

## Briefing Session Tuesday, 6 December 2022 Attachments

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31st May 2022

**Ashley C Hams**  
Executor of the Will of  
Margaret Joan Hams (Dec)  
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**The Manager**  
**Development Services**  
**Town of Bassendean**  
35 Old Perth Road  
Bassendean 6054  
Dear Sir/Madam

**Re: Development application for demolition of buildings at 168 West Road, Bassendean.**

#### **Heritage Listing 254**

As Executor of the Will (I am a relative of the deceased) currently undergoing probate, application is hereby made for permission to proceed with a Demolition Permit.

It is my opinion, after consulting others, that the buildings are not in a condition and location to be of value if retained. Even if a subdivision is undertaken to amend the 1.7 metre encroachment of the residence, excluding the 2.2m wide rear green shade roofing, into Lot 308 being 145 Whitfield St, Bassendean, the potential sale of the old residence would be restricted.

Every consideration has been made to retain the residence but the full assessment resulted in the need to demolish and facilitate vacant land sales for the benefit of the estate and continued development of this area of Bassendean.

- Electrical switching and wiring are very old, with original bakelite switches and conduits for wires suggesting the house has never been rewired to current standards. Upgrading this now would be at considerable cost.
- Plumbing for waste water (sewer) is connected to West Road, being done in 1982.
- Water supply is also to West Road and has had numerous repairs done since I started looking after the property in late 2016, indicating most piping is very old, with original joints never seen by the plumber and likely to continue breaking down.
- Under floor posts are in varying condition from original timber to crumbling concrete to pine replacements installed in about 1990 and as the verandahs are deteriorating more posts need replacing.
- The inner wooden framed walls appear to be asbestos, creating health and environmental issues .
- Verandah timber posts and arch frames are failing and need extensive repairs, as are the shade extensions installed to protect the verandahs.
- The external asbestos outbuildings including the washhouse facility and car garage would require demolishing. Relocation of the laundry machine and trough could be done to the side verandah at considerable cost.
- Any potential buyer would need to spend a large amount on updating the kitchen to include a gas or electric stove and undertake upgrading of the home to make it a liveable property as the family undertook only very necessary maintenance over many years. The only stove is a Metters No 1 wood burner, not used for years.
- The bathroom has very old fittings and recently had water gushing from inside the wall down through the floor requiring extensive repairs and advice from the plumber that other sections of the plumbing appeared to be original and in poor condition.

- In the event of subdivision to move the boundary between 168 West Road and 145 Whitfield Street so it is no longer through the house, 145 Whitfield St would be reduced in value as its area would be reduced by 115 square metres down to 897 square metres, based on a 4 metre rear setback from the main residence wall, all subject to survey. This is less than the old quarter acre 1012 square metre lots in the area.
- The anticipated market value of the home after subdivision or renovation would not recoup the costs for the estate to give a fair and reasonable return to fulfil the wishes of the deceased.
- I have been very close to Margaret Joan Hams (known as Joan), the deceased, over the last twenty five years of family gatherings and especially over the last six years since her sister Gwen Hams passed in the same home and am very aware, with intimate knowledge, of the wishes of Joan. Joan discussed and very carefully listed all her family, friends and beneficiaries who should benefit from her passing after the sale of the property and fully understood the problems with the boundary being through the house and the cost of maintaining or renovating the house to modern standards. There is no single beneficiary of the house and land on which it stands.
- The building front door faces toward the north side fence so has no front door entry street view presence. The entry had a view when the original site was an extra 40 metres wider to the north side and house centrally located on the agricultural and garden use site.
- Reluctantly, although the home has sentimental value, Joan agreed the house would most likely be demolished in order to meet her wishes to help so many by way of being her beneficiaries. Demolition was discussed to enable a move to aged care in her later years and the land sale required to pay for that care, expected to be over many years. Therefore, this submission to demolish is in accordance with her wishes and expectation.
- The home interior, exterior and surrounds have recently been meticulously recorded by the Town of Bassendean historical group with photos and an old interview on record at Council. Additional images to show the current state of the structure are attached.

**Probate in progress**

Any action in regard to this application would be subject to the completion of the probate assessment, being processed through Thomas Gatter, Lawyers of Bassendean, with a probate certificate expected in June 2022.

Please consider this submission and contact myself if there are any queries.

Yours faithfully



**Ashley Hams**

**Executor to the Will of Margaret Joan Hams (Deceased on 9<sup>th</sup> February 2022)**

Enc: Copies of titles, Will Executor appointment page, map of site, Appl for DA, Credit Card form, image prints.

## Town of Bassendean

Manager Development and Place  
Community Planning  
48 Old Perth Road  
Bassendean WA 6054

Submitted by:  
Executor for the Estate  
of Margaret Joan Hams  
Ashley Hams  
14 Carradale Glen  
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Mob 0408959863  
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Dear Sir/Madam,

Re: **Application 2022-067 Demolition of residence at  
168 West Road, Bassendean**

Further to previous submissions and emails please find submitted for Council the following:

1. Heritage Assessment from Patrick Irwin, Architect.
2. Structural advice from Patrick Irwin, Architect.
3. This letter.

The reports address the requirement from Council for consideration of:

*(i) The significance of the heritage place.*

*(ii) The feasibility of restoring or adapting the heritage place, or incorporating it into new development; and*

*(iii) The extent to which the community would benefit from the proposed (future) redevelopment of the site.*

Patrick Irwin, Architect, was referred to me by historians in the Bassendean townsite based on his heritage experience, awareness of local requirements, being based in Guildford, a member of the Australian Institute of Architects and a founding member of Archicentre WA. He has also submitted many structural and building reports.

As Executor, I read the reports as, in summary, to include:

1. The home, built in c1914 of timber is a good example of the period architecture
2. Was located in the middle of an 8092 square metre (2 acres) site facing northwards
3. Is now on two lots of 1012 square metres each facing a retaining wall and 1800 high fence
4. Is in need of asbestos removal, renovation and modernisation internally
5. Has proven impossible to relocate as advised by house movers
6. Has proven to be of no interest to enquirers due to renovation requirements
7. Is set back 40 metres and has little street heritage recognition by the public
8. Cannot be built in front of
9. Has deteriorated gardens of old heritage value
10. Is restricting finalisation of the Estate distribution to many beneficiaries

This submission is now recommended for consideration by Council in accordance with  
Item 7.8 (b) of Local Planning Policy No 4.

Yours faithfully

Ashley Hams

# HERITAGE ASSESSMENT OF HERITAGE PLACE

1. **PLACE No.** 26180
2. **NAME** *Hams Homestead* (1915)
3. **LOCATION** 168 West Road, Bassendean
4. **DESCRIPTION OF PLACE INCLUDED IN THIS ENTRY**  
(leave for Land Information Officer to fill in )
5. **LOCAL GOVERNMENT AREA** Town of Bassendean
6. **OWNER** (leave for Land Information Officer to fill in )
7. **HERITAGE LISTINGS**
- Register of Heritage Places: -----
  - National Trust Classification: -----
  - Town Planning Scheme: -----
  - Municipal Inventory: 22 Aug 2017 Category 2
  - Register of the National Estate: -----

8. **CONSERVATION ORDER**  
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9. **HERITAGE AGREEMENT**  
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10. **STATEMENT OF SIGNIFICANCE**

*Hams Homestead*, a single storey oiled weatherboard clad and corrugated iron roofed house in a simple Federation bungalow style<sup>1</sup>, located in a culturally modified landscape, has cultural heritage significance for the following reasons:

with its oiled weatherboard walls, Oregon colonnaded verandahs on three sides, sited well behind camellia bushes and remnant rows of

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<sup>1</sup> Apperly, R., Irving, R., Reynolds, P. A Pictorial Guide to Identifying Australian Architecture. Styles and Terms from 1788 to the Present, Angus and Robertson, North Ryde, 1989.

commercially grown roses, *Hams Homestead* makes a contribution to the originally semi-rural outer suburban setting;

*Hams Homestead* retains its structure and fittings including the Metters No 1 kitchen stove and the copper in its brick base in a separate wash-house, such that the place has the potential to contribute to an understanding of the design and construction methods of an early twentieth century family house;

together with the other elements on the site, *Hams Homestead* illustrates the development of Bassendean (West Guildford) and specifically how this semi-rural part of the suburb was settled by professionals and tradesmen of the middle classes in the early twentieth century;

the 2017 Town of Bassendean Municipal Heritage Inventory Place No 254 lists *Hams Homestead* built in 1915, being in FAIR condition, HIGH integrity and MODERATE Authenticity. These descriptions of the wooden clad timber-framed home, (not brick as recorded by the Council), reflect the style and simplicity of the building;

## 11. ASSESSMENT OF CULTURAL HERITAGE SIGNIFICANCE

The criteria adopted by the Heritage Council in November 1996 have been used to determine the cultural heritage significance of the place.

### PRINCIPAL AUSTRALIAN HISTORIC THEME(S)

- 4.1.1 Selecting township sites
- 4.1.2 Making suburbs

### HERITAGE COUNCIL OF WESTERN AUSTRALIA THEME(S)

- 104 Land allocation and subdivision
- 107 Settlements
- 602 Early Settlers

#### 11.1 AESTHETIC VALUE

*Hams Homestead* with its modest scale, simple massing, colonnaded verandahs sited on remains of its 2 acre open site, is significant in exhibiting the aesthetic characteristics of a simple Federation home with the plan form redolent of a homestead. (Criterion 1.1)

The apparent construction sequence of the place built c1914 illustrates a place almost original and virtually unaltered since 1947, built to a standard plan. (Criterion 1.2)

The setting originally comprising eight quarter acre blocks<sup>2</sup> with frontages to two roads, with the *Hams Homestead* almost central with some native trees and extensive introduced roses<sup>3</sup>, makes a significant contribution to the impact of the place. (Criterion 1.3)

The setting has been compromised by the sale, development and enclosure of five of the eight original Lots, of the original setting

#### 11.2. HISTORIC VALUE

*Hams Homestead* is significant in illustrating the establishment of this part of the suburb of Bassendean as a semi rural suburb following federation (Criterion 2.1)

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<sup>2</sup> Advice from Hams family

<sup>3</sup> For consistency, all references to garden and landscape types and styles are taken from Ramsay, J. Parks, Gardens and Special Trees: A Classification and Assessment Method for the Register of the National Estate, Australian Government Publishing Service, Canberra, 1991.

The place was built for civil servant Archibald Amos McCallum (c1883-1964) and his wife Florence May McCallum, nee Tredrea (c1880-1958). The couple and their family lived at the house until the mid-1940s<sup>4</sup>. (Criterion 2.3)

*Hams Homestead* is associated with PMG linesman Frederick John Hams and his family. Aerial photographs indicate that the house has been largely unchanged since the mid 20th century<sup>5</sup>. (Criterion 2.3)

### 11. 3. SCIENTIFIC VALUE

Due to the intact and original nature of much of its fabric, *Hams Homestead* has the potential to contribute to an understanding of the design approach, social structure and construction methods of an early twentieth century Federation house in Western Australia. (Criterion 3.1)

### 11. 4. SOCIAL VALUE

*Hams Homestead* is significant as an illustration of a home built in the early 1900s for the middle class members of the community in the Perth metropolitan area.

The place is significant to the West Guildford/Bassendean community, for its association with civil servant Archibald Amos McCallum (c1883-1964) and his wife Florence May McCallum and PMG linesman Frederick John Hams and his family. (Criterion 4.1)

The continuity of purpose of the place since its construction has contributed to Bassendean community's sense of place. (Criterion 4.2)

## 12. DEGREE OF SIGNIFICANCE

### 12. 1. RARITY

*Hams Homestead* has a rare combination of a pattern-book plan and landscape setting which demonstrate a lifestyle of a semi-rural Federation period family home. (Criterion 5.1)

*Hams Homestead* is a comparatively rare example of an intact weatherboard cottage Federation bungalow in the Metropolitan area in authentic condition. Though there have been changes to the fabric, the place is highly legible as a Federation home.

*Hams Homestead* is a rare example of a late Federation Bungalow with virtually all internal wall and ceiling linings in asbestos sheeting, which in turn represents its greatest problem in the twenty-first century.

### 12. 2 REPRESENTATIVENESS

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<sup>4</sup> Inherit

<sup>5</sup> Inherit

*Hams Homestead* is representative of the design and landscape setting which together are characteristic of the Federation period home for the professional classes in a peri-urban setting. (Criterion 6.1)

The place clearly demonstrates aspects of previous social values characteristic of the Federation period. (Criterion 6.2)

### **12.3 CONDITION**

*Hams Homestead* is in fair to good condition despite limited maintenance in the latter decades. The roofing has been recently replaced and verandah awnings added, but previous water damage has left the verandah posts and friezes with peeling paint and cracking.

Internally all the walls and ceilings are lined with asbestos sheeting, and will require extensive attention & costs to remove this material. Sealing of the asbestos linings might be undertaken, but this may not be approved by insurance, lending institutions or statutory bodies.

Other structure, other than some eroded concrete stumps is generally in good condition as are the verandah floor-boards and internal mouldings & joinery.

### **12.4 INTEGRITY**

*Hams Homestead* retains a high degree of integrity, as it was used as the Hams' family home since 1947. It is largely in its original form and stood almost centrally within its original setting, now awkwardly half disposed of. The alterations which have occurred at the rear do not detract significantly from the expression and legibility of the place.

The place would be capable of being restored or relocated except that the asbestos linings appear to make this prohibitive,.

The setting has been reduced and degraded as five of the original setting of eight quarter acre Lots have already been sold and developed. *Hams Homestead* is now located straddling the rear boundary over two Lots, with its entry door facing a metal fence above a 600 high retaining wall, only 3.4m away from the front steps.

Investigations have been explored to either relocate the house forward for visibility or left in situ to retain enough of the rose gardens to see the place is interpreted effectively into the future.

### **12.5 AUTHENTICITY**

*Hams Homestead* retains a high degree of authenticity as the majority of rooms retain their original functions, finishings and fittings, and there have been only modest attempts to improve or modernise.

*Hams Homestead* is in need of maintenance, but the challenge of removal of asbestos linings to walls and ceilings has discouraged any relocation or refurbishments.

*Hams Homestead* stands awkwardly on part of its original site, which was an important part of the setting of the place.

### 13. SUPPORTING EVIDENCE

The documentary and physical evidence has been compiled by Patrick Irwin, Architect.

#### 13.1 DOCUMENTARY EVIDENCE

*Hams Homestead* is a single storey timber-framed oiled-weatherboard clad and Custom-orb roofed residence set in a large block of landscaped gardens, built about 1920 for civil servant Archibald Amos McCallum (c1883-1964) and his wife Florence May McCallum, nee Tredrea (c1880-1958).

The settlement of the Bassendean region by white settlers occurred shortly after the arrival of the first settlers in the Swan River colony in 1829. Prominent among these early settlers was the Colonial Secretary of the Swan River Colony, Peter Broun who obtained in 1833, Location S a triangular parcel of 1455 acres on the Swan River.<sup>6</sup> Broun named the farm 'Bassendean' after a family property in England, Bassendean in Berwickshire.<sup>7</sup> North of Broun's landholding was Location Q named Baskerville, 1531 acres, granted to William Tanner in 1830 which included the present townsite of Bassendean.<sup>8</sup> Throughout the 19th century the district was known as West Guildford and was primarily used for agriculture.

Bassendean Homestead, stood across the road to the south, at 167 West Road and was originally part of a large land grant to James Henty in 1829, who engaged carpenter, William Dyer, to build a large house on the site. The Henty family left the Swan River Colony in 1831 and the property was transferred to the Colonial Secretary for the colony, Peter Nicholas Broun (1797-1846)<sup>9</sup>.

Broun and his family settled at the property in 1832 and named it 'Bassendean' after his home in Berwickshire, England. Broun successfully developed the farm until his death in 1846 at the age of 49.

Bassendean was originally known as 'West Guildford' and West Road was the original boundary of the Guildford town lots<sup>10</sup>.

By 1882, 30 Town lots were available on the west bank of the Swan River opposite the Helena River<sup>11</sup> but settlement was not rapid as no traffic bridge was constructed to cross the Swan River to the more established town of

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6 Jennie Carter *Bassendean A Social History 1829-1979* Town of Bassendean, Perth , 1986, p. 23.

7 The Department of land Information website, History of Suburb names, Bassendean. [www.dola.wa.gov.au](http://www.dola.wa.gov.au).

8 Carter, *Bassendean* p. 32.

9 Inherit; Bassendean Homestead, Place No

10 Inherit

11 Michael J Bourke, *On The Swan, A History of the Swan District*, UWA Press, 1987, p. 246

Guildford until 1883<sup>12</sup>, two years after the railway with its bridge was opened on 1st March, 1881<sup>13</sup> providing convenient transport routes for West Guildford residents.<sup>14</sup>

This portion of Bassendean, south of Watson Street, was subdivided for residential development c1905 when developer Wesley Maley purchased a large parcel of land bordering the river. The names of roads in this subdivision known as 'Riverside', reflected Wesley Maley's enthusiasm for the prize rams he purchased for his Katanning pastoral property, Moojebing<sup>15</sup>.

The discovery of gold in the 1890s brought a massive population increase and great wealth to the Swan River colony. Consequently housing was in great demand and by the turn of the century there was a rapid increase in suburban settlement.<sup>16</sup>

The West Guildford Roads Board voted to change its name to Bassendean. A competition to choose a new name for the area was held in 1922, two school children nominated the name "Bassendean" in recognition of Peter Broun's property.<sup>17</sup>

*Hams Homestead* was built c1914 for civil servant Archibald Amos McCallum (c1883-1964) and his wife Florence May, nee Tredrea (c1880-1958). The couple and their family lived at the house until the mid-1940s.

Retired PMG linesman Frederick John Hams (c1882-1984) and his family took over the place in 1947. Fred grew roses for stock and to sell around Bassendean and also assisted in renovating some homes in the area. Fred's wife Helen died in 1957 at 49 years, leaving a daughter Joan (c1933-2016), then 24, son Neville (c1934-2022) and Gwen (c1935-2022)<sup>18</sup>.

Joan and Gwen stayed on in the house, supporting their father. Joan worked from home, riding her bike to Guildford cleaning houses. Frederick Hams died in 1984 leaving his two daughters to maintain the land and buildings.

Neighbours seldom called in as the house was so far from the street and they felt they were intruding, so the home felt isolated. The house had limited heating with two fireplaces and the kitchen stove but no cooling system<sup>19</sup>.

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12 Bourke, *On The Swan* p. 242

13 Bourke, *On The Swan* p. 242

14 Carter, *Bassendean* p. 62-63.

15 Inherit; Bassendean Homestead

16 Carter, *Bassendean* p. 68.

17 Dept of Land Information website on the origin of suburb names and Carter, *Bassendean* p. 120.

18 Joan Hams' funeral eulogy

19 Hams family advice

Visitors often commented on the large Jacaranda tree on the 170 West Road site, rather than the old house itself. The place was more noted locally for the old rose garden and Camellia bushes concealing the front verandah<sup>20</sup>.

*Hams Homestead* in 1947 according to Joan Hams<sup>21</sup> was located on eight lots, four fronting West Road (Lots 327, 328, 329 & 330) and four Whitfield Street (Lots 307, 308, 309 & 310) to the west. Over about 40 years, five of these lots have been sold; Lots 307, 309 and 310 Whitfield Street and Lots 327 and 328 West Road. Lot 330 is currently on offer for sale in 2022, to settle on Dec 5th.

*Hams Homestead* now sits mainly on Lot 329 facing West Road, but partly over lot 308 behind, making subdivision or disposal of those lots difficult without moving *Hams Homestead* or further subdivision.

*Hams Homestead* place is currently vacant but still in ownership of the Hams family, since Joan the last remaining child of Frederick Hams died in 2022. The terms of estate conditions requires disposal of the remaining property and Town of Bassendean requires documentation to justify demolition of the place.

### 13.2 PHYSICAL EVIDENCE

*Hams Homestead*, is a single storey dwelling with a hipped Custom Orb roof, set back from the road and a densely planted formal rose garden and camellia shrubs. The hipped roof has a vented gablet to each end of the central ridge. There are two symmetrical gablets with timber detailing above the roof plane facing the street<sup>22</sup> in a Federation Bungalow style.<sup>23</sup>

*Hams Homestead*, was located almost centrally on eight, now 2 lots, but it retains remnants of the original culturally modified landscape setting.

An asbestos-clad studwork wash-house, located close to the rear of the house, retains the copper in original brick firebox plus chimney flue. The studwork is infested with termites and the bricks are decaying.

At the rear of the property later additions include an aviary, a shed and a steel-framed single garage to the west of the wash house.

*Hams Homestead* is approached up three steps, across the north side verandah which runs around the frontage and wraps partway back at each side. Entry through a leadlit tripartite door with fanlight to a wide entry hallway intersecting a second passage to left at an arched timber frieze in solid Oregon timber. The reception room and main bedroom are located to the left with two bedrooms and a bathroom to the right. Beyond the passage back-door with fanlight is the Dining room, off which is the Kitchen.

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<sup>20</sup> Notes from Ashley Hams

<sup>21</sup> Notes from Ashley Hams

<sup>22</sup> Inherit

<sup>23</sup> Apperly, Richard, Irving, Robert, Reynolds, Peter A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present Angus & Robertson, North Ryde, 1989, page 145.

These rooms retain all their original features including the timber surrounds and fireplaces, 170mm skirtings, 90mm architraves and original doors.

Since 1947 few alterations have been undertaken in the house. The most significant of these was the modernisation of the bathroom including a shower and also the corner verandah adjacent to the Dining room has been infilled, with sliding aluminium patio doors, to form a half-height glazed sunroom.

The internal details are intact, with a high level of detail and finishes, except for the bathroom. The internal paintwork is faded but the skirtings and mouldings are original. Exposed electrical conduits and switches are intact.

*Hams Homestead*, retains its original structure and features, but painting and other maintenance, especially to the external Oregon verandah posts and arched friezes is required to prevent further deterioration and internally to seal the asbestos linings.

Externally *Hams Homestead* has in recent decades been re-roofed in green Colorbond Custom Orb sheeting and surrounded at the eaves line with added canopies; sloping metal to the north and east, flat metal to the south and CGI on a timber framed ramshackle verandah to the west.

*Hams Homestead*, exhibits the aesthetic characteristics of a late Federation Bungalow home built to a 'pattern-book' standard plan form. Its oiled weatherboards are a rare and unusual exterior finish today.

### 13.3 COMPARATIVE INFORMATION

The Heritage Council Database records 390 timber single storey residences built in the Federation Bungalow style, and of these approximately 93 are in Bassendean.

A search on the State Register of Heritage Places for single storey timber-framed residences built in the Federation Bungalow style, shows 18 recorded, but of these several are built in brick, were not built as residences or pre-date Federation. Only one place confirming to the above description was confirmed on the State Register. This is *House at 26 King Street*, East Fremantle (4645). This house is smaller and simpler, on a small lot, with half a front verandah beside a projecting gable.

*53 Anzac Terrace* (7408), c1916, also In Bassendean, is a comparable Federation Bungalow, although built in brick. It too was originally on a larger site of a half acre, although about a quarter of this has since been subdivided. The plan form is similar, with verandah around three sides, but with a straight central hall, with a similar tripartite leadlight entry door.

### 13.4 KEY REFERENCES

No key references. Photographs by Patrick Irwin, Nov 2022

### 13.5 FURTHER RESEARCH

Further investigation may establish the exact date of construction of the place.

### 13.6 INVESTIGATIONS FOR RETENTION

The Executor of the estate has investigated retaining *Hams Homestead*, by moving it towards the front of the Lot 329 to make it more visible from the street, and to free it from Lot 308. This could make sales more possible, whether for retention or to allow battle-axe subdivision behind, but house movers approached have declined to be involved with the place whilst asbestos linings remain.<sup>24</sup>

A battle-axe subdivision of Lot 329 with the house in situ could allow parking at the front and some exposure down the battle-axe access leg, and provision for two new lots with street frontage, Lots 329 on West Road, and Lot on Whitfield St., but *Hams Homestead* would be even more concealed from the street.

*Hams Homestead* is reportedly above the 100 year flood level<sup>25</sup> but Lot 308 facing Whitfield St will require about 500mm of fill or other measures to comply with flood fringe requirements for development, which will tend to impinge on the *Hams Homestead* outhouses of the place to the rear.

Relocation of *Hams Homestead* whether or not on the existing Lot may require compliance with, or exceptions from, the R Codes, due to its stumped timber-framed construction and consequent height above the natural ground level. This generally calls for 7.5m set-back of any habitable room window or verandah to the boundary. This in turn might necessitate a wider site than the 20.12m wide block it currently sits on.

### 13.7 REASONS FOR DEMOLITION

*Hams Homestead* is awkwardly located on the remnants of the original 2 acre (4,048m<sup>2</sup>) site<sup>26</sup>, straddling two of the remaining quarter acre (1,012m<sup>2</sup>) lots and set far back from the road, with little visual amenity for the community of Town of Bassendean from the street.

*Hams Homestead* is built encroaching over the rear boundary into Lot 310 also owned by the estate, limiting options for disposal of the estate on current Lots.

*Hams Homestead* is located over the boundary at the rear of Lot 329, and its original side entry verandah is only 3.4m from the concrete retaining wall and Colorbond fence of Lots 326 & 311, which means access and visibility are both compromised, unless the house is relocated to the front of the Lot;

Frederick Hams' home-made concrete stumps are spindly and in danger of failing. The timber-framed laundry building is infested with termites and the brick copper-base is severely decayed. The asbestos wall and ceiling linings will make sale of *Hams Homestead* extremely unlikely without a complete internal rebuild.

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<sup>24</sup> Advice from Ashley Hams , Estate Executor

<sup>25</sup> Advice from Ashley Hams , Estate Executor

<sup>26</sup> Advice from Ashley Hams , Estate Executor

*Hams Homestead* is located almost 50 metres from the front boundary to West Road and if in situ when Lot 329 were subdivided it would be behind any new structure, and therefore not visible from the street<sup>27</sup>.

If *Hams Homestead* were relocated it might be rotated 90° such that the entry door faces the street for clarity and convenience and to respond the encroachment of development to the North. This however would mean the gablets face to one side, which would both lose the original setting and the orientation.

*Hams Homestead* retains asbestos linings to all internal walls and ceilings. House-movers have said they will not contract to move the place whilst the asbestos remains in place<sup>28</sup>, and this would necessitate considerable refurbishment, even prior to relocation and prohibitive costs to the Estate;

The current location and condition of *Hams Homestead* cannot effectively serve the Town of Bassendean in terms of retaining the place as a heritage asset to the Town, in situ. Nor can the Executor carry out his responsibilities for disposal and distribution of the assets of the estate with the place as it is.

The proposal to create a new West Road lot by subdivision of Lot 329 has not been supported by the Town of Bassendean as the Town considers no building should be erected between *Hams Homestead* and the frontage road.

Enquiries about sale of 168 West Road have been received by the realtor for the estate who advised that one potential purchaser wished to build a new home on the vacant lot after demolition with no interest in renovation. Another person inspected the house thoroughly and declined to make any offer as he considered the renovation to be too extensive to undertake whilst retaining any value in the site.

One potential purchaser of *Hams Homestead* advised: *Despite our initial progress securing an asbestos remover, a heritage architect and builder to remediate, we have been unable to secure the services of a house transporter. Our endeavours have included: Nylund house transporters ....Frank Burns (Albany) ....., McLennan's house transporters ... (and) Randall Smith & Sons ; No results. Given the above inability or unwillingness to be involved in this project by the house transporters it would be unfair to the estate to seek any further indulgence.*<sup>29</sup>

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<sup>27</sup> Advice from Ashley Hams , Estate Executor

<sup>28</sup> Advice from Ashley Hams , Estate Executor

<sup>29</sup> Advice from Ashley Hams, estate executor





**GENERAL VIEW OF HAMS HOMESTEAD FROM WEST ROAD**



**VIEW OF HAMS HOMESTEAD FROM FRONT LAWN**



**NORTH-EAST SIDE ENTRY VERANDAH**



**NORTH-EAST SIDE ENTRY DOOR**



**NORTH-EAST VERANDAH CORNER**



**FRONT COLONIAL SASH WINDOWS**



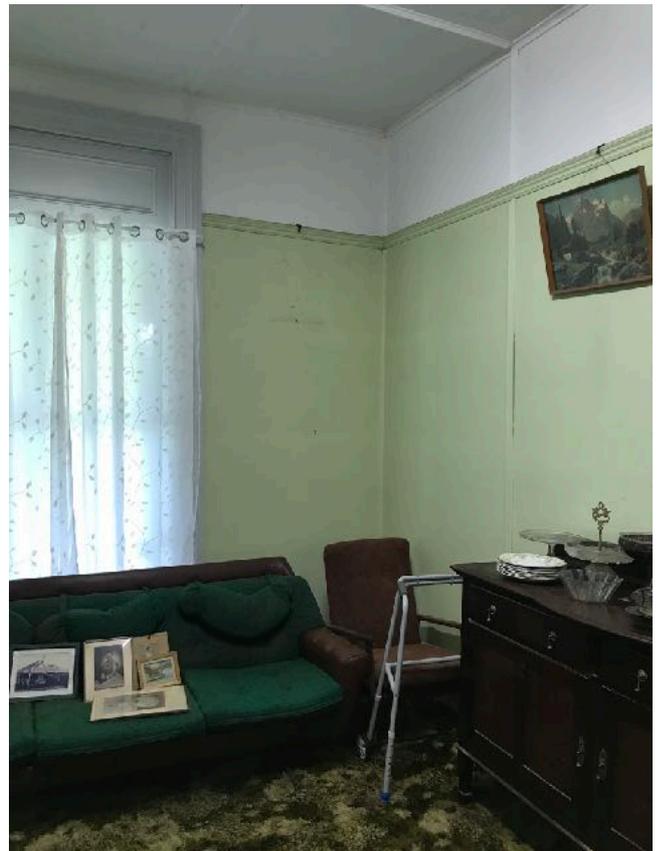
**ENTRY HALL FRIEZE**



**KITCHEN STOVE; METTERS NO 1**



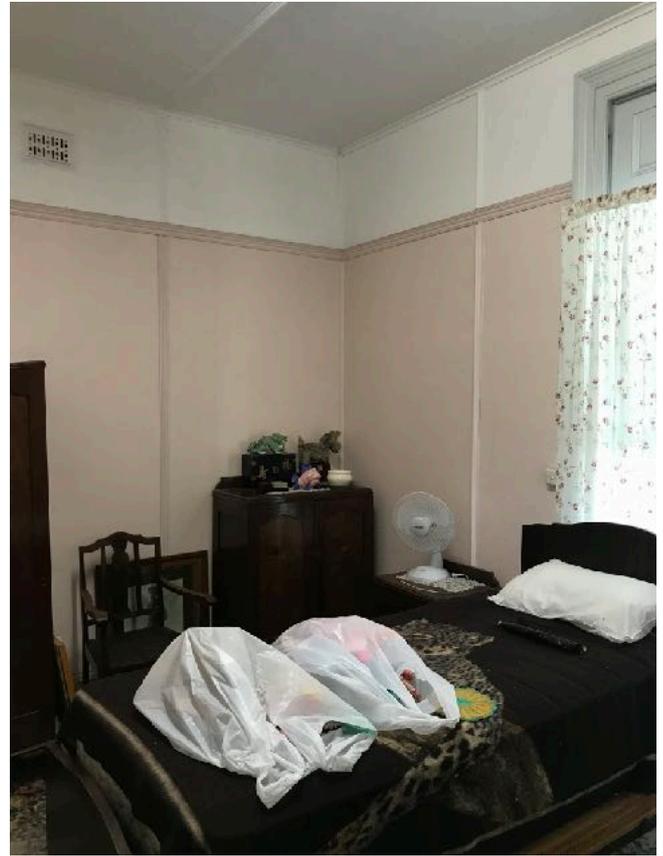
**LIVING ROOM FIREPLACE**



**LIVING ROOM VIEW**



**BEDROOM 1 FIREPLACE**



**BEDROOM 1 EAST VIEW**



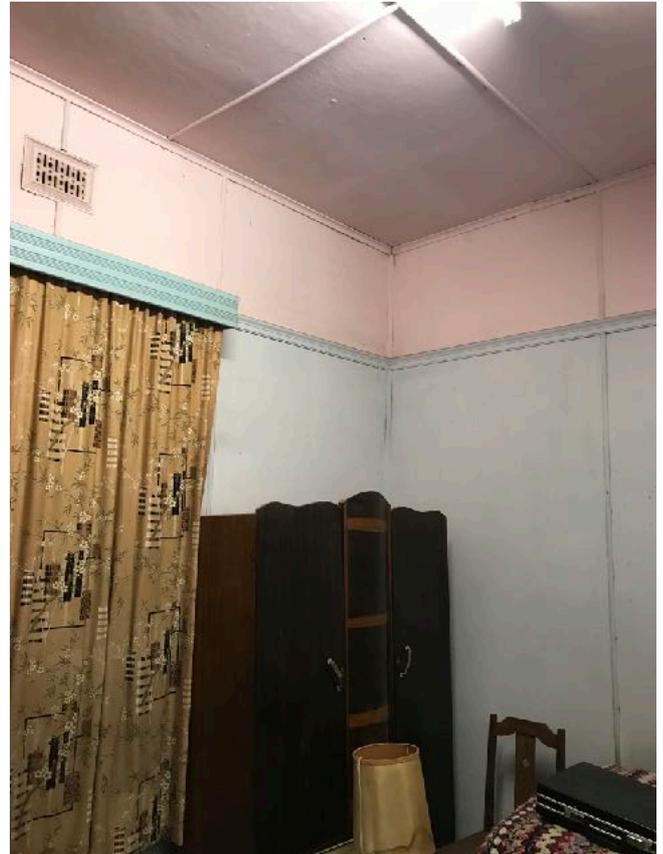
**BEDROOM 2 SOUTH VIEW**



**BEDROOM 2 NORTH VIEW**



**BEDROOM 3 NORTH VIEW**



**BEDROOM 3 N/E VIEW**



**BATHROOM S/W VIEW**



**BATHROOM NORTH VIEW**



**KITCHEN N/E VIEW**

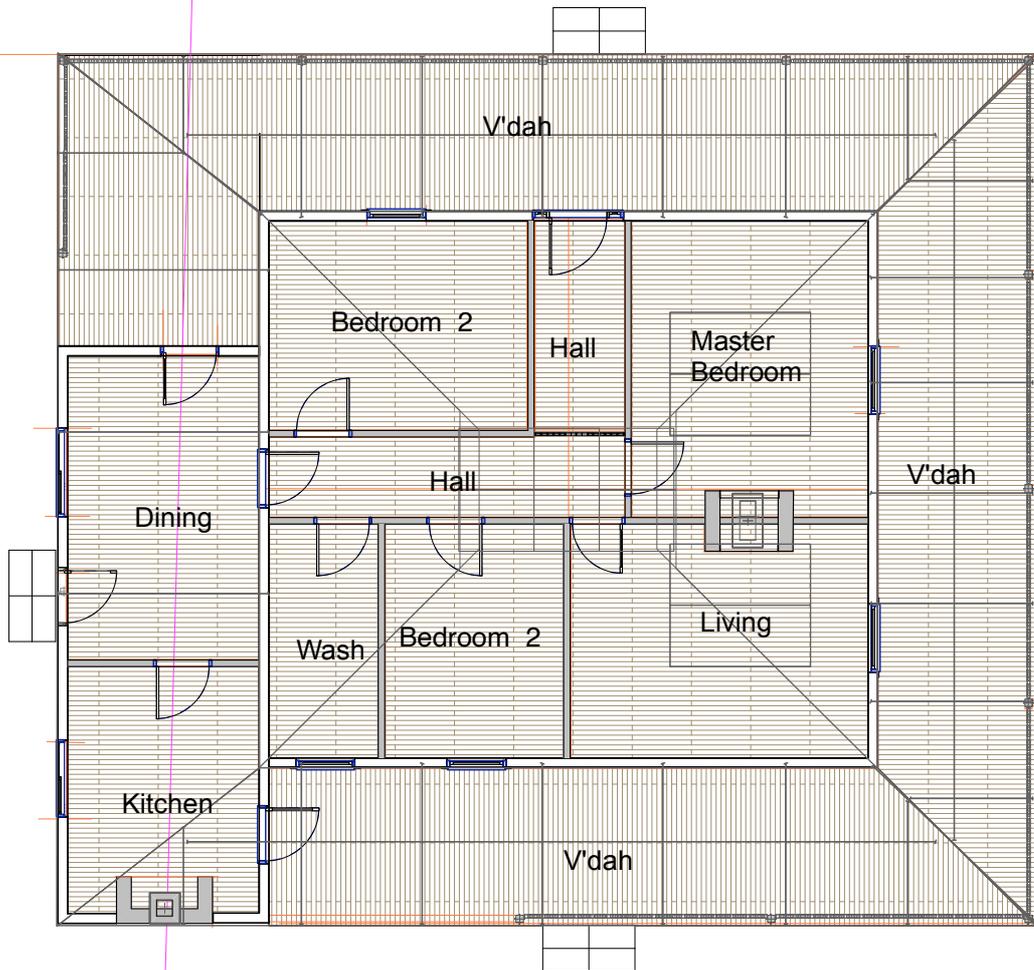
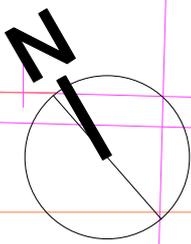


**COPPER IN WASH-HOUSE**



**REAR VIEW WITH AVIARY AND SHED**



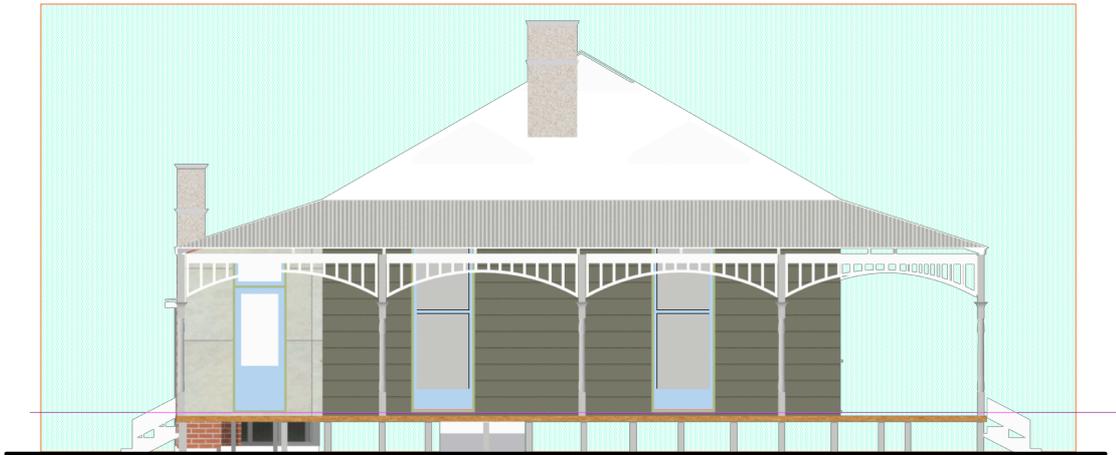


**FLOOR PLAN AS BUILT C1914**

**ABOVE: HAMS HOMESTEAD, PLAN, AS BUILT CIRCA 1914**



4 North Elevation as built  
Scale: 1:100



2 East Elevation as built  
Scale: 1:100

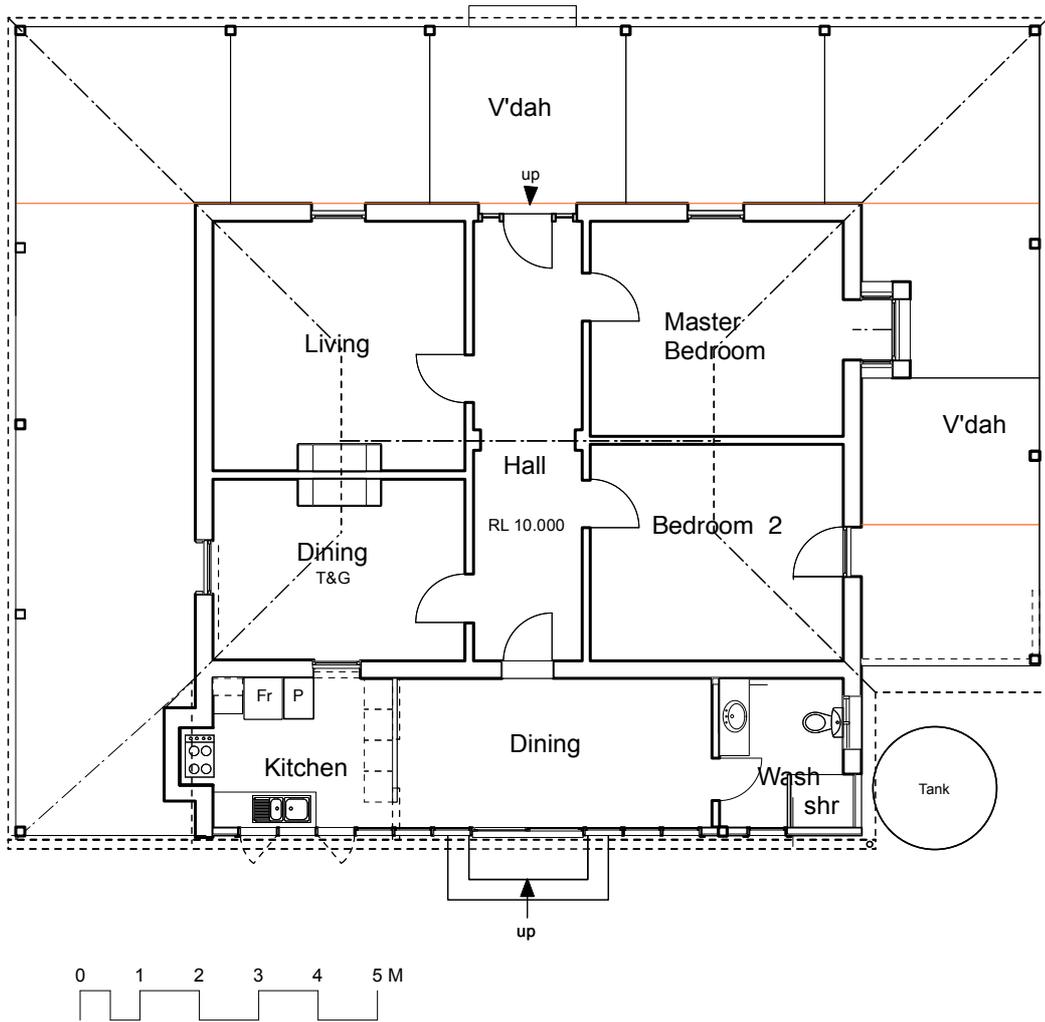
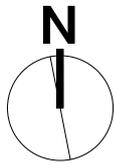


1 South Elevation as built  
Scale: 1:100

π

Patrick Irwin Architect  
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 0414 370145  
[patrickirwinarchitect.com](http://patrickirwinarchitect.com)  
 50 Harper Street,  
 Woodbridge WA 6056

**ABOVE: HAMS HOMESTEAD, ELEVATIONS AS BUILT CIRCA 1914**



**53 ANZAC TERRACE; PLAN AS BUILT C1916**

**ABOVE: 53 ANZAC TERRACE, BASSENDEAN, AS BUILT CIRCA 1916**

Alex Snadden

17th November, 2022

A/Manager Development and Place  
Community Planning  
Town Of Bassendean  
48 Old Perth Road, Bassendean WA 6054

Dear Alex,

**Hams Homestead- 168 West Road, Bassendean**

I am attaching a Heritage Assessment for the above property, for which I was engaged by the Estate Executor, Ashley Hams.

I have assessed *Hams Homestead*, including options for its sustainable retention and sadly see no future under the responsibility of the Estate. The costs are too high even to enable relocation, which itself would lose its integrity of location, which has already been prejudiced by the proximity of retaining walls and fences of developments to the North.

The outbuildings are degraded and would require extensive and expensive Conservation Works to be retained. The Executor is responsible to over 30 beneficiaries for disposal of the estate, so his duty is to them, without exposing their assets to speculation or risk. It appears that only acquisition by the State Government or other body could offer a possibility of retaining *Hams Homestead*.

I can confirm that I have seen no evidence of structural concerns. Although the home-made concrete stumps are very spindly, and some have been replaced, those in situ are apparently adequate. There is one unsupported joist under the south-east corner of the verandah, but the verandah floor shows no deflection under normal foot traffic in that area, or anywhere.

My knowledge of structural issues, including of timber-framed heritage buildings is such that I have advised my client there is no need to appoint a consulting structural engineer, who would likely be acting mainly on my advice.

We prepared Measured Drawings of the place and shown them without modern improvements for clarity. We could present the drawings to show *Hams Homestead* in 3D, including verandah framing and stumps, but have restricted to simple orthographic views. The place is well recorded for posterity.

We cannot show any benefit to the community from the sale or redevelopment of the site, but the evidence supports the Estate's application for demolition of *Hams Homestead* to facilitate disposal of the Estate.

I believe Mr Hams will be including this same information as part of the Development Application, but I am approaching you directly, so please contact me directly if any of these matters I've raised require further elaboration.

Yours sincerely,



Patrick Irwin



- ### LEGEND
- EXISTING RESIDENTIAL PROPERTIES
  - EXISTING TREES
  - PROPOSED TREES
  - OPEN EPHEMERAL WETLAND
  - REHABILITATED EPHEMERAL WETLAND AND SWALES
  - NATIVE DRYLAND REHABILITATION PLANTING
  - TURF LAWN AREAS
  - STABILISED LIMESTONE FOOTPATHS
  - CONCRETE FOOTPATHS
  - RED ASPHALT DUP CONNECTION
  - RETENTION OF 50NO TREES IDENTIFIED AS POTENTIAL CARNABY'S BLACK COCKATOO BREEDING HABITAT
  - REMOVAL OF 5NO FERAL BEEHIVES
  - WAYFINDING SIGNAGE
  - INTERPRETIVE SIGNAGE CONTAINING INFORMATION ABOUT THE BINDARING WETLAND'S ABORIGINAL HERITAGE, THE NATURAL ENVIRONMENT AND FLOOD AWARENESS
  - A** GROSS POLLUTANT TRAP (GPT)
  - C** POTENTIAL SECOND GPT

- ### LEGEND CONTINUED
- 1 SEATING NODE / LOOKOUT
  - 2 CYCLEWAY
  - 3 REHABILITATED SWALE / STREAM
  - 4 BOARDWALKS ACROSS WETLANDS FOR PEDESTRIAN ACCESS AWAY FROM EXISTING PROPERTIES
  - 5 WATERCORP SEWER MANHOLE WITH 3M WIDE STABILISED LIMESTONE ACCESS TRACK
  - 6 FORMALISED PARK BOUNDARY
  - 7 PUBLIC OPEN SPACE WITH NATIVE DRYLAND REHABILITATION PLANTING
  - 8 RECLAIMED CORNER ABUTTING PRIVATE PROPERTY WITH FORMALISED RETAINING WALL AND FENCE ALONG BOUNDARY
  - 9 RETAINED OPEN TURFED PARKLAND SPACE FOR PASSIVE RECREATION
  - 10 REVEGETATION ALONG WESTERN BANKS OF THE LAKE TO PROVIDE WATERBIRD HABITAT AND REDUCE WEED DENSITY
- OPTION 1 SPECIFIC FEATURES:**
- 11 MAIN WETLAND BOARDWALK CROSSING WITH VIEWING DECK / BIRD HIDE

### DRAINAGE

- FLOOD LEVELS**
- 1 YEAR FREQUENT EVENT
  - 5 YEAR ARI
  - 10 YEAR ARI
  - 100 YEAR ARI

**OPTION 1 DRAINAGE INFLOW TREATMENTS:**

SUBREGION	TREATMENT METHOD	AREA (SQM)
A1	BIOFILTER	421.3
A2	BIOFILTER	24.2
A3	BIOFILTER	54.6
B	BIOFILTER	73
C	BIOFILTER	122
D	SWALE	6.9
F	BIOFILTER	113
G	SWALE	25
H	SWALE	5.6

## LANDSCAPE CONCEPT MASTERPLAN



# Waste Services Policy

## Policy Objective

This Policy aims to provide consistent and effective provision of services relating to waste collection.

One Planet Living Principles, reducing waste to landfill, increased recycling and earthcycling, reducing per capita generation of waste, providing a cost effective service and supporting the circular economy are key considerations and will be incorporated into these services.

## Policy Scope

This Policy provides guidance on how the Town will deliver waste services within the district, with further details provided in the Town's Waste Services Management Practice (the Management Practice).

## Policy Statement

1. The Town of Bassendean collects, processes, recycles and disposes of waste generated within its boundaries.
2. The service is provided to all residential properties who follow the requirements of the service as detailed in the Management Practice.
3. Commercial or other properties may elect to use the Town's kerbside collection service.
4. The service must be provided in accordance with:
  - a) *Local Government Act 1995*;
  - b) *Waste Avoidance and Resource Recovery Act 2007*;
  - c) *Waste Avoidance and Resource Recovery Regulations 2008*;
  - d) *Waste Local Law 2019*;
  - e) *Waste Avoidance and Resource Recovery Strategy 2030*;
  - f) *Waste Avoidance and Resource Action Plan 2030*; and
  - g) Town of Bassendean's Waste Plan.
5. The service must consist of the following:
  - a) Kerbside collection of Food Organics and Garden Organics (FOGO), Recycling and General Waste;

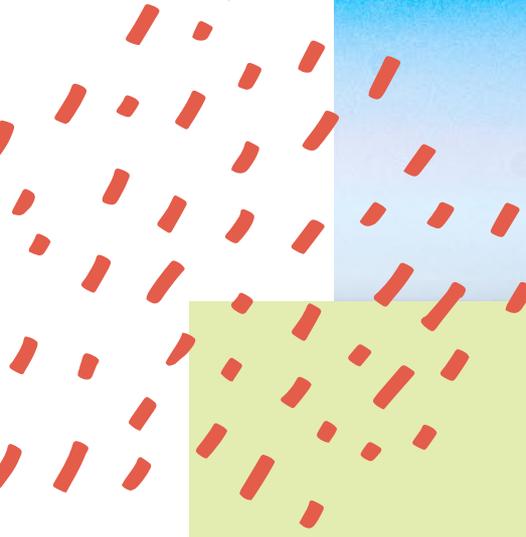


- b) Collection of bulky hard waste and larger greenwaste; and
  - c) Provision of public litter bins at appropriate locations.
6. Additional services may be provided as outlined in the Management Practice.
7. Services are to be provided with the following considerations:
- a) A standard service includes a reasonable quantity of services which represents average use;
  - b) Services that are requested above the standard services are provided on a user pays principle where applicable;
  - c) Additional or alternative services for compassionate reasons or management of a significant tree above the standard service level can be provided at no cost, subject to guidelines;
  - d) Better Practice guidelines are adopted as soon as practicable following their introduction;
  - e) The Waste Hierarchy and Circular Economy is incorporated into decision making and service delivery; and
  - f) Services are to be provided for the community benefit and protected against repeated non-compliance by individuals.

<b>Document Control Box</b>			
<b>Document Responsibilities:</b>			
<b>Owner:</b>	Chief Executive Officer	<b>Owner Business Unit:</b>	Executive Manager Sustainability and Environment
<b>Inception Date:</b>	OCM __/12/ __ December 2022	<b>Decision Maker:</b>	Council
<b>Review Date:</b>	Annual	<b>Repeal and Replace:</b>	N/A
<b>Compliance Requirements:</b>			
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Waste Avoidance and Resource Recovery Act 2007</i>		

# Waste Services Management Practice





## This Management Practice outlines how the Town will provide waste services.

Waste services include:

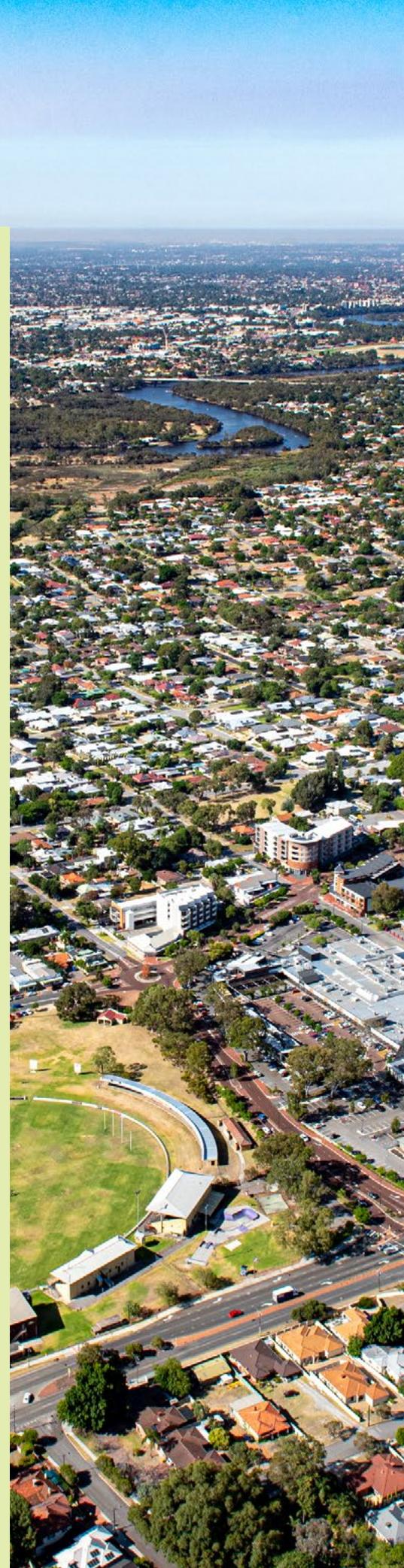
- Kerbside collection of Food Organics and Garden Organics (FOGO), Recycling and General Waste;
- Vergeside collection of Bulk Hard Waste and Greenwaste;
- Booked Skip Bin Service;
- Provision of Tip Vouchers;
- Public litter bins in parks and on streetscapes;
- Scheduled collections of mattresses, fridges and freezers; and
- Drop off days.

The services are provided in accordance with:

- *Local Government Act 1995*;
- *Waste Avoidance and Resource Recovery Act 2007*;
- *Waste Avoidance and Resource Recovery Regulations 2008*;
- *Waste Local Law 2019*
- State Waste Avoidance and Resource Recovery Strategy 2030 and Action Plan 2020-21; and
- Town of Bassendean's Waste Plan.

The Town's *Waste Local Law 2019* outlines the services provided by the Town under the *WARR Act 2007* and sets out certain requirements such as maximum weights, acceptable items while detailing penalties for non-compliance. Where the Management Practice and *Waste Local Law 2019* differ, the *Waste Local Law 2019* will take precedence.

**For more information, please contact the Waste Services Team on 9377 8095 or [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au)**





## Kerbside bin collection

### The Town provides the following kerbside services as a standard service:

- 240L FOGO bin collected weekly;
- 240L Recycling bin collected fortnightly; and
- 140L General Waste bin collected fortnightly.

The kerbside bin service will comply with Better Bins: Kerbside Collection Guidelines (Waste Authority, 2015) and the lid colour on these bins will be consistent with Australian Standard AS4123.7-2006. Where bins are not in alignment with the AS4123.7-2006 the bin will remain in service until the service is substantially changed or a bin damaged beyond repair.

The following additional services can be added to the standard service on a fee per service basis:

- Additional 240L FOGO bin collected weekly;
- Additional 240L Recycling bin collected fortnightly;
- Upgrade 240L Recycling bin for a 360L Recycling bin collected fortnightly;
- Additional 140L General Waste bin collected fortnightly (approved detached residential dwellings only);
- Upgrade 140L General Waste bin to a 240L General Waste bin collection fortnightly;
- Additional 240L General Waste bin collected fortnightly; and
- Increase 240L General Waste bin collection to weekly (approved commercial properties only).

### What can go into the bins

The Town's kerbside services comply with the Consistent Communications Collective (CCC) A-Z List as published on Wastenet website. The CCC A-Z List is communicated to residents via the 'Recycle Right' App and website. A summary of what is accepted in each kerbside bin service is available on the website page: [Three Bin System » Town of Bassendean](#)

### Collection

Bins must be presented within 0.5 metres of the kerb, wheels facing the property prior to 6am on the nominated collection day. Bins must be at least 1 metre clear of obstructions such as poles, parked cars, services and trees. Bins must be removed from the verge as soon as practicable following collection. Collection times can vary from week to week and operate from 7am until 6pm.

### Missed services

The Town's contractor will return for up to three collections where a bin is placed out late, obstructed, overweight, contaminated or not available for servicing for any reason within a 12-month period where the resident has corrected the issue. Where the Town or its contractor is at fault, the three collections limit does not apply. The Town determines where the fault has occurred.



### Contamination

**The Town has developed a four-stage process to deal with gross contamination in the FOGO, Recycling and General Waste Bins. Gross contamination occurs when the contents of a particular bin impact the community by:**

- Harming or potentially harming a worker or equipment;
- Reducing the quality of the material collected; or Increasing the collection or processing cost.
- Increasing the collection or processing cost.

The Town may elect to impose penalties under the *Waste Local Law 2019* in lieu of the contamination process.

#### Step One

When a bin is grossly contaminated, the Town will notify the residents with a sticker on the contaminated bin and/or a letter notifying them of the contamination event.

#### Step Two

If a second contamination event occurs within six months of the first event, the bin is stickered and/or another letter sent requiring the resident to contact the Town for education.



#### Step Three

Should a further third contamination event occur within six months of the second event, the bin is again stickered and/or another letter sent advising that the contaminated service will be removed for a period of three months.

The size of the General Waste bin is increased to 240L for the suspension period.

Once the three-month removal period has elapsed, the resident can request that the suspended service be returned.

#### Step Four

Once this service has been returned, if within six months of the service being restored the bin is contaminated, the service will be permanently removed. Where a service has been suspended or permanently removed, no reduction in the Waste Service Charge applies.

There is no increase in General Waste bin size after the fourth contamination event. After a fourth contamination event the property owner must pay for any additional capacity required.

The resident must decontaminate their own bin if it is contaminated or arrange for it to be decontaminated at their own cost. It is not the responsibility of the Town nor its contractor to decontaminate a residents grossly contaminated waste. A resident may elect to have the contaminated bin emptied as general waste, subject to the approval of the Town. However, emptying a FOGO or recycling bins as general waste on request counts as a further contamination event.

### Replacement FOGO Liners

Replacement FOGO liners are available from the Town's Administration and Library during opening hours. Residents must bring either Photo ID with their current address or two utility bills less than 6 months old to receive one roll of liners at no charge. The Town reserves the right to refuse supply of liners if it believes that they are not being used for their intended purpose, being sold or for any other reason. Provision of liners is subject to availability and may be withdrawn or cancelled at any time.

### Compassionate Services

A person may apply for increased bin capacity on compassionate grounds such as a medical condition which increases the quantity of waste produced or makes correct sorting difficult. A large family is not considered a reason for a compassionate service. Applications for compassionate services are required to be supported by a medical professional or reasonable evidence of medical condition. An application may be submitted without the support of a medical professional or evidence with the condition that the support is received within 6 months. Where support is not provided after six months, a charge for the larger service will be added from the date the service was delivered.

The family or estate agent of a recently deceased person may apply for up to two additional tip vouchers or one skip bin at no cost to assist with waste removal of deceased estates. Evidence such as a death certificate, notice or letter from a mortuary or other suitable evidence is required on application. Applications must be received by the Town within a 12-month period of the date of death.

Inability to pay for services is not considered grounds for a compassionate service instead the Town considers these as part of its Financial Hardship Policy.

A Compassionate Service may be withdrawn or removed at the Town's sole discretion at any time.

### Significant Trees

Where a Significant Street Tree on a verge produces a large volume of debris that is not currently removed as part of the Town's street sweeping or verge maintenance activities additional FOGO bins may be provided at no charge on application. A Significant Street Tree is a street tree that appears on the Town's Significant Tree Register. The Significant Tree Register can be found on the website page [Trees & Verges » Town of Bassendean](#).

A no charge Significant Trees FOGO bin may be withdrawn or removed at the Town's sole discretion at any time.

### Inside services

Where a resident is unable to move their bin from its normal storage location within their property boundary as a result of a medical condition, the Town and its contractor may offer collection from within the property boundary subject to:

- Evidence being presented to support the medical condition to the Town's satisfaction;
- Gates and other security measures must be unlocked on the collection day;
- The path from the verge to the bin storage areas must be level and firm with no steps or steep ramps; and
- The contractor inspects the property and accepts the application.

Failure to ensure that the bin is accessible on the collection day will result in a missed service.

An Inside Service may be withdrawn or removed at the Town's sole discretion at any time.

### Container Deposit Scheme (CDS) Scavenging

The Town permits scavenging from recycling bins where the following requirements are met:

- Only occurs between 8am and 7pm;
- Permission is obtained from the person who placed the bin out for collection;
- No delay or obstruction to the normal collection of material occurs;
- Scavenging is for personal use only and not for commercial purposes;
- Material is left neat and tidy; and
- No nuisance or safety risk is caused during scavenging.



## Public Litter Bins

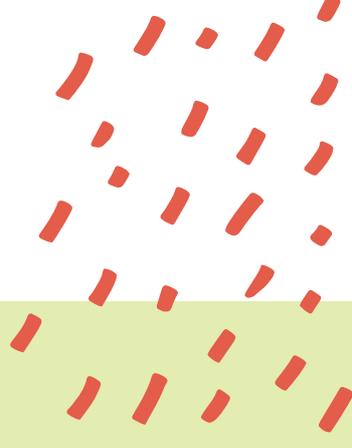


**Public Litter Bins are to be conveniently and safely located for the disposal of litter, in a location that will not detract from adjacent properties and will improve the appearance for the benefit of the whole community.**

In assessing the appropriate location for the provision of Litter Bins, regard should be taken to the following:

- High quality, urban designed, fit for purpose litter bins to be installed;
- Locations that are convenient/accessible to the general public for the safe and effective means of disposing of litter;
- Where possible be located near pedestrian crossings, high public use areas such as shopping precincts and bus shelters;
- A minimum of one metre back from the face of the kerb to ensure that pedestrians are not obscured from oncoming traffic and ensure compliance with Road Safety requirements, unless otherwise approved;
- Be accessible for safe emptying and cleaning activities;
- Located on areas under the Town's management;
- No political, commercial advertising or promotional material shall be permitted;
- Under no circumstances are the litter bin units to obstruct pedestrian access along the footpath or cycle path; and
- Meets Main Roads WA and other statutory approval requirements.

Installation of the litter bin units is considered on the basis of an assessment of a precinct's litter disposal requirements, not in response to one-off requests which may be received.



### **Booked Skip Bin Service**

The Town provides residents one 3m<sup>3</sup> general waste skip bin, and one 3m<sup>3</sup> green waste skip bin per financial year. Alternatively, residents can also choose to order two 3m<sup>3</sup> green waste skip bins per financial year. Residents will also be able to book up to two additional skip bins at a reduced rate per financial year.

This service is for residents to dispose of large items which do not fit in the kerbside collection service.

Residents who can't have a skip bin placed on their verge may be eligible for an alternative service from the Town. If you think this may apply to you, please let us know on 9377 8095.

### **Green Waste Skip Bin**

The Green Waste Skip Bin can accept the following items:

- Tree branches and prunings up to 200mm in diameter and 1.5m in length
- Palm fronds up to 200mm in diameter and 1.5m in length
- Creepers and vines
- Succulents
- Lawn clippings
- Loose leaves and prunings

### **Bulk Waste Skip Bin**

The General Waste Skip Bin can accept the following items:

- Household furniture
- Whitegoods and metal products
- Bric-a-brac / Odds and ends
- General discussed materials

Please note that general household refuse will NOT be collected in skip bins.

Availability of skip bins is subject to demand, if you need a bin at a particular time, it is best to book it well in advance. Residents are encouraged to have material ready to load directly into the bin. If you don't have enough waste to fill a skip bin, talk to your neighbours to see if they have any material they might want to add.

## Scheduled Services – Mattresses, Fridges and Freezers

The Town provides a service where residents can request a booking for the collection of the following items:

- Fridges and Freezers (doors removed); and
- Mattresses (maximum of three per year).

These items can be placed on the verge for collection up to 2 days before the nominated collection day. The Town will advertise a phone number to book this service in its annual Recycling and Waste Calendar.



## Tip Vouchers

**Each property that pays for a waste service in the Town is entitled to two (2) tip vouchers each financial year, to be collected from the Town.**

Each tip voucher entitles the owner to dispose of up to 300 kilograms of waste equal to 1.8m by 1.2m trailer or ute at the Red Hill Waste Management Facility on Toodyay Road, Red Hill. Residents may also redeem tip vouchers at the Baywaste Transfer Station, 271 Collier Road Bayswater from 1 September 2022 by paying an additional fee on entry.

Gifting or re-sale of tip vouchers is not permitted. Lost, stolen or damaged tip vouchers will not be replaced.

New owners will receive a pro-rata number of tip vouchers on application.

Landlords are encouraged to provide their tip vouchers to tenants.

### Community Drop Off Days

The Town will hold two Community Drop Off Days accepting the following items:

- Tyres (up to 4 per property, off rim only and up to 4wd size);
- Metal;
- Cardboard;
- Household batteries;
- Vehicle batteries;
- Used engine oil;
- Styrofoam;
- Empty aerosol cans; and
- E-waste.

Proof of address and photo ID is required on entry. Material must be in a condition that it is safe to handle by two persons. The Town may refuse to accept any material at its discretion.



For more information, please contact the  
Waste Services Team on 9377 8095 or  
[mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au)

## 2.14 Placement Of Roadside Litter Bins Policy

### Objectives

To provide a framework for the placement of high quality, urban designed, roadside litter bins which are conveniently and safely located for the disposal of litter, that will not detract from adjacent properties and will improve the streetscape appearance for the benefit of the whole community.

Anti-litter educational strategies shall accompany the provision of litter bins along with sound maintenance regimes.

### Policy

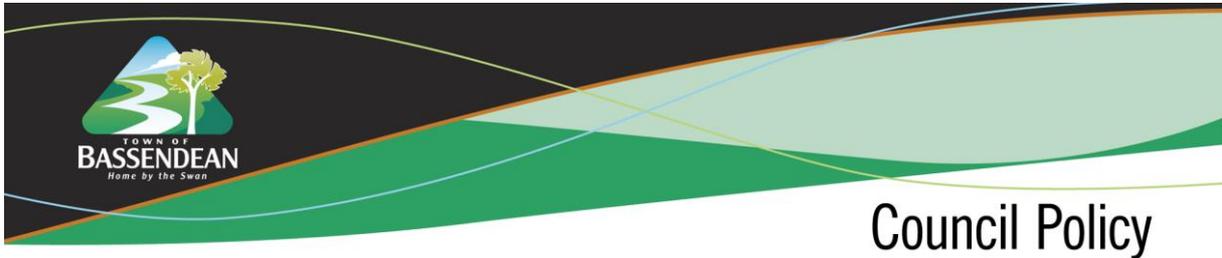
#### Location & Placement of Units

In assessing the appropriate location for the provision of Litter Bins, regard should be taken of the following:

- High quality, urban designed, litter bins;
- Locations that are convenient/accessible to the general public for the safe and effective means of disposing of litter;
- Where possible be located near pedestrian crossings, high public use areas such as shopping precincts and bus shelters;
- A minimum of one metre back from the face of the kerb to ensure that pedestrians are not obscured from oncoming traffic and ensure compliance with Road Safety requirements, unless otherwise approved;
- Be accessible for safe emptying and cleaning activities;
- No political, commercial advertising or promotional material shall be permitted;
- Under no circumstances are the litter bin units to obstruct pedestrian access along the footpath or cycle path; and
- Main Roads WA and other statutory approval requirements.

Installation of the litter bin units is on the basis of precincts litter waste disposal requirements, not in response to one-off requests which may be received.

All roadside litter bins vandalised shall be assessed to determine the precincts litter disposal requirements before immediately replacing the bin.



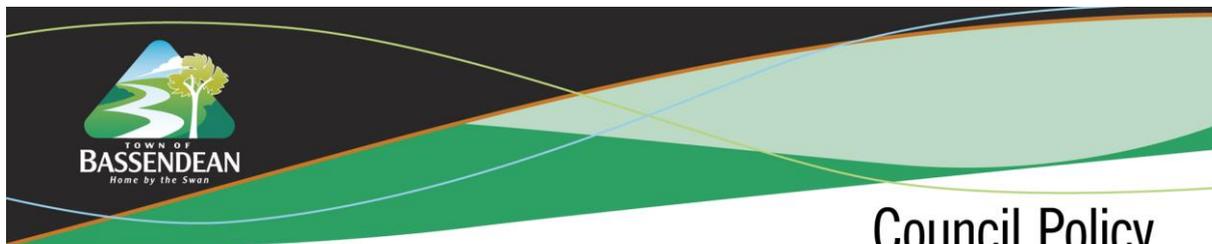
**Maintenance of Bins**

Cleaning of the bin receptacles, litter bins and surrounds shall be regularly cleaned inside and out, free of stains and physically and mechanically intact.

**Application**

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental Sustainability and Adaption to Climate Change</p>	<p><b>Policy Owner:</b> Director Operational Services</p> <p><b>First Adopted:</b> OCM – 4/8/01</p> <p><b>Last Reviewed:</b> March 2014</p> <p><b>Version:</b> 2</p> <p><b>Next Review due by:</b> December 2016</p>
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## Council Policy

### 2.12 Bulk Rubbish, Greenwaste Pick Up Collections Publicity Policy

#### Objective

To ensure that residents have advance notice of this service and a clear indication of materials suitable for collection.

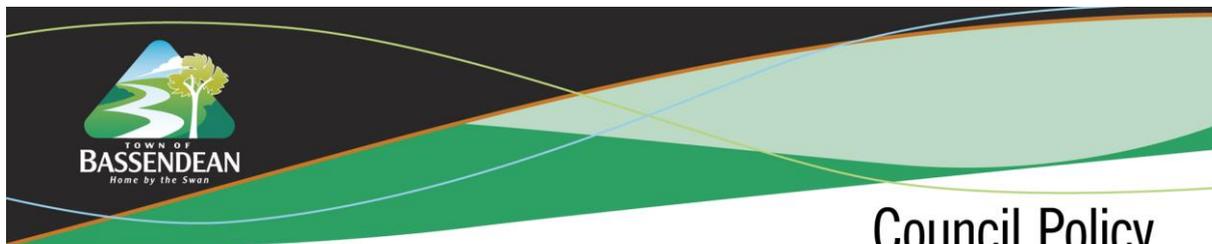
#### Policy

Council will keep its residents fully informed of the bulk rubbish, green waste pruning collection days by advising them of the dates and times of the collection, by means of a pamphlet printed on a distinctive coloured paper, showing a clear map with the area indicated where collections will be made. Pending budget provision, the Town will deliver pamphlets each year.

#### Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental Sustainability &amp; Adaptation to Climate Change</p>	<p><b>Policy Owner:</b> Director Operational Services</p> <p><b>First Adopted:</b> OCM – 18/4/99</p> <p><b>Last Review Date:</b> March 2014</p> <p><b>Version:</b> 2</p> <p><b>Next Review due by:</b> December 2016</p>
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## Council Policy

### 2.13 Bulk Rubbish And Greenwaste Pruning PickUp Service Policy

#### Objective

To provide a service to residents who are unable to dispose of bulk items or greenwaste pruning by other methods.

#### Policy

Council will provide bulk rubbish and greenwaste pruning pick-ups, within separately specific timeframes each financial year, dependent on Council budget allocations.

Removal of recyclable goods from materials placed on verges is permissible, providing the material is stored on the verge in accordance to the set out requirements and within the specified time frames and the site is left tidy.

#### Application

Responsibility for the implementation of this policy rests with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Environmental Sustainability &amp; Adaptation to Climate Change</p>	<p><b>Policy Owner:</b> Director Operational Services</p> <p><b>First Adopted:</b> OCM – 19/4/99</p> <p><b>Last Review Date:</b> March 2014</p> <p><b>Version:</b> 2</p> <p><b>Next Review due by:</b> December 2016</p>
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# DELEGATIONS REGISTER

Current as at 29 July 2022

VERSION CONTROL			
Number	Date	Item	Reason
1	27/10/2020	OCM	Section 5.46(2), <i>Local Government Act 1995</i> , annual review; major reform required.
2	20/11/2020	Delegations 1.2.1, 4.1.4, and 5.1.3 revoked	Act amendment (effective 07/11/2020) harmonised the process to appoint authorised persons. The CEO is the prescribed decision-maker to make appointments. Council decision not required to revoke as the amendment means Council no longer has the authority.
3	01/2021	Delegation 1.2.12	Sub-delegation provided to officers to reflect new Purchasing Policy. Council decision not required as the amendment deals with a sub-delegation from the CEO.
4	01/2021	Delegation 1.2.27	Delegation adopted by Council July 2020 and included in the Register.
5	17/06/2021	Delegation 1.2.14 Delegation 1.2.15	Sub-delegation to Senior Accountant for the period 1 July 2021 – 31 December 2021 as Manager Finance position vacant. The delegation has been superseded by the sub-delegation dated 17 December 2021.
6	22/06/2021	Delegation 1.2.28	Delegation adopted by Council June 2021 and included in the Register.
7	22/07/2021	Delegation 10.1.3	Amend the condition of sub-delegation from CEO to Planning Officer to include approval for carports, non-habitable additions, and grouped dwellings.
8	24/08/2021	OCM Review	Section 5.46(2), <i>Local Government Act 1995</i> , annual review; major reform required.
9	24/08/2021	Delegation 1.2.23 Delegation 1.2.11 Delegation 1.2.12	1.2.23 - Amend to include the issue of a permit for a circus, only where the circus does not include the use of exotic animals. 1.2.11 – Include a condition on the delegation. 1.2.12 – Limitation on sole supplier delegation.
10	17/12/2021	Delegation 1.2.14	Sub-delegation to senior accountant and management accountant updated.
11	19/01/2022	Delegation 1.2.2 Delegation 10.1.3	Sub-delegation to planner amended to senior planner.
12	09/06/2022	Delegation 1.2.27	Sub-delegation amended to reflect new position title of Manager Recycling and Waste. Sub-delegation advised by CEO to officer.
13	28/06/2022	Delegation 1.2.15	Delegation amended to include the provision of the write-off of small rates balance up to \$10.00 per property per annum.

## COMPLIANCE LINKS – IMPORTANT INFORMATION

Delegations exercised under this Register of Delegations must be recorded in accordance with Administration Regulation 19.

Compliance links, including Legislation, Council Policy, Local Laws or external standards and guidelines, referred to each instrument of delegation contained in this register were correct at time of Council adoption.

Delegates **must** always review the primary legislation and compliance links before exercising a delegated authority to ensure decision making complies with legislative and other compliance obligations.

## TOWN OF BASSENDEAN REGISTER OF DELEGATIONS

The following is the register of delegations for the purposes of sections 5.18 and 5.46 of the *Local Government Act 1995* which includes all delegations made by the Council of the Town of Bassendean under section 5.42 of the *Local Government Act 1995*, section 127 of the *Building Act 2011*, section 48 of the *Bush Fires Act 1954*, section 44 of the *Cat Act 2011*, section 10AA of the *Dog Act 1976*, section 118 of the *Food Act 2008*, section 16 of the *Graffiti Vandalism Act 2016*, section 21 of the *Public Health Act 2016* and Schedule 2 clause 82(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The delegations made within this register were made by the Council of the Town of Bassendean by a resolution passed by an absolute majority of the Council on 27 October 2020.  
Signed, for the Council –

**Renee McLennan**  
Mayor

**Date 29<sup>th</sup> October 2020**

## TOWN OF BASSENDEAN REGISTER OF SUB-DELEGATIONS

The following is the register of sub-delegations for the purposes of section 5.46 of the *Local Government Act 1995* which includes all delegations made by the Chief Executive Officer of the Town of Bassendean under section 5.44 of the *Local Government Act 1995*, section 127 of the *Building Act 2011*, section 45 of the *Cat Act 2011*, section 10AA of the *Dog Act 1976*, section 17 of the *Graffiti Vandalism Act 2016* and Schedule 2 clause 83 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The delegations made within this register were made by the Chief Executive Officer of the Town of Bassendean.  
Signed by the Chief Executive Officer –

**Peta Mabbs**  
CEO

**Date 29<sup>th</sup> October 2020**

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## 1. Local Government Act 1995 Delegations

### 1 Local Government Act 1995 Delegations

#### 1.1 Council to Committees of Council

##### 1.1.1 Audit and Governance Committee

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.16 Delegation of some powers and duties to certain committees.</li> <li>▪ s 7.1B Delegation of some powers and duties to audit committees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 7.12A(2), (3) &amp; (4) Duties of Local Government with respect to audits</li> </ul>
<b>Delegate:</b>	<b>Audit and Governance Committee</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to meet with the City's Auditor at least once every year on behalf of the Council [s 7.12A(2)].</li> <li>2. Authority to: <ol style="list-style-type: none"> <li>a. examine the report of the Auditor and determine matters that require action to be taken by the Town of Bassendean; and</li> <li>b. ensure that appropriate action is taken in respect of those matters [s 7.12A(3)].</li> </ol> </li> <li>3. Authority to review and endorse the Town of Bassendean's report on any actions taken in response to an Auditor's report, prior to it being forwarded to the Minister [s 7.12A(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This delegation is not to be used where a Management Letter or Audit Report raises significant issues.</li> <li>▪ In that instance the Local Government's meeting with the Auditor must be directed to the Council.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil. Sub-delegation is prohibited by s 7.1B.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Department of Local Government, Sport and Cultural Industries Operational Guideline - The appointment, function and responsibilities of Audit Committees.</li> <li>▪ Audit and Governance Committee Instrument and Terms of Reference</li> <li>▪ Town of Bassendean Investment Policy</li> <li>▪ Town of Bassendean Financial Sustainability Policy</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Audit Committee Minutes shall record and identify each decision made under this delegation in accordance with the requirements of <i>Local Government (Administration) 1996</i> Regulation 19.</li> <li>▪ Town of Bassendean Record Keeping Policy.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.1.2 Complaints Committee

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<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>Complaints Committee</b>
<b>Function:</b>	<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>	<ul style="list-style-type: none"> <li>▪ The Committee will make decisions in accordance with the principles and specified requirements established in Code of Conduct Complaints Management Policy.</li> <li>▪ 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>▪ 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>▪ In the event of (c) above, the Committee member is to recuse themselves from attendance at the meeting. Should this result in loss of a quorum at the meeting, the Committee may resolve to defer consideration to a future meeting at which the</li> </ul>

## 1. Local Government Act 1995 Delegations

	<p>conflicted Committee Member is absent and a quorum of members is present.</p> <p><b>NOTE TO CONDITIONS (C) AND (D):</b> The purpose of this Condition 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>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
Compliance Links:	<ul style="list-style-type: none"> <li>▪ Council Policy Complaints Committee Terms of Reference</li> <li>▪ Council Policy Code of Conduct Complaints Management</li> <li>▪ Council Policy Code of Conduct for Council Members, Committee Members and Candidates</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.</li> </ul>

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

### **1.2 Council to CEO**

#### **1.2.1 Appoint Authorised Persons (Revoked due to Act Amendment 7/11/2020)**

## 1. Local Government Act 1995 Delegations

### 1.2.2 Powers of Entry

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 3.28 When this Subdivision applies</li> <li>▪ s 3.31(2) General Procedure of Entering Land</li> <li>▪ s 3.32 Notice of entry</li> <li>▪ s 3.33 Entry under warrant</li> <li>▪ s 3.34 Entry in an emergency</li> <li>▪ s 3.36 Opening fences</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 the <i>Local Government Act 1995</i>, other than entry under a Local Law [s 3.28].</li> <li>2. Authority to give notice of entry [s 3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s 3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s 3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s 3.36].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ 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 or in an emergency.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> <li>▪ Senior Planner</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>

## 1. Local Government Act 1995 Delegations

<p><b>CEO Conditions on this Sub-Delegation:</b></p>	<ul style="list-style-type: none"> <li>▪ The CEO and relevant Director must be advised before delegated authority under s 3.33 is exercised.</li> <li>▪ Delegated authority under s 3.34(1) and s 3.34(3) may only be exercised, where there is imminent or substantial risk to public safety or property or in an emergency.</li> <li>▪ Conditions on the CEO delegation also apply to the sub-delegation.</li> <li>▪ Each person appointed under this delegation must be issued with an identification badge and carry this badge whenever exercising this delegation.</li> <li>▪ Each person to whom a power or duty is delegated must keep records in accordance with Regulations in relation to the exercise of the power or the discharge of the duty.</li> </ul>
<p>Compliance Links:</p>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 9.10 Appointment of authorised persons – refer also s 3.32(2)] Part 3, Division 3, Subdivision 3 – prescribes statutory processes for Powers of Entry.</li> <li>▪ s 3.34(2) Entry in an emergency.</li> </ul>
<p>Record Keeping:</p>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.3 Declare Vehicle is Abandoned Vehicle Wreck

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 3.40A(4) Abandoned vehicle wreck may be taken</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s 3.40A(4)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.4 Disposing of Confiscated or Uncollected Goods or alternatively, referred to Council for decision.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.  Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Local Government Act 1995</i> Part 3 Division 3 Subdivision 4 Impounding abandoned vehicle wrecks and goods.
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.4 Confiscated or Uncollected Goods

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 3.46 Goods May be withheld until costs paid</li> <li>▪ s 3.47 Confiscated or uncollected goods, disposal of</li> <li>▪ s 3.48 Impounding expenses, recovery of</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s 3.39 or s 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>	<ul style="list-style-type: none"> <li>▪ Disposal of confiscated or uncollected goods, including abandoned vehicles, with a market value less than \$20,000 may, in accordance with <i>Local Government (Functions and General) Regulations 1996</i> Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<i>Local Government Act 1995: Part 3, Division 3, Subdivision 3</i> <ul style="list-style-type: none"> <li>▪ 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.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.5 Close Thoroughfare to Vehicles

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 3.50 Closing certain thoroughfares to vehicles.</li> <li>▪ s 3.50A Partial closure of thoroughfare for repairs or maintenance.</li> <li>▪ s 3.51 Affected owners to be notified of certain proposals.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to close a thoroughfare (wholly or partially) to vehicles or particular classes of vehicles for a period not exceeding 4 weeks [s 3.50(1)].</li> <li>2. Authority to determine to close a thoroughfare for a period exceeding 4 weeks and before doing so, to: <ul style="list-style-type: none"> <li>▪ give; public notice, written notice to the Commissioner of Main Roads and written notice to prescribed persons and persons that own prescribed land; and</li> <li>▪ consider submissions relevant to the road closure/s proposed [s 3.50(1a), (2) and (4)].</li> </ul> </li> <li>3. Authority to revoke an order to close a thoroughfare [s 3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s 3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s 3.51].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ 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>▪ Maintain access to adjoining land [s 3.52(3)].</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Engineering Technical Coordinator</li> </ul>

## 1. Local Government Act 1995 Delegations

<p><b>CEO Conditions on this Sub-Delegation:</b></p>	<ul style="list-style-type: none"> <li>▪ Senior Ranger</li> </ul> <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<p>Compliance Links:</p>	
<p>Record Keeping:</p>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.6 Obstruction of Footpaths and Thoroughfares

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996 (ULP):</i></p> <ul style="list-style-type: none"> <li>▪ reg 5(2) Interfering with, or taking from, local government land.</li> <li>▪ reg 6 Obstruction of public thoroughfare by things placed and left - Sch 9.1, cl 3(1)(a).</li> <li>▪ reg 7A Obstruction of public thoroughfare by fallen things – Sch 9.1, cl 3(1)(b).</li> <li>▪ reg 7 Encroaching on public thoroughfare – Sch 9.1, cl 3(2).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 reg 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 reg 6(2) and reg (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 reg 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 reg 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 reg 7].</li> </ol>

## 1. Local Government Act 1995 Delegations

<p><b>Council Conditions on this Delegation:</b></p>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Permission may only be granted where, the person has:             <ol style="list-style-type: none"> <li>i. Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>ii. Provided a bond, sufficient to the value of works that may be required if the proponent does not satisfactorily make 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> </ol> </li> </ul>
<p><b>Express Power to Sub-Delegate:</b></p>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<p><b>Sub-Delegate/s:</b></p>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Engineering Technical Coordinator</li> <li>▪ Senior Ranger</li> </ul>
<p><b>CEO Conditions on this Sub-Delegation:</b></p>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<p><b>Compliance Links:</b></p>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>
<p><b>Record Keeping</b></p>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.7 Public Thoroughfare – Dangerous Excavations

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996</i> , regs 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>	<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 or occupier in writing to fill in or securely fence the excavation [ULP reg 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 reg 11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP reg 11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP reg 11(8)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ 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> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> </ul>

## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> <li>▪ Engineering Technical Coordinator</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
Compliance Links:	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i> – prescribe applicable statutory procedures.</li> <li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> <li>▪ <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010</i>.</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.8 Crossing – Construction, Repair and Removal

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Uniform Local Provisions) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>▪ reg 12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch 9.1, cl 7(2)</li> <li>▪ reg 13(1) Requirement to construct or repair crossing – Sch 9.1 cl 7(3)</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 reg 12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP reg 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 reg 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 reg 13(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in the <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Engineering Technical Coordinator</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>

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## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"><li>▪ <i>Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010.</i></li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ Reg 17 Private works on, over, or under public places – Sch 9.1, cl 8</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 reg 17(3)].</li> <li>2. Authority to impose conditions on permission including those prescribed in reg 17(5) and (6) [ULP reg 17(5)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements under <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ 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> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Engineering Technical Coordinator</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<ul style="list-style-type: none"><li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996.</i></li><li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) 1996:</i> <ul style="list-style-type: none"> <li>▪ reg 21(1) Wind erosion and sand drifts – Sch 9.1, cl 12.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to give notice to an owner or occupier of land if it is considered that clearing the owner or occupier's land may cause local government land, having a common boundary, to be adversely affected by wind erosion or sand drift [ULP reg 21(1)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.  Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996.</i></li> <li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.11 Expressions of Interest for Goods and Services

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 3.57 Tenders for providing goods and services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>▪ reg 21 Limiting who can tender, procedure for</li> <li>▪ reg 23 Rejecting and accepting expressions of interest to be acceptable tenderer.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 reg 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 reg 23].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegates exercising this delegation must comply with: <ul style="list-style-type: none"> <li>- The Town of Bassendean Purchasing Policy</li> <li>- The Town of Bassendean Procurement Guidelines</li> </ul> </li> <li>▪ Prior to going to market, notification to Councillors through the CEO Bulletin of the nature of the goods and the estimated cost sought.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Functions and General) Regulations 1996.</i></li> <li>▪ WALGA Subscription Service – Procurement Toolkit.</li> <li>▪ Town of Bassendean Purchasing Policy.</li> <li>▪ Town of Bassendean Procurement Guidelines.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.12 Tenders for Goods and Services

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 3.57 Tenders for providing goods or services</li> </ul> <p><i>Local Government (Functions and General) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>○ reg 11 When tenders have to be publicly invited;</li> <li>○ reg 13 Requirements when local government invites tenders though not required to do so;</li> <li>○ reg 14 Publicly inviting tenders, requirements for;</li> <li>○ reg 18 Rejecting and accepting Tenders;</li> <li>○ reg 20 Variation of requirements before entry into contract;</li> <li>○ reg 21A Varying a contract for the supply of goods or services.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. The CEO is delegated authority to invite tenders for the supply of contracts over the value of \$250,000 without further reference to Council, unless expressly identified and itemised by resolution of the Council. [F&amp;G reg 11(1)].</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 a sole supplier arrangement [F&amp;G reg 11(f)] up to a maximum of \$50,000, with sole supplier proposals in excess of \$50,000 to come before Council for determination.</li> <li>3. Authority to invite tenders although not required to do so [F&amp;G reg 13]. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$250,000 or less and the expense is included in the adopted Annual Budget.</li> <li>4. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G reg 14(2a)].</li> <li>5. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G reg 14(4)(a)].</li> <li>6. Authority to vary tender information after public notice of invitation to tender and before the close of tenders. [F&amp;G reg 14(5)].</li> <li>7. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G reg 18(4)].</li> <li>8. Authority to determine that a variation proposed is minor in context of the total goods or services sought through the invitation to tender, subject to a maximum 5 percent variation of the contract price, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&amp;G reg 20(1) and (3)].</li> </ol>

## 1. Local Government Act 1995 Delegations

	<p>9. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G reg 18(4a)].</p> <p>10. Authority to vary a contract that has been entered into with a successful tenderer, provided the total variation value does not exceed 5 percent, of the original contract.</p> <p>11. Authority to exercise an extension option subject to:</p> <ol style="list-style-type: none"> <li>a. the extension being within the original terms and conditions approved by Council; and</li> <li>b. in accordance with reg 11(2)(j) [F&amp;G reg 21A].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegates exercising this delegation must comply with: <ul style="list-style-type: none"> <li>○ The Town of Bassendean Purchasing Policy.</li> <li>○ Town of Bassendean Procurement Guidelines.</li> </ul> </li> <li>▪ Prior to going to market, notification to Councillors through the CEO Bulletin of the nature of the goods and the estimated cost sought.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services <ul style="list-style-type: none"> <li>○ Functions 2, 4, 8 and 10.</li> </ul> </li> <li>▪ Director Community Planning <ul style="list-style-type: none"> <li>○ Functions 2 and 4. Function 10 provided the total variation value does not exceed above 5% of the original contract value.</li> </ul> </li> <li>▪ Executive Manager Infrastructure, Executive Manager Sustainability and Environment <ul style="list-style-type: none"> <li>○ Functions 4 and 10 provided the total variation value does not exceed above 5% of the original contract value.</li> </ul> </li> <li>▪ Coordinator Procurement, Contracts and Leases Functions 5, 6, 7 and 9.</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Functions and General) Regulations 1996</i> – prescribe applicable statutory procedures</li> <li>▪ WALGA Subscription Service – Procurement Toolkit</li> <li>▪ Purchasing Policy.</li> <li>▪ Town of Bassendean Procurement Guidelines.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.13 Disposing of Property

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 3.58(2) &amp; (3) Disposing of Property.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to dispose of property to: <ol style="list-style-type: none"> <li>a. the highest bidder at public auction [s 3.58(2)(a);</li> <li>b. the person who at public tender called by the local government makes what is, considered by the delegate to be, the most acceptable tender, whether or not it is the highest tender [s 3.58(2)(b)].</li> </ol> </li> <li>2. Authority to dispose of property by private treaty only in accordance with section 3.58(3) and prior to the disposal, to consider any submissions received following the giving of public notice [s. 3.58(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Disposal of real property is excluded from this delegation.</li> <li>▪ When determining the method of disposal: <ol style="list-style-type: none"> <li>(a) 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>(b) 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>(c) 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 that the reasons for such a decision are recorded.</li> </ul> </li> </ol> </li> <li>▪ Where the market value of the property is determined as being less than \$20,000 (F&amp;G reg 30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> <li>○ Without reference to Council for resolution; and</li> <li>○ In any case, be undertaken to ensure that the best value return is achieved however, where the property is</li> </ul> </li> </ul>

## 1. Local Government Act 1995 Delegations

	determined as having a nil market value, then the disposal must ensure environmentally responsible disposal.
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Finance</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Conditions on the CEO delegation also apply to the sub-delegation.</li> <li>▪ Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995</i> – s 3.58 Disposal of Property.</li> <li>▪ <i>Local Government (Functions and General) Regulations 1995</i> – reg 30 Dispositions of property excluded from s 3.58 of the Act.</li> <li>▪ Asset Management Policy.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.14 Payments from the Municipal or Trust Funds

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>▪ reg 12(1)(a) Payments from municipal fund or trust fund, restrictions on making.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to make payments from the municipal or trust funds [reg 12(1)(a)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Authority to make payments is subject to annual budget limitations.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Manager Finance</li> <li>▪ Senior Accountant</li> <li>▪ Management Accountant</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty. Conditions on the CEO delegation also apply to the sub-delegation. The sub-delegation to the Senior Accountant is up to \$50,000. The sub-delegation to the Management Accountant is up to \$50,000.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995.</i></li> <li>▪ <i>Local Government (Financial Management) Regulations 1996</i> - refer specifically reg 13: Payments from municipal fund or trust fund by CEO, CEO's duties with respect to.</li> <li>▪ <i>Local Government (Audit) Regulations 1996.</i></li> <li>▪ Department of Local Government, Sport and Cultural Industries Operational Guideline No 11 – Use of Corporate Credit Cards.</li> <li>▪ Department of Local Government, Sport and Cultural Industries: Accounting Manual.</li> <li>▪ Town of Bassendean Purchasing Policy.</li> <li>▪ Town of Bassendean Procurement Guidelines.</li> <li>▪ Town of Bassendean Use of Corporate Credit Card Procedures.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.15 Defer payment, Grant Discounts, Waive Fees or Write Off Debts

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 6.12 Power to defer payment, grant discounts, waive fees or write off debts.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Waive a debt, fee or charge which is owed to the Town of Bassendean [s. 6.12(1)(b)].</li> <li>2. To waive or grant concessions in relation to any amount of money which is owed to the Town in relation to a development application. [s. 6.12(1)(b)].</li> <li>3. Grant a concession in relation to money which is owed to the Town of Bassendean [s 6.12(1)(b)].</li> <li>4. Write off an amount of money which is owed to the Town of Bassendean [s 6.12(1)(c)].</li> <li>5. Write off small rates balances up to a maximum of \$10.00 per property per annum.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegation for (1) above does not apply to debts, which are prescribed as debts that are taken to be a rate or service charge [s 6.12(2)].</li> <li>▪ A debt may only be written off where all necessary measures have been taken to locate/contact the debtor and where costs associated to continue the action to recover the debt will outweigh the net value of the debt if recovered by the Town.</li> <li>▪ This Delegation must be exercised in accordance with Council Policies - Recovery of Sundry Debts, and Town of Bassendean Financial Hardship Policy.</li> <li>▪ The power to waive fees or write off money is subject to the amount not exceeding \$250 <u>per fee</u>.</li> <li>▪ Authorise a write off of any debts (not including rates or other charges) to a maximum value of \$250 <u>per debt</u>.</li> <li>▪ Write off small rates balances to a maximum of \$10.00 per property per annum.</li> <li>▪ Council shall be informed of the details whenever this delegation is exercised.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning – Function 5 is not sub-delegated to this position.</li> <li>▪ Manager Finance</li> <li>▪ Senior Accountant – Function 5 is not sub-delegated to this position.</li> </ul>

## 1. Local Government Act 1995 Delegations

<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>Function 5 – is not sub-delegated to the Director Community Planning or the Senior Accountant.</p>
Compliance Links:	<ul style="list-style-type: none"> <li>▪ Council Policies - Recovery of Sundry Debts Policy, and Town of Bassendean Financial Hardship Policy.</li> <li>▪ <i>Planning and Development Regulations 2009</i></li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.16 Power to Invest and Manage Investments

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 6.14 Power to invest.</li> </ul> <p><i>Local Government (Financial Management) Regulations 1996:</i></p> <ul style="list-style-type: none"> <li>▪ reg 19 Investments, control procedures for</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 reg 19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ All investment activity must comply with the <i>Local Government (Financial Management) Regulations 1996:</i> <ul style="list-style-type: none"> <li>○ reg 19 Investments ,control procedures for</li> <li>○ reg 19C Investment of money, restrictions on.</li> </ul> </li> <li>▪ Investment Policy.</li> <li>▪ A report detailing the investment portfolio's performance, exposures and changes since last reporting, is to be provided as part of the Monthly Financial Statements.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Manager Finance</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Conditions on the CEO delegation also apply to the sub-delegation.</li> <li>▪ A decision to invest must be jointly confirmed by two Delegates.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Financial Management) Regulations 1996.</i></li> <li>▪ Investment Policy.</li> </ul>
<b>Record Keeping</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.17 Rate Record Amendment

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 6.39(2)(b) Amend the rate record</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine any requirement to amend the rate record for the 5-years preceding the current financial year [s 6.39(2)(b)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegates must comply with the requirements of s 6.40 of the Act.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995</i> – s 6.40 prescribes consequential actions that may be required following a decision to amend the rate record.</li> <li>▪ Note – Decisions under this delegation may be referred for review to the State Administrative Tribunal.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 6.49 Agreement as to payment of rates and service charges</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to make an agreement with a person for the payment of rates or service charges [s 6.49]
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This Delegation must be exercised in accordance with Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Financial Hardship</li> </ul> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Manager Finance</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.</p> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Financial Hardship</li> </ul> </li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 6.50 Rates or service charges due and payable.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine the date on which rates or service charges become due and payable to the Town of Bassendean [s 6.50].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.20 Recovery of Rates or Service Charges

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 6.56 Rates or service charges recoverable in court.</li> <li>▪ s 6.64(3) Actions to be taken.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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>	<ul style="list-style-type: none"> <li>▪ This Delegation must be exercised in consideration of Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Rates Exemption</li> <li>○ Financial Hardship.</li> </ul> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Rates Exemption</li> <li>○ Financial Hardship.</li> </ul> </li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.21 Recovery of Rates Debts – Require Lessee to Pay Rent

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 6.60 Local Government may require lessee to pay rent.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 Town of Bassendean [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>	<ul style="list-style-type: none"> <li>▪ This Delegation must be exercised in consideration of Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Financial Hardship.</li> </ul> </li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995</i> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s 6.60.</li> <li>▪ Council Policies: <ul style="list-style-type: none"> <li>○ Recovery of Rates and Service Charges</li> <li>○ Financial Hardship.</li> </ul> </li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.22 Rate Record – Objections

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 6.76 Grounds of objection.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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>	<ul style="list-style-type: none"> <li>▪ A delegate who has participated in any matter contributing to a decision related to the rate record, which is the subject of a Rates Record Objection, must not be party to any determination under this Delegation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.23 Administration of Local Laws

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s. 3.18(1) <i>Local Government Act 1995.</i></li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p>Powers to determine applications, issue and apply conditions to approvals, consents, permits, licences and registrations, undertake enforcement functions and exercise discretion under the following local laws –</p> <ol style="list-style-type: none"> <li>1. Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2010</li> <li>2. Animals, Environment, Nuisance and Pests Local Law 2019</li> <li>3. Bee Keeping Local Law 2018</li> <li>4. Dogs Local Law 2019</li> <li>5. Dust and Building Waste Local Law 2018</li> <li>6. Fencing Local Law 2013</li> <li>7. Health Local Law 2001</li> <li>8. Parking Local Law 2019</li> <li>9. Property Local Law 2001</li> <li>10. <del>Responsible Cats Ownership</del> Local Law <del>2006</del><u>2021</u></li> <li>11. Waste Local Law 2019</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Infringements may only be issued by persons authorised for the purposes of section 9.16 of the <i>Local Government Act 1995.</i></li> <li>▪ The CEO may only issue a permit under the Property Local Law for the operation of a circus on Town Property, where that circus does not involve the use of exotic animals.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>

## 1. Local Government Act 1995 Delegations

<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
Compliance Links:	<ul style="list-style-type: none"><li>▪ <i>Local Government Act 1995</i></li><li>▪ Part 9 Division 1 Objections and Review</li><li>▪ Part 9 Division 2 Enforcement and Legal Proceedings</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 1. Local Government Act 1995 Delegations

### 1.2.24 Disposal of Sick or Injured Animals

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<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.3.47A Sick or injured animals, disposal of s.3.48 Impounding expenses, recovery of
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)]. 2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].
<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>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping</b>	Delegations exercised are to be recorded in the Town's document management system.

## 1. Local Government Act 1995 Delegations

### 1.2.25 Compensation for Damage Incurred when Performing Executive Functions

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.22(1) Compensation s.3.23 Arbitration
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)]. 2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.
<b>Council Conditions on this Delegation:</b>	a. Delegation is limited to settlements which do not exceed a material value of \$5,000. b. Council shall be informed of the details whenever this delegation is exercised.
<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>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping</b>	Delegations exercised are to be recorded in the Town's document management system.

## 1. Local Government Act 1995 Delegations

### 1.2.26 Management of Vested Land and Unvested Facilities

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> s.5.42 Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> s.3.53(3) Control of certain unvested facilities s.3.54(1) Reserves under control of local government
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)]. 2. Authority to do anything a local government could do under the <i>Parks and Reserves Act 1895</i> if it were a Board appointed under that Act, to control and manage any land reserved under the <i>Land Administration Act 1997</i> and vested in or placed under the control and management of the local government.
<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>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping</b>	Delegations exercised are to be recorded in the Town's document management system.

## 1. Local Government Act 1995 Delegations

### 1.2.27 Authority to waive or grant concessions pursuant to Town of Bassendean Compassionate Waste Services Guidelines

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s. 6.12(1)(b) and (c) Power to defer payment, grant discounts, waive fees or write off debts.</li> <li>▪ Authority to waive a fee or grant a concession pursuant to the Town of Bassendean Compassionate Waste Services Guidelines.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to waive a fee or charge, or grant a concession in accordance with the Town of Bassendean Compassionate Waste Services Guidelines.
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s 5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Recycling and Waste</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>• Town of Bassendean Compassionate Waste Services Guidelines (adopted by Council 28 July 2020).</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.2.28 Authority to make Tree Preservation Orders in prescribed circumstances in accordance with clause 4.7.7.3(ii) of Local Planning Scheme No. 10

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42 Delegation of some powers or duties to the CEO</li> <li>▪ s 5.43 Limitations on delegations to the CEO</li> </ul>
<b>Express Power or Duty Delegated:</b>	<ul style="list-style-type: none"> <li>▪ Local Planning Scheme No. 10 – Clause 4.7.7.3(ii) – Tree Preservation Orders</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to make Tree Preservation Orders in accordance with clause 4.7.7.3(ii) of Local Planning Scheme No. 10 –             <ol style="list-style-type: none"> <li>i. Where consent is received from the owner(s) and occupier(s) of the land on which the tree is located, which, for the purpose of this delegation, includes lots where a tree may overhang;</li> <li>ii. Without notice to the owner(s) and/or occupier(s) of the land on which the tree is located, where there is a risk of imminent damage to the tree requiring an order to be made as a matter of urgency.</li> </ol> </li> <li>2. Where consent is not received from the owner(s) and occupier(s) of the land on which the tree is located and the CEO does not consider it appropriate to make an order, the matter will be referred to Council for determination.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <p>s 5.44 CEO may delegate some powers and duties to other employees</p>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Each person to whom a power or duty is delegated must keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>• Town of Bassendean Local Planning Scheme No. 10.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.3 CEO to Employees

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

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 3.34(2) Entry in emergency</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>Function:</b>	1. Authority to determine on behalf of the CEO that an emergency exists for the purposes of performing local government functions [s 3.34(2)].
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Two delegates, one of which must be a Director or Executive Manager or the Manager Development and Place, must agree and approve any actions under this delegation.</li> <li>▪ The CEO must be notified prior to the exercise of this delegation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> <li>▪ reg 6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> </ul>
<b>Function:</b>	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority – Obstruction of Footpaths and Thoroughfares:</p> <ol style="list-style-type: none"> <li>1. Authority to determine the sum sufficient to cover the cost of repairing damage to the public thoroughfare resulting from the placement of a thing or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [ULP reg 6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP reg 6(5)(b).</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP reg 6(5)(d)].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority Obstruction of Footpaths and Thoroughfares.</li> <li>▪ Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ This delegated authority is effective only in alignment with Delegated Authority Obstructions of Footpaths and Thoroughfares.</li> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>

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## 1. Local Government Act 1995 Delegations

Record Keeping:	▪ Delegations exercised are to be recorded in the Town's document management system.
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## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	Local Government (Uniform Local Provisions) Regulations 1996: <ul style="list-style-type: none"> <li>▪ reg 11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch 9.1, cl 6.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> </ul>
<b>Function:</b>	<p>When determining to grant permission to for a dangerous excavation under Delegated Authority – Public Thoroughfare – Dangerous Excavations:</p> <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [reg 11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [reg 11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this Delegation must be exercised in alignment with Council’s Delegated Authority Public Thoroughfares – Dangerous Excavations.</li> <li>▪ Actions under this Delegation must comply with the procedural requirements detailed in <i>the Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ This delegated authority is effective only in alignment with Delegated Authority - Public Thoroughfares – Dangerous Excavations.</li> <li>▪ <i>Local Government (Uniform Local Provisions) Regulations 1996</i>.</li> <li>▪ Penalties under the <i>Local Government (Uniform Local Provisions) Regulations 1996</i> are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>.</li> </ul>

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## 1. Local Government Act 1995 Delegations

Record Keeping:	▪ Delegations exercised are to be recorded in the Town's document management system.
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## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> <ul style="list-style-type: none"> <li>▪ reg 17(5)(b) and reg 17(6)(c) Private works on, over, or under public places, Sch 9.1 cl. 8.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> </ul>
<b>Function:</b>	<p>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [reg 17(5)(b)].</p> <p>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [reg 17(6)(c)].</p>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegates exercising this delegation must comply with the prescribed manner and form for permissions set out under reg 17(4).</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ This delegated authority is effective only in alignment with Delegated Authority Private Works on, over or under Public Places</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Functions and General) Regulations 1996:</i> <ul style="list-style-type: none"> <li>▪ reg 16(3) Receiving and opening tenders, procedure for.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Director Corporate Services</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Coordinator Procurement Contracts and Leases</li> </ul>
<b>Function:</b>	1. Authority to appoint one person (other than employees) to be present with an employee of the Local Government to open tenders, when two employees are unable to attend then tender opening [F&G reg 16(3)].
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.3.6 Information to be Available to the Public

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Local Government (Administration) Regulations 1996 (Admin Regs):</i></p> <ul style="list-style-type: none"> <li>▪ <del>regs 29(2) and 29(3) Information to be available for public inspection (Act s 5.94).</del></li> <li>▪ reg 29B Copies of certain information not to be provided (Act s 5.96).</li> </ul> <p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.95(1)(b) &amp; (3)(b) Limits on right to inspect local government information.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. <del>Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin Regs reg 29(2)].</del></li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin Regs reg 29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s 5.94(m)] or owners and occupiers register and electoral rolls [s 5.94(s)] and to make the information available, if satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes [Admin Regs reg 29B].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s 5.95(1)(b)].</li> <li>5. <del>Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s 5.94(3)(b)].</del></li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Record Keeping Policy.</li> <li>▪ Electronic Recording and Livestreaming of Council Meetings.</li> <li>▪ <i>Freedom of Information Act 1982</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Record Keeping Policy.</li> </ul>

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## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>
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## 1. Local Government Act 1995 Delegations

### 1.3.7 Financial Management Systems and Procedures

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Financial Management) Regulations 1996 (FM Regs):</i> <ul style="list-style-type: none"> <li>▪ reg 5 CEO's Duties as to financial management.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> <li>▪ Director Community Planning</li> <li>▪ Executive Manager Infrastructure</li> <li>▪ Executive Manager Sustainability and Environment</li> <li>▪ Manager Finance</li> <li>▪ Coordinator Procurement, Contracts and Leases</li> </ul>
<b>Function:</b>	<p>1. Authority to establish systems and procedures which give effect to internal controls and risk mitigation for the:</p> <ul style="list-style-type: none"> <li>(a) Collection of money owed to the Town of Bassendean.</li> <li>(b) Safe custody and security of money collected or held by the Town of Bassendean.</li> <li>(c) Maintenance and security of all financial records, including payroll, stock control and costing records.</li> <li>(d) Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities.</li> <li>(e) Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards.</li> <li>(f) Making of payments in accordance with Delegated Authority</li> <li>(g) Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements. [FM Regs, reg 5].</li> </ul>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Procedures are to be systematically documented and retained and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles.</li> <li>▪ Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Governance Committee at least once within each three (3) financial years. [Audit reg 17].</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government Act 1995.</i></li> <li>▪ <i>Local Government (Financial Management) Regulations 1996</i></li> <li>▪ <i>Local Government (Audit) Regulations 1996</i></li> <li>▪ Purchasing Policy.</li> <li>▪ Procurement Guidelines.</li> <li>▪ Use of Corporate Credit Card Procedures.</li> </ul>

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## 1. Local Government Act 1995 Delegations

	<ul style="list-style-type: none"><li>▪ Record Keeping Policy.</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 1. Local Government Act 1995 Delegations

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

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government (Audit) Regulations 1996:</i> <ul style="list-style-type: none"> <li>▪ reg 17 CEO to review certain systems and procedures.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Corporate Services</li> </ul>
<b>Function:</b>	<p>1. Authority to conduct the review of the appropriateness and effectiveness of the Town of Bassendean systems and procedures in relation to:</p> <ul style="list-style-type: none"> <li>(a) risk management; and</li> <li>(b) internal controls; and</li> <li>(c) legislative compliance [reg 17(1)].</li> </ul>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Each matter is to be reviewed at least once within every three (3) financial year, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Local Government (Audit) Regulations 1996</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 1. Local Government Act 1995 Delegations

### 1.3.9 Infringement Notices

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Local Government Act 1995:</i> <ul style="list-style-type: none"> <li>▪ s 9.13(6)(b) onus of proof in vehicle offences may be shifted.</li> <li>▪ s 9.19 Extension of Time.</li> <li>▪ s 9.20 Withdrawal of Notice.</li> </ul> <i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ reg 70(1A), 70(1), 70(2) Approved officers and authorised officers.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger – function 1 only</li> <li>▪ Ranger – function 1 only</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to consider an owner of a vehicle's submission that the vehicle that is subject of an infringement notice, had been stolen or unlawfully taken at the time of the alleged offence [s 9.13(6)(b)].</li> <li>2. Authority to extend the 28-day period within which payment of a modified penalty may be paid, whether or not the period of 28-days has elapsed [s 9.19].</li> <li>3. Authority to withdraw an infringement notice within one year after the notice was given, whether or not the modified penalty has been paid by sending a withdrawal notice (in the prescribed form) to the alleged offender and if the modified penalty has been paid, providing a refund [s 9.20].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ol style="list-style-type: none"> <li>(a) The Senior Ranger delegate can only exercise the power under s 9.13(6)(b) onus of proof in vehicle offences may be shifted.</li> <li>(b) A delegate who participated in a decision to issue an infringement notice, must NOT determine any matter related to that infringement notice under this Delegation.</li> <li>(c) A Delegate who has been delegated authority to withdraw an infringement must NOT be appointed as an authorised person for the purposes of issuing an infringement notice.</li> <li>(d) Delegation as an 'Approved Officer' in accordance with <i>Building Act 2011 and Building Regulation 70(1)</i> for the purposes of <i>Building Act 2011</i> Infringement Notices is limited to the following listed position only: <ul style="list-style-type: none"> <li>○ Principal Building Surveyor.</li> </ul> </li> <li>(e) Delegation for <i>Dog Act, Cat Act, Parking Local Law, Infringement Notices</i> is limited to the following listed positions ONLY: <ul style="list-style-type: none"> <li>○ Senior Ranger</li> <li>○ Ranger</li> </ul> </li> </ol>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>

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## 1. Local Government Act 1995 Delegations

Compliance Links:	<ul style="list-style-type: none"><li>▪ Ranger Procedure Manual</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 2. Building Act 2011 Delegations

### 2 Building Act 2011 Delegations

#### 2.1 Council to CEO / Employees

##### 2.1.1 Grant a Building Permit

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s. 127(1); s. 127(3) Delegations: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s. 18 Further information.</li> <li>▪ s. 20 Grant of building permit.</li> <li>▪ s. 22 Further grounds for not granting an application.</li> <li>▪ s. 27 Conditions imposed by permit authority</li> </ul> <i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ Reg. 23 Application to extend time during which permit has effect (s. 32).</li> <li>▪ Reg. 24 Extension of time during which permit has effect (s. 32(3)).</li> <li>▪ Reg. 26 Approval of new responsible person (s. 35(c)).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 refuse to consider an application if s. 18(1) not complied with [s. 18(2)].</li> <li>3. Authority to grant or refuse to grant a building permit [s. 20(1); s. 20(2); s. 22].</li> <li>4. Authority to impose, vary or revoke conditions on a building permit [s. 27(1); s. 27(3)].</li> <li>5. Authority to determine an application to extend time during which a building permit has effect [reg. 23]. <ol style="list-style-type: none"> <li>(a) Subject to being satisfied that work for which the building permit was granted has not been completed or the extension is necessary to allow rectification of defects of works for which the permit was granted [reg. 24(1)].</li> <li>(b) Authority to impose any condition on the building permit extension that could have been imposed under s. 27 [reg. 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 [reg. 26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s. 127(2)); or</li> </ul>

## 2. Building Act 2011 Delegations

	<ul style="list-style-type: none"> <li>▪ a person employed by the Local Government under s. 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg. 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ s. 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
<b>Compliance Links:</b>	<p><i>Building Act 2011</i></p> <ul style="list-style-type: none"> <li>▪ s. 119 Building and demolition permits – application for review by State Administrative Tribunal (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><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> <li>▪ reg. 25: Review of decision to refuse to extend time during which permit has effect (s. 32(3)) – reviewable by SAT.</li> <li>▪ <i>Building Services (Registration Act) 2011</i> – Section 7.</li> <li>▪ <i>Home Building Contracts Act 1991</i> – Part 3A, Division 2 – Part 7, Division 2</li> <li>▪ <i>Building and Construction Industry Training Levy Act 1990</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.2 Demolition Permits

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ s. 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ s 18 Further information.</li> <li>▪ s 21 Grant of demolition permit.</li> <li>▪ s 22 Further grounds for not granting an application.</li> <li>▪ s 27(1) and (3) Impose conditions on permit.</li> </ul> <p><i>Building Regulations 2012</i></p> <ul style="list-style-type: none"> <li>▪ reg 23 Application to extend time during which permit has effect (s 32).</li> <li>▪ reg 24 Extension of time during which permit has effect (s 32(3)).</li> <li>▪ reg 26 Approval of new responsible person (s 35(c)).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 [ss 20(1); 20(2); 22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [ss 27(1); 27(3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [reg 23].             <ol style="list-style-type: none"> <li>(a) Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [reg 24(1)].</li> <li>(b) Authority to impose any condition on the demolition permit extension that could have been imposed under s 27 [reg 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 [reg 26].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>A delegation of a special permit authority's powers or duties may be only to:</p> <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ <i>a person employed by the Local Government under s 5.36 Local Government Act 1995; and</i></li> </ul>

## 2. Building Act 2011 Delegations

	<ul style="list-style-type: none"> <li>Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>Director Community Planning</li> <li>Manager Development and Place</li> <li>Principal Building Surveyor</li> <li>Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
Compliance Links:	<p><i>Building Act 2011</i></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><i>Building Services (Complaint Resolution and Administration) Act 2011</i> — Part 7, Division 2.</li> <li><i>Building and Construction Industry Training Levy Act 1990</i>.</li> <li><i>Heritage Act 2018</i>.</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.3 Occupancy Permits or Building Approval Certificates

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 55 Further information.</li> <li>▪ s 58 Grant of occupancy permit, building approval certificate.</li> <li>▪ ss 62(1); 62(3) Conditions imposed by permit authority.</li> <li>▪ s 65(4) Extension of period of duration</li> </ul> <i>Building Regulations 2012</i> <ul style="list-style-type: none"> <li>▪ reg 40 Extension of period of duration of time limited occupancy permit or building approval certificate (s 65).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 [ss 62(1); 62(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); reg 40].</li> </ol>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Building Act 2011</i> <ul style="list-style-type: none"> <li>▪ s 59 time for granting occupancy permit or building approval certificate.</li> </ul>

## 2. Building Act 2011 Delegations

	<ul style="list-style-type: none"><li>▪ s 60 Notice of decision not to grant occupancy permit or grant building approval certificate.</li><li>▪ s 121 Occupancy permits and building approval certificates – application for review by SAT.</li><li>▪ <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2.</i></li><li>▪ <i>Building and Construction Industry Training Levy Act 1990.</i></li><li>▪ <i>Heritage Act 2018.</i></li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li></ul>

## 2. Building Act 2011 Delegations

### 2.1.4 Designate Employees as Authorised Persons

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 96(3) authorised persons.</li> <li>▪ s 99(3) Limitation on powers of authorised person.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 97 requires each person designated as an authorised person must have an identity card.</li> <li>▪ reg 5A Authorised persons (s 3) – definition.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.5 Building Orders

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>▪ ss 127(1); 127(3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<ul style="list-style-type: none"> <li>▪ <i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>○ s 110(1) A permit authority may make a building order.</li> <li>○ s 111(1) Notice of proposed building order other than building order (emergency).</li> <li>○ ss 117(1); 117(2) A permit authority may revoke a building order or notify that it remains in effect.</li> <li>○ ss 118(2); 118(3) Permit authority may give effect to building order if non-compliance.</li> <li>○ s 133(1) A permit authority may commence a prosecution for an offence against this Act.</li> </ul> </li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to make Building Orders in relation to: <ul 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> </ul> </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: <ul 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> </ul> </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> <li>6. Authority to specify a way in which an outward facing side of a particular close/boundary wall must be finished off.</li> <li>7. Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<p>A delegation of a special permit authority's powers or duties may be only to:</p> <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> </ul>

## 2. Building Act 2011 Delegations

	<ul style="list-style-type: none"> <li>Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>Director Community Planning</li> <li>Manager Development and Place</li> <li>Principal Building Surveyor</li> <li>Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
Compliance Links:	<p><i>Building Act 2011:</i></p> <ul style="list-style-type: none"> <li>Section 111 Notice of proposed building order other than building order (emergency).</li> <li>Section 112 Content of building order.</li> <li>Section 113 Limitation on effect of building order.</li> <li>Section 114 Service of building order.</li> <li>Part 9 Review - s 122 Building orders – application for review by SAT.</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.6 Inspection and Copies of Building Records

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 131(2) Inspection, copies of building records.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	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>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Building Act 2011</i> – s 146 Confidentiality.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

### 2.1.7 Referrals and Issuing Certificates

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 145A Local Government functions.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ul 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 Town of Bassendean's, Local Government District [s 145A(2)].</li> </ul>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ S 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 2. Building Act 2011 Delegations

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

<b>Delegator:</b>	Local Government (Permit Authority)
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ Reg 51 Approvals by permit authority.</li> <li>▪ Reg 50(4) Use of alternative requirements.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 compliance with AS 1926.1 [reg 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 or 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 [reg 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 [reg 51(5)].</li> <li>4. Authority to use alternative requirements for a barrier to a pre-May 2016 private swimming pool [reg 50(4)].</li> <li>5. Authority to arrange for an authorised person to inspect.</li> </ol>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Principal Building Surveyor</li> <li>▪ Building Surveyor</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	

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## 2. Building Act 2011 Delegations

Record Keeping:	▪ Delegations exercised are to be recorded in the Town's document management system.
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## 2. Building Act 2011 Delegations

### 2.1.9 Smoke Alarms – Alternative Solutions

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(1) &amp; (3) Delegation: special permit authorities and local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Building Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ reg 55 Terms Used (alternative building solution approval).</li> <li>▪ reg 61 Local Government approval of battery powered smoke alarms.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ <b>Chief Executive Officer</b></li> <li>▪ <b>Principal Building Surveyor</b></li> </ul>
<b>Function:</b>	<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 [reg 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 [reg 61].</li> </ol>
<b>Council Conditions on this Delegation:</b>	A delegation of a special permit authority's powers or duties may be only to: <ul style="list-style-type: none"> <li>▪ an employee of the special permit authority (s 127(2)); or</li> <li>▪ a person employed by the Local Government under s 5.36 <i>Local Government Act 1995</i>; and</li> <li>▪ Decisions under this delegated authority should be either undertaken or informed by a person qualified in accordance with reg 5 of the <i>Building Regulations 2012</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Building Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO).</li> </ul>
<b>Sub-Delegate/s:</b>	Nil.
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Reg 60: Requirements for smoke alarms.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3 Bush Fires Act 1954 Delegations

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

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 13(4) Duties and powers of bush fire liaison officers.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to request on behalf of the Town of Bassendean 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>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited pursuant to s 48(3).</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.2 Prohibited Burning Times - Vary

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> <li>▪ s 17(10) local government may by resolution delegate to its mayor, or president, and its Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8).</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Bush Fires Act 1954:</i></p> <ul style="list-style-type: none"> <li>▪ s 17(7) Prohibited burning times may be declared by Minister</li> </ul> <p><i>Bush Fire Regulations 1954:</i></p> <ul style="list-style-type: none"> <li>▪ reg 15 Permit to burn (s 18 <i>Bush Fires Act 1954</i>), form of and apply for after refusal etc.</li> </ul>
<b>Delegate:</b>	<b>Mayor and Chief Bush Fire Control Officer (jointly)</b>
<b>Function:</b>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised <i>CALM Act</i> officer [s 17(7)] – [ <i>Conservation and Land Management Act 1984</i> ]
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under s 17(7) must be undertaken jointly by both the Mayor and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s. 17(7B) and (8).</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
Compliance Links:	
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.3 Prohibited Burning Times – Control Activities

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<ul style="list-style-type: none"> <li>▪ <i>Bush Fires Act 1954:</i></li> <li>▪ s 17(7) Prohibited burning times may be declared by Minister.</li> <li>▪ s 27(2) and (3) Prohibition on use of tractors or engines except under certain conditions.</li> <li>▪ s 28(4) and (5) Occupier of land to extinguish bush fire occurring on own land.</li> </ul> <i>Bush Fire Regulations 1954:</i> <ul style="list-style-type: none"> <li>▪ reg 15 Permit to burn (Act s 18), form of and apply for after refusal etc.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 [reg 15].</li> <li>2. Authority to recover the cost of measures taken by the Town of Bassendean 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 on 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>	<ul style="list-style-type: none"> <li>▪ <u>Nil.</u></li> <li>▪ <del>Decisions by the Mayor under s 17(7) and (8) must be in accordance with the process and requirements set out in the provisions.</del></li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3)</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 18(5), (11) Restricted burning times may be declared by FES Commissioner.</li> <li>▪ s 22(6) and (7) Burning on exempt land and land adjoining exempt land.</li> <li>▪ s 27(2) and (3) Prohibition on use of tractors or engines except under certain conditions.</li> <li>▪ s 28(4) and (5) Occupier of land to extinguish bush fire occurring on own land.</li> </ul> <i>Bush Fire Regulations 1954:</i> <ul style="list-style-type: none"> <li>▪ reg 15 Permit to burn (Act s 18), form of and apply for after refusal etc.</li> <li>▪ reg 15C Local Government may prohibit burning on certain days.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority, where seasonal conditions warrant it and after consultation with an authorised <i>CALM Act</i> officer, to determine to vary the restricted burning times in respect of that year [s 18(5)].</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 [reg 15].</li> <li>4. Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [reg 15C].</li> <li>5. 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>6. Authority to recover the cost of measures taken by the Town of Bassendean 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 on the land they occupy [s 28(4)], including authority to</li> </ol>

### 3. Bush Fires Act 1954 Delegations

	recover expenses in any court of competent jurisdiction [s 28(5)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
Compliance Links:	
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 27D Requirements for carriage and deposit of incendiary material.</li> </ul> <i>Bush Fires Regulations 1954:</i> <ul style="list-style-type: none"> <li>▪ reg 39C Welding and cutting apparatus, use of in open air.</li> <li>▪ reg 39CA Bee smoker devices, use of in restricted or prohibited burning times etc.</li> <li>▪ reg 39D Explosives, use of.</li> <li>▪ reg 39E Fireworks, use of.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>(a) a person operating a bee smoker device during a prescribed period [reg 39CA(5)].</li> <li>(b) a person operating welding apparatus, a power operated abrasive cutting disc [reg 39C(3)].</li> <li>(c) a person using explosives [reg 39D(2)].</li> <li>(d) a person using fireworks [reg 39E(3)]</li> </ol> </li> <li>2. Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s 27D].</li> </ol> <p><i>Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</i></p>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3)</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 24F Burning garden refuse during limited burning times.</li> <li>▪ s 24G Minister or local government may further restrict burning of garden refuse.</li> <li>▪ s 25 No fire to be lit in open air unless certain precautions taken.</li> <li>▪ s 25A Power of Minister to exempt from provisions of section 25.</li> </ul> <i>Bush Fires Regulations 1954:</i> <ul style="list-style-type: none"> <li>▪ reg 27(3) Permit, issue of.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written permission, during prohibited times and restricted times, for an incinerator located within 2 metres 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)].</li> <li>3. 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 [reg 27(3) and reg 33(5)].</li> <li>4. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plant growing upon any land within the District [reg 34].</li> <li>5. 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 <i>CALM Act</i> officer [s 25(1)(b)].</li> </ol> </li> <li>6. 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 s 25(1b)].</li> <li>7. 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>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>

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### 3. Bush Fires Act 1954 Delegations

Compliance Links:	
Record Keeping:	<ul style="list-style-type: none"><li>Delegations exercised are to be recorded in the Town's document management system.</li></ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.7 Firebreaks

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 33 Local government may require occupier of land to plough or clear fire-breaks.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to an owner or occupier of land or all owners or occupiers of land within the District, requiring, to the satisfaction of the Town of Bassendean: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s 33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s 33(4)].</li> <li>3. 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>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 38 Local Government may appoint bush fire control officer.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint persons to be Bush Fire Control Officers for the purposes of the <i>Bush Fires Act 1954</i>; and: <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s 38(1)].</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Town of Bassendean [s 38(5A)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Firebreak and Fuel Load Notices.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.9 Control and Extinguishment of Bush Fires

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 46 Bush fire control officer or forest officer may postpone lighting fire.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to prohibit or postpone the lighting of a fire, despite a permit having been issued, where in the opinion of the Delegate the lighting of a fire would be or become a source of danger by escaping from the land on which it is proposed to be lit [s 46(1A)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 58 General penalty and recovery of expenses incurred.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	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 Town of Bassendean or those on behalf of the Town of Bassendean to do [s 58].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.11 Prosecution of Offences

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 59 Prosecution of offences.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer Manager Development and Place</b>
<b>Function:</b>	1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s 59].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 65 Proof of certain matters.</li> <li>▪ s 66 Proof of ownership or occupancy.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.12 Alternative Procedure – Infringement Notices

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 59A(2) Alternative procedure – infringement notices.</li> </ul>
<b>Delegate:</b>	<b>Senior Ranger Ranger</b>
<b>Function:</b>	1. Authority to serve an infringement notice for an offence against this Act [s 59A(2)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 65 Proof of certain matters.</li> <li>▪ s 66 Proof of ownership or occupancy.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

### 3. Bush Fires Act 1954 Delegations

#### 3.1.13 Withdrawal of Infringement Notices

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 48 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 59A(5) Alternative procedure – infringement notices.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer Manager Development and Place</b>
<b>Function:</b>	1. Authority to withdraw an infringement notice for an offence against this Act [s 59A(5)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Sub-delegation is prohibited by s 48(3).</li> </ul>
<b>Compliance Links:</b>	<i>Bush Fires Act 1954:</i> <ul style="list-style-type: none"> <li>▪ s 65 Proof of certain matters.</li> <li>▪ s 66 Proof of ownership or occupancy.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4 Cat Act 2011 Delegations

#### 4.1 Council to CEO

##### 4.1.1 Cat Registrations

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 9 Registration.</li> <li>▪ s 10 Cancellation of registration.</li> <li>▪ s 11 Registration numbers, certificates and tags.</li> <li>▪ s 12 Register of Cats.</li> <li>▪ s 13 Notice of certain decisions made under this subdivision.</li> </ul> <i>Cat Regulations 2012</i> <ul style="list-style-type: none"> <li>▪ Schedule 3, cl 1(4) Fees Payable.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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 keep a Register of Cats [s 12].</li> <li>6. Authority to give notice of certain decisions to a cat owner [s 13].</li> <li>7. Authority to reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Town of Bassendean [Regulations Schedule 3 cl 1(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ 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>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Ranger not to exercise powers under s 13.</li> <li>▪ Conditions on the CEO delegation also apply to the sub-delegation.</li> </ul>

#### 4. Cat Act 2011 Delegations

Compliance Links:	<p><i>Cat Regulations 2012</i></p> <ul style="list-style-type: none"> <li>▪ reg 11 Application for registration (s 8(2)), prescribes the Form of applications for registration.</li> <li>▪ reg 12 Period of registration (s 9(7)).</li> <li>▪ reg 11 Changes in registration.</li> <li>▪ reg 14 Registration certificate (s 11(1)(b)).</li> <li>▪ reg 15 Registration tags (s 76(2)).</li> <li>▪ Decisions are subject to Objection and Review by the State Administrative Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i>.</li> <li>▪ <i>Responsible Cats -Ownership-Local Law 202106</i>.</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4.1.2 Cat Control Notices

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 26 Cat control notice may be given to cat owner.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Town of Bassendean [s 26].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Nil.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Cat Regulations 2012</i> – reg 20 Cat control notice [s 23(3)], prescribes the Form of the notice.</li> <li>▪ <del><i>Responsible Cats Ownership-Local Law 2006</i></del><u><i>2021</i></u>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4.1.3 Approval to Breed Cats

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 37 Approval to Breed Cats.</li> <li>▪ s 38 Cancellation of approval to breed cats.</li> <li>▪ s 39 Certificate to be given to approved cat breeder.</li> <li>▪ s 40 Notice to be given of certain decisions made under this subsection.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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> <li>5. Authority to give notice of certain decisions made under this subdivision to a cat owner.</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ 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>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ reg 21 Application for approval to breed cats (s 36(2)).</li> <li>▪ reg 22 Other circumstances leading to refusal of approval to breed cats (s 37(2)(f)).</li> <li>▪ reg 23 Person who may not be refused approval to breed cats (s.37(5)).</li> <li>▪ reg 24 Duration of approval to breed cats (s 37(6)).</li> <li>▪ reg 25 Certificate given to approved cat breeder (s 39(1)).</li> <li>▪ <del>Responsible Cats Ownership Local Law 2006</del><u>2021</u>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

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## 4. Cat Act 2011 Delegations

### 4.1.4 Appoint Authorised Persons (Revoked due to Act Amendment 7/11/2020)

## 4. Cat Act 2011 Delegations

### 4.1.5 Recovery of Costs – Destruction of Cats

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 49(3) Authorised person may cause cat to be destroyed.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	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>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <del><i>Responsible Cats Ownership Local Law 20062021.</i></del></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4.1.6 Applications to Keep Additional Cats

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat (Uniform Local Provisions) Regulations 2013:</i> <ul style="list-style-type: none"> <li>▪ reg 8 Application to keep additional number of cats</li> <li>▪ reg 9 Grant of approval to keep additional number of cats</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to require any document or additional information required to determine an application [reg 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 [reg 8(4)].</li> <li>3. Authority to grant or refuse approval for additional number of cats specified in an application to be kept at the prescribed premises and to determine any condition reasonably necessary to ensure premises are suitable for the additional number of cats [reg 9].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <a href="#"><i>Responsible Cats Ownership-Local Law 20062021.</i></a></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4.1.7 Reduce or Waiver Registration Fee

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 44 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ Schedule 3 Fees clause 1(4).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) of the <i>Cat Regulations 2012</i> in respect to any individual cat or class of cat.
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This delegation does not provide authority to determine to reduce or waiver the fees payable in regard to any class of cat within the District. This matter requires a Council decision in accordance with s. 6.16, s. 6.17 and s. 6.18 of the <i>Local Government Act 1995</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Delegates exercising this delegation require the authorisation of two delegates, one of whom must be the Manager Development and Place.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <del><i>Responsible Cats Ownership Local Law 2006</i></del><u><i>2021</i></u>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 4. Cat Act 2011 Delegations

### 4.2 Cat Act Delegations - CEO to Employees

#### 4.2.1 Infringement Notices – Extensions and Withdrawals

<b>Delegator:</b>	Chief Executive Officer
<b>Express Power to Delegate:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 45 Delegation by CEO of local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Cat Act 2011:</i> <ul style="list-style-type: none"> <li>▪ s 64 Extension of time.</li> <li>▪ s 65 Withdrawal of notice.</li> </ul>
<b>Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to extend the period of 28 days within which the modified penalty may be paid and the extension may be allowed whether or not the period of 28 days has elapsed [s 64].</li> <li>2. Authority, within one year of the infringement notice being given and whether or not the modified penalty has been paid, to withdraw an infringement notice [s 65].</li> </ol>
<b>CEO Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Delegates exercising this delegation require the authorisation of two delegates, one of whom must be the Manager Development and Place or Senior Ranger.</li> <li>▪ The delegate authorised to issue the infringement cannot be the same delegate authorised to withdraw the infringement.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Compliance Links:</b>	<i>Cat Regulations 2012:</i> <ul style="list-style-type: none"> <li>▪ reg 28 Withdrawal of infringement notice (s 65(1)).</li> <li>▪ <a href="#"><i>Responsible Cats Ownership Local Law 202106</i></a>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5 Dog Act 1976 Delegations

#### 5.1 Dog Act Delegations Council to CEO

##### 5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10A Payments to veterinary surgeons towards costs of sterilisation.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine where a resident who is the owner of a registered dog, would suffer hardship in paying the whole of the cost of sterilisation and determine to pay part of such costs to a maximum value of \$200.00 [s 10A(1)(a) and (3)].</li> <li>2. Authority to give written directions to a veterinary surgeon to be complied with as a condition of part payment of the cost of sterilisation [s 10A(1)(b) and (2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Delegates exercising this designation must confer with the Manager Finance to obtain relevant information about the subject resident.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Dog Local Law 2019</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5.1.2 Refuse or Cancel Registration

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 15(2) and s 15(4A) Registration periods and fees.</li> <li>▪ s 16(3) Registration procedure.</li> <li>▪ s 17A(2) If no application for registration made.</li> <li>▪ s 17(4) and (6) Refusal or cancellation of registration.</li> <li>▪ s 19 Refund of fee on cancellation.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine to refuse a dog registration and refund the fee, if any [s 16(2)].</li> <li>2. Authority to direct the registration officer to refuse to effect or renew or to cancel the registration of a dog, and to give notice of such decisions, where: <ol style="list-style-type: none"> <li>(a) the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3 years in respect of 2 or more offences against this Act, the <i>Cat Act 2011</i> or the <i>Animal Welfare Act 2002</i>; or</li> <li>(b) the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease; or</li> <li>(c) the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept; or</li> <li>(d) the dog is required to be microchipped but is not microchipped; or</li> <li>(e) the dog is a dangerous dog [s 16(3) and s 17A(2)].</li> </ol> </li> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Town [s 15(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 or owner has not applied to the State Administrative Tribunal for the decision to be reviewed [s 17(4)].</li> <li>5. 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> <li>6. Authority to refund such amount as prescribed of the registration fee on cancellation of registration and return by an owner of the registration tag to the Town [s 19].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The CEO may sub-delegate to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> </ul>

## 5. Dog Act 1976 Delegations

<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<i>Dog Act 1976</i> <ul style="list-style-type: none"> <li>▪ s 17A If no application for registration made – procedure for giving notice of decision under s 16(3).</li> <li>▪ Note: Decisions under this delegation may be referred for review by the State Administrative Tribunal – s 16A; s17(4); s 17(6).</li> <li>▪ <i>Dog Local Law 2019</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> </ul>

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## **5. Dog Act 1976 Delegations**

### **5.1.3 Appoint Authorised Persons (Registration Officers) (Revoked due to Act Amendment 7/11/2020)**

## 5. Dog Act 1976 Delegations

### 5.1.4 Recovery of Moneys Due Under this Act

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ <del>s 29(1) Power to seize dogs.</del></li> <li>▪ s 29(5) Power to seize dogs.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. <del>Authority to appoint authorised persons to carry out the functions conferred by the Dog Act 1976 [s 29(1)].</del></li> <li>2. 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)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in s 29(5) of this Delegation.</li> <li>▪ <del>The CEO may not further delegate the powers and duties contained in s 29(1) of this Delegation.</del></li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	Includes recovery of expenses relevant to: <ul style="list-style-type: none"> <li>▪ s 30A(3) Operator of dog management facility may have dog microchipped at owner's expense.</li> <li>▪ s 33M Local government expenses to be recoverable.</li> <li>▪ s 47 Veterinary service expenses recoverable from local government.</li> <li>▪ reg 31 Local government expenses as to dangerous dogs (declared).</li> <li>▪ <i>Dogs Local Law 2019.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 29(11) Power to seize dogs.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	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>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>▪ Proceeds from the sale of dogs are to be directed into the Municipal Fund.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>The exercise of this delegation requires the approval of two delegates, one of which must be either the Manager Development and Place or the Senior Ranger.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ <i>Dog Local Law 2019.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5.1.6 Declare Dangerous Dog

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 33E(1) Individual dog may be declared to be dangerous dog (declared).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to declare an individual dog to be a dangerous dog [s 33E(1)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ S 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<p>Conditions on the CEO delegation also apply to the sub-delegation.</p> <p>The exercise of this delegation requires the approval of two delegates, one of which must be the either the Manager Development and Place or the Senior Ranger.</p>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ <i>Dog Local Law 2019.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 33F(6) Owners to be notified of making of declaration</li> <li>▪ s 33G(4) Seizure and destruction.</li> <li>▪ s 33H(1), (2) and (5) Local government may revoke declaration or proposal to destroy.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to consider and determine to either dismiss or uphold an objection to the declaration of a dangerous dog [s 33F(6)].</li> <li>2. Authority to consider and determine to either dismiss or uphold an objection to seizure of a dangerous dog [s 33G(4)].</li> <li>3. Authority to revoke a declaration of a dangerous dog or revoke notice proposing to cause a dog to be destroyed, only where satisfied that the dog can be kept without likelihood of any contravention of this Act [s 33H(1)].</li> <li>4. Authority to, before dealing with an application to revoke a declaration or notice, require the owner of the dog to attend with the dog a course in behaviour and training or otherwise demonstrate a change in the behaviour of the dog [s 33H(2)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>▪ Delegation of the s 33F power to deal with an objection to a dangerous dog declaration should not be delegated to the same person or position who is authorised to exercise s 33E powers enabling the declaration of a dangerous dog.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> s 10AA(3) Delegation of local government powers and duties.
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ <i>Dog Local Law 2019.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 33H(5) Local government may revoke declaration or proposal to destroy.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s 33H(5)]: <ul style="list-style-type: none"> <li>(a) a notice declaring a dog to be dangerous; or</li> <li>(b) a notice proposing to cause a dog to be destroyed.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may further delegate (sub-delegate) to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>▪ Delegation of the s 33H(5) power to deal with an objection should not be delegated to the same person or position authorised to exercise s 33H(1) or s 33H(2).</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ <i>Dog Local Law 2019.</i></li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 5. Dog Act 1976 Delegations

### 5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA Delegation of local government powers and duties</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 33M(1)(a) Local Government expenses to be recoverable.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	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 any maximum amount prescribed, having regard to the expenses incurred by the Town of Bassendean 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>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer may sub-delegate to employees which the CEO has determined as being suitably capable of fulfilling the powers and duties contained in this Delegation.</li> <li>▪ Delegation does not include s 33M(1)(b) as the setting of a fixed fee should occur by Council resolution in accordance with s 6.16 Imposition of fees and charges, <i>Local Government Act 1995</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Dog Act 1976:</i> <ul style="list-style-type: none"> <li>▪ s 10AA(3) Delegation of local government powers and duties.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ <i>Dog Local Law 2019</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6 Food Act 2008 Delegations

#### 6.1 Council to CEO

##### 6.1.1 Determine Compensation

<b>Delegator:</b>	Local Government (s 8 defined as 'enforcement agency')
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 56(2) Compensation to be paid in certain circumstances.</li> <li>▪ s 70(2) and (3) Compensation.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s 56(2)].</li> <li>2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s 70(2); 70(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6.1.2 Prohibition Orders

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 65(1) Prohibition orders.</li> <li>▪ s 66 Certificate of clearance to be given in certain circumstances.</li> <li>▪ s 67(4) Request for re-inspection.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to serve a prohibition order on the proprietor of a food business in accordance with s 65 of the <i>Food Act 2008</i> [s 65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s 66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s 67(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6.1.3 Food Business Registrations

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency (local government s 8) may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 110(1) and s 110(5) Registration of food business.</li> <li>▪ s 112 Variation of conditions or cancellation of registration of food businesses.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> </ul>
<b>Function:</b>	<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 s 110(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>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Note – Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> <li>▪ The Australia and New Zealand Food Authority: Priority Classification System for Food Businesses.</li> <li>▪ Department of Health, WA Food Regulation: Food Business Risk Profiling – Guidance to the classification of food businesses,</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6.1.4 Appoint Authorised Officers and Designated Officers

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 122(1) Appointment of authorised officers</li> <li>▪ s 126(6), (7) and (13) Infringement Officers</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to appoint a person to be an authorised officer for the purposes of the <i>Food Act 2008</i> [s 122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s 122(2) of this Act or 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>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ s 122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers.</li> <li>▪ s 123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6.1.5 Debt Recovery and Prosecutions

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118(3) Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 54 Cost of destruction or disposal of forfeited item.</li> <li>▪ s 125 Institution of proceedings.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> </ul>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to recover costs incurred in connection with the lawful destruction or disposal of an item (seized) including any storage costs [s 54(1)] and the costs of any subsequent proceedings in a court of competent jurisdiction [s 54(3)].</li> <li>2. Authority to institute proceedings for an offence under the <i>Food Act 2008</i> [s 125].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Exercise of the power under s 54 is confined to the Chief Executive Officer and the Manager Development and Place.</li> <li>▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ s 143(1) publication of names of offenders (by the Department of Health CEO).</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 6. Food Act 2008 Delegations

### 6.1.6 Food Businesses List – Public Access

<b>Delegator:</b>	Local Government (s 8 defined as 'enforcement agency')
<b>Express Power to Delegate:</b>	<p><i>Food Act 2008:</i></p> <ul style="list-style-type: none"> <li>▪ s 118 Functions of enforcement agencies and delegation.</li> <li>▪ s 118 (2)(b) Enforcement agency may delegate a function conferred on it.</li> <li>▪ s 118 Delegation subject to conditions [s 119] and guidelines adopted [s 120].</li> <li>▪ s 118(4) Sub-delegation permissible only if expressly provided in regulations.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Food Regulations 2009:</i></p> <ul style="list-style-type: none"> <li>▪ reg 51 Enforcement agency may make list of food businesses publicly available.</li> </ul>
<b>Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Chief Executive Officer</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Environmental Health Officer</li> <li>▪ Environmental Health Officer</li> </ul>
<b>Function:</b>	1. Authority to decide to make a list of food businesses maintained under s 115(a) or s 115(b) publicly available [reg 51].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s 118(3)(b), this delegation is subject to relevant Department of Health Chief Executive Officer Guidelines, as amended from time to time.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Department of Health Chief Executive Officer Guidelines as amended from time to time.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 7. Graffiti Vandalism Act 2016 Delegations

### 7 Graffiti Vandalism Act 2016 Delegations

#### 7.1 Council to CEO

##### 7.1.1 Give Notice Requiring Obliteration of Graffiti

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 16 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 18(2) Notice requiring removal of graffiti.</li> <li>▪ s 19(3) and s 19(4) Additional powers when notice is given.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give written notice to a person who is an owner or occupier of property on which graffiti is applied, requiring the person to ensure that the graffiti is obliterated in an acceptable manner, within the time set out in the notice [s 18(2)].</li> <li>2. Authority, where a person fails to comply with a notice, to do anything considered necessary to obliterate the graffiti in an acceptable manner [s 19(3)] and to take action to recover costs incurred as a debt due from the person who failed to comply with the notice [s 19(4)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 17 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> <li>▪ Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 7. Graffiti Vandalism Act 2016 Delegations

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

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 16 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 22(3) Objection may be lodged.</li> <li>▪ s 24(1)(b) &amp; (3) Suspension of effect of notice.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to deal with an objection to a notice [s 22(3)].</li> <li>2. Authority, where an objection has been lodged, to: <ol style="list-style-type: none"> <li>(a) determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s 24(1)(b)]; and</li> <li>(b) to give notice to the affected person, before taking the necessary actions [s 24(3)].</li> </ol> </li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 17 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation may be referred for review by the State Administrative Tribunal.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 7. *Graffiti Vandalism Act 2016* Delegations

### 7.1.3 Obliterate Graffiti on Private Property

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 16 Delegation by local government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 25(1) Local government graffiti powers on land not local government property.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority to determine to obliterate graffiti applied without consent of the owner or occupier, even though the land on which it is done is not local government property and the local government does not have consent [s 25(1)].
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Subject to exercising Powers of Entry under <i>Graffiti Vandalism Act 2016</i>.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 17 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 7. *Graffiti Vandalism Act 2016* Delegations

### 7.1.4 Powers of Entry

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 16 Delegation by local government</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 28 Notice of entry.</li> <li>▪ s 29 Entry under warrant.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ol style="list-style-type: none"> <li>1. Authority to give notice of an intended entry to the owner or occupier of land, premises or thing, specifying the purpose for which entry is required [s 28].</li> <li>2. Authority to obtain a warrant to enable entry onto any land, premises or thing for the purposes of this Act [s 29].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<i>Graffiti Vandalism Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 17 Delegation by CEO of local government.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Ranger</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 8. Public Health Act 2016 Delegations

### 8 Public Health Act 2016 Delegations

#### 8.1.1 Designate Authorised Officers

<b>Delegator:</b>	Enforcement Agency (means at s 4(1) a Local Government)
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> <ul style="list-style-type: none"> <li>▪ s 21 Enforcement agency may delegate.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> <ul style="list-style-type: none"> <li>▪ s 24(1) and (3) Designation of authorised officers.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	Authority to designate a person or class of persons as authorised officers for the purposes of: <ol style="list-style-type: none"> <li>1. The <i>Public Health Act 2016</i> or other specified Act.</li> <li>2. Specified provisions of the <i>Public Health Act 2016</i> or another specified Act;</li> <li>3. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ol> <p>Including:</p> <ol style="list-style-type: none"> <li>4. an environmental health officer or environmental health officers as a class; or</li> <li>5. a person who is not an environmental health officer or a class of persons who are not environmental health officers; or</li> <li>6. a combination of the two [s 24(1) and s 24(3)].</li> </ol>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This delegation is 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 s 31].</li> </ul> </li> <li>▪ A Register (list) of authorised officers is to be maintained in accordance with s 27.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – Unless a Regulation enacted under the <i>Public Health Act 2016</i>, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s 21(4)].</li> </ul>
<b>Compliance Links:</b>	<i>Public Health Act 2016</i> <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>

## 8. Public Health Act 2016 Delegations

	<ul style="list-style-type: none"><li>▪ <i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s 245 of the <i>Public Health Act 2016</i>.</li><li>▪ <i>The Criminal Code</i>, Chapter XXVI – refer s 252 of the <i>Public Health Act 2016</i>.</li></ul>
Record Keeping:	<ul style="list-style-type: none"><li>▪ Delegations exercised are to be recorded in the Town's document management system.</li></ul>

## 8. Public Health Act 2016 Delegations

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

<b>Delegator:</b>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.22 Reports by and about enforcement agencies
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b> <i>This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</i>	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 Town of Bassendean [s.22(1)] 2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].
<b>Council Conditions on this Delegation:</b>	
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
<b>Record Keeping:</b>	Delegations exercised are to be recorded in the Town's document management system.

## 8. Public Health Act 2016 Delegations

### 8.1.3 Determine Compensation for Seized Items

<b>Delegator:</b>	Enforcement Agency (means Local Government vide s.4 definition)
<b>Express Power to Delegate:</b>	<i>Public Health Act 2016:</i> s.21 Enforcement agency may delegate
<b>Express Power or Duty Delegated:</b>	<i>Public Health Act 2016</i> s.264 Compensation
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	1. Authority, in response to an application for compensation, to determine compensation that is just and reasonable in relation to any item seized under Part 16 if there has been no contravention of the Act and the item cannot be returned or has in consequence of the seizure depreciated in value [s.264].
<b>Council Conditions on this Delegation:</b>	a. Compensation is limited to a maximum value of \$5,000, with any proposal for compensation above this value to be referred for Council's determination.
<b>Express Power to Sub-Delegate:</b>	Nil.
<b>Compliance Links:</b>	
<b>Record Keeping:</b>	Delegations exercised are to be recorded in the Town's document management system.

## 9. Health (Asbestos) Regulations 1992

### 9 HEALTH (ASBESTOS REGULATIONS) 1992

#### 9.1.1 Appoint Authorised Officer or Approved Officer

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<i>Health (Asbestos) Regulations 1992:</i> <ul style="list-style-type: none"> <li>▪ Reg 15D(7) Infringement Notices</li> </ul>
<b>Express Power or Duty Delegated:</b>	<i>Health (Asbestos) Regulations 1992:</i> <ul style="list-style-type: none"> <li>▪ Reg 15D(5) Infringement Notices</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b> <b>Senior Environmental Health Officer</b>
<b>Function:</b>	1. Authority to appoint a person or classes of persons as an authorised officer or approved officer for the purposes of the <i>Criminal Procedure Act 2004</i> Part 2 [reg 15D(5)].
<b>Council Conditions on this Delegation:</b>	Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [reg 15D(6)].
<b>Express Power to Sub-Delegate:</b>	<ul style="list-style-type: none"> <li>▪ Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.</li> </ul>
Compliance Links	<ul style="list-style-type: none"> <li>▪ <i>Criminal Procedure Act 2004</i> – Part 2</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town’s document management system.</li> <li>▪ Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person’s personnel file.</li> <li>▪ A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</li> </ul>

## 10. Planning and Development Act 2005 Delegations

### 10 *Planning and Development Act 2005*

#### 10. 1.1 Illegal Development

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42(b) Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development Act 2005:</i></p> <ul style="list-style-type: none"> <li>▪ Section 214 Illegal development, responsible authority's powers as to ss 214(2), 214(3) and 214(5).</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<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) 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>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Part 13, <i>Planning and Development Act 2005</i>.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 10. Planning and Development Act 2005 Delegations

### 10.1.2 Issue Written Notice – proposed road or waterways, drawings etc required

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42(b) Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development Act 2005:</i></p> <ul style="list-style-type: none"> <li>▪ s 170(3) issue written notice to require a person subdividing land to do certain things.</li> <li>▪ s 170(4)(b) issue written notice require a person subdividing land to amend certain things.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<ul style="list-style-type: none"> <li>▪ s 170(3)(a) issue written notice requiring person to amend the drawings or specifications or both; and</li> <li>▪ comply with such further conditions.</li> <li>▪ s 170(4) issue written notice requiring person to amend the drawings or specifications or both to satisfy s 169 minimum standards.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	<ul style="list-style-type: none"> <li>▪ Nil.</li> </ul>
<b>Compliance Links:</b>	<ul style="list-style-type: none"> <li>▪ Part 13, <i>Planning and Development Act 2005</i>.</li> <li>▪ s 169 Roads and waterways, minimum standards of construction for.</li> </ul>
<b>Record Keeping:</b>	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 10. Planning and Development Act 2005 Delegations

### 10.1.3 Deemed Provisions for Local Planning Scheme

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42(b) Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 9, Division 2:</i></p> <ul style="list-style-type: none"> <li>▪ cl 82 – Delegations by Local Government.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 9, Division 2:</i></p> <ul style="list-style-type: none"> <li>▪ cl 68 – Determination of applications</li> <li>▪ cl 70 – Form and date of determination</li> <li>▪ cl 77 – Amending or cancelling applications.</li> </ul> <p><i>Planning and Development (Development Assessment Panels) Regulations 2011:</i></p> <ul style="list-style-type: none"> <li>▪ Regulation 17A – Amendment or cancellation of development approval by responsible authority.</li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p>To determine an application for development approval or an application to amend or cancel a development approval by -</p> <ul style="list-style-type: none"> <li>○ Granting approval, with or without conditions; or</li> <li>○ refusing to grant approval.</li> </ul>
<b>Council Conditions on this Delegation:</b>	<ul style="list-style-type: none"> <li>▪ This delegation is not to be exercised where: <ul style="list-style-type: none"> <li>○ an applicant requests in writing that Council determine the application.</li> <li>○ the originating application on a proposal was considered and determined by Council, all subsequent applications on the same proposal are to be presented to Council for determination unless in the opinion of a delegated officer, it is of a minor or insignificant nature.</li> </ul> </li> <li>▪ Determinations are limited to the following matters only: <ul style="list-style-type: none"> <li>○ uses that are noted with a “P” in Table 1 of the Local Planning Scheme that are permitted as of right subject to compliance with the requirements of the Local Planning Scheme.</li> <li>○ Uses that are shown as “D” or “A” in the zoning table of the Local Planning Scheme with the exception of the following Use Classes: <ul style="list-style-type: none"> <li>▪ Cinema or Theatre.</li> <li>▪ Fast Food Outlet, unless the outlet is located inside a shopping centre.</li> <li>▪ Hotel.</li> <li>▪ Industry – Mining.</li> <li>▪ Night Club.</li> <li>▪ Restricted Premises.</li> <li>▪ Tavern.</li> </ul> </li> </ul> </li> </ul>

## 10. Planning and Development Act 2005 Delegations

	<ul style="list-style-type: none"> <li>○ Development of land where the requirements of the Local Planning Scheme, State Planning Policies and/or Local Planning Policies have been complied with.</li> <li>○ Development of land where the requirements of the Local Planning Scheme, State Planning Policies and/or Local Planning Policies have not been complied with but where, in the opinion of the delegated officer: <ul style="list-style-type: none"> <li>▪ the proposal is consistent with the objectives of the Local Planning Scheme and relevant Policy;</li> <li>▪ the proposal would not have a detrimental impact on the streetscape or any other property; or</li> <li>▪ the variation is minor in nature; or</li> <li>▪ the variation can be overcome by imposing a condition(s) on any development approval granted, or modifying the design of the development.</li> </ul> </li> <li>○ Where advertising of the application is required: <ul style="list-style-type: none"> <li>▪ consent, no objection or no response is received from those consulted; or</li> <li>▪ in the opinion of the delegated officer, the proposal is consistent with the objectives and intent of the Local Planning Scheme and any Policy, as well as the principles of orderly and proper planning; or</li> <li>▪ in the opinion of the delegated officer, the proposal is consistent with the objectives and intent of the Local Planning Scheme and any Policy; or</li> <li>▪ any objection received can be overcome by imposing a condition(s) on any a development approval granted, or modifying the design of the development; or</li> <li>▪ the objection does not relate to valid planning and development considerations associated with the proposal.</li> </ul> </li> <li>○ Additions to a Non-Conforming Use where no objection is received from adjoining landowners during consultation.</li> <li>○ Telecommunications Infrastructure within commercial and industrial zones to a maximum height of thirty (30) metres.</li> </ul>
<b>Express Power to Sub-Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul> <p><i>Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2, Part 9, Division 2:</i></p> <ul style="list-style-type: none"> <li>▪ cl 83 – Local Government CEO may delegate powers.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>▪ Director Community Planning</li> <li>▪ Manager Development and Place</li> <li>▪ Senior Planner</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Senior Planner

## 10. Planning and Development Act 2005 Delegations

	<p>This delegation does not apply to applications within Special Control Areas, on the Heritage List, in designated bushfire prone areas or in the floodway or flood fringe, and is applicable for approvals only.</p> <p>Determination for approval of the application types listed below, including where there are additions to existing approved developments:</p> <ul style="list-style-type: none"> <li>- Outbuildings</li> <li>- Patios</li> <li>- Habitable additions</li> <li>- Ancillary Dwelling</li> <li>- Fences and retaining walls</li> <li>- Swimming pools and spas</li> <li>- Solar panels</li> <li>- Single Dwelling</li> <li>- Home Occupation</li> <li>- Carports</li> <li>- Non-habitable additions</li> <li>- Two grouped dwellings</li> <li>- Extension of development approvals for up to 2 years from the original expiry date.</li> </ul> <p>Conditions on the CEO delegation also apply to the sub-delegation.</p>
Compliance Links:	<ul style="list-style-type: none"> <li>▪ Town of Bassendean Local Planning Policies.</li> </ul>
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

## 10. Planning and Development Act 2005 Delegations

### 10.1.4 Other Matters

<b>Delegator:</b>	Local Government
<b>Express Power to Delegate:</b>	<p><i>Local Government Act 1995:</i></p> <ul style="list-style-type: none"> <li>▪ s 5.42(b) Delegation of some powers or duties to the CEO.</li> <li>▪ s 5.43 Limitations on delegations to the CEO.</li> </ul>
<b>Express Power or Duty Delegated:</b>	<p>See relevant provisions and clauses set out in functions below for:</p> <ul style="list-style-type: none"> <li>▪ <i>Planning and Development Act 2005</i></li> <li>▪ <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>▪ <i>Local Town Planning Scheme 4A</i></li> <li>▪ <i>Local Town Planning Scheme 10</i></li> </ul>
<b>Delegate:</b>	<b>Chief Executive Officer</b>
<b>Function:</b>	<p><b>1. Structure Plans</b></p> <p>(a) The determination under <b>Clause 17(1)</b> of the Deemed Provisions as to whether a structure plan complies with the requirements of <b>Clause 16(1)</b>, or if further information is required before the structure plan can be accepted for assessment and advertising.</p> <p>(b) The advertising of a structure plan under <b>Clause 18(2)</b> of the Deemed Provisions.</p> <p>(c) The provision of advice and assistance to the Commission under <b>Clause 23</b> of the Deemed Provisions.</p> <p>(d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under <b>Clause 29(3)</b> of the Deemed Provisions.</p> <p>(e) The preparation of a report and recommendation on an amendment to a structure plan, under <b>Clause 20</b> of the Deemed Provisions, where it is determined that the amendment is minor in nature and advertising is not required.</p> <p><b>2. Activity Centre Plans</b></p> <p>(a) The determination under <b>Clause 33(1)</b> of the Deemed Provisions as to whether an activity centre structure plan complies with the requirements of <b>Regulation 32(1)</b>, or if further information is required before the structure plan can be accepted for assessment and advertising.</p> <p>(b) The advertising of an activity centre structure plan under <b>Clause 34(2)</b> of the Deemed Provisions.</p> <p>(c) The provision of advice and assistance to the Commission under <b>Clause 39</b> of the Deemed Provisions.</p> <p>(d) The determination that advertising of an amendment to a structure plan is not required, where it is minor in nature, under <b>Clause 45(3)</b> of the Deemed Provisions.</p>

## 10. Planning and Development Act 2005 Delegations

	<p>(e) The preparation of a report and recommendation on an amendment to an activity centre structure plan, under <b>Clause 36</b>, where it is determined that the amendment is minor in nature and advertising is not required.</p> <p><b>3. Local Development Plans</b></p> <p>(a) The determination not to advertise a Local Development Plan under <b>Clause 50(3)</b> of the Deemed Provisions.</p> <p>(b) The approval of a Local Development Plan with or without conditions under <b>Clause 52(1)(a)</b> of the Deemed Provisions.</p> <p>(c) The determination to require modifications to a Local Development Plan under a <b>Clause 52(1)(b)</b> of the Deemed Provisions.</p> <p>(d) The determination to amend an approved Local Development Plan under <b>Clause 59(1)</b> of the Deemed Provisions.</p> <p>(e) The refusal of a Local Development Plan under <b>Clause 52(1)(c)</b> of the Deemed Provisions.</p> <p><b>4. Heritage</b></p> <p>(a) The power under <b>Clause 10</b> of the Deemed Provisions to enter into a Heritage Agreement with the owner or occupier of land or building to bind the land or affect the use of land or building.</p> <p>(b) The determination under <b>Clause 11</b> of the Deemed Provisions to require a Heritage Assessment to be carried out prior to the approval of any development proposed in heritage area or a place on a heritage list.</p> <p>(c) The determination under <b>Clause 12 (1-3)</b> of the Deemed Provisions to vary site or development requirements, subject to undertaking public consultation to preserve the heritage values of a heritage area or a place on a heritage list or on the Register of Heritage Places.</p> <p>(d) The determination under <b>Clause 13 (1-6)</b> of the Deemed Provisions to consider a place on a heritage list is not being properly maintained and to give a person who is the owner or occupier of the heritage place a written notice requiring specified repairs to the heritage place, or extend or revoke a notice.</p> <p><b>5. Town Planning Scheme No. 4A</b> The review of estimated costs, acceptance of a cost contribution, the lodgement and withdrawal of caveats and acquisition and disposal of land in accordance with clause 5.5.12.2.</p>
<b>Council Conditions on this Delegation:</b>	Nil.
<b>Express Power to Sub-Delegate:</b>	<i>Local Government Act 1995:</i>

## 10. Planning and Development Act 2005 Delegations

	<ul style="list-style-type: none"> <li>▪ s 5.44 CEO may delegate some powers and duties to other employees.</li> </ul>
<b>Sub-Delegate/s:</b>	<ul style="list-style-type: none"> <li>• Director Community Planning</li> <li>• Manager Development and Place</li> </ul>
<b>CEO Conditions on this Sub-Delegation:</b>	Conditions on the CEO delegation also apply to the sub-delegation.
Compliance Links:	
Record Keeping:	<ul style="list-style-type: none"> <li>▪ Delegations exercised are to be recorded in the Town's document management system.</li> </ul>

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## **11. Statutory Delegations and Authorisations to Local Government from State Government**

### **Environmental Protection Act 1986**

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

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No. 47. 19-Mar-2004  
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**EV401**

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

##### **Section 20**

Delegation No. 52

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

Powers and duties delegated—

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

Persons to whom delegation made—

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

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

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

Approved—

FERDINAND TROMP, A/Chief Executive Officer.

Dr JUDY EDWARDS MLA, Minister for the Environment.

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

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

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EV402

#### ENVIRONMENTAL PROTECTION ACT 1986

Delegation No. 112

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

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

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

Dated the 12th day of December 2013.

JASON BANKS, Acting Chief Executive Officer.

Approved by--

JOHN DAY, Acting Minister for Environment; Heritage.

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

### Noise Management Plans – Construction Sites

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Environment

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**EV405**

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

Delegation No. 119

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

- (a) Chief Executive Officer under the *Local Government Act 1995*; and
- (b) to any employee of the local government under the *Local Government Act 1995* who is appointed as an Authorised Person under section 87 of the Act,

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

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

Dated the 1st day of May 2014.

JASON BANKS, Acting Chief Executive Officer.

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## **11. Statutory Delegations and Authorisations to Local Government from State Government**

### **Planning and Development Act 2005**

#### **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**

## 11. Statutory Delegations and Authorisations 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 Building Regulations 2012 (Regulation 45A), or is an "awning, verandah or thing" (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road,</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <ul style="list-style-type: none"> <li>(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);</li> <li>(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);</li> <li>(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);</li> <li>(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);</li> <li>(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);</li> </ul>	<p>City of Albany City of Armadale Shire of Ashburton Shire of Augusta-Margaret River Town of Bassendean City of Bayswater 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 Canning Shire of Capel Shire of Carnamah Shire of Carnarvon Shire of Chapman Valley Shire of Chittering Shire of Christmas Island Town of Claremont City of Cockburn Shire of Cocos (Keeling) Islands Shire of Collie Shire of Coolgardie Shire of Coorow Shire of Corrigin Town of Cottesloe Shire of Cranbrook Shire of Cuballing Shire of Cue Shire of Cunderdin Shire of Dalwallinu Shire of Dandaragan Shire of Dardanup Shire of Denmark Shire of Derby/West Kimberley Shire of Donnybrook-Balingup Shire of Dowerin Shire of Dumbleyung Shire of Dundas Town of East Fremantle Shire of East Pilbara Shire of Esperance Shire of Exmouth City of Fremantle City of Greater Geraldton</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>

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

- |       |   |  |
|-------|---|--|
| (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; | Shire of Gingin<br>Shire of Gnowangerup<br>Shire of Goomalling<br>City of Gosnells<br>Shire of Halts Creek<br>Shire of Harvey<br>Shire of Irwin<br>Shire of Jerramungup<br>City of Joondalup<br>Shire of Kalamunda<br>City of Kalgoorlie-Boulder<br>Shire of Katanning<br>Shire of Kellerberrin<br>Shire of Kent<br>Shire of Kojonup<br>Shire of Kondinin<br>Shire of Koorda<br>Shire of Kulin<br>City of Kwinana<br>Shire of Lake Grace<br>Shire of Laverton<br>Shire of Leonora<br>City of Mandurah<br>Shire of Manjimup<br>Shire of Meekatharra<br>City of Meville<br>Shire of Menzies<br>Shire of Merredin<br>Shire of Mingenev<br>Shire of Moora<br>Shire of Morawa<br>Town of Mosman Park<br>Shire of Mount Magnet<br>Shire of Mt Marshall<br>Shire of Mukinbudin<br>Shire of Mundaring<br>Shire of Murchison<br>Shire of Murray |
| (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).  | Shire of Nannup<br>Shire of Narembean<br>Shire of Narrogin<br>Town of Narrogin<br>City of Nedlands<br>Shire of Ngaanyatjaraku<br>Shire of Northam<br>Shire of Northampton<br>Shire of Nungarin<br>Shire of Peppermint Grove<br>Shire of Perenjori<br>City of Perth<br>Shire of Pingelly<br>Shire of Plantagenet<br>Town of Port Hedland<br>Shire of Quairading<br>Shire of Ravensthorpe<br>City of Rockingham<br>Shire of Roebourne<br>Shire of Sandstone<br>Shire of Serpentine Jarrahdale<br>Shire of Shark Bay<br>City of South Perth<br>City of Stirling<br>City of Subiaco<br>City of Swan  |

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

Shire of Tammin  
Shire of Three Springs  
Shire of Toodyay  
Shire of Trayning  
Shire of Upper Gascoyne  
Town of Victoria Park  
Shire of Victoria Plains  
Town of Vincent  
Shire of Wagin  
Shire of Wandering  
City of Wanneroo  
Shire of Waroona  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickiepin  
Shire of Williams  
Shire of Wiluna  
Shire of Wongan-Ballidu  
Shire of Woodanilling  
Shire of Wyalkatchem  
Shire of Wyndham-East Kimberley  
Shire of Yalgoo  
Shire of Yilgarn  
Shire of York



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

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

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

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

GOVERNMENT GAZETTE Tuesday, 30 May 2017 No.14

#### **GUIDANCE NOTE:**

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

PL403

#### PLANNING AND DEVELOPMENT ACT 2005

##### INSTRUMENT OF DELEGATION

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

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

#### **Preamble**

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

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

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

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

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

KERRINE BLENKINSOP, Secretary,  
Western Australian Planning Commission.

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

PLANNING AND DEVELOPMENT ACT 2005  
INSTRUMENT OF DELEGATION

**SECTION A—Types of Development**

**1. Development on zoned land**

Applications for development on land zoned under the MRS except—

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

**2. Development on regional road reservations**

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

**3. Large Format Digital Signage applications**

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

**SECTION B—Conditions**

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

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

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

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

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

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

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

“Category 1 road” applies where regional roads—

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

“Category 2 road” applies where regional roads—

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

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

For enquiries and assistance regarding—

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

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

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

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

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

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

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

Respective referral agency (as per Section B)	
Referral is required in these instances	Referral is not required in these instances
<p>(c) Development, which involves the retention of more than one existing access; or additional, relocated or new access between the subject land and the road reservation; or</p> <p>(d) Development, which proposes retention of an existing access between the subject land and the road reservation, where alternative access is or could be made available from side or rear streets or from rights of way at rear; or</p> <p>(e) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> <li>• all or part of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$20 000; or</li> </ul> <p>(f) Development on a lot affected by the regional road reservation where—</p> <ul style="list-style-type: none"> <li>• none of the proposed development is within the regional road reservation; and</li> <li>• has a construction value greater than \$150 000</li> </ul>	

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

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

Notes—

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

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

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

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

### 3. Referral requirements for development on land abutting other reservations

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

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

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

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

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

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

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

### Interpretation

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

- A reference to a 'position' or 'classification' contemplates and includes a reference to its successor in title.
- "access" means both entry and exit from either a road or abutting development by a vehicle.
- "Commission" or "WAPC" means the "Western Australian Planning Commission".
- "development" has the same meaning given to it in and for the purposes of the *Planning and Development Act 2005* or "development means the development or use of any land, including—
  - (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
  - (b) the carrying out on the land of any excavation or other works;
  - (c) in the case of a place to which a Conservation Order made under section 59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that—
    - (i) is likely to change the character of that place or the external appearance of any building; or
    - (ii) would constitute an irreversible alteration of the fabric of any building".
- "DoT" means the Department of Transport
- "Large format digital signage" means an electronic billboard whether freestanding or attached to another structure with a display area of greater than 13m<sup>2</sup> "local government" means a local government within the area covered by the MRS.
- "local road" means a public road other than a private road or a road subject of reservation under Part II of the MRS.
- "not acceptable" means that the local government wishes to determine the application, as a delegate of the WAPC, in a manner that is inconsistent with the recommendation received from the public agency to which the local government was required to consult under this Notice of Delegation.
- Main Roads WA means Main Roads Western Australia
- "Public authority" means any of the following—
  - (a) a Minister of the Crown in right of the State;

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

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

### CORRECTION TO DELEGATION 2017/02 GOVERNMENT GAZETTE 2 June 2017

PL101

*CORRECTION*  
**PLANNING AND DEVELOPMENT ACT 2005**  
INSTRUMENT OF DELEGATION  
Del 2017/02 Powers of Local Governments and Department of Transport  
Metropolitan Region Scheme

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

The errors are corrected as follows—

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

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

#### **GUIDANCE NOTE:**

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

PL402

**PLANNING AND DEVELOPMENT ACT 2005**

AMENDMENT TO INSTRUMENT OF DELEGATION—POWERS OF LOCAL GOVERNMENT AND DOT  
Notice of amendment to the Instrument of Delegation, Instrument of Delegation 2017/02—Powers of Local Governments and Department of Transport, Metropolitan Region Scheme, as gazetted on 30 May 2017

**Preamble**

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

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

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

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

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

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

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## **11. Statutory Delegations and Authorisations to Local Government from State Government**

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### **Schedule 1**

#### **1. Instrument of delegation amended**

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

#### **2. Amendment to Section A**

1. The word “but excluding any application relating to large format digital signage” are deleted from clause 2.
2. Clause 3 is deleted.

#### **3. Amendments to Section B**

1. The words in brackets “(excluding applications under clause 3, Section A)” are deleted from the title to clause 4.
2. Clause 5 is deleted.
3. In the interpretation section the terms “Large format digital signage” and “Public Authority” and their respective definitions, are deleted.

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

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

822

GOVERNMENT GAZETTE, WA

27 March 2020

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 the issuing of certificates of approval under section 15 of 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 19 March 2020, 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, within their respective districts, subject to the conditions set out in clause 2 of Schedule 1;
- B. To declare that this instrument recording its resolution is to take effect upon the proclamation of the *Strata Titles Amendment Act 2018*.

SAM FAGAN, Secretary,  
Western Australian Planning Commission.

#### Schedule 1

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

Power to determine applications for the issuing of a certificate of approval 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) 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. Reporting requirements

A local government that exercises the power referred to in clause 1 is to provide WAPC with data on all applications determined under this Instrument of Delegation at the conclusion of each financial year in the format prescribed by the WAPC.

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

### Main Roads Act 1930

#### 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.

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*.

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## 11. Statutory Delegations and Authorisations 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)*

## **11. Statutory Delegations and Authorisations to Local Government from State Government**

### **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.

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## 11. Statutory Delegations and Authorisations 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

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

### Road Traffic (Vehicles) Act 2012 Approval for Certain Local Government Vehicles as Special Use Vehicles



#### 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:

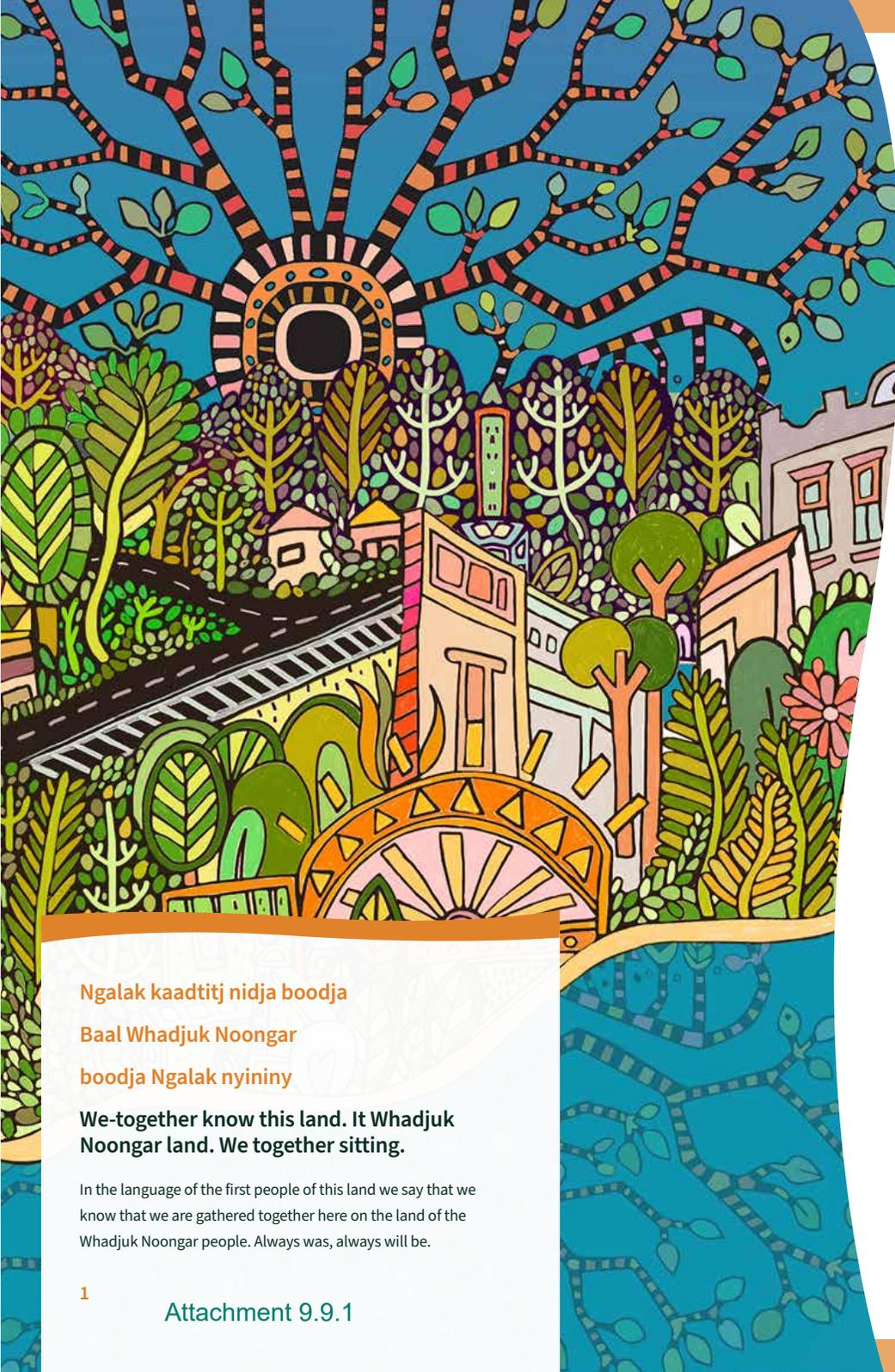


2020  
-2030

**TOWN OF BASSENDEAN**

# Strategic Community Plan





**Ngalak kaadtij nidja boodja**

**Baal Whadjuk Noongar**

**boodja Ngalak nyininy**

**We-together know this land. It Whadjuk  
Noongar land. We together sitting.**

In the language of the first people of this land we say that we know that we are gathered together here on the land of the Whadjuk Noongar people. Always was, always will be.

# 1 A message to our community

**Thank you to our community for the input and insight that has allowed us to develop our new Strategic Community Plan for 2020 to 2030.**

We are very excited about the future of our Town over the next ten years and beyond. We are especially excited that our vision for the future has been developed in collaboration with residents of Ashfield, Bassendean and Eden Hill.

There have been many changes in the Town of Bassendean since our previous Strategic Community Plan was developed in 2017. In light of these changes, we have thoroughly reviewed our Plan to ensure it aligns with our vision, values and aspirations for the future.

Our Strategic Community Plan is now more a reflective of our unique Town of Bassendean community than ever before. We encourage you to read it, and look to it when you consider where our Town is headed over the next ten years. It acts as our constitution, a compass that guides our decisions and our work, and a reflection of who we are and what we strive for.

2019 saw the delivery of our Town's most comprehensive community engagement project – BassenDream Our Future – which saw thousands of us share our views on the future direction of Ashfield, Bassendean and Eden Hill. The structure

of our organisation has also changed since 2017, and we wanted to ensure that our current Council and staff had the opportunity to provide input.

Like the rest of the world, our Town has been impacted by the COVID-19 crisis, and some of these impacts will change the face of our community and local government into the future. Our Plan considers how we can achieve the outcomes that were priorities prior to the COVID-19 crisis, whilst ensuring we have a strong, resilient community that can recover and respond to future impacts.

When you read our Plan you are reading the aspirations of your fellow community members and your local government. We are already well on the way to achieving many of these aspirations, but there is a long way to go to realise our shared vision. We look forward to working together in continuing to build a welcoming, sustainable, accessible, proactive and resilient Town of Bassendean.

## 2 What makes our town unique?

The Town of Bassendean is a small local government area that sits on the Swan River, approximately 8km north-east of the Perth CBD.

Our local government area is comprised of three suburbs:



Bassendean



Ashfield



Eden Hill

We might be small size, but we are big in heart, connectedness and collaboration.

**We value our uniqueness and the bonds that bring us together.**

### 2.1 What we value

From extensive discussions with many of our approximately 16,000 community members, we know that our Town is much loved for its sense of community, history, natural environment and accessibility.

Our sense of connection is strong because Ashfield, Bassendean and Eden Hill are welcoming places where people know each other and enjoy a “country town” vibe. There is the opportunity to continue to strengthen our community, ensure we are well-connected and to support each other. Our residents, businesses, community groups, Council and staff all value working together to achieve our goals.

Our local area has a rich history that is reflected in our community, the natural environment and our Town’s built form. Balancing our connections to the past with

the need for future positive change is crucial. We seek a sustainable future for our people, our environment and our economy.

A beautiful natural environment with an abundance of vegetation, trees, green open space and connection to the Swan River are highly valued by our community. We are already making positive enhancements to our natural environment and are leaders in this area.

A historic and accessible town centre in Bassendean, three train stations and easy access to the Perth CBD make Ashfield, Bassendean and Eden Hill attractive and convenient places to live. When considering where future members of our growing community could live, many of us agree that our activity centres and train stations are important locations for future housing.

### 2.2 Who we are

We are a diverse community with a similar age structure to metropolitan Perth more broadly. Many of our families have lived in our Town for generations, while others of us are new migrants. We have slightly fewer family households and slightly more single-person households than the Perth average.

Our service, facility and business needs are tailored to our diverse community.

The major industries in which our residents currently work are health care and social assistance, education and training, construction, and public administration and safety. Employment has been impacted significantly by the COVID-19 crisis and our Plan can help us consider how to respond effectively to other disruptions in the future.

Our diverse community is provided for by a range of housing options, with a mix of homeowners, private renters and government housing tenants. We embrace this diversity in our community, and understand that our planning, development and service delivery need to reflect this. For many residents, circumstances are likely to have changed or change as a result of COVID-19, with more of our residents struggling to pay mortgages and rents.

There are currently about 6,200 dwellings in our community. The State Government has allocated our Town a target of an additional 4,150 homes by 2050. It is evident that many of these new homes will be located around our town centre and transport hubs to ensure good accessibility and preserve our green spaces.

Key statistics about our Town can be found at:

[www.bassendean.wa.gov.au/our-town/about-bassendean/statistics.aspx](http://www.bassendean.wa.gov.au/our-town/about-bassendean/statistics.aspx)



# 3 How our plan was developed

The Strategic Community Plan (SCP) has been informed by the comprehensive BassenDream Our Future community engagement process and the MARKYT Community Scorecard research project.

## Methods

### BASSENDREAM OUR FUTURE



**3000+**

Interactions with community members and other stakeholders



**1,281**

Feedback materials received (including postcards, poll and survey responses and feedback forms)



**21**

Engagement initiatives, plan an ideas Hub and online polls open for the entire project process

### MARKYT SCOREBOARD



**811**

Residents completed a scoreboard (12% of private dwellings in the area)



**13**

Out-of-area ratepayers and visitors



**19**

19 Council-affiliated respondents



**843**

Residents in total

## Our Town today

### TOP 5 THINGS THAT ARE GREAT ABOUT OUR TOWN:\*



1. Proximity to the river



2. Proximity to Perth CBD



3. Access to public transport



4. Natural environment



5. Location (general)

### TOP 10 WORDS USED TO DESCRIBE OUR TOWN RELATE TO:\*

1. Sense of community
2. Green and natural
3. Relaxed / quiet
4. Feels like a village / country town
5. Connection to history and heritage
6. connected / accessible
7. Future potential
8. Proximity to the river
9. Progressive
10. Too quiet / uneventful

### OUR TOWNS MOST HIGHLY RELATED SERVICES AND FACILITIES:\*\*



• Library Services



• Public Transport



• Festivals, events, arts and cultural initiatives

### OUR TOWNS MOST HIGHLY RELATED SERVICES AND FACILITIES RELATIVE TO OTHER LOCAL GOVERNMENTS:\*\*



• Councils Leadership



• Community Consultation



• Efforts to adapt to climate change and promote sustainability



• Public Transport



• Youth Services

\*BassenDream Our Future \*\*MARKYT Community Scoreboard

## Our Town in 10 years

### TOP 5 THINGS THAT COULD MAKE OUR TOWN EVEN BETTER:\*



1. Environmental management



2. Preserve / enhance open space



3. Events / arts / cultural initiatives



4. Improved connection / accessibility



5. Old Perth Road activation / revitalisation

### TOP 10 WORDS USED THAT COULD DESCRIBE OUR TOWN IN THE FUTURE RELATE TO:\*

1. Vibrant / active

2. Green and natural

3. Sense of community

4. Modern / progressive

5. Sustainable

6. Place of interest

7. Inclusive / inviting

8. Connected / accessible

9. Safe

10. Relaxed / quiet

### AREAS WHERE OUR TOWN CURRENTLY PERFORMS BELOW THE AVERAGE FOR LOCAL GOVERNMENTS, AND COULD BE IMPROVED:\*\*



Playgrounds, parks and reserves



Town centre development



Economic development



Safety and security

\*BassenDream Our Future \*\*MARKYT Community Scoreboard

Other previous projects that involved significant community participation were also reviewed, along with relevant Town of Bassendean strategies, policies and projects.

Multiple workshops with staff and elected members to draft the Strategic Community Plan were conducted.

This input from the community, stakeholders and Town of Bassendean staff and elected members has allowed for the development of a Strategic Community Plan that is reflective of this unique community.

## How our Plan related to the One Planet Living Framework

Our Town was only the second local government in Western Australia to adopt the One Planet Living sustainability framework. We are proud of our commitment to leading sustainability and the framework guides our approach to this.

This Plan reflects the 10 principles of the One Planet Living framework and addresses environment, social and economic sustainability challenges.

We are also part of a network of like-minded local governments across Australia.

The 10 principles of the One Planet Living Framework are shown in the diagram below.

We chose to adopt the One Planet Living principles because:

#### It puts people first.

It's grounded in the reality of how people live their lives rather than box ticking

#### It's holistic.

Nothing will drop through the gaps with our 10 principles

#### It's about true sustainability.

There's no greenwashing.

#### It reaches hearts as well as minds.

One Planet Living is used to inspire people across the world to get involved in sustainable change.



### ONE PLANET LIVING PRINCIPLES



# 4 Our vision for the future



Over the next 10 years, our Town and community will be:

A welcoming and inclusive community whose members know and support each other.



A community and local government that take environmentally sustainable actions for our Town, State, country and planet.



An accessible place with a rich natural environment, thriving town centre and precincts, and connection to history.



Supported by a proactive local government that makes brave decisions and enables positive change.



Resilient, adaptable to change and moving towards self-sufficiency.



## 5 The purpose of our Plan

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This is our key guiding document that ensures our actions and decisions reflect our unique community and the feedback we have received.

Every local government in Western Australia must have a Strategic Community Plan. The Strategic Community Plan defines the local government's vision, aspirations and priorities for the next 10 years. It is the overarching document that informs all other plans, strategies and policies. Our Plan is reviewed entirely every four years with a smaller desktop review every two years.

We want our Plan to guide everything we do.

Our Plan is designed to achieve the following objectives:

- Clearly and succinctly describe our vision for the future, and how this can be achieved
- Be used as a compass to direct all our work, actions and decisions towards realising our vision and key outcomes
- Ensure we know what success in working towards our vision looks like, and how this is measured
- Remind us all to focus on achieving positive outcomes
- Be a touchstone for all other strategies, plans and day-to-day work of our Town
- Ensure our resources (funding, staff time, volunteer time etc.) are allocated efficiently to strategies, projects and work that will have the greatest impact



# 6 How we can work together

Our Plan is for all members of our community (including all residents, ratepayers and businesses); and the Town of Bassendean elected members and staff.

**It tells the story of who we are and what we are striving for.**



## 6.1 How to use this plan: Community members

Residents, ratepayers, businesses and other stakeholders of our Town can use this Plan to:

- See how your feedback and the feedback of your community has informed our Plan
- Understand the vision and key priorities of our community and local government
- Understand the framework that guides Council decision making
- Determine how your actions can contribute to achieving positive change in the Town of Bassendean



## 6.2 How to use this plan: Elected members

Elected members of our Town use this Plan to:

- Consider whether motions and proposals put forward by other elected members, community members, proponents and staff are contributing to the vision, priorities and outcomes of our Plan
- Ensure current projects are of a high value and contributing towards the agreed vision, priorities and outcomes
- Strike a balance between strategic priorities, legislated needs and community aspirations
- Where competing priorities are assessed against the plan – determine which provides greater value. For example, does the new proposal provide greater value than an existing one? Should there be a redirection of resources?

## 6.3 How to use this plan: Town staff

Town of Bassendean staff members use this Plan to:

- Assess new tasks, projects and proposals to ensure they contribute to the vision and priority areas
- Ensure current projects are of a high value and contributing towards the agreed vision, priorities and outcomes
- Strike a balance between strategic priorities, legislated needs and community desires
- Where competing priorities are assessed against the plan – determine which provides greater value. For example, does the new proposal provide greater value than an existing one? Should there be a redirection of resources?

# 7 Our priorities

These priority areas were identified following community engagement and were refined during workshops with staff and elected members:

1. Strengthening and connecting our community
2. Leading environmental sustainability
3. Creating a vibrant town and precincts
4. Driving financial sustainability
5. Facilitating people-centred services
6. Providing visionary leadership and making great decisions
7. Building community identity by celebrating culture and heritage

The following pages detail specific outcomes that relate to each priority area, strategies to achieve those outcomes and what achieving that outcome looks like.

The strategies and indicators of success are intentionally broad. This is because our Plan must be flexible enough to allow different ways of achieving an outcome. Our Strategic Community Plan does not describe specific policies, plans or actions that will be taken to achieve the outcomes. We have more specific plans and policies, such as the Corporate Business Plan, that reflect the Strategic Community Plan and define specific actions.

“What success looks like” is defined in both the short and long term in the following pages, as the Strategic Community Plan has a 10-year outlook. Short-term indicators of success are those that may be achieved within the first three years. Long-term indicators of success are those that can be achieved within the remaining seven years.

# 8 Strengthening and Connecting our Community

PRIORITY AREA 1:

DIRECTION	POTENTIAL STRATEGIES	WHAT SUCCESS LOOKS LIKE
<b>Fostering a culture of collaboration and trust between the organisation and community</b>	<ul style="list-style-type: none"> <li>Provide opportunity to listen and involve our community in decisions that affect them</li> </ul>	<ul style="list-style-type: none"> <li>Greater community support for decision making</li> </ul>
<b>Establishing partnerships with the community that build capacity, connection and sense of belonging</b>	<ul style="list-style-type: none"> <li>Identify community members and organisations with the capacity to deliver projects and programs</li> <li>Build capacity of community groups to deliver social return on investment</li> <li>Identify and deliver community funding</li> <li>Foster volunteering to provide services for our community and to build connections</li> <li>Build capacity of volunteers to deliver programs and services with limited input from the Town</li> </ul>	<ul style="list-style-type: none"> <li>Increased percentage of services delivered by community groups compared to the Town</li> <li>Increased social return on investment using an agreed approach</li> <li>Increased volunteer participation rates</li> <li>Town staff hours result in greater return for time in volunteer management</li> </ul>
<b>Treating people equitably with access to programs and services, regardless of advantage or ability</b>	<ul style="list-style-type: none"> <li>Ensure access and inclusion to spaces and places throughout our Town for all, including community members with disabilities, youth, seniors, Indigenous people, and culturally and linguistically diverse people</li> <li>Enable programs and services that cater for all, including community members with disabilities, youth, seniors, Indigenous people, and culturally and linguistically diverse people</li> </ul>	<ul style="list-style-type: none"> <li>Alignment between services delivered and community needs</li> <li>Diversity (in terms of demographic, ability, culture, background) of community members accessing spaces, places, programs and services is reflective of community structure</li> </ul>
<b>Creating an environment where people feel welcome and safe</b>	<ul style="list-style-type: none"> <li>Create public spaces and transport routes that encourage people to linger, interact and enjoy (including evening use)</li> <li>Encourage the adoption of a collective responsibility towards safety</li> </ul>	<ul style="list-style-type: none"> <li>Increased use of public transport by different demographics</li> <li>Increased active transport by different demographics</li> <li>Reduced antisocial incidents</li> </ul>
<b>Supporting healthy lifestyles throughout our Town</b>	<ul style="list-style-type: none"> <li>Improve functionality of amenities and lifestyle options</li> <li>Improve walkability and cycle-ability</li> </ul>	<ul style="list-style-type: none"> <li>Increased use of public open spaces and other amenities</li> <li>Improved health and wellbeing of residents</li> </ul>
<b>Creating a resilient and adaptable community</b>	<ul style="list-style-type: none"> <li>Support community organisations in crisis preparedness and recovery</li> <li>Prioritise local employment</li> <li>Identify essential and non-essential services for clear prioritisation</li> </ul>	<ul style="list-style-type: none"> <li>Community organisations with their own crisis preparedness strategies</li> <li>Increased proportion of local workers are local residents</li> <li>Clarity on prioritisation of services</li> </ul>
<b>Facilitate community connection</b>	<ul style="list-style-type: none"> <li>Prioritise projects that bring people together and strengthen community connectedness</li> </ul>	<ul style="list-style-type: none"> <li>Increased participation rates in volunteering, community activities and events</li> </ul>

# 9

## PRIORITY AREA 2:

# Leading environmental sustainability

DIRECTION	POTENTIAL STRATEGIES	WHAT SUCCESS LOOKS LIKE
Demonstrate strong leadership in waste reduction and carbon neutrality	<ul style="list-style-type: none"> <li>Initiate and drive innovative waste management practices</li> <li>Initiate and drive innovative renewable energy practices</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>State Government targets are met</li> <li>Waste generated per capita is reduced by 10%</li> </ul> <p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>70% of waste is diverted from landfill by 2030</li> <li>On track to achieve carbon neutrality by 2030</li> </ul>
Be innovative in responses to sustainability challenges	<ul style="list-style-type: none"> <li>Embed sustainability considerations in Council decision making</li> <li>Practise early uptake of suitable new technologies and innovations</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Examples of being first adopters are evident</li> </ul>
Foster an empowered community that drives sustainability	<ul style="list-style-type: none"> <li>Increase community support for sustainability considerations</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Increased community support for sustainable initiatives</li> </ul>
Conserve, protect and enhance our natural environment and biodiversity	<ul style="list-style-type: none"> <li>Conserve, enhance and repair natural and urban areas</li> <li>Facilitate management of reserves by Friends groups</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Increased number and rate of participation of environmental volunteers</li> </ul> <p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>Restoration and revegetation measures improve</li> </ul>
Value and conserve and protect our water resources and waterways	<ul style="list-style-type: none"> <li>Implement waterwise initiatives and policies for residents, businesses and other organisations</li> <li>Convert drains into living streams</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Gold Waterwise Council status is retained</li> <li>Quality of water flows into Swan River improves</li> <li>Stream restoration measures improve</li> </ul>
Support the creation of a more green and shaded Town	<ul style="list-style-type: none"> <li>Create an urban forest throughout reserves, gardens and streets</li> <li>Protect existing trees and green spaces</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Fewer trees lost during development</li> </ul> <p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Increased proportion of tree cover</li> <li>Reduced heat island effect</li> </ul>

# 10

## PRIORITY AREA 3:

# Creating a vibrant town and precincts

DIRECTION	POTENTIAL STRATEGIES	WHAT SUCCESS LOOKS LIKE
Support the town centre to thrive	<ul style="list-style-type: none"> <li>Advocate for economic growth of our Bassendean town centre</li> <li>Engage potential government and private sector development partners to realise opportunities within the Town of Bassendean</li> </ul>	<p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>Increased number of developments within the town centre</li> <li>Increased population within the Town</li> <li>Improved retention of existing businesses</li> <li>Increased number and retention of new businesses</li> <li>Increased local employment</li> </ul>
Increase the residential population close to centres and train stations	<ul style="list-style-type: none"> <li>Ensure planning and development strategies and policies align with the desire to focus future development around centres and train stations</li> </ul>	<p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>Meet obligations under State population targets</li> <li>Appropriately located development</li> <li>Increased dwelling numbers and diversity of dwelling types</li> <li>Enhanced quality of development outcomes</li> </ul>

# 11

## PRIORITY AREA 4: Driving financial sustainability

DIRECTION	POTENTIAL STRATEGIES	WHAT SUCCESS LOOKS LIKE
Ensure there is sufficient, effective and sustainable use of assets	<ul style="list-style-type: none"> <li>Assess assets (including review of portfolio, landholdings and facility condition, use and capacity) to optimise and rationalise</li> <li>Ensure financial planning has a long-term outlook and a focus on land asset rationalisation</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>All Town-owned buildings increased in their utilisation</li> <li>Defined position and strategy of when buildings need renewal</li> </ul> <p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>Consolidated infrastructure footprint</li> <li>Enhanced sustainability footprint</li> <li>Clear indications of whole-of-life costs</li> </ul>
Ensure community facilities are accessible to and well utilised by a diverse range of community members	<ul style="list-style-type: none"> <li>Community Infrastructure Strategy (use of community spaces, shared or individual hubs, appropriate number of facilities)</li> <li>Leasing, Licensing and Hiring Strategy</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Increased use of facilities</li> <li>Increased shared use of spaces/diversity of use</li> </ul>
Support the local economy	<ul style="list-style-type: none"> <li>Prioritise infrastructure projects that generate local employment and support a circular economy</li> <li>Ensure the local economy is positioned to recover from crises</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Increased local employment, relative to non-local employment</li> <li>Increased local supply-chain use, relative to non-local supply</li> </ul>

# 12

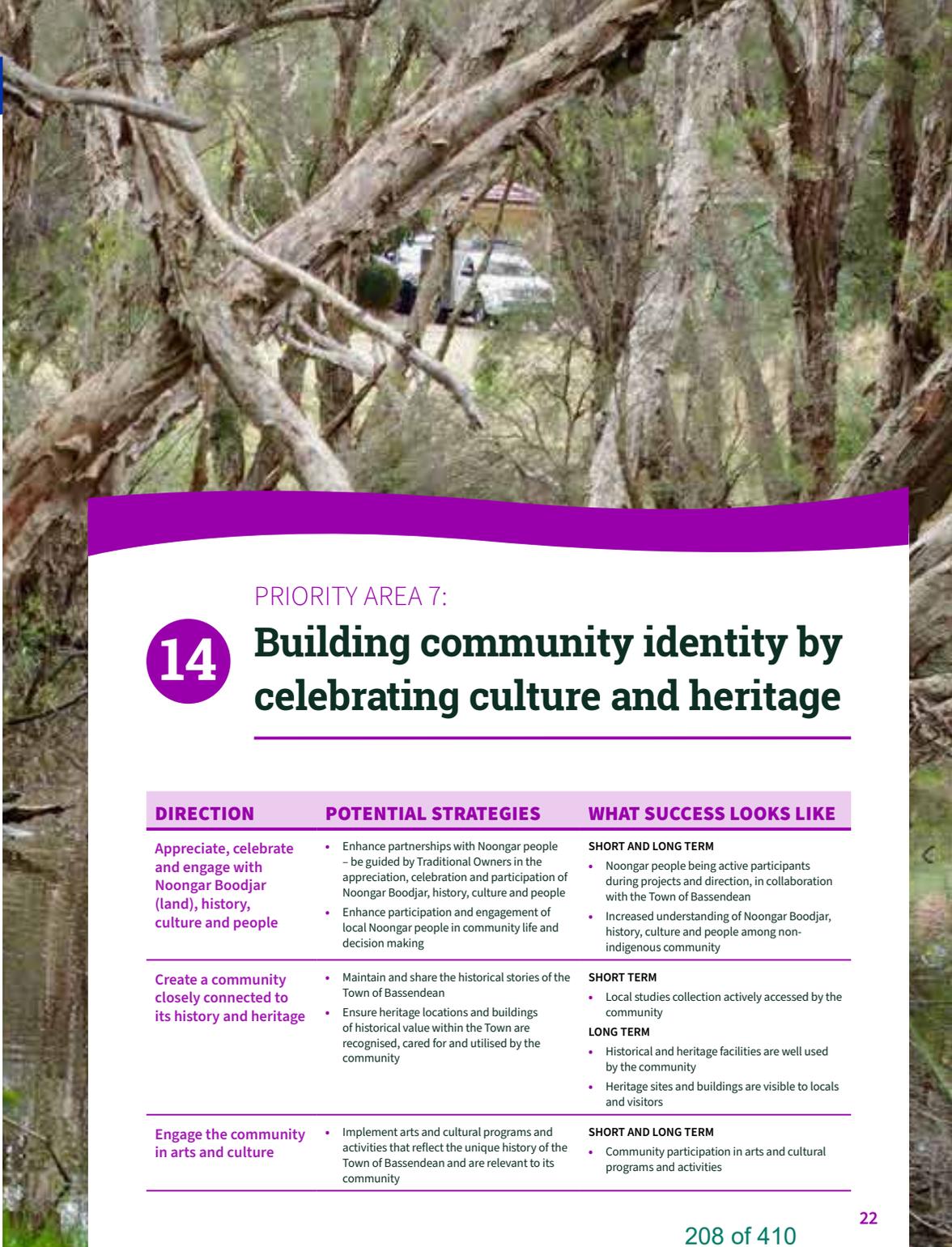
## PRIORITY AREA 5: Facilitating people-centred services

DIRECTION	POTENTIAL STRATEGIES	WHAT SUCCESS LOOKS LIKE
Ensure community members know where and how to access services	<ul style="list-style-type: none"> <li>Improve communication regarding where community members can receive services, advice and provide feedback</li> <li>Ensure transparent and open discussions with community members</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Clarity within the community and local government regarding who deals with different types of decision</li> <li>Clarity and consistency around complaints procedure</li> </ul>
Deliver efficient and well-connected internet and computer technology systems	<ul style="list-style-type: none"> <li>Improve efficiency of internet and computer technology systems for community-facing services</li> <li>Explore online options for services that currently require physical presence</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>Improved efficiency of online services for community</li> <li>Improved efficiency of online services for administration</li> <li>Increased customer base for online services</li> <li>Ability to deliver core work and services via non-contact methods</li> </ul>

PRIORITY AREA 6:

# 13 Providing visionary leadership and making great decisions

DIRECTION	POTENTIAL STRATEGIES	WHAT SUCCESS LOOKS LIKE
<b>Make brave decisions in line with a risk appetite</b>	<ul style="list-style-type: none"> <li>• Early identification of potential risks / issues/opportunities</li> <li>• Embed opportunity cost considerations</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Defensible decision making that is based on the identification of opportunities and benefits as well as negative impacts</li> </ul> <p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>• Examples of being first adopters</li> </ul>
<b>Ensure major decision making is informed by community feedback</b>	<ul style="list-style-type: none"> <li>• Ensure community engagement processes are implemented in major strategic projects</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure community engagement processes are implemented in major strategic projects</li> </ul>
<b>Ensure operational activities reflect the strategic focus of Council</b>	<ul style="list-style-type: none"> <li>• Ensure clear communication and flow of information from decision makers to operational staff</li> <li>• Implement a framework on decision making that identifies delegated authority for different levels of decision</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Efficient and effective Council meetings</li> <li>• Outcomes-focused decision making (not process-focused)</li> <li>• More delegated authority to CEO on appropriate items to enable Council to focus on strategy</li> </ul>
<b>Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community</b>	<ul style="list-style-type: none"> <li>• Build understanding and support for the vision and Strategic Community Plan</li> <li>• Demonstrate clear connections between the Strategic Community Plan, project and business-as-usual services and operations</li> <li>• Create an organisational culture of performance, innovation and excellence</li> <li>• Develop shared values between Council, administration and the community</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Openness and transparency of decision making</li> <li>• Enhanced staff morale</li> <li>• Staff have appropriate strategic direction</li> <li>• Agreement on the link between projects and Strategic Community Plan</li> <li>• General alignment regarding values</li> </ul>
<b>Foster an environment of innovation and leadership</b>	<ul style="list-style-type: none"> <li>• Foster an environment of innovation, where people are encouraged to contribute</li> <li>• Foster leadership: harness the talent of individuals</li> <li>• Recognise and reward innovation and leadership</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Councillors and staff feel empowered to make appropriate decisions</li> <li>• Professional development for staff and councillors</li> <li>• Inductions to professional networks</li> </ul> <p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>• Recognition of excellence by other organisations</li> </ul>
<b>Respond effectively and efficiently to crises</b>	<ul style="list-style-type: none"> <li>• Implement crisis management framework</li> <li>• Communicate the impacts to business continuity</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Clarity of impacts to business continuity among elected members and staff prior to crisis situations</li> <li>• Clarity amongst the community of local government, organisation and community responses</li> </ul>



PRIORITY AREA 7:

# 14 Building community identity by celebrating culture and heritage

DIRECTION	POTENTIAL STRATEGIES	WHAT SUCCESS LOOKS LIKE
<b>Appreciate, celebrate and engage with Noongar Boodjar (land), history, culture and people</b>	<ul style="list-style-type: none"> <li>• Enhance partnerships with Noongar people – be guided by Traditional Owners in the appreciation, celebration and participation of Noongar Boodjar, history, culture and people</li> <li>• Enhance participation and engagement of local Noongar people in community life and decision making</li> </ul>	<p><b>SHORT AND LONG TERM</b></p> <ul style="list-style-type: none"> <li>• Noongar people being active participants during projects and direction, in collaboration with the Town of Bassendean</li> <li>• Increased understanding of Noongar Boodjar, history, culture and people among non-indigenous community</li> </ul>
<b>Create a community closely connected to its history and heritage</b>	<ul style="list-style-type: none"> <li>• Maintain and share the historical stories of the Town of Bassendean</li> <li>• Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and utilised by the community</li> </ul>	<p><b>SHORT TERM</b></p> <ul style="list-style-type: none"> <li>• Local studies collection actively accessed by the community</li> </ul> <p><b>LONG TERM</b></p> <ul style="list-style-type: none"> <li>• Historical and heritage facilities are well used by the community</li> <li>• Heritage sites and buildings are visible to locals and visitors</li> </ul>
<b>Engage the community in arts and culture</b>	<ul style="list-style-type: none"> <li>• Implement arts and cultural programs and activities that reflect the unique history of the Town of Bassendean and are relevant to its community</li> </ul>	<p><b>SHORT AND LONG TERM</b></p> <ul style="list-style-type: none"> <li>• Community participation in arts and cultural programs and activities</li> </ul>

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[youtube.com/user/TownOfBassendean](https://youtube.com/user/TownOfBassendean)

# **Strategic Community Plan 2020-2030**

## **Town of Bassendean**

**Ngallaka Kaadtitj Nitdja boodja Baalup Whadjuk Nungar Boodja. Ngallaka Nyininy Nitdja.  
We-together know this land it is Whadjuk Nungar land. We-together sitting here.**

In the language of the first people of this land we say that we know that we are gathered together here on the land of the Whadjuk Noongar people.

Always was, always will be.

# Introduction

Welcome to the Town of Bassendean Strategic Community Plan 2020-2030. This plan has been developed following extensive feedback from our community to consider:

- Where are we now?
- Where do we want to be?
- How do we get there?

It follows the Integrated Planning and Reporting Framework guidelines and satisfies a legislative requirement for all local governments to have a plan to shape the future:

This plan describes:

- A future vision for the Town
- How the Town will achieve and resource its objective
- How success will be measured and reported

# 1. A message to our community

**Our Strategic Community Plan is the Town's most significant guiding document. It represents the collaboration of the Local Government with its community. The Plan sets out the key priorities of the Town and provides guidance and strategies to achieve the community's aspirations and vision for the district over the next 10 years.**

We are very excited about the future of our Town over the next ten years and beyond, especially as the vision for the future has been developed in collaboration with residents of Ashfield, Bassendean and Eden Hill.

There have been changes in the Town of Bassendean since our Strategic Community Plan was developed in 2020. At that time, the context was heavily influenced by the developing COVID-19 situation. Given how that situation has changed over the ensuing two years, we needed to thoroughly review our Plan to ensure it aligns with our current vision, values and future aspirations.

We encourage you to read the Strategic Community Plan, and look to it when you consider where our Town is headed over the next ten years. It acts as a compass that guides our decisions and our work, and is a reflection of who we are and what we strive for.

When you read our Plan you are reading the aspirations of your fellow community members and your local government. Achieving many of these aspirations is a priority to realise our shared vision for current and future generations to enjoy the wonderful qualities of Bassendean into the future. We look forward to working together in continuing to build a welcoming, proactive and resilient community.

## **2. What makes our town unique?**

The Town of Bassendean is a small local government area that sits on the Swan River, approximately 8km north-east of the Perth CBD. It is the only band three local government east of the Perth CBD.

Our local government area is comprised of three suburbs:

Bassendean    Ashfield        Eden Hill

We might be small in size, but we are big in heart.

We value our uniqueness and the bonds that bring us together.

### **2.1 What we value**

From extensive discussions with many of our approximately 16,000 community members, we know that our Town is much loved for its sense of community, history, natural environment and accessibility.

Ashfield, Bassendean and Eden Hill are welcoming places where people share connections and enjoy a strong sense of community. We have the opportunity to continue to strengthen our community, ensure we are well-connected and support each other. Our residents, businesses, community groups, sporting clubs, Council and staff all value working together to achieve our goals.

Our local area has a rich history that is reflected in our community, the natural environment and our Town's built form. Balancing our connections to the past with the need for future positive change is crucial. We seek an environmentally and financially sustainable future..

A beautiful natural environment with an abundance of vegetation, trees, green open space and connection to the Derbarl Yerrigan/Swan River are highly valued by our community. We are already making positive enhancements to our natural environment and are leaders in this area.

The historic and accessible town centre of Bassendean, three train stations and easy access to the Perth CBD make our Town an attractive and convenient place to live. When considering where future members of our growing community could live, many of us agree that our activity centres and train stations are important locations for future housing; reducing the impact on our traditional suburban precincts.

## 2.2 Who we are

Population: 15,935

Demographics: 0-17 years = 20.3%; 60+ = 23.5%

Median age: 40

Born overseas: 32%

Geographic area: 10.3km<sup>2</sup>

Distance from Perth: 10km

Number of dwellings: 6,895; Average household size: 2.4

Population density = 15.47 people per hectare

Housing tenure: Purchasing or fully owned: 70%; renting: 20.9%; social housing: 5.7%

Household types: couple families with child/children: 28.1%; lone person: 30%; couples without children: 25.5%

Source: [2021 Bassendean - Eden Hill - Ashfield, Census Community Profiles | Australian Bureau of Statistics \(abs.gov.au\)](https://abs.gov.au/2021/Bassendean-Eden-Hill-Ashfield-Census-Community-Profiles)

### 3. How our plan was developed

The Strategic Community Plan (SCP) is informed by the comprehensive BassenDream Our Future community engagement process and the MARKYT Community Scorecard research project. The Town undertook a subsequent scorecard project in 2022 that informed the review of the Plan.

#### Methods

##### BASSENDREAM OUR FUTURE

<b>3000+</b>	<b>1,281</b>	<b>21</b>
Interactions with community members and other stakeholders	Feedback materials received (including postcards, poll and survey responses and feedback forms)	Engagement initiatives, plan an ideas Hub and online polls open for the entire project process

##### MARKYT SCOREBOARD (2022)

**1,125** Community members in total responded

**33** Council affiliated respondents

**87** local businesses

**20** Out-of-area ratepayers and visitors

**1,082** Residents completed a scorecard

# Our Town in 10 years

The top 10 words used that could describe our Town in the future relate to:\*

1. Vibrant/active
2. Green and natural
3. Sense of community
4. Modern/progressive
5. Sustainable
6. Place of interest
7. Inclusive/inviting
8. Connected/accessible
9. Safe
10. Relaxed/quiet

The top 5 things that could make our Town even better:\*\*

1. Community safety and crime prevention
2. Town centre development and activation
3. Sustainable practices/climate change mitigation
4. Swan River management and enhancement
5. Festivals, events, art and cultural activities

Areas where our Town currently performs below the average for local governments, and could be improved:\*\*

- Town centre development
- Economic development
- Public transport
- Education and Training

\*BassenDream Our Future (2019)

\*\*MARKYT Community Scorecard (2022)

The plan was also informed by a review of previous projects that involved significant community participation as well as relevant Town of Bassendean strategies, plans and policies. The preparation of the draft Strategic Community Plan 2020-2030 also involved multiple workshops with staff and elected members.

This input from the community, stakeholders and Town of Bassendean staff and elected members has allowed for the development of a Strategic Community Plan that is reflective of our unique community.

# How our Plan related to the One Planet Living Framework

Our Town was the second local government in Western Australia to adopt the One Planet Living sustainability framework. We are proud of our commitment to leading sustainability and the framework guides our approach to this.

This Plan reflects the 10 principles of the One Planet Living framework and addresses environment, social and economic sustainability challenges.

We are also part of a network of like-minded local governments across Australia.

The 10 principles of the One Planet Living Framework are shown in the diagram below.



We chose to adopt the One Planet Living principles because:

- It puts people first - it's grounded in the reality of how people live their lives
- It's holistic - nothing will drop through the gaps with our 10 principles
- It's about true sustainability - there's no greenwashing
- It reaches hearts as well as minds - One Planet Living is used to inspire people across the world to get involved in sustainable change.

## 4. Our vision for the future

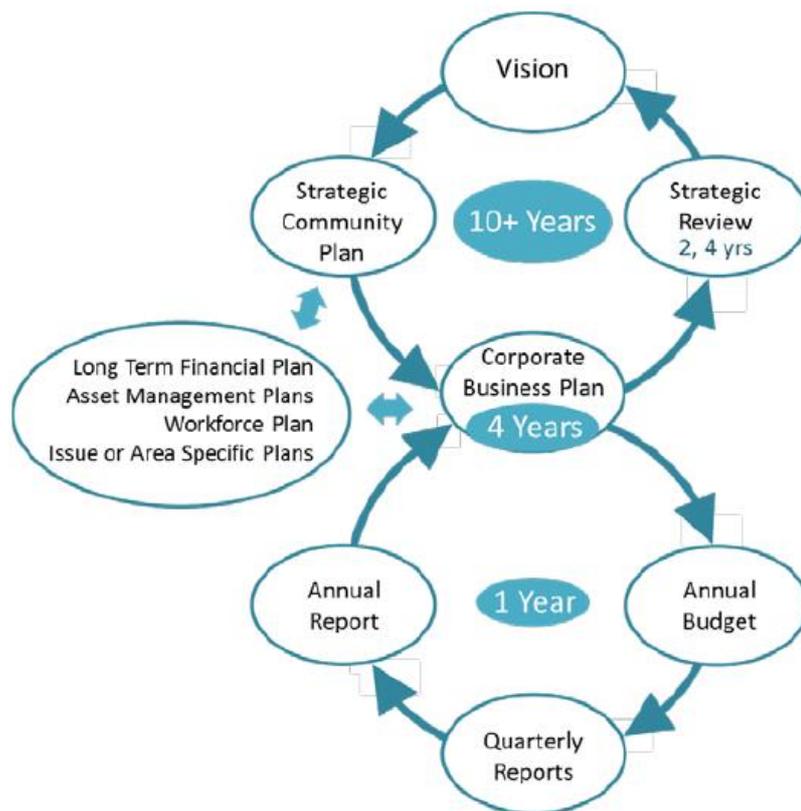
Over the next 10 years, our Town will accommodate a vibrant, active and environmentally sustainable mixed-use town centre based around existing transport nodes and surrounded by suburban streets that preserve the history and heritage of the district. With a network of quality open spaces and safe, tree-lined streets, it will be home to a welcoming and engaged community that values the district's rich natural environment and connection to the Derbal Yerrigan. The long-term self-sufficiency of the Town is supported by a proactive local government that acknowledges all the voices in the community, for a bright and prosperous future.

## 5. The Purpose of our Plan

This is our key guiding document that ensures our actions and decisions reflect the priorities and aspirations of our community. It enables the Town to link the community's vision to the Town's financial capacity to provide services.

Every local government in Western Australia must have a Strategic Community Plan. The Strategic Community Plan defines the local government's vision, aspirations and priorities for the next 10 years. It is the overarching document that informs all other plans, strategies and policies. Our Plan is reviewed entirely every four years with a smaller desktop review every two years.

The Strategic Community Plan links the aspirations of the community with Council strategies. The Town has developed a number of supporting plans that document the Town's assets, risk, and workforce considerations. These inform the Town on how it can achieve the priorities set out in the Strategic Community Plan.



Source: Department of Local Government, Sport and Cultural Industries

Our Plan is designed to achieve the following objectives:

- Clearly and succinctly describe our vision for the future, and how this can be achieved
- Be used as a compass to direct decisions and actions towards realising key outcomes
- Ensure we know what looks like, and how this is measured
- Remind us all to focus on achieving positive outcomes
- Be a touchstone for all other strategies, plans and day-to-day work of our Town
- Ensure our resources (funding, staff time, volunteer time etc.) are allocated efficiently to strategies, projects and work that will have the greatest impact.

## 6. How we can work together

Our Plan is for all members of our community (including all residents, ratepayers and businesses); and the Town of Bassendean elected members and staff.

It tells the story of who we are and what we are striving for.

### 6.1 How to use this plan:

#### Community members

Residents, ratepayers, businesses and other stakeholders of our Town can use this Plan to:

- See how your feedback and the feedback of your community has informed our Plan
- Understand the vision and key priorities of our community and local government
- Understand the framework that guides Council decision making

### 6.2 How to use this plan:

#### Elected members

Elected members set the strategic direction of the Town. Elected members use this Plan as guidance to:

- Consider whether motions and proposals put forward by other elected members, community members, proponents and staff are contributing to the vision, priorities and intended outcomes of the Plan
- Strike a balance between strategic priorities, legislative requirements and community aspirations
- Assist in prioritising competing proposals, projects and actions; ensuring best value for the community and Town.

### 6.3 How to use this plan

#### Town staff

Town of Bassendean staff are responsible for the implementation of Council decisions and the day-to-day operational functions of the local government. This administration function is separate from Council's role and responsibilities. Elected members cannot under legislation undertake the roles and responsibilities of Administration. Staff use this Plan to:

- Align operational activities with the strategic focus of Council
- Assess new tasks, projects and proposals to ensure they contribute to the vision and priority areas
- Ensure current projects are of a high value and contribute towards the agreed vision, priorities and outcomes
- Assist in prioritising competing proposals, projects and actions; providing the best value for the community and Town.

## 7. Our priorities

Three priority areas were identified following community engagement and were refined during workshops with staff and elected members:

1. Strengthening and connecting our community
2. Achieving environmental sustainability
3. Creating a vibrant town centre

### **Driving financial sustainability**

Underpinning the three priorities of the Strategic Community Plan is financial sustainability. Financial sustainability is the ability to meet current and future expenses as they arise and the capacity to respond to foreseeable changes and emerging risks. The Town is cognisant of the need for all projects and activities to come within the Town's financial capabilities both in the short and long term. Sometimes, tough decisions need to be made to provide for the future sustainability of the Town as a thriving local government able to meet the aspirations of its community.

This will involve a disciplined approach to financial planning and management, including taking a long-term outlook to support sufficient, effective and sustainable use of all assets.

The following pages detail specific outcomes that relate to each priority area, strategies to achieve those outcomes and what achievement looks like.

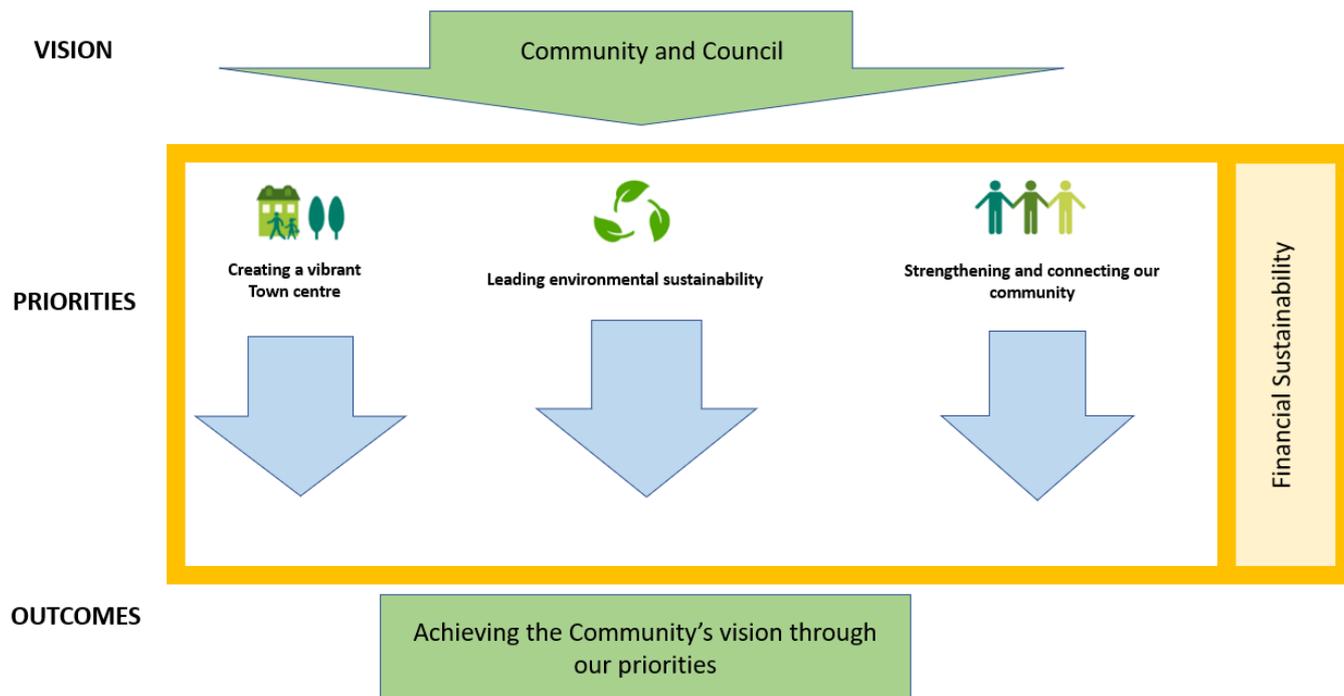
The strategies and indicators of success are intentionally broad. This is because our Strategic Community Plan must be flexible enough to allow different ways of achieving an outcome. We have more specific plans and policies, such as the Corporate Business Plan, that reflect the Strategic Community Plan and define specific actions.

"What success looks like" is considered in both the short and long term in the following pages, as the Strategic Community Plan has a 10-year outlook. Short-term indicators of success are those that may be achieved within the first three years. Long-term indicators of success are those that can be achieved within the remaining seven years.

# Financial Sustainability

A diagrammatic representation of the interrelationship between financial drivers and the impact they have on strategic priorities and the achievement of the aspirations of our Community.

Financial sustainability guides all decision-making; it is embedded into our decision-making processes. This means we strive to provide value across the district in a manner that balances service delivery to meet current community expectations with the prosperity and sustainability of future communities.



**PRIORITY AREA 1:**

# Strengthening and Connecting our Community

Our community is safe, welcoming and connected, where people have a genuine sense of belonging, with a collective identity that acknowledges and values the Town’s rich history and heritage.

Desired Outcomes	Potential Actions
<b>Aspiration 1.1:</b> <i>An environment where people feel safe, connected and welcome</i>	
<ul style="list-style-type: none"> <li>• An enhanced perception of community safety</li> <li>• A community with high levels of participation in volunteering, community activities and events</li> <li>• A healthy community with a strong sense of wellbeing</li> <li>• Public open spaces and amenities that are well utilised by the community</li> <li>• Community members have access to a broad range of cultural, sporting and recreational activities</li> </ul>	<ul style="list-style-type: none"> <li>• Encourage an individual and collective responsibility towards safety</li> <li>• Create safe public spaces and transport routes</li> <li>• Upgrade public spaces and amenities</li> <li>• Improve walkability and cycle-ability through infrastructure improvements</li> <li>• Enable, develop and implement programs and services that cater for all, including community members with disabilities, youth, seniors, Indigenous people, and culturally and linguistically diverse people</li> </ul>
<b>Aspiration 1.2:</b> <i>A community that is engaged in arts, culture, and its history and heritage</i>	
<ul style="list-style-type: none"> <li>• Community participation in arts and cultural programs and activities</li> <li>• Enhanced partnerships with Noongar people</li> <li>• Significant historical and heritage elements are valued by the community and protected for future generations</li> <li>• A community with an understanding and appreciation of Noongar boodja, history, culture and people</li> </ul>	<ul style="list-style-type: none"> <li>• Build partnerships with the community to increase capacity of volunteers to deliver programs and services</li> <li>• Identify and deliver community funding</li> <li>• Implement arts and cultural events, programs and activities that reflect the unique history of the Town and engage the community</li> <li>• Ensure heritage locations and buildings of historical value within the Town are recognised, cared for and utilised.</li> <li>• Enhance partnerships with Noongar people to create opportunities that celebrate and promote an appreciation of Noongar Boodjar, history, culture and people</li> <li>• Invite Noongar people to collaborate in consultation for projects within culturally sensitive indigenous areas.</li> </ul>

**Aspiration 1.3:** *A transparent, modern, trusted local government that shows leadership by communicating with and supporting people within the community*

<ul style="list-style-type: none"><li>• Alignment between services delivered and community needs</li><li>• Provision of hard infrastructure and built assets that meet the needs of the community</li><li>• Provision of efficient and integrated online and information technology systems</li><li>• Projects that are planned and delivered successfully</li><li>• The community has ready access to information and can easily interact with the organisation.</li></ul>	<ul style="list-style-type: none"><li>• Facilitate timely and efficient delivery of services and projects</li><li>• Pursue increased community use and sharing of Town assets</li><li>• Improve the Town’s website and enhance online service provision</li><li>• Implement systems with improved efficiency or functionality</li><li>• Develop a Long Term Financial Plan to provide an appropriate financial outlook that helps guide important Council decisions.</li><li>• Develop a Corporate Business Plan that supports the aspirations of the community and sets the Town’s corporate direction</li></ul>
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PRIORITY AREA 2:

# Achieving environmental sustainability

Our natural environment is a key component of our local identity; it is highly valued and cared for and is supported by a local government that takes environmental sustainability seriously.

Desired Outcomes	Potential Actions
<p><b>Aspiration 2.1:</b> <i>An area where our natural environment, tree canopy, biodiversity, water resources and waterways are conserved, protected and enhanced</i></p>	
<ul style="list-style-type: none"> <li>• A district comprised of tree-lined streets, reserves and private lots with mature vegetation and canopy cover</li> <li>• Increased proportion of tree cover throughout the district, with reduced urban heat impacts</li> <li>• Healthy natural areas and riverbanks</li> <li>• Community members invested in and contributing to the care of our natural environment</li> <li>• A district that accommodates valued areas of environmental significance</li> </ul>	<ul style="list-style-type: none"> <li>• Protect existing trees on private land</li> <li>• Create an urban forest across our reserves, gardens and streets</li> <li>• Conserve, protect, enhance and restore natural areas in partnership with the community</li> <li>• Protect and enhance the Swan River foreshore and waterways</li> <li>• Develop strong and constructive partnerships with state government agencies and service authorities</li> </ul>
<p><b>Aspiration 2.2:</b> <i>A local government that demonstrates strong leadership and supports the community in environmental sustainability and climate action</i></p>	
<ul style="list-style-type: none"> <li>• Reduction of waste generally, with 70% of waste being diverted from landfill by 2030</li> <li>• Achieving carbon neutrality by 2030</li> <li>• Climate resilience</li> <li>• Retention of Gold Waterwise Council status</li> <li>• Management of groundwater use within licensed allocations (10% reduction from 2028)</li> </ul>	<ul style="list-style-type: none"> <li>• Initiate and drive carbon neutrality/emission reduction by, among other things, implementing the Town’s Emissions Reduction Strategy</li> <li>• Implement waterwise initiatives and policies internally and for residents, businesses and other organisations</li> <li>• Embed Water Sensitive Design into all Town projects</li> <li>• Identify and manage climate change risks to the Town</li> <li>• Facilitate and support community environmental sustainability and climate action</li> <li>• Initiate and drive best practice in waste management and landfill diversion, in accordance with the Town’s Waste Plan</li> </ul>

## PRIORITY AREA 3:

# Creating a vibrant town centre

Our Bassendean Town Centre is an active and vibrant mixed-use centre leveraging from enviable access to existing transport nodes, rich local history and valued green spaces. It is recognised as one of the eastern region’s most sought-after locations in which to live, work and visit.

Desired Outcomes	Potential Actions
<b>Aspiration 3.1:</b> <i>A town centre that is rejuvenated and redeveloped and a source of pride for the local community.</i>	
<ul style="list-style-type: none"> <li>• More people living, working and recreating in our Town centre</li> <li>• Consolidation of the local government’s physical footprint within the Town Centre</li> <li>• The Town Centre accommodates diverse, new development that aligns with the Town Centre Masterplan</li> <li>• Quality public spaces and amenities within the Town Centre</li> </ul>	<ul style="list-style-type: none"> <li>• Engage with the state government and private sector to facilitate development opportunities for government owned or managed land</li> <li>• Prepare a Precinct Structure Plan to guide future development within the Town Centre</li> <li>• Capital projects which improve functionality, desirability and use of public spaces and amenities</li> <li>• Improve walkability and cycle-ability, including through infrastructure improvements</li> </ul>
<b>Aspiration 3.2:</b> <i>A town centre that is home to a thriving local economy that supports existing businesses and encourages new ones.</i>	
<ul style="list-style-type: none"> <li>• Properties within the Town Centre are used for their highest and best use</li> <li>• High rates of commercial occupancy within the town centre</li> <li>• The Town Centre is recognised as a location that supports business growth</li> <li>• The business community has ready access to information and can easily interact with the Town</li> </ul>	<ul style="list-style-type: none"> <li>• Promote the Town Centre and the development, business, tourism and activation opportunities that exist within it</li> <li>• Review the regulatory environment to ensure that it facilitates economic development outcomes</li> <li>• Capital projects are focused on the Town Centre</li> <li>• Consult with commercial stakeholders on decisions directly affecting them</li> </ul>

# Council's decision-making framework

Elected members make decisions on behalf of the community that they represent.

All Council meetings and Briefing sessions are open to the public.

Council agendas are prepared by the Administration and provide expert information and considered recommendations to assist Council in making decisions.

In making decisions on behalf of the Community, Council exercises its decision-making function by weighing the following considerations:

1. Value to the community, taking account of whole-of-life costs and benefits
2. Impact on the Town's current financial position, and long-term financial sustainability
3. Impact on the Town's assets, projects and capacity
4. Relevant legislation, regulation and policy
5. Effective assessment of risk
6. Equity in service delivery for the district, now and into the future
7. Council's ongoing commitment to the 10 principles of the One Planet Living framework.

**35 Old Perth Road, Bassendean, WA 6054 PO Box 87, Bassendean, WA 6934**

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facebook.com/bassendeancouncil

# Memorandum of Understanding

Between

Electricity Networks Corporation ABN 18 540 492 861

and

Town of Bassendean ABN 20 347 405 108

for

## Targeted Underground Power Program (TUPP) Project 271 – Bassendean/Eden Hill

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## Parties

ELECTRICITY NETWORKS CORPORATION ABN 18 540 492 861, a statutory body corporate established under section 4(1)(b) of the *Electricity Corporations Act 2005* (WA), of 363 Wellington Street, Perth, Western Australia (**Western Power**)

and

Town of Bassendean of 35 Old Perth Road, Bassendean 6934 - ABN 20 347 405 108 (the **LGA**)

## Introduction

### 1. Background

- (a) Western Power has identified overhead distribution assets within Bassendean Annexure 1 (**Project Area**) which have reached or will soon be reaching the end of their design life and are therefore due for replacement.
- (b) Where assets reach the end of their design life and are due for replacement Western Power is obliged to replace those assets in the most efficient means possible.
- (c) Historically underground distribution assets have not been the most efficient means of replacing overhead distribution assets.
- (d) Western Power and the LGA wish to jointly investigate replacing these overhead distribution assets with underground assets, as this is expected to be mutually beneficial and result in an efficient solution for Western Power (**Project**) and the LGA.

## The Parties agree as follows

### 2. Purpose of this document

- (a) This Memorandum of Understanding (**MOU**) outlines the relative intentions of both Western Power and the LGA to develop a project under the principles of mutual understanding, mutual benefits, common interest, shared goals and mutually complementary activities (**Purpose**).
- (b) This MOU is not a legal agreement and is not intended to create legally binding obligations or liabilities on either party; however all parties commit to using their best endeavours to achieve its purpose.

### 3. Objective

The Parties will jointly develop the Project in the Project Area as identified by Western Power. The Objective will be achieved by acting in good faith and working together and with property owners throughout the initiation phase of the project with the intent of agreeing and executing a Works Contract to effect delivery of the Project.

### 4. Duration

- (a) Subject to 4(b), this MOU shall be effective from the date of its execution by both Parties

and shall remain in effect until the execution of a Works Contract by both Parties or the termination of this MOU by either Party by the giving of 30 days' notice by one party to the other of the intention to terminate the MOU.

- (b) In the absence of a termination, mutual agreement to continue this MOU, or a resulting Works Contract being executed, this MOU shall terminate on 31 December 2025.

## 5. Confidential Information

- (a) To achieve the Objective it may be necessary for the Parties to exchange Confidential Information.
- (b) Confidential Information means this MOU, and all or any part of any information that a Party (**First Party**) supplies or provides to the other Party, or gives the other Party access to, including:
  - (i) any information relating to businesses carried on by the First Party from time to time;
  - (ii) the assets, liabilities and undertakings of the First Party;
  - (iii) financial statements and arrangements of the First Party, including balance sheets, profit and loss statements, assets and liability statements and income and expenditure statements;
  - (iv) manuals, trade secrets, source and object codes, accounts, books, ledgers, financial and other records of the First Party (including non-public historical financial details);
  - (v) drawings, know-how, techniques;
  - (vi) business and marketing plans, projections and forecasts of financial performance of the First Party;
  - (vii) arrangements and agreements with third parties;
  - (viii) customer information and customer information proprietary to customers, customer lists;
  - (ix) formulae, concepts not reduced to material form, designs, plans, models, intellectual property of any nature whatsoever (including information technology strategies and innovations) of the First Party;
  - (x) business and funding strategies, asset and liability management policies of the First Party;
  - (xi) the existence, progress or terms of the Purpose, or the fact that the First Party, or the other Party, or both, is involved in the Purpose, or that any discussions may have taken place or may be taking place between the Parties;
  - (xii) the substance of any report, test, recommendation, advice, or other information, acquired by either Party in respect of the Purpose; and
  - (xiii) any other information of the First Party that is by its nature confidential, or that is marked, or designated, or confirmed by an officer of the First Party as, confidential

or proprietary, at the time of its disclosure.

- (c) For the avoidance of doubt, Confidential Information does not include any information referred to above that:
  - (i) is in, or enters, the public domain through no wrongful act of any person; or
  - (ii) a Party can establish, to the reasonable satisfaction of the other Party, either is, or was made, available on a non-confidential basis to it, through no wrongful act of any person, or is or was developed, independently of the other Party without using any the other Party's Confidential Information.
- (d) The Party that receives or is disclosed Confidential Information of the First Party must not, directly or indirectly:
  - (i) use any of that Confidential Information except to the extent necessary to give effect to the Purpose; or
  - (ii) disclose any of that Confidential Information,  
without first obtaining the other Party's written consent.

## **6. No Partnership or Agency**

Nothing in this MOU shall be deemed to constitute a partnership between the parties or authorise either party to act as agent of the other party for any purpose.

**SIGNED BY THE PARTIES**

**SIGNED** for and on behalf of **WESTERN POWER** by :

**SIGNED** for and on behalf of the **Town of Bassendean** by:

**NAME (PLEASE PRINT):**

**NAME (PLEASE PRINT):**

.....  
Position title (please print):

.....  
Position title (please print):

.....  
Signature:

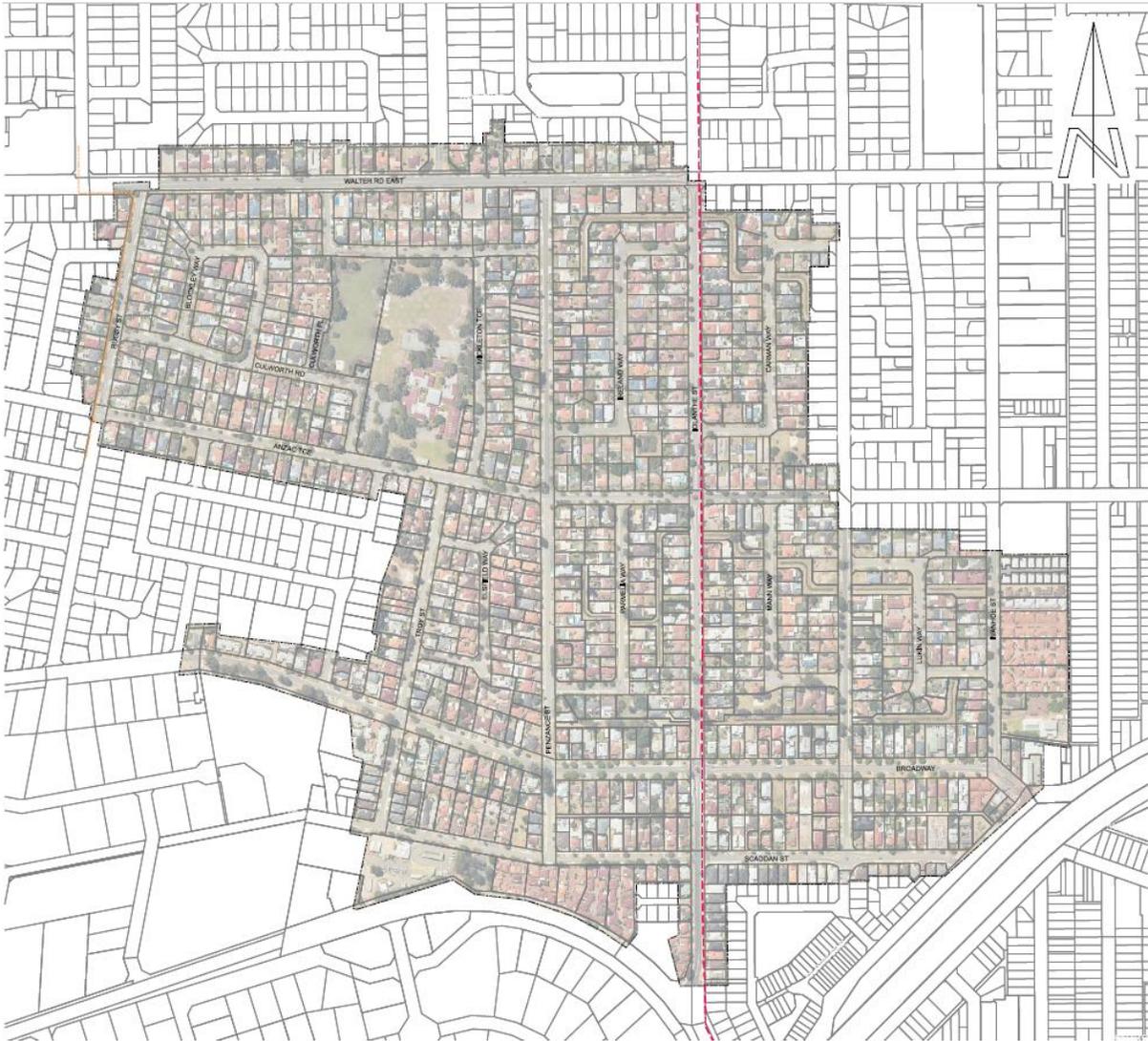
.....  
Signature:

Date: ..... / ..... / .....

Date: ..... / ..... / .....

7. Annexure 1 – Release 1 – FY22: Project No. 271 Bassendean/Eden Hill Bayswater





# Town of Bassendean proposed underground power project boundary map

-  Town of Bassendean / City of Bayswater boundary
-  Transmission line will not be underground



«Owner\_Names»  
«Owner\_Mailing\_Address\_Line\_1\_Street\_»  
«Owner\_Mailing\_Address\_Line\_2\_Suburb\_»

Dear Resident

The Town of Bassendean has been offered the opportunity by Western Power for the undergrounding of power in your area - including your properties at;

«NRUPP\_ADRESS»

Making the switch from overhead to underground power is designed to improve the reliability of your power supply and provide a safer environment for all. More specifically, once the power is underground, you'll experience fewer disruptions after significant storm events, which means fewer power outages; improved street appearance as a result of no power lines; increased property value due to the absence of poles and lines and the inclusion of new streetlighting; and the opportunity for increased tree canopy – with no need to worry about trees getting in the way of wires anymore. Property owners and local government also save on maintenance costs through lower life-cycle costs - underground power has minimal maintenance and operating costs. Additionally, underground power supports emerging technologies such as electric vehicles and caters better to future power demand.

The cost of underground power is a shared cost between Western Power, the State Government and the Town of Bassendean. In terms of the cost for homeowners, Council has historically enabled the cost to be paid over several years, through the annual rate notice. The cost per household is still to be confirmed. This figure will be firmed up over the coming months.

At this stage, the Town would like to invite you along to an information evening, with Western Power, so that you may learn more about this opportunity. Details are as follows:

Date: Wednesday 5 October 2022  
Time: 6.00pm (A free community BBQ will be available from 5.30pm).  
Location: Old Perth Road Pedestrian Zone (between Wilson Street and Guildford Road)

Alternatively, if you are unable to attend, but wish to provide feedback or ask a question, please email [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au).

Council will be asked to consider Western Power's proposal for underground power in your area in the coming months at a Council meeting.

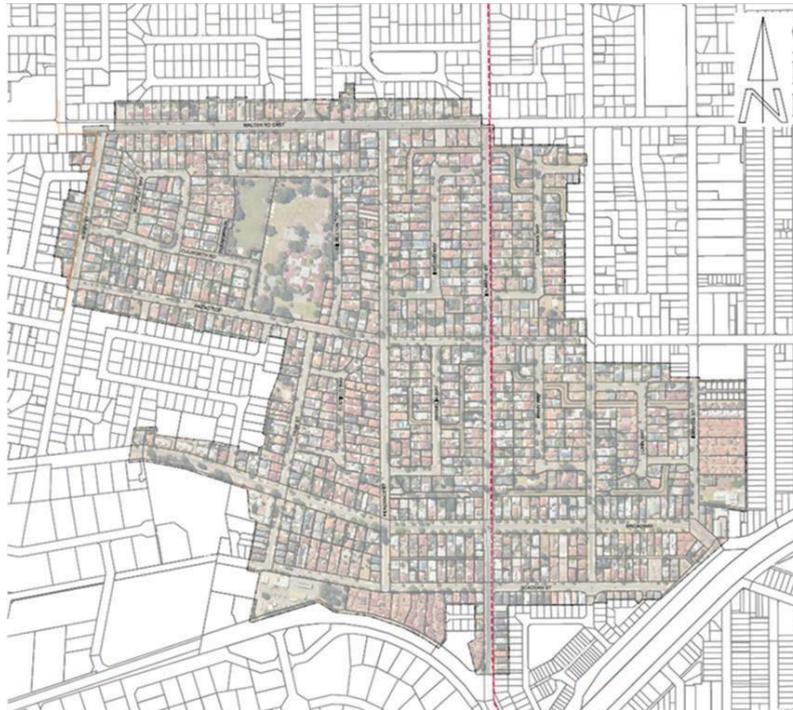
Yours Sincerely

A handwritten signature in blue ink, appearing to read 'P. Mabbs'.

Peta Mabbs  
**CHIEF EXECUTIVE OFFICER**

19 September 2022

# Bassendean Underground Power Project



## What we know at this stage

- Western Power has proposed a further underground power project in the Town of Bassendean
- The project is subject to Council approval for a co-funding agreement with Western Power, with the Town required to contribute to the cost of network infrastructure.
- Based on Western Power's cost estimate, the cost for property owners will be up to \$6,000, but can be reduced by various means including properties having existing underground consumer mains connection, being a multi-unit site and/or payment being made in full in the first year.
- The Town will need to levy a service charge on property owners for the cost, with payment able to be made immediately or, with Council approval, over a number of years (in which case, interest will be payable)
- Construction is expected to commence late-2023 or early-2024
- The Town will shortly consult with affected property owners regarding preferred payment options and will keep the community informed as to Council's decision.

## Improved street appearance – Ivanhoe Street



## Walter Road East & Mary Crescent



## More Information

Visit Western Power's website for more information on underground power:

<https://www.westernpower.com.au/community/work-in-your-area/underground-power/>

Contact Western Power for project-related questions:

- Email: [undergroundpower@westernpower.com.au](mailto:undergroundpower@westernpower.com.au)
- Phone: 131 087

Contact the Town of Bassendean for information about Council decisions and costs:

- Email: [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au)
- Phone: 9377 8000

48 Old Perth Road, Bassendean WA 6054  
PO Box 87, Bassendean WA 6934  
T: (08) 9377 8000 F: (08) 9279 4257  
E: [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au)  
ABN 20 347 405 108

[www.bassendean.wa.gov.au](http://www.bassendean.wa.gov.au)  
Attachment 9.10.4

HOME BY THE SWAN  
240 of 410

48 Old Perth Road, Bassendean WA 6054  
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Attachment 9.10.4

HOME BY THE SWAN  
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# Underground Power – Community Survey

## BACKGROUND

Western Power has approached the Town of Bassendean with a proposal for underground power in your area. The project is subject to Council approval for a Co-Funding Agreement with Western Power.

The Town must contribute to the cost of network infrastructure (27%), with the State Government contributing 25% and Western Power contributing 48%. The Town will also need to pay for the cost of consumer mains connections (service connections).

The Town will need to levy a service charge on property owners for their proportion of the cost and borrow funds sufficient to make the cash call payments to Western Power.

Construction is expected to commence late-2023 or early-2024 and be complete by mid-2025.

### IMPORTANT

If the Town of Bassendean does not enter into an agreement for underground power, Western Power will replace the existing infrastructure with like-for-like infrastructure (overhead poles and wires) as part of its normal maintenance program. If that occurs, the Town may not have another opportunity to affordably instal underground power in the project area for 40 to 50 years.

## PROPOSAL

That Council approves the Town of Bassendean entering into a Co-Funding Agreement with Western Power for the provision of underground power to the project area.

That the Town of Bassendean recovers the cost of the project from property owners within the project area, as follows:

- By levying a service charge as part of annual Rates Notices, commencing 2023/24
- Providing property owners with the option to pay in full during 2023/24, or in instalments over either 7 years or 10 years
- Providing a discount for properties with an existing underground consumer mains connection
- Providing a discount for payment in full during 2023/24
- For multi-unit development sites, spreading the cost of the consumer mains connection(s) equally.

## BENEFITS OF UNDERGROUND POWER

- Improved public safety
- More street trees
- Less tree pruning, improved tree canopy
- Improved street appearance/aesthetic value
- Improved reliability and security of power supply
- Increased property value
- Lower life-cycle costs
- Improved LED streetlighting and with future product offerings for smart streetlights
- Improved opportunity for emerging technologies

## COST OF THE PROJECT

Western Power has provided an E30 cost estimate for the project. E30 means the cost may increase or decrease by up to 30%. Western Power will provide the Town with an E10 estimate in due course, which is intended to be accurate to within 10%. Following execution of a contract with the successful tenderer, Western Power will provide the Town with the final cost for the project.

### E30 estimate – total project

Total Project Cost (E30 Estimate): **\$13.18M**

Location	E30 Capex			Service Connection (LGA to found)	Total LGA Contribution	Meter #
	Total	WP Contribution	LGA Contribution			
2. Bassendean	\$11.86M	\$8.65M	\$3.21M	\$1.32M	\$4.53M	1,221
		73%	27%			

LGA means 'Local Government Authority' (the Town of Bassendean).

## COST FOR PROPERTY OWNERS (SERVICE CHARGE)

The Town has used the E30 cost estimate provided by Western Power to estimate the service charge payable by property owners.

Estimates	Overhead Conversion Required	Overhead Conversion not Required
<b>Net Cost</b>	\$4,337	\$1,972
<b>Loan Interest (7 years)</b>	\$985	\$448
<b>Loan Interest (10 years)</b>	\$1,441	\$655
<b>Project Management/Admin (5%)</b>	\$217	\$99
<b>Total (7 Years)</b>	\$5,539	\$2,518
<b>Total (10 Years)</b>	\$5,995	\$2,725

Notes:

- Loan interest calculated at 6% per annum
- For properties that require an underground consumer mains connection, the property owner will be required to contribute to both the Capex component and the Service Connection component
- For properties with an existing underground consumer mains connection, the property owner will be required to the Capex component only.

**MORE INFORMATION**

Visit Western Power's website for more information on underground power:

<https://www.westernpower.com.au/community/work-in-your-area/underground-power/>

Contact Western Power for project-related questions:

- Email: [undergroundpower@westernpower.com.au](mailto:undergroundpower@westernpower.com.au)
- Phone: 131 087

Contact the Town of Bassendean for information about Council decisions and costs:

- Email: [mail@bassendean.wa.gov.au](mailto:mail@bassendean.wa.gov.au)
- Phone: 9377 8000

# SURVEY QUESTIONS

## INSTRUCTIONS

You are invited to complete the TUPP Underground Power Community Survey form by:

- Completing the survey online at <https://www.surveymonkey.com/r/tobundergroundpower>.
- Completing the hard copy survey attached; or
- Scanning the QR code below



Completed forms can be returned to the Town at the Customer Service Centre at 35 Old Perth Rd, or by mail to PO Box 87, Bassendean WA 6934.

**PLEASE RETURN YOUR SURVEY TO THE TOWN OF BASSENDEAN BY 5.00PM ON FRIDAY 25 NOVEMBER 2022. ONLINE SURVEY CLOSES SUNDAY 27 NOVEMBER 2022.**

### IMPORTANT

The Town will present the results of this survey to Council to help inform Council in its decision-making.

In completing this survey you are not “casting a vote” for or against the proposed project. Council, as the community’s elected representatives will decide whether the Town will enter into a Co-Funding Agreement with Western Power.

If Council decides to enter into a Co-Funding Agreement with Western Power, Council will make decisions about the amount of the service charge(s) to be imposed, repayment period(s) and other relevant matters regarding the project.

Decisions made by Council about the proposed project will apply to all property owners within the project area.

# TUPP UNDERGROUND POWER COMMUNITY SURVEY

1. Please provide your Full Name

2. Please provide your Property Address(es)

3. Does your property already have an underground consumer mains connection?

- Yes
- No
- Unsure

4. Do you support the underground power proposal?

- Yes
- No

**Comments**

5. What is your preferred method of payment?

- Pay in full up front
- Pay by instalments over 7 years
- Pay by instalments over 10 years

6. Do you have any other comments?



TOWN OF  
**Bassendean**

## **MINUTES**

### **Arts, Culture & Events Committee**

**Tuesday 29 November 2022, 3:30 pm**

in the Council Chamber,  
Administration Building  
48 Old Perth Road, Bassendean WA 6054

## **1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer**

The Acting Director Community Planning declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

## **2 Election of Presiding and Deputy Presiding Member**

As this is the first Committee meeting since the creation of the Committee, the positions for Presiding and Deputy Presiding Members were decided.

### Presiding Member

The A/Director Community Planning, Ms Donna Shaw, conducted the election of the Presiding Member under delegated authority of the Chief Executive Officer (Interim).

Cr Ames was nominated unopposed and declared Presiding Member.

### Deputy Presiding Member

Cr Ames conducted the election of the Deputy Presiding Member.

Cr Carter was nominated unopposed and declared Deputy Presiding Member.

## **3 Announcements by the Presiding Member without Discussion**

Nil

## **4 Attendances, Apologies and Leave of Absence**

### Members

Cr Kathryn Hamilton  
Cr Jennie Carter  
Cr Tallan Ames

### Officers

Ms Donna Shaw, Acting Director Community Planning  
Mr Salvatore Siciliano, Manager Recreation & Culture  
Mrs Amy Holmes, Minute Secretary

Observers

Rikki Jane Stocks, Events Officer  
 Anita Dela Cruz, Community Development Officer  
 Ben Woodward, Community Member

**5 Declarations of Interest**

Nil

**6 Confirmation of Minutes**

Nil

**7 Business Deferred from Previous Meeting**

Nil

**8 Presentations or Deputations**

<b>8.1 Terms of Reference</b>	
<b>Attachments</b>	1. Arts Culture and Events Committee [8.1.1 - 3 pages]

The A/Director Community Planning provided an overview of the Terms of Reference and the prescribed roles and functions of the Committee.

*The function of this committee, as outlined in the Terms of Reference, is to set strategic direction and discuss and make recommendations on items listed in the agenda. This committee has no power to allocate funds or approve budget items. It can make recommendations to Council. Interested community members can attend and make deputations/presentations.*

<b>8.2 Committee Context</b>	
<b>Attachments</b>	Nil

The purpose of this presentation is to outline the Town’s involvement in arts, event and culture and discuss community aspirations and as conveyed through the Catalyse survey, and to clearly articulate the terms of reference of this Committee.

The Town engaged Catalyse to conduct a district wide Markyt Community Scorecard. The Markyt Community Scorecard is a standard assessment tool used by a significant number of local governments for the purpose of continuous improvement and enables a comparative analysis with other local governments in terms of performance.

The Scorecard was designed to evaluate community needs and aspirations in order to inform budget decisions, strategic planning and performance evaluation for the Town.

In 2022, Catalyse conducted the survey once again for the Town, which has been presented to Councillors and informs the review of the Strategy Community Plan.

Festivals, events, art and cultural activities were identified as one of the top five community priorities.

*The Manager Recreation & Culture gave a background overview on Arts, Culture and Events in the Town of Bassendean and answered questions of the committee.*

## 9 Reports

### 9.1 Strategic Budget Planning 2023/24

#### Attachments

Nil

#### Purpose

The purpose of this item is to consider future budget allocations and the scale of projects for arts, culture and events to be considered by Council in subsequent budget processes.

#### Events Coordination

A core function of the Town's Community Development Business Unit (CDBU) is to plan, coordinate and facilitate the delivery of events within the Town. In addition, other business units also undertake this function in relation to their respective line of business. The CD business unit is made up of a Manager Community Development, two Senior Community Development Officers (one full time Volunteers Services and the other part time 0.8 Events, Community Funding and Arts & Culture), one part time Community Development Officer and one Senior Community Recreation Officer. The Administration Officer Community Planning also provides support to the CD team regarding event coordination.

Events planning has traditionally occurred around known significant dates (such as Australia Day and ANZAC Day), however, there has been little strategic direction in respect to the scale and frequency of events to inform budget processes.

To provide strategic direction for future events and funding, the Town has prepared a draft ACE Strategy for consideration. A copy of the draft ACE Strategy is attached for the Committee's consideration as a separate item to this agenda.



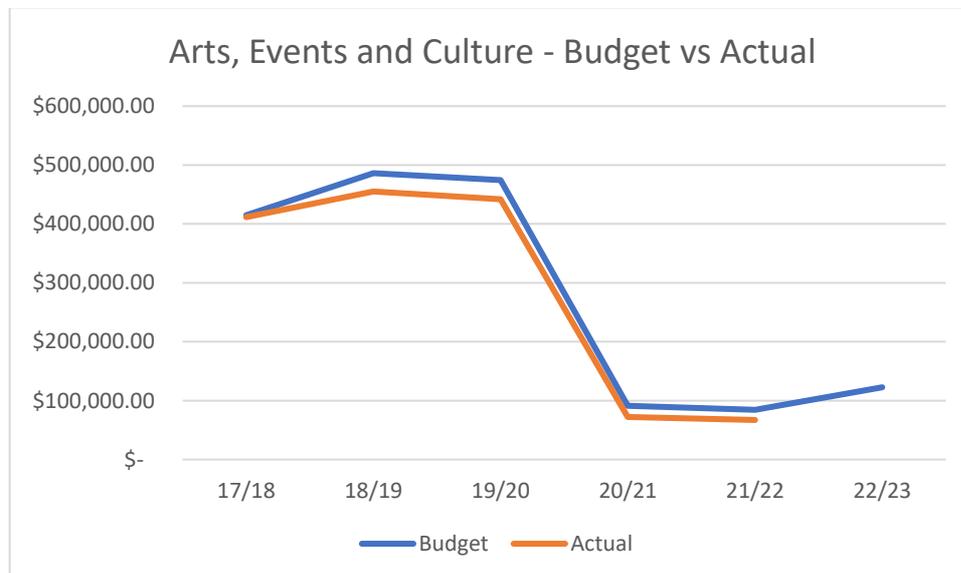
This strategy will be considered by Council prior to public consultation and further consideration by Council prior to adoption.

**Current Funding**

As advised in the CEO Bulletin dated 29 July 2022, Council’s annual budget allocation for community events, activations and cultural activities has decreased significantly over recent years thereby reducing the Town’s ability to host events on the same scale, as demonstrated below:

Year	Budget	Actual
17/18	414,700	411,536
18/19	486,200	455,123
19/20	474,300	441,954
20/21	91,052	72,066
21/22	84,405	67,141
22/23	122,600	

The below graph clearly demonstrates Council’s budget allocation and the resultant expenditure.



As part of the eight Councillor workshops on the draft 2022/23 budget, the prospect of Councillors wanting to provide more funding for community events and activations (with a view to the Town delivering more and/or larger community events and activations) was not raised.

Councillors were advised that this matter can be revisited as part of the preparation of the 2023/24 annual budget, however, it is considered appropriate for this Committee to consider likely future arts, culture and events and associated scale to assist in future budget allocations.

### Event Hierarchy/Budget

Based on previous event information, the Town has compiled the following table to demonstrate the expected attended numbers/reach and approximate budget based on different scaled events.

Catchment						
Level	Suburb Centric	ToB Suburbs	Surrounding LGs	Metro Perth	Attendees	Est Cost
Regional	✓	✓	✓	✓	2,501 - 5,000 +	\$100-150,000 +
District	✓	✓	✓		1001 - 2,500	\$50-100,000
N/Hood	✓	✓			501 - 1,000	\$10-\$50,000
Local	✓				0 - 500	Up to \$10,000

Assuming future budget allocations are similar to the \$122,600 allocated towards events in the 2022/23 budget, whilst one regional scale event could be feasible, in the absence of an increased budget allocation, it would preclude additional events throughout the year.

This is not considered appropriate given the range of events currently held which are valued by the community, including NAIDOC and reconciliation week, senior's week, and international volunteer day.

As such, until such time additional funding and resourcing is made available in subsequent budget processes, it is recommended that the Town deliver a range of local, neighbourhood and district level events throughout the following financial year to recognise and celebrate various significant dates, as outlined in the draft ACE Plan.

### Funding Sources

#### *Public Art Trust / Developer Contributions*

Through the application of Local Planning Policy No. 15 – Public Art, the Town can seek contributions via a condition of development approval for residential, commercial or mixed use development, where the estimated cost of the development exceeds \$2 million (with actual contributions being equivalent of 1% of the estimated cost of development, but not exceeding \$250,000).

The application of the above Policy has resulted in the creation of an existing Public Art Trust account (T2580). These funds were collected via historic development contributions at the time of development approval, and an audit of the funds would need to be undertaken to determine whether they were collected as contributions via a condition of approval to be expended in proximity to the development.

### *Decommissioning of Artworks*

The Town currently has a collection of over 50 pieces, with a previous (2015) estimated collective value of \$77,000. The most recent piece was acquired in 2019 as part of the (then) Visual Art Awards.

A potential funding source for ACE is the decommissioning of artworks that are in poor condition, damaged or deteriorated beyond reasonable repair, or duplicate other elements of the collection.

Council Policy 4.2 – Art Acquisition, Management and Decommissioning was considered by Council in February 2022, which provides a framework to acquire, and thereafter, develop, maintain and dispose of (where relevant) a collection of artworks.

The Policy provides that the Town may, at its absolute and sole discretion, remove any art from the collection for the purposes of selling, gifting, donating, storing, or otherwise disposing of the art, provided that the Town provides the relevant artist prior notice of its intentions.

Part 2 of Council's February 2022 resolution on the matter requested the CEO to provide information within our month via the bulletin outlining art proposed to be retained on an art collection register, artworks proposed to be decommissioned and potential options for any additional artworks to be housed with other organisations to allow them to be viewed by the public.

The Town will be undertaking a review of existing artworks to determine if any pieces are appropriate for decommissioning in accordance with Policy requirements. This will be presented at a future Committee Meeting.

To assist in potential decommissioning, a recent valuation for the art collection is necessary should Council resolve to sell artworks. As such, it is recommended that the Committee request Council consider a budget allocation for valuation services in this respect.

### *External Funding*

The Town can also apply for grants from external funding sources and partner with external providers where available.

*The A/Director Community Planning gave an overview on the way the administration currently undertakes event coordination and any future potential funding sources (ie. decommissioning of art works) in additional to municipal funding.*

*Town officers are seeking to encourage more neighbourhood and local scale events, to bring the community on board and deliver events in partnership with local community groups.*

*Administration require strategic direction from Council on what events the Town is planning so we can apply for appropriate grant funding.*

**Officer Recommendation – Item 9.1**

That the Committee:

1. Notes that the Town will deliver local, neighbourhood and district scale events for the remainder of the 2022/23 financial year; and
2. Recommends that Council consider a budget allocation in the 2023/24 annual budget for art valuations, to guide potential future disposal of artworks consistent with Council Policy 4.2 - Art Acquisition, Management and Decommissioning.

**Committee Recommendation – Item 9.1**

**ACE - 1/11/22**

MOVED Cr Ames, Seconded Cr Carter, that the Committee:

1. Notes that the Town will deliver local, neighbourhood and district scale events for the remainder of the 2022/23 financial year; and
2. **Notes that the Town will undertake an evaluation of art works, to guide potential future disposal of artworks consistent with Council Policy 4.2 - Art Acquisition, Management and Decommissioning.**

CARRIED UNANIMOUSLY 3/0

<b>9.2 Draft Arts, Culture and Events Strategy</b>	
<b>Attachments</b>	1. Draft Arts Culture and Events Strategy [9.2.1 - 16 pages]

Purpose

The purpose of this item is to consider a draft Arts, Culture and Events Plan (ACE Strategy) for the purposes of advertising.

Background

Given the lifespan of the Town’s Arts and Culture Plan 2019-2023, the Town has commenced a review of this document with a view to formulating a contemporary plan, reflective of Council’s current Strategic Community Plan, as well as community aspirations. A copy of the current Arts and Culture Plan 2019-2023 is attached.

## Purpose

The purpose of the draft ACE Strategy is to provide strategic direction for future events and funding, as well as providing clarification on the Town's role with respect to events.

Undertaking a strategic approach to the delivery of ACE is important in clearly linking the community's aspirations with the Council's vision, long term strategy and budgeting processes.

As such, the draft ACE Strategy seeks to align the delivery of each ACE actions in subsequent years for the lifespan of the plan, which was not included in the current Arts and Culture Plan 2019-2023.

This will ensure required funding can be considered in subsequent budget cycles, and to ensure it is clear to the community when each ACE is likely to occur.

The draft Plan captures all the Town's current ACEs, as well as proposing additional ACEs for Committee's consideration. These are represented as either 'NP' (new project) or 'EP' (existing project) within the strategy recommendations. A copy of the draft ACE Strategy is attached.

It is open to Committee to add, modify or delete ACE actions contained within the draft Plan, however, it is noted that this will have budget implications.

Further, the draft ACE Strategy outlines the community development approach the Town will have regard to in its scale of involvement for each ACE action.

## The Strategy:

- Provides an open and transparent framework for the delivery of ACE;
- Buildings organisational and resource capability and capacity to meet community needs;
- Recognises that resources are required to deliver ACE;
- Provides the ability to convey longer term financial implications of ACE; and
- Optimises success by understanding the integration and interdependencies between the components.

It is intended that the draft ACE Strategy will be considered by Council as part of the minutes of this Committee, prior to public consultation and further consideration by Council prior to adoption. Should the draft ACE Strategy be adopted by Council for the purposes of advertising, the Town intends to advertise for a minimum period of four weeks in the following manner:

- The Town's website and social media;
- A copy being made available at the Town's Customer Services and the Bassendean Memorial Library;
- Thrive, and
- Liaising with local artists and community groups.

The draft ACE Strategy is intended to not only recognise the ACEs delivered by the Town, contributing to desired social outcomes, but also those delivered by its partners and other providers providing coverage in the district, including not for profit organisations and community groups.

*The intent of the ACE Strategy is to list all of the potential ACE actions and have this committee add or remove actions, take to Council for approval and public advertising.*

*Keen to see inclusion of a Pride event and also a NAIDOC event in collaboration with Swan Districts Football Club.*

### **Officer Recommendation – Item 9.2**

That the Committee recommends that Council adopt the draft Arts, Culture and Events Strategy for the purposes of advertising.

### **Committee Recommendation – Item 9.2** **ACE - 2/11/22**

MOVED Cr Hamilton, Seconded Cr Ames, that the Committee recommends that Council adopt the draft Arts, Culture and Events Strategy, **with the inclusion of an event for Pride Week in November 2023 and collaboration with Swan Districts Football Club for a NAIDOC event in July 2023**, for the purposes of advertising.

**CARRIED UNANIMOUSLY 3/0**

<b>9.3 Community Cultural Development Project</b>	
<b>Attachments</b>	Nil

As part of the 2022/23 budget process, Council approved a budget allocation of \$50,000 for a Community Cultural Engagement Project, which was made up of \$20,000 of municipal funds, supported by an anticipated \$30,000 grant from the Department of Local Government, Sport and Cultural Industries.

The Town engaged an artist to scope a ‘River Stories’ project, which included project concept design, delivery planning and grant preparations involving three stages of project development and delivery to performance/presentation. The project included a series of workshops and community consultation (including Bassendean Primary School), with part of those funds intended for the artist, in addition to materials etc. or other local artists to assist in delivering the project.

The artist was paid \$1,360 for the initial work undertaken to date in respect to scoping the project, however, the Town has not directed the artist to continue with the project given at that point in time, a budget allocation had not been finalised, nor matters pertaining to procurement resolved. The Town did not apply for the \$30,000 grant on this basis.

The Town has since met with the artist to discuss the project moving forward, which is broadly summarised as follows:

- The artist is working with Bassendean Primary School and local riverside schools in preparing a project which involves sharing community stories;
- The stories will relate to the Derbarl Yerrigan (Swan River) and be interpreted with visual art;
- The Bassendean Primary School may seek external grant funding to assist with funding the project;
- Whilst the project can be presented in December 2023 at Bassendean Primary School, the artist/School is seeking the Town's assistance to showcase the project adjacent the river and potentially at other community events. For example, portions of the project could be showcased at the Town's Australia Day Event in January 2024; and
- The Town's role in the project would be to connect the artist and the School with local community connections (such as the local studies collection), facilitate workshops with the community and to host the event.

In considering the above, whilst the Town can facilitate workshops and events, where the project exceeds \$5,000, consideration is required to Council's Purchasing Policy.

The artist may be considered a sole supplier for the purposes of the purchasing policy given the unique nature of the project scope, however, this would require CEO approval.

Rather than appointing the artist to deliver the project, it is recommended that the Town continue to liaise with the artist and Bassendean Primary School to facilitate workshops and event(s) to showcase the final project. In the interim, the balance of unspent funds is recommended for recommitment to the community events, activations and cultural activities budget, given the project will not be finalised in this financial year in any instance.

The Town can determine procurement and future event costings once the project is further progressed, with a view to committing funds for this purpose from the community events, activations and cultural activities budget in the 2023/24 financial year.

**Committee/Officer Recommendation – Item 9.3**  
**ACE - 3/11/22**

MOVED Cr Hamilton, Seconded Cr Ames, that the Committee notes:

1. That the Town will continue to work with the artist and Bassendean Primary School on a Community Cultural Engagement Project; and
2. That the balance of funds (\$18,640) be recommitted to the community events, activations and cultural activities budget, as part of the upcoming mid-year budget review.

**CARRIED UNANIMOUSLY** 3/0

<b>9.4 Australia Day 2023</b>	
<b>Attachments</b>	Nil

Purpose

The purpose of this item is to consider how the Town will recognise Australia Day in 2023.

Background:

Until 2017, the Town staged Australia Day Celebrations and Fireworks for 13 consecutive years at Ashfield Reserve.

At its 7 February 2017 meeting, the Town’s then ‘Liveable Town Advisory Committee’ sought to establish a Working Group to conduct a review of the event, which was endorsed by Council at its 28 February 2017 Ordinary Meeting. The review was based on the following terms of reference:

- The sensitivity of holding the event on 26 January each year;
- The effectiveness of the Town’s Australia Day event from the perspective of measuring the quality and impact of the event and experiences;
- The current investment by the Town, complexity of the event each year and risk management issues associated with the fireworks and overall event management;
- The Cultural Plan review which was scheduled to be conducted in the first half of the 2016/17 financial year.

In recent years, the Town has either held a neighbourhood scale event (2022) or a scaled down event (2021) due to the Covid-19 pandemic.

On 26 January 2022, the Town hosted an event to celebrate Birak (the Noongar season for December and January) at Mary Crescent Reserve, which included the mandatory citizenship ceremony, as well as the following elements:

- a breakfast provided by the Bassendean SES volunteers;
- a Welcome to Country by Trevor Stack, a Noongar man with connections to Whadjuk, Ballardong, Tued and Wardandi clans of Western Australia;
- a musical performance by Gina Williams and Guy Ghouse;
- a Karaak and Marri showcase presented by Bassendean Primary School students; and
- a traditional performance from the Gya Ngoorp dance group.

Given this event was well received by the community and displayed unity, culture and connection, it is recommended that the Committee endorses a similar event for 26 January 2023. Similar scaled neighbourhood events are recommended in future in lieu of one large event given current budget considerations, as provided in the Officers recommendation.

In respect to funding for this event, in the previous two years, the Town was successful in receiving grants from the National Australia Day Council (NADC) for the staging of Australia Day events (which includes the required Citizenship Ceremony).

Given that these grants are released late in the year, the Town sought a budget allocation as to not be reliant on an external funding source to secure the delivery of an event. An allocation of \$20,500 has been approved by Council, \$15,000 of which is proposed to be used to stage the 2023 Australia Day event, commensurate with a neighbourhood sized event. The balance of funds has been used for the Citizenship Ceremony that occurred in October 2021 and is proposed to be used for the future Citizenship Ceremony in May 2023.

Notwithstanding, the Town will apply for a NADC grant to supplement the existing budget allocation, including increasing the cultural component as well as focusing on access and inclusion to the event.

#### **Committee/Officer Recommendation – Item 9.4**

#### **ACE - 4/11/22**

MOVED Cr Ames, Seconded Cr Hamilton, that the Committee notes the Town will continue to deliver a neighbourhood level event for residents to recognise Australia Day.

**CARRIED UNANIMOUSLY 3/0**

## **10 Announcements of Notices of Motion for the Next Meeting**

Nil

## **11 Motions of Which Previous Notice Has Been Given**

Nil

## **12 Closure**

The next Committee meeting will be held on 7 March 2023, commencing at 3.30pm.

There being no further business, the Presiding Member closed the meeting at 5.06pm.



TOWN OF

**Bassendean**

## **MINUTES**

### **Audit & Governance Committee Meeting**

**Wednesday 30 November 2022, 5:30 pm**

in the Council Chamber, Administration Building  
48 Old Perth Road, Bassendean WA 6054

## **1 Declaration Of Opening; Acknowledgment of Country; Acknowledgment of Visitors; Disclaimer**

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

## **2 Announcements by the Presiding Member without Discussion**

Nil

## **3 Attendances, Apologies and Leave of Absence**

### **Present**

#### **Members**

Cr Hilary MacWilliam, Presiding Member  
Cr Kathryn Hamilton  
Cr Renee McLennan - *Cr McLennan is authorised to attend the meeting through electronic means (regulation 14C)*  
Cr Paul Poliwka  
Patrick Eijkenboom

#### **Staff/Consultants**

Paul White, Director Corporate Services  
Raj Malde, Manager Finance  
Elizabeth Kania, Manager Governance & Strategy  
Tina Lane, Project Officer  
Jay Teichert, Office of the Auditor General  
Ron Back, Advisor to the Committee  
Amy Holmes, Minute Secretary

### **Apologies**

Kim Stewart  
Duy Vo, William Buck

## **4 Declarations of Interest**

Nil

## **5 Presentations or Deputations**

Nil

## 6 Confirmation of Minutes – 7 September 2022

These minutes were not noted at this meeting and are yet to be confirmed as a true and correct record.

## 7 Business Deferred from Previous Meeting

Nil

## 8 Reports

8.1 Review of Investment Policy	
Property Address	N/A
Landowner/Applicant	N/A
File Reference	GOVN/CCLMEET/1
Department	{use-custom-field-directorate-do-not-remove}
Previous Reports	N/A
Authority/Discretion	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
Attachments	<ol style="list-style-type: none"> <li>1. Investment Policy - 2018 [8.1.1 - 7 pages]</li> <li>2. Draft Amended Investment Policy - Nov 2022 - Tracked Changes [8.1.2 - 8 pages]</li> <li>3. Draft Amended Investment Policy - Nov 2022 [8.1.3 - 5 pages]</li> </ol>

### Purpose

The purpose of this report is for the Audit and Governance Committee to review Council's Investment Policy and make a recommendation to Council as to the interest rate differential and maximum basis point differential that should be accepted for investment with non-fossil fuel lenders.

### Background

In December 2015, Council resolved that the existing policy be amended:

*“to incorporate deliberative preference for investment with financial institutions that do not invest in or finance the fossil fuel industry where:*

- a) The investment is compliant with Council’s investment policy with regards to risk diversification & credit rating;*
- b) The investment rate of interest is favourable to Council relative to other similar investments that may be on offer to Council at the time of investment.”*

Council referred the matter to the next Audit and Risk Management Committee meeting to review the policy.

In March 2016, the Committee considered the policy and recommended that Council amends the policy to include:

*“Preference will be given to invest in financial institutions who do not invest in or finance the fossil fuel industry.”*

Later in March 2016, Council adopted the revised Investment Policy.

In May 2017, section 19C(2)(b) of the *Local Government (Financial Management) Regulations 1996* was amended to change the maximum fixed term deposit period for investments from 12 months to three years.

In June 2017, the Audit and Risk Management Committee recommended to Council that the Investment Policy be amended to accommodate the change in the Regulations, and Council adopted the amended policy at its June 2017 Ordinary Council Meeting.

Meanwhile, Council reviewed all leadership and governance policies, with a workshop held on 1 March 2017. The revised policies that followed were presented to Council for adoption at the June 2017 Ordinary Council Meeting. Council resolved to adopt the policies for the purposes of public consultation.

In September 2017, following receipt of public comments (two public comments were received, each commenting on multiple policies), Council considered the leadership and governance policies and resolved to (among other things) adopt the policy without any further modification.

In January 2018, Council considered the draft amended Policy which included the following addition:

*“The Town will not make investments in companies that derive any revenues in the following areas of activity:*

- a) *Controversial weapons: Companies involved in the manufacture and/or production of controversial weapons such as land mines, cluster bombs and nuclear weapons;*
- b) *Tobacco: Companies involved in the manufacture and/or production of tobacco products.*

*The Town will not make investments in companies that derive 10% or more of their revenues in the following areas of activity:*

- a) *Armaments: Companies involved in the manufacture and/or production of armaments;*
- b) *Gambling: Companies involved in the manufacture and/or production of gambling machines and services and/or ownership of outlets housing these machines;*
- c) *Old growth logging: Companies involved in the logging of old growth forests; or*
- d) *Uranium Mining/Nuclear: companies involved in uranium mining and production of nuclear energy.*

*The Town has determined that the Fund will not make investments in companies that derive 1/3 (one-third) or more of their revenues in high carbon sensitive activities.”*

Council resolved to adopt the Investment Policy (with the above amendments), plus the following additional amendment:

*“That the Town will not engage in leverage investments or securities.”*

The amendments to the Investment Policy adopted by Council in January 2018 were closely aligned with public comments received in response public consultation, which Council had considered, but declined to make any consequential amendment at the September 2017 Ordinary Council Meeting.

The amendment for the Town not to engage in leverage investments of securities was unnecessary given restrictions on the type of investments local governments can make under the *Local Government (Financial management) Regulations 1996*. Local governments cannot invest in securities other than term deposits or government bonds, which cannot be leveraged.

The Town is unable to implement the remaining policy amendments made in January 2018, with present resources and currently available and reported information, while complying with the important portfolio and counterparty limits specified in the policy.

Finally, the policy does not provide sufficient guidance for the administration to properly give effect to Council's preference for non-fossil fuel investment, while seeking to achieve a suitable investment yield, providing a revenue source for the Town. Consequently, the draft Amended Investment Policy proposes inclusion of an interest rate differential, subject to a basis point cap, to guide investment decisions.

While the core components of the Investment Policy remain valid, it is considered a major review of the policy is required to:

- Simplify the policy in alignment with the Town's other more recent policies;
- Remove provisions that are incapable of application in practice; and
- Remove unnecessary content.

Further, review of the policy presents an opportunity to give practical effect to Council's desire for a focus on investment with non-fossil fuel lending institutions by setting an interest rate differential and maximum basis point differential for investment with non-fossil fuel lenders.

## **Proposal**

That the Audit and Governance Committee review the existing Investment Policy and recommend that Council adopts the draft amended Investment Policy. In doing so, the Committee is requested to make a recommendation to Council as to the interest rate differential and maximum basis point differential Council should accept for investment with non-fossil fuel lenders.

## **Communication and Engagement**

A desktop review of comparable local governments in the Perth metropolitan area was undertaken and from the 15 local governments surveyed, 11 have a policy statement on non-fossil fuel investment. Most policy statements specify a preference for investment in non-fossil fuel lenders, subject to risk considerations and favourable terms (interest rates).

The 'favourable terms' qualification operates to restrict investment in non-fossil fuel lenders to a relatively low level in most local governments. Two local governments specify an interest rate differential the local government is prepared to accept for investment in non-fossil fuel lenders (5 basis points and 10 basis points). For example, if the best fossil fuel lender interest rate available was 3.0%, the required non-fossil fuel lender interest rate is 2.95% in the first instance and 2.9% in the second instance.

Of the 15 local governments surveyed, the Town had the highest level of actual investment in non-fossil fuel lenders, at 70% as of 31 October 2022, with other local governments ranging from zero to 50%. The lower uptake is primarily due to higher investments returns available from fossil fuel banks and secondarily due to lower risk profiles of banks from this category.

The portfolio limits and institution limits specified in the investment policies of other local governments vary widely. For local governments that specified limits for A – 1 rated and A – 2 rated institutions, the range was:

	Portfolio limit		Institution limit	
	Upper	Lower	Upper	Lower
A – 1 rated	100%	80%	50%	15%
A – 2 rated	80%	15%	40%	10%

The Town has the highest A – 1 rated institution limit at 50% and for A – 2 rated institutions at 30%.

## Strategic Implications

Priority Area 4: Driving Financial Suitability

4.1 Ensure there is sufficient, effective and sustainable use of assets

### Comment

#### Non-Fossil Fuel Lenders

The existing Policy presently states:

*“Preference will be given to invest in financial institutions who do not invest on or finance the fossil fuel industry. “*

However, this is subject to the Policy Objective, which presently states:

*“To invest funds to ensure the maximisation of returns with due consideration of the associated risks, whilst protecting the initial capital investment and future cash flows.”*

Presently, the administration must give effect to Council’s desire for a preference for investment in non-fossil fuel lenders, while maximising returns. Where available interest rates for investments with non-fossil fuel lenders are lower than those available for fossil fuel lenders for an equivalent investment option, the administration must resort to qualitative considerations of balance between these two competing objectives.

It is necessary for the administration to receive guidance from Council, to quantify Council's interest rate expectations for investment in non-fossil fuel lenders so the administration can implement the Investment Policy in a consistent and transparent way.

Consequently, the Committee is now requested to quantify the interest rate differential it recommends Council ought to accept, as well as a cap on that differential expressed in terms of a number of basis points, for comparable investment options with non-fossil fuel lenders.

### Broader Restrictions on Investments

The draft amended policy proposes that the inclusions adopted by Council in January 2018 be removed, as the Town is unable to implement those policy measures.

Implementation of the January 2018 amendments requires not only an in-depth understanding of the business of the Authorised Deposit-taking Institution (ADI) and its policies, but also detailed calculations of sources of revenue that are not reported or otherwise publicly available. For non-fossil fuel lenders, the Town uses Marketforces to identify institutions the Town regards as non-fossil fuel lenders. The Marketforces website is regularly updated and is used by many local governments to determine fossil fuel status.

According to its website, Marketforces "*exposes the institutions that are financing environmentally destructive projects and help Australians hold these institutions accountable*". Marketforces categorises financial institutions according to their fossil fuel lending practices, identifying whether they are engaged in lending to fund fossil fuel industries.

There is no equivalent body undertaking the same or similar activity that would assist the Town to categorise financial institutions in terms of the January 2018 amendments to the policy. While most ADIs have corporate positions on environmental, social and governance (ESG) issues which tend to make general statements, with most ADIs stating a commitment to positive change on ESG issues, confirmation of individual investment or financing in areas of controversial weapons, armaments, gambling or old growth logging becomes more complicated with little or no information being included in annual reports or on lender websites. The research showed no reliable or up-to-date websites which provide this information.

As stated in the Background section above, the January 2018 amendment for the Town not to engage in leverage investments of securities is unnecessary given restrictions on the type of investments local governments can make under the *Local Government (Financial management) Regulations 1996*. Local governments cannot invest in securities other than term deposits or government bonds, which cannot be leveraged.

### Legislative Requirements

Legislative requirements are included in the document control box at the end of the policy and it is not necessary to repeat the list of Acts within the policy itself. Consequently, this section of the policy is proposed to be removed.

### Delegation of Authority

Delegations are included in the Council-adopted Delegations Register which is regularly reviewed. As such, inclusion of such matters in the policy is not necessary. Further, any amendment to the Delegations Register will also require amendment to the Policy. Consequently, this section of the policy is proposed to be removed.

### Ethics and Conflicts of Interest

This is covered by the Town's Code of Conduct. Consequently, this section of the policy is proposed to be removed.

### Credit Ratings

The portfolio credit framework and counterparty credit framework have been reviewed for appropriateness and benchmarked against other metropolitan local governments, as outlined in the Communication and Engagement section above.

The administration considers the portfolio credit framework and counterparty credit framework to be appropriate for the Town, to achieve the objectives of the policy. Consequently, no change to the existing policy is recommended.

While increasing the A – 2 rated portfolio limit from 60% to 75%, for example, would make it easier for the Town to achieve a higher level of non-fossil fuel investment, it does pose additional risks which may be inconsistent with the principal objective of the policy to preserve capital.

### Authorised Investments

The requirements have been summarised in the draft amended policy, rather than re-stating the Regulations.

### Fossil Fuel Free Investments

It is proposed to insert a new section into the draft amended policy to give effect to Council's preference for the Town's investments to be made with non-fossil fuel lenders. This is discussed extensively throughout this report.

The administration will aim to achieve investment of 60% of the Town's funds available for investment at any given time with non-fossil fuel lenders, subject to Council's decision in terms of the interest rate differential; noting that the lower the differential, the harder it will be for the Town to meet the criteria enabling higher investments in fossil fuel free deposits.

When investing the funds, the Town must consider risk, liquidity (cash flow requirements), diversification, the lenders' stance on fossil fuel and the restrictions in the policy. This can be a difficult balance, and subject to fluctuation from time-to-time, particularly given different investments are for varying lengths of time, depending on the purpose for which the funds are held by the Town and cash flow requirements. Also, the Town normally holds some funds at call, in an interest-bearing account with its banker, Commonwealth Bank (CBA), which is a fossil fuel lender.

Several corporate takeovers are beginning to have major implications for the Town's investments with non-fossil fuel lenders and may mean the Town will find it more difficult to achieve the target 60% investment with non-fossil fuel lenders. The Town may need to expand its portfolio either via further direct investments in other non-fossil fuel lenders that meet the criteria or via an investment broker with wider access to ADI's.

More specifically, the ANZ (a fossil fuel lender) is presently engaged in a buyout of Suncorp. As the only A-1 rated non-fossil fuel lender, the Town presently relies heavily on Suncorp, with current investment of \$6.5 million as of 31 October 2022 (32% of total funds under investment). If approved by the ACCC, this buyout is expected to be completed in the second half of 2023, removing the only A – 1 rated non-fossil fuel lender as an investment option for the Town.

The Bank of Queensland (BoQ) has recently acquired ME Bank, with ME Bank completing the migration to BoQ's banking system in July 2022. BoQ does not directly fund fossil fuel mining projects but has some exposure through asset and equipment finance used in the extraction of fossil fuels. BoQ has committed to cease funding equipment directly involved in the extraction of fossil fuels by 2024, at which point they will be regarded as a non-fossil fuel lender.

The Town's current investments with ME Bank total \$4.4 million as of 31 October 2022 (21%) and as these investments were made prior to the system migration they are classified by the Town as non-fossil investments. Any new funds invested with ME Bank will be classified as fossil fuel investments.

The Town has recently held meetings with both National Australia Bank and CBA regarding "green" term deposits and bonds and the difference in interest rates that may apply. The Town is awaiting further information to determine whether they represent suitable investment options.

### Investment Advisor

It is proposed to make wording changes and incorporate the ability to use an external platform to manage the Town's investments, should the Town need to access a broader range of ADI's.

### Reporting and Review

It is proposed to make wording changes.

### Glossary of Terms

Considered unnecessary and is proposed to be removed from the draft amended policy.

### Application

Considered unnecessary and is proposed to be removed from the draft amended policy.

## **Statutory Requirements**

A local government must comply with the requirements of the *Local Government Act 1995* and *Local Government (Financial Management) Regulations 1996* when investing funds, as follows.

### ***Local Government Act 6.14 Power to invest***

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

*(2A) A local government is to comply with the regulations when investing money referred to in subsection (1).*

*(2) Regulations in relation to investments by local governments may —*

*(a) make provision in respect of the investment of money referred to in subsection (1); and*

*[(b) deleted]*

*(c) prescribe circumstances in which a local government is required to invest money held by it; and*

(d) provide for the application of investment earnings; and

(e) generally provide for the management of those investments.

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

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

1. *In this regulation —*
2. **authorised institution** means —
  - a. *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
  - b. *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*

**foreign currency** means a currency except the currency of Australia.

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

### **Financial Considerations**

The draft amended Investment Policy contains the following clauses in relation to investments in non-fossil fuel lenders:

*“8.1 When making investment decisions, the Town will give preference to institutions that do not invest in or finance the fossil fuel industry, where:*

*8.1.1 The investment complies with all other elements of this Policy, and*

*8.1.2 The interest rate is at least **XX** of, and no more than **XX** basis points below, the interest rate available for comparable investment options available at the time.”*

The Committee is requested to make a recommendation to Council as to the interest rate differential and maximum basis point differential that it should accept for investment with non-fossil fuel lenders. The recommendation of the administration is that the interest rate differential be set between zero and 10%, and the basis points cap be set between zero and 50 basis points. The following examples show the effect of some different options open to the Committee.

Example One: Interest rate differential of 1%, with a basis points cap of 5 basis points:

- Where the highest available interest rate offered by a fossil fuel lender for the desired investment is less than 5.0% per annum, the Town will invest in a non-fossil fuel lender equivalent where it can obtain an interest rate within 1%. For example, if a fossil fuel lender is offering a rate of 3.00% for a term deposit taken over 12-months, the Town would be prepared to accept a reduced rate from a non-fossil fuel lender of 2.97% or above. For an investment of \$1 million for a 12-month term this could equate to a loss of potential investment income of up to \$300.
- Where the highest available interest rate offered by a fossil fuel lender for the desired investment is 5.0% per annum or higher, the Town will invest in a non-fossil fuel lender equivalent where it can obtain an interest rate within 5 basis points. For example, if a fossil fuel lender is offering a rate of 5.00% for a term deposit taken over 12-months, the Town would be prepared to accept a reduced rate from a non-fossil fuel lender of 4.95% or above. For an investment of \$1 million for a 12-month term this could equate to a loss of potential investment income of up to \$500.

Example Two: Interest rate differential of 5%, with a basis points cap of 25 basis points:

- Where the highest available interest rate offered by a fossil fuel lender for the desired investment is less than 5.0% per annum, the Town will invest in a non-fossil fuel lender equivalent where it can obtain an interest rate within 5%. For example, if a fossil fuel lender is offering a rate of 3.00% for a term deposit taken over 12-months, the Town would be prepared to accept a reduced rate from a non-fossil fuel lender of 2.85% or above. For an investment of \$1 million for a 12-month term this could equate to a loss of potential investment income of up to \$1,500.
- Where the highest available interest rate offered by a fossil fuel lender for the desired investment is 5.0% per annum or higher, the Town will invest in a non-fossil fuel lender equivalent where it can obtain an interest rate within 25 basis points. For example, if a fossil fuel lender is offering a rate of 5.00% for a term deposit taken over 12-months, the Town would be prepared to accept a reduced rate from a non-fossil fuel lender of 4.75% or above. For an investment of \$1 million for a 12-month term this could equate to a loss of potential investment income of up to \$2,500.

Example Three: Interest rate differential of 10%, with a basis points cap of 50 basis points:

- Where the highest available interest rate offered by a fossil fuel lender for the desired investment is less than 5.0% per annum, the Town will invest in a non-fossil fuel lender equivalent where it can obtain an interest rate within 10%. For example, if a fossil fuel lender is offering a rate of 3.00% for a term deposit taken over 12-months, the Town would be prepared to accept a reduced rate from a non-fossil fuel lender of 2.7% or above. For an investment of \$1 million for a 12-month term this could equate to a loss of potential investment income of up to \$3,000.
- Where the highest available interest rate offered by a fossil fuel lender for the desired investment is 5.0% per annum or higher, the Town will invest in a non-fossil fuel lender equivalent where it can obtain an interest rate within 50 basis points. For example, if a fossil fuel lender is offering a rate of 5.00% for a term deposit taken over 12-months, the Town would be prepared to accept a reduced rate from a non-fossil fuel lender of 4.5% or above. For an investment of \$1 million for a 12-month term this could equate to a loss of potential investment income of up to \$5,000.

The Town's total funds under investment in 2021/22 averaged \$15.5 million, with the actual amount under investment dependant on the time of year and other factors including the timing of rates instalments, grant income and cash flow requirements. Accordingly, the maximum theoretical loss in revenue from the proposed interest rate differential and basis points cap for non-fossil fuel lenders is approximately:

- Option One: \$ 7,750
- Option Two: \$38,750
- Option Three: \$77,500.

That is based on available interest rates of at least 5.0%, which are not presently available. Further, a significant portion of the Town's investments are for terms shorter than 12-months, which generally attract a lower rate of interest. Finally, the Town is unable to invest 100% of the funds available for investment with non-fossil fuel lenders at the present time, given the policies of the various ADI's, cash flow requirements and the portfolio and counterparty credit limits specified in the Investment Policy.

Assuming an average maximum interest rate available from fossil fuel lenders of 3.0%, with 60% of the Town's funds invested with non-fossil fuel lenders, the maximum loss in revenue from the proposed interest rate differential for non-fossil fuel lenders is approximately:

- Option One: \$ 2,790
- Option Two: \$13,950
- Option Three: \$27,900.

Should the interest rates available from non-fossil fuel lenders be close to those available for equivalent investments from fossil fuel lenders, the loss to revenue will be lower.

### **Risk Management Implications**

Financial Risk  
Medium

The draft amended Investment Policy has an overall objective of the preservation of capital. The portfolio and counterparty credit portfolio limits specified in the policy are considered appropriate for that objective.

The interest income forgone would be required to be met by a corresponding increase in other revenue or reduction in expenses.

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

*The Director Corporate Services spoke on this report and advised that the Committee is requested to make a recommendation to Council as to the interest rate differential and maximum basis point differential that it should accept for investment with non-fossil fuel lenders.*

### **Officer Recommendation – Item 8.1**

That the Audit and Governance Committee recommends that Council adopts the draft amended Investment Policy, as attached to this report, subject to clause 8.1.2 being amended to read as follows:

*“The interest rate is at least <<TBD>>% of, and no more than <<TBD>> basis points below, the interest rate available for comparable investment options available at the time. (this section is required to be reworded at the Committee Meeting).”*

## **Committee Recommendation – Item 8.1**

### **AGC-1/11/22**

MOVED Cr Poliwka, Seconded Cr Hamilton, that the Audit and Governance Committee recommends that Council adopts the amended draft Investment Policy, as attached to this report, subject to clause 8.1.2 being amended to read as follows:

***The interest rate is at least 5% of, and no more than 25 basis points below, the interest rate available for comparable investment options available at the time.***

**CARRIED BY AN ABSOLUTE MAJORITY 4/1**

*Cr Poliwka, Cr Hamilton, Cr MacWilliam & Patrick Eijkenboom voted in favour of the motion. Cr McLennan voted against the motion.*

<b>8.2 Audit Risk Register</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	1. CONFIDENTIAL - Audit Risk Register - Nov 2022 [8.2.1 - 6 pages]

### **Purpose**

The purpose of this report is to provide the Audit and Governance Committee with the Town's Audit Risk Register, with updated actions since the meeting of the Committee on 7 September 2022.

### **Background**

In 2019, a review was undertaken on the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal controls and legislative compliance, pursuant to Regulation 17 of the *Local Government (Audit) Regulations 1996*. The creation of an Audit Risk Register was a recommendation arising from that review.

## Proposal

For the Audit and Governance Committee to receive the Audit Risk Register and consider the action taken or proposed to address the identified risks.

## Communication and Engagement

Nil.

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.3 Ensure operational activities reflect the strategic focus of Council

6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

6.6 Respond effectively and efficiently to crises

## Comment

The Audit Risk Register presents a summary of the audit risks and recommendations made in recent internal and external audit reports relating to the Town and provides an update on actions taken or proposed to address the identified risks.

No further Audit Reports have been received since the last meeting of the Committee. The audited annual financial statements for 2020/21 have been delayed. This is the subject of a separate report to this meeting.

## Statutory Requirements

The *Local Government (Audit) Regulations 1996, Regulation 16* states:

*“An audit committee has the following functions —*

- (a) to guide and assist the local government in carrying out —
  - (i) its functions under Part 6 of the Act; and*
  - (ii) its functions relating to other audits and other matters related to financial management;**
- (b) to guide and assist the local government in carrying out the local government’s functions in relation to audits conducted under Part 7 of the Act;*
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO’s report) and is to —
  - (i) report to the council the results of that review; and*
  - (ii) give a copy of the CEO’s report to the council;**
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
  - (i) regulation 17(1); and**

- (ii) *the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (e) *to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;*
- (f) *to oversee the implementation of any action that the local government —*
  - (i) *is required to take by section 7.12A(3); and*
  - (ii) *has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and*
  - (iii) *has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and*
  - (iv) *has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);*
- (g) *to perform any other function conferred on the audit committee by these regulations or another written law.”*

### **Financial Considerations**

Implementation of some audit recommendations may require additional funds and will be the subject of separate budget submissions as and when required. Council's Purchasing Policy and the Town's Procurement Framework will govern any required engagements.

### **Risk Management Implications**

Financial Risk  
Medium

Risk implications are detailed in the Audit Risk Register.

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

*No new audits have been undertaken since the last meeting. The register has been updated with actions taken since the last meeting.*

### **Committee/Officer Recommendation – Item 8.2** **AGC-2/11/22**

MOVED Cr MacWilliam, Seconded Cr Poliwka, that the Audit and Governance Committee receives the Audit Risk Register and notes the action taken or proposed to be taken, to address the identified risks.

CARRIED UNANIMOUSLY 5/0

<b>8.3 OAG - Audit Committee Chair Forum - October 2022</b>	
<b>Property Address</b>	Address here
<b>Landowner/Applicant</b>	Owner/s here
<b>File Reference</b>	FINM/AUD1
<b>Author</b>	Director Corporate Services
<b>Department</b>	Corporate Services, Corporate Services
<b>Previous Reports</b>	xxReportDetailsxx
<b>Authority/Discretion</b>	<b>Information</b> For the Council/Committee to note.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. OAG Audit Committee Chair October 2022 Summary [<b>8.3.1</b> - 2 pages]</li> <li>2. OAG Audit Committee Chair October 2022 Caroline Spencer [<b>8.3.2</b> - 27 pages]</li> <li>3. OAG Report 20 Fraud Risk Management Better Practice Guide [<b>8.3.3</b> - 64 pages]</li> </ol>

### **Purpose**

The purpose of this report is to inform the Committee of the most recent Audit Committee Chair Forum held by the Office of the Auditor General, on 13 October 2022, and to draw the Committee's attention to the Auditor General's Fraud Risk Management – Better Practice Guide.

### **Background**

The OAG hosted its fifth Audit Committee Chair Forum, on 13 October 2022. Auditor General Caroline Spencer provided an overview of the 2022 audit season, including audit access and provided a presentation on considerations for audit committees in the era of sustainability reporting. Assistant Auditor General Forensic Audit, Carl Huxtable, presented on the OAG's Fraud Risk Management - Better Practice Guide and the tools available to assist entities to uplift their fraud resilience.

### **Proposal**

That the Committee note the Auditor General's presentation and the Fraud Risk Management – Better Practice Guide.

### **Communication and Engagement**

Nil

## Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

## Comment

The Committee considered a new Fraud and Corruption Policy and Fraud and Corruption Control Plan for the Town at its 22 March 2022 meeting and recommended Council adopt both documents, which it did at the March 2022 Ordinary Council Meeting. The Town's Fraud and Corruption Control Plan draws from the Australian Standard AS8001-2021 – 'Fraud and Corruption Control' and is supported by an Action Plan, which the Town will continue to implement throughout 2022/23.

The OAG Fraud Risk Management – Better Practice Guide also draws from Australian Standard AS8001-2021 and the Town's Fraud and Corruption Control Plan is broadly consistent with the Better Practice Guide.

A focus of the Better Practice Guide is aimed at guiding those responsible for developing and implementing an entity's fraud risk management program, and it includes some useful resources designed to support the fraud risk management process. The Town will review its Fraud and Corruption Control Action Plan in light of the Better Practice Guide, to incorporate elements appropriate for the Town.

## Statutory Requirements

Regulation 17 of the Local Government (Audit) Regulations 1996 requires local government CEOs to review their entity's systems and procedures, including for risk management, to ensure they are effective and appropriate for the entity's needs.

## Financial Considerations

Implementation of the Fraud and Corruption Control Plan may require additional funds and will be the subject of separate budget submissions as and when required. The Town's Purchasing Policy and Procurement Guidelines will govern any required engagements.

## Risk Management Implications

Financial Risk  
High

The Auditor General reported that:

*The Association of Certified Fraud Examiners Report to the Nations 2022, estimated that fraud losses in businesses, government and not-for-profits are approximately 5% of their annual turnover. If this estimate is an accurate reflection of actual fraud losses within the WA public sector, the impact on the people of WA, and the services to them, is considerable.*

*Fraud within the WA public sector is typical of instances in other jurisdictions and sectors where investigations regularly find deficiencies within entities' controls. These deficiencies may have been identified earlier if the entities had a robust and rigorous fraud risk management program in place.*

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

*The Director Corporate Services and Jay Teichert of the Office of the Auditor General, spoke on this item and gave an overview on the Fraud Risk Management - Better Practice Guide and the tools available to assist entities to uplift their fraud resilience.*

### **Committee/Officer Recommendation – Item 8.3** **AGC-3/11/22**

MOVED Cr MacWilliam, Seconded Cr Poliwka, that the Audit and Governance Committee notes the Auditor General's presentation and the Fraud Risk Management – Better Practice Guide.

CARRIED UNANIMOUSLY 5/0

<b>8.4 Delay to the Audited Annual Financial Statements for 2021/22</b>	
<b>Property Address</b>	Address here
<b>Landowner/Applicant</b>	Owner/s here
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	Director Corporate Services
<b>Department</b>	Corporate Services, Corporate Services
<b>Previous Reports</b>	xxReportDetailsxx
<b>Authority/Discretion</b>	<b>Information</b> For the Council/Committee to note.
<b>Attachments</b>	Nil

## Purpose

The purpose of this report is to inform the Committee of a delay in the Town receiving the audited annual financial statements for 2021/22 and the reason for the delay.

## Background

Section 5.53 of the *Local Government Act 1995* requires the Town to prepare an annual report for each financial year, with the local government required to accept the annual report for the previous financial year by 31 December, or within two months of receipt of the auditor's report. The local government must then hold a general meeting of electors within 56 days of accepting the annual report.

The Town had planned to present the annual report, including the audited annual financial statements for 2021/22 to Council for acceptance at the Ordinary Council Meeting, on 13 December 2022, and to propose the annual meeting of electors be held in early-February 2023. However, this is no longer possible due to a significant delay regarding the revaluation of the Town's assets required for the annual financial statements.

Consequently, the following is now proposed:

- Hold a supplementary Audit and Governance Committee meeting on 8 February 2023 for the audit closing meeting and receipt of the annual financial statements and auditors report;
- Present the annual report, with the audited annual financial statements for Council to accept at the Ordinary Council Meeting on 28 February 2023; and
- Hold the general meeting of electors in late-March 2023.

## Proposal

That the Committee note the delay in the Town receiving the Audited Annual Financial Statements for 2021/22 and the reason for the delay, and the consequential effect on the timing of the general meeting of electors.

That the Committee recommend to Council that a supplementary meeting of the Audit and Governance Committee be held on 8 February 2023.

## Communication and Engagement

The Town has engaged extensively with the appointed contractor engaged to undertake valuation of the Town's land, building and infrastructure assets, and with the appointed auditors RSM Australia, with a view to having the asset revaluation completed in time to allow the audit to be finalised and the annual report presented to Council in 2022.

## Strategic Implications

Priority Area 4: Driving Financial Suitability 4.1 Ensure there is sufficient, effective and sustainable use of assets

### Comment

All local governments are required to revalue their assets every five years, and the Town's revaluation was due for the financial year ending 30 June 2022. The Town conducted an RFQ process and awarded the contract for revaluation services in May 2022, with completion of the exercise due by 31 August 2022. That would have allowed sufficient time for the Town to undertake its due diligence, complete its financial statements and submit them for audit. However, the asset valuation process has been problematic; with the contractor consistently failing to:

- Meet deadlines
- Provide sufficient and adequate information
- Provide accurate data
- Respond to numerous queries arising from the Town's due diligence in a timely manner.

The Town has completed its annual financial statements for 2021/22 and the asset valuation for the Town's land and buildings is now complete. While the asset valuation for the Town's Infrastructure assets is nearing completion, it cannot now be finalised in time for RSM Australia and then the Auditor General to complete their processes in time to present the auditor's report to Council this year. Whilst drafting this report, the Finance and Assets team are querying the unit rate used by the valuer for the pavement component of the road, showing a substantial change from the previous valuation. This has required further discussion with the Town's auditors, RSM, and its appointed road maintenance contractor.

The Town will investigate options to mitigate the risk of this re-occurring in the future, including staggering the revaluation of different asset classes and bringing the infrastructure revaluation of assets in-house.

## Statutory Requirements

Section 5.53 *Local Government Act 1995*

Part 7 *Local Government Act 1995*

Part 4 *Local Government (Financial Management) Regulations 1996*

## Financial Considerations

No direct financial consequences, although Town staff (particularly the Manager Finance and Asset Management Contractor) have been tireless in their efforts to progress the matter, and this has dominated their time and taken them away from other important work such as the development of the Long-Term Financial Plan model.

## Risk Management Implications

Financial Risk High

The Town is the custodian of significant assets, and the accurate valuation of those assets is a critical component of the annual financial statements. A mis-statement in the infrastructure asset category, which makes up 56% of the Town's total assets, would have a significant impact on the financial position of the Town. To mitigate this risk, the Town engaged the external contractor to perform the Town's Land and Buildings and Infrastructure Categories. Internally, the Town used the services its appointed Asset Management contractor who has extensive knowledge of the Town's assets, with oversight provided by the Manager Finance.

## Declaration of Conflicts of Interest

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

*The Manager Finance spoke on this report and the delay in the Town receiving the Audited Annual Financial Statements. It is recommended an additional meeting be held on 8 February 2023 in preparation for the General Meeting of Electors in March 2023.*

*Cr Hamilton left the room at 6.56pm and returned at 6.57pm.*

*Cr McLennan left the meeting at 7.01pm and did not return.*

**Committee/Officer Recommendation – Item 8.4**

**AGC-4/11/22**

MOVED Cr Hamilton, Seconded Cr Poliwka, that the Audit and Governance Committee:

1. Notes the delay in the Town receiving the Audited Annual Financial Statements for 2021/22 and the reason for the delay, and the consequential effect on the timing of the general meeting of electors.
2. Recommends that an additional meeting of the Audit and Governance Committee be held on 8 February 2023.

CARRIED UNANIMOUSLY 4/0

**9 Motions of Which Previous Notice Has Been Given**

Nil

**10 Announcements of Notices of Motion for the Next Meeting**

Nil

**11 Closure**

An additional meeting will be held on Wednesday 8 February 2023 at 5.30pm.

The next Audit and Governance Committee meeting will be held on Wednesday 8 March 2023 commencing at 5.30pm.

There being no further business, the Presiding Member closed the meeting at 7.10pm.

**TOWN OF BASSENDEAN**  
**MINUTES**  
**AUDIT AND GOVERNANCE COMMITTEE**  
**HELD IN THE COUNCIL CHAMBER, 48 OLD PERTH ROAD, BASSENDEAN**  
**ON WEDNESDAY 7 SEPTEMBER 2022, AT 5.30PM**

---

**1 Declaration Of Opening; Acknowledgment of Country;  
Acknowledgment of Visitors; Disclaimer**

The Presiding Member declared the meeting open, welcomed all those in attendance and acknowledged the past and present traditional owners and custodians of the land on which the meeting was held.

**2 Announcements by the Presiding Member Without Discussion**

Nil

**3 Attendances, Apologies and Applications for Leave of Absence**

**Present**

**Members**

Cr Hilary MacWilliam, Presiding Member  
Cr Kathryn Hamilton  
Cr Renee McLennan  
Cr Paul Poliwka  
Patrick Eijkenboom  
Kim Stewart

**Staff/Consultants**

Paul White, Director Corporate Services  
Elizabeth Kania, Manager Governance & Strategy  
Raj Malde, Manager Finance  
Markus Stone, Acting Manager Information & Technology  
Ron Back, Advisor to the Committee  
Amy Holmes, Minute Secretary



**Apologies**

Jay Teichert, Office of the Auditor General  
Amit Kabra, RSM

**4 Declarations of Interest**

Nil

**5 Presentations or Deputations**

Nil

**6 Confirmation of Minutes**

**6.1 Confirmation of Minutes**

**Committee/Officer Recommendation – Item 6.1(a)**

MOVED Cr MacWilliam, Seconded Cr McLennan, that the minutes of the Audit and Governance Committee meeting held on 8 June 2022, be received.

CARRIED UNANIMOUSLY 6/0

**Committee/Officer Recommendation – Item 6.1(b)**

MOVED Cr McLennan, Seconded Patrick Eijkenboom, that the minutes of the Audit and Governance Committee meeting held on 8 June 2022, be confirmed as a true record.

CARRIED UNANIMOUSLY 6/0

**7 Reports**

<b>7.1 OAG Financial Audit Results - Local Government 2020/21</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/AUD1
<b>Author</b>	Paul White
<b>Department</b>	Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Information</b> For the Council/Committee to note.
<b>Attachments</b>	1. OAG - Financial Audit Results - Local Government 2020/21 [7.1.1 - 68 pages]

## **Purpose**

The purpose of this report is for the Committee to receive the Auditor General's report on Local Government financial audits for 2020/21 and note an error in that report pertaining to the Town of Bassendean.

## **Background**

The Auditor General was responsible for the financial audits of all local governments in Western Australia for the first time in 2020/21, following a four-year transition program.

The Auditor General tabled its report "Financial Audit Results Report – Local Government 2020/21" in Parliament on 17 August 2022. Appendix 1 to that report stated that the Town had not met the statutory deadline of 30 September 2021 for provision of the accounts for 2020/21.

The Town's records show that it submitted the accounts for 2020/21 to the Town's appointed auditors RSM Australia on 30 September 2021.

## **Proposal**

That the Committee receives the Auditor General's report on Local Government financial audits for 2020/21 and notes an error in that report pertaining to the Town of Bassendean.

## **Communication and Engagement**

The Town wrote to the Auditor General on 23 August 2022 to ascertain the reasons for the apparent erroneous reference in the above-mentioned report and was informed that the records of the Auditor General show the Town provided its accounts on 12 October 2021. The Town then provided a screen shot of the RSM portal showing lodgment on 30 September 2021 to the Auditor General and is awaiting a response.

## **Strategic Implications**

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

## **Comment**

The Town will seek an amendment to the above-mentioned report to reflect that the accounts for 2020/21 were provided by the due date.

### **Statutory Requirements**

#### 6.4. Financial report

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.
- (2) The financial report is to —
  - (a) be prepared and presented in the manner and form prescribed; and
  - (b) contain the prescribed information.
- (3) By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —
  - (a) the accounts of the local government, balanced up to the last day of the preceding financial year; and
  - (b) the annual financial report of the local government for the preceding financial year.

### **Financial Considerations**

Nil

### **Risk Management Implications**

Financial Risk  
Low

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Committee/Officer Recommendation – Item 7.1(a)** **AGC-1/9/22**

MOVED Cr McLennan, Seconded Patrick Eijkenboom, that the Audit and Governance Committee recommends that Council:

1. Receives the Auditor General's report on Local Government Financial Audits for 2020/21; and

2. Notes that the Town will seek a **correction** to that report to show that the Town's accounts were provided to the appointed auditor by the due date specified in section 6.4 of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 6/0

**Committee Recommendation – Item 7.1(b)**  
**AGC-2/9/22**

MOVED Cr McLennan, Seconded Patrick Eijkenboom, that the Audit & Governance Committee recommends that Council requests the CEO write to the Auditor General to seek a review to its processes to include an opportunity for the Local Government to make representations in relation to any adverse mention, prior to finalisation of the report.

CARRIED 5/1

*Cr McLennan, Patrick Eijkenboom, Cr Hamilton, Cr MacWilliam & Kim Stewart voted in favour of the motion. Cr Poliwka voted against the motion.*

<b>7.2 Review of Related Party Transactions and Disclosure Policy</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	FINM/AUD1
<b>Author</b>	Director Corporate Services
<b>Department</b>	Corporate Services, Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Legislative</b> Includes adopting local laws, town planning schemes & policies.
<b>Attachments</b>	1. Related Party Transactions - Disclosure Form [7.2.1 - 6 pages] 2. Disclosure of Related Party Transactions Procedure [7.2.2 - 5 pages]

**Purpose**

The purpose of this report is for the Committee to consider recommending that Council revoke the Related Party Transactions and Disclosure Policy.

**Background**

Australian Accounting Standards Board (AASB) Standard 124 Related Party Disclosures requires disclosure of certain transactions in the Town's annual financial statements.

To assist the Town to comply with the requirements of AASB 124, Council adopted the Related Party Transactions and Disclosure Policy in August 2017. The policy is supported by a Privacy Collection Notice and a form for making a disclosure.

The requirements for compliance with AASB 124 are administrative in nature and non-discretionary, best served by an administrative procedure rather than a Council Policy.

### Proposal

That the Committee recommend Council revoke the Related Party Transactions and Disclosure Policy and notes that the CEO has developed the proposed Disclosure of Related Party Transactions Procedure and supporting disclosure form, attached to this report.

### Communication and Engagement

Nil.

### Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions  
6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community

### Comment

The purpose of AASB 124 is to ensure that an entity's financial statements contain the disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of **related parties** and by transactions and outstanding balances, including commitments, with such parties.

A 'related party' is a person or entity that is related to the reporting entity (Town of Bassendean). A person or a close member of that person's family is related to a reporting entity if that person: (i) has control or joint control of the reporting entity; (ii) has significant influence over the reporting entity; or (iii) is a member of the key management personnel of the reporting entity.

Key management personnel (KMP) are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. In the Local Government context, KMPs include Councillors and Executive staff.

A related party transaction is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged.

AASB 124 provides further guidance on interpretation and application of the Standard.

The practice at the Town has been for the administration to provide KMPs with information to enable them to determine whether any related party transactions require disclosure and a disclosure form for completion. Information provided to KMPs to enable this determination includes the Town's Contracts Register, Leases and License Register and a list of entities that have transacted with the Town in the relevant financial year. This information is normally provided in early October following completion of the trial balance for the previous financial year, to allow sufficient time to make any required disclosures in the financial statements. This practice is proposed to continue under the administrative procedure.

### **Statutory Requirements**

The Local Government (Financial Management) Regulations 1996 requires the Town to prepare an annual financial report prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards.

### **Financial Considerations**

Nil.

### **Risk Management Implications**

Financial Risk  
Low

The risk of non-compliance with AASB 124 is that the Town's financial statements may lack disclosures necessary to draw attention to the possibility that its financial position and profit or loss may have been affected by the existence of related parties.

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

### **Committee/Officer Recommendation – Item 7.2** **AGC-3/9/22**

MOVED Cr Hamilton, Seconded Cr Poliwka, that the Audit & Governance Committee recommends to Council that it:

1. Revoke the Related Party Transactions and Disclosure Policy; and

2. Notes that the CEO has developed the proposed Disclosure of Related Party Transactions Procedure and supporting disclosure form, attached to this report.  
CARRIED BY AN ABSOLUTE MAJORITY 6/0

<b>7.3 Audit Risk Register</b>	
<b>Property Address</b>	N/A
<b>Landowner/Applicant</b>	N/A
<b>File Reference</b>	GOVN/CCLMEET/1
<b>Author</b>	Paul White
<b>Department</b>	Director Corporate Services
<b>Previous Reports</b>	N/A
<b>Authority/Discretion</b>	<b>Executive</b> The substantial direction setting and oversight role of the Council.
<b>Attachments</b>	1. CONFIDENTIAL REDACTED - Audit Risk Register [7.3.1 - 7 pages]

### Purpose

The purpose of this report is to provide the Audit and Governance Committee with the Town's Audit Risk Register, with updated actions since the meeting of the Committee on 8 June 2022.

### Background

Creation of an Audit Risk Register was a recommendation arising from the 2019 review of the appropriateness and effectiveness of the Town's systems and procedures in relation to risk management, internal controls and legislative compliance pursuant to Regulation 17 of the *Local Government (Audit) Regulations 1996*.

### Proposal

For the Audit and Governance Committee to receive the Audit Risk Register and consider the action taken or proposed to address the identified risks.

### Communication and Engagement

Nil.

### Strategic Implications

Priority Area 6: Providing Visionary Leadership and Making Great Decisions

6.1 Make brave decisions in line with a risk appetite

- 6.3 Ensure operational activities reflect the strategic focus of Council
- 6.4 Reinforce a culture of collaboration, trust and demarcation between Council, administration and the community
- 6.6 Respond effectively and efficiently to crises

### Comment

The Audit Risk Register presents a summary of the audit risks and recommendations made in recent internal and external audit reports relating to the Town and provides an update on actions taken or proposed to address the identified risks.

The Town's internal auditor William Buck Consulting (WA) Pty Ltd (William Buck) completed two important audits, the reports for which were tabled at the last meeting of the Committee:

- Internal audit of Regulation 17 of the *Local Government (Audit) Regulations 1996*; and
- General Finance Control Review.

The recommendations from these two audits and action taken or proposed to be taken in response have been incorporated into the Audit Risk Register.

### Statutory Requirements

Local Government (Audit) Regulations 1996, Regulation 16, states:

An audit committee has the following functions —

- (a) to guide and assist the local government in carrying out —
  - (i) its functions under Part 6 of the Act; and
  - (ii) its functions relating to other audits and other matters related to financial management;
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
  - (i) report to the council the results of that review; and
  - (ii) give a copy of the CEO's report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
  - (i) regulation 17(1); and
  - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —
  - (i) is required to take by section 7.12A(3); and

- (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
  - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
  - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.

### **Financial Considerations**

Implementation of some audit recommendations may require additional funds and will be the subject of separate budget submissions as and when required. The Town's Purchasing Policy and Procurement Framework will govern any required engagements.

### **Risk Management Implications**

Financial Risk  
Medium

Risk implications are detailed in the Audit Risk Register.

### **Declaration of Conflicts of Interest**

All officers involved in the preparation of this report have considered and determined that they do not have a conflict of interest in the matter.

*Risk Management Framework – need to embed the processes within the organisation*

### **Committee/Officer Recommendation – Item 7.3 AGC-4/9/22**

MOVED Kim Stewart, Seconded Cr Hamilton, that the Audit and Governance Committee receives the Audit Risk Register and notes the action taken or proposed to address the identified risks.

CARRIED UNANIMOUSLY 6/0



## **8 Motions of which Previous Notice has been given**

Nil

## **9 Announcements of Notices of Motion for the Next Meeting**

Nil

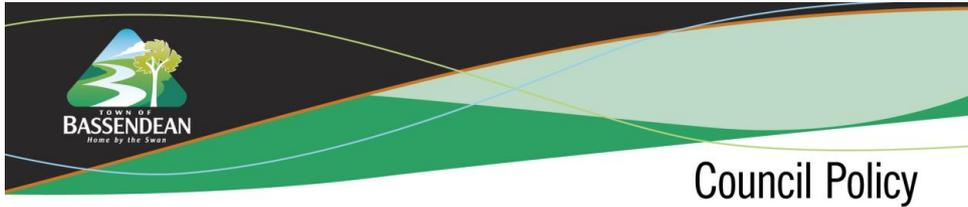
## **10 Confidential Business**

Nil

## **11 Closure**

The next Audit and Governance Committee meeting will be held on Wednesday 30 November commencing at 5.30pm.

There being no further business, the Presiding Member closed the meeting at 6.39pm.



## Investment Policy

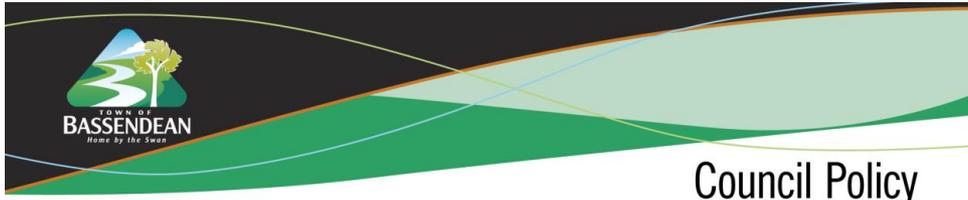
### Objective

To invest funds to ensure the maximisation of returns with due consideration of the associated risks, whilst protecting the initial capital investment and future cash flows.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return of investment.

Investments are to be made in accordance with legislative requirements of the Local Government Act and the associated Regulations.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be undertaken and in a manner that ensures security and safeguard the Town's Investment Portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- The investment portfolio will ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- The investment is expected to achieve a yield that takes into account the Council's risk tolerance. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.
- Preference will be given to invest in financial institutions who do not invest in or finance the fossil fuel industry.
- The Town will not make investments in companies that derive any revenues in the following areas of activity:
  - a) Controversial weapons: Companies involved in the manufacture and/or production of controversial weapons such as land mines, cluster bombs and nuclear weapons;
  - b) Tobacco: Companies involved in the manufacture and/or production of tobacco products.
- The Town will not make investments in companies that derive 10% or more of their revenues in the following areas of activity:
  - a) Armaments: Companies involved in the manufacture and/or production of armaments;
  - b) Gambling: Companies involved in the manufacture and/or production of gambling machines and services and/or ownership of outlets housing these machines;
  - c) Old growth logging: Companies involved in the logging of old growth forests.
  - d) Uranium Mining/Nuclear: companies involved in uranium mining and production of nuclear energy.



## Council Policy

- The Town has determined that the Fund will not make investments in companies that derive 1/3 (one-third) or more of their revenues in high carbon sensitive activities.
- The Town will not engage in leverage investments of securities.

### Legislative Requirements

All investments are to comply with the following:

- Local Government Act (WA) 1995
- Trustees Act (WA) 1962 (As amended as at the 16 January 2013)
- Local Government (Financial Management) Regulations 1996

### Delegation of Authority

Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer (CEO) in accordance with the Local Government Act 1995. (*Section 6.14 of the Local Government Act 1995 & Section 19 of the Local Government (Financial Management) Regulations 1996*).

### Ethics and Conflicts of Interest

In accordance with the Town's Code of Conduct, Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. All disclosures are to be in accordance with the Town's Code of Conduct.

A local government officer must act with the care, prudence, skill and diligence that a prudent person acting in like capacity under similar circumstances would act.

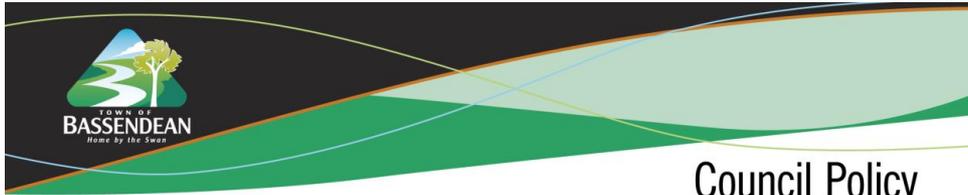
### Authorised Institution Investments

This policy authorises investment of the Town's funds, including surplus funds, with an Authorised Deposit-taking Institution as defined in the *Banking Act 1959* (Commonwealth) section 5.

Investments are limited in accordance with the requirements of the Local Government Act (Financial Management) Regulations 19C which provides:

19C. **Investment of money — Restrictions on Act S6.14(2)(a)**

- (1) *In this regulation —*  
**authorised institution means —**



## Council Policy

- (a) *an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or*
  - (b) *the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;*
- foreign currency** means a currency except the currency of Australia.
- (2) *When investing money under section 6.14(1), a local government may not do any of the following —*
- (a) *deposit with an institution except an authorised institution;*
  - (b) *deposit for a fixed term of more than 3 years;*
  - (c) *invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;*
  - (d) *invest in bonds with a term to maturity of more than 3 years;*
  - (e) *invest in a foreign currency.*

### Overall Portfolio Limits

To control the Credit quality on the entire portfolio, a global credit framework will apply to limit the percentage of the portfolio exposed to any particular rating category as outlined below.

The maximum available limits in each category are as follows:

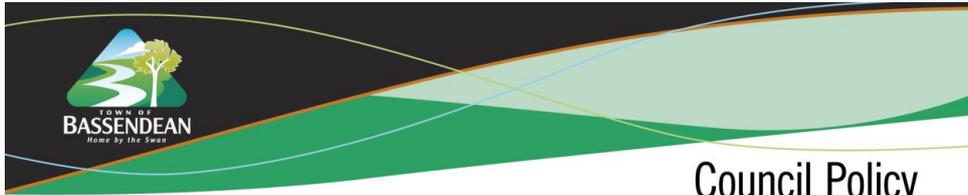
S & P Short Term Rating	Direct Investment Maximum %
A-1	100%
A-2	60%

### Counterparty Credit Limit

All investments made on behalf of the Town of Bassendean will comply where applicable, with the credit guidelines based on the S&P ratings for each institution. Exposure to an individual institution will be restricted, where applicable, by their S&P rating so that single entity exposure is limited, as detailed in the table below:

S & P Short Term Rating	Direct Investment Maximum %
A-1	50%
A-2	30%

### Investment Advisor



The Town may appoint an investment advisor who must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended in accordance with the terms and conditions of this policy.

### **Reporting and Review**

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio and maturity date.

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

For audit purposes, certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

### **GLOSSARY OF TERMS**

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

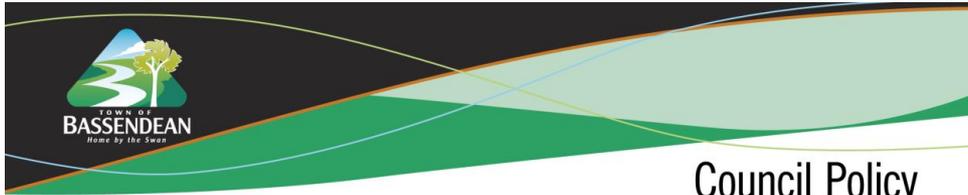
Section 6.14 of the Local Government Act 1995 provides that "subject to regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by a local government for any other purpose may be invested in accordance with "Part III of the Trustees Act 1962" (Trustees Act)"

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

Regulation 19 of the Local Government (Financial Management) Regulations 1996 states a local government is to "establish and document internal control; procedures to be followed by employees to ensure control over investments"

Regulation 19C provides for the definition of the authorised institution, and the limitation of the investment funds.

Regulation 28 and 49 prescribe the disclosure requirements for investment in the Annual Budget and Annual Financial Report respectively. Additional disclosure requirements are also provided under the Australian Accounting Standards.



## Council Policy

As part of the reporting requirement under Regulation 34 Financial Activity Statement Report, each local government is to include in its monthly statement of financial activity any supporting information considered relevant by the local government. This should include a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the investment policy.

### **Preservation of Capital**

Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio's total value.

### **Prudent Person Rule**

Investments will be managed with the care, diligence and skill that a prudent person will exercise. Delegated Officers are to manage the Investment Portfolio to safeguard the portfolios in accordance with the spirit of this investment policy, and not for speculative purposes.

### **Trustees Act 1962**

Section 17 of the Trustees Act 1962, states "a trustee may, unless expressly prohibited by the instrument creating the trust -

- (a) invest trust funds in any form of investment; and
- (b) at any time, vary an investment or realise an investment of trust funds and reinvest money resulting from the realisation on any form of investment".

## **INVESTMENT DEFINITIONS**

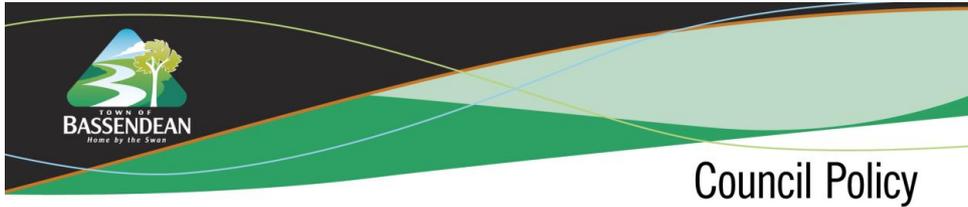
***Authorised institution*** means —

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

***Foreign currency*** means a currency except the currency of Australia.

*Reference – Local Government Act (Financial Management) Regulations*

Bonds



Bonds are financial securities issued by the Commonwealth, State or Territory government authorities as a means of raising funds. These securities are restricted to maturity of less than 3 years.

#### Security investments

Security investments (also known as 'negotiable certificates of deposit' or 'bills of exchange' accepted or endorsed by Australian banks) are 'discount securities' because they are sold at a discount to their face value. The difference between the purchase price (amount invested) and the face value (amount at maturity) represents the interest earned.

#### Term deposit

A Term Deposit is an investment where the interest rate is guaranteed not to change for the whole of the nominated term. It provides the security of knowing that interest income is protected from fluctuations in investment markets.

#### S&P Credit Ratings

S&P stands for Standard and Poors, which is a globally accredited professional organisation that provides analytical services. An S&P credit rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

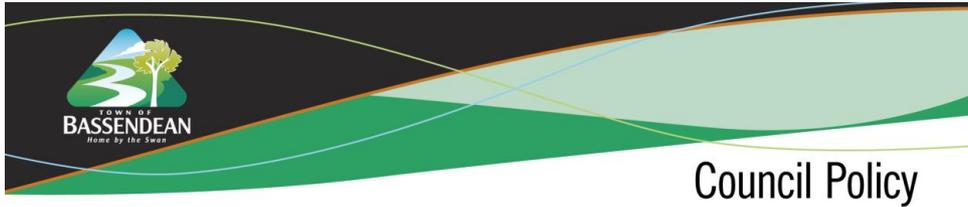
- Likelihood of payment;
- Nature and provisions of the obligation; and
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganization or other laws affecting creditors' rights.

The issue rating definitions are expressed in terms of default risk.

#### *S&P Short Term Credit Rating A-1*

This is the highest short term category used by S&P. The institutions capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

#### *S&P Short Term Credit Rating A-2*



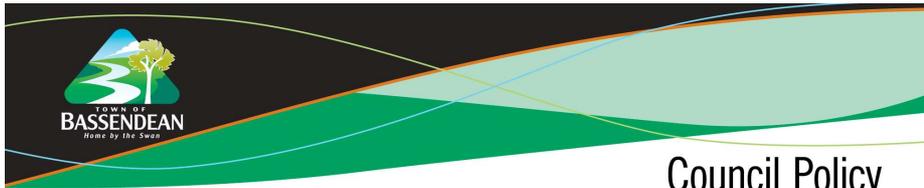
## Council Policy

A short term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the institutions capacity to meet its financial commitment on the obligation is satisfactory.

### Application

Responsibility for the implementation of this policy rest with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years or as required in the event of legislative changes.

<p><b>Policy Type:</b> Strategic Policy</p> <p><b>Link to Strategic Community Plan:</b> Leadership and Governance</p>	<p><b>Responsible Officer:</b> Chief Executive Officer</p> <p><b>Delegated Authority:</b> Director Corporate Services Manager Corporate Services</p> <p><b>Last Review Date:</b> January 2018</p> <p><b>Next Review due by:</b> March 2019</p>
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## **6.16 Investment Policy**

### **Policy Objective**

To ensure the investment of the Town's in a manner that funds to ensure the ~~maximisation of~~ returns, with due consideration of ~~the associated~~ risks, ~~whilst protecting~~ preserving the initial capital investment and ensuring future liquidity, future cash flows whilst balancing social and environmental considerations.

### **Policy Scope**

This policy applies to the investment of surplus, long term cash, current assets, and other funds in authorised investments in accordance with the Local government Act 1995 and Local Government (Financial Management) Regulations 1996.

### **Policy Statement**

This policy sets out the parameters for the investment of the Town's surplus funds.

#### **Preservation of Capital**

While exercising the power to investments, are to be undertaken with consideration is to be given to the preservation of capital the primary objective, liquidity, and the return of investment.

Investments are to be made in accordance with legislative requirements of the Local Government Act and the associated Regulations.

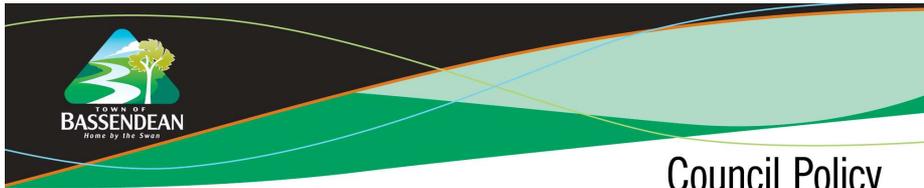
Preservation of capital is the principal objective of the investment portfolio. Investments are to be undertaken and in a manner that ensures security and safeguard the Town's Investment Portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.

#### **Liquidity of Capital**

The investment portfolio will be managed to provide ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when required they fall due, without incurring significant costs from due to the unanticipated termination sale of ~~an~~ investments.

#### **Performance**

The investments are to be managed in accordance with is expected to achieve a yield that takes into account the Council's risk tolerance, while balancing revenue objectives with credit and interest rate risk, within the portfolio and counterparty



## Council Policy

~~credit framework specified in this policy. Any additional return target set by Council will also consider the risk limitation and prudent investment principles.~~

~~Preference will be given to invest in financial institutions who do not invest in or finance the fossil fuel industry.~~

~~The Town will not make investments in companies that derive any revenues in the following areas of activity:~~

~~— a) Controversial weapons: Companies involved in the manufacture and/or production of controversial weapons such as land mines, cluster bombs and nuclear weapons;~~

~~— b) Tobacco: Companies involved in the manufacture and/or production of tobacco products.~~

~~The Town will not make investments in companies that derive 10% or more of their revenues in the following areas of activity:~~

~~— a) Armaments: Companies involved in the manufacture and/or production of armaments;~~

~~— b) Gambling: Companies involved in the manufacture and/or production of gambling machines and services and/or ownership of outlets housing these machines;~~

~~— c) Old growth logging: Companies involved in the logging of old growth forests.~~

~~— d) Uranium Mining/Nuclear: companies involved in uranium mining and production of nuclear energy~~

~~The Town has determined that the Fund will not make investments in companies that derive 1/3 (one third) or more of their revenues in high carbon sensitive activities.~~

### **Legislative Requirements**

~~All investments are to comply with the following:~~

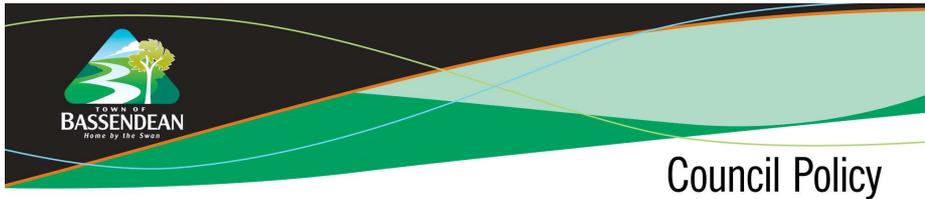
~~• Local Government Act (WA) 1995 (As Amended as at November 2015)~~

~~• Trustees Act (WA) 1962 (As amended as at the 16 January 2013)~~

~~Local Government (Financial Management) Regulations 1996 (As amended as at June 2013)~~

### **Delegation of Authority**

~~Authority for implementation of the Investment Policy is delegated by Council to the Chief Executive Officer (CEO) in accordance with the Local Government Act 1995. (Section 6.14 of the Local Government Act 1995 & Section 19 of the Local Government (Financial Management) Regulations 1996).~~



**Ethics and Conflicts of Interest**

~~In accordance with the Town's Code of Conduct, Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. All disclosures are to be in accordance with the Town's Code of Conduct.~~

~~A local government officer must act with the care, prudence, skill and diligence that a prudent person acting in like capacity under similar circumstances would act.~~

**Credit Ratings**

~~Credit ratings are determined by the likelihood an institution will fail to fulfil its obligations and the risk of loss due to the failure to pay the interest or repay the principal of an investment. Short term credit ratings refer to a term of 12 months or less.~~

~~The Standard & Poor's (S&P) Short Term Credit Ratings (or equivalent Moody's or Fitch) attributed to each individual institution will be used to determine maximum holdings:~~

- ~~• **A - 1:** Strong capacity to meet financial commitments, but somewhat susceptible to adverse economic conditions and changes in circumstances.~~
- ~~• **A - 2:** Adequate capacity to meet financial commitments, but more susceptible to adverse economic conditions.~~

**Overall Portfolio Credit Framework Limits**

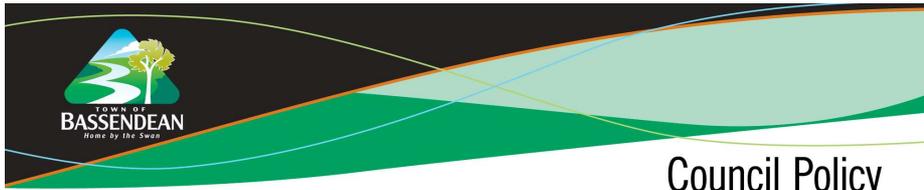
~~To control the credit quality of the Town's investment portfolio, a global credit framework will apply to limit the percentage of the portfolio exposed to any particular rating category as outlined below.~~

The maximum available limits in each category are as follows:

S & P Short Term Rating	Direct Investment Maximum %
A-1	100%
A-2	60%

**Counterparty Credit Framework Limit**

~~All investments made on behalf of the Town of Bassendean will comply where applicable, with the credit guidelines based on the S&P ratings for each institution. To minimise the risk of exposure to an individual institution, a counterparty credit framework will apply to limit the percentage of the portfolio exposed to any~~



## Council Policy

individual institution, will be restricted, where applicable, by their S&P rating so that single entity exposure is limited, as detailed in the table below: The maximum investment in a singular institution is as follows:

S & P Short Term Rating	Direct Investment Maximum %
A-1	50%
A-2	30%

### Authorised ~~Institution~~ Investments

This policy authorises investment of the Town's funds, including surplus funds, with an ~~Authorised Deposit-taking Institution as defined in the Banking Act 1959 (Commonwealth) section 5.~~

~~Investments are limited i~~n accordance with the requirements of the Local Government Act (Financial Management) Regulations, investments are limited to 19C which provides:

- Deposits with Authorised Deposit-taking Institutions, not exceeding a fixed term of 3 years.
- Bonds guaranteed by Commonwealth, State or Territory Governments, not exceeding a term to maturity of 3 years.
- Those made in Australian Currency.

#### ~~19C. Investment of money — Restrictions on Act S6.14(2)(a)~~

~~(1) In this regulation —~~

~~authorised institution means —~~

~~(a) an authorised deposit-taking institution as defined in the Banking Act 1959 (Commonwealth) section 5; or~~

~~(b) the Western Australian Treasury Corporation established by the Western Australian Treasury Corporation Act 1986;~~

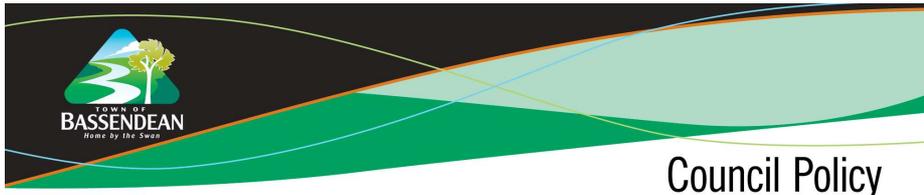
~~foreign currency means a currency except the currency of Australia.~~

~~(2) When investing money under section 6.14(1), a local government may not do any of the following —~~

~~(a) deposit with an institution except an authorised institution;~~

~~(b) deposit for a fixed term of more than 12 months;~~

~~(c) invest in bonds that are not guaranteed by the Commonwealth Government, or a State or Territory government;~~



- ~~———— (d) invest in bonds with a term to maturity of more than 3 years;~~
- ~~———— (e) invest in a foreign currency.~~

### **Fossil Fuel Free Investments**

When making investment decisions, the Town will give preference to institutions that do not invest in or finance the fossil fuel industry, where:

- The investment complies with all other elements of this Policy, and
- The interest rate is at least XX% of, and no more than XX basis points below, the interest rate available for comparable investment options available at the time.

The Town will use external resources to monitor prevalent non-fossil fuel lenders and determine those institutions that do invest in or finance the fossil fuel industry.

### **Investment Advisor**

~~The Town may appoint a licensed investment advisor to manage the Town's investments in accordance with this policy, and the use of an external platform to manage its investments who must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended in accordance with the terms and conditions of this policy.~~

### **Reporting and Review**

~~An investment monthly report will be provided to Council in support of the monthly, as part of the statement of financial activity. The investment report will detail the investment portfolio in terms of performance, investment maturity, portfolio and institution credit exposure, and investment mix between fossil fuel and non-fossil fuel lenders percentage exposure of total portfolio and maturity date.~~

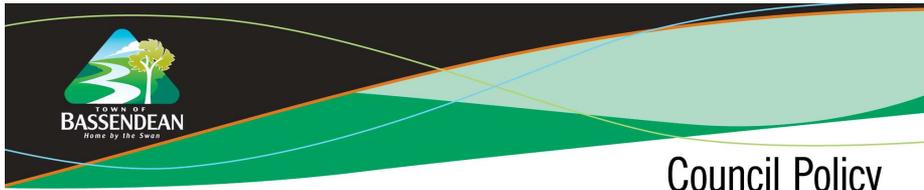
~~Documentary evidence must be held for each investment and details thereof maintained in an Investment Register, supported by documentary evidence.~~

~~For audit purposes, certificates must be obtained from Authorised Deposit-taking the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.~~

### **GLOSSARY OF TERMS**

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

~~Section 6.14 of the Local Government Act 1995 provides that "subject to regulations, money held in the municipal fund or the trust fund of a local~~



~~government that is not, for the time being, required by a local government for any other purpose may be invested in accordance with “Part III of the Trustees Act 1962” (Trustees Act)”~~

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

~~Regulation 19 of the Local Government (Financial Management) Regulations 1996 states a local government is to “establish and document internal control; procedures to be followed by employees to ensure control over investments”~~

~~Regulation 19C provides for the definition of the authorised institution, and the limitation of the investment funds.~~

~~Regulation 28 and 49 prescribe the disclosure requirements for investment in the Annual Budget and Annual Financial Report respectively. Additional disclosure requirements are also provided under the Australian Accounting Standards.~~

~~As part of the reporting requirement under Regulation 34 Financial Activity Statement Report, each local government is to include in its monthly statement of financial activity any supporting information considered relevant by the local government. This should include a monthly investment summary to ensure the performance of the investment portfolio is in accordance with anticipated returns and complies with the investment policy.~~

### **~~Preservation of Capital~~**

~~Preservation of capital refers to an investment strategy with the primary goal of preventing losses in an investment portfolio’s total value.~~

### **~~Prudent Person Rule~~**

~~Investments will be managed with the care, diligence and skill that a prudent person will exercise. Delegated Officers are to manage the Investment Portfolio to safeguard the portfolios in accordance with the spirit of this investment policy, and not for speculative purposes.~~

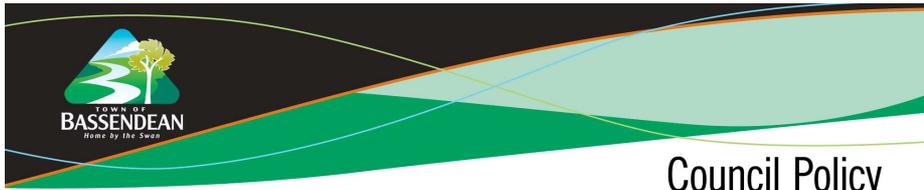
### **~~Trustees Act 1962~~**

~~Section 17 of the Trustees Act 1962, states “a trustee may, unless expressly prohibited by the instrument creating the trust—~~

~~invest trust funds in any form of investment; and  
at any time, vary an investment or realise an investment of trust funds and reinvest money resulting from the realisation on any form of investment”.~~

## **INVESTMENT DEFINITIONS**

***Authorised institution*** means —



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

~~**Foreign currency** means a currency except the currency of Australia.~~

~~**Reference**—*Local Government Act (Financial Management) Regulations*~~

#### Bonds

~~Bonds are financial securities issued by the Commonwealth, State or Territory government authorities as a means of raising funds. These securities are restricted to maturity of less than 3 years.~~

#### Security investments

~~Security investments (also known as 'negotiable certificates of deposit' or 'bills of exchange' accepted or endorsed by Australian banks) are 'discount securities' because they are sold at a discount to their face value. The difference between the purchase price (amount invested) and the face value (amount at maturity) represents the interest earned.~~

#### Term deposit

~~A Term Deposit is an investment where the interest rate is guaranteed not to change for the whole of the nominated term. It provides the security of knowing that interest income is protected from fluctuations in investment markets.~~

#### S&P Credit Ratings

~~S&P stands for Standard and Poors, which is a globally accredited professional organisation that provides analytical services. An S&P credit rating is an opinion of the general creditworthiness of an obligor with respect to particular debt security or other financial obligation based on relevant risk factors.~~

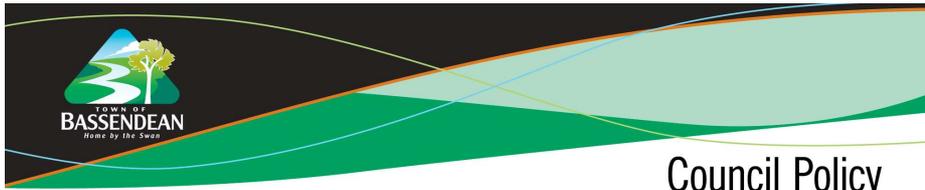
~~Credit ratings are based, in varying degrees, on the following considerations:~~

~~Likelihood of payment;  
Nature and provisions of the obligation; and  
Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganization or other laws affecting creditors' rights.~~

~~The issue rating definitions are expressed in terms of default risk.~~

#### S&P Short Term Credit Rating A-1

~~This is the highest short term category used by S&P. The institutions capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the~~



## Council Policy

~~obligor's capacity to meet its financial commitment on these obligations is extremely strong.~~

### ~~S&P Short Term Credit Rating A-2~~

~~A short term obligation rated A-2 is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations in higher rating categories. However, the institutions capacity to meet its financial commitment on the obligation is satisfactory.~~

### Application

~~Responsibility for the implementation of this policy rest with the Mayor, Councillors, Council delegates and Chief Executive Officer. The Policy is to be reviewed every three years or as required in the event of legislative changes.~~

<del>Policy Type: Strategic Policy</del>	<del>Responsible Officer: Chief Executive Officer</del>
<del>Link to Strategic Community Plan: Leadership and Governance</del>	<del>Delegated Authority: Director Corporate Services Manager Corporate Services</del>
	<del>Last Review Date: March 2016</del>
	<del>Next Review due by: March 2019</del>

Document Control box			
Document Responsibilities:			
<b>Owner:</b>	Director Corporate Services	<b>Owner Business Unit:</b>	Corporate Services
<b>Inception Date:</b>	Draft November 2022	<b>Decision Maker:</b>	Council
<b>Review Date:</b>	Biannual	<b>Repeal and Replace:</b>	Existing Investment Policy 2018
Compliance Requirements:			
<b>Legislation:</b>	<b>Local Government Act 1995</b> <b>Local Government (Financial Management) Regulations 1996</b>		



TOWN OF  
**Bassendean**

# INVESTMENT POLICY

DRAFT



**COUNCIL POLICY**

**HOME BY THE SWAN**



# Draft Amended Investment Policy

## Policy Objective

To ensure the investment of the Town's funds in a manner that maximises returns, with due consideration of risks, preserving the initial capital investment and ensuring future liquidity, whilst balancing social and environmental considerations.

## Policy Scope

This policy applies to the investment of surplus, long term cash, current assets, and other funds in authorised investments in accordance with the *Local government Act 1995* and *Local Government (Financial Management) Regulations 1996*.

## Policy Statement

This policy sets out the parameters for the investment of the Town's surplus funds.

### 1. Preservation of Capital

1.1 Investments are to be undertaken with preservation of capital the primary objective.

### 2. Liquidity of Capital

2.1 The investment portfolio will be managed to provide sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when required without incurring significant costs from unanticipated termination of investments.

### 3. Performance

3.1 Investments are to be managed in accordance with Council's risk tolerance, while balancing revenue objectives with credit and interest rate risk, within the portfolio and counterparty credit framework specified in this policy.

### 4. Credit Ratings

4.1 Credit ratings are determined by the likelihood an institution will fail to fulfil its obligations and the risk of loss due to the failure to pay the interest or repay the principal of an investment. Short term credit ratings refer to a term of 12 months or less.

4.2 The Standard & Poor's (S&P) Short Term Credit Ratings (or equivalent Moody's or Fitch) attributed to each individual institution will be used to determine maximum holdings:

- **A - 1:** Strong capacity to meet financial commitments, but somewhat susceptible to adverse economic conditions and changes in circumstances.
- **A - 2:** Adequate capacity to meet financial commitments, but more susceptible to adverse economic conditions.

#### 5. Portfolio Credit Framework

5.3 To control the credit quality of the Town's investment portfolio, a global credit framework will apply to limit the percentage of the portfolio exposed to any credit rating category. The maximum available limits in each category are as follows:

S & P Short Term Rating	Direct Investment Maximum %
A - 1	100%
A - 2	60%

#### 6. Counterparty Credit Framework

6.1 To minimise risk exposure to an individual institution, a counterparty credit framework will apply to limit the percentage of the portfolio exposed to any individual institution. The maximum investment in a singular institution is as follows:

S & P Short Term Rating	Direct Investment Maximum %
A - 1	50%
A - 2	30%

#### 7. Authorised Investments

7.1 In accordance with the requirements of the *Local Government (Financial Management) Regulations 1996*, investments are limited to:

7.1.1 Deposits with Authorised Deposit-taking Institutions, not exceeding a fixed term of 3 years.

7.1.2 Bonds guaranteed by Commonwealth, State or Territory Governments, not exceeding a term to maturity of 3 years.

7.1.3 Those made in Australian Currency.

## **8. Fossil Fuel Free Investments**

8.1 When making investment decisions, the Town will give preference to institutions that do not invest in or finance the fossil fuel industry, where:

8.1.1 The investment complies with all other elements of this Policy, and

8.1.2 The interest rate is at least XX% of, and no more than XX basis points below, the interest rate available for comparable investment options available at the time.

8.2 The Town will use external resources to monitor prevalent non-fossil fuel lenders and determine those institutions that do invest in or finance the fossil fuel industry.

## **9. Investment Advisor**

9.1 The Town may appoint a licensed investment advisor to manage the Town's investments in accordance with this policy, and the use of an external platform to manage its investments.

## **10. Reporting and Review**

10.1 An investment report will be provided to Council monthly, as part of the statement of financial activity. The investment report will detail the investment portfolio in terms of performance, investment maturity, portfolio and institution credit exposure, and investment mix between fossil fuel and non-fossil fuel lenders.

10.2 Investments must be recorded in an Investment Register, supported by documentary evidence.

10.3 For audit purposes, certificates must be obtained from Authorised Deposit-taking Institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

<b>Document Control box</b>			
<b>Document Responsibilities:</b>			
<b>Owner:</b>	Director Corporate Services	<b>Owner Business Unit:</b>	Corporate Services
<b>Inception Date:</b>	Draft November 2022	<b>Decision Maker:</b>	Council
<b>Review Date:</b>	Biannual	<b>Repeal and Replace:</b>	Existing Investment Policy 2018
<b>Compliance Requirements:</b>			
<b>Legislation:</b>	<i>Local Government Act 1995</i> <i>Local Government (Financial Management) Regulations 1996</i>		

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# Audit Committee Chair Forum summary

## October 2022

On 13 October 2022, the OAG hosted its fifth Audit Committee Chair Forum. Auditor General Caroline Spencer provided an overview of the 2022 audit season, including audit access and provided a presentation on considerations for audit committees in the era of sustainability reporting. Assistant Auditor General Forensic Audit, Carl Huxtable, presented on the OAG's Fraud Risk Management - Better Practice Guide and the tools available to assist entities to uplift their fraud resilience.

Key points of the presentations are provided below.

### Audit access and information gathering powers

Access powers are provided by the *Auditor General Act 2006*. Although it is essential our auditors see everything to be able to do their job, we don't disclose everything.

The Office is currently engaging with key public sector entities to provide clarity for the sector around the information the OAG can obtain and how it is used. We will issue guidance with central agencies once finalised.<sup>1</sup>



### Sustainability reporting

This is a new area of reporting, that has central agency direction and coordination through the Departments of Treasury and Water and Environmental Regulation.

The WA Government climate change policy is based on an emissions reduction target to 80% below 2020 levels by 2030. Progress towards this target is expected to be reported from the 2023-24 financial year. Not all entities will be required to have the same reporting requirements depending on the business operations.

To prepare we are engaging with central agency regulators and upskilling our staff. Discussions with entities will be preliminary as disclosures in entity financial statements are still some time away.



For now, public sector audit committees should be preparing to understand how the increased reporting requirements will impact their entity and prepare to evolve reporting processes. It is key to continue to focus on core service delivery and neither ignore nor catastrophise the future requirements. It is important to be considered in the suite of entity's usual reports and audit obligations.

Some additional reading can be found the links below:

- [Climate-related risks \(aasb.gov.au\)](https://aasb.gov.au)
- [Western Australian Climate Change Policy](#)

<sup>1</sup> Since the forum, the Attorney General has introduced the Auditor General Amendment Bill, 2022, in which our office was consulted

## Fraud Risk Management - Better Practice Guide

A robust and well-targeted fraud risk management program can minimise the likelihood and consequences of fraud events. The program should be tailored to an entity's objectives, environment and risk profile. The *Fraud Risk Management – Better Practice Guide*, aims to assist entities to uplift their fraud resilience and raise the standard of fraud and corruption control across the WA public sector.

The guide along with the included tools can be found on our [website](#).



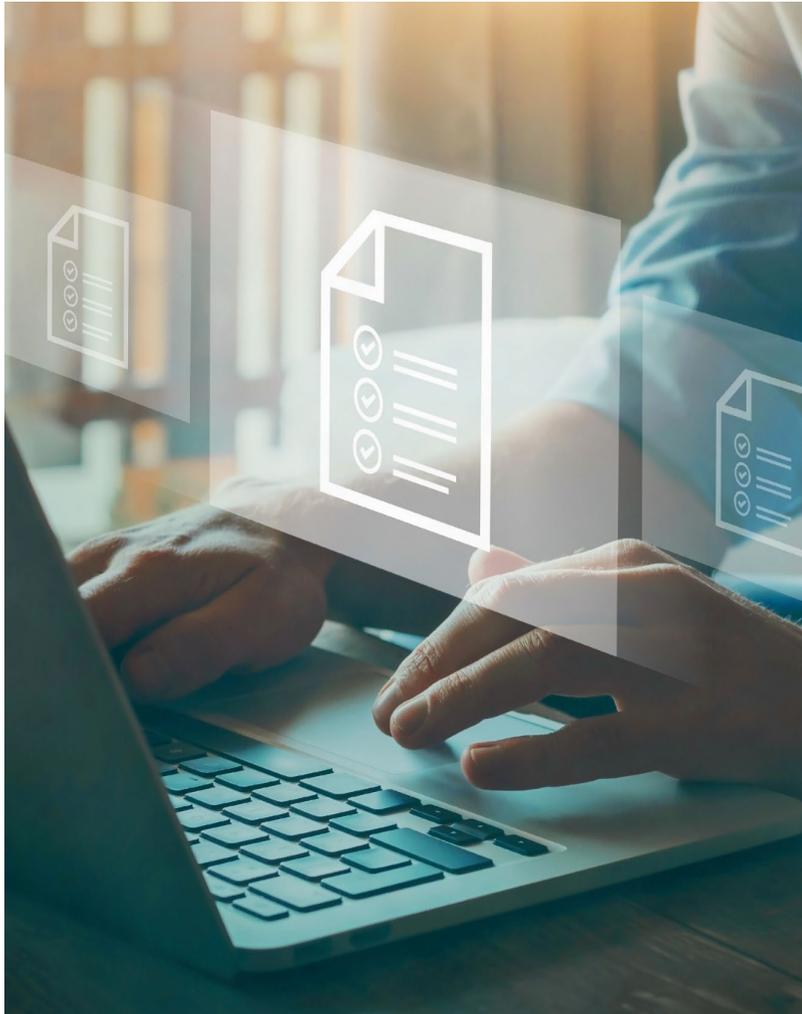
If you have any feedback on the forum or topics you would like presented, email [communications@audit.wa.gov.au](mailto:communications@audit.wa.gov.au). Our next forum is scheduled for March or April 2023.





# Caroline Spencer

Auditor General for Western Australia



## Agenda

- Financial audit season update
- Audit access and information gathering powers
- Sustainability reporting – some key WA Government initiatives
- Sustainability reporting – thoughts for Audit Committees



# Financial audit update

# Overview

- State:
  - 2020-21: record number of qualifications: 31 matters at 17 entities
  - 2021-22: new record?
  - 83 opinions issued by 28 September 2022 – behind 2021.
  - Most financial auditors have moved onto local government sector, will come back to outstanding State government entities in November/December
- Local government:
  - 2020-21: many delays – OAG, LGs, 5 still outstanding
  - 2021-22: commenced, some ahead of schedule

## Audit preparedness - getting ready for a financial audit

- Prior year findings
- Preparing financial statements
- Information requirements
- Data
- Agreed reporting timeframes



## Getting ready for a financial audit

- Asset records
- Valuations
- Contaminated sites
- Rehabilitation provisions
- Developer contributions (LG)



Western Australian Auditor General's Report



## Western Australian Public Sector Financial Statements – Better Practice Guide



Report 28: 2020-21  
14 June 2021

# Improving the financial reporting and audit process

Office of the Auditor General  
Western Australia

## Annual Financial Audit Planning Summary

South Metropolitan Health Service

Year ended 30 June 2022

17 March 2022



REPORT

## Western Australian Public Sector Financial Statements – Better Practice Guide

This guide has been developed to promote better practice principles for financial statement preparation for the WA public sector.

 Download PDF

### Contents

Toolkit

 Give your feedback

 Subscribe to reports

### Toolkit

The following tools are Microsoft Word and Excel spreadsheets.

[Tool 1: Example – Risk analysis for financial statements](#)

[Tool 2: Template – Lessons learned tracking sheet](#)

[Tool 3: Template – Project schedule](#)



# Tool 11

## Tool 11 example: Requirements for supporting documentation

### Introduction

The financial statements are based on accounts and records. There should be a clear management trail of supporting evidence indicating how each item in the financial statements is derived and/or substantiated.

The following example outlines the types of supporting evidence required for selected financial statements items

Item	Supporting documentation	Responsibility	Due date
<b>Cash on hand and at bank</b>	Schedule of cash and bank balances as at year-end.		
	Confirmation certificates from cash holders stating the amount held at year-end.		
	Bank reconciliations for all bank accounts at year-end with bank statements and supporting documentation for reconciling items.		
	A schedule of all bank accounts including information on bank account numbers, branch and domicile. The schedule includes bank accounts as at year-end and accounts that were opened and/or closed during the year.		
	Confirmations from banks for all bank accounts		



# Tool 12

## Tool 12 checklist: CFO assurance

### Introduction

Smaller entities can combine Tool 12 and 13 and tailor it for their own circumstances

The Chief Financial Officer (CFO) of an entity generally has primary responsibility for the preparation of the financial statements and is a co-signatory, with the accountable authority, to the financial statements. It is therefore appropriate that the CFO ensures that necessary processes have been conducted and that the financial statements present fairly in accordance with the financial reporting framework.

The following checklist is provided as a tool in considering a range of issues relating to the preparation of an entity's financial statements. It may assist the CFO in discharging his/her responsibilities. Further, it may form the basis for consideration by the audit committee and the accountable authority in preparation of the financial statements. Issues that have been considered.

### CFO assurance checklist

CFO checklist item	Actioned? (Yes/No)
Planning phase (September to March)	
Review OAG and internal audit findings from previous year and ensure appropriate corrective action has been taken.	
Review the previous year's financial statements preparation process and identify opportunities for improvement.	
Review relevant OAG audit reports and better practice guides for suggestions for improved practice.	
Review the OAG audit planning summary document for the year and identify any implications of their approach.	
Identify and assess the risks to the completion of the financial statements, whether from fraud or error.	



# Tool 13

## Tool 13 checklist: CFO and finance team assurance processes for audit committee

### Introduction

Smaller entities can combine Tool 12 and 13 and tailor it for their own circumstances

This checklist is an example of what a CFO/finance area might provide to the audit committee in regard to the financial statements process. It includes examples of actions that the finance team may take throughout the year to

support the CFO and audit committees in meeting their financial statements certification responsibilities. The checklist should be tailored to meet the entity's particular circumstances and actions completed.

The checklist would normally be applied to financial statements and annual report of t

### CFO and finance team assurance processes for supporting audit committee certification checklist

CFO and finance team checklist item	Actioned? (Yes/no)
<b>Planning phase (September to March)</b>	
The project plan/schedule/risk assessments have been amended to reflect any relevant audit committee feedback from discussions with the CFO on lessons learnt from the prior-year financial statements preparation process and the completion of the OAG audit.	
The CFO/finance team has briefed the audit committee on management's response to any relevant audit committee or OAG feedback on implementation plans for addressing any outstanding audit findings and identified audit adjustments from the prior year.	
The CFO/finance team has briefed the audit committee on any changes in the entity's operations that may affect the financial statements, for example, new responsibilities, asset types or restructures.	
The CFO/finance team has briefed the audit committee on any changes in accounting standards and TIs/LG Regs that may affect the financial statements in the current year.	



# Tool 14

## Tool 14 template: Chief financial officer's report

### Introduction

The purpose of the CFO's report is to provide the accountable authority, through the audit committee, with assurance that an entity's financial statements are suitable for signing by the accountable authority (and the CFO) in accordance with the requirements of the FM Act, TIs, LG Act and LG Regs.

It is generally accepted that the report of the CFO, in relation to an entity's financial statements, should be provided to the entity's audit committee, to support the audit committee's relation to an entity's financial statements.

### Chief financial officer report

#### Overview

Include a summary explanation that the financial statements are ready for signature, highlighting any particular issues that the audit committee and the accountable authority should be aware of, such as:

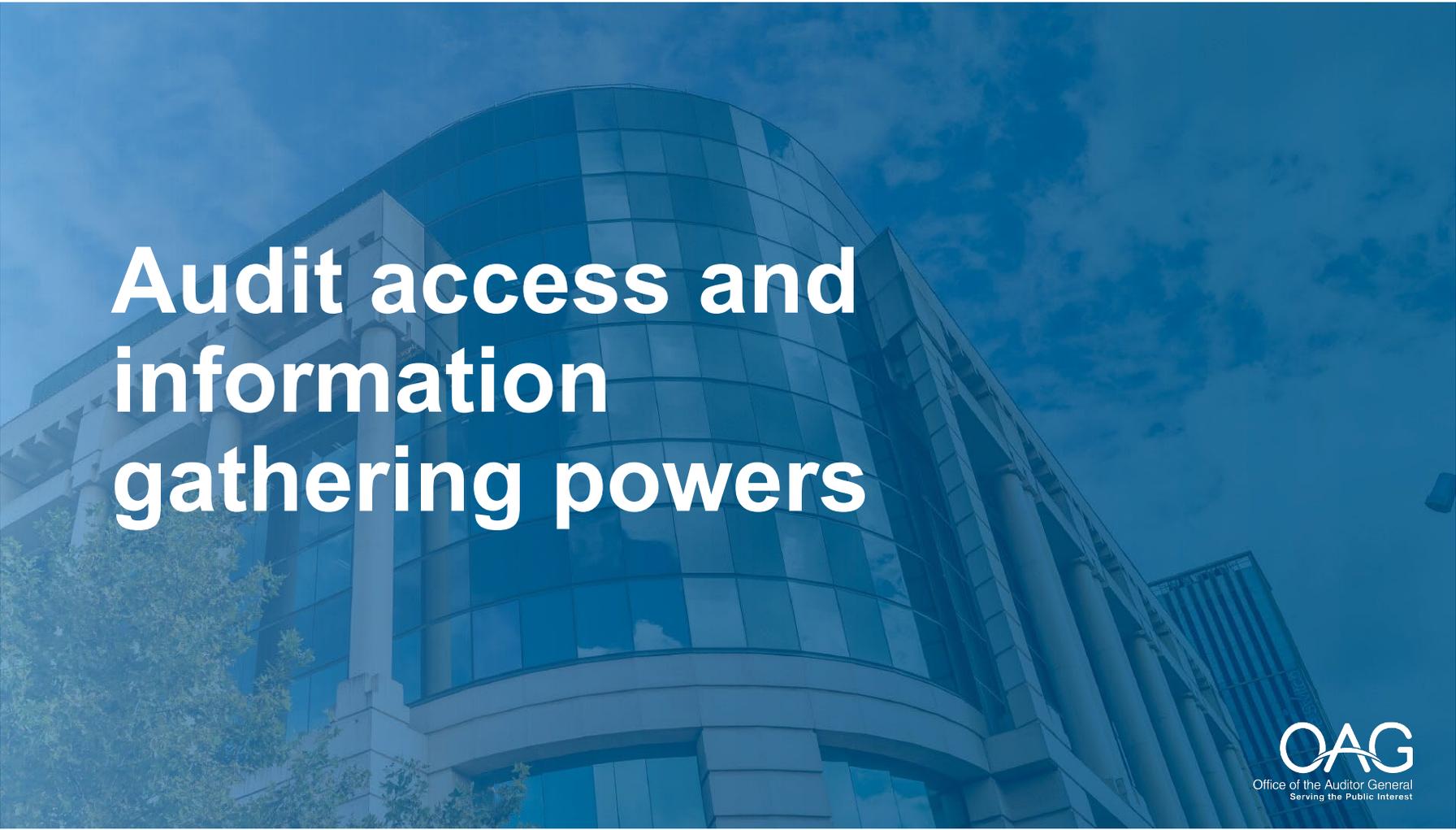
- expected modifications or other references to be included in the auditor's report
- significant improvements or deterioration in the entity's result or financial position
- significant movements in financial statements balances or significant write-offs.

#### Regulatory requirements

Indicate the basis on which the financial statements have been prepared and outline any substantive changes to legislative and accounting standards' requirements.

#### Accounting policies and disclosures

Outline the key accounting policies that underpin the financial statements and highlight any significant changes made to these during the year.



# Audit access and information gathering powers

## Audit access and information gathering powers

- The Auditor General is provided access powers as part of the *Auditor General Act 2006*
- The Office is currently undertaking a program of engagement with key Government and public sector entities to provide **clarity** for the sector around the information the OAG can obtain and how it is used.
- We expect further developments in the future on this front, and will issue **guidance** with central agencies.





# Sustainability reporting

## Some key WA Government initiatives

## Key WA Government initiatives

- Emissions target – reducing public sector emissions by 80% below 2020 levels by 2030
- State electric vehicle strategy
- Climate adaption strategy
- Climate science initiative
- Decarbonisation and a Just Transition
- Climate risk reporting

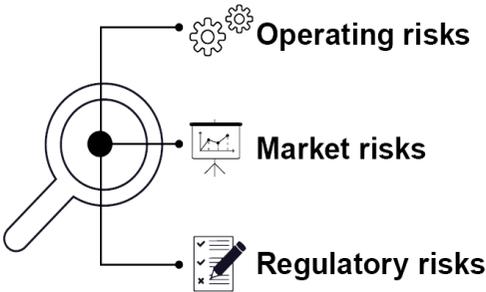


# Types of climate risk

Climate change risk refers to the potential negative or positive impacts of natural hazards and climate under the influence of rising global greenhouse gas emissions

 <b>Physical risks</b>	 <b>Transition risks</b>	 <b>Liability risks</b>
<p>Risks arising from the direct or indirect impacts of the changing climate</p> <ul style="list-style-type: none"> <li>▪ Direct damage to assets</li> <li>▪ Increased insurance claims</li> <li>▪ Supply chain disruptions</li> <li>▪ Disruption to government services</li> </ul>	<p>Risks associated with changes in policies, laws, technologies and markets, in the transition to a lower-carbon economy</p> <ul style="list-style-type: none"> <li>▪ Stranded assets</li> <li>▪ Impacts on pricing and demand</li> <li>▪ Defaults on loans</li> <li>▪ Changing public/consumer expectations</li> </ul>	<p>Risks associated with people or businesses seeking compensation for losses suffered due to climate change</p> <ul style="list-style-type: none"> <li>▪ Business disruption resulting from litigation</li> <li>▪ Public and private sector penalties resulting from litigation</li> </ul>

Corporates may also consider with a lens of:



Source: Department of Water and Environmental Regulation, *Climate change risk management guide (interim): Practical guidance for the Western Australian public sector to assess and manage climate change risks*, 10 February 2022



# Sustainability reporting

## Thoughts for audit committees

# Background to modern reporting and assurance

- **Reporting** – recording things (grain, livestock etc), >5000 years old
- **Auditing** – ‘to listen to the account’, ~800yrs,
- **Modern** financial reporting and auditing – established with early mercantile companies – C19th railways etc. – due to separation of ownership & control (i.e. agency theory)
- **Evolving** – common frameworks, standards and practices to:
  - enhance consistency, for quality and comparability (across entities, sectors, over time)
  - enhance usefulness, to meet emerging information needs and wants (e.g. digital reporting)
  - move beyond financial resources to non-financial (public sector performance, water, carbon, modern slavery...)
- **Driven by:**
  - Those with an interest (the ‘rulers’, investors, owners, lenders...)
  - Community
  - Regulators
- **Underpinned** by the financial imperative, hence the primacy of financial reporting

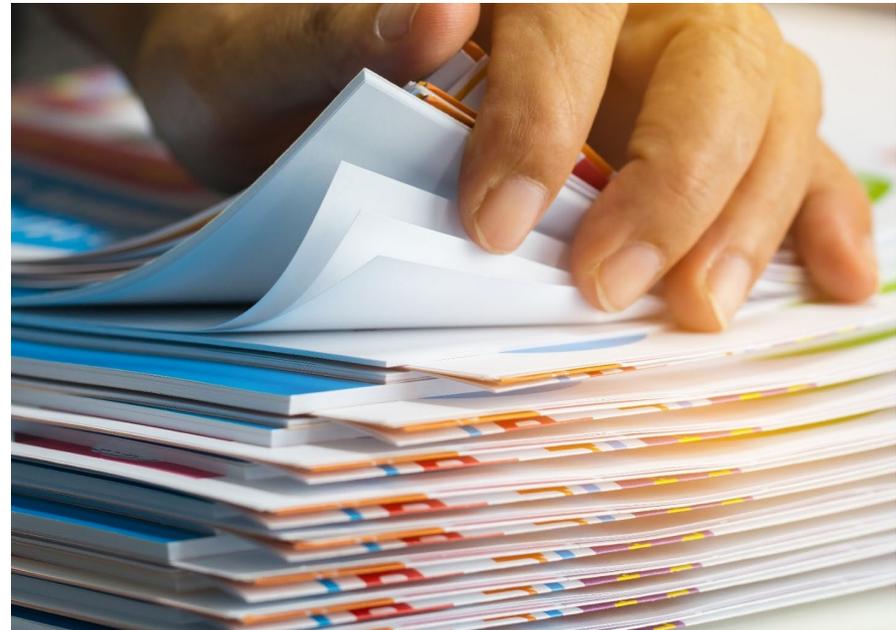
## Climate change risk reporting and assurance - the landscape



- **Emerging** area of practice – part of sustainability reporting
- **Complex** – all the challenges of financial reporting, and then some!
- **Data and modelling** – incomplete, requires *very* careful interpretation and use
- **Diversity** of responses – depends on risk owner. Different policy levers available for government and for private sector ('too big to fail'?)
- **Capacity and capability** – severe lack of skills & experience

# Disclosures – an Australian perspective

- **New International Sustainability Standards Board (ISSB)**
  - Sustainability-related financial disclosures prioritised
  - Expect standards to prioritise climate, build on existing frameworks (e.g. GRI, TCFD) and focus on the for-profit sector before NFP (incl. govt) sectors
  - Australia (through AASB) is a ‘standard taker’
- **Whole of government framework** for each jurisdiction (GFS/Uniform presentation)
- **Why disclose?**...Lenders care, our community wants to know



# Disclosures – some reporting principles

E.g. TCFD

- governance
- strategy
- risk management
- metrics & targets

Principles for Effective Disclosures			
1 Disclosures should represent relevant information	2 Disclosures should be specific and complete	3 Disclosures should be clear, balanced, and understandable	4 Disclosures should be consistent over time
5 Disclosures should be comparable among companies within a sector, industry, or portfolio	6 Disclosures should be reliable, verifiable, and objective	7 Disclosures should be provided on a timely basis	

Source: The Taskforce on Climate-related Financial Disclosures, Targets & Metrics Guidance 2021, p. 8





## What public sector agencies are doing

- E.g. In WA, agencies are to engage in ‘first pass climate change risk assessment’:
  - Identify physical climate risks
  - Identify and prioritise risk treatments
  - Qualitative assessment only (at this stage)
- Some agencies more advanced than others
- Coordination & collaboration will be required, as many decisions will impact on others
- **Central agency direction and coordination** – Treasury/DWER climate reporting framework 2023



## What auditors are doing

- Engaging with regulators (central agencies)
- As part of assessing the risk management process, determine if climate change risks are being considered (where necessary)
- Discuss with agencies where they are at with their early implementation (WA = 'first pass assessments')
- Disclosures in agency financial statements still some time away
- Some audit offices examining preparedness for implementation

# Considerations for public sector audit committees

- **Starting** the journey – first, seek to understand the Question
  - Only then can you develop a response
- Keep an open mind about what reporting & assurance will look like, but framed within existing disciplines and approaches
  - **First principles** – existence, completeness, cut-off, rights & obligations, accuracy and valuation, presentation & disclosure etc etc.
- The reporting & assurance wheel does not need reinventing, just ongoing evolution and, of course, continuous improvement.



# Considerations for public sector audit committees

- **Prudence** – balance enthusiasm with capacity and capability
- *Always* focus on **core service delivery** – including full and frank advice around impacts if focus diverted
- Distinguish between organisational **purpose and strategy**
- Part of **wholistic risk management**, not separate from
- **Whole of Government** focus, central agency coordination
- **Uncertainty** – acknowledge, engage with and be explicit about potential trade-offs in planning & policy
- **Neither ignore, nor catastrophise**



## Useful links

- [Climate-related Risks \(aasb.gov.au\)](https://www.aasb.gov.au)
  - [Project insights: Developing sustainability-related financial reporting standards in Australia \(June 2022\)](#)
  - [Position Statement on Extended External Reporting Framework \(March 2022\) - TCFD](#)
  - [Position Statement on Extended External Reporting & Assurance](#)
  - [Climate related Risk & Financial Statements: Implications for Regulators, Preparers, Auditors and Users](#)
- [Task Force on Climate-Related Financial Disclosures | TCFD\) \(fsb-tcfd.org\)](https://www.fsb-tcfd.org)
- [GRI - Home \(globalreporting.org\)](https://www.globalreporting.org)
- [Western Australian Climate Change Policy | Western Australian Government \(www.wa.gov.au\)](https://www.wa.gov.au)

# Thank you and questions



[info@audit.wa.gov.au](mailto:info@audit.wa.gov.au)

# Western Australian Auditor General's Report



## Fraud Risk Management – Better Practice Guide



Report 20: 2021-22

22 June 2022

**Office of the Auditor General  
Western Australia**

**Report team:**  
Carl Huxtable  
Chiara Galbraith

National Relay Service TTY: 133 677  
(to assist people with hearing and voice impairment)

We can deliver this report in an alternative format for those with visual impairment.

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***The Office of the Auditor General acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.***

**Fraud Risk Management  
– Better Practice Guide**

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Report 20: 2021-22  
June 2022

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**THE PRESIDENT  
LEGISLATIVE COUNCIL**

**THE SPEAKER  
LEGISLATIVE ASSEMBLY**

**FRAUD RISK MANAGEMENT – BETTER PRACTICE GUIDE**

This report has been prepared for submission to Parliament under the provisions of section 23(2) and 24(1) of the *Auditor General Act 2006*.

Better practice checklists regularly feature in my Office's performance audit reports as a means of providing guidance to help the Western Australian public sector perform efficiently and effectively. This is the third comprehensive stand-alone better practice guide we have produced.

A handwritten signature in black ink, appearing to be 'C Spencer'.

CAROLINE SPENCER  
AUDITOR GENERAL  
22 June 2022

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## Auditor General's overview

Fraud and corruption are ever present and growing threats to businesses, including the Western Australian public sector. As well as loss of funds, fraud and corruption can result in loss of confidence in government institutions. The community needs to have faith that the public sector is serving them well for democracy to work.



The social contract between taxpayer and Government is threatened when public money is misappropriated or other wrongdoing occurs. It strikes at the core of trust, accountability and transparency in Government.

Good governance is important to protect our power, water, justice and transport infrastructure, as well as our health, education and regulatory systems from ineffectiveness, inefficiency and of course failure to deliver what people need when they need it.

It is therefore critical that all levels of the Western Australian (WA) public sector commit to good governance to safeguard public assets from fraudulent or corrupt activity. To do this, every WA public sector entity must understand, in detail, the risks that occur generally within the public sector environment and the specific risks relevant to the activities they undertake.

A common motivator for most people who join the public sector is a desire to do a good job. To assist with this we develop and share guidance on better practice. The purpose of this Better Practice guide is to raise the standard of fraud and corruption control across the WA public sector. Parts 1 and 2 of this guide are aimed at decision makers, highlighting the importance of a fraud and corruption risk management program and the current state of fraud control in the WA public sector. Part 3 is aimed at guiding those responsible for developing and implementing an entity's fraud risk management program.

The guide follows the establishment of our Forensic Audit team as set out in my report of December 2021, its purpose being to uplift fraud resilience within the WA public sector. As has always been the case, public sector entities are responsible for the prevention and detection of fraud and corruption. This guide is intended to empower entities to do more to discharge their governance responsibilities by better controlling their risks of fraud and corruption.

We encourage entities to use this guide along with the tools and other available resources to manage the risk of fraud against their entity. While fraud risks cannot be eliminated, a robust and well-resourced fraud risk management program can minimise the likelihood and consequences of fraud events.

We thank the Commonwealth Fraud Prevention Centre for their generous support in helping develop this guide as well as McGrathNicol Advisory for their guidance. We also extend our appreciation to the State entities that provided valuable feedback on the draft guide.

## Part 1: Introduction

### 1.1 About this guide

This Better Practice Guide aims to help Western Australian (WA) public sector entities to manage their fraud and corruption risks. It outlines why fraud and corruption risk management is important (Part 2) and provides practical guidance on the process of developing a fraud and corruption risk management program (Part 3).

The guide refers to a range of tools which are included in the appendices and available on our website ([www.audit.wa.gov.au](http://www.audit.wa.gov.au)). The online tools will be updated as required.

### 1.2 Who should use this guide

This guide is intended for use by WA public sector entities (entities) and may be applicable to other organisations.

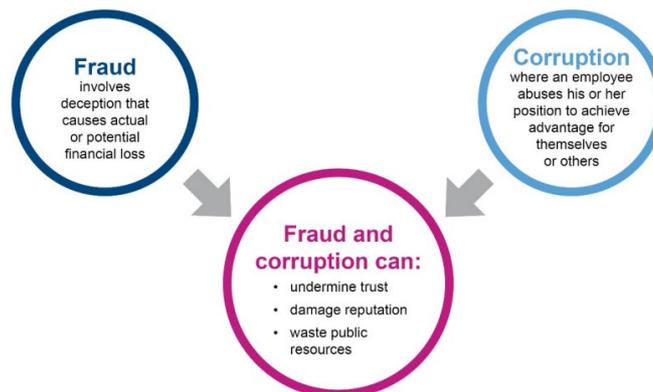
Parts 1 and 2 are intended for directors general, chief executive officers, managers and other key decision makers. Part 1 outlines the high-level principles entities should apply to fraud and corruption risk management and Part 2 highlights the importance of entities implementing an effective fraud and corruption risk management program.

Part 3 is for those tasked with fraud risk management within an entity. It aims to step them through the process of developing, executing and monitoring an entity's fraud and corruption risk management program.

Ultimately, preventing and detecting fraud and corruption is the responsibility of every person in the WA public sector, and as such, this guide may be relevant for all public sector employees.

### 1.3 What is fraud and corruption

Fraud and corruption involve a benefit being obtained through dishonesty and/or an abuse of position to the detriment of another person or entity (Figure 1). They can pose a risk to an entity's finances, reputation, and service delivery. More seriously, they go to the heart of trust and confidence in Government. In this guide, we use the term fraud to include corruption.



Source: OAG using information from the Victorian Auditor General's Office – *Fraud and Corruption Control* report, March 2018

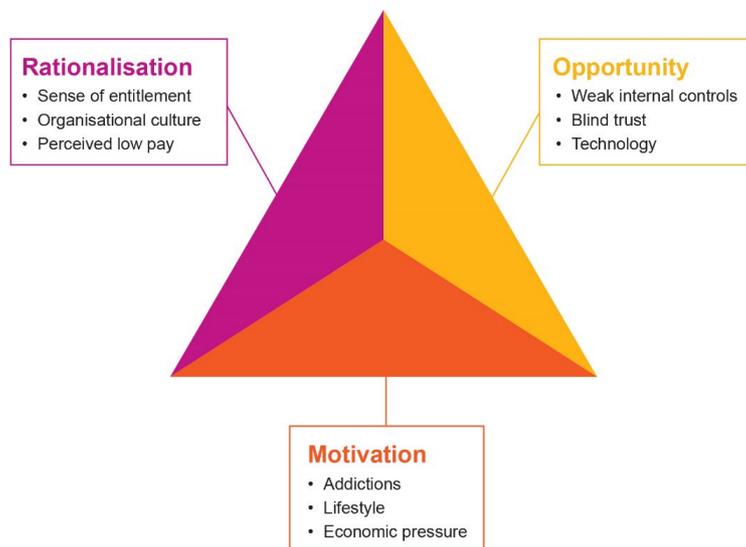
**Figure 1: Definitions of fraud and corruption**

Not all fraud can be prevented – every organisation, public or private, is vulnerable. A robust and rigorous fraud control system, with appropriate prevention and detection processes, can reduce the risk of fraud occurring and minimise losses.

To effectively fight fraud an entity must first acknowledge that fraud occurs and then seek to understand how and why it occurs. The fraud triangle (Figure 2) outlines 3 key elements that are generally present when fraud has occurred in an entity:

- **Opportunity** – a vulnerability within systems or processes is identified and exploited.
- **Motivation** – also referred to as pressure, is the reason someone commits fraud.
- **Rationalisation** – how someone justifies their fraudulent behaviour to themselves.

With the right mix of motivation, opportunity and rationalisation even the most trusted employee can be tempted to commit a fraudulent act.



Source: OAG adapted from Other People's Money<sup>1</sup>

**Figure 2: The fraud triangle**

A fraudster's personal motivation and the ability to rationalise their behaviour is largely beyond an entity's control although, entities will benefit from being alert to and aware of behavioural red flags in respect of their staff and suppliers. The most effective way for an entity to manage its risk of fraud is by controlling the opportunity – implementing or enhancing controls aimed at preventing fraud or detecting it quickly if it does occur.

## 1.4 Fraud control principles

To build a robust and effective fraud risk management program requires 10 essential principles. Each of the following principles link to 1 or more stages of a better practice fraud risk management program as set out in this guide.

<sup>1</sup> *Other People's Money: A Study in the Social Psychology of Embezzlement*, Dr Donald Cressey, Free Press 1953.

<b>Strong leadership</b>	An entity's leadership must model a commitment to fraud control, establishing a strong 'tone at the top' culture to demonstrate their personal commitment to operating with integrity and encouraging a 'finding fraud is good' mindset.
<b>Recognise fraud as a business risk</b>	Entities must acknowledge they are vulnerable to fraud. Fraud should be viewed and treated in the same way as an entity's other enterprise risks.
<b>Adequate control resourcing</b>	Entities should invest in appropriate levels of fraud control resourcing including specialist information system security management personnel.
<b>Clear accountability for fraud control</b>	Entities should establish clear personal accountabilities for fraud control at the governance, executive management and management levels.
<b>Implement and maintain an effective fraud control system</b>	An effective fraud control system (FCS) can reduce the opportunity for fraud. It needs to align with better practice guidance, be fully implemented, monitored and updated periodically.
<b>Periodic assessment of fraud risks</b>	Fraud risk assessments should be carried out periodically or whenever a significant change that affects the entity occurs.
<b>Effective awareness raising program across the entity</b>	To ensure employees recognise red flags for fraud, entities should establish an effective awareness program.
<b>Open channels to report suspicions of fraud</b>	To encourage whistle-blowers to come forward entities should support: <ul style="list-style-type: none"> <li>• active reporting of fraud through accessible anonymised reporting channels</li> <li>• ensure that the entire workforce is aware of organisational expectations for reporting detected or suspected cases of fraud</li> <li>• ensure they have robust whistle-blower protection policies and procedure that includes assurance that victimisation of those who, in good faith, make such reports will not be tolerated.</li> </ul>
<b>Implement a fraud detection program</b>	An effective fraud detection program that includes detection measures such as data analytics and post-transactional review are important.
<b>Consistent response to fraud incidents</b>	Rapid and robust response to suspected fraud events with effective investigation procedures will drive decisive action and result in better outcomes for detected fraud incidents.  A strong and consistent response to all fraud events will send a strong message to the workforce that the entity will not tolerate fraud, no matter how minor.

Source: OAG

**Table 1: Foundation principles for fraud control**

## 1.5 Acknowledgements

We would like to express our appreciation to the entities and their employees who contributed to the development of this guide.

We also acknowledge and express our appreciation to the Commonwealth Fraud Prevention Centre (CFPC) and Standards Australia, who willingly shared their original intellectual property in the development of this guide, and McGrathNicol Advisory, who were engaged to provide technical expertise.

## Part 2: Why develop a fraud risk management program

### 2.1 Overview

In this part of the guide, we outline why entities should develop a fit for purpose fraud risk management program. In summary:

- there are WA government requirements to implement integrity measures to protect the financial and reputational position of entities
- the financial, reputational and human impact on an entity and its employees when fraud occurs can be significant
- entities' fraud control maturity is not meeting best practice.

Fraud risk management has a critical role in preventing and promptly detecting fraud to minimise loss, retain trust in entities and protect employees.

### 2.2 Public sector requirements

Entities are required to consider their risks and implement protections.

Treasurer's Instruction (TI) 825 requires all WA State government entities to develop and implement a risk management program. The TIs state, where possible, entities' policies and procedures should be consistent with Australian Standards including:

- AS ISO 31000:2018 – *Risk management - Guidelines* (risk standard)
- AS 8001:2021 – *Fraud and corruption control* (fraud control standard).

Similarly, Regulation 17 of the Local Government (Audit) Regulations 1996 requires local government CEOs to review their entity's systems and procedures, including for risk management, to ensure they are effective and appropriate for the entity's needs.

In addition to these requirements, the Public Sector Commission encourages all entities to commit to implementing its *Integrity Strategy for WA Public Authorities 2020-2023*. This strategy includes the *Integrity Snapshot Tool* which enables entities to self-assess their current integrity position and help identify areas for improvement.

This guide is intended to aid all entities in the application of the above Australian Standards and is not a replication of them. Entities should obtain a copy of the above from Standards Australia or from an authorised distributor to ensure a full and proper understanding of the content and their compliance with them.<sup>2</sup>

### 2.3 Impact of fraud in the WA public sector

The Association of Certified Fraud Examiners Report to the Nations 2022, estimated that fraud losses in businesses, government and not-for-profits are approximately 5% of their

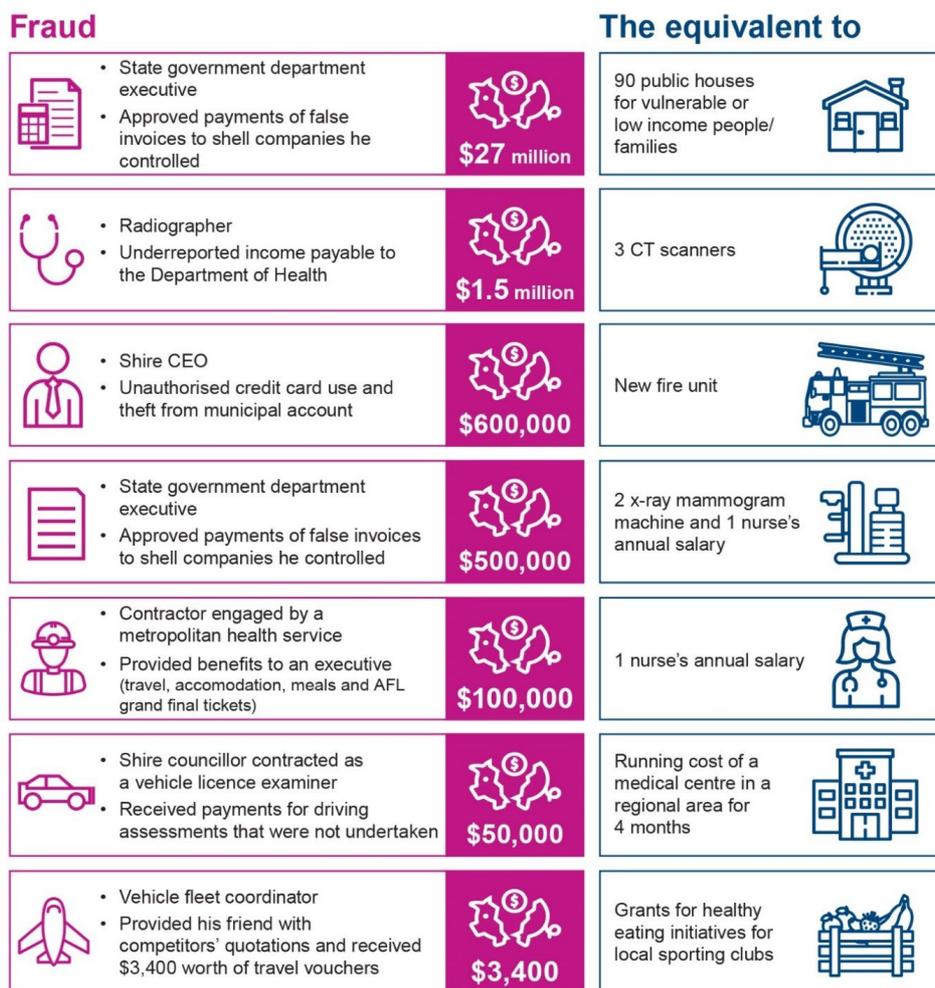
<sup>2</sup> Reproduced by Office of the Auditor General (WA) with the permission of Standards Australia Limited under licence CLF0622OAGWA.

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annual turnover.<sup>3</sup> If this estimate is an accurate reflection of actual fraud losses within the WA public sector, the impact on the people of WA, and the services to them, is considerable.

Fraud within the WA public sector is typical of instances in other jurisdictions and sectors where investigations regularly find deficiencies within entities' controls. These deficiencies may have been identified earlier if the entities had a robust and rigorous fraud risk management program in place.

The following is a short summary of some detected fraud events within the WA public sector in the last 15 years and the practical impact on service delivery. These incidents demonstrate that the WA public sector remains vulnerable to fraud by members of its own workforce as well as external fraudsters.



Source: OAG

Figure 3: Examples of known fraud in the WA public sector

<sup>3</sup> Association of Certified Fraud Examiners, *Occupational Fraud 2022: A Report to the Nations*.

The impact of fraud goes beyond financial and service delivery losses and includes:

- **Human impact:** Those who rely on government services (such as the elderly, the vulnerable, the sick and the disadvantaged) are often the ones most harmed by fraud, increasing the disadvantage, vulnerability and inequality they suffer.
- **Reputational impact:** When it is handled poorly, fraud can result in an erosion of trust in government and industries, and lead to a loss of international and economic reputation. This is particularly true when fraud is facilitated by corruption.
- **Industry impact:** Fraud can result in distorted markets where fraudsters obtain a competitive advantage and drive out legitimate businesses, affecting services delivered by businesses and exposing other sectors to further instances of fraud.
- **Environmental impact:** Fraud can lead to immediate and long-term environmental damage through pollution and damaged ecosystems and biodiversity. It can also result in significant clean-up costs.<sup>4</sup>
- **Organisational impact:** The impact of fraud on employees can be significant. It can lead to low morale, mistrust, inefficient additional oversight and ultimately staff leaving due to the entity's damaged reputation. It can also result in reduced efficiency and effectiveness of the entity's activities.

## 2.4 Status of fraud control maturity across the sector

In 2021, we conducted a high-level review of State government entities' fraud risk management. As reported in our *Forensics Audit Report – Establishment Phase*, we found many entities fell well short of better practice. We reported similar results in our 2013 report, *Fraud Prevention and Detection in the Public Sector*, and in our 2019 report, *Fraud Prevention in Local Government*. Significant work is required across the public sector to raise the standard of fraud risk management to a satisfactory level.

As part of our 2021 review we asked: "Has the entity completed an assessment of its fraud and corruption risks?" Set out at Table 2 is an analysis of the findings of that review.

Responses			
Assessment completed	Assessment in progress	Assessment not completed	Total
71	12	11	92

Source: OAG

**Table 2: Number of entities who have completed an assessment of their fraud and corruption risks**

We selected a sample of 12 entities for more detailed analysis. This further analysis highlighted several key themes as set out in Table 3 below:

Theme	Summary	Why it matters
<b>Lack of a risk framework</b>	Some entities did not have an overall risk framework that could be applied in the context of fraud risk.	An overall risk framework ensures consistency in approach to all the entity's identified risks.

<sup>4</sup> [Commonwealth Fraud Prevention Centre. \*The total impacts of fraud\*](#) (accessed 17 May 2022).

Theme	Summary	Why it matters
<b>Entity size not an indicator of quality</b>	Several larger entities provided insufficient details to show they had undertaken a fraud risk assessment. This suggests that inadequate resourcing is not the sole cause of poor fraud risk assessments being conducted.	The public sector collectively provides a diverse range of services and entities should apply a fit for purpose approach to their fraud risk assessment.
<b>Lack of collaboration</b>	Our analysis suggested a lack of collaboration with risk and process owners in the identification and analysis of the entity's fraud risks.	Collaboration is important because different employees bring different perspectives and experience.
<b>No fraud risk register</b>	Many entities did not have a fraud risk register, despite this being a requirement of their fraud control program.	Entities cannot efficiently monitor and review fraud risks if they have not been documented. The appropriate way to document an entity's fraud risks is in a fraud risk register.
<b>Failure to assess fraud risk</b>	It was clear from our analysis that a significant proportion of entities had not assessed their fraud risks. In many cases entities mistook a fraud control framework for a fraud risk assessment.	Entities must ensure they have a sound understanding of fraud risks that could impact their organisation – this can only be done by implementing a comprehensive process to identify, analyse and evaluate specific fraud risks that could impact the entity.
<b>Data analytics not targeted</b>	Entities had not identified and assessed relevant fraud risks prior to undertaking data analytics to identify fraudulent transactions.	Data analytics is a useful tool for the prevention and detection of fraud, but it requires discipline for it to be efficient and effective. Entities risk implementing inefficient and costly data analytics that are not effective for fraud risks specific to their entity.
<b>Excessive generalisation</b>	Fraud risks that were identified were excessively general rather than being linked to specific processes.	Entities must properly identify and define their vulnerabilities to enable implementation of effective controls.
<b>Risk register limited to strategic risks</b>	Fraud had been identified as an overall strategic risk; however, we saw little evidence that specific fraud risks were identified for individual business units or that a comprehensive fraud risk assessment had been undertaken across all parts of the organisation.	

Source: OAG

**Table 3: Themes identified from survey of entities' fraud control maturity**

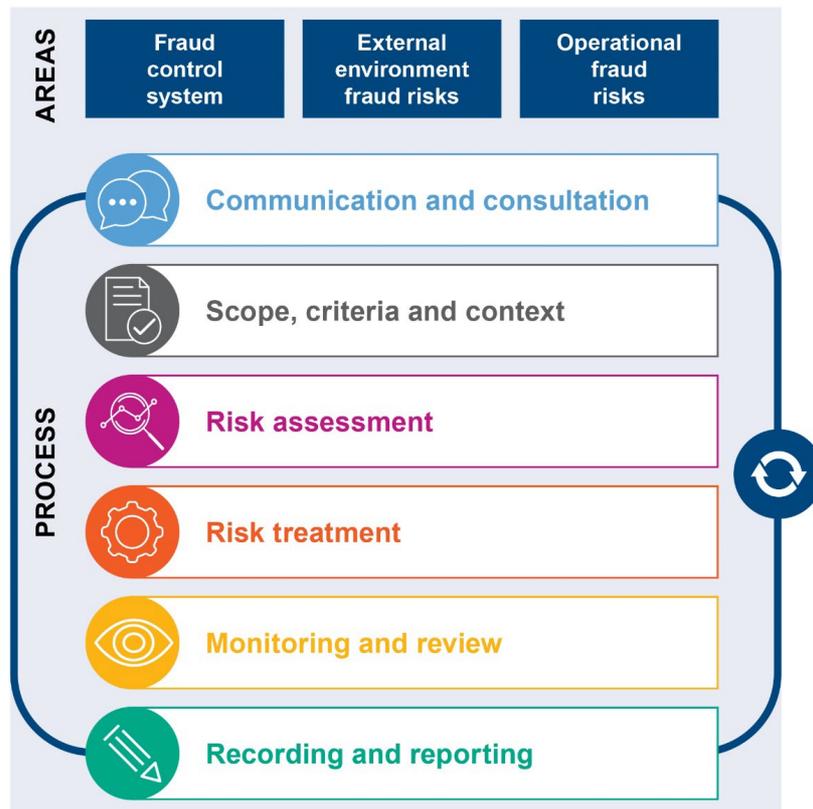
## Part 3: How to develop a fraud risk management program

### 3.1 Overview

To effectively manage fraud risks, entities should develop and implement a robust and effective fraud risk management program. The program should be tailored to an entity's objectives, environment and risk profile and cover:

- the 3 areas where fraud vulnerabilities can be found (based on AS 8001:2021 – *Fraud and corruption control*) – section 3.2
- the 6-stage process to manage risks (based on AS ISO 31000:2018 *Risk management – Guidelines*) – section 3.3.

The diagram below is a simple illustration of the fraud risk management program.



Source: OAG based on AS 8001:2021 and AS ISO 31000:2018

Figure 4: Risk management process including 3 areas of fraud risks to consider

### 3.2 Where to look for fraud vulnerabilities

In accordance with AS 8001:2021, effective management of fraud risk requires a comprehensive examination of an entity's overall fraud control system (FCS), external threats and operational (or internal) activities.

Our survey of State government entities found that most entities who had taken steps to manage their risk of fraud only considered 1 of the 3 vulnerability areas and none provided evidence that they had considered all 3.

The following is a brief overview of the 3 areas of fraud vulnerability. Whilst we have focused the fraud risk management process that follows at 3.3 on operational risks, it can be applied to the other 2 areas of fraud vulnerability.

**A fraud control system** is the tools and techniques used to mitigate an entity's fraud risks. When considering fraud risks, analysing the existing control environment is important to assess how closely it aligns to better practice.

AS 8001:2021 – *Fraud and corruption Control* Clause 2.10 identifies 4 elements for an FCS: foundation, prevention, detection and response, examples of these are included in the table below:

FCS elements	Overview
<b>Foundation</b>	Adequate resourcing to implement a multi-faceted approach to managing fraud risks. Examples include specialist resourcing, awareness training, risk management, information security management systems.
<b>Prevention</b>	Prevention controls are the most common and cost-effective way to mitigate fraud. Examples include an integrity framework, internal controls, workforce screening, physical security.
<b>Detection</b>	Detection controls can help to identify when fraud has occurred but are not as cost-effective as preventative measures. Examples include post-transactional review, data analytics, whistle-blower management.
<b>Response</b>	Response controls can assist the entity to respond to a fraud incident after it has occurred and are the least cost-effective, however can significantly reduce the impact of present and future frauds. Examples include investigation, disciplinary procedures, crisis management, recovery.

Source: OAG based on AS 8001:2021 – *Fraud and corruption control* Clause 2.10

**Table 4: Elements of a fraud control system**

Entities may not have formally documented their FCS, but it is likely they have several existing controls.

Designing and implementing a robust fraud risk management program will inevitably strengthen an entity's FCS. It is for this reason it is recommended an entity assess their FCS against better practice prior to undertaking the fraud risk management process.

The fraud control standard (Clause 2.10) sets out an approach to developing and implementing an entity's FCS and a structure for documenting it. Appendix 3 is a tool for entities to benchmark their current FCS maturity against the fraud control standard.

Updating the fraud control system documents throughout the fraud risk management process assists entities to monitor their increased maturity.

**External threats** come from outside an entity and are largely beyond their control. The fraud control standard recommends entities consider the 6 external factors that can impact an organisation, known as the PESTLE model. The model is explained in the table below and a complete tool is provided in Appendix 4:

PESTLE factor	Overview
<b>Political</b>	To identify the political situation of the country, State or local government area in which the entity operates, including the stability and leadership of the government, whether there is a budget deficit or surplus, lobbying interests and local, regional, national or international political pressure.
<b>Economic</b>	To determine the economic factors that could have an impact on the entity including interest rates, inflation, unemployment rates, foreign exchange rates and monetary or fiscal policies.
<b>Social</b>	To identify the expectations of society by analysing factors such as consumer demographics, significant world events, integrity issues, cultural, ethnic and religious factors, and consumer opinions.
<b>Technological</b>	To identify how technology, including technological advancements, social media platforms and the role of the internet more broadly, is affecting or could affect the entity.
<b>Legal</b>	To identify how specific legislation, including industry specific regulations, and case law are affecting or could affect the entity's future operations.
<b>Environmental</b>	To identify how national and international environmental issues are affecting or could affect the entity.

Source: OAG based on AS 8001:2021 – *Fraud and corruption control*, Clause 2.9

**Table 5: External factors that can impact an entity**

**Operational fraud risks** are the fraud risks associated with an entity's day-to-day operations. There will be risks that are common to all entities (e.g. procurement, payroll, asset management) and those that are entity specific (e.g. property development, grant administration, major projects). Operational risks will also include changes in function or activity (e.g. new government initiative, creation of a relief fund in response to a natural disaster). The following section, Fraud risk management process, is focused on managing your operational fraud risks and discusses this in more detail. We also provide further tools in the appendix to assist with better managing them.

### 3.3 Fraud risk management process

In this section we have mapped out the 6 stages in the risk management process as summarised in Figure 4 above. It is not a linear process; each stage will connect to others at different times throughout the risk management cycle.

We describe the stages and introduce several tools which can be used to assist in developing an effective fraud risk management program. The complete tools are included in the appendices and are available on our website. These tools are not an exhaustive list, there are many tools available (free and for a fee) and entities should determine which ones best suit their needs.

## Communication and consultation

To effectively identify fraud risks within an entity's processes and systems, it is essential that the people who best know and run or control the business processes and business area are adequately engaged throughout the fraud risk management process. Entities should also consider if subject matter experts need to be engaged, such as information system security specialists.



Communication and consultation are intended:

*"...to assist stakeholders in understanding risk, the basis on which decisions are made and the reasons why particular actions are required."*<sup>5</sup>

Employees can feel challenged when asked to respond to questions or contribute to discussions about fraud risks – they may feel that considering this issue with them or in their presence is, in effect, calling their integrity into question. Those tasked with the fraud risk management program should keep the people they need engaged and at ease throughout the process to ensure the best outcome.

Communication and consultation	Better practice
<b>Promote awareness and understanding of fraud risks</b>	<ul style="list-style-type: none"> <li>• Implement multimodal training programs specific to fraud risks – "What is a fraud risk"</li> <li>• Effectively communicate to employees that the objective is to protect the integrity of the entity and employees</li> </ul>
<b>Bring different expertise together throughout the process using effective mechanisms</b>	<ul style="list-style-type: none"> <li>• Engage different levels of expertise and experience to bring various perspectives</li> <li>• Use a variety of communication methods such as emails, workshops, one-on-one interviews and surveys to obtain a wide range of feedback and opinions</li> </ul>
<b>Build a sense of inclusiveness and ownership for process owners (e.g. one-on-one interviews, focus groups)</b>	<ul style="list-style-type: none"> <li>• Use fraud risk workshops to obtain "buy in" from process operators and owners</li> <li>• Invite all relevant employees, regardless of seniority, to attend a workshop</li> </ul>
<b>Obtain sufficient knowledge from relevant stakeholders of business processes to facilitate fraud oversight and decision making</b>	<ul style="list-style-type: none"> <li>• Facilitate fraud risk workshops to discuss and map business processes and internal controls</li> <li>• Ask attendees to consider "what could go wrong?" in processes they engage with or manage</li> <li>• Identify areas of fraud risk in a process map that requires internal controls</li> </ul>
<b>Engage with relevant stakeholders to obtain feedback and information to support decision-making</b>	<ul style="list-style-type: none"> <li>• Structure emails and/or surveys that focus on fraud risks for specific processes</li> <li>• Adopt appropriate modes of communication</li> </ul>

Source: OAG

**Table 6: Better practice examples of the communication and consultation stage**

<sup>5</sup> AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.2.

One way to enhance communication is by meeting one-on-one to facilitate a better understanding of relevant risk and control issues.

To help with communication and consultation, entities should prepare a communication plan that outlines the intended methods, people and timelines for consultation. This also forms the basis of reporting to any oversight committees on the progress of projects in the fraud risk management program. Examples of methods of communication and consultation are provided in Appendix 5.1.

### Scope, context, and criteria

Establishing the scope, context and criteria for the fraud risk assessment is done using the communication and consultation processes outlined above. They will differ for each entity and will be determined by the size and complexity of the process being assessed.



*“...Scope, context and criteria involve defining the scope of the process and understanding the external and internal context.”<sup>6</sup>*

#### Case study 1: Example of scope, context and criteria for a risk assessment of selected parts of the Procure to Pay process

Factor	Procure to Pay
Scope	<ul style="list-style-type: none"> <li>• The specific parts of the Procure to Pay process to be assessed are: supplier selection, onboarding vendors, purchase validation (business case, receipt of goods/services) and release of payment.</li> <li>• We will engage with the finance business unit and operational staff responsible for purchase orders and validation of receipt of goods/service.</li> <li>• The entity’s risk assessment policy dated 31 January 2020 will be applied in conjunction with the approved fraud risk assessment program dated 30 June 2021.</li> <li>• As the entity’s procurement staff are across the State, we will need to engage in a number of online meetings with potential site visits.</li> <li>• Timeline:               <ul style="list-style-type: none"> <li>○ engagement with procurement staff by 30 June 2022</li> <li>○ identification of risks by 31 October 2022</li> <li>○ completion of risk register and mapping of risks by 31 December 2022</li> <li>○ first review to Internal Audit and Risk Committee (IARC) by 28 February 2023</li> <li>○ second review to IARC by 30 April 2023</li> <li>○ submission to Board for approval by 31 May 2023.</li> </ul> </li> </ul>

<sup>6</sup> AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.3.

<b>Context</b>	<p>Internal factors include:</p> <ul style="list-style-type: none"> <li>the strategic objectives of the entity are: community focused delivery of services, sound business practices and quality services. A list of the specific goods, services or works to be procured are provided in Annexure A</li> <li>the existing employee level in the Procure to Pay process is sufficient, however, their experience is inadequate. No training has been delivered in identifying indicators of potential fraud</li> <li>there is no assessment of fraud controls within vendors</li> <li>the entity has policies and processes in respect of independence for supplier selection panels and purchase validation.</li> </ul> <p>External factors include:</p> <ul style="list-style-type: none"> <li>increasing fraud trends targeting procurement and finance teams (i.e. business email compromise - fake emails impersonating an internal senior person or a vendor)</li> <li>recent known scams in the public domain that have been uncovered.</li> </ul>
<b>Criteria</b>	<ul style="list-style-type: none"> <li>The below risk criteria are taken from the entity's risk assessment policy dated 31 January 2020.</li> <li>The entity rates likelihood risk on a scale from extremely unlikely to almost certain. Within the Procure to Pay process, rare is conceivable but unlikely, unlikely is conceivable and has occurred in the past but unlikely in the next year.</li> <li>The entity rates consequence risk on a scale from negligible to catastrophic across the following loss factors: financial, reputational, legal, service delivery.</li> <li>Within the Procure to Pay process, negligible has no negative consequence, low disrupts internal non-management process and has no external financial loss, moderate requires corrective action by senior management, potential disciplinary action and minor financial impact etc.</li> </ul>

Entities will need to develop a scope, context and criteria for all activities and processes they perform. The CFPC's *Fraud Risk Assessment Leading Practice Guide* provides a strategic profiling tool in support of its recommendation that entities responsible for multiple activities and processes prioritise the areas of the entity that are at higher risk for fraud.

Scope, context and criteria	Better practice
<p><b>Define the scope of the activity being assessed for fraud risk including objectives and decisions to be made prior to commencing any fraud risk assessment</b></p>	<ul style="list-style-type: none"> <li>Clearly document the scope and objective of the process that is being assessed for fraud risks</li> <li>Circulate a document that sets out the scope to all employee participating in the fraud risk assessment</li> <li>Break down complex processes into manageable scopes</li> </ul>

Scope, context and criteria	Better practice
<b>Establish the context of the fraud risk activity</b>	<ul style="list-style-type: none"> <li>• Understand the external environment</li> <li>• Understand the internal operating environment</li> <li>• Reflect the specific environment of the activity to which the fraud risk management process is to be applied</li> </ul>
<b>Align the fraud criteria with an overarching risk management framework used to assess all business risks for consistency</b>	<ul style="list-style-type: none"> <li>• Review the entity's existing risk management framework prior to commencing to ensure up-to-date and fit-for-purpose</li> <li>• Align consequence and likelihood criteria and the risk rating matrix with existing framework</li> </ul>
<b>The fraud risk assessment criteria should reflect the organisation's values, objectives and resources and be consistent with policies and statements about risk management</b>	<ul style="list-style-type: none"> <li>• Review the entity's existing risk management policy to understand the entity's risk appetite</li> </ul>

Source: OAG

**Table 7: Better practice examples of the scope, context and criteria stage**

Appendix 5.2 provides a guide on how you could outline your scope, context and criteria.

### Risk assessment

Once the scope, context and criteria are established, entities need to assess their fraud risks.

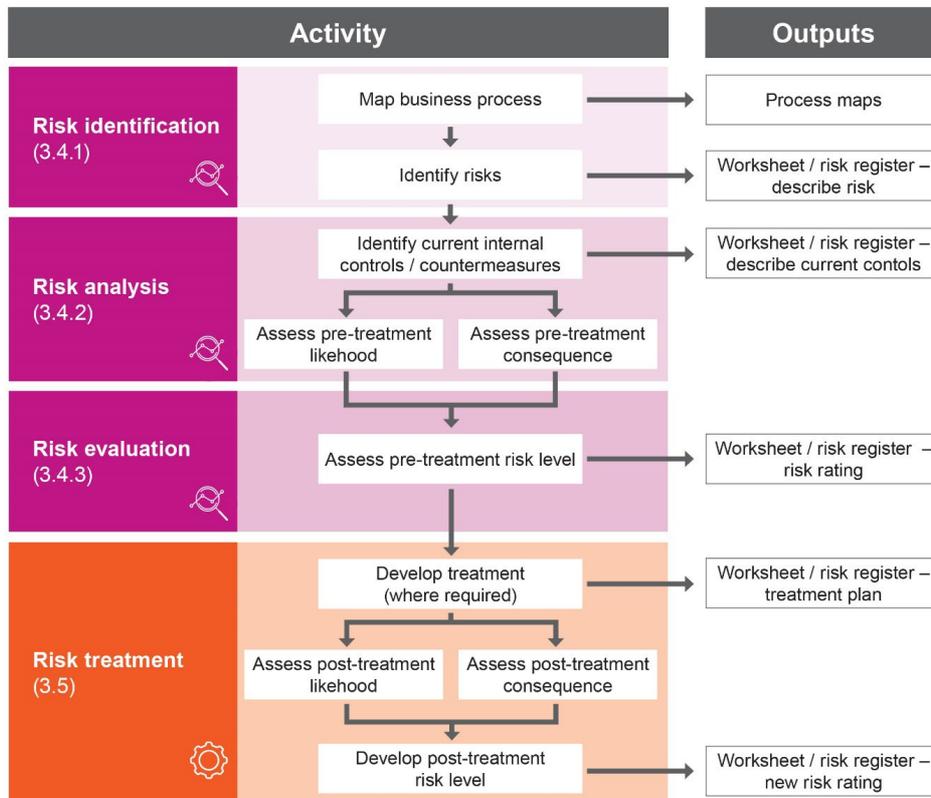
If an entity has a detailed risk assessment approach, then it is logical and likely more efficient to apply that for fraud risks as well.

AS ISO 31000:2018 *Risk Management - Guidelines* sets out 3 sub-phases in the risk assessment stage:

- risk identification
- risk analysis
- risk evaluation.

The assessment stage is followed by treatment. An overview of the risk assessment and treatment stages is set out below.





Source: OAG based on AS ISO 31000:2018 *Risk Management - Guidelines* Clause 6.4 and 6.5

**Figure 5: Risk assessment and treatment stages overview**

### Identifying risks

Think like a fraudster. Discover what you don't know.

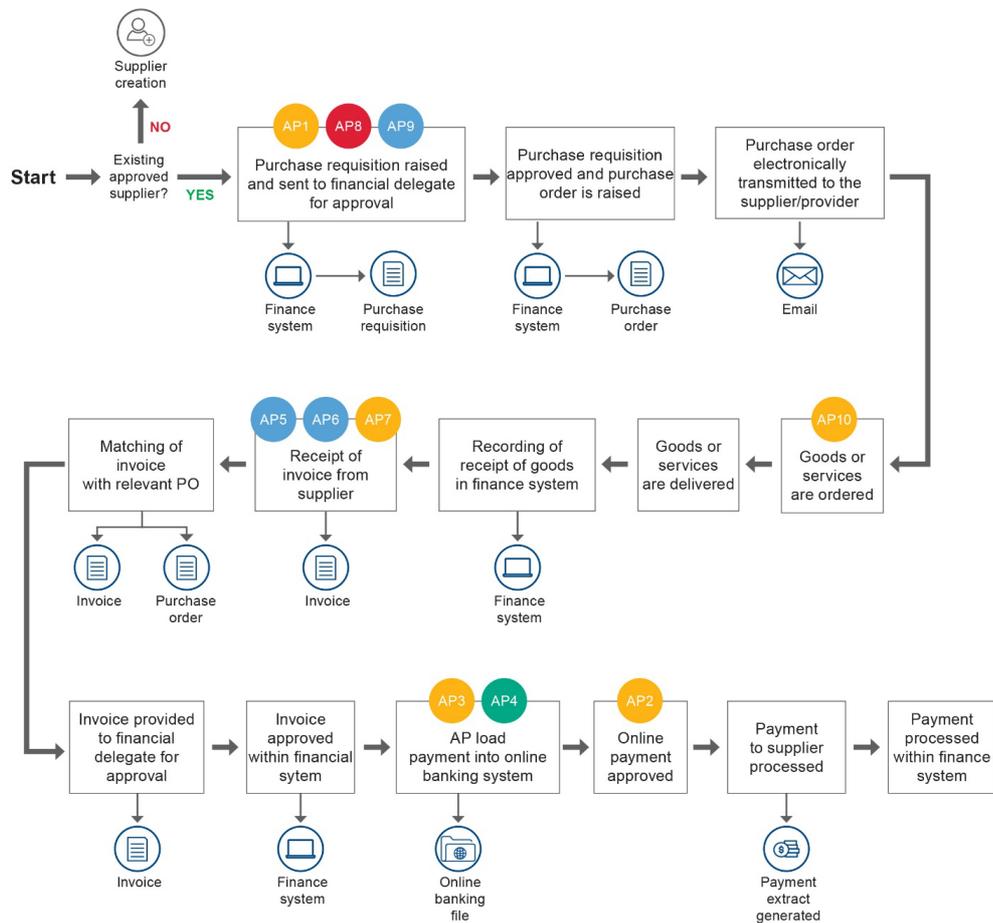
Risk identification involves:

*“... finding, recognising and describing risks that might help or prevent an organisation achieve its objectives.”<sup>7</sup>*

It is important to avoid the temptation to be defensive and dismiss risks before they have been properly analysed and evaluated.

Identifying fraud risks should be viewed as a creative process. Brainstorm the various fraud schemes that have and could be committed within or against the entity. An effective way to identify fraud risks is to map the process that is being assessed and identify vulnerabilities within the process. Below is an example of an accounts payable process map, sometimes referred to as a flow chart. The coloured circles represent identified fraud risks in the accounts payable (AP) process.

<sup>7</sup> AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.4.2.



Source: OAG

**Figure 6: Accounts payable process map**

A fraud risk assessment should consider common methods used by fraudsters and look for vulnerabilities within the entity's processes and activities. This will involve challenging assumptions about, and existing processes within, an entity to identify gaps and thinking of creative ways to circumvent internal controls.

Common frauds are a good place to start but entities should not stop there. Risk identification needs to be realistic but at the same time entities should remember that even the most far-fetched fraud scheme can occur when the right balance of motivation, rationalisation and opportunity are present. Asking hypothetical questions about how fraud could be perpetrated in a structured and controlled way will put the fraud risk assessment process on the right path.

Finally, a good fraud description will allow you to understand ways to prevent or detect the fraud. One way to identify and describe your fraud risks is to consider who did what and what the result was, also described below as the Actor, Action, Outcome method<sup>8</sup>:

<sup>8</sup> Commonwealth Fraud Prevention Centre, *Fraud Risk Assessment – Leading Practice Guide*.

- actor – accounts payable (AP) officer
- action – submits and processes fictitious invoice
- outcome – payment of invoice results in money going to AP officer's bank account.

Fraud risks that have been identified should be adequately documented on a fraud risk worksheet. Fraud risk worksheets can function as an aid to the risk assessment but also as a fraud risk register and an implementation worksheet.

Appendix 5.3 includes:

- an example of a fraud risk worksheet
- risk assessment and treatment process overview
- key questions you could ask when trying to identify fraud risks
- the CFPC's Actor, Action, Outcome method of describing fraud risks
- an example diagrammatic presentation of assessed fraud risks
- a short summary of fraud risks that are commonly found in the public sector environment. The summary is not intended to be an exhaustive list. The examples in section 2.3 would also be useful in this exercise.

#### *Analysing fraud risks*

Once the potential fraud risks within the business unit or process have been identified the next step is to analyse the risks.

Risk analysis is:

*"... a detailed consideration of uncertainties, resources, consequences, likelihood, events, scenarios, controls and their effectiveness."*<sup>9</sup>

Fraud risk analysis requires input from employees within the business unit(s) being assessed and any additional subject matter experts who can add value to the process.

An analysis of each risk includes considering:

- **the likelihood** of the risk occurring
- **the consequence** for the entity if it did occur
- **resourcing constraints** impacting controls
- **the effectiveness of existing controls** intended to mitigate the risks.

The entity should use its established risk analysis matrix to analyse the likelihood, consequences, and strength of existing controls to assign a risk rating to each fraud risk. It is critical that every business unit within an entity use the same risk analysis matrix to allow for a proper comparison of risks across the entity.

Figure 7 below is an example of a risk assessment matrix that shows the likelihood combined with the consequences risks results:

<sup>9</sup> AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.4.3.

		Consequence				
		Negligible	Low	Moderate	Major	Extreme
Likelihood	Almost Certain	Medium	High	Very High	Very High	Very High
	Likely	Medium	High	High	Very High	Very High
	Possible	Low	Medium	High	High	Very High
	Unlikely	Low	Low	Medium	High	High
	Rare	Low	Low	Low	Medium	Medium

Source: OAG

**Figure 7: Example of a risk assessment matrix**

Sometimes an entity undertaking a fraud risk assessment can overestimate the effectiveness of internal controls. One technique to fully assess their effectiveness is to conduct a walk-through of the relevant process or activity and determine if the controls are currently operating effectively. Applying a sceptical approach to the controls and adopting the mindset of a determined fraudster can help to assess if a control can be overridden or avoided. Internal audit resources can also be helpful in this assessment.

Risk analysis	Better practice
<b>Consider uncertainties, risk sources, consequences, likelihood, events, scenarios, controls and their effectiveness</b>	<ul style="list-style-type: none"> <li>Detailed documentation of the analysis including reasoning for decisions for example if a risk is determined to be HIGH for consequence document why and what inputs were used</li> </ul>
<b>Events can have multiple causes and consequences and affect multiple objectives</b>	<ul style="list-style-type: none"> <li>Deep dive analysis to identify all causes, both internally, externally and potential consequences</li> </ul>
<b>Scrutiny of existing controls</b>	<ul style="list-style-type: none"> <li>Sufficiently analyse and test existing controls including walk-throughs and penetration testing</li> <li>Consider engaging specialists to identify gaps in existing system controls</li> </ul>

Source: OAG

**Table 8: Better practice examples of the risk analysis stage**

*Evaluating fraud risks*

Once an entity’s fraud risks have been analysed, they need to be evaluated against the entity’s risk appetite and tolerance. This should be defined in the entity’s risk management policy and framework. The evaluation is used to determine if further action is required to reduce identified residual risks to an acceptable level.

Entities’ risk appetites and tolerances vary and depend on factors such as the circumstances of a particular program, the cost-benefit of implementing controls to reduce the risk of fraud, resources or other constraints and reputational risk. Risk tolerance is not static and should be determined on a case-by-case basis for each risk identified.

The purpose of risk evaluation is to:

*“... support decisions. Risk evaluation involves comparing the results of the risk analysis with the established risk criteria to determine where additional action is required.”<sup>10</sup>*

It is important that the evaluation of fraud risks involves detailed input from the process and risk owners and includes senior employees who can consider the cost of countering fraud against the entity’s risk tolerance. The evaluation considers the residual fraud risk and should conclude with one of the following outcomes<sup>11</sup>:

- avoid the risk
- accept the risk
- remove the risk source
- change the likelihood
- change the consequences
- share the risk
- retain the risk.

These conclusions, and links to any supporting documentation, should be included in the fraud risk assessment worksheet.

Risk evaluation	Better practice
<b>Evaluate results from risk assessment</b>	<ul style="list-style-type: none"> <li>• Comparing the results of the risk analysis with the established risk criteria to determine if and where additional action is required</li> </ul>
<b>Record and communicate evaluation results</b>	<ul style="list-style-type: none"> <li>• Risk evaluation outcomes are recorded, communicated and then validated at appropriate levels of the organisation</li> </ul>

Source: OAG

**Table 9: Better practice examples of the risk evaluation stage**

### Risk treatment

After finalising the risk assessment, the risk treatment process is undertaken. An entity’s evaluation of the risks and its risk appetite will determine if the residual risk is at an acceptable level or if treatment is required. Risk treatments can include enhancing existing controls, implementing new controls, or avoiding the risk altogether by no longer undertaking the activity, program or service.



An entity needs to consider how to mitigate the residual fraud risks that remain above the entity’s tolerance level. The objective of treating the fraud risk is to reduce the residual risk identified in the assessment to an acceptable level.

<sup>10</sup> AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.4.4.

<sup>11</sup> AS ISO 31000:2018 *Risk management - Guidelines* Section 6.5.2.

The aim of risk treatment is to:

*“.. select and implement options for addressing risk.”<sup>12</sup>*

An overview of the risk treatment process has been set out in Figure 5.

Some treatments may enhance existing controls or introduce new controls. Fraud controls are specific measures, processes or functions that are intended to prevent or detect fraud events or to enable the entity to respond to them. These would be suitable to address the following outcomes:

- accept the risk
- change the consequence
- change the likelihood
- change both the consequence and likelihood
- share the risk
- retain the risk.

Subject to the entity’s risk appetite and tolerance, not every risk will require the development and implementation of treatments.

Risk treatment	Better practice
<b>Determine appropriate risk treatments</b>	<ul style="list-style-type: none"> <li>• Select risk treatment options with the entity’s objectives, risk criteria and available resources</li> <li>• Balance the potential benefits against cost, effort or disadvantage of implementation</li> </ul>
<b>Document implementation plan</b>	<ul style="list-style-type: none"> <li>• Document the treatment plan outlining the responsibilities, resources and other relevant implementation information in the fraud risk worksheet</li> </ul>
<b>Risks that do not have a treatment option</b>	<ul style="list-style-type: none"> <li>• If no treatment options are available or if treatment options do not sufficiently modify the fraud risk, the risk is recorded and kept under ongoing review</li> </ul>
<b>Remaining risk is documented</b>	<ul style="list-style-type: none"> <li>• Inform decision makers and other stakeholders of the nature and extent of the remaining risk after treatment</li> <li>• Document the remaining risk and subject to monitoring, review and, where appropriate, further treatment</li> </ul>
<b>Consider beyond economic consequences</b>	<ul style="list-style-type: none"> <li>• Justification for risk treatment is broader than solely economic consequences and considers the entity’s obligations, voluntary commitments and stakeholder views</li> </ul>

Source: OAG

**Table 10: Better practice examples of the risk treatment stage**

<sup>12</sup> AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.5.

A useful way to examine your controls is to ensure they are specific, measurable, achievable, relevant and timed (SMART). This model and examples of internal controls that may be applied with a view to change the consequence, likelihood or both are provided at Appendix 5.4.

### Monitoring and review

Entities should actively monitor the implementation of fraud risk treatments, because until the new or improved controls are in place, the fraud risk will remain above this tolerance level. Fraud risk owners will be responsible for ensuring the controls are implemented in a timely manner and remain effective. When a new or improved control has been implemented the entity should review the control in practice over time to ensure it continues to be effective.



Further, it is essential that entities have a program to continuously monitor and review their fraud risks. Sometimes only small changes to a business process or function can alter the inherent fraud risk rating, result in the emergence of new fraud risks, or impact the effectiveness of existing controls.

Monitoring and review is:

*“... to assure and improve the quality and effectiveness of process design implementation and outcomes.”<sup>13</sup>*

Monitoring and review	Better practice
<b>Monitoring and review takes place during all elements of fraud risk management program</b>	<ul style="list-style-type: none"> <li>Monitoring and review includes planning, gathering and analysing information, recording results and providing feedback</li> </ul>
<b>Monitoring and review progress is reported</b>	<ul style="list-style-type: none"> <li>Results of monitoring and review are incorporated throughout the entity's performance management, measurement, and reporting activities</li> </ul>

Source: OAG

Table 11: Better practice examples of the monitoring and review stage

### Recording and reporting

As noted earlier, fraud risks identified through a fraud risk assessment can be integrated into the entity's broader enterprise risk register. Whether entities combine all risks into a single source risk register or maintain a separate fraud risk register, they must be documented and reported. Entities should report to appropriate oversight committees and management including any audit committees which are responsible for overseeing the entity risk management and internal controls.



Risk management process and its outcomes should be:

*“... documented and reported through appropriate mechanisms.”<sup>14</sup>*

<sup>13</sup> AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.6.

<sup>14</sup> AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.7.

The fraud risk assessment worksheet details several key processes and outcomes that should be documented including the methodology for the risk assessment, the results and the response.

Recording and reporting	Better practice
<b>Detailed recording of fraud risk assessment process</b>	<ul style="list-style-type: none"> <li>Worksheets include adequate information that demonstrates reason for decisions made and actions taken</li> </ul>
<b>Ongoing monitoring and periodic review of the fraud risk management process and its outcomes is planned, and responsibilities clearly defined</b>	<ul style="list-style-type: none"> <li>Updates provided to senior management and those charged with governance on progress</li> <li>Monitoring through audit committee</li> <li>Documented responsibilities for undertaking fraud risk management are outlined in the entities' FCS</li> </ul>

Source: OAG

**Table 12: Better practice examples of the recording and reporting stage**

### Conclusion

Fraud is a pervasive and growing issue within Australia. Fraud can be initiated by employees or close associates of an entity and, increasingly, by parties with no apparent connection to the entity. It can also involve collusion between internal and external parties.

Historically, the approach of many Australian entities to fraud risk management has been wholly reactive. Entities that embrace adequate and proportionate approaches to managing fraud risks will increase their chance of reducing fraud events.

We encourage entities to use this guide along with the tools and any other available resources when applying AS ISO 31000:2018 – *Risk management - Guidelines* and AS 8001:2021 – *Fraud and corruption control* to manage the risk of fraud against their entity. While fraud risks cannot be eliminated, a robust and well-resourced fraud risk management program can minimise the likelihood and consequences of fraud events.

## Appendix 1: Glossary

Term	Definition
Better practice guide (BPG)	A fraud risk assessment better practice guide (this report).
Bribery	Offering, promising, giving, accepting or soliciting of an undue advantage of any value (either financial or non-financial) directly or indirectly, and irrespective of location(s), in violation of applicable law, as an inducement or reward for a person acting or refraining from acting in relation to the performance of that person's duties.
Cloud computing	The practice of using a network of remote servers hosted on the internet to store, manage, and process data, rather than a local server or a personal computer.
Close associate	A person with a close connection with the organisation other than an employee (e.g. director, consultant, contractor).
Collusive tendering	The act of multiple tenderers for a particular contract colluding in preparation of their bids – also often referred to as bid rigging.
Conflict of interest	A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.
Corruption	Dishonest activity in which a person associated with an entity (e.g. director, executive or employee) acts contrary to the interests of the entity and abuses their position of trust in order to achieve personal advantage or advantage for another person or entity.
Cryptocurrency	A digital currency in which transactions are verified and records maintained by a decentralised system using cryptography, rather than by a centralised authority.
Data theft	Also known as information theft. The illegal transfer or storage of personal, confidential, or financial information.
Enterprise risk	Risks arising from the general operation of an entity that can impact on the entity's ability to meet its objectives (refer also definition of 'risk' below).
FCS	Fraud Control System - a framework for controlling the risk of fraud against or by an entity.
Fraud	Dishonest activity causing actual or potential gain or loss to any person or entity including theft of moneys or other property by persons internal and/or external to the entity and/or where deception is used at the time, immediately before or immediately following the activity.
Identity fraud	Also known as identity theft or crime. It involves someone using another individual's personal information without consent, often to obtain a benefit.
Internal control	Internal control is a process, effected by an entity's board of directors, management and other personnel, designed to provide reasonable assurance that information is reliable, accurate and timely.
Malware	Malicious software intentionally designed to cause disruption to a computer, server, client, or computer network, leak private information, gain unauthorised access to information or systems, deprive user's access to information or which unknowingly interferes with the user's computer security and privacy.

Term	Definition
Nepotism and/or Cronyism	Where the appointee is inadequately qualified to perform the role to which he or she has been appointed. The appointment of friends and associates to positions of authority, without proper regard to their qualifications.
OAG	The Office of the Auditor General.
PESTLE model	Consideration of 6 external environmental factors that can impact an entity, namely the political, economic, social, technological, legal and environmental factors.
Phishing and/or Spear-phishing	Cyber-intrusion. Theft of intellectual property or other confidential information through unauthorised systems access.
Ransomware	Form of malware designed to encrypt files on a device, rendering any files and the systems that rely on them unusable.
Risk	The effect of uncertainty on objectives. An effect is a deviation from the expected. It can be positive, negative or both, and can address, create or result in opportunities and threats.
Risk appetite	The level of overall risk an entity is prepared to accept in pursuing its objectives.
Risk tolerance	The level of risk an entity is prepared to accept in relation to specific aspects of its operation – the practical application of the concept of 'risk appetite' to specific risk categories (relevantly to the subject of this guide, this can include application of an entity's risk appetite to the concept of fraud risk).
Social engineering	A broad range of malicious activities accomplished through human interactions (e.g. psychological manipulation of people into performing actions or divulging confidential information).

## Appendix 2: References

Reference
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## Appendix 3: Fraud control system benchmarking tool

An important component of the periodic assessment of the efficacy of an entity's FCS is to determine whether an entity's FCS aligns with the requirements and guidance set out in the standard, in effect, a benchmarking of the entity's fraud control program against the requirements and guidance of the standard. An organisation's performance against each element of the standard can be assessed in accordance with a 5-element rating scheme as set out below.

Alignment with AS 8001:2021 – Fraud and corruption control best practice model		Rating
Meeting better practice		5
Approaching better practice		4
Minimum acceptable level		3
Inadequate but some progress made towards better practice		2
Inadequate - no progress towards achieving better practice		1

The following are the relevant steps required to prepare and deliver an FCS benchmarking project:

<b>Step 1</b>	Consult and collaborate across the entity in a consideration of the FCS benchmarking model and determine which, if any, elements of the model are not relevant to the entity's own circumstances, make necessary adjustments to the model in preparation for analysis. <sup>15</sup>
<b>Step 2</b>	<p>Gather all entity documentation pertaining to the control of fraud risk within the entity – this would include:</p> <ul style="list-style-type: none"> <li>• current FCS documentation</li> <li>• current governing body charter</li> <li>• most recent fraud risk assessment</li> <li>• the entity's disciplinary procedures</li> <li>• recent analysis of awareness raising activities within the entity</li> <li>• most recent external environmental scan analysis</li> </ul>

<sup>15</sup> e.g. requirements and guidance of AS 8001:2021 Section 3.6 Performance Based Targets may not be relevant to public sector entities and could therefore be removed from the model.

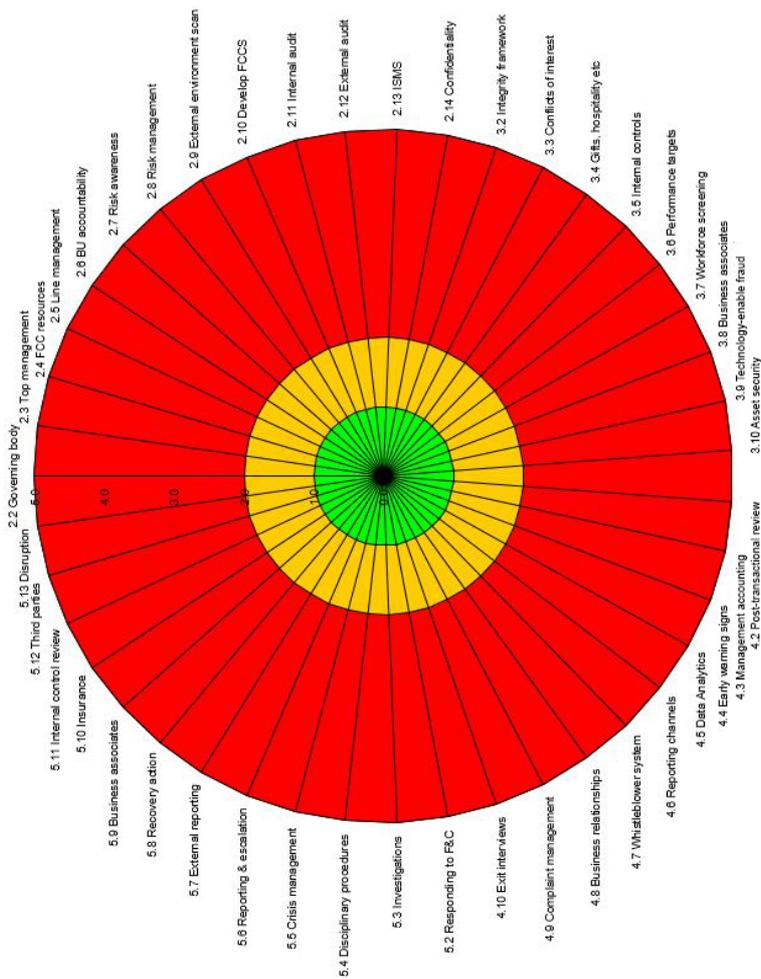
	<ul style="list-style-type: none"> <li>internal audit charter</li> <li>any recent internal audit reports in relation to fraud risk management</li> <li>all integrity related documentation</li> <li>current workforce screening policy</li> <li>current cybersecurity / information system management policies</li> <li>a summary of the last 5 years fraud incidents covering results could provide insight into common activities, themes and weaknesses. Details such as number of events per year, fraud theme (procurement, CC etc), quantum, fraud substantiated Y/N, vulnerability identified, how vulnerability treated, date vulnerability treated</li> <li>reports of analysis of internal control efficacy including pressure testing transactions.</li> </ul>
<b>Step 3</b>	<p>Consult broadly across the entity to arrive at a realistic and reliable assessment of the entity's current performance against each relevant element of AS8001:2021. Consultation would include:</p> <ul style="list-style-type: none"> <li>if a relevant policy or procedure is currently in place or is proposed</li> <li>the frequency of review of all relevant policies and procedures</li> <li>if there is adequate resourcing to ensure that the FCS is properly and effectively administered</li> <li>the culture within the entity in terms of adherence to the key elements of the FCS.</li> </ul>
<b>Step 4</b>	<p>Collaborate with relevant system and process owners to arrive at a rating on a scale of 1 to 5 for each element of the FCS being assessed in terms of its current alignment with AS 8001:2021.</p>
<b>Step 5</b>	<p>Consult broadly within the organisation in relation to initiatives currently in train for implementation in the future, collaborate with relevant system and process owners to arrive at a rating on a scale of 1 to 5 for each element of the FCS being assessed in terms of its future alignment with AS 8001:2021 on the assumption that the initiative is fully implemented.</p>
<b>Step 6</b>	<p>Enter scores into the model and review the output chart.</p>
<b>Step 7</b>	<p>Present to the relevant oversight committee within the entity.</p>
<b>Step 8</b>	<p>Implement remedial action required for the entity to better align with the better practice model per AS 8001:2021.</p>
<b>Step 9</b>	<p>Monitor the ongoing efficacy of the FCS in light of this analysis over time.</p>

### **Presentation of the benchmarking analysis**

The outcome of this analysis can be usefully presented in a variety of tabular or graphical formats. The way in which the benchmarking analysis results are presented will depend on the needs of the entity. One particularly visual way of presenting the outcomes of the benchmarking analysis is by way of a 'spider-web' diagram as shown below.

A Microsoft Excel tool is provided on our website with detailed instructions to assist in the preparation of this analysis and production of the spider web diagram is detailed below.

The spider web diagram is particularly useful for presenting current and future state alignment of an entity's FCS with AS 8001:2021 and for showing improvement over time. For example, if a spider web diagram depicting the current and anticipated alignment of the entity's FCS with AS 8001:2021 is presented to each meeting of the relevant overseeing committee (e.g. an audit committee) the committee would be able to efficiently monitor progress against action items initiated to address identified gaps.



<b>The green area</b>	Represents the entity's current alignment with the requirements and guidance of AS 8001:2021.
<b>The amber area</b>	Represents the entity's anticipated future alignment with the requirements and guidance of AS 8001:2021 once initiatives currently in train are fully implemented. Theoretically, the amber area should progressively turn to green over the projected implementation timeframe.
<b>The red area</b>	Represents the current 'gap' between either the current alignment (green) or anticipated future alignment (amber) with the requirements and guidance of AS 8001:2021.

## Appendix 4: External threat assessment tool

Assessment of external threats using the PESTLE model requires a rigorous 7-step process as follows:

- Step 1:** Consult and collaborate across the entity, make necessary adjustments to the worksheet in preparation for analysis.
- Step 2:** Gather all documentation pertaining to external threats in the environment in which the entity operates or is considering operations.
- Step 3:** Consider the most recent fraud risk assessment conducted in relation to the entity's operation.
- Step 4:** In collaboration with risk and process owners, consider the six PESTLE factors that could impact the entity's fraud risks.
- Step 5:** Identify external factors that need to be addressed by the entity to more effectively control fraud risks.
- Step 6:** Develop risk treatments for risks that need to be further mitigated and adjust in fraud risk assessment and fraud control system.
- Step 7:** Review external threats periodically.

The following is an example worksheet for assessing external threats against an entity using the PESTLE model.

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
<b>Political</b> To identify the political situation of the country in which the organisation operates, including the stability and leadership of the government, whether there is a budget deficit or surplus, lobbying interests and international political pressure.	<ol style="list-style-type: none"> <li>Has there been a recent change in government (at local, state or federal level)?</li> <li>Is there any anticipated change in government funding foreshadowed? How will a change in funding impact the entity's fraud exposure (e.g. an increase in funding for grants or a decrease in funding for administration)?</li> <li>Is there any legislative change anticipated in relation to employment law that may impact the entity's ability to manage its fraud exposure?</li> </ol>	Insert text	Insert text

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
	<ol style="list-style-type: none"> <li>4. Is there a likely increase or reduction in government mandated regulation?</li> <li>5. If yes, will that give rise to an increase in the entity's fraud exposure (either internally or externally initiated fraud)?</li> <li>6. Are there any other political factors the entity should consider?</li> </ol>		
<b>Economic</b>			
<p>To determine the economic factors that could have an impact on the organisation, including interest rates, inflation, unemployment rates, foreign exchange rates and monetary or fiscal policies.</p>	<ol style="list-style-type: none"> <li>1. Are all economies in which the entity operates currently stable?</li> <li>2. If there are indications of instability in an economy in which the entity operates, to what degree will this impact the risk of fraud within or against the entity?</li> <li>3. Are there any key economic decisions (either recently implemented or in contemplation) likely to have an impact on the entity's fraud exposure (e.g. rising interest rates, a change in taxation rates)?</li> <li>4. Is there currently significant pressure on wages and salaries that could act to reduce disposable income of the general population and to what degree could that impact on the entity's fraud exposure?</li> <li>5. Is there likely to be a change in employment levels in the economy in the next three to five years?</li> </ol>	Insert text	Insert text

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
	<p>6. Is there likely to be a change in working arrangements that may increase the risk of fraud within the entity (e.g. remote working, flexible working arrangements)?</p> <p>7. Are there any other economic factors the entity should consider?</p>		
<p><b>Social</b></p> <p>To identify the expectations of society by analysing factors such as consumer demographics, significant world events, integrity issues, cultural, ethnic and religious factors, and consumer opinions.</p>	<p>1. Has there been a marked decline in integrity standards within the broader community or is this anticipated going forward? How could these changes impact the entity's fraud exposures in the future?</p> <p>2. Is it likely that the entity will only be able to attract adequate human resource is by offering work arrangements that are not sustainable for the entity?</p> <p>3. Are there any other social factors they should consider?</p>	Insert text	Insert text
<p><b>Technological</b></p> <p>To identify how technology, including technological advancements, social media platforms and the role of the internet more broadly, is affecting or could affect the organisation.</p>	<p>1. Does the entity have a heavy reliance on technology internally?</p> <p>2. Does the entity have a heavy reliance on technology to interact with external parties including business associates, customers, clients</p>	Insert text	Insert text

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
	<p>and the general public?</p> <ol style="list-style-type: none"> <li>3. Does the entity embrace leading edge cyber-security?</li> <li>4. Does the entity have strict policies governing the use of its IT equipment by the workforce for personal purposes?</li> <li>5. Does the entity have strong controls over the use of technology in the course of remote working?</li> <li>6. Does the entity closely monitor developments in technology-enabled fraud?</li> <li>7. Are there any other technological factors that the entity should consider?</li> </ol>		
<b>Legal</b>			
<p>To identify how specific legislation, including industry specific regulations, and case law are affecting or could affect the organisation's future operations.</p>	<ol style="list-style-type: none"> <li>1. Does the entity have a strong compliance function?</li> <li>2. Does the entity have a strong sense of its own duties of integrity when interacting with external parties (i.e. is there a risk of the entity itself being accused of fraudulent or other illegal conduct)?</li> <li>3. Are there indicators of significant change in the regulatory landscape affecting the entity?</li> <li>4. Is the entity aware of its vicarious liabilities in relation to the conduct of members of its own</li> </ol>		

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
	workforce? 5. Are there any other legal factors that the entity should consider?		
<b>Environmental</b>			
To identify how local, national and international environmental issues are affecting or could affect the organisation.	1. Does the entity operate in circumstances where there is a likelihood of a high environmental impact? 2. If so, does this give rise to any raised risk of manipulation of financial or non-financial reporting? 3. Are there any other environmental factors that the entity should consider?		

## Appendix 5: Tools to support the fraud risk management process

### A5.1 Communication and consultation tool



Fraud risk owners can sometimes encounter problems with those responsible for developing, implementing and maintaining fraud controls relating to their risks. This may be because a control owner is experiencing staffing or funding constraints or they lack the requisite expertise. In these circumstances the person tasked with performing the fraud risk program can assist through:

- requesting progressive pieces of work
- fostering productive linkages between parties responsible for fraud control
- providing expert advice to stakeholders
- seeking strategic support from the senior staff to formulate solutions to impediments at the operational or program level.

The table below describes some methods for communication and consultation across an entity.

<b>Structured one-on-one discussion with the process / risk owners</b>	Speak with relevant business units – the people who work with the systems and processes every day. Meet one-on-one to facilitate an enhanced understanding of relevant risk and control issues.
<b>Convene focus groups with process and risk owners and stakeholders</b>	Facilitate detailed discussion of fraud risks with focus groups along with one-on-one meetings as an effective way to identify risks, internal controls that should mitigate those risks, whether they are operating as intended (think like a fraudster), assessing risks and developing effective risk treatments.
<b>Seek input on fraud risk matters from across the entity</b>	Invite the entire workforce to provide their input in relation to the entity's fraud exposures in an online survey.
<b>Regular reporting to the project management committee</b>	A project to manage fraud risk should be subject to a rigorous program of two-way communication between the oversight committee and the practitioner/team tasked with the project.
<b>External communication and consultation</b>	The project committee and the team responsible for delivering the project should consider the benefits of communication and consultation with parties external to the entity such as regulators, subject matter experts and peer organisations.
<b>Reporting to the audit and risk committee</b>	It is important for an audit and risk committee to be informed of developments in relation to fraud risks because they are responsible for overseeing the entity's risk management and internal controls.

## A5.2 Scope context and criteria tool



Fraud risk assessment "XX Process"	
Factor	Definition
<b>Scope</b>	<p>The boundaries within which the fraud risk assessment will take place.</p> <ul style="list-style-type: none"> <li>• The specific parts of the XX process to be assessed for fraud risks.</li> <li>• The business units and operational teams involved in the processes to be assessed.</li> <li>• Tools to be used in the fraud risk assessment.</li> <li>• Logistical considerations, milestones and timelines for completing the fraud risk assessment.</li> </ul>
<b>Context</b>	<p>The internal and external factors influencing the environment the entity operates in.</p> <p>Internal factors may include:</p> <ul style="list-style-type: none"> <li>• The strategic objectives of the entity and how this influences the XX process.</li> <li>• The existing employee level in the XX process and their experience, as well as their level of training in identifying indicators of potential fraud.</li> </ul> <p>External factors include:</p> <ul style="list-style-type: none"> <li>• Increasing fraud trends targeting XX process.</li> <li>• Recent known scams in the public domain that have been uncovered.</li> </ul>
<b>Criteria</b>	<p>Likelihood and consequence criteria aligned to an entity's existing risk framework that can be used to rate fraud risks identified in the fraud risk assessment.</p> <ul style="list-style-type: none"> <li>• Likelihood criteria is a rating scale (i.e. Extremely unlikely to Almost certain) set by the entity to identify the expected frequency of a fraud risk in the XX process being realised, both with no internal controls in place (inherent) and existing controls in place (residual).</li> <li>• Consequence criteria is a rating scale (Low – Catastrophic) across a number of defined loss factors (i.e. financial damage, reputational damage, legal damage), to identify the expected impact of a fraud risk in the XX process being realised both with no internal controls in place (inherent) and existing controls in place (residual).</li> <li>• What is acceptable frequency / consequence.</li> </ul>

## A5.3 Risk assessment tools



### A5.3.1 Example fraud risk assessment worksheet

A fraud risk assessment worksheet can be used to document all relevant information for each risk identified and assessed. Having applied the worksheet for this purpose it can also then be used as a risk register (alternatively, identified and assessed fraud risks could be included in the entity's enterprise risk register).

Fraud Risk (Short Title)		Risk Level		Description of Risk	
Pre-treatment	Post-treatment			Proposed Treatment (if Applicable)	Priority Responsibility
AP 1	Very High	Corruption in procurement (kickbacks)	High	Procurement employee obtains a benefit from a supplier on the understanding that the employee will award work to the supplier.	High
Current Internal Controls		Overall Ratings		Rating	
Documented policies and procedures for procurement transactions >\$50,000 are in place.	Partially Effective	Internal Control	Partially Effective	Training and awareness initiatives for staff.	Effective
Conflict of interest declaration forms are required to be completed by all staff.	Effective	Consequence	Major	Regular review of the conflict of interest declaration register.	Effective
Independent evaluation of tender bids are undertaken	Ineffective	Likelihood	Likely	Documented evaluation reports to be prepared and submitted to those charged with governance.	Effective
Missing control: There is no regular transaction review of purchases over \$50,000.	Ineffective	Post-treatment	Effective	Finance to review regular reports (i.e. monthly) with expenditure broken down by vendor.	Effective
Due diligence is performed on successful vendors.	Partially Effective	Consequence	Moderate	Due diligence checks should include open source information background checks on Directors.	Effective
An independent party reviews any vendor complaints from the tender process.	Partially Effective	Likelihood	Possible		Effective
Risk Owner	HUG	System/Business Unit	Accounts Payable	Division	Finance
Department	Procurement	Entered By	JNH	Date Assessed	13 May 22

The following is a short summary of the information that would be recorded on each risk assessment sheet (note that much of the information referred to in the following table will not have been prepared in the risk identification stage when the fraud risk worksheet is first created. The worksheet is intended to build over time as the entity works its way through the identification, analysis, evaluation and treatment development phases).

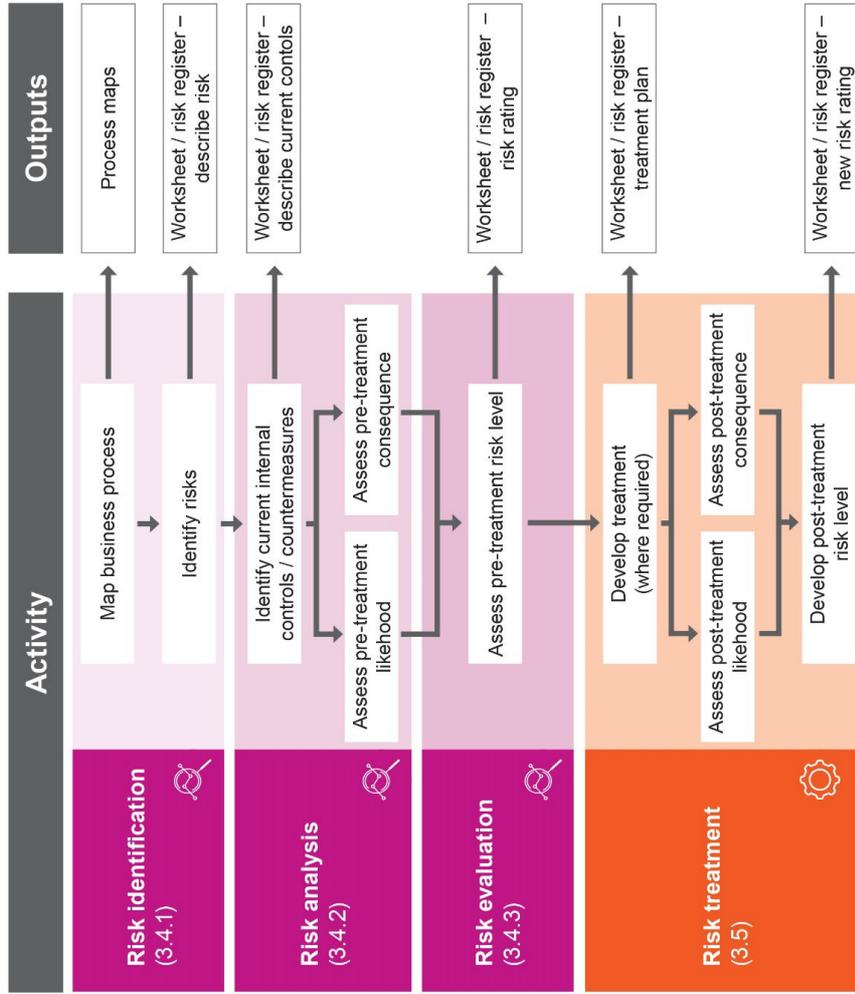
As noted above, each identified risk should be recorded on a separate risk assessment worksheet. The risk assessment worksheet can then be used as the entity's register of fraud risks. Alternatively, identified and assessed fraud risks can be recorded in the entity's enterprise risk register.

Data field	Information to be recorded (for each risk)
Fraud Risk Number	A reference number unique to each risk – the risk number is used in all outputs of the risk assessment process.
Fraud Risk (Short Title)	Short description of the risk that is generally used to identify the risk being discussed in relevant outputs.
Description of Risk	A more detailed outline of the risk consistent with the short title.
Risk Owner	The individual or position within the business unit who has primary responsibility for the business systems relevant to the identified fraud risk.
Department	The department to which the business unit belongs (see below).
System Business Unit	The business unit that has most control of the business systems and processes relevant to the identified risk.
Entered By	The individual or position who entered the fraud risk particulars into the risk assessment worksheet.
Date Assessed	The date on which the worksheet was populated.
Current Internal Controls	A short active title / description of each existing internal control (e.g. "System controls only allow limited authorised users to change bank accounts") and a short statement as to how the internal control mitigates the risk.
Current Internal Controls Rating	A rating on an appropriate scale (i.e. "Ineffective", "Partially Effective" or "Effective") of the effectiveness of each internal control on mitigating the risk.
Proposed Treatment (If Applicable)	Treatments the entity proposes to take to strengthen the existing internal control framework and reduce the risk rating to an acceptable level.
Proposed Treatment (If Applicable) Rating	A rating on an appropriate scale (i.e. "Ineffective", "Partially Effective" or "Effective") of the effectiveness of each treatment on mitigating the risk.
Proposed Treatment Priority	The proposed priority of the treatment.
Overall Ratings – Pre-treatment Internal Control	A rating on an appropriate scale (i.e. "Ineffective", "Partially Effective" or "Effective") of the overall effectiveness of the existing internal control framework on mitigating the risk.

Data field	Information to be recorded (for each risk)
Overall Ratings – Pre-treatment Likelihood	A rating on an appropriate scale (i.e. “Almost Certain” to “Rare”) of the likelihood of a risk being realised with the existing internal control framework.
Overall Ratings – Pre-treatment Consequence	A rating on an appropriate scale (i.e. “Extreme” to “Negligible”) of the consequence of a risk being realised with the existing internal control framework.
Overall Ratings – Post-treatment Internal Control	A rating on an appropriate scale (i.e. “Ineffective”, “Partially Effective” or “Effective”) of the overall effectiveness of the post-treatment internal control framework on mitigating the risk.
Overall Ratings – Post-treatment Likelihood	A rating on an appropriate scale (i.e. “Almost Certain” to “Rare”) of the likelihood of a risk being realised with the post-treatment internal control framework.
Overall Ratings – Post-treatment Consequence	A rating on an appropriate scale (i.e. “Extreme” to “Negligible”) of the consequence of a risk being realised with the post-treatment internal control framework.
Overall Risk Rating Pre-treatment	A rating on an appropriate scale (i.e. “Very High” to “Low”) of the fraud risk level by reference to the risk matrix (taking into account the assessed effectiveness of pre-existing internal controls).
Overall Risk Rating Post-treatment	A rating on an appropriate scale (i.e. “Very High” to “Low”) of the fraud risk level by reference to the risk matrix taking into account the assessed effectiveness of the post-treatment internal control framework.



### A5.3.2 Risk assessment and treatment process overview



Source: OAG based on AS ISO 31000:2018 Risk management - Guidelines Clause 6.4 and 6.5

### A5.3.3 Key fraud risk identification questions

Some key questions to ask when trying to identify fraud risks are listed below.



Key questions that need to be asked in identifying fraud risks
If I wanted to steal from this entity, knowing what I know about the current business systems process and internal controls, how would I do it?
If I wanted to get some sort of improper financial or non-financial advantage out of my position, how would I do it?
What do I know about this process that nobody else knows or checks?
Who has sole control over specific systems or processes that nobody else has visibility over?
What forms of payment does this process have – is it cash, card, EFT etc?
How can this process be made easier for the process owner at the expense of the entity?

### A5.3.4 Commonwealth Fraud Prevention Centre’s ‘Actor, Action, Outcome’ method of describing fraud risks<sup>16</sup>

An effective method for describing fraud risk is to consider the actor, action and outcome. The level of detail is important when describing fraud risks. Without sufficient detail it becomes difficult to consider the factors (i.e. actors and actions) that contribute to the fraud risk and how fraud controls will specifically address these contributing factors.

An example of a poorly defined fraud risk from the invoice payment process provided would be “Fraud in the invoice payment process”.

The following are more accurately defined fraud risks from the same example:

- “a service provider (Actor) submits a falsified invoice (Action) to receive a payment for services not provided (Outcome)”
- “a service provider (Actor) coerces an official to approve and/or process a falsified invoice (Action) to receive a payment for services not provided (Outcome)”
- “an official (Actor) manipulates the finance system (Action) to divert an invoice payment to their own bank account (Outcome)”.

Judgement should be applied in striking a balance between capturing sufficient detail and documenting a manageable number of fraud risks. This could be achieved by combining similar risks and clearly documenting the various contributing factors (actors and actions).

<sup>16</sup> Commonwealth Fraud Prevention Centre ‘Fraud Risk Assessment – Leading Practice Guide’.

The description can help with an entity's assessment of its fraud risks and how it considers ways in which to control it. Some of these controls may already exist and some may be new.

For example, an entity might limit the opportunity for an accounts payable officer to submit and processes a fictitious invoice that pays into an employee's account by:

- splitting the authorising powers (submit and process)
  - segregation of duties between invoice entry and payment authority
- validating the invoice details (fictitious invoice)
  - third party verification of goods/services being received
  - check supplier details in your supplier master file are an exact match to public records (e.g. Australian Business Register)
- cross-checking internal records (employee account)
  - compare bank accounts in supplier payment file against employee bank accounts.

Entities can link each of the above controls back to distinct parts (actor, action, outcome) of the fraud description.

### A5.3.5 Example diagrammatic presentation of assessed fraud risks

It can be useful to present identified and assist fraud risks in diagrammatic form.

The following example shows the relative ratings of likelihood and consequence and the resulting overall risk rating for ten accounts payable related fraud risks. Diagrammatic analysis is also useful to show the projected change in risk rating as a result of implementation of a treatment plan introducing new or revised internal controls / fraud controls. The change in rating in relation to risk PR-1 is due to the introduction of new or revised internal controls that will reduce the consequence of the risk if it did occur (although in this example the likelihood remains unchanged).



#### Accounts payable



### A5.3.6 Example public sector fraud risks



The following is a short summary of fraud risks that are commonly found in the public sector environment. This summary is not intended to be an exhaustive list, but it can be used as a ‘thought provoker’ in the identification of operational risks types facing the entity being assessed.

Accounts payable fraud	
False invoicing (creation of a fictitious vendor)	A fictitious vendor is created in the finance system to which payments for false invoices are made for goods/services not ordered and not delivered (typically fraud of this type involves personnel within the entity but it can be perpetrated at times by external parties acting alone or by external parties operating in collusion with a member of the target entity’s workforce)
Fraudulent change to vendor master file	Fraudulent change to the entity’s vendor master file (i.e. change of bank details to divert legitimate vendor payments to an account controlled by the perpetrator) – this can be done by a person internal to the entity, a person external to the entity or by collusion between internal and external persons
Online banking fraud	Manipulation of vendor or other payments in the online banking system immediately prior to execution of the payment file in the entity’s online banking system – the fraudulent manipulation of the online payment file is concealed by making false entries in the entity’s accounting records
False invoicing (existing vendor)	Manipulation and processing of fraudulent payments for invoices apparently rendered by a legitimate vendor but, in fact, fraudulently generated and issued by the perpetrator who is generally a member of the entity’s own workforce
Duplicate payments for the invoices already settled	More than one payment is made for the same invoice – this can be initiated inadvertently by a vendor who issues the same invoice twice in error but the vendor then fails to report the double receipt and fraudulently converts the duplicate payment
Procurement and tendering	
Corruption of the procurement process (involving personnel within the entity)	Corruption involving an employee of the entity and a vendor in the selection of a winning bid or tender often involving bribery / kickbacks but often motivated by personal or family association between the bidder and the entity’s employee without direct financial reward – corruption can involve provision of a confidential bid price, contract details or other sensitive information to gain an advantage for one tenderer over other tenderers
Bid rigging (excluding personnel within the entity)	Collusive tendering between multiple bidders for the same contract for mutual advantage (no involvement of the entity’s personnel)

<b>Procurement and tendering</b>	
Conflicts of interest	Undeclared association between an employee of an entity and a tenderer giving rise to an actual or perceived bias in awarding of a contract
Improperly receiving hospitality, gifts and benefits	An employee receiving or soliciting hospitality, gifts or benefits from a vendor or potential vendor hoping to gain a commercial advantage in doing so – depending on the circumstances, this behaviour may constitute fraud

<b>Falsification and manipulation of claims for work-related expenditure</b>	
Use of the entity's funds for personal expenditure	Claiming employee expenses for business-related expenditure not incurred or incurred for personal use or benefit (supported by false or inflated receipts / invoices)
Double-dipping	Claiming multiple reimbursements for the same expenses or claiming for expenses paid personally using receipts for purchases already made via another of the entity's reimbursement systems

<b>Diversion of incoming funds</b>	
Accounts receivable fraud	Redirection of incoming receipts to a spurious account followed by write-off of accounts receivable balance
Unauthorised discounts	Processing unauthorised discounts for early payment of invoices where the discount value is fraudulently transferred to the employee's own bank account
An authorised application of unknown receipts	Funds can be received by an entity where the source of the funds is unknown and the funds are allocated to a suspense account pending rectification – a possible fraud involves the transfer of part of the balance of the suspense account to an employee's own benefit with a manipulation of the accounting system to conceal the theft
Inflating invoice value	Inflating the value of an invoice raised by the entity with receipts in payment of the invoice directed to a spurious account controlled by the staff member concerned who then redirects the correct (reduced) value of the invoice to the entity's correct account
Vendor overpayment	Deliberately overpay a vendor in payment of an invoice for goods or services validly received, claim a refund for the overpayment and then direct the remittance to a spurious bank account
Theft of cash all funds received	Fraudulently failing to record receipt of cash received and then misappropriate for own benefit

<b>Payroll</b>	
Timesheet fraud	Fraudulent submission of falsified timesheets for casual employees who did not work with diversion of resulting remuneration generated to own account
Fraudulent alteration of remuneration rates	Alteration of remuneration rates (salaries or hourly rates) in the payroll system in relation to the employee making the change or for another employee in exchange for personal benefit
Ghost employee fraud	Fabrication of fictitious employees on the payroll with remuneration paid to own account
Fraudulently failing to record personal leave	An employee taking personal leave (annual, long-service, sick or carer's leave) without recording the leave in the HR system
Worker's compensation fraud	Worker's compensation fraud – fraudulent claims for injuries not sustained
<b>Assets and Inventory</b>	
Asset theft	Theft of the entity's assets, including computers and other IT related assets
Information theft	Theft or abuse of proprietary or confidential information (customer information, intellectual property, pricing schedules, business plans, etc)
Unauthorised private use of employer property	Use of employer property for personal use or benefit
Cash theft	Theft of petty cash
<b>Manipulation of financial reporting</b>	
Fraudulent manipulation of an entity's financial reporting	Fraudulent manipulation of financial reports in order to make it appear that a business entity has performed better (in financial or non-financial terms) than it has actually performed – this can be motivated by a need to demonstrate a certain level of personal performance in order to secure a performance bonus but may also be driven in the public sector by the need to meet political expectations

Cyber-borne attack	
Business email compromise	Emails impersonating vendors or an executive instructing payment to be made to a spurious bank account or a change to existing bank details
Phishing emails	Emails designed to dupe employees into providing personal information (i.e. by clicking on a link or opening an attachment)
Malware	Installing malware onto a computer or computer system within the entity which then issues fraudulent instructions (e.g. to change the bank account of a vendor in the vendor masterfile or change the payroll bank account of one or more employees)

## A5.4 Risk treatment tools



### A5.4.1 SMART principle for co-designing fraud controls<sup>17</sup>

Think about the fraud risk you have described and ways in which you might be able to prevent, monitor or detect the exploitation.

The following table outlines the 'SMART' principle which can be applied to help co-design controls with key risk stakeholders.

<b>Specific</b>	The control should have a clear and concise objective. They should also be well defined and clear to anyone with a basic knowledge of the work. Consider: who, what, where, when and why.
<b>Measurable</b>	The control and its progress should be measurable. Consider: <ul style="list-style-type: none"> <li>• What does the completed control look like?</li> <li>• What are the benefits of the control and when they will be achieved?</li> <li>• The cost of the control (both financial and staffing resources).</li> </ul>
<b>Achievable</b>	The control should be practical, reasonable and credible and should also consider the available resources. Consider: <ul style="list-style-type: none"> <li>• Is the control achievable with available resources?</li> <li>• Does the control comply with policy and legislation?</li> </ul>
<b>Relevant</b>	The control should be relevant to the risk. Consider: <ul style="list-style-type: none"> <li>• Does the control modify the level of risk (through impacting the causes and consequences)?</li> <li>• Is the control compatible with the entity's objectives and priorities?</li> </ul>
<b>Timed</b>	The control should specify timeframes for completion and when benefits are expected to be achieved.

<sup>17</sup> Commonwealth Fraud Prevention Centre 'Fraud Risk Assessment – Leading Practice Guide'.

**A5.4.2 Example internal controls that may be effective in controlling fraud risks**

The following is a short summary of internal controls that experience has shown may be effective in controlling fraud risks in each of the categories contemplated in A5.3.6 above.

Once again, this is not intended as an exhaustive list and is intended to promote consideration of current and possible internal controls within each WA public sector entity when undertaking a targeted fraud risk assessment. It is anticipated that these internal controls may be effective in controlling fraud by:

- preventing a fraudulent transaction from being processed
- quickly detecting a fraudulent transaction after it has been processed thereby preventing any further transactions and minimising loss
- assisting an entity to respond to fraud incidents that have been detected.

The internal controls set out below can be used to:

- identify internal controls already in place during the risk analysis phase of the risk assessment
- identify internal controls that may be useful in further mitigating fraud risk in the risk evaluation phase of the risk assessment.

Accounts payable fraud
• Separate procurement and payment functions
• Separate handling (receipt and deposit) functions from record keeping functions (recording transactions and reconciling accounts)
• Require reconciliation to be completed by an independent person who does not have record keeping responsibilities
• Monitor the entity's financial activity, compare actual to budgeted revenues and expenses
• Require procurement and accounts payable employees to take leave of a minimum duration (e.g. two weeks at a time) with another member of the team performing their role in their absence
• If the entity is so small that duties cannot be separated, require an independent check of work being done supplemented by appropriate and effective data analytics and other reviews appropriate to the entity's situation

<b>Procurement and tendering</b>
<ul style="list-style-type: none"> <li>• Implement a tendering / contracting panel made up of independent personnel (i.e. unconnected to the procurement processes), to oversight the awarding of contracts</li> </ul>
<ul style="list-style-type: none"> <li>• Standard contract conditions and specifications to be used with variations to be approved by senior management</li> </ul>
<ul style="list-style-type: none"> <li>• Use evaluation criteria as agreed by the contract panel prior to tendering</li> </ul>
<ul style="list-style-type: none"> <li>• Contract terms and conditions should be those of the purchasing department and not subject to change without the written approval of senior management</li> </ul>
<ul style="list-style-type: none"> <li>• Clear audit trails with written records including formal authorisation of changes to original documentation</li> </ul>
<ul style="list-style-type: none"> <li>• Independent post-transactional review of a substantial sample of tendering and contracting transactions with a particular focus on high-risk transaction types</li> </ul>
<ul style="list-style-type: none"> <li>• Splitting of contacts should not be permitted unless authorised by senior management</li> </ul>
<ul style="list-style-type: none"> <li>• Management reviews of the reasonableness and competitiveness of prices</li> </ul>
<ul style="list-style-type: none"> <li>• Ensure contractors with a poor performance record are removed from the approved supplier's list</li> </ul>
<b>Falsification and manipulation of claims for work-related expenditure</b>
<ul style="list-style-type: none"> <li>• Limit the number of entity issued purchasing cards and users</li> </ul>
<ul style="list-style-type: none"> <li>• Set account limits with purchasing card providers (value, items that can be purchased etc.)</li> </ul>
<ul style="list-style-type: none"> <li>• Require employees with entity issued purchasing cards to submit itemised, original receipts for all purchases followed by lodgement of hard copy supporting documentation</li> </ul>
<ul style="list-style-type: none"> <li>• Independent rigorous examination of credit card transactions each month including detailed review of relevant receipts, invoices and other supporting documentation</li> </ul>

<p><b>Falsification and manipulation of claims for work-related expenditure</b></p> <ul style="list-style-type: none"> <li>• Periodic review of a sample of hardcopy supporting documentation</li> <li>• Monitor the entity's financial activity, compare actual to budgeted revenues and expenses</li> <li>• Require an explanation of significant variations from budget</li> </ul>
<p><b>Diversion of incoming receipts</b></p> <ul style="list-style-type: none"> <li>• Send official notification to all regular providers / suppliers with particulars of the entity's bank account with statement that this is the only account to which refunds should be remitted</li> <li>• Independent post-transactional view of a sample of invoices rendered to identify any manipulations</li> <li>• Independent post-transactional review of emails between accounts payable / accounts receivable personnel within the entity and customers / clients to determine if there is any indication of manipulation of invoices raised or payments made</li> </ul>
<p><b>Payroll</b></p> <ul style="list-style-type: none"> <li>• Payroll system procedures and training</li> <li>• Segregation of duties preventing payroll batch file payments or payroll master file changes without two approvers</li> <li>• Limited system administrator access to the payroll system</li> <li>• System controls to prevent changes to pay rates or salaries without approval</li> <li>• Changes to payroll masterfile (e.g. particularly for bank account numbers) only available to employees via an HR 'kiosk' in the HR system – system unable to process a change of bank account number outside of the HR kiosk</li> <li>• HR system to automatically generate a confirmation email to the employee where there has been a change of masterful data</li> <li>• Rigorous approval process for creation of new employees in the payroll system</li> </ul>

Payroll
<ul style="list-style-type: none"> <li>• Timely notification process from HR to Payroll of employees due to resign from the entity</li> </ul>
<ul style="list-style-type: none"> <li>• Periodic review of payroll system audit logs</li> </ul>
<ul style="list-style-type: none"> <li>• Management review of variance reports from previous payroll run to confirm reasons for significant differences</li> </ul>
<ul style="list-style-type: none"> <li>• Employee background checks for new hires with access to the payroll system – this should include criminal record screening and specific questions about any previous integrity concerns / disciplinary findings etc.</li> </ul>
<ul style="list-style-type: none"> <li>• Mandatory password changes for those with access to the payroll system to a suitable strength and complexity</li> </ul>
<ul style="list-style-type: none"> <li>• Physical security of computers used by payroll staff with direct system access</li> </ul>
<ul style="list-style-type: none"> <li>• Electronic timesheet systems and approval process for overtime</li> </ul>

Assets and inventory
<ul style="list-style-type: none"> <li>• Physical security of desirable assets (i.e. laptops, IT equipment)</li> </ul>
<ul style="list-style-type: none"> <li>• Password protection and remote wiping capability in the case a laptop is lost or stolen</li> </ul>
<ul style="list-style-type: none"> <li>• Regular stocktakes of assets and inventory and updating asset registers</li> </ul>
<ul style="list-style-type: none"> <li>• Security of cash (i.e. petty cash) and gift vouchers in locked tins or a safe</li> </ul>
<ul style="list-style-type: none"> <li>• Tracking systems for assets and approval process for transfer of location</li> </ul>
<ul style="list-style-type: none"> <li>• Maintain vehicle logs, listing the dates, times, mileage or odometer readings, purpose of the trip, and name of the employee using the vehicle</li> </ul>

Manipulation of financial reporting
<ul style="list-style-type: none"> <li>Active engagement with entity's external auditor in relation to the annual audit (i.e. working collaboratively with the auditor to identify any manipulation of the financial reporting)</li> </ul>
<ul style="list-style-type: none"> <li>Analysis to identify unusual activity</li> </ul>
<ul style="list-style-type: none"> <li>Detailed review of journal and other adjustments to the general Ledger with a focus, as a minimum, on high value transactions</li> </ul>

Cyber-borne attack
<ul style="list-style-type: none"> <li>BitLocker protection of all IT assets to ensure security of data</li> </ul>
<ul style="list-style-type: none"> <li>Access to databases/systems require unique user logon identification and password authentication</li> </ul>
<ul style="list-style-type: none"> <li>Document authorisation that is needed to establish accountability and issue, alter, or revoke user access</li> </ul>
<ul style="list-style-type: none"> <li>Prohibit shared user logon IDs and passwords, and user logon IDs and passwords</li> </ul>
<ul style="list-style-type: none"> <li>Set database user access permissions that are based on the principles of privilege and separation of duties</li> </ul>
<ul style="list-style-type: none"> <li>Restrict access to servers and office locations which contain sensitive and confidential data by physical security to authorised personnel</li> </ul>
<ul style="list-style-type: none"> <li>Access to databases/systems require unique user logon identification and password authentication</li> </ul>

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## Auditor General's 2021-22 reports

Number	Title	Date tabled
19	Forensic Audit – Construction Training Fund	22 June 2022
18	Opinion on Ministerial Notification – FPC Sawmill Volumes	20 June 2022
17	2022 Transparency Report – Major Projects	17 June 2022
16	Staff Rostering in Corrective Services	18 May 2022
15	COVID-19 Contact Tracing System – Application Audit	18 May 2022
14	Audit Results Report – Annual 2020-21 Financial Audits of State Government Entities Part 2: COVID-19 Impacts	9 May 2022
13	Information Systems Audit Report 2022 – State Government Entities	31 March 2022
12	Viable Cycling in the Perth Area	9 December 2021
11	Forensic Audit Report – Establishment Phase	8 December 2021
10	Audit Results Report – Annual 2020-21 Financial Audits of State Government Entities	24 November 2021
9	Cyber Security in Local Government	24 November 2021
8	WA's COVID-19 Vaccine Roll-out	18 November 2021
7	Water Corporation: Management of Water Pipes – Follow-Up	17 November 2021
6	Roll-out of State COVID-19 Stimulus Initiatives: July 2020 – March 2021	20 October 2021
5	Local Government COVID-19 Financial Hardship Support	15 October 2021
4	Public Building Maintenance	24 August 2021
3	Staff Exit Controls	5 August 2021
2	SafeWA – Application Audit	2 August 2021
1	Opinion on Ministerial Notification – FPC Arbitration Outcome	29 July 2021

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