BGPA.

## IMPACT ON PROJECT SCOPE

As a result of stakeholder engagement and site visits, it was observed that there were a number of consistent needs within LGAs that could benefit from beautification projects that would not only achieve positive community outcomes but would also contribute to a positive fulfillment of visitor experience. Under a strategic plan for the region, these projects could easily incorporate wildflower planting, interpretation and art that would contribute to placemaking in Wildflower Country, year-round.

Re focusing the project to consider a coordinated destination development strategy which aims to achieve consistency in visitor experience across the member LGAs in Wildflower Country, goes beyond planting of wildflowers to influence a seasonal experience and directly contributes to long-term sustainability of communities.

As a result, the potential for the project has been re-evaluated to focus on incorporating wildflower planting and theming in :

- Town entry statements
- Rest areas and public amenities
- Playgrounds
- Main St activations

# REIMAGINING THE PROJECT

The consultation process revealed that many stakeholders viewed the opportunity to discuss Wildflower Tourism as a far more wide-reaching issue than the planting project was initially conceived to address. Whilst the intent of ensuring some consistency in the visitor experience year on year through well managed displays in local towns was acknowledged as having merit, the practicality for LGAs to take a leadership role of the project was a real concern due to:

- High turnover of Shire management and staff
- Limited horticultural skills
- Small ratepayer base and limited funds for beautification projects
- Contraction of volunteers to implement projects alongside the Shire
- Undervaluing of Wildflower Tourism by local councilors

The Wildflower Society of WA (WSWA) were also consulted as part of this study, who echoed the concerns of the LGAs themselves in the skillset needed to preserve and conserve wildflower habitats, particularly on roadside verges in regional areas. The WSWA recognized that there could be an intersect between wildflower management and tourism by initiating a Wildflower Friendliness scheme to encourage LGAs to implement better management processes in order to stimulate tourism in their towns. However, the requirements of participation and the perceived tourism benefits were not unanimously supported.

Despite the challenges of programme structure, the intent of engaging the LGAs with tourism outcomes as a result of investing in Wildflower Tourism in a cross-agency collaboration that would include robust planning and leadership, has merit and the best potential to achieve sustainable tourism outcomes in the region, modelled on the Wildflower Capital Initiative.

## The Wildflower Capital Initiative

This was a cross agency program that sought to promote Perth by showcasing the unique local flora as a wildflower theme in the design and character of public open spaces and major infrastructure. It was part of a state-wide initiative (Wildflower Way) with a focus on enhancing the community and tourist experience of WA. The benefits of this initiative included:

- Promoted Perth as a 'Wildflower Capital' and a starting point for regional wildflower tourism
- Improved the aesthetic of the city for visitors and ties in with various tourism initiatives such as the Kings Park Wildflower festivals
- Promoted water wise and native planting practices
- Supported the Urban Forrest Strategy
- Provided an overarching framework for already existing wildflower planting initiatives
- Promoted exposure and understanding of Nyungar culture by floristically demonstrating the six Nyungar Seasons.

Main Roads WA committed to establish and maintain feature wildflower plantings and urban design treatments at 10 selected locations on major roads in the Perth metropolitan region as their contribution to the initiative.

They collaborated with Botanic Gardens and Parks Authority, Office of the Government Architect, Burswood Park Board, Department of Planning, City of Perth, and relevant local government authorities to develop a detailed implementation strategy. **Three Wildflower Capital Initiative sites were established in the winter of 2017 and the project was implemented over 4 years.**

By understanding the practical limitations at LGA level and the importance of wildflowers across Government, the opportunity now exists for Tourism WA to reconsider the parameters of this project to develop a framework which can influence regional tourism across other parts of the state. Four focus areas have been identified:

1. Tourism WA to take a lead role in identifying tourism development priorities
2. Tourism WA to lead a cross-agency collaboration to achieve conservation, education and tourism outcomes in Wildflower Country communities
3. Establish a co-contribution funding model to instigate tourism infrastructure and visitor amenities upgrades to improve visitor experience and livability
4. Establish a Wildflower Friendly Town tourism scheme to encourage advocacy and marketing opportunity

# RECOMMENDATIONS



# DEVELOPMENT FRAMEWORK



The Western Australian wildflower season provides the state with an unrivaled visitor experience when benchmarked against iconic Australian experiences and provides Tourism WA with an opportunity to maximise promotion as a competitive advantage. However, the findings of this study, clearly indicate that investment in Wildflower Tourism development goes beyond the surety of the flowering experience and that the sustainability of communities which provide supporting services for tourism is critical to a fulfilling Wildflower Tourism experience.

Through establishing a development framework for Wildflower Country, it is envisaged that the model will be adaptable to implement in additional regions throughout the state. 4 priority areas of focus have been identified to be further explored in the next stages of planning.

## DESTINATION DEVELOPMENT

Tourism WA to take a lead role in prioritizing visitor amenities and infrastructure development in Wildflower Country

## CROSS-AGENCY COLLABORATION

Tourism WA to coordinate a cross-agency collaboration within Government to achieve conservation, education and tourism outcomes

## FUNDING FOR LGAs

Establish a co-contribution funding model to assist Wildflower Country LGAs in developing assets to benefit the visitor experience

## WILDFLOWER FRIENDLY TOWNS

Establish a rating scheme which recognizes and rewards LGAs who commit to positive outcomes in conservation and tourism

# DESTINATION DEVELOPMENT

## DESTINATION DEVELOPMENT

Tourism WA to take a lead role in prioritizing visitor amenities and infrastructure development in Wildflower Country

### DESCRIPTION

An online product audit of tourism infrastructure and visitor services was undertaken during this study which indicated gaps in quality, quantity and logistics to meet the needs of visitors to Wildflower Country. This study has identified that there is a need to remediate the existing experience whilst concurrently preparing to grow the visitor experience through attraction development, including planting projects. In this first stage, it is recommended that Tourism WA consolidates visitor sentiment benchmarked against infrastructure gaps, to establish priority tourism outcomes for maximum impact. The overarching strategic outcome is to create spaces which motivates visitors to stop in Wildflower Country towns, creates dwell time and opportunities to spend.

### STAKEHOLDER FEEDBACK

Consultation indicated that a visible sense of place that meets the needs of target audiences will encourage visitors to stop, which includes:

- Welcoming, vibrant and well-maintained entry statements
- Well maintained public facilities in close proximity to retail locations
- Digital visitor servicing to share wildflower information
- Long vehicle parking with quality public facilities
- Themed playgrounds in close proximity to retail locations
- Well maintained directional signage and wayfinding to visitor servicing
- Visible street-front dining and retail signage creates a sense of vibrancy

### PROJECT PRIORITY - HIGH

Working with the relevant RTO and Wildflower Country as part of an integrated approach to Destination Management Planning, TWA can work with industry to take a lead role in educating LGAs to understand:

1. The value of Wildflower Tourism through sharing data tracking and visitor behaviour
2. The importance of place-making to grow visitor spend and livability in their community
3. The collaborative opportunity to include a tourism lens to LGA development decisions

This consultative approach will contribute to the establishment of clear tourism outcomes for future Wildflower Tourism development projects, encourage advocacy for tourism at community level and establish accountability for tourism within LGAs

# CROSS-AGENCY COLLABORATION

## CROSS-AGENCY COLLABORATION

Tourism WA to coordinate a cross-agency collaboration within Government to achieve conservation, education and tourism outcomes

### DESCRIPTION

It was widely acknowledged during consultation that there is a vast gap in horticultural skillset within LGAs. Some Shire's have made efforts to include seasonal wildflowers in beautification projects, including the City of Greater Geraldton (including Mullewa), Dalwallinu, Mingenew and Moora. However, this inevitably involves planting farmed Everlastings, which are not endemic to the region, but are cost effective and widely available. To maintain the integrity of planting projects identified as development opportunities for Wildflower Tourism, skills are needed in design, plant selection, propagation and seed harvesting, plus implementation. Coordinating a partnership between the Botanic Gardens and Parks Authority and Tourism WA is recommended to achieve sustainable master-planning for wildflower planting in regional towns.

### STAKEHOLDER FEEDBACK

Consultation with BGPA indicated that a coordinated regional project would meet multiple priority outcomes of the Kings Park Strategic Management Plan 2021-2026 including:

- Create truly local experiences
- Facilitate community wellbeing through participation in citizen science and volunteering
- Integrate cultural and heritage knowledge
- Invest in science and conversation, developing new propagation techniques and seedbank management
- Take the skillset of the WA Botanic Gardens to the regions to encourage skill development

### PROJECT PRIORITY - HIGH

Although initial locations for planting and infrastructure upgrades have been identified as part of this initial study, a process of master-planning and cost analysis would need to be undertaken in partnership with BGPA to achieve an optimal intersect of outcomes for BGPA's strategic planning and the agreed tourism priority for Tourism WA. Master planning would then lead to a fully costed feasibility study.



# FUNDING MODEL

## FUNDING FOR LGAs

Establish a co-contribution funding model to assist Wildflower Country LGAs in developing assets to benefit the visitor experience

### DESCRIPTION

The vast majority of LGAs in Wildflower Country have small ratepayer bases and limitations in funding for public amenities and services. Many rely on competitive grant funding to implement improvement projects, meaning that although there may be intent to provide quality services which contribute to a positive visitor experience, community priorities take precedence. To achieve a holistic approach to improving the visitor experience across the region, a repository of guaranteed funding is required, allowing all stakeholders to plan appropriately.

The exception to this is the City of Greater Geraldton, who would potentially need to work with a scaled funding commitment based on size of the asset.

### STAKEHOLDER FEEDBACK

During consultation, there was no expectation that planting projects would be fully funded by a tourism contingency budget, nor that the Shire's would not contribute to ongoing maintenance of any asset developed as part of the project. There was a high degree of optimism that a co-contribution model could assist the Shires to achieve their plans in a more timely manner.

- In discussion with the LGAs most indicated that a budget benchmark of \$30,000 for a community playground project for example and this figure was considered to be palatable for the development of new or upgraded attractions.
- When placed on the Shire's asset register, an annual budget allowance of \$10,000 was considered appropriate for upkeep and maintenance.
- All recognized that if there was certainty of funding, they would have more confidence in planning and/or could potentially scale up plans with additional grant support

### PROJECT PRIORITY – MEDIUM

The potential funding model was identified as a priority consideration for both the Midwest and Wheatbelt Development Commissions to assist with their understanding of the merits of the project and their potential role within it. Given clear criteria for the suitability of projects contributing to tourism outcomes, the RDCs could play an important conduit role between Tourism WA and industry, facilitating funding acquittal and sub-regional project support.

# WILDFLOWER FRIENDLY TOWNS

Establish a rating scheme which recognizes and rewards LGAs who commit to positive outcomes in conservation and tourism

## DESCRIPTION

As demonstrated throughout this study, the gaps in visitor experience throughout Wildflower Country are substantial, specifically in small inland towns. As a result of COVID-19 disruption, all communities and businesses are feeling the effects of staff shortages, increased operating costs and challenges in the supply of goods, but none more-so than towns which are not located on major transport links. Investment in infrastructure upgrades for tourism are desperately needed as without it, there are limitations for these communities to convert latent demand. Projects such as this are needed to motivate councils to see tourism as a driver of economic value, encouraging them to invest where maximum impact is needed; in accommodation, visitor servicing and dining.

## OPPORTUNITY

- Establishing a Wildflower Friendly Town rating scheme provides benchmarks for LGAs to aspire to, encouraging forward planning with a tourism lens
- A structured programme of promotion is needed to reward towns with priority marketing opportunities
- Recognising conservation leads to a sense of community pride and advocacy which encourages the community to think as global citizens
- Visitors will have a sense that they have arrived at a place with a purpose

## PROJECT PRIORITY – MEDIUM

One of the flaws in attraction development is that budget is generally applied to asset creation without an ongoing commitment to promotion. Sustainability becomes a challenge when project budgets are exhausted. Through building a recognition program and rating scheme, initial investment can set a town on its path, whilst incentivizing further development and scalable promotional rewards. Ultimately, the aim is to build a self-perpetuating consumer demand, which contributes to placemaking and a tangible promise of experience for visitors and residents alike.

# CONCLUDING COMMENTS

## PROJECT OBJECTIVES

In assessing the merits of this project, it is clear that there is much to do to achieve meaningful tourism outcomes in Wildflower Country. The vision for the collaboration of LGAs now needs to be reset to recognize the unique experience that the region can deliver on a national scale. There is simply no other natural spectacle like the WA wildflower season in Australia. When the concept of Wildflower Country was initially devised as a collaboration of LGAs, the notion of promoting the region year-round by highlighting all other aspects of life in the towns, was a noble one and there is definitely a need to develop experiences beyond the flowers. However, critically, the opportunity to leverage the flowers in placemaking, drawing visitors into towns and delivering great visitor experiences, is a focus that the organization needs to work together to achieve.

Throughout the course of this study, it's been evident that there is a positive environment of interest from member LGAs in the activity of Wildflower Country and it there is a connectivity within the organization that this vitally important in regional communities. However, the administration of the organization has been volunteer led by industry and despite considerable leadership skill, there is only so much that can be achieved in a voluntary capacity. For tourism to move forward in the region, there is now an opportunity to establish strategic planning for the region, which aligns to TWA's vision for destination development, and is developed in partnership with the Wildflower LGAs to meet the needs of their communities. A conduit role would be necessary between Wildflower Country and the Midwest and Wheatbelt Development Commissions to coordinate priority infrastructure needs.

On review of the project's objectives, this study has determined :

- ✓ There is broad support from state and local government to enhance the Wildflower Country offering through additional wildflower planting each year
- ✓ A planting project contributes to outcomes for identified cross agencies
- ✓ Barriers to implementation of the project in its initial concept have been identified
- ✓ A thorough understanding of the potential for a reimagined project has been established
- ✓ A proposed funding model has been considered

On the basis that the merits of a reimagined approach to the project is understood, **it is recommended that Tourism WA now pursues a collaborative partnership with the Botanic Parks and Gardens Authority to determine the suitability and timing of a collaborative project** within their own strategic plan and establish a working group to move towards master planning of planting projects in Wildflower Country.

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# MINGENEW VISITOR CENTRE

## 2022 SEASON REPORT

Compiled by Taryn Winter  
Mingenew CRC Manager  
December 2022



After successfully gaining financial and in-kind support from the Shire of Mingenev, The Mingenev Community Resource Centre opened the Visitor Centre on Monday 25th July 2022 and remained open seven days a week for 10 weeks.

The Mingenev Visitor Centre was operated out of The Exchange Mingenev, the old NAB bank building on Midlands Road.

Two part-time staff were employed to run the centre and were employed under the SCHADs Award in a fixed term contract arrangement.

Their responsibilities included,

- delivering a consistent and responsive visitor experience,
- enhancing the visitor experience of the local area and wider region,
- promoting a positive image of Mingenev and
- engaging with and communicating proactively with key stakeholders.

During the 10 weeks the centre was open over 2700 visitors passed through the doors, with others relying on social media, phone and the out of hours information board to keep informed.

The wildflower season was a mixed bag, with a plethora of orchids, flowering shrubs and an abundance of yellow pom poms but not the vast display of pink everlastings the region is known for. Visitors sought information on crops, CBH, local landmarks and of course the best place to see wildflowers.

The Coalseam once again proved to be a very popular destination with many groups heading out for day trips, happy to spend time walking the tracks, fossicking in the river and enjoying the geological aspects of the landscape.

Our staff and volunteers observed more families with small children travelling through Mingenev than in previous years, they (among other visitors) were interested in things to do in town - art trails, walks or trails and entertainment. The playground proved to be very popular with this demographic.

Shire investment in Mingenev Visitor Services for 2022  
\$18,706.39



@MINGENEWVISITORCENTRE  
1.5k followers



supported by



# 2022 STATISTICS & SURVEY

Survey sample day  
Thursday, 15 September 2022



**2777 visitors**



546 hours, 25 July - 30 Sept



**10 volunteers, 30 hours**



Busiest day Friday 9th September,  
110 people



50 % of visitors surveyed had accessed information via Social Media before arriving in Mingenew

FACEBOOK STATISTICS  
1ST JULY - 30TH SEPTEMBER

Reach 57,113

Page Visits 4,160

Followers

82% Female

18% Male

43.3% Perth

9.6% Geraldton

## Where did you stay?

80% Did not stay in Mingenew

Reasons for not staying:  
54% passing through,  
30% nothing suitable available,  
16% prefer freedom camping

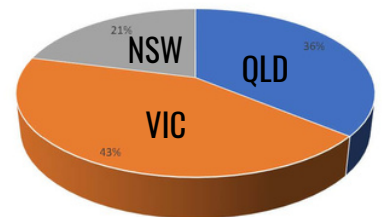
13% Stayed at the Caravan Park

7% Stayed at the Coalseam

## Where are you from?

54% Western Australia

46% Interstate



After the wildflower season, visitors were able to complete an online survey, this was shared on the Mingenew Visitor Centre Facebook Page. The main purpose of the survey was to receive feedback on the service the CRC provided, however the following statements also pertain to the overall visitor experience in Mingenew during the 2022 season.

- The Mingenew Bakery was the most popular business to visit in town.
- The Coalseam is the most popular choice for overnight camping after the Mingenew Caravan Park.
- Visitors gain information in various ways - most popular is in person, followed by social media.
- When visiting the Visitor Centre, visitors' expectations were exceeded or at least met their requirements.
- Visitors appreciated the knowledge and friendly customer service from staff and volunteers.



# FEEDBACK & SUMMARY

## FEEDBACK FROM VISITORS

- The Mingenew Arts and Craft Collective Pop up shop received a lot of positive feedback.
- Many visitors passing through use WIKI Camps App and appreciate up to date information of local services.
- Road signs need to be up to date and relevant, a road closed sign at the start of the Coalseam Road would be useful.
- The playground is a wonderful asset to the town.
- Public toilets on Midlands Road/Victoria Road were closed at peak visitor times causing some angst.
- More things to do in town would be great.
- Toilets at Depot Hill would be desirable.

## SUMMARY FROM MINGENEW CRC

Without the financial support of the Shire of Mingenew the Mingenew CRC would be unable to provide dedicated visitor services. Visitors expect a high degree of local knowledge and we have found there is a lot of work involved to ensure information being shared is up to date and accurate.

## BENEFITS OF SHIRE SUPPORTED VISITOR SERVICES

- Create local jobs
- Enhance visitor experience
- Promote local services
- Relieve pressure from volunteer groups

## 2023 AND BEYOND

- For the Mingenew CRC to operate the Visitors Centre in 2023 it would cost between \$10,000 and \$20,000 for staff and volunteer expenses. This is dependent on the number of weeks and days required of the Visitor Centre to be open.
- It would be beneficial for the organisation handed the Visitor Centre responsibilities to have a 2-3 year financial commitment from the Shire.
- The Shire still need to be involved in the distribution of visitor information. As there is no dedicated phone line for visitor information, people will always contact the Shire or CRC for road conditions, accommodation options and wildflower reports.
- The CRC are looking at funding opportunities to purchase an interactive LED display that can assist in the provision of Visitor Information distribution, this could relieve pressure on staff at busy times, when the centre cannot be manned or in the off season.

