



# AGENDA

FOR THE

ORDINARY MEETING OF COUNCIL

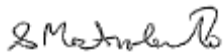
**30 MARCH 2023**

# NOTICE OF MEETING

Dear Council Member,

The next Ordinary Meeting of Council will be held on Thursday, 30 March 2023 in the Council Chambers, Corner Weld and Haas Streets, Broome, commencing at 5:00PM.

Regards,



S MASTROLEMBO  
**Chief Executive Officer**

24/03/2023

## Our Mission

*"To deliver affordable and quality Local Government services."*

### DISCLAIMER

The purpose of Council Meetings is to discuss, and where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.

Persons should be aware that the provisions in section 5.25 of the *Local Government Act 1995* establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The Shire of Broome expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

*Should you require this document in an alternative format please contact us.*



Councillor Attendance Register										
Councillor		Cr H Tracey	Cr D Male	Cr E Foy	Cr P Matsumoto	Cr C Mitchell	Cr B Rudeforth	Cr P Taylor	Cr N Wevers	Vacant Seat
2022	24 February			LOA	A					
2022	31 March						LOA			
2022	28 April			A						
2022	26 May			LOA	A					
2022	30 June		A	A						
2022	28 July									
2022	25 August									
2022	29 September									
2022	27 October							LOA		
2022	17 November	E					A			
2022	15 December			LOA						
2023	23 February				LOA			A		

- **LOA (Leave of Absence)**
- **A (Apologies)**
- **E (Attended Electronically)**
- **NA (Non-Attendance)**
- **R (Resignation)**

## 2.25. Disqualification for failure to attend meetings

- (1) A council may, by resolution, grant leave of absence, to a member.
- (2) Leave is not to be granted to a member in respect of more than 6 consecutive ordinary meetings of the council without the approval of the Minister, unless all of the meetings are within a period of 3 months.
- (3A) Leave is not to be granted in respect of —
  - (a) a meeting that has concluded; or
  - (b) the part of a meeting before the granting of leave.
- (3) The granting of the leave, or refusal to grant the leave and reasons for that refusal, is to be recorded in the minutes of the meeting.
- (4) A member who is absent, without obtaining leave of the council, throughout 3 consecutive ordinary meetings of the council is disqualified from continuing his or her membership of the council, unless all of the meetings are within a 2-month period.
- (5A) If a council holds 3 or more ordinary meetings within a 2-month period, and a member is absent without leave throughout each of those meetings, the member is disqualified if he or she is absent without leave throughout the ordinary meeting of the council immediately following the end of that period.

**SHIRE OF BROOME**  
**ORDINARY MEETING OF COUNCIL**  
**THURSDAY 30 MARCH 2023**  
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**1. OFFICIAL OPENING****2. ATTENDANCE AND APOLOGIES****3. ANNOUNCEMENTS BY PRESIDENT****4. DECLARATIONS OF INTEREST****5. PUBLIC QUESTION TIME****6. APPLICATIONS FOR LEAVE OF ABSENCE****7. CONFIRMATION OF MINUTES**RECOMMENDATION:

That the Minutes of the Ordinary Meeting of Council held on 23 February 2023, as published and circulated, be confirmed as a true and accurate record of that meeting.

**8. PRESENTATIONS / PETITIONS / DEPUTATIONS**

There are no reports in this section.

## 9. REPORTS FROM OFFICERS

### 9.1 PEOPLE

#### 9.1.1 COMMUNITY SPORT AND RECREATION FACILITIES FUND (CSRFF) SMALL GRANTS 2023/24

<b>LOCATION/ADDRESS:</b>	Broome Recreation Aquatic Centre (BRAC), 20 Cable Beach Road East, Broome WA 6725
<b>APPLICANT:</b>	Shire of Broome
<b>FILE:</b>	GPC08
<b>AUTHOR:</b>	Manager Community Facilities
<b>CONTRIBUTOR/S:</b>	Sport & Recreation Facility Coordinator
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Not applicable

#### SUMMARY:

The Community Sport and Recreation Facilities Fund, provided by the Department of Local Government Sport and Cultural Industries, requires Local Government's to endorse and rank applications received from within the municipality. The Shire of Broome has prepared one funding application for the March 2023/24 funding round for Council to consider.

## BACKGROUND

### Previous Considerations

OMC 31 March 2022

Item 9.1.1

The Community Sport and Recreation Facilities Fund (**CSRFF**) is a State Government funding program that provides financial assistance to community groups and local government authorities to develop basic infrastructure for sport and recreation, with an aim to maintain or increase participation in sport and recreation with an emphasis on physical activity.

The CSRFF application process requires all projects from within a local government area to be assessed and ranked in order of priority for the municipality. The assessment and ranking of projects are required to be endorsed by Council.

The Shire reviewed its Sport and Recreation Plan which was endorsed by Council in April 2022. Within the plan, upgrading of the tennis courts at BRAC was identified as a high priority item for completion in the period 2022/23 – 2024/25.

As a result, the project has also been identified in the most recent review of the Shire's Corporate Business Plan (CBP) adopted by Council in December 2022. The upgrade to the BRAC tennis courts was scheduled for completion in the 2023/24 financial year under the following action:

- **Outcome 3** – A healthy, active community.
- **Objective 3.2** – Improve access to sport, leisure and recreation facilities, services and programs.

- **Action 3.2.12** – Provide upgrade to tennis courts and lighting at Broome Recreation and Aquatic Centre

The upgrade to the courts was intended to replace the high-level lighting and resurface the existing courts. The lighting upgrade was funded in the 2022/23 financial year through a Shire budget allocation and a grant through the Club Night Light Program (State Government), and after progressing through a procurement process, will be completed by June 2023. The next stage of the project is to resurface the existing eight courts, which forms the basis of this funding application.

A similar funding application was submitted by the Shire for this project in the corresponding funding round last year (March 2022) but was unsuccessful. Since then, the Broome Tennis Club has committed \$50,000 to the project with the hope that a collaborative approach will help demonstrate the need for this project to proceed.

## COMMENT

The tennis facilities at BRAC consist of eight acrylic surface courts surrounded by high level cyclone fencing and court lighting provided by metal halide globes across 6 x 15m poles and 8 x 8m poles.

The courts were last resurfaced in April 2014, at which time they transitioned from a synthetic grass surface to an acrylic system. During the install, seven of the eight courts were installed as a pave finish, and one court (court 2) installed with a cushion system.

Over the years, the courts with the pave finish have begun to show signs of cracking, with two courts becoming unusable due to their poor condition (left photo below). The cushion surface has maintained its structure and integrity and is free from any cracking within the playing surface (right photo below)



The Shire engaged a court specialist to visit the site, meet with the Broome Tennis Club, assess the condition of the courts and provide advice on options for repair/reconstruction. The range of options recommended include a simple resurface, use of a fibreglass membrane, a cushion system across all courts and a part or full reconstruction. These options vary in complexity, extensiveness, and cost.

Most of the previous resurfacing of these courts was a basic patch and resurface with acrylic, and while the courts have lasted for eight years, the longevity of the cushion system on court 2 has far outlived the general pave finish.

As the Shire seeks to provide a cost effective, sustainable and appropriate solution, the recommended option with which to proceed is to install a cushion system across all courts. While it is a higher project cost, the cushion surface has proven to be far more durable and able to cope with the extreme Broome weather conditions much better than the regular pave finish.

## CONSULTATION

Officers have consulted regularly with the Broome Tennis Club regarding the need for this project to occur and importance of finding a long-term solution. The Broome Tennis Club have committed \$50,000 to assist in helping this project happen and have provided a letter of support highlighting the need for the project and confirming their financial contribution (see attachment).

Officers have also liaised with Tennis West (the tennis specific State Sporting Association) regarding the project and the proposed direction for tennis facilities in Broome and have received a letter of support for the works to proceed.

## STATUTORY ENVIRONMENT

Nil.

## POLICY IMPLICATIONS

Nil.

## FINANCIAL IMPLICATIONS

A detailed costing revised in January 2023 has been provided within the funding submission. An overall breakdown is shown below:

Item	Cost (ex GST)
Supply and install of plexi cushion surface to 8 x courts	\$245,685
Supply and install of fibreglass membrane to court area	\$25,425
Contingency (10%)	\$27,111
Total	\$298,221

The maximum grant offered for resurfacing projects through the CSRFF is 16.6% of the total project cost. The Broome Tennis Club has committed to provided \$50,000 to the project. The remaining funds are being sought from municipal funds through the 2023/24 annual budget process.

Source	Contribution (ex GST)
CSRFF	\$49,684
Broome Tennis Club	\$50,000
Shire of Broome	\$198,537
Total	\$298,221

It is noted that funding application and budget request for this project is consistent with the allocation within the Long Term Financial Plan (LTFP) as demonstrated in the table below:

Source	LTFP	Proposed
<b>Municipal Funds</b>	\$200,000	\$198,537
<b>Grant/External</b>	\$100,000	\$99,684

<b>Total</b>	\$300,000	\$298,221
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## RISK

BRAC staff have already deemed two of the existing tennis courts as unsuitable to take bookings for and have removed the nets to deter usage. There is the risk that if left for another year, that there may be more courts that become unusable in the coming months.

Several courts are often used for other sports (example netball warmups and junior programming). These activities will also be jeopardised if resurfacing works are unable to proceed.

To mitigate these risks, it is recommended to undertake resurfacing of the courts as detailed.

## STRATEGIC ASPIRATIONS

**People - We will continue to enjoy Broome-time, our special way of life. It's bursting with energy, inclusive, safe and healthy, for everyone**

### Outcome 3 - A healthy, active community

**Objective** 3.2 Improve access to sport, leisure and recreation facilities, services and programs.

## VOTING REQUIREMENTS

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. Notes and thanks the Broome Tennis Club for their contribution of \$50,000 toward this project.
2. Recommends the following application to the Department of Local Government, Sport and Cultural Industries Community Sport and Recreation Facilities Fund 2023-24 Small Grant round for funding as follows:

Applicant	Project	Project assessment	Priority
Shire of Broome	BRAC Tennis Court Surface Upgrade	A (Well planned and needed by Municipality)	One

3. Requests the Chief Executive Officer to inform the Department of Local Government and Cultural Industries of Council's decision in accordance with recommendation 2 above.

## Attachments

1. Letter of commitment and support - Broome Tennis Club





10 March 2023

Broome Tennis Club Inc

C/- Broome Recreation & Aquatic Centre

E: [broometennisclub@yahoo.com.au](mailto:broometennisclub@yahoo.com.au)

Attn: Casey Zepnick

Broome Recreation & Aquatic Centre

Shire of Broome

**Re: Funding support from Broome Tennis Club for tennis court resurfacing application 2022-23**

Dear Casey,

Many thanks for sending us the information regarding the upcoming funding application (CSRFF) for tennis court resurfacing of the 8 existing tennis courts here in Broome.

Firstly, we certainly welcome and very much support the proposal to resurface the courts as the playing area has significantly declined in recent years. As a club, it has been quite difficult to manage our activities with two courts deemed unplayable due to severe cracking and more courts headed in the same fate soon.

Essentially, our club would greatly benefit from the planned court works as it would enable us to regrow our club membership base again, allow for competition formats with adequate Tennis Australia graded surfacing, and simply make for a far safer game.

We love our sport and certainly have plans to grow our club and reach new heights. We have now partnered with a professional coaching organisation that are taking our junior coaching and junior tennis activities to the next level. This is also leading into regular tennis-in-schools programs, tennis in Derby and the wider West Kimberley (Dampier Peninsula schools and remote Indigenous communities between Broome and Fitzroy Crossing). Ultimately, making Broome the tennis hub for our juniors to develop their game and compete within the Kimberley, North West and beyond. Combined with plans to reinvigorate our adult competition formats, the club aims to generate an exciting, social and competitive club with fantastic facilities suitable for the whole family to enjoy.

To support the court resurfacing state funding application, the Broome Tennis Club committee have unanimously agreed and are delighted to provide \$50,000 towards this project. This investment is based on the court resurfacing project of all 8 courts being of the same plexi-cushion surface as court 2 currently. Court 2 is the only court currently showcasing no real surface damage since installation almost 10yrs ago. As a club, we feel proud to invest in important new developments that will benefit the wider Broome community for years to come.

The Broome Tennis Club is over 100 years old and we are confident that tennis will remain a strong and social sport in Broome for both adults and juniors well into the future.

Please don't hesitate to contact us with any questions. On behalf of the club committee, thank you.

Yours sincerely,

Fiona Sharpe  
Club President  
Broome Tennis Club  
Ph: 0427 712 537

**9.1.2 PROPOSED ADJUSTMENT TO AD HOC GRANT SPONSORSHIP PROGRAM**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	FIS07
<b>AUTHOR:</b>	Place Activation and Engagement Coordinator
<b>CONTRIBUTOR/S:</b>	Youth and Community Development Officer
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report presents a review of the Ad Hoc Sponsorship (AHS) Program and proposes that the AHS is adopted into the Community Development Fund and relaunched as "Community Development Fund Quick Response Grants". Council is requested to approve the change and the retirement of the Ad Hoc Sponsorship Program.

**BACKGROUND**Previous Considerations

At the December 2022 OMC, the Events Development Fund (EDF) and the Annual Community Matched Funding Sponsorship (ACMF) were amalgamated into the Community Development Fund (CDF). The rationale for this amalgamation was to:

- Clarify and modernise the Shire's intention for funding projects and events, improving the social return on investment by aligning funding to Shire priorities;
- Improve the accessibility and transparency of the programs for applicants, and diversify the pool of applicants;
- Improve the decision-making process and transparency of decisions for Council;
- Streamline administrative processes for officers, achieving efficiencies and workforce savings;
- Simplify the application and acquittal process.

The budget for the CDF is \$365,000 made up of budget allocations from the previous EDF (\$265,000) and ACMF (\$100,000) budgets.

The Ad Hoc Sponsorship program has operated since the adoption of the Community Sponsorship Policy on 5 June 2008. Since 2008 there has been three streams of funding, the Ad Hoc Sponsorship Projects stream which has had an annual budget allocation of \$5,000, the Ad Hoc Sponsorship Venue Hire stream also with an annual budget allocation of \$5,000, and the CEO Sponsorship stream, which has had an annual budget allocation of \$10,000.

Recipients to the programs from 2020 - 2023 have traditionally been not-for-profit community organisations based in Broome. The table below outlines the number of applications received from Community organisations based in Broome in comparison to organisations based outside of Broome, or applications from individuals or sole traders:

	2020/21	2021/22	2022/23
Community Organisations based in Broome	21	12	9

Community organisations based outside of Broome	1	3	3
Individual / Sole traders	3	2	1

Funds from the CEO Sponsorship stream are allocated to applicants that are ineligible for the Ad Hoc Sponsorship stream yet still present strong proposals. This stream is not advertised, and this can create an inequitable approach for applicants as only those that have the agency to apply/enquire (even though they see they are not eligible for the Ad Hoc Sponsorship Program), are made aware of the program.

## COMMENT

This item recommends changes that will amalgamate the Ad Hoc Sponsorship and CEO Sponsorship streams into one Community Development Fund Quick Response Grants program, improving the equity of the program and achieving the benefits outlined as the rationale for the CDF in December 2022.

The Quick Response Grants would become a stream of the Community Development Fund. Bringing them under this banner enables the grants to align with Shire priorities and be equitably assessed.

The Community Development Fund Quick Response Grants would have an annual budget of \$20,000 and be open for applications all year round. They would support small community opportunities or projects that arise at short notice, including assisting with the cost of hiring Shire venues. The program would support immediate needs that arise where the activity is unable to be planned for or supported as part of the annual Community Development Fund (CDF). Applicants would be encouraged to consider whether their project can be supported by the annual CDF.

The rationale for this recommendation is to:

- Clarify the Shire's intention for funding projects, improving the social return on investment by aligning funding to Shire priorities;
- Improve the accessibility and transparency of the program for applicants, and diversify the pool of applicants;
- Streamline administrative processes for officers, achieving efficiencies and workforce savings.

The only change that will impact applicants is the removal of the CEO Sponsorship stream, through its amalgamation into the Community Development Fund Quick Response Grant program. The CEO Sponsorship currently provides a funding source for applicants that are ineligible for Ad Hoc Sponsorship. Applicants are referred to the CEO Sponsorship if they are:

- Individuals and /or sole traders
- Local businesses (not NFPs)
- Organisations based outside the Shire of Broome.

It is recommended that the current Ad Hoc Sponsorship eligibility criterion for an applicant to 'be an incorporated not-for-profit organisation or have a confirmed auspice arrangement with a partner organisation' be retained within the Community Development Fund Quick Response Grants.

This means that individuals will no longer be eligible. Currently, individuals are referred to the CEO Sponsorship program. Whilst Individual's projects would no longer be eligible, they would be able to be auspiced or enter into partnerships to access funding. Eligible not-for-

profit organisations that auspice projects led by individuals would still be apply for a Community Development Fund Quick Response Grant for their own project within the same financial year.

In the past three years, only four individuals have been funded through the CEO Sponsorship program. These include three arts projects, all which could be auspiced through arts organisations and one contribution to an individual's fundraising activity for a charity, which would no longer be eligible.

To be eligible for Community Development Fund Quick Response Grants an organisation must meet the following criteria:

- Be based within the Shire of Broome or, if based outside the Shire boundaries, partner with a local organisation to demonstrate a commitment to local impact
- Be an incorporated not-for-profit organisation or have a confirmed auspice arrangement with a partner organisation
- Undertake to give due recognition to the Shire of Broome for its contribution to the project/activity/event
- Agree to sign an Acceptance of Funding Form and raise an invoice
- Agree to complete an Acquittal Report and failure to do so may render the applicant ineligible for future funding
- Applicants are eligible for only one Quick Response Grant per financial year.

This report presents an overview of the current Ad Hoc Sponsorship Program (AHS) and proposes that it is retired and relaunched as the Community Development Fund Quick Response Grants program to better align to the Community Development Fund guidelines that were adopted at OMC 15 December 2022.

## **CONSULTATION**

- Informal feedback from Community Groups and Event Organisers throughout 2022
- Informal feedback received during the Community Development Fund applicant workshop on February 13 which 10 people attended
- Council Workshop 29 November 2022 (regarding Community Development Fund creation)

## **STATUTORY ENVIRONMENT**

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

#### ***6.2. Local government to prepare annual budget***

## **POLICY IMPLICATIONS**

The Ad Hoc Sponsorship program is currently linked to the Community Sponsorship Policy.

This Policy will be recommended to be retired at the April 2023 Ordinary Meeting of Council and replaced by the attached Community Development Fund - Quick Response Grant Guidelines. (Attachment 1).

## **FINANCIAL IMPLICATIONS**

Currently, the Ad Hoc Sponsorship Projects stream has an annual budget allocation of \$5,000, the Ad Hoc Sponsorship Venue Hire an annual budget allocation of \$5,000, and the CEO Sponsorship stream, an annual budget allocation of \$10,000. These allocations will be combined to make a \$20,000 annual allocation for the Community Development Fund Quick Response Grants program.

This has already been budgeted for within 23/24.

The following budget remains in the 22/23 financial year for the relevant funds:

<b>Account</b>	<b>Current funding stream</b>	<b>Remaining budget</b>
100221720	Ad Hoc Sponsorship Projects	\$2,000
100221720	Ad Hoc Sponsorship Venue Hire	\$2,180
100221750	CEO Sponsorship	\$7,036

This report recommends that the remaining CEO Sponsorship funding is transferred to the current Ad Hoc Sponsorship account (10022172) to be renamed the Community Development Fund Quick Response Grants with the balance expended this financial year.

<b>Account</b>	<b>Proposed funding stream</b>	<b>Remaining budget</b>
100221720	Community Development Fund Quick Response Grants	\$11,216

## **RISK**

### **Reputational Risk –**

Individuals that have previously been awarded funding through the CEO Sponsorship program may criticise the Shire as they will no longer be eligible for funding.

#### Mitigating action

It is important to note that the CEO Sponsorship fund is not advertised, so the only individuals that are aware of its existence are those that have applied to the Ad Hoc programs and been deemed ineligible, or those that have explicitly asked officers how they can access Shire sponsorship.

Those individuals who have recently received funding through the CEO Sponsorship program will be contacted with an explanation of the auspicing option and recommendations for who to be auspiced by.

### **Financial Risk –**

Should the Community Development Fund in its entirety succeed in diversifying the pool of applicants, then applications may increase which may result in the Quick Response Grant allocation being exhausted prior to the end of the financial year.

#### Mitigating action

Due to the historical nature of the fund being undersubscribed, it is not expected that it will become undersubscribed within one year. Should future years see consistent oversubscription, assessment guidelines may be reviewed to introduce balancing criteria as per Streams 1 – 3 of the CDF.

## STRATEGIC ASPIRATIONS

**People - We will continue to enjoy Broome-time, our special way of life. It's bursting with energy, inclusive, safe and healthy, for everyone**

### ***Outcome 4 - An inclusive community that celebrates culture, equality and diversity***

**Objective** 4.1 Grow knowledge, appreciation and involvement in local art, culture and heritage.

**Objective** 4.2 Align services to meet diverse community needs.

### ***Outcome 3 - A healthy, active community***

**Objective** 3.1 Improve access to health facilities, services and programs to achieve good general and mental health in the community

**Objective** 3.2 Improve access to sport, leisure and recreation facilities, services and programs.

**Objective** 3.3 Grow community capacity through volunteer support and recognition.

## VOTING REQUIREMENTS

*Absolute Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. *Endorses the amalgamation of the Ad Hoc Sponsorship Projects fund, the Ad Hoc Sponsorship Venue Hire fund and the CEO Ad hoc Sponsorship fund into the Community Development Fund Quick Response Grants;*
2. *Endorses the attached Guidelines for the new Community Development Fund Quick Response Grants as attached; and*
3. *Approves the transfer of \$7,036 from Account 100221750 CEO Ad hoc Sponsorship Programme to Account 100221720 Community Sponsorship Program.*

## Attachments

1. COMMUNITY DEVELOPMENT FUND - QUICK RESPONSE GRANT GUIDELINES



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## SHIRE OF BROOME

### QUICK RESPONSE GRANTS - GRANTS UP TO \$1,000

#### FUND GUIDELINES

##### 1. Overview

The Shire of Broome Quick Response Grants supports small community opportunities or projects that arise at short notice, including assisting with the cost of hiring Shire venues. The program supports immediate need that arises where the activity is unable to be planned for or supported as part of the annual Community Development Fund (CDF). Applicants are encouraged to consider whether their project can be supported by the annual CDF.

Applications for Shire of Broome Quick Response Grants (QRG) are accepted all year-round. It is recommended that applications be submitted 4 weeks prior to commencement of the project.

##### 1.1 Funding streams

There are two streams of funding:

- Community initiatives / projects: Grants up to \$1,000 are available to assist community-based organisations within the Shire of Broome in the development of projects and initiatives that benefit the local community.
- Venue Hire: Grants are available up to \$1,000 towards the cost of venue hire for community groups and not-for-profit organisations seeking to host an event or activity at the following Shire of Broome facilities:
  - Broome Civic Centre
  - Broome Recreation and Aquatic Centre
  - Male Oval
  - Haynes Oval
  - Father McMahon and Joseph "Nipper" Roe fields

To determine availability of the venue and to secure a booking, applicants are required to contact the [Broome Civic Centre Venue Supervisor](#) or the [BRAC Bookings and Administration Officer](#). A quote for venue hire must be obtained and submitted with the funding application.

##### 2. Fund priorities

The CDF enables the Shire to prioritise projects, initiatives and events that address current needs within the shire, as detailed in the [Strategic Community Plan](#) and informed by the Shire's [Community Scorecard 2022](#). Applicants to all streams will need to demonstrate how they help address one or more of the listed priorities. Note that priorities may change from year to year. The strategic priorities for 2023 – 2024 are:

- Social impact: supporting social cohesion, inclusiveness, equal opportunity and the wellbeing of the community
- Economic Impact: developing a diverse, sustainable and thriving economy in Broome
- Children and Young People: increasing the likelihood of young people being happy, healthy contributors to their communities

- Community Safety: creating a safe and thriving community in Broome

### 3. Project or Event genre

To support a balance of funded activities across types of projects across the year, applicants will be asked to indicate which of the following genres best describe their project.

- Community project
- Arts
- Sport
- Youth development
- Other (specify)

### 4. Eligibility

#### 4.1 Who can apply?

In order to be eligible an organisation must:

- Be based within the Shire of Broome or, if based outside the Shire boundaries, partner with a local organisation to demonstrate a commitment to local impact
- Be an incorporated not-for-profit organisation or have a confirmed auspice arrangement with a partner organisation
- Undertake to give due recognition to the Shire of Broome for its contribution to the project/activity/event
- Agree to sign an Acceptance of Funding Form and raise an invoice
- Agree to complete an Acquittal Report and failure to do so may render the applicant ineligible for future funding
- Applicants are eligible for only one Quick Response Grant per financial year. \*Note that should an organisation auspice a grant on behalf of an individual that organisation would still be eligible to apply to the QRG for their own project.

#### 4.2 What may grant funding be used for?

- Marketing and promotional costs
- Venue hire costs
- Equipment hire
- Local transport costs
- Consumables
- Contractor / facilitation fees

#### 4.3 What may grant funding NOT be used for?

- Operations and maintenance costs or on-going expenses (for example: leasehold improvements where the improvements are the responsibility of the leaseholder, employee wages, rent, telephone, internet)
- Interstate and overseas travel
- Fundraising to support the provision of community grants or donation programs by the applicant
- Contributions to fundraising campaigns
- Purchase of alcohol
- Expenditures made prior to the project being approved for funding.

### 5. Assessment process

Eligibility for funding does not imply success. The Quick Response Grants Program receives



many applications annually and funding is limited. The success of your application is determined by its merits against the established funding priorities.

Applications may be prioritised should they meet one or more of the following conditions:

- The project or initiative is new and has not been funded by the Shire previously
- Applicants who demonstrate other funding sources such as grants, fundraising or donations.

#### **6. How to apply**

- Carefully read the guidelines
- Complete the application form
- If you have any questions, contact the Shire on (08) 9191 3456
- Submit application form via email to [shire@broome.wa.gov.au](mailto:shire@broome.wa.gov.au)

## 9.2 PLACE

### 9.2.1 TOWN BEACH CAFE REDEVELOPMENT

<b>LOCATION/ADDRESS:</b>	Town Beach
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	CPR016
<b>AUTHOR:</b>	Special Projects Coordinator
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Chief Executive Officer
<b>DISCLOSURE OF INTEREST:</b>	Nil

#### SUMMARY:

The Shire of Broome intends to seek Expressions of Interest from experienced operators to design, build and operate a new café/restaurant at Town Beach to replace the existing Town Beach Café. The aim is to provide a contemporary building and to deliver a quality year-round family-friendly dining and café experience for residents and visitors.

A new and larger building will require an upgrade to existing site services. Council is requested to consider the implications of the future building design on the level of upgrade required and to subsequently support a request for funds in the 2023/24 budget.

## BACKGROUND

The existing Town Beach Café was constructed in 1991 and has been operating for nearly 30 years through a lease arrangement with various operators. However, the Café is small and ageing and has outgrown demand. It has very limited indoor seating, with meals and beverages consumed under the alfresco or in take-away form. The service offering in the past few years has included breakfast and lunch during the peak season from April to October.

The recent upgrade to the Town Beach Foreshore to include a children's playground, all ages play space, exercise equipment, BBQ facilities and shelters, waterpark expansion, coastal footpath and new market spaces has activated the area and increased visitation. The foreshore upgrade has won multiple state and national awards with Parks Leisure Australia, Planning Institute of Australia. The new jetty has also become a popular family fishing and viewing platform.

In 2020, Discovery Holiday Parks entered into a long-term lease with the Shire over the former Roebuck Bay Caravan Park site and committed over \$9 million to Park upgrades including 30 new air-conditioned cabins, new camp kitchen and BBQ area, and a lagoon swimming pool with views across Roebuck Bay. Discovery Holiday Parks were also offered the opportunity to redevelop the Town Beach Café but declined.

The Shire intends to seek Expressions of Interest (EOI) from experienced operators to design, build and operate a new café/restaurant at Town Beach to replace the existing Town Beach Café. Situated between the Town Beach Foreshore and the Discovery Holiday Park, the redeveloped Town Beach Café will complete the activation of the precinct and further enhance the reputation of Town Beach as a quality destination experience for residents and tourists.

## COMMENT

The Reserve on which the café is located is vested to the Shire under a Management Order for the purpose of Drainage, Recreation, Historical and Cultural Display, Caravan Park and Café/Restaurant. The Town Beach Café Redevelopment (the Redevelopment) site offers absolute beach frontage and presents a premier business opportunity. The total development area being offered through the EOI is 740m<sup>2</sup> (the current Town Beach Café building footprint is 187m<sup>2</sup>).



### Site Service Investigations

In anticipation of a larger building being constructed and the scale of operations potentially increasing significantly, the Shire engaged ACOR consulting engineers to investigate the capacity of existing services and to identify any upgrades or modifications that may be required. In determining the future service demand, ACOR used the single storey (292m<sup>2</sup> floor area) and two-storey (530m<sup>2</sup> floor area) plans previously developed by ENGAWA Architects for the Shire, and two recent similar Broome projects.

The report has been received from ACOR, and a summary of the findings is provided below and in Table 1.

### Site Service Options

#### 1. Fire Service

A separate fire system would be required should the floor area of the new building be greater than 500m<sup>2</sup>. The water flow and pressure tests conducted at the Water Corporation main reveal the service to be borderline. To achieve compliance for a building over 500m<sup>2</sup>, the additional fire system would consist of a dedicated fire tank, pump and booster. This could cost between \$350,000 and \$500,000. The tank and the pump shed do not have to be near the building but the booster that the firefighters park next to and hook up to must be within view of the front entry of the building.

Officer Recommendation: Shire to provide services to meet the requirements of a building under 500m<sup>2</sup> with the Developer to meet the costs of any additional fire services required for a building over 500m<sup>2</sup>.

For comparison, Zanders Restaurant at Cable Beach is 530m<sup>2</sup> including the alfresco and take-away areas.

## 2. Sewer Service Options

The waste from the water park, ablution block and café is gravity fed to a sewer pit then on to the sewer pump stations in the Discovery Holiday Park (DHP) lease area, which also services the DHP ablution blocks.

The age and condition of the existing asbestos cement pipework is unknown, but it is estimated the original system is approximately 35 years old. Some upgrades were undertaken in 2003.

There have been ongoing issues over the years with the current system that will impact a larger café and operations. These are outlined below.

- a) frequent blockages caused by foreign materials flushed down the system.  
Under the existing shared system, it is not possible to determine if the materials causing the blockage originate from the Town Beach facilities or the DHP facilities. Therefore, responsibility for the cost to remove the blockage cannot be confirmed.
- b) a lightning strike in February 2022 caused the pumps to fail. The eastern sewerage tank was pumped out, with the contractor removing 40,000-50,000 litres of sewerage. The water park and ablution block were closed during this period to help alleviate the excess sewerage flowing into the sewer. If the pumps fail again, there is a risk that the new café will need to be closed.
- c) establishment of responsibility and an equitable shared cost arrangement for operations and repairs between the three parties (Shire, DHP and new Lessee).

ACOR provided two options:

Option 1: Separate the waste flows from the ablution block, new café and water park from the DHP system by providing a new sewer pump station adjacent to the new café. The benefit of this option is the system is independent from the DHP system. This will solve the ongoing issues outlined above and allow future development at Town Beach or Discovery Holiday Park to be dealt with separately. It also serves to keep the lessee of the Redevelopment from being engaged in the ongoing issues. This option has a higher capital outlay.

Option 2: Continue to discharge the waste from the ablution block, new café and water park to adjacent DHP sewer pump station with a new gravity connection from the new café. The benefit of this option is the smaller capital outlay and negligible operational costs. However, the system remains as one and the long-term ongoing issues are not resolved. The Shire's reputation with the new lessee may be damaged.

Officer Recommendation: Option 1 - Install a separate waste system.

## 3. Electrical

The report found that the existing electrical supply to the café is borderline.

Demand calculations for the new building were based upon a maximum demand method which uses a per square metre rate for similar type buildings. The consultant assumed all kitchen equipment would be electrical. The report determined that no upgrade would be

required to the existing Site Distribution Centre, however the cabling from the Site Main Switch Board to the new building would need to be upgraded.

Officer Recommendation: Upgrade the electrical cable from the Site Main Switch Board to the new building.

#### Site Servicing Costs

The Opinion of Probable Costs (OPC) provided by ACOR are very high level and include a Broome locality factor of 30%, contingency of 10% and escalation of 10%.

Table 1 provides a summary of the site servicing costs and assumes that the building will be under 500m<sup>2</sup> in size to avoid the high cost of a dedicated fire system. This does not preclude EOI Redevelopment Respondents from designing a larger building, but it will be proposed that they will be responsible for the additional fire servicing costs.

Table 1: Service Upgrades and Opinion of Probable Cost (OPC)

Item	OPC	
<b>HYDRAULIC</b>	Sewer Option 1 New System (\$)	Sewer Option 2 Existing (\$)
Water supply upgrade	50,396	50,396
Sewer	71,297	19,900
<u>Sub-Total</u>	<u>121,693</u>	<u>70,296</u>
Locality factor (30%)	36,508	21,089
<u>Sub-Total</u>	<u>158,201</u>	<u>91,385</u>
Preliminaries (25%)	39,550	22,846
Design Fees	65,000	50,000
<b>TOTAL</b>	<b>262,751</b>	<b>164,231</b>
<b>ELECTRICAL</b>		
Electrical	139,930	139,930
Locality factor (30%)	41,979	41,979
<u>Sub-Total</u>	<u>181,909</u>	<u>181,909</u>
Preliminaries (25%)	45,477	45,477
Design Fees	35,000	35,000
<b>TOTAL</b>	<b>262,386</b>	<b>262,386</b>
<b>OTHER</b>		
Surveyor Fees	5,000	5,000
Reseal car park	20,000	20,000
<b>TOTAL</b>	<b>25,000</b>	<b>25,000</b>
<b><u>SERVICES TOTAL</u></b>	<b><u>550,137</u></b>	<b><u>451,617</u></b>
Contingency (10%)	55,013	45,161
Escalation (10%)	55,013	45,161
<b>TOTAL</b>	<b>660,163</b>	<b>541,939</b>

The difference between Sewer Option 1 and Option 2 is \$118,224.

Table 2 below outlines the additional fire service costs for a building over 500m<sup>2</sup>. The estimates exclude costs for design, location allowance, contingency, and escalation.

Table 2: Additional Fire Service Costs

Service	Equipment	OPC
Fire service (if over 500m <sup>2</sup> )	Fire system	\$166, 415
	Tank, pumps, booster	\$350,000 - \$500,000
Total Fire		\$516,415 - \$666,415

The total investment into site service upgrades is estimated to be \$660,163 if a new sewer system is installed.

It should be noted that the existing sewer issues have been ongoing for over 10 years. With the significant investment by DHP into additional park amenities, and the Shire's upgrade to the Town Beach amenities, it is likely that visitations will continue to increase and put more pressure on the existing sewer system. The Redevelopment provides the opportunity to resolve these issues to the benefit of all parties.

#### Demolition of Existing Building

The existing café building will need to be demolished in preparation for a clean site handover to the Developer. This will be the responsibility of the Shire and will cost approximately \$30,000. The timing for the proposed demolition is yet to be determined.

The building will now remain vacant due to the Shire being unable to secure a tenant (refer to the 'Existing Town Beach Café Lease' section below). The building continues to be vandalised with graffiti and attempted break ins resulting in ongoing costs to the Shire for rectification. An option is to undertake demolition this financial year to create a clean site for activation with mobile food vans (refer to the 'Current Town Beach Café Site Activation' section below).

However, it may be prudent to allow the Redevelopment EOI process to be completed before progressing the demolition, to keep the option available to lease the existing café for a further 5 years if a preferred respondent is not secured. Upgrade works will be required before it can be leased (refer 'Existing Town Beach Café Lease' section below).

#### Site Service Standard Provision

The iconic Town Beach Café has become a favourite over the years with both locals and tourists. It is vital that the Redevelopment captures the heart of the community and contributes to making Town Beach a recreational, tourist and social hub.

To ensure the Redevelopment opportunity attracts high quality submissions from experienced operators, the Shire has engaged CBRE to provide specialised commercial marketing and leasing services. CBRE will actively promote the EOI throughout Australia by targeting prospective Developers within the industry.

CBRE has provided the advice that standard industry practice is to handover a clean site with service capacity commensurate with the desired level of development and ready to 'plug in'. Potential respondents to the EOI will be expecting this standard.

It is envisaged that the cost of works will be approximately \$690,163 which includes \$660,163 for site services and \$30,000 for demolition. This assumes that the building is under 500m<sup>2</sup> and that Sewer Option 1 is implemented. The Shire will need to undertake these works to attract a high-quality developer/operator and to present itself as a professional and genuine partner.

#### Existing Town Beach Café Lease

An EOI for a lease over the existing Town Beach Café was first advertised in November 2022 and received no applications. It was advertised again in January 2023 and received two applications. At the Ordinary Council Meeting (OCM) held 23 February 2023, a preferred applicant was recommended with Council resolving to offer the preferred applicant an 18 month lease to expire on 31 October 2024. This was to ensure that the café could be demolished and the site services upgraded in preparation for handover to the successful respondent of the Redevelopment EOI.

The Shire allocated \$50,000 to undertake upgrades to the existing cafe to meet compliance and health standards in preparation for the new lessee. Unfortunately, the preferred respondents withdrew the application, and officers were not confident the second EOI applicant could meet the requirements. Therefore, the upgrades are no longer required.

#### Redevelopment EOI

The EOI is proposed to be released in April 2023 for 10 weeks followed by a shortlisting of preferred Respondents who will be invited to Tender. The Tender is expected to close in August 2023 with a preferred Respondent selected by October 2023. It is anticipated that there will be negotiations with the final Respondent on a range of items including the site servicing provision level required.

Originally, the aim was to hand over the site to the successful Respondent by February 2025. However, as the Shire has been unable to secure a tenant for the cafe, the demolition and site service upgrades could be completed in the 2023/24 financial year, and the site could potentially be handed over by July 2024.

#### Current Town Beach Café Site Activation

The Town Beach Activation Plan outlines an array of strategies to encourage residents and tourists to visit Town Beach. In lieu of a lessee operating the existing Town Beach Café, officers plan to activate the area with food and beverage vans.

Officers are proposing an EOI process seeking mobile traders to provide a regular service for the 2023 tourist season. This will require new exclusive Trading Permits to be created which is discussed further under the Policy Implications below.

### **CONSULTATION**

ACOR met on site with the Deputy Park Manager at Discovery Holiday Park.  
CBRE – commercial real estate services

### **STATUTORY ENVIRONMENT**

**Nil**

### **POLICY IMPLICATIONS**



### Trading in Public Places Policy

The Trading in Public Places Policy (**Trading Policy**) and provides the framework for issuing permits for mobile food and beverage traders and the allocation of 'Trading Zones' in key locations around the town site where Council is seeking to activate public spaces. Trading Zones are able to be accessed by all licenced traders without any additional approvals, providing a streamlined approvals process. The Trading Zones cannot be booked and operate on a 'first in' basis and all permitted traders can access the zones. The Trading Policy currently allocates three existing parking bays for permitted traders to operate from within the Town Beach South Trading Zone. Refer Figure 1.

Figure 1: Existing Trading Zones at Town Beach South



Council approved the Trading Policy in June 2022 with provisions to limit trading hours to avoid conflict with the Town Beach Café trading hours. These provisions were directly related to the lease for the Town Beach Café:

**COUNCIL RESOLUTION:**

**Minute No. C/0622/053**

**Moved: Cr P Taylor**

**Seconded: Cr N Wevers**

**1. Adopts the amended Trading in Public Places Policy as shown in Attachment 1 for the purpose of a two year trial review period subject to the:**

- a) Removal of the single trading location immediately adjacent to the Town Beach café as shown in figure 10 Reserve 31340 Town Beach Car park South.**
- b) Trading cannot occur at Reserve 31340 Town Beach Car park South between 7am and 12pm Wednesday to Monday effective 1<sup>st</sup> July 2022 until the expiry of the lease between the Shire of Broome and Risinger O'Rourke Enterprises Pty Ltd.**



**2. Requires the outcome of the two year trial period be presented to Council by June 2024 for consideration.**

**3. Authorises the Chief Executive Officer to approve renewal applications for existing permits for the Pilbara Fish Truck, Bakwan Van and RAWSON throughout the trial period subject to submission of satisfactory renewal applications and no change in business ownership.**

**CARRIED UNANIMOUSLY 6/0**

As the decision of Council related to the Café Lease for the term of the lease in 2022, the provisions excluding access to the Trading Zones for these specific time periods have been removed.

The existing Trading Zone car bays are not marked as Trading Zones, and there have been issues with cars parking in the bays during permitted trading hours (7am to 7pm). Officers are proposing to erect temporary signage at these Trading Zones to clearly demonstrate the allocated use as trading bays and will request the Rangers to monitor. This signage will remain until the more permanent arrangements for issuing of Trading Permits can be implemented.

Traders will be advised of the signage and encouraged to trade at these locations to provide food and beverage options and provide activation until the EOI outlined below is completed.

#### New Town Beach South Trading Permits

To activate the precinct in lieu of no service being operated from the café, new Trading Permits are proposed to be issued for the Town Beach South area. The aim is to secure a reliable regular service and it is recommended advertising for Expressions of Interest (EOI) from licenced mobile traders for the tourist season from May to November for the new Trading Permits.

The EOI will call for submissions from mobile traders to submit a semi-permanent trading proposal to include, among any other relevant matters:

- Preferred location,
- Preferred days and hours of operation,
- Range of food and beverage offered,
- Possible seating and tables, and
- Requirements for mains power supply.

To encourage applications, it is recommended that the Shire provide power at no cost, and provide exclusivity of trading to provide further incentive, from May to November 2023. Exclusivity will be provided by temporarily removing any provisions from the Trading Policy related to the Town Beach South Trading zone.

Submissions will be assessed by officers and the selected traders will be placed on a roster and provided with a new exclusive Trading Permit with relevant conditions. Traders will be required to trade at the agreed times and failure to do so for more than 14 days without notice may terminate the agreement. Traders that require power will be encouraged to locate at the two locations shown below in Figure 2.

Figure 2: Proposed Additional Trading Zones at Town Beach South Trading Zone



To facilitate the creation of the sites and access to power, some minor works may be required. These include removal of the café shade sail frame and fence, and the addition of a power supply for the traders, most likely on the existing café external wall.

The EOI will be advertised in April with the aim of traders operating by 1 May 2023.

While the CEO has delegation to issue Trading Permits, given the public interest in this site it is proposed that Council provide support for the issuing of Trading Permits in accordance with the EOI.

When the new Trading Permits come into effect by awarding of the EOI to preferred Traders, the existing three Trading Zones at Town Beach South car park (refer Figure 1) and any references to this Zone will be removed from the Trading Policy, while the new Trading Permits are operational. This will provide exclusivity, as well as the capacity to allow for seating, which is prohibited under the Trading Policy provisions.

These changes will have no impact on any of the other Trading Zones, and the policy will remain active for all other sites. On conclusion of the new exclusive Trading Permits the Policy will revert to the current provisions. A copy of the revised Trading in Public Places policy as it will be amended on awarding of the EOI is attached as **Attachment 1**.

## FINANCIAL IMPLICATIONS

Site service upgrade cost implications vary dependant on the decision to install a separate waste system for the ablution block, new café and water park (Option 1). Details of each option are contained within the report above.

Option 1 total cost: \$660,163

Option 2 total cost: \$541,939

Demolition costs are estimated to be approximately \$30,000.

No funding exists for these works in Council's Corporate Business Plan or Long Term Financial Plan.

There is currently \$848,211 in the unallocated portion of the Building Reserve.

\$50,000 was allocated through the 2<sup>nd</sup> Quarter Finance and Costing Review (FACR) to refurbish the existing Town Beach Café building to meet compliance requirements. These funds will no longer be needed and could be reallocated to demolition or design costs.

Design costs for hydraulic and electrical upgrades are estimated at \$100,000. It is recommended that a budget amendment of \$100,000 is made to allow these works to be commenced immediately in the 22/23 financial year with funding to be sourced through the 3<sup>rd</sup> Quarter FACR.

It is further recommended that Council consider funding the remainder of the works through the 2023/24 budget process (\$590,163).

Funding opportunities for the site servicing aspects of this project will be pursued to minimise the financial burden on the Shire.

## RISK

<b>Risk</b>	<b>Type</b> (Health, Financial Impact, Service Interruption, Compliance, Reputational, Property Environment)	<b>Rank</b> (based on measures of consequence and likelihood)	<b>Mitigation</b>
Site services do not meet standard industry expectations for a Design, Build, Operate partnership	Reputational	High	Undertake site service upgrades and demolish current Town Beach Café to standard industry expectations
No suitable submission received during the EOI phase	Financial Reputational	Medium	Upgrade site services  Engage a commercial marketing and leasing specialist to distribute EOI Australia wide and undertake target industry marketing campaign.
Food and beverage service is not provided at Town Beach	Reputational	High	Activate Town Beach Café site with mobile food and beverage vans

## STRATEGIC ASPIRATIONS

**Place - We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.**

**Outcome 6 - Responsible growth and development with respect for Broome's natural and built heritage**

**Objective** 6.1 Promote sensible and sustainable growth and development.

**Prosperity - Together, we will build a strong, diversified and growing economy with work opportunities for everyone.**

**Outcome 9 - A strong, diverse and inclusive economy where all can participate**

**Objective** 9.2 Activate the precincts of Broome.

**Outcome 10 - Appropriate infrastructure to support sustainable, economic growth**

**Objective** 10.1 Invest strategically in property to stimulate economic growth.

## **VOTING REQUIREMENTS**

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. *Requests the Chief Executive Officer tables for consideration through the 2023/24 municipal budget an amount of \$590,163 for the provision of demolition and upgrades to site services to allow for the redevelopment of the Town Beach Cafe site;*
2. *Endorses a budget amendment to the 2022/23 Budget of \$100,000 for Detailed Site Design;*
3. *Requests the Chief Executive Officer seek to offset Detailed Site Design costs through the 3<sup>rd</sup> Quarter Finance and Costing Review process;*
4. *Requests the Chief Executive Officer seek grants to fund the site servicing upgrades for the Town Beach Café site;*
5. *Notes that the preferred respondent for the short-term lease of the Town Beach Café has withdrawn from the process and the building will not be operated;*
6. *Notes that arrangements will be made to activate the Town Beach Café site during the dry season using mobile food vans via an Expression of Interest process;*
7. *Supports the Chief Executive Officer exercising delegation to award exclusive Trading Permits to preferred traders following the Expression of Interest process;*
8. *Removes the Town Beach South Trading Zone and reference to this Trading Zone from the Trading in Public Places Policy on awarding of exclusive Trading Permits for Town Beach as per Attachment 1; and*
9. *On cessation of the exclusive Trading Permits for Town Beach amends the Trading in Public Places Policy to reinstate the Town Beach South Trading zone and relevant references.*

## **Attachments**

1. Attachment 1 - Trading in Public Places Policy Proposed Amendments

## COUNCIL POLICY



### Trading in Public Places

#### Policy Objective

1. To facilitate the assessment and approval of Trading Licences in accordance with the Trading, Outdoor Dining and Street Entertainment Local Law 2003 (**Local Law**).
2. To provide guidance and direction on the location and management of traders in the district.
3. To encourage the use of parks and reserves for appropriate trading activities as a means of enhancing community activity and recreation, in such a manner that they do not conflict with amenity, usability and public safety.
4. To protect Cable Beach and other parks and reserves within the Shire as highly valued environmental, cultural and social assets enjoyed by visitors and residents alike.

#### Policy Statement

1. The Local Law allows a person to apply for a licence to undertake a range of activities to trade to the public in a public place. This Policy is made under the Local Law and provides additional information not outlined in the Local Law that applies specifically to trading licences.
2. A person is exempt from being required to hold a valid trading licence when carrying out trading in a public place if:
  - 2.1 The trading is undertaken as part of an event or function approved in accordance with the *Local Government Property and Public Places Local Law 2016*;
  - 2.2 The trading is in accordance with an approval granted by the Shire under another written law;
  - 2.3 The activity is the training or instruction of fitness classes or the like; or
  - 2.4 The activity is a group walking tour.

#### 1. Approval of Applications

- 1.1 A trading licence may be issued by the Shire for a trading activity where the following criteria are met:
  - 1.1.1 The proposed trading activity occurs within an approved trading zone;
  - 1.1.2 The trading activity will not have an unreasonable impact on safety, other users of the space, traffic flow, pedestrians or the public's use of a public place;

- 1.1.3 The trading activity is well presented and does not detract from the visual or general amenity of the area;
- 1.1.4 The trading activity will support the vibrancy and/or enhance the use of an area by persons visiting the trading zone;
- 1.1.5 A complete application has been submitted in the approved form and applicable fee has been paid;
- 1.1.6 A statement has been prepared detailing management measures to ensure safe entry and exit from the trading zones;
- 1.1.7 The trader has other statutory approvals and accreditations applicable to the operation of the commercial activity, where required;
- 1.1.8 The trading activity does not incorporate or comprise a bar or the sale of alcohol.
- 1.2 Where the land is not under the care, control and management of the local government, the written consent of the Crown via the Department of Lands or vesting Authority or Management Authority is required prior to processing the application.
- 1.3 Additional information may be sought from an applicant for a trading licence to facilitate the assessment of an application for a trading licence.
- 1.4 Applications which do not meet the criteria specified in 1.1 may be considered by Council. Council may seek to engage with the community and seek public comment in relation to an application for a Trading Licence if Council considers that it is desirable to do so in the circumstances. Any submissions received by Council during the public comment period may be taken into account by Council in deciding whether to grant the trading licence applied for.

## **2. Permit Approval**

- 2.1 Permits within approved zones are to be approved by the Shire's Development Control Unit. Permits falling outside of these zones may be approved by Council.
- 2.2 An approved trading permit must be displayed in a conspicuous position while the trading activity is occurring so that it is easily legible to any person or authorised officer at all times.
- 2.3 A trading permit is not a lease over the land and the trader and patrons do not have exclusive occupancy or possession of the area. Trading zones remain public space. A trader cannot move members of the public on from the trading zone.
- 2.4 The Shire reserves the right to vary licence conditions at any time as required, or to cancel the licence.
- 2.5 The failure of a permit holder to undertake an activity approved by a trading licence in a trading zone for a period of 3 months is considered a ground upon which a trading licence may be cancelled.
- 2.5 The Shire is unable to be involved in disputes between traders.

- 2.6 If the trader is to operate within a bookable space advertised on the Shire's website (as amended), the trader may not trade unless they have booked the applicable space.
- 2.7 The trader must display respectful and reasonable behaviour towards members of the public, other traders and authorised officers at all times.
- 2.8 Background music may only be played if the noise levels comply with the Assigned Levels prescribed in the *Environmental Protection (Noise) Regulations 1997*. Should justified complaints be received regarding amplified music from the trading activity, the Shire reserves the right to prohibit the emission of music at the site.
- 2.9 The trading activity will not generate noise or disturbance that is likely to cause a nuisance to any person in the vicinity of the trader.
- 2.10 No waste or litter may be disposed of in public space rubbish or recycling bins. Traders must ensure that they have sufficient bins available for collection and storage of waste generated by their business. Traders must ensure that the area around their position is kept clear of rubbish and refuse at all times and all waste generated/collected by the trader is removed from site by the trader.
- 2.11 The licence holder is to take full responsibility for the care, appearance, maintenance and operation of their activity area and the effect on other street life.
- 2.12 The trading activity must not obstruct, cover, remove, relocate or modify trees, public art, benches, bins, bus shelters or other Shire owned infrastructure.
- 2.13 Permanent fixtures and elements are not permitted. Following trade, all related equipment and fixtures must be removed completely from the site.
- 2.14 The licensee must at the conclusion of each day the trading activity occurs, remove all and any refuse and litter associated with the operation of the trading activity and ensure the area in which the trading is undertaken is left in a clean and safe condition.
- 2.15 A trader must have a valid vehicle access permit issued by the Shire's Chief Executive Officer in accordance with the *Control of Vehicles (Off Road Areas) Act 1960*. The licensee must at all times comply with the requirements of that Act.
- 2.16 Parking for towing vehicles is not permitted at the same site as the trader. The trailer or equipment must be dropped off at the location and a legitimate carpark found for the towing vehicle.
- 2.17 A towing vehicle may only enter a reserve for the purpose of dropping off or picking up a trailer or the like. Towing vehicles may therefore not enter or exit a beach, park or reserve on more than two occasions on any day, unless a case of emergency or otherwise approved.
- 2.18 Traders must not arrive to the trading site more than one hour before trading commences and must not remain on site for more than one hour after trading ceases.
- 2.19 When a community event approved by the Shire is being held within the Trading Area (for example, Town Beach Night Markets, Shinju Events), any Licence Holders allocated to that area will be rendered void for the duration of that Event.
- 2.20 The licensee is responsible for the repair, restoration or reinstatement of any damage to Shire property arising from the trading activity or caused by the customers of the



trading activity. Such repair, restoration or reinstatement of damage must be carried out as directed by the Shire and to the Shire's satisfaction.

- 2.21 The licensee obtains public liability insurance in accordance with subclause 8.6.1 of the Local Law, except that the value of the public liability insurance must be \$10,000,000.
- 2.22 The placing of signs occurs only within the area approved for the trading activity and consistent with the requirements of Part 9 of the *Local Government Property and Public Places Local Law 2016*, unless otherwise approved by Council.
- 2.23 A trading activity must not involve the sale of offensive, illegal, prohibited, counterfeit or unauthorised goods, including goods bearing trademarks for which the person does not have a licence to sell.
- 2.24 The trading activity must not prevent access to a footpath or adversely impact on traffic movement, traffic safety, traffic flow, or cause a traffic hazard.
- 2.25 The trading activity must not involve the connection to or utilisation of any Shire utilities without prior approval, unless otherwise approved as a condition of the trading licence.
- 2.26 An authorised person may direct the holder of a trading licence to stop doing anything which is contrary to the Local Laws or a condition of the trading licence. A person who is given such a direction by an authorised person must comply with that direction.
- 2.27 The trader must allow Shire officers to, upon request, inspect and verify that the plans, procedures, policies, licences and accreditation are current and are being complied with.
- 2.28 Mobile Food vendors must be takeaway only. Table and seating arrangements are not permitted at the trading site.
- 2.29 Additional provisions that apply to itinerant traders, trading activities undertaken on Cable Beach, camel operators and activities not conducted from a vehicle or trailer are listed in Schedules 1, 2, 3, & 4 respectively.
- 2.30 The trading activity will be categorized by intensity, in accordance with Schedule 6 of this policy. Schedule 6 is a guide only.
- 2.31 A person must not hold more than one trading licence for a trading activity under this Policy.
- 2.32 The Shire may impose additional operational conditions on a permit as required.
- 2.33 All applicants for Trading Licences are advised of their right to object a decision made by the Shire. In accordance with section 9.4 of the Local Government Act 1995, an affected person may object to a decision of local government and lodge an appeal to the decision by lodging an objection to the Shire within 28 days of the decision.



### 3. Permit Renewal

1. All trading in public places licences expire at the end of the financial year, unless otherwise approved.
2. All trading in public places licences are to be renewed before 30 June. There is to be no expectation of continuation of a licence.
3. The licence renewals are to be processed by authorised officers and approved by the Development Control Unit.
4. Payment of the annual licensing fee prescribed under the financial budget of that year must be paid prior to a new licence being issued.

### 4. Permit Monitoring and Cancellation

1. The Shire's Authorised Officers may conduct unannounced inspections to check compliance with the conditions of the trading permit, *Local Government Act 1995*, *Trading in Public Places Local Law 2008*, *Shire of Broome Health Local Law 2006*, *Environmental Protection (Noise) Regulations 1997*, *Environmental Protection (Unauthorised Discharge) Regulations 2004*, *Food Act 2008* and *FSANZ Food Safety Standards*.
2. A trading permit may be cancelled or amended at any time, in accordance with Part 2, 2.7 of the Local Law, however the following procedure is to apply following justified complaints or non-compliances:
  - 2.1 A verbal warning will be issued, indicating the nature of the non-compliance. The date, time and nature of the warning and reasons given should be documented;
  - 2.2 A written warning will be issued, setting out reasons for the warning being issued and any actions required to comply; and
  - 2.3 The licence will be revoked, or proceedings initiated, in accordance with Part 2, Section 2.7 of the Local Law. Reasonable opportunities must be provided between each step in the process, to permit the trader(s) to comply.
  - 2.4 Following three non-compliances, the permit will be revoked. The trader may apply for a new trading licence in next financial year.

### 5. Trading Zones

Trading activities may be established within the following trading zones and subject to the site specific conditions listed. Trading zones are outlined in blue. Yellow arrows indicate points of access and egress:

1. Broome Recreation & Aquatic Centre (Reserve 42502)
  - 1.1 Skate Park



1.2 Glenn & Pat Medlend Pavilion and Pump Track





### 1.3 BRAC Outdoor Basketball Courts



### 2. Cable Beach Foreshore (Reserve 36477 and adjacent Cable Beach Road West Road Reserve)

#### 2.1 Surf Life Saving Club

**SUFFICIENT NOTIFICATION MUST BE PROVIDED TO THE BROOME SURF LIFE SAVING CLUB TO ACCESS THIS LOCATION**





2.2 Corner Cable Beach Road West & Sanctuary Road Carpark

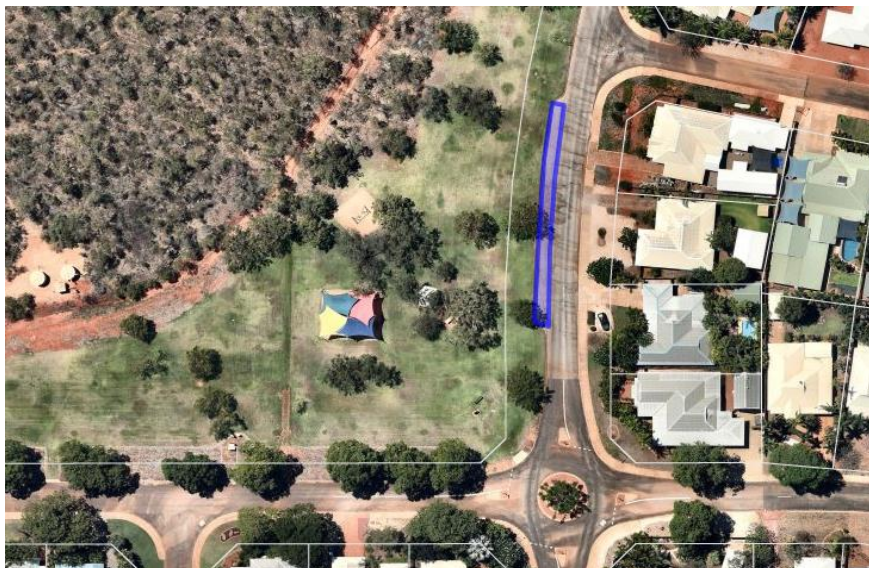


3. Chinatown

**TRADING LICENCES WILL ONLY BE ISSUED FOR TRADING ACTIVITIES IN CHINATOWN FOLLOWING AN EXPRESSIONS OF INTEREST PROCESS, WHEREBY COUNCIL INVITES APPLICATIONS FOR TRADING ACTIVITIES IN CHINATOWN.**

4. Cygnet Park

**THIS LOCATION CAN ONLY BE USED BETWEEN 7AM AND 7PM**





5. Demco Beach Carpark



6. Peter Haynes Reserve

6.1 Car Park

**THIS LOCATION CANNOT BE USED DURING SCHOOL HOURS, UNLESS PERMISSION HAS BEEN GRANTED BY BROOME SENIOR HIGH SCHOOL**





6.2 Oval Unsealed Carpark

**THIS LOCATION CANNOT BE USED DURING SCHOOL HOURS, UNLESS PERMISSION HAS BEEN GRANTED BY BROOME SENIOR HIGH SCHOOL**



7. Tanami Park (Reserve 51243 and adjacent road reserve)

**THIS LOCATION CAN ONLY BE USED BETWEEN 7AM AND 7PM**





8. Solway Park

**THIS LOCATION CAN ONLY BE USED BETWEEN 7AM AND 7PM**



9. Six Seasons Park

**THIS LOCATION CAN ONLY BE USED BETWEEN 7AM AND 7PM**





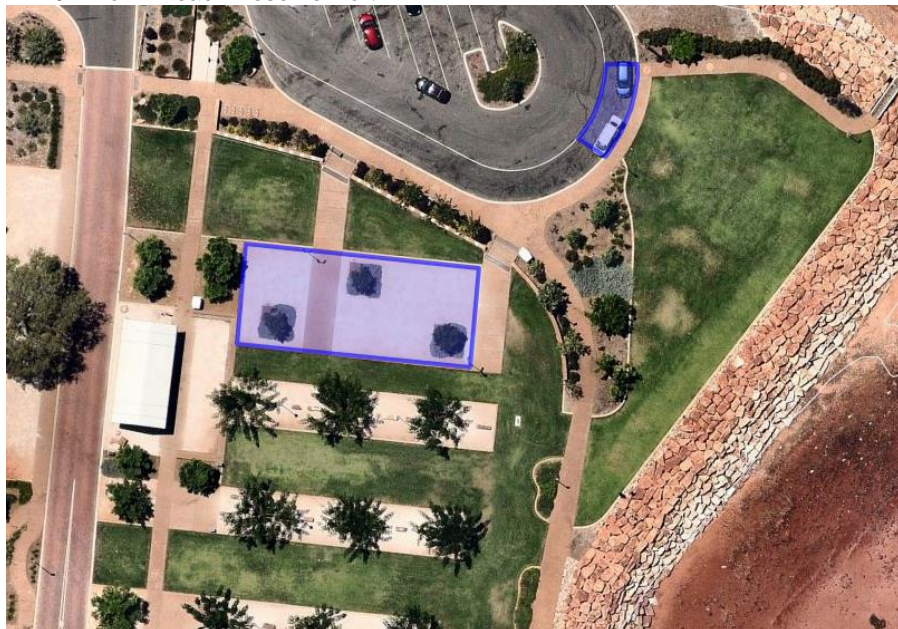
10. Turf Club Carpark

**TRADING CANNOT OCCUR THE DAY BEFORE, DURING OR AFTER A TURF CLUB RACE EVENT, UNLESS PERMISSION HAS BEEN GRANTED BY THE BROOME TURF CLUB**



10. Town Beach (Reserve 31340)

10.1 Town Beach Reserve North





## 11. Woods Park Reserve



### SCHEDULE 1

#### Additional Provisions for Itinerant Traders

Itinerant Vendors' that stop for customers on public property when hailed by a customer, are permitted to trade outside of Trading Zones under the following conditions:

1. Hold a valid Trading in Public Places Permit;
2. Comply with the overall provisions and intent of this Policy;
3. Serve food and drinks which requires minimal onsite preparation only;
4. Must only trade between the hours of 9am to 5pm, Monday to Sunday;
5. Must not trade within 300 metres of a directly competing business;
6. Only remain at a particular location for as long as there is a customer making a purchase. If there is no customer making a purchase, the trader must move on from that location within a reasonable time of the last purchase having been made;
7. May only stop in legitimate car parks, car bays or 50km/hr zones; and
7. Music, or any other forms of noise to attract customers, is not permitted to be played whilst the van is parked.

## SCHEDULE 2

### Additional Provisions for Trading on Cable Beach

1. Trading activities proposed to take place on Cable Beach are to be approved by Council.
2. A maximum of six trading licences will be granted for trading activities on Cable Beach.
3. Trading licences, except for commercial camel activities, will only be issued for:
  - 3.1 Trading activities which support and are directly related to the recreational use and enjoyment of Cable Beach and its adjacent waters; and
  - 3.2 The section of Cable Beach:
    - (a) between a point formed by the westerly prolongation of Murray Road to the low water mark and a point located 500 metres north of the vehicle entry ramp adjacent to the Broome Surf Club; and
    - b) between the high and low water mark.
3. Council may decide to grant a trading licence for an activity even though it does not meet the provisions of this Schedule if Council decides there is sufficient merit in the proposed trading activity to justify its approval.
4. The Shire may close Cable Beach to all activities, including trading activities, at any time.
5. Consistent with a resolution of the Yawuru Park Council passed on 20 November 2019, the Shire of Broome Council will not approve commercial trading licences for quad bikes or all-terrain vehicles (ATV) in the Yawuru Conservation Estate, as these activities are not considered consistent with the cultural and environmental significance of the areas.

#### Advice notes for Cable Beach operators

- A. It is recommended that traders hold current tourism accreditation to support a high standard of trading on Cable Beach.

## SCHEDULE 3

### Additional Provisions for Commercial Camel Activities on Cable Beach

1. A maximum of three trading licences will be granted for commercial camel activities on Cable Beach.
2. A person must not hold more than one trading licence for a commercial camel activity at any time, and must not have a Related Entity Interest in respect of the holder of another trading licence for a commercial camel activity.
3. Each camel operator must operate independently, unless otherwise approved as part of an event or function approval issued in accordance with the Local Government Property and Public Places Local Law 2012.

4. Each trading licence will allow a maximum of 18 camels per operator on Cable Beach at any time, unless otherwise approved by the Shire for extraordinary circumstances, eg. cruise ships and corporate/conference functions.
5. Trading licences for commercial camel activities on Cable Beach will be approved for ten years.
6. The conditions of a trading licence issued for a commercial camel activity will be consistent with the provisions in Part 4 in Schedule 2 of the Local Government Property and Public Places Local Law 2012.
7. Commercial camel activities may be conducted on Cable Beach:
  - 7.1 between:
    - (a) a point formed by the westerly prolongation to the low water mark of the northern boundary of Reserve 36477;
    - (b) a point formed by the westerly prolongation to the low water mark of the Northern Boundary of Lot 405 Lullfitz Drive; and
    - (c) the high and low water mark, and
  - 7.2 within the set down/pick up area allocated or approved by Council, including land required to traverse from the area identified in subclause 7.1 to this allocated or approved set down/pick up area.
8. Camel operators must only set down/pick up customers for their camel train at the set down/pick up area allocated to the operator in the operator's trading licence, except where otherwise approved by the Shire due to adverse environmental or other conditions making the designated set down area unsuitable. A portable sign may be placed in the set down/pick up area allocated in the operator's trading licence as follows:
  - 8.1 the sign must not exceed one metre in height;
  - 8.2 each advertising panel on the sign must not exceed 0.8 square metres;
  - 8.3 the sign must only contain details relevant to the commercial camel activity;
  - 8.4 the sign must not be placed in a way that causes interference or is hazardous to vehicular traffic or pedestrians;
  - 8.5 the sign must be of sound construction and maintained in good condition; and
  - 8.6 the sign must be removed at the end of each trading session.
9. No commercial camel activities can be undertaken on Cable Beach between 10am and 2.30pm, unless otherwise approved by the Shire for extraordinary circumstances e.g. cruise ships and corporate/conference functions. Any request to conduct commercial camel activities in between 10am and 2.30pm must be made in writing, and if approved will be for a maximum period of two hours between 10am and 2.30pm.
10. A camel operator must hold current approval from the Shire to keep a large animal in accordance with the Health Local Laws 2006.
11. A single temporary shade structure can be erected for each commercial camel activity, no more than 3 metres by 3 metres in size and erected soundly and securely so as not to cause a hazard.
12. All camels must be fitted with manure collection devices. Any manure that escapes a manure collection device must be collected immediately.
13. Camel operators must ensure that there is at least 30 metres between each camel train at all times.

15. The following activities may be undertaken in accordance with a trading licence issued for a commercial camel activity:
  - 15.1 camel tours;
  - 15.2 the taking and sale of photographs and camel memorabilia associated with the commercial camel activity to customers undertaking camel tours; and
  - 15.3 the sale of bottled water.
16. A camel operator must not facilitate the provision by any other business of any goods or services (eg. provision of food or drinks) to the operator's customers on Cable Beach or any other public place, except for:
  - 16.1 to facilitate the provision of medical or other emergency services to customers where required; and
  - 16.2 as part of an event or function approved as in accordance with the Local Government Property and Public Places Local Law 2012.
17. Council may, at any time, direct that access to Cable Beach be obtained from an alternative location to that approved in the trading licence, subject to a permit being obtained to take a vehicle in the vehicle prohibited area of Cable Beach.

#### Advice notes for camel operators

The following advice notes are provided as recommendations to assist camel operators in providing for a safe and professional service to customers. It should be noted that in providing this advice, the Shire accepts no responsibility for non-compliance of any occupational health and safety requirements or any other legislation.

- B. Informative introductory talks should be provided to customers covering all aspects of safety prior to clients commencing a camel ride.
- C. Camel operators should have a maintenance schedule to ensure all equipment used in association with the riding of camels is kept at a high standard.
- D. Camel operators should have a system for the recording of any incidents or accidents that may occur in operation of the commercial camel activities.
- E. An employee induction process should be introduced for all employees.
- F. It is recommended that first aid training be provided to employees and that first aid kits are carried on the camel tours.
- G. A mobile phone should be carried on all camel tours to ensure communication in the event of an accident, or contact with Shire Officers if necessary.
- H. It is recommended that camel operators hold current tourism accreditation to support a high standard of practice within the camel industry in Broome.
- I. Camel operators should endeavor to meet with Shire Officers prior to each new tourist season to discuss both the previous and upcoming season's activities and other matters relevant to the operation of camel tours.

*DISCLAIMER: The above information provides readers with advice, guidance and/or recommendations regarding specific operational conduct. The advice, guidance and/or recommendations contained herein do not constitute legal advice, and are not intended as an exhaustive statement of measures that should be undertaken to discharge the operator's duty of care to clients and the public.*

## **SCHEDULE 4**

### **Additional provisions for not operating from a vehicle or trailer**

Trading activities which do not operate from a vehicle or trailer, may be issued a trading

licence under the following conditions:

1. The trading activity occurs within one of the following bookable spaces advertised on the Shire website (as amended):
  - 2.1 Cable Beach Amphitheatre;
  - 2.2 Cable Beach Foreshore;
  - 2.3 Cable Beach South of Surf Club;
  - 2.4 Cable Beach South of Ramp;
  - 2.5 Cygnet Park;
  - 2.5 Ibasco Park
  - 2.6 Tanami Park Reserve;
  - 2.6 Town Beach Reserve;
  - 2.7 Solway Park.
2. A maximum of 20 customers are permitted at any one time;
3. Area to be used is no larger than 15m x 15m;
4. The activity may only be set up for a maximum of 4 hours, including bump-in and bump out requirements and it is not to be sectioned off from use by the public.

## SCHEDULE 5

### Definition of Related Entity Interest

A person has a Related Entity Interest in relation to another commercial camel activity if any of the following applies:

Where both parties are natural persons	Where both parties are corporations	Where one party is a natural person and the other is a corporation
(a) Partnership or joint venture. (b) Trustee/beneficiary. (c) Trustee/potential object of a discretionary trust. (d) Spouses or de facto partners living together. (e) Parent/child living together. (f) A person's spouse, de facto partner or child living with the person, has a relationship of	(a) Related corporations including parent/subsidiary companies and companies in the same corporate group. (b) Corporations in partnership or joint venture. (c) Except in the case of a publicly-listed company, corporations (other than community associations or clubs) with any degree of common	(a) Partnership or joint venture. (b) Trustee/beneficiary. (c) Trustee/potential object of a discretionary trust. (d) Directorship. (e) Shareholding. (f) Unit holding. (g) Spouse, de facto partner or child living with the natural person party is in any of relationships (a) - (f) with the corporate party.

any of categories (a) - (c) to the other party.	<p>membership.</p> <p>Membership means:</p> <ul style="list-style-type: none"> <li>(i) Directors;</li> <li>(ii) Shareholders;</li> <li>(iii) Unit holders;</li> <li>(iv) Beneficiaries of trusts administered by unit holders;</li> <li>(v) Potential objects of such trusts.</li> <li>(vi) Spouse, de facto partner or child of any of categories (i) - (v).</li> </ul> <p>Persons need not be members of the two corporations in the same capacity.</p>	
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## SCHEDULE 6

### Trading Intensity Matrix

The following matrix is intended as a guide only. Categorization of traders remains at the discretion of the Shire.

<b>Section 1 – Customer Base</b>		
30 or less customers per day	10	
31 – 100 customers per day	20	
Over 100 customers per day	30	
	Score	
<b>Section 2 - Activity</b>		
Educational, community, fitness/exercise	-10	
Other	10	
	Score	
<b>Section 3 - Location</b>		
Less than 25sqm	10	
26-100sqm	15	
More than 100sqm	30	
	Score	
<b>Score</b>		
High	56-80	



Medium	31-55	
Low	0-30	
	<b>TOTAL</b>	

## Definitions

**Cable Beach** means the section of beach as defined in Schedule 2, Part 3, subclause 3.2 of this policy.

**camel operators** means those persons associated with commercial camel activities, either as the owner, the licensee or an employee.

**commercial camel activities** means those activities associated with camel tours/rides on Cable Beach.

**Council** means the Council of the Shire of Broome

**directly competing with** means that both the proposed trading activity and the permanent business offer a type or category of good or service that is directly comparable, for example:

- an ice cream van would be directly competing with an ice cream parlour;
- a mobile food van selling coffee, cake and sandwiches would be directly competing with a café which sells coffee, cake and sandwiches;
- a mobile food van selling pizza would be directly competing with a pizza or Italian take away store, restaurant or cafe;
- a stall offering massages would be directly competing with a massage parlour.

**Event** has the definition given in the Shire of Broome Events Policy (as amended)

**Itinerant Vendor** means a person who travels along a road looking for customers and who sells, hires or provides a product or service from a vehicle which is parked temporarily to customers who stop the vendor or come to the vendor while the vehicle is so parked.

**permanent business** means a business that operates from private property.

**private property** means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or the subject of a lease or agreement with a person or the local government enabling its use for private purposes and includes any building or structure thereon.

**'public place'** means any thoroughfare or place which the public are allowed to use, whether the thoroughfare or place is or is not on private property and includes parklands, squares, reserves, beaches and other lands set apart for the use and enjoyment of the public, including all land which belongs to or of which the local government is the management body under the Land Administration Act 1997 or which is an "otherwise unvested facility" within section 3.53 of the Local Government Act 1995;

**Related Entity Interest** is defined in Schedule 1 of this Policy.

**Shire** means the Shire of Broome.

**'trading zone'** means an area where trading activities can be undertaken in accordance with clause 5 and Schedule 4, Part 1 of this Policy.

All other words and expressions used in this Policy have the meaning as defined in the Local Law.

Document Control Box							
Document Responsibilities:							
Owner:	Director Development Services			Owner Business Unit:	Development Services		
Reviewer:	Manager Health, Emergency and Ranger Services			Decision Maker:	Council		
Compliance Requirements:							
Legislation:							
Industry:							
Organisational:	<a href="#">Trading, Outdoor Dining and Street Entertainment Local Law 2016</a> <a href="#">Property and Public Places Local Law 2016</a> <a href="#">Local Planning Policy - Outdoor Dining</a>						
Document Management:							
Risk Rating:	Med	Review Frequency:	Biennial	Next Due:	12/2023	Records Ref:	
Version #	Decision Reference:	Synopsis:					
1.	15 December 2016	OMC – Initial adoption					
2.	12 December 2019	Review and converted to new Policy Template					
3.	18 November 2021	OMC Review and minor updates to reflect new Local Laws					
4.	30 June 2022	OMC Review Minute No. C/0622/053					



### 9.3 PROSPERITY

#### 9.3.1 SHINJU MATSURI COMMUNITY DEVELOPMENT FUND APPLICATION

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Shinju Matsuri
<b>FILE:</b>	GPC16
<b>AUTHOR:</b>	Economic Development Coordinator
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

#### **SUMMARY:**

Council is requested to consider an application submitted by Shinju Matsuri to allocate funds through the Community Development Fund.

#### **BACKGROUND**

##### Previous Considerations

OMC 15 December 2022	Item 9.3.1
OMC 28 April 2022	Item 9.3.2
SMC 21 December 2021	Item 5.3.1

The Community Development Fund (**CDF**) program provides funds to organisations within the Shire of Broome to develop and run initiatives and events that deliver long term social or economic benefits to the local community. The CDF Guidelines were adopted at the 15 December 2022 Ordinary Meeting of Council (OMC) when it was created by the amalgamation of the Events Development Fund (**EDF**) and the Annual Community Matched Fund (**ACMF**).

The CDF is separated into three streams and Shinju Matsuri Inc applied under Stream 3 – PEARL Events, which is for events seeking a funding contribution of more than \$40,000 per year and is by invite only. Shinju Matsuri is currently the only PEARL event designated by Council.

The Shinju Matsuri application is being considered on its own, and a month earlier than Streams 1 and 2 due to Shinju working towards purchasing assets and equipment to build future financial sustainability, which requires time to organise and arrange shipping. Applications for Streams 1 and 2 closed on March 20 and will be presented to Council for decision at the April 2023 OMC.

#### **COMMENT**

##### 2022/23 Acquittal

In 2022/23 Shinju Matsuri Inc received \$110,000. Council supported the purchase of two sea containers to create a Festival Hub (\$80,000) and \$30,000 went towards Shire expenses such as venue rentals and event hire.

##### Shinju Event Hub (\$80,000)

In their 2022 application for funding, Shinju applied for funding to purchase two sea containers. One was to be modified to create a bar facility and event hub, and the application stated that the new hub would contribute financially towards the event through the sale of drinks and snacks. The Shinju Event Hub, now known as “Big Red” became a gathering place for the festival and was key to activating Town Beach area during Shinju with many events being held in its proximity. Shinju was also going to rent out the hub to other user groups, which they plan to do in 2023 once adjustments and improvements have been made to the set up.

The second sea container purchase (Little White) was for storing of Shinju assets, which officers understand was not done in the past. Therefore, there was no financial return for Shinju of this purchase, however Shinju determined that it would build long term sustainability for the organization as it increases its assets and provides a location to securely store them.

In previous years, an event hub was rented and transported from Perth. However, without knowing the previous hiring costs or its profitability, means the exact financial benefit of Shinju's asset purchase in 2022 is not known by the Shire or Shinju at this time. After reviewing Shinju's profit and loss for 2022, and the total income received from drinks sales, it is unclear what financial benefit the hub made to Shinju. Shinju have committed to making changes to how they sell alcoholic drinks in future years. In 2023, officers will be requesting a detailed profit and loss for the hub separately.

The non-financial benefit of the Shinju event hub was included as part of the 2022 acquittal and included written commentary that called Big Red an “amazing inclusion to the 2022 Shinju Matsuri event, becoming the base for all festival information”.



*Figure 1 "Big Red" The Festival Hub*

### Event Expenses

Council supported Shinju with funding up to \$30,000 towards Shire expenses. Shinju Matsuri (and Kimberley Special Events (**KSE**) managing the event on behalf of Shinju) had the following Shire expenses in 2022:

CIVIC CENTRE RENTAL (ART EXHIBIT)	\$7,067.93 (50% NFP Discount)
EVENT APPLICATION FEES	\$4,579.00
VENUE HIRE (PUBLIC SPACE)	\$22,605.00
MARKING RETICULATION	\$948.01
BANNER HIRE	\$330.00
EVENT INSPECTION FEES	\$720.00
FIREWORK PERMIT FEE	\$112.00
VEHICLE ACCESS PERMIT	\$54.00
<b>TOTAL</b>	<b>\$36,415.94</b>

Venue hire fees for use of public space is further broken down in this table:

		<b>Venue Hire Fees</b>
<b>Festival Hub</b>	Town Beach	\$ 15,015.00
<b>Opening Ceremony</b>	Town Beach	\$ 715.00
<b>Jetty Gala</b>	Town Beach	\$ 715.00
<b>Shinju Games</b>	Town Beach	\$ 715.00
<b>Pets in the Park</b>	Town Beach	\$ 715.00
<b>Festival Finale</b>	Town Beach	\$ 715.00
<b>Carnival of Nations</b>	Male Oval	\$ 715.00
<b>Mardi Gras</b>	Male Oval	\$ 715.00
<b>Long Table Dinner</b>	Cable Beach	\$ 1,430.00
<b>Floating Lanterns</b>	Gantheaume Point	\$ 440.00
<b>Chinatown Feast</b>	Chinatown	\$ 715.00
<b>Float Parade</b>	Various	
<b>Total</b>		<b>\$ 22,605.00</b>

2022 was one of the first years the Shire fully invoiced Shinju for expenses and expected payment. Prior to 2022, Shinju expenses for Shire services and facilities were paid directly by the previous Event Coordinator. Since 2019, Shinju financial support however has been between \$80k and \$130k/year.

Therefore, Shire of Broome supported Shinju with \$110,000 and received \$36,415.94 back as revenue in venue hire, rental and fees.

#### Analysis of Shinju 2022

Shire of Broome is not just a sponsor of Shinju Matsuri - it has an interest in the community and social impact of the event. Officers reviewed the financial statements and program to ensure financial sustainability and community impact. In 2022 event management moved from a Perth based company to a Broome based company (KSE), a decision that was strongly supported by Council. While organizational knowledge was lost in this process, the change will have lasting benefit to ensure that maximum local benefit is provided to local companies.

Shinju planning and budgeting processes were also negatively affected by the wider economic turmoil in Broome, which included; rapid price increases, lack of hospitality staff, lack of hotel rooms and accommodation, uncertainty about Covid-19 restrictions at the planning stage and the ongoing effect of several years of travel restrictions.

In 2022, Shinju recorded a deficit for the financial year of \$10,055. Notable differences year on year included that grant funding decreased (\$664k to \$600k). Shinju has received less grants each year for the past several years. See below table for the grants received from major sponsors since 2020:

	2020	2021	2022	2023
<b>Tourism Western Australia</b>	\$490,000	\$425,000	\$400,000	\$400,000
<b>Lotterywest (2023 unconfirmed)</b>	\$ 80,000	\$ 50,000	\$ 55,000	\$ 70,000
<b>Health Way (2023 unconfirmed)</b>	\$ 40,000	\$ 35,000	\$ 35,000	\$ 40,000
<b>Shire of Broome (2023 unconfirmed)</b>	\$130,000	\$104,000	\$110,000	\$ 97,500
<b>Horizon Power</b>				\$ 20,000
<b>Kimberley Development Commission</b>	\$ 40,000	\$ 25,000	\$ -	\$ -
<b>Department of Communications and the Arts</b>	\$ 40,000	\$ 25,000	\$ -	\$ -
	\$820,000	\$664,000	\$600,000	\$627,500

In 2022 the ticketed events (specifically the Long Table Dinner, Chinatown Feast and Jetty Dinner) were run at a loss. In 2023, Shinju has determined that they will:

- Reduce the number of Long Table events from two to one.
- Request new quotes from different suppliers, reducing all costs where applicable.
- Attract more new sponsors as naming rights and suppliers.
- Sell tickets earlier, so sell out chances are increased giving a greater chance at understanding the overall costs earlier.

Shinju will also be providing updated budgets to the Shire each month moving forward to show progress made on this.

There was also a discrepancy between the number of tickets sold and attendees, a case in point is the Lantern VIP event where tickets income was stated as \$29,727.26 – with tickets at \$150 each, this equates to 198 attendees. However, the acquittal states that there were 326 attendees (so approximately 115 missing paid tickets - once ticketing fees have been considered).

KSE explained the discrepancy was the result of people attending the events, who were owed tickets from the previous year and could not attend due to covid restrictions. Shinju therefore realized the income from the tickets in 2021, not in 2022 when the event was actually held. KSE have confirmed that this will not be an issue in future years.

To increase the ticketed income, Shinju Matsuri has also committed to following its gift policy and reducing the number of tickets gifted, having a set number of tickets allocated per sponsorship and reporting the percentage of gifted tickets at each event.

#### Multi-Year Funding Agreement Application

Shinju submitted a request for \$113,000 per year for three years. Shinju has requested support for the following expenses:

- \$30,000 for expenses paid to the Shire (venue hire, event permitting, fees)
- \$20,000 towards the purchase of assets (in 2023 this is furniture such as picnic tables and benches)
- \$63,000 towards expenses for delivering events at Town Beach and public events in Chinatown; such as fencing, security, site build, event management, event infrastructure, marketing, and advertising.

Shinju's application has the same financial request for 2024 and 2025 however the asset purchase would be determined at the start of each year.

Officers support Shinju's request for expenses towards events at Town Beach and the purchase of assets such as furniture, as the request is building on the success of Big Red and cementing Town Beach as the centre of Shinju Matsuri activity. With ongoing financial support, Shinju Matsuri's events at Town Beach will increasingly activate the area, bringing security, community and family to a central Broome location that has seen massive public investment over the last five years.

By centring support on the Town Beach expenses, it also focuses Shire support on the non-ticketed family and community events such as the opening ceremony, closing ceremony, Pets in the Park, Senior Citizens Morning Tea, LiveLighter activations and other community gatherings.

As part of the application process officers reviewed the budget for 2023, estimated event income and expected sponsorship of the event. The budget provided by Shinju meets the requirements of the CDF. KSE has said they expected forecasted expenses to reduce as they firm up suppliers, and that budgeted expenses were estimated high. This leaves them a contingency in case of unexpected expenses.

<b>Event</b>	<b>2023 Estimated</b>	
	<b>Expenses</b>	<b>Ticket &amp; Beverage Sales</b>
Opening Ceremony	\$77,167.45	
Carnival of Nations and Float Parade	\$95,596.62	
Chinatown Feast	\$201,096.03	\$ 34,000.00
Jetty Gala	\$201,096.03	\$ 59,700.00
Lantern Festival	\$202,396.02	\$ 41,720.00
Cable Beach Long Table Dinner	\$201,096.03	\$ 97,350.00
Art Exhibition	\$68,488.89	
Shinju Matsuri Hub (including Pets in the Park, Senior Citizens Morning Tea and LiveLighter activations)	\$116,234.36	
Closing Ceremony	\$93,996.02	

Shinju provided the draft program for 2023 as part of their application. There are more events being added to the schedule over the next few months as planning continues. KSE has however already confirmed that they will not be holding the Pearl Cup in 2023. The reasons given for not continuing with the event include the costs of insurance, the difficulties with road closures and the impact on local businesses by these road closures.

#### Funding recommendation

2022 was the first year that Shinju was fully invoiced for public space hire, and officers have determined that this will not be the process followed in 2023 due to the administrative complexity.

Instead, Shinju will be invoiced at the not for profit discounted rate for public venue hire. This 50% to 100% discount on public space venue hire (dependent on setting of fees and charges for the 2023/2024 budget and whether the event is ticketed or free), reduces expected overall Shire expenses to an approximate \$14,500. The \$14,500 is an estimate of the cost of all event fees, public space hire and renting the Civic Centre for the Shinju Art Exhibition.

Officers are recommending a two-year agreement which will align with the funding agreement Shinju Matsuri has in place with Tourism WA (expires 2024).

Officers are recommending the following allocations:

**2023/24**

Shire event expenses and venue hire: \$14,500

Purchase of fencing and furniture: \$20,000

Expenses towards delivering community and public events in Town Beach and China Town: \$63,000

**TOTAL 2023/24: \$97,500**

**2024/25**

Shire event expenses and venue hire: \$14,500

Expenses towards delivering community and public events in Town Beach and China Town: \$63,000

**TOTAL 2024/25: \$77,500**

The amount is reduced in 2024/25 because after two years of financial support to purchase assets (in 2022 and 2023) officers will be seeking a detailed plan of future asset purchases and how they will support the long-term financial sustainability of Shinju. Officers will also require reporting of the financial benefit received to date, before allocating more funding for assets.

**CONSULTATION**

Stream 3 of the CDF opened in early 2023 and closed 28 February 2023. Due to it being invite only, only Shinju Matsuri organisers received an application form. However, Streams 1 and 2 were heavily advertised, and at these times the process for becoming a PEARL event, and why Shinju Matsuri was being treated differently was explained to anyone interested. There were no concerns raised as the precedent of a PEARL event and the higher funding allocated to Shinju is well understood by event organizers.

Officers presented a public workshop in February 2023 that was attended by approximately 15 members of the public. An e-newsletter was emailed and published in the Broome Advertiser on 19 February 2023. Council staff also communicated directly with previous applicants and fund recipients and met with event programmers.

CDF applications were also advertised on Facebook, LinkedIn and on the Shire website.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995*

## 6.2. Local government to prepare annual budget

### 6.7. Municipal fund

(1) All money and the value of all assets received or receivable by a local government are to be held and brought to account in its municipal fund unless required by this Act or any other written law to be held in the trust fund.

(2) Money held in the municipal fund may be applied towards the performance of the functions and the exercise of the powers conferred on the local government by this Act or any other written law.

### POLICY IMPLICATIONS

The application was assessed under the new CDF guidelines.

### FINANCIAL IMPLICATIONS

The indicative 2023-24 budget for CDF is \$365,000 (subject to Council endorsement). There are two pre-approved projects that reduce the funding available to allocate:

- Broome Aboriginal Media Association (NAIDOC \$10,000k/year) and
- Broome Pride Inc– \$7,500/year.

If Shinju is funded at \$97,500 this will leave \$250,000 to be disseminated across Streams 2 and 3 in 2023. This is not significantly different from previous years.

The funding awarded will inform the final 2022-23 Municipal Budget.

### RISK

	<b>Risk</b>	<b>Type</b>	<b>Rank</b>	<b>Mitigation</b>
<b>Community dissatisfaction with allocations</b>	Perception the Shire is not maximising opportunity to support organisations providing social and economic benefits	Reputational	Medium	Shinju funding proposed for 2023-24 is in line with previous years allocations.
<b>Funding recipient dissatisfaction with allocations</b>	Perception the Shire is not maximising opportunity to support organisations providing social and economic benefits.	Reputational	Low	Guidelines have been put in place establishing eligibility criteria.

### STRATEGIC ASPIRATIONS

**People - We will continue to enjoy Broome-time, our special way of life. It's bursting with energy, inclusive, safe and healthy, for everyone**

**Outcome 4 - An inclusive community that celebrates culture, equality and diversity**

**Objective** 4.1 Grow knowledge, appreciation and involvement in local art, culture and heritage.

### **VOTING REQUIREMENTS**

*Simple Majority*

#### REPORT RECOMMENDATION:

*That Council:*

1. *Considers for inclusion in the Municipal Budget for 2023-2024 and allocation of \$97,500 (ex GST) from the Community Development Fund program to be made as cash payment for the delivery of the Shinju Matsuri Festival 2023;*
2. *Gives in-principle support to the allocation of \$77,500 (ex GST) in the 2024-2025 budget from the Community Development Fund to be made as cash payment for the delivery of Shinju Matsuri Festival 2024.*
3. *The agreements for funding will include, but not be limited to, the following provisions:*
  - A. *Shinju Matsuri providing to the Shire of Broome their gift policy for ticketed events and a sponsorship prospectus listing the number of tickets gifted per sponsorship allocation.*
  - B. *A detailed profit and loss break down for the event hub and all ticketed events.*

### **Attachments**

There are no attachments for this report.



**9.3.2 TOURISM ADMINISTRATION POLICY - 2023/24 APPLICATIONS**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ECI05
<b>AUTHOR:</b>	Economic Development Coordinator
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

Council is requested to review recommendations for funding through the Tourism Administration Policy for 2023/2024. Applications were sought from Broome Visitors Centre, Australia's North West Tourism and Cruise Broome.

**BACKGROUND**Previous Considerations

OMC 26 March 2020  
 OMC April 2021  
 OMC 18 November 2021  
 OMC 16 December 2021- 9.2.1

The Shire of Broome has established the Tourism Administration Policy 3.4.9 (**TAP**) to support the tourism sector. The TAP guides Council's role within the tourism industry, including the extent of Council's direct financial assistance to tourism initiatives. The objective of TAP is to realise the benefits from tourism, promote coordination, infrastructure sharing opportunities and integration of tourism with other business sectors to optimise benefits and minimise any adverse impacts to the community and other industries.

Broome Visitors Centre (**BVC**), Australia's North West Tourism (**ANW**) and Cruise Broome are organisations whose mandates align with the objectives of funding as per the TAP. BVC provides visitor servicing, ANW works collaboratively to provide destination marketing for the Broome local government area (and the wider North West) and Cruise Broome responds to the opportunities offered by cruise shipping.

A detailed overview of the TAP was provided to Council at the Ordinary Meeting of Council 16 December 2021 and the TAP policy was reviewed in early 2021. Funding for the BVC was reviewed by Council at the 18 November 2021 OMC. BVC presented to Council at a workshop held 7 February 2023.

**COMMENT**

All three organisations were sent the TAP application forms in November 2021. The deadline to apply was extended several times, due to the extensive flooding event which seriously impacted ANW's and BVC's operational capacity.

There has not been an acquittal process as the funding agreements have not ended, they are still in progress. Also, for the BVC, annual reports and financial statements have yet to be finalised as per their normal Annual General Meeting and auditing calendar schedule.

### Cruise Broome

Cruise Broome was emailed the TAP application on 22 November 2022, 7 February 2023 and 28 February 2023. This was followed up with phone calls and a meeting 22 December 2022 (primarily this meeting was about traffic management, but the TAP application was also requested). The application was also sent to different people within the organization, who responded they had received it. No completed application was received, and therefore Cruise Broome have not been assessed for funding in the 2023/24 financial year.

### Australia's North West Tourism

Australia's North West Tourism (**ANW**) is the peak tourism body for the Pilbara and Kimberley Regions of Western Australia. It is a not-for-profit organisation, funded by a combination of membership fees and support from Tourism WA, local governments and other stakeholders. ANW are a designated (Regional Trade Organisation **RTO**) which makes them the regional Tourism conduit to the State Government through Tourism WA (**TWA**). ANW are led by a Board of both elected members and skills-based directors.

ANW is funded to provide destination marketing in both international and domestic markets for the Kimberley and Pilbara regions. ANW is one of five tourism regions in WA equally funded by Tourism WA, and staff are based in Broome, where they have an office.

ANW's partnership with TWA provides them access to market research and travel demographics for Broome as well as access to advertising audiences built up through TWA's intrastate advertising in 2020 and 2021. ANW also uses collaborations with industry partners, such as Webjet, to allow them to leverage matched or multiplied levels of funding.

In their application, ANW has requested \$40,000 per year, for three years. This is in line with what they received in 2022/23 but is significantly reduced from what they received in prior years. ANW have offered the following Key Performance Indicators (**KPI**) to measure the impact of the Shire's contribution:

<b>KPI</b>	<b>Measurable Outcome</b>
Maintain levels of visitor numbers to Broome	<ul style="list-style-type: none"> <li>TWA Visitor Statistics for 23/24 available Sept 2025</li> <li>TWA Economic Contribution of Tourism report for 23/24 available July 2025</li> </ul>
<b>Targeted intrastate tactical campaign to stimulate visitation to Broome during the shoulder season;</b>  <b>Funding requested: \$40,000</b>	<ul style="list-style-type: none"> <li>In market to meet optimal booking period for the shoulder season</li> <li>Leverage ANW funding with contribution from tactical partner(s)</li> <li>Economic impact assessment of bookings generated by the campaign; this will be compiled in collaboration with the TWA Research &amp; Insights team.</li> <li>Increase reported accommodation occupancy rates (<i>rates provided in application</i>)</li> </ul>

Leads to ANW members – Broome.  <b>No funding requested</b>	<ul style="list-style-type: none"> <li>• Launch new ANW website early FY 23/24</li> <li>• Measure 1) views of member information 2) clicks to members websites/email/phone/social media year on year.</li> <li>• Increase leads to ANW members in Broome region through combination of SEO work on organic traffic, referrals from social media and paid campaigns.</li> </ul>
Support local events.  <b>No funding requested</b>	<ul style="list-style-type: none"> <li>• Number of events sponsored.</li> <li>• Website visits and referrals to events members and sponsored events</li> <li>• Emails to 45K subscribers featuring events members and sponsored events</li> <li>• ANW to use existing assets.</li> <li>• ANW to leverage ongoing marketing activity and digital audiences to deliver referrals to local events.</li> </ul>
Promotion of Shire initiatives that enhance the visitor experience.  <b>No funding requested</b>	<ul style="list-style-type: none"> <li>• New website features and highlights initiatives in Chinatown, Town Beach and Cable Beach, as well as Broome app</li> <li>• Campaign activities include initiatives.</li> </ul>

The focus on the intrastate campaign (rather than interstate or international) is in line with the agreement ANW has with Tourism WA and Tourism Australia. ANW also has a role in advocating to TWA and Tourism Australia to market Broome in the interstate and international markets.

Shire's support of ANW's marketing strategies may benefit Broome by increasing awareness, desire, motivation and action to travel to Broome for a holiday and encouraging longer visitation by promoting a diverse range of unique to Broome product, attractions, deals, offers and events. Focusing marketing efforts on the shoulder season serves Broome businesses by increasing visitation at a period where accommodation is typically under-booked.

Officers are recommending ANW's application be funded. As well as providing support to local tourism businesses who rely on marketing to attract new visitors, Shire of Broome has an important seat at the table in terms of ensuring that the local government area is actively marketed and in ways that support the Shire's long-term community and economic interests.

There is also substantial evidence to suggest that destination marketing is critical to the success of tourism, and that the aftereffects of Covid-19 and border restrictions continue to be felt, and that the impact of ex-TC Ellie might also further negatively affect the sector.

ANW also provides value, as typically, the more that the Shire puts in, the more it will get in return. Shire funding is also used for specific campaigns that benefit Broome, and the funding can be leveraged.

### Broome Visitor Centre

The Broome Visitor Centre (**BVC**) is a not-for-profit organisation established to assist people to plan, book and make the most of their visit to Broome and comprises a Board, which includes an elected representative from the Shire of Broome, with its primary activity being the running and operation of the BVC. The BVC have requested Shire funding of \$250,000 per annum over a 3-year commitment, which is financially inline with what they received in 2022/23.

### BVC Value

BVC demonstrated value during Covid-19 by being an important conduit for local information, and this was demonstrated again during the recent flooding event of X-TC Ellie and the impact it had on tourism. BVC is the conduit to which the State government has supported Kimberley tourism businesses with \$1 million in vouchers for reduced tours and travel.

In 2022, Broome received 219,000 visitors and more than 57,000 visitors came into the visitor centre. Thousands more inquiries came by way of phone, email and through the BVC's website chat feature.

The *Value of Visitor Servicing Report* commissioned by TWA also outlined the economic benefit a strong, vibrant, and professional Visitor Centre provides in growing the local community.

The BVC Business Plan has been focused on six core objectives that the BVC Board uses to measure the performance of the organisation, to ensure that it continues to support regional tourism and the local economy. The objectives are;

1. Maximise the services provided to visitors to Broome and industry members;
2. Increase sales of member product;
3. Focus on visitor servicing;
4. Maintain industry representation and development;
5. Working on destination marketing;
6. Product development / cultural and indigenous tourism and support and event management and production.

As part of their application for funding, BVC have committed to:

- Continue to acknowledge the Shire appropriately for its contribution.
- Promoting events and Shire activities.
- Engage with key stakeholders (Tourism Council, Visitor Centres of WA, ANW etc)
- Promote Broome's image by working with Kullarri Patrol, Police and other community groups to improve Broome's first impression.
- Further secure and grow the revenue stream through commissions from online bookings, including in accommodation, tours, events and care hire.
- Source grants and additional commissions.
- Increase distribution and growth of the Broome Visitor Guide.
- Work with local retailers to improve online retail avenues.
- Improve digital technologies, including self-booking.

### Financial Sustainability

This agenda item is not an acquittal, as the current agreement ends after financial year 2022/23 and the 2022 financials will be presented at the BVC Annual General Meeting **(AGM)** in May. However, an assessment of BVC's actions to support sustainability and future KPI commitments can be reviewed as part of an assessment on future funding. Further, BVC can be assessed as to how they have actioned any requests from Council when they last applied for funding. Motions from the November 2021 meeting are copied below:

### **COUNCIL RESOLUTION**

**(REPORT RECOMMENDATION)**

**Minute No. C/1121/023**

**Moved: Cr P Taylor**

**Seconded: Cr D Male**

**That Council:**

1. **Acknowledge the operational actions undertaken by the Board and Management of the Broome Visitor Centre to maintain the financial position of the Broome Visitor Centre over the course of 2021;**
2. **Enter into a 2-year funding agreement with payment of up to \$250,000 (ex GST) in each year of the agreement, comprising of an initial instalment of up to \$125,000 (ex GST) paid in November, and a second instalment of up to \$125,000 (ex GST) paid in April, dependant on the financial position of the Broome Visitor Centre at that point in time, conditional on the terms contained in point 3 below;**
3. **Requests the Chief Executive Officer to advise the Broome Visitor Centre that the allocation of funding assistance outlined in point 2 above is conditional on the Broome Visitor Centre:**
  - (i) **providing Council with unfettered access to its financial statements and position with the following documents, and any other financial and operational documents required, provided on request:**
    - **Trial Balance;**
    - **Profit and Loss;**
    - **Multi Period Profit and Loss from the start of the calendar year;**
    - **Aged Debtors and Trade Creditors Listing;**
    - **Australian Tax Office Statements;**
    - **Bank Statements;**
    - **Broome Visitor Centre visitation statistics including door count; and**
    - **Annual Audited Financials.**
  - (ii) **actively and co-operatively participating in progressing recommendations to review operations with a view to reducing required floor space to facilitate future co-location options;**
  - (iii) **maintaining a focus on minimising operational expenses;**
  - (iv) **ensuring that employee expenses more accurately reflect monthly revenue generation based on actual and historical financial information;**
  - (v) **targeting membership revenue collection in the first 2 months of the calendar year, to offset losses experienced in the tourist off season.**
4. **Requests the Chief Executive Officer executes an agreement with the Broome Visitor Centre reflecting points 2 and 3 above and provides biannual updates to Council through future Council workshops.**

- 5. Notes the financial analysis undertaken has some basic limitation, including**
- a. Results are based on past performance, not future;**
  - b. Future COVID-19 restrictions to travel are unknown and continually changing; and**
  - c. Future visitation to the region is difficult to predict in the current economic climate.**

**CARRIED BY ABSOLUTE MAJORITY 5/2**

Following the November 2021 OMC, officers have been working closely with staff and Board representatives from the BVC to action the resolutions. Officer's review of the monthly financial statements has not uncovered any significant concerns. Operations appear to be tracking in line with previous estimations. BVC provided all documentation, as per the Council's request.

BVC has also committed to cutting expenses and overheads internally, monitoring staffing levels and broadening its membership base. BVC is also engaging with more smaller businesses. The Horizon power account is now in the BVC's name and on the C2 Tariff. Every six months the Shire invoices BVC outgoings relating to the tenancy. The Broome Community Resource Centre is also now located next to the BVC.

As per section 3 (iii) of the motion; Council requested BVC reduce required floor space in order to facilitate co-location. BVC's lease terms permit them to sublease a portion of the facility with revenue generating potential (co-location, additional businesses, events, meetings etc.)

In previous years, Shire had requested that ANW and BVC collocate, however this has not eventuated and ANW has secured its own separate offices. Western Australian Indigenous Tourism Operators Council (WAITOC), another potential tenant of the BVC, is also now co-locating with ANW.

After several years of working with BVC on the co-tenant issue, officers now consider that continuing to advocate for BVC to reduce floor space and find a co-locating tenant is a waste of officer resources. While it is recognized that the BVC does have a substantial amount of floor space, BVC has not found a suitable tenant for the space and is unlikely to do so. If a prospective tenant does become available, officers will then support that co-location opportunity as much as they are able.

#### Lease

The Shire's Property and Leasing team are currently considering the lease of the building by BVC for Council's consideration in the near future.

#### BVC Recommendation

Officers are recommending Council support the BVC's request of \$250,000 per year for two years. Every six months (prior to payment), officers will review BVC's financial statements to determine need. A multiyear agreement will provide certainty to BVC staff, Board and membership and reduce the administrative load of an annual application process.

#### Ad Hoc Tourism Initiatives

At the OMC 16 December 2022 Council decided to allocate \$30,000 in the budget to allow for Ad Hoc applications in accordance with TAP provisions. In 2022/23 to date, \$20,000 of this has been spent on two separate agreements. The Chief Executive Officer (**CEO**) has authority to approve applications up to \$10,000 and this was granted with:

- \$10,000 sponsorship of the Stompem' Ground festival (Midnight Oil), and
- \$10,000 sponsorship of Cinefest Oz Broome.

The last \$10,000 will be allocated as per TAP guidelines or returned to municipal funds.

The ad hoc grant process provides a unique opportunity for the Shire to support unexpected events or initiatives that fall outside other funding guidelines. It allows the Shire to be more flexible and respond to opportunities that arise, while reducing the administrative burden of requests on Council and/or budget amendments. Therefore, officers are recommending that Council allocate \$30,000/year for the next three financial years to Ad Hoc Tourism initiatives.

## CONSULTATION

The Director Development services has discussed Singapore flights with Broome International Airport, the Kimberley Development Commission, and ANW. No next steps have been identified at this stage.

Cruise Broome, ANW and BVC were consulted with as part of this application review process.

## STATUTORY ENVIRONMENT

Council has the right to grant funding and develop procedures to award such funding.

## POLICY IMPLICATIONS

Assessed in accordance with the TAP.

## FINANCIAL IMPLICATIONS

Differential rating is applied to Commercial and Tourism rated properties in Broome to raise funds for the financial support offered under the TAP.

The TAP policy does not provide guidance or include recommended budget allocations. Budget allocations are made by a decision of Council.

Cruise Broome's allocation of \$40,000 per year will not be added to the budget request, meaning a total request for TAP in 2023/24 is: \$320,000. This is a reduction from \$360,000 in 2022/23.

- ANW – \$40,000
- BVC - \$250,000
- TAP Ad Hoc \$30,000

## RISK

Option	Risk	Type	Rank	Mitigation
Community dissatisfaction with allocations	Perception that Shire process for providing funding is not fair and equitable	Reputational	Low	Allocations are at the discretion of Council.

Funding recipient dissatisfaction with allocations	Perception that Shire is not maximising the opportunity to support organisations providing social and economic benefits.	Reputational	Low	Organisations will be granted what they requested, and Cruise Broome had ample opportunity to apply or meet with Shire staff to discuss reasons for not applying.
Poor return on investment	Services provided do not meet industry and visitor requirements	Financial	Low	If successful, the applicant to provide regular update reports. Once the agreement is finalised, it will be acquitted.
Funding recipient doesn't make any changes to business operating model	Ongoing reliance on the Shire to provide funding to maintain service levels	Financial	High	BVC has demonstrated that it will need to be continually supported at \$250k/year. BVC has demonstrated some willingness to change to date. Except for reducing floor space of its main visitor area.  If support is reduced, the risk is that the BVC will no longer operate.

## STRATEGIC ASPIRATIONS

**Prosperity - Together, we will build a strong, diversified and growing economy with work opportunities for everyone.**

**Outcome 9 - A strong, diverse and inclusive economy where all can participate**

**Objective** 9.1 Increase Broome's domestic and international trade in tourism, agriculture, aquaculture, minerals and energy, culture and the arts, and other emerging industries.

## VOTING REQUIREMENTS

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. Consider for inclusion in the Municipal Budget for 2023/2024 and 2024/2025 the allocation of \$40,000 (ex GST) in each year to Australia's North West Tourism and enters into a funding agreement with the following conditions:

- (a) Written confirmation of Tourism WA financial support to Australia's North West Tourism.



*(b) Operational and financial updates are provided to the Shire of Broome every six months (or as requested) to monitor the impact on Broome's tourism sector and approach to destination marketing.*

- 2. Consider for inclusion in the Municipal Budget for 2023/2024 and 2024/2025 the allocation of \$250,000 (ex GST) in each year of the agreement to the Broome Visitor Centre and enters into a funding agreement with the following conditions;
  - a) Payments are to be made of up to \$125,000 (ex GST) paid in November, and a second instalment of up to \$125,000 (ex GST) paid in April, dependant on the financial position of the Broome Visitor Centre demonstrating a need for financial support at that point in time.**
- 3. Consider for inclusion in the Municipal Budget for 2023/2024 and 2024/2025 the allocation of \$30,000 (ex GST) for Ad Hoc funding for further applications through the Tourism Administration Policy.*
- 4. Reserves the right to withdraw or increase funding should the need to respond to economic impacts or disruptions.*

**Attachments**

Nil

## 9.4 PERFORMANCE

### 9.4.1 BROOME SURF LIFE SAVING CLUB LEASE AND SELF SUPPORTING LOAN

<b>LOCATION/ADDRESS:</b>	Reserve 36477 Cable Beach
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	RES 36477.1.2; LSS068
<b>AUTHOR:</b>	Director Infrastructure
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Infrastructure
<b>DISCLOSURE OF INTEREST:</b>	Impartiality – Family member BSLSC

#### SUMMARY:

The Broome Surf Life Saving Club are redeveloping the existing clubroom facility. The redevelopment requires further funding to address an unforeseen structural issue with the basement's suspended slab. The Broome Surf Life Saving Club have requested assistance from the Shire through an increased self supporting loan facility.

Furthermore, at the Special Meeting of Council held 21 December 2021 it was resolved to have a new lease negotiated prior to the opening of the redeveloped clubrooms. The report seeks Council's consideration of the key terms for a new Lease for the premises to replace the current Lease which expires in February 2026.

## BACKGROUND

### Previous Considerations

OMC 21 December 2004	Item 9.4.1 (Lease Granted for 21 years)
OMC 25 August 2016	Item 9.2.8
OMC 15 December 2016	Item 9.2.4
OMC 7 September 2017	Item 9.1.2
OMC 30 August 2018	Item 9.1.1
OMC 21 November 2019	Item 9.1.3
SMC 21 December 2021	Item 6.1

The Broome Surf Life Saving Club (BSLSC) are a community non-for-profit group who provide education and training in life saving to its members and other community groups and individuals as well as delivering the surf life saving patrol service on Sundays from April to October.

The BSLSC has a community lease with the Shire of Broome (the Shire) for the premises located on part of Reserve 36477. The lease is a peppercorn lease and is due to expire on 1 February 2026.

For more than a decade the BSLSC have progressed the redevelopment of the surf club building. The BSLSC have sought letters of support, prepared business cases, prepared detailed design and obtained funding for the redevelopment. In 2020 the Shire of Broome agreed to provide in-kind support for the redevelopment by taking on the role of Project Manager.

In 2021 the Shire of Broome released a request for tender for the redevelopment. At the Special Meeting of Council held 21 December 2021 Council resolved to accept the tender provided by Colin Wilkinson Developments Pty Ltd and to provide a total self supporting loan (SSL) of \$690,746 to the BSLSC to finalise the funding required to enter into the construction contract. The SSL amount was an increase to an existing approved SSL from 21 November 2019 of up to \$300,000.

Source	Secured
Lotterywest	\$1,850,000
Kimberley Development Commission	\$300,000
Dept of Local Govt, Sport & Cultural Industries (CSRFF)	\$275,000
Broome Surf Lifesaving Club	\$500,000
Self-supporting loan – approved OMC 21 Nov 2019	\$300,000
Shire of Broome – OMC 15 Dec 2016	\$76,116
Shire of Broome – OMC 21 Nov 2019	\$275,000
Shire of Broome – Bridge upgrade	\$75,000
Shire of Broome – in kind fee waver – SMC 21 Dec 2021	\$20,338
Self-supporting loan – approved OMC 21 Dec 2021	\$390,746
<b>Sub total</b>	<b>\$4,062,200</b>

Following demolition of the existing building in February 2022 and before commencing construction on the new building concerns were raised by the builder regarding the structural condition of the existing suspended slab over the storage area. In discussion with the Laird Tran Studios (architect and superintendent) and Pritchard Francis (structural engineers), it was decided to inspect the suspended slab with targeted core drilling and scanning.

In April 2022 the Shire received the inspection report which identified a potential issue with some of the reinforcing being different in size and location to the original design. Following further engineering analysis, the structural engineer determined that strengthening works would be required to the suspended slab to allow it to safely take the design load of the new building.

To allow construction to progress whilst the final design solution was being determined the suspended slab was propped to safely take the construction loads.

From May 2022 to September 2022 several design solutions were investigated and discussed between the superintendent, structural engineer, the builder and the BSLSC. Eventually in September 2022 a decision was made to go with a structural steel solution to the underside of the suspended slab. The structural steel solution was costed by the builder as a variation to the contract at approximately \$330,000. This amount was greater than the available project budget and contingency. With no other funds available the BSLSC require an increase to the SSL amount to complete the strengthening works.

Further to the aforementioned funding issue, there have been extended lease negotiations occurring with the BSLSC over several months. Council have sought for the lease to be renewed prior to occupancy of the new building. As a minimum, the lease term requires extension to align with the term of the SSL plus two years in accordance with Council's Self Supporting Loans(the Policy). This determines the new lease shall be at least 18 years.

## COMMENT

This agenda item recommends two key items to Council;

1. Endorsement of the key lease terms for a new BSLSC lease and seeks authorisation for the Chief Executive Officer to finalise the lease documents; and
2. Approval to increase the SSL for the BSLSC to up to \$1,000,000

Both of the above are mutually inclusive in that the provision of a SSL should not occur if the BSLSC and the Shire are not going to enter into a new lease.

#### Lease Process / Interactions

The current lease for the BSLSC expires 1 February 2026. At the Special Meeting of Council held 21 December 2021 the Shire approved the BSLSC for a SSL and requested the Chief Executive Officer to renegotiate the Broome Surf Life Saving Club.

Lease to coincide with the completion of the redevelopment. The reason for requesting a new lease is that the Policy stipulates that the lease must have an expiry date at least two years post the expiry of the loan.

To enter into a new lease the BSLSC will need to relinquish the current lease. This will need to be done formally and presented to the Minister for Lands for approval with the new lease agreement.

Shire officers commenced lease discussion with the BSLSC in September 2022. An initial meeting was held with the committee members to explain the Shire's approach to leasing. At the meeting several items were discussed including;

- Timing for presenting a lease to Council;
- Proposed lease area reduction;
- Building maintenance by BSLSC;
- Building ownership by Shire;
- Building insurance; and
- The broader Cable Beach Foreshore Redevelopment Project.

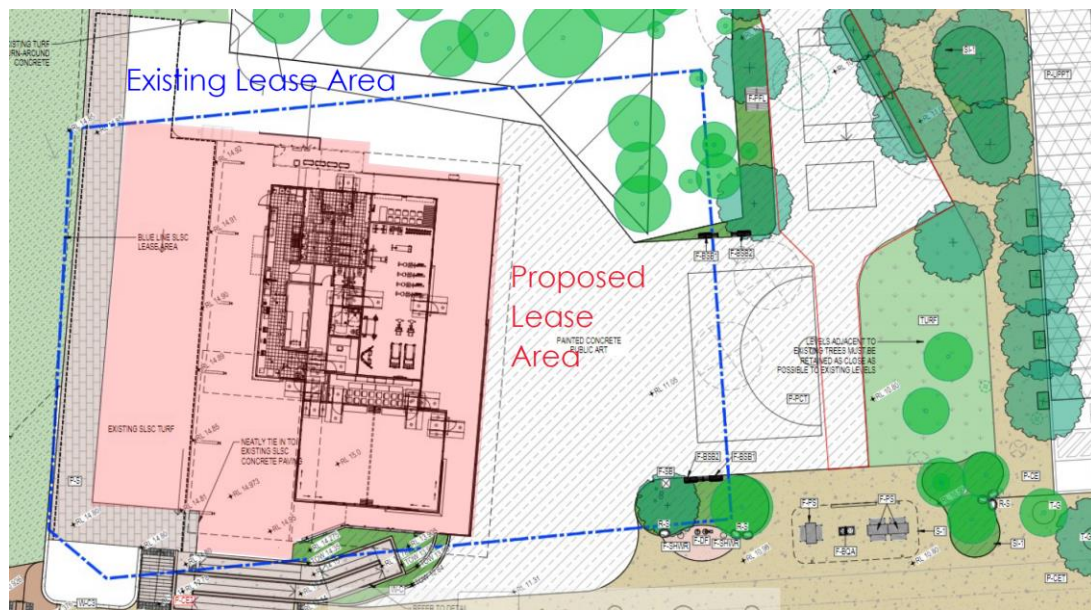
Following the meeting an email summary was sent along with a lease template for the BSLSC to review and revert with comments. Shortly after another email was sent to succinctly clarify that the Shire owns the building and why ownership of the building would be retained.

From September 2022 to November 2022 there was no progress on the lease. The BSLSC were pursuing their support for sand volleyball courts at the rear of the surf club building, and the lease was not deemed a priority. On 31 November 2022 a meeting was held with the BSLSC committee, the Shire's Chief Executive Officer, Director Infrastructure and Special Projects Coordinator to clarify questions about the Cable Beach Foreshore Redevelopment, sand volleyball courts, building ownership and the proposed lease area.

During the meeting it was clearly explained to the BSLSC that community consultation had occurred (over a 6 year period) and that the concept for the youth space at the rear of the surf club was a result of that community consultation, and that the youth space would provide greater benefit to the community and deliver better amenity and project outcomes than sand volleyball courts. It was also reiterated that the building is a Shire asset and that the Shire would not have agreed to provide support and funding to the BSLSC for the redevelopment unless the building remained a Shire asset.

Finally, the lease area was discussed with the Shire explaining that the proposed reduced lease footprint would provide sufficient space for the BSLSC activities as well as maximise use of the reserve for the broader community. The revised boundary also addresses

anomalies in the current lease area such as the Monsoonal Vine Thicket and public footpaths.



Despite meeting with the Shire on several occasions the BSLSC continued to assert and contend their ownership of both the previous and redeveloped building.

On 16 December 2022 the Shire President, Chief Executive Officer and Director Infrastructure met with the BSLSC Chairperson and two other committee members. While acknowledging the significant contribution made by the BSLSC in developing the asset, it was made clear that the BSLSC's assertion of building ownership is incorrect and will not be considered and that the lease area presented is the best overall outcome for the Broome community. At the end of the meeting, it was reiterated to the BSLSC that the lease should be the primary focus of the BSLSC committee moving forwards.

In January 2023 a detailed letter was provided to the BSLSC committee detailing why the building asset remains with the Shire and highlighting that on multiple occasions when seeking Shire support the BSLSC acknowledged the building is and will remain a Shire asset. In January 2023 the BSLSC acknowledged that the building is and will remain the property of the Shire.

On 19 January 2023 the Shire received the first complete set of feedback on the proposed lease. The feedback was thorough and expressed clear points of concern for the BSLSC, specifically;

- Lease area reduction and access by the BSLSC;
- Lifecycle Plan and Sinking Fund;
- Building maintenance by BSLSC not agreed;
- Termination Clauses;

### Lease Area

The BSLSC were concerned that the proposed new lease area did not provide them certainty of access to the storage area and to the licenced area at the top of the dune. Shire officers re-assured the BSLSC that access will be provided at all times, and that the lease wording can be amended to provide certainty of access.

The draft lease wording is presented as;

Access	<p>(a) During the Term, the Landlord grants a non-exclusive licence to the Tenant and the Tenant's Permitted Persons to access reasonable areas of the Land (as notified by the Landlord from time to time) (<b>Licence Area</b>) to allow the Tenant to access the Premises for the Permitted Use (<b>Licence</b>).</p> <p>(b) The Tenant must only access the Licence Area for the purposes set out in Special Condition 3(a), and comply with, and use reasonable endeavours to ensure the Tenant's Permitted Persons comply with, the Landlord's directions in respect of the Licence Area and all laws and requirements of any relevant authority.</p> <p>(c) The Tenant must ensure appropriate safety measures are put in place when accessing the Licence Area, so as to minimise the risk of loss of property or injury to any person.</p> <p>(d) The Tenant is responsible for and must make good any damage or change to the Land caused by the Tenant or its Permitted Persons in exercising its rights under the Licence.</p> <p>(e) The Landlord must not without the prior consent of the Tenant (such consent not to be unreasonably withheld), place any thing which does or is likely to prevent or hinder the Tenant in exercising its rights and privileges under the Licence or accessing the storage areas.</p>
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#### Lifecycle Plan and Sinking Fund

The BSLSC advised they do not want to commit to a sinking fund for structural and non structural maintenance of the building and believe it would place too much financial pressure on them as a volunteer based community group. The BSLSC have prepared a draft budget and have allocated \$20,000 in 2023 to building maintenance but do not believe they can afford the estimated \$85,000 per annum required to adequately service the sinking fund.

Shire officers have reviewed the BSLSC draft budget (**Attachment 1**) and likewise have concerns that in the first few years of operation the BSLSC would not be capable of allocating funds into the sinking fund if the draft budget is accurate.

As a way of allowing the BSLSC to establish their financial position Shire officers are proposing a special condition clause in the lease which allows the sinking fund requirements to be nullified for the first three years of the lease. After three years the BSLSC would have a series of audited financial statements including the operation of the redeveloped building and at that time a further assessment can be made as to the requirements of the sinking fund moving forward. This approach also allows the BSLSC to consolidate its financial position and have some funds in their operating accounts.

The draft lease wording is presented as;

Sinking Fund	<p>(a) Notwithstanding clause 6.8(a), the Tenant is not required to pay any monies into the Sinking Fund (Sinking Fund Exemption) for the first 3 years of the Term, or such later date as the Landlord determines under Special Condition 1 (b).</p> <p>(b) The Landlord and the Tenant will consider the financial statements of the Tenant following the third anniversary of the commencement date of this lease, and the Landlord will determine (acting reasonably) whether the time period for the Sinking Fund Exemption ought to be extended for another year.</p>
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	<p>(c) If the time period for the Sinking Fund Exemption is extended under Special Condition 1 (b), the Landlord and the Tenant will consider the financial statements of the Tenant 1 year after the date of the extension, and the Landlord will determine (acting reasonably) whether the time period for the Sinking Fund Exemption ought to be extended for another year. This process will be repeated annually until the Landlord determines that the Sinking Fund Exemption no longer applies.</p> <p>(d) The Tenant must provide complete and accurate financial statements to the Landlord as reasonably necessary for the Landlord to make a determination as to whether the Sinking Fund Exemption should apply.</p> <p>(e) For the avoidance of doubt, this Special Condition 1 does not affect the Tenant's obligation to prepare a Lifecycle Plan in accordance with clause 6.9.</p>
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Also, as a way of assisting the BSLSC, Shire officers recommend that the Shire provide in kind support from our Building and Asset Coordinator to prepare the lifecycle plan. This is an asset management document and it would be onerous for the BSLSC committee to develop this plan whilst re-establishing its operations.

For comparison it should be noted that the Shire and Broome Golf Club has agreed on the inclusion of the lifecycle plan and sinking fund clauses in the Broome Golf Club lease and that the Broome Golf Club have been able to make sufficient contributions to the Broome Golf Club sinking fund.

#### Breach and Termination

The other key concern of the BSLSC is the inclusion of a clause for Breach and Termination of the lease. This clause must be retained as it provides assurance to the Shire that should the BSLSC become insolvent or breach the Loan Facility Agreement the Shire can take possession of all or any part of the premises. This would allow the Shire to consider other leasing options for the building to cover any expenses relating to the outstanding loan amount.

#### Lease Term

Subject the Minsters approval the Shire has the power to lease for a period of up to 21 years. Shire officers are proposing that the lease term be eighteen (18) years commencing April 2023 and ceasing March 2041.

An eighteen year lease term is proposed as it meets the requirements of the Policy as its two years post the SSL completion.

This would be a suitable time to renegotiate the lease as the BSLSC would have repaid the SSL entirely.

#### Public Toilets

At the Ordinary Meeting of Council held 21 November 2019 the Shire acknowledged the re-design of the building to include toilets that were accessible from the outside and able to be used as public toilets outside of BSLSC operating times and thus reducing the need for the Shire to provide additional facilities at the Cable Beach reserve. This formed part of the justification of the \$275,000 cash contribution towards the redevelopment at that time.

The Shire acknowledges that there will be operational costs to the BSLSC for daily cleaning of the toilets, which in a similar (but slightly larger) facility in the precinct costs the Shire approximately \$2,800 per month. The Shire has recognised this when considering the rent for the new lease.

The provision of public toilets will be conditioned within the new lease.

### Rent

The Shire has traditionally offered community leases at peppercorn rent. The Shire's most recent negotiated community leases for the Kimberley Arts Network and the Broome Golf Club are both set at peppercorn rent at \$1.00 per annum.

At officer level there has been discussion and consideration in regard to the BSLSC's ability to generate significant revenue from the redeveloped premises and what that revenue will fund. Currently the Shire provides Surf Life Saving patrols on Mondays to Saturday from April to October at a cost of approximately \$300,000 per annum. The Shire also provides landscaping and maintenance at the reserve for public use and amenity. Given the high cost of providing these services officers considered whether the rent of the premises should increase to cover some of the Shire's operational costs at Cable Beach.

To understand what occurs at other regional locations Shire officers approached other local government authorities to find out what arrangements are in place with their local surf life saving clubs. Shire officers found that there are a variety of uses for the surf life saving club buildings across the state from clubroom only to clubroom plus café to clubroom plus bar to clubroom plus café and bar. For all the local government authorities we approached no surf life saving clubs were found to be paying commercial rent.

When considering rent officers also considered the contribution the redeveloped BSLSC makes to the activation of the southern portion of the reserve. The contribution was seen to be significant given the clubroom is situated in a key location and will cater to locals and visitors all year round. The clubroom also offers public toilets and the club itself offers training and beach activities for the community and its members.

Therefore, it is proposed that the rent be peppercorn rent set at \$1.00 per annum for the term of the lease.

In summary the key lease terms being presented for Councils approval are as follows;

<b>Lease Term</b>	18 years
<b>Rent</b>	A peppercorn rent Lease of \$1 per annum
<b>Outgoings</b>	Tenant to be responsible for all outgoings
<b>Legal Costs</b>	Tenant to be responsible for the cost associated with preparation of the lease (standard approach)
<b>Parks and Garden Maintenance</b>	Shire to maintain parks and gardens around the building
<b>Public Toilets</b>	Toilets to be accessible to the public
<b>Special Condition – Sinking Fund</b>	A special condition be included within the lease deferring the sinking fund obligation for a minimum of three years and until the club can demonstrate financial capacity to meet the obligation;

### Self Supporting Loan Considerations



Council's Self Supporting Loans (SSL) policy establishes the principles and constraints for the utilisation of Shire borrowings to finance SSL's for community-based organisations currently leasing or occupying land or buildings vested in the Shire.

The SSL policy outlines Council's requirements in relation to eligibility for SSL consideration. The SSL policy further states that the Shire will only provide access to a SSL when the Shire's financial circumstances permit and in exceptional circumstances.

Under the SSL policy, provision of a SSL by the Shire is subject to sound financial risk mitigation safeguards which include but are not limited to:

- The financial position of the Shire;
- Prevailing budget circumstances;
- Forecast funding requirements for municipal funds and capital projects;
- Competing demands for funds, debt financing structure;
- Eligibility of the requesting organisation and the ability of the requesting organisation to repay borrowings; and
- The capacity of the Shire to borrow.

Officers have assessed the BSLSC's SSL application utilising Council's SSL Policy and its associated Business Operating Procedures. This report summarises the results of the officer review.

Council should note that some considerations assessed in the agenda item tabled with Council on both 21 November 2019 and 21 December 2021 remain relevant. The assessment below provides additional detail and context to those agenda items where appropriate.

#### Eligibility

Council's SSL Policy is satisfied where:

1. The applicant is a community-based organisation that leases or occupies land and/or buildings owned or vested in the Shire.
2. The application is not for operating expenses and instead for the construction of capital assets to improve the facilities for use in connection with the activities of the organisation.

The BSLSC is an incorporated, not for profit community organisation delivering lifesaving and associated services. The Club's constitution has not changed since Council assessed the initial SSL application in November 2019 and as such the Club's objects and functions remain the same.

Information regarding eligibility previously presented to Council in November 2019 remains relevant; the Club continues to lease property and occupy land owned or vested in the Shire, with the SSL funding to be used to deliver capital infrastructure to improve facilities of the Club.

Based on the information available, officers are satisfied that the BSLSC application meets the policy eligibility criteria.

#### Term of Loan

The cash outlay of the proposed SSL comprises the interest and principal repayment. The interest rate to be charged by Western Australian Treasury Corporation (WATC) and the resulting periodic loan repayment are primarily influenced by the term period of the loan. Prior to making any assessment, the acceptable term of the loan must be determined.

Council's SSL Policy states that:

1. The term of the loan should not exceed the term of any existing lease agreement.
2. The term of the loan should be less than or equal to half the estimated useful life of the capital asset to be obtained or acquired.
3. The recommended maximum term for loans greater than \$100,000 is 15 years.
4. The maximum loan amount to any one applicant should not exceed \$300,000 unless approved by Council for a higher amount.
5. The level of consolidated self supporting assistance to groups in any one year may not exceed the annual repayment of principal and interest of more than 0.5% of rates revenue (Indebtedness Ratio, noting that this is not a ratio considered by the WATC).

The BSLSC has a 21-year lease over the Surf Club property, due to expire in February 2026. Officers are recommending that the Shire enter into a new eighteen-year lease commencing in April 2023.

To meet the budget shortfall the BSLSC requires at least an additional \$155,713 to their already approved \$690,746 SSL; a total SSL of \$864,459. This exceeds the \$300,000 maximum amount recommended in the SSL policy. For the purposes of this report officers have assessed and are recommending Council approve the BSLSC for a SSL of up to \$1,000,000. This would cover any final variations during the remainder of the Construction period and allow officers to determine the final SSL loan amount without reverting to Council for further authorisation.

The Indebtedness Ratio in Council's policy limits annual self supporting loan repayments to 0.5% of rates revenue, or approximately \$125,000. The Golf Club loan repayments currently amount to \$120,000 per annum. Any additional SSL approved by Council will result in the Indebtedness Ratio exceeding 0.5%. The SSL policy is due for review and will be tabled with Council at the April Ordinary Meeting of Council, where officers will review the appropriateness and level (if any) of the Indebtedness Ratio.

Should Council support the BSLSC SSL application officers recommend that the loan term comprise an initial one-year interest only period plus a 15-year principal and interest period which is less than half the useful life of the facility. The first year of interest only considers that the BSLSC will have limited opportunity to operate immediately following the redevelopment works and defers the higher principal and interest repayments to a period coinciding with the full operation of the redeveloped facility.

#### Financial Risk Mitigation Safeguards of the Shire of Broome

Prior to performing a detailed assessment to determine the eligibility of the BSLSC, it is important for the Shire to first consider its own capacity to borrow and the impact of additional borrowing on financial position, budget and the potential of the requested self-supporting loan to compete with the Shire's borrowing requirements for its own capital projects.

#### *Forecasted funding requirements, Debt Service Cover Ratio and Indebtedness Ratios*

At 28 February 2023, the Shire has outstanding loans and debentures due to WATC totalling \$7,010,264 (\$5,760,264 excluding BGC SSL) comprised as follows:

Loan Number	Loan Purpose	Outstanding Principal
196	Chinatown Revitalisation	\$1,141,010

197	Town Beach Redevelopment	\$1,231,983
198	Chinatown Revitalisation Stage 2	\$1,628,961
199	Broome Golf Club (Self Supporting)	\$1,250,000
201	Chinatown Revitalisation Stage 2 Contingency	\$1,758,310
		\$7,010,264

The budgeted SSL for the BSLSC of \$690,746 has not yet been drawn down.

If the \$1,000,000 SSL request from the BSLSC is considered, the Shire's total loan balance at 31 March 2023 would be \$8,010,264.

In addition to current borrowings, there are proposed future borrowings within the current version of the 2023 – 2033 Long Term Financial Plan (LTFP). These align to future projects considered significant to Council, and borrowings are utilised to spread the financial burden across future ratepayers in order to lessen the impact on current ratepayers. Noting that while these borrowings are earmarked for future projects, these are not locked in until adopted within an annual budget.

Future borrowings considerations which are currently included in the LTFP:

<b>Loan Purpose</b>	<b>Financial Year Repayments Commence</b>	<b>Loan Amount</b>
Cable Beach Foreshore Upgrades Stage 2	2024/25	\$3,138,148
Cable Beach Foreshore Upgrades Stage 3	2025/26	\$2,000,000
RRRP Waste Facility Stage 1	2026/27	\$11,500,000
RRRP Waste Facility Stage 2	2031/32	\$3,400,000
BRAC Dry Facilities	2026/27	\$4,801,451
KRO 3 Building	2027/28	\$7,000,000
Depot Relocation / Construction	2027/28	\$1,462,000
Library Construction	2028/29	\$1,296,614
		\$34,598,213

The potential addition of a \$1,000,000 SSL will result in both an asset (loan receivable from BSLSC) and a liability of the same amount, and interest income and interest expense of the same amount. Whilst this would result in neutral net asset and net operating surplus impact, taking an additional loan will have a negative impact on the Shire's Asset Ratio and Debt Service Coverage Ratio.

Debt Service Coverage Ratio (operating surplus before interest and depreciation divided by the debt service cost) is one of the ratios considered by WATC. A Debt Service Coverage Ratio of equal or greater than 5 is considered to be an advanced standard, with a Ratio equal to or greater than 2 considered a basic standard. The WATC requires a Ratio of at least 3 for loan applications.

The Shire's Debt Service Coverage Ratio for 30 June 2022 is 9.10. Ratios are no longer considered within the annual financial report, or audited. Prior financial years ratios were within the audited financials and ratios for those years were 9.51 (2021), 15.38 (2020), 8.63 (2019), 11.93 (2018) and 7.05 (2017). Council's ability to service it's loans is considered advanced by the WATC standard.

Based on the 30 June 2022 unaudited balances of the Shire, the Indebtedness Ratio (outstanding loans divided by operating revenue, \$37.8M) of the Shire is 20%. While the

DLGSC has no benchmarking based on this ratio, the Victorian Auditor General indicates that Indebtedness ratio of less than 40% is low risk, above 40% is medium risk and 60% is high risk. This ratio is considered as it is within the existing Policy however is not considered in the WATC assessment of capacity.

Income and expense information submitted is the same as the previous application considered and approved by Council. Increasing the BSLSC loan to \$1,000,000 at a 15-year fixed term rate with an annual WATC Indicative Local Government Interest Rate of 4.5354% and semi-annual repayments, loan and interest repayments would be \$94,655 per annum (an increase of \$40,201 on the previous \$690,746 BSLSC loan). Note, the first year interest only period repayments would be \$45,354.

This scenario would reduce the Shire's Debt Service Coverage Ratio slightly to 8.75, however this is still considered to be advanced under the WATC standard.

Principal and interest payments on the proposed BSLSC loan would be equivalent to 0.38% of estimated annual rates revenue. When combined with the Golf Club repayments, this equates to 0.86% of rates revenue. This does not comply with Council's existing Policy Indebtedness Ratio. Officers propose to review this ratio in the revised policy.

Officers do not believe that the requested SSL will compete with the Shire's borrowing requirements. The Shire will continue to have low debt structure, sound financial position and sufficient capacity to borrow should the loan application be approved by Council. Additionally, the Shire will continue to meet the regulated borrowing limits as determined by WATC.

It should be noted that additional borrowings may also be required for capital projects such as the Cable Beach Foreshore Redevelopment Upgrade. Any endorsed SSL applications reduce Council's ability to borrow for these or other future projects.

#### Co-Contribution and Other Funding

Policy requires applicants to make reasonable co-contribution and/or attract other funding or sponsorship to the project. The applicant has secured \$1,850,000 from Lotterywest, \$300,000 from the Kimberley Development Commission and a \$275,000 CSRFF grant in addition to its own contribution of \$500,000.

#### Default Risk

In assessing the Club's ability to repay the loan and at the same time complete the project, officers have considered the:

- Estimated loan repayments;
- Historical operational performance of BSLSC and its ability to generate funds to pay potential borrowings;
- Amount and timing of project expenditure;
- Amount and timing of remittance of external grant funds and other funding sources;
- Cash flows from operations during the construction period; and
- Cash flows from operations of new facilities.

Audited financial report of BSLSC has been obtained for the past 5 years to understand the trend of operations and to guide any projections to the future. The 2022 figures are not included as the club was under redevelopment and did not operate a clubhouse at all for the year. Therefore, its ability to generate income was reduced and the figures are not considered applicable to the consideration of the SSL. The Net Operating Surplus of the BSLSC is summarised below:

	2020	2019	2018	2017
Net Profit/(Loss)	68,859*	46,533	1,639	22,892
Add Back: Non - Cash Expenses	14,883	14,443	20,529	33,339
<b>Net Operating Surplus</b>	<b>83,742*</b>	<b>60,976</b>	<b>22,168</b>	<b>56,231</b>
<b>Cash Balance</b>	<b>606,374</b>	<b>604,622</b>	<b>607,895</b>	<b>585,928</b>
Cash Balance Increase/Decrease	0.3%	-0.5%	4%	10%

\*Note 2020 Net Profit / Net Operating Surplus excludes New Building Development Expenses of \$87,461. Taking this additional amount into account indicates that the Cash Balance actually increased by 15% in 2020.

BSLSC have provided 2021 financial reports indicating a YTD profit of \$2,927 noting expenditure on the development of the new clubhouse of \$209,428. Taking this expenditure into account the 2021 YTD surplus reflects a profit of \$212,355.

In comparing 2021 YTD performance against previous years, it is clear that the BSLSC have significantly increased bar sales, from \$201,690 and \$158,784 in 2020 and 2019 respectively, to \$542,173 in 2021. While there have been corresponding increases in 2021 for goods sold (\$212,680 compared to \$89,322 in 2020 and \$78,276 in 2019) and wages (\$112,002 versus \$64,245 in 2020 and \$93,006 in 2019), YTD financials for 2021 indicate that the end of year result (ignoring capital expenditure on the new clubhouse development) is significantly improved.

Average surplus over the past 3 years (excluding capital expenditure related to the redevelopment of the clubhouse) is \$175,178. Cash in bank has remained relatively stable noting the Club have invested \$296,889 in capital into the BSLSC redevelopment.

While it can be assumed that operating costs for the new facility will increase, it is also reasonable to assume that bar, membership and venue hire revenue will increase following the redevelopment to offset any increased costs.

Based on the financial information provided, officers believe that the BSLSC have the ongoing capacity to service the SSL obligations over the term of the loan, and cater for any additional asset management sinking fund that may be introduced during the new lease.

#### Delivery of Surf Life Saving Patrols

The BSLSC was founded in 1987 and is an incorporated club established solely to deliver the Objects set out in the BSLSC Constitution.

The Objects can be summarised as;

- provide for the encouragement, conduct, promotion and administration of surf lifesaving;
- participate as a member of SLSWA so surf lifesaving can be conducted, encouraged, promoted, advanced and administered throughout the Local Area;
- encourage, conduct, promote, advance and control surf lifesaving, its many aspects devoted to aquatic safety and management and the preservation of life in the aquatic environment;
- strive for and maintain government, commercial and public recognition of the Club as the authority on surf lifesaving in the Local Area;
- pursue through itself or others such commercial arrangement, including sponsorship and marketing opportunities, as are appropriate to the purposes of the Club in the Local Area;

- having regard to these purposes, foster, regulate, organise and manage examinations, competitions, displays and other activities and to issue badges, medallions and certificates and award trophies to successful Members;
- have regard to the public interest in its operations;
- seek and obtain improved facilities for the enjoyment of the aquatic environment;

The income and property of the Club must be applied solely towards the promotion of the Objects of the Club.

During discussions with staff and at a Council workshop the Shire raised the idea of increasing the patrol days provided by the BSLSC. In response the BSLSC do not feel its currently appropriate to consider the idea as they wish to focus efforts into establishing their new facility. Additionally, the BSLSC are concerned they would be competing with the head body, Surf Life Saving WA who are contracted to provide these services elsewhere and have been contacted by the Shire to provide these services in the past.

Shire officers understand the viewpoint of the BSLSC with regards to increasing surf patrols however we feel that increasing patrols with the BSLSC should be explored further in advance of the end date of the current life guarding Contract. Broome is geographically isolated and having to rely on external providers for seasonal life guard patrols is problematic and costly. Broome is also dealing with significant housing shortage pressure which compounds the issues around Perth based providers offering services in Broome.

## CONSULTATION

Broome Surf Life Saving Club

Laird Tran Studio (redevelopment Architect/Superintendent)

Other Regional Local Government Authorities with Surf Life Saving Club leases

## STATUTORY ENVIRONMENT

Under the **Local Government Act 1995, 6.20 Power to borrow** local governments have the power to borrow but must take into account certain requirements associated with the annual budget and/or advertising of the loan. There are also restrictions on borrowings and security for borrowings that must be considered under **6.21 Restrictions on borrowing**.

Also under the **Local Government Act 1995, 3.58 Disposing of Property** a local government may dispose of property if it gives local public notice describing the property, the details of the disposal and has invited public submission to be made. In this instance this is not required and has not occurred as there is an exemption in the **Local Government (Functions and General) Regulations 1996, 30. Dispositions of property excluded from Act s 3.58** when disposing of property to a body of which the Objects are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature.

Under the **Land Administration Act 1997 WA, 18 Crown land transactions that need Minister's approval** the Shire must not without authorisation from the Minister for Lands grant a lease under this Act in respect of Crown land in a managed reserve.

## POLICY IMPLICATIONS

Self Supporting Loans

## FINANCIAL IMPLICATIONS

The Shire of Broome has provided significant financial support to BSLSC over many years to contribute to the redevelopment of the building.

The financial support has been provided through fee waivers, cash contributions for consultants and construction, in kind support for project management, and the provision of a SSL.

The original scope for the redevelopment included an amount of approximately \$75,000 for the disability access ramp and stairs required as a part of the building certification. The \$75,000 amount was provided by the Shire as part of its \$275,000 matching cash contribution to the Department of Local Government Sport & Cultural Industries Community Sporting and Recreation Facilities Fund (CSRFF) funding.

During the design of the Cable Beach Foreshore Redevelopment the access ramp and stairs were removed from the BSLSC redevelopment scope and included with the Cable Beach Foreshore Redevelopment scope. As a part of the calculation of the shortfall of \$155,713 Shire officers allowed for the \$75,000 to remain with the BSLSC redevelopment.

Should Council wish to keep the \$75,000 for funding of the ramp and stairs the BSLSC SSL amount would be calculated at \$939,459 and not the \$864,459 indicated above.

## **RISK**

The Shire has been requested to take out a SSL for up to \$1,000,000 for the BSLSC. There is a risk that the BSLSC operations will not raise sufficient revenue to cover the loan repayments and charges. If this were to occur the BSLSC would become insolvent, and the Shire would be required to pay the loan repayments and charges.

To mitigate this risk Shire officers recommend Council enter into a loan facility agreement and new lease with the BSLSC that permits the Shire to terminate the lease in the event the BSLSC are unable to repay the SSL. The Shire would then have the ability to investigate lease options for the premises that would provide a revenue and cover the loan repayments and charges.

The current BSLSC lease will expire before the SSL is fully repaid. There is a risk that the any future lease may not be able to be negotiated and that the Shire will have a loan but no lessee to repay the loan. To mitigate this the Policy requires that the lease must have an expiry date at least two years post the expiry of the loan. This ensures the Shire has protection under the lease for the entire term of the loan. Therefore, in line with the Policy, and to mitigate the risk to the Shire it is recommended that the current lease be relinquished by the BSLSC and a new lease be entered into with a term of at least eighteen years.

There is a risk that after three years of operation the BSLSC may not demonstrate sufficient financial capacity to meet the preventative maintenance requirements of the lifecycle plan. The additional clause within the lease to nullify the requirement of the sinking fund for three years therefore places a burden on future Councils to resolve who and to what extent maintenance is carried out on the building asset. There is a low risk that significant maintenance is required in the first three years but the deferring of payments into the sinking fund will place a greater burden for later years on either the BSLSC or the Shire. It is also possible that the preferred preventative maintenance approach could become reactive and the asset condition would deteriorate faster than desired.

## **STRATEGIC ASPIRATIONS**

**People - We will continue to enjoy Broome-time, our special way of life. It's bursting with energy, inclusive, safe and healthy, for everyone**

**Outcome 3 - A healthy, active community**

**Objective** 3.1 Improve access to health facilities, services and programs to achieve good general and mental health in the community

**Objective** 3.2 Improve access to sport, leisure and recreation facilities, services and programs.

**Place - We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.**

**Outcome 8 - Cost effective management of community infrastructure**

**Objective** 8.1 Deliver defined levels of service to provide and maintain Shire assets in the most cost-effective way.

**Performance - We will deliver excellent governance, service & value for everyone.**

**Outcome 13 - Value for money from rates and long term financial sustainability**

**Objective** 13.1 Plan effectively for short- and long-term financial sustainability

**Outcome 14 - Excellence in organisational performance and service delivery**

**Objective** 14.2 Deliver fit for purpose facilities and equipment.

**VOTING REQUIREMENTS**

*Absolute Majority*

REPORT RECOMMENDATION:

*That Council:*

1. *Receives the request from the Broome Surf Life Saving Club to increase the self supporting loan*
2. *Approves the inclusion of up to an additional \$309,254 self supporting loan bringing the total approved self supporting loan for the Broome Surf Life Saving Club in the 2022/23 Budget to a maximum of \$1,000,000;*
3. *In the 2022/23 financial year, authorises the Chief Executive Officer to;*
  - (a) *Borrow up to a maximum of \$1,000,000 from Western Australian Treasury Corporation for a maximum period of 16 years;*
  - (b) *Negotiate and finalise a loan agreement with the Broome Surf Life Saving Club at repayment terms that are the same as the loan obtained from Western Australian Treasury Corporation, including any applicable loan fees and charges;*
4. *Requests the Chief Executive Officer advertise the Self Supporting Loan borrowings in accordance with section 6.20 (2) of the Local Government Act 1995;*
5. *Approve a budget amendment of \$155,713 excluding GST to Expense Account 100532390 to recognise the additional construction expenditure for the redevelopment;*
6. *Requests the Chief Executive Officer negotiate and accept the relinquishment of the Broome Surf Life Saving Clubs current lease, expiring February 2026;*



7. Authorises the Chief Executive Officer to seek Ministerial approval and negotiate the final terms and conditions of the Lease in line with;
  - (a) Lease term to be 18 years;
  - (b) A peppercorn rent lease of \$1 per annum;
  - (c) Tenant to be responsible for all outgoings
  - (d) Tenant to be responsible for the cost associated with preparation of the lease
  - (e) Shire to maintain parks and gardens around the building
  - (f) Building toilets to be accessible to the public; and
  - (g) A special condition be included within the Lease deferring the sinking fund obligation for a minimum of three years and until the club can demonstrate financial capacity to meet the obligation;
8. Subject to obtaining Ministerial approval authorises the Chief Executive Officer to engross the final Lease documentation; and
9. Requests the Chief Executive review and present to Council, in 2025/26, the audited financials of the Broome Surf Life Saving Club's 2023, 2024 and 2025 financial years of operation with a recommendation for the requirement of the leases sinking fund.

#### **Attachments**

1. BSLSC - draft Budget 2023 (*Confidential to Councillors and Directors Only*)  
***This attachment is confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(iii)) as it contains "a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government".***

**9.4.2 ANNUAL REVIEW OF DELEGATIONS OF AUTHORITY REGISTER**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ARE02
<b>AUTHOR:</b>	Manager Governance, Strategy & Risk
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

The purpose of this report is for Council to consider the 2022/23 annual review of delegations across various legislations.

**BACKGROUND**

The Register of Delegated Authority was last presented to Council for review on 28 April 2022.

Section 5.46(2) of the *Local Government Act 1995* (the Act) requires that a local government keep a register of delegations of authority made under the Act and that these are reviewed at least once every financial year.

In simple terms the need for a delegation occurs where the legislation refers to “**the local government may**” do something. In the absence of a delegation from Council, a Council decision would be required each time. Functions able to be delegated are administrative in nature and a function of the CEO in accordance with section 5.41(d) of the Act.

Delegations are also required for other legislation such as the *Building Act 2011*, *Bushfires Act 1954*, *Cat Act 2011*, *Dog Act 1974*, *Food Act 2008*, *Graffiti Vandalism Act 2016*, *Public Health Act 2016* and *Planning and Development Act 2005*.

In 2022 new delegations were added for the Cemeteries Local Law 2012, Property and Public Places Local Law 2016 and the Trading, Outdoor Dining and Street Entertainment Local Law 2016.

**COMMENT**

Due to the work done in updating the Register of Delegated Authority over the last 2 – 3 years and transitioning to the Attain Governance system to administer the delegation register there are no changes recommended at this time.

The recent *Local Government Amendment Bill 2023* has been reviewed at a high level. At this point the reforms are not expected to require any changes to current delegations. The supporting regulations will need to be reviewed when they are released and should any changes be required these will be brought back to Council.

There are four minor administrative updates recommended as detailed below.

Delegation	Local Government Act 1995	Comments
1.2.21	Defer, Grant Discounts, Waive or Write Off Debts	Administrative update to remove reference to Development and Community Directorate and replace with Development Services Directorate at condition 2.
1.3.5	Electoral Enrolment Eligibility Claims and Electoral Roll	Legislative reference correction under Function Point 3. Reference to s3.42(5)(A) amended to s4.32(5)(A)
1.3.8	Information to be available to the Public	Legislative reference correction under Express power or duty delegated s9.95 (1)(b) & (3)(b) amended to s5.95 (1)(b) & (3)(b)
1.3.9	Financial Management Systems and Procedures	Administrative update to remove reference to Delegated Authority XXX and replace with Delegated Authority 1.2.20

## CONSULTATION

WALGA

## STATUTORY ENVIRONMENT

### 5.42 Delegation of some powers and duties to CEO

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
  - (a) this Act other than those referred to in section 5.43; or
  - (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

\* Absolute majority required.

### 5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

## POLICY IMPLICATIONS

Relevant policies are cross referenced throughout the Instrument of Delegation Register.

## FINANCIAL IMPLICATIONS

Nil.

## RISK

The Register of Delegated Authority is an important governance tool that provides the Chief Executive Officer with the authority to manage the day-to-day operations of the Shire in accordance with section 5.41 of the Act.

The annual review of delegations provides the opportunity for Elected Members to ensure that sufficient controls are in place to meet fiduciary duties whilst being cognisant of the need for operational efficiency.

From a compliance risk perspective, this item will meet the requirements for a review of delegations in the 2022/23 financial year.

## **STRATEGIC ASPIRATIONS**

**Performance - We will deliver excellent governance, service & value for everyone.**

**Outcome 11 - Effective leadership, advocacy and governance**

**Objective** 11.2 Deliver best practice governance and risk management.

## **VOTING REQUIREMENTS**

*Absolute Majority*

### REPORT RECOMMENDATION:

*That Council:*

- 1. Notes the review of delegations; and*
- 2. Adopts the Register of Delegated Authority 2022/23 as contained in Attachment 1 inclusive of the amendments outlined within this report.*

## **Attachments**

1. Shire of Broome Register of Delegated Authority 2023 Review

A large, solid blue rectangle occupies the central portion of the page, serving as a background for the title text.

## Shire of Broome Register of Delegated Authority

## REVIEW

There are no reviews to display

DRAFT

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## INTRODUCTION

### Introduction

Section 5.42 of the *Local Government Act 1995* (the Act) allows for a local government to delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). The local government may also delegate the exercise of any of its powers to Committees pursuant to section 5.16, other than those under Section 5.17(1).

Section 5.44 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated. These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

The Department of Local Government & Communities *Guideline No.17 – Delegations*, establishes the principal issue in determining whether a statutory function or duty is suitable for 'acting through' that being - where the statute provides no discretion in carrying out a function or duty, then the function or duty may be undertaken through the 'acting through' concept.

Conversely, where the statute allows for discretion on the part of the decision maker, then the function must either be delegated or a person authorised, or a policy implemented, that provides sufficient control for another person to have that authority and fulfil the function or duty.

The *Local Government Act 1995* does not specifically define the meaning of the term "acting through", however section 5.45(2) states;

"Nothing in this Division is to read as preventing –

- (a) A local government from performing any of its functions by acting through a person other than the CEO"; or
- (b) A CEO from performing any of his or her functions by acting through another person."

The purpose of this register is to ensure a record is kept of those powers or duties that have been delegated to ensure accountability and to meet the requirements of Section 5.46 of the Act. This register is a public document that contains 'Instruments of Delegation' that detail the function being delegated and the relevant statutory reference which is the source of power for the exercise of that function. Without limiting the effect of sections 58 and 59 of the *Interpretation Act 1984*, these delegations, made under the Act have effect for the period of time specified in the delegation or where no period has been specified, indefinitely. Any decision to amend or revoke these delegations by a local government is to be by an absolute majority.

If a person is exercising a power or duty that they have been delegated, the Act requires that records be kept whenever the delegated authority is exercised.

The record is to contain the following information:

- Date the decision was exercised;
- Name of the officer/committee exercising the decision;
- Description of how the person exercised the power or discharged the duty, including where appropriate, any directions to staff to carry out work associated with the decision unless those directions are included in policies, corporate guidelines or the delegation register; and
- Notation of the people or class of people directly affected by the decision (other than Council or committee members or employees of the Shire).

Records are to be entered into Attain unless they are captured operationally through the use of Synergy standard modules.

This register of delegated authority will be reviewed in accordance with the Act on an annual basis.

Shire of Broome

### Delegations and authorisations under other Legislation

Where legislation provides for the direct delegation to authorise a person or a member of a class of persons by other agencies or decision makers. For example: the *Environmental Protection Act* allows for the CEO of the Department of Environment Regulation to grant delegated authority direct to a local government.

The authorisation is dealt with in the relevant legislation and, where required, the Instrument of Delegation or Notice of the Appointment is advertised in the Government Gazette.

Those Delegations or authorisations that may occur under legislation other than the *Local Government Act 1995*, its regulations and the local government's local laws include:

*Planning and Development Act 2005 and associated regulations*  
*Dog Act 1976 and regulations;*  
*Cat Act 2011 and regulations*  
*Bush Fires Act 1954, regulations and local law created under that Act;*  
*Litter Act 1979 and regulations*  
*Local Government (Miscellaneous Provisions) 1960 as amended;*  
*Caravan Parks and Camping Grounds Act 1995;*  
*Control of Vehicles (Off-Road Areas) Act 1978 and regulations;*  
*Environmental Protection Act 1986*  
*Environmental Protection (Noise) Regulations 1997*  
*Building Act 2011*

N.B. – This is not an exhaustive list.

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## DELEGATIONS

## 01 Local Government Act 1995 Delegations

Local Government Act 1995

## 01.1 Council to Committees of Council

<b>Delegation</b>	<b>1.1.1 Behaviour Complaints Committee</b>
<b>Category</b>	Council to Committee
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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>	Shire of Broome - Code of Conduct for Council Members, Committee Members and Candidates (CoC)  <i>Local Government (Model Code of Conduct) Regulations 2021:</i> Clause 12 Dealing with a complaint Clause 13 Dismissal of complaint
<b>Function</b>	<ol style="list-style-type: none"> <li>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 [CoC &amp; MCC.cl.12(1) and (3)] In making any finding the Committee must also determine reasons for the finding [CoC &amp; MCC.cl.12(7)]</li> <li>Where a finding is made that a breach has occurred, authority to: <ol style="list-style-type: none"> <li>take no further action [CoC &amp; MCC.cl.12(4(a)); or</li> <li>prepare and implement a plan to address the behaviour of the person to whom the complaint relates [CoC &amp; MCC.cl.12(4)(b), (5) and (6)]</li> </ol> </li> <li>Authority to dismiss a complaint and if dismissed, the Committee must also determine reasons for the dismissal [CoC &amp; MCC.cl.13(1) and (2)]</li> </ol>
<b>Delegates</b>	Behavioural Complaints Committee

<b>Conditions</b>	<p>a. The Committee will make decisions in accordance with the principles and specified requirements established in Council Policy - Code of Conduct Behaviour Complaints Management.</p> <p>b. That part of a Committee meeting which deals with a Complaint will be held behind closed doors in accordance with s.5.23(2)(b) of the Act.</p> <p>c. The Committee is prohibited from exercising this Delegation where a Committee Member in attendance at a Committee meeting is either the Complainant or Respondent to the Complaint subject of a Committee agenda item.</p> <p>d. In the event of (c) above, the Committee may resolve to defer consideration to a future meeting at which the conflicted Committee Member is absent, and a Deputy Committee Member is in attendance.</p> <p><u>NOTE TO CONDITIONS(C) AND (D):</u> 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>Statutory framework</b>	<p><a href="#">Code of Conduct for Council Members, Committee Members and Candidates</a></p> <p>Council - Behaviour Complaints Committee Terms of Reference</p> <p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Model Code of Conduct) Regulations 2021</a></p>
<b>Policy</b>	<a href="#">Code of Conduct Behaviour Complaints Management</a>
<b>Record keeping</b>	Committee Minutes shall record the details of each decision made under this delegation in accordance with the requirements of Administration Regulation 19.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	27 February 2023

## 01.2 Council to CEO

<b>Delegation</b>	<b>1.2.1 Performing Functions Outside the District</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.20(1) Performing functions outside district
<b>Function</b>	1. Determine the circumstances where it is appropriate for the Local Government's functions to be performed outside the District and prior to implementing such a decision, obtain the consent of the landowner/s and occupier/s and any other person that has control or management of the land impacted by the performance of the function [s.3.20(1)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• A decision to undertake a function outside the District, can only be made under this delegation where there is a relevant Budget allocation and the performance of the functions does not negatively impact service levels within the District. Where these conditions are not met, the matter must be referred for Council decision.</li> <li>• Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	27 February 2023



<b>Delegation</b>	<b>1.2.2 Compensation for Damage Incurred when Performing Executive Functions</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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>Function</b>	<ol style="list-style-type: none"> <li>1. In accordance with the s.3.22 procedures, assess and determine the extent of damage to private property arising directly from performance of executive functions and make payment of compensation [s.3.22(1)].</li> <li>2. Where compensation is unable to be determined and agreed between parties, give effect to arbitration in accordance with s.3.23.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Delegation is limited to settlements which do not exceed a material value of \$10,000.</li> <li>▪ Council shall be informed of the details whenever this delegation is exercised.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's documents management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	27 February 2023

<b>Delegation</b>	<b>1.2.3 Powers of Entry</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.28 When this Subdivision applies s.3.32 Notice of entry s.3.33 Entry under warrant s.3.34 Entry in an emergency s.3.36 Opening fences
<b>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 this Act, other than entry under a Local Law [s.3.28].</li> <li>2. Authority to give notice of entry [s.3.32].</li> <li>3. Authority to seek and execute an entry under warrant [s.3.33].</li> <li>4. Authority to execute entry in an emergency, using such force as is reasonable [s.3.34(1) and (3)].</li> <li>5. Authority to give notice and effect entry by opening a fence [s.3.36].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Development Services Director Infrastructure Manager Engineering Manager Environmental Health, Emergency and Rangers Manager Operations
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's documents management system.
<b>Date adopted</b>	28 April 2022

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<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by the CEO.	Nil

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<b>Delegation</b>	<b>1.2.4 Declare Vehicle is Abandoned Vehicle Wreck</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.40A(4) Abandoned vehicle wreck may be taken
<b>Function</b>	1. Declare that an impounded vehicle is an abandoned vehicle wreck [s.3.40A(4)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>Disposal of a declared abandoned vehicle wreck to be undertaken in accordance with Delegated Authority 1.2.5 Disposing of Confiscated or Uncollected Goods or alternatively, referred for Council decision.</li> <li>Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's documents management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	27 February 2023

<b>Delegation</b>	<b>1.2.5 Confiscated or Uncollected Goods</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.46 Goods May be withheld until costs paid s.3.47 Confiscated or uncollected goods, disposal of s.3.48 Impounding expenses, recovery of
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refuse to allow goods impounded under s.3.39 or 3.40A to be collected until the costs of removing, impounding and keeping them have been paid to the local government. [s.3.46]</li> <li>2. Authority to sell or otherwise dispose of confiscated or uncollected goods or vehicles that have been ordered to be confiscated under s.3.43 [s.3.47].</li> <li>3. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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 Functions and General Regulation 30, be disposed of by any means considered to provide best value, provided the process is transparent and accountable.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a>:Part 3, Division 3, Subdivision 3 s.3.58 Disposing of Property – applies to the sale of goods under s.3.47 as if they were property referred to in that section.</p> <p><a href="#">Parking and Parking Facilities Local Law 2012</a></p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's documents management system.</p>

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<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>1.2.6 Disposal of Sick or Injured Animals</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine when an impounded animal is ill or injured, that treating it is not practicable, and to humanely destroy the animal and dispose of the carcass [s.3.47A(1)].</li> <li>2. Authority to recover expenses incurred for removing, impounding, and disposing of confiscated or uncollected goods [s.3.48].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Delegation only to be used where the Delegate's reasonable efforts to identify and contact an owner have failed.</li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	<p>Conditions on the Delegate also apply to the Subdelegates.</p> <p>Officers must liaise with an authorised veterinarian if practicable and must not destroy an animal unless –</p> <ol style="list-style-type: none"> <li>a. Because of the state of the animal, destroying it is urgent; or</li> <li>b. The Shire has taken reasonable steps to notify the owner and has complied with statutory requirements.</li> </ol>
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Dog Local Law 2012</a></p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022



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<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	27 February 2023

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<b>Delegation</b>	<b>1.2.7 Close Thoroughfares to Vehicles</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.50 Closing certain thoroughfares to vehicles s.3.50A Partial closure of thoroughfare for repairs or maintenance s.3.51 Affected owners to be notified of certain proposals
<b>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: <ol style="list-style-type: none"> <li>1. 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>2. consider submissions relevant to the road closure/s proposed [s.3.50(1a), (2) and (4)].</li> </ol> </li> <li>3. Authority to revoke an order to close a thoroughfare [s.3.50(6)].</li> <li>4. Authority to partially and temporarily close a thoroughfare without public notice for repairs or maintenance, where it is unlikely to have significant adverse effect on users of the thoroughfare [s.3.50A]</li> <li>5. Before doing anything to which section 3.51 applies, take action to notify affected owners and give public notice that allows reasonable time for submissions to be made and consider any submissions made before determining to fix or alter the level or alignment of a thoroughfare or draining water from a thoroughfare to private land [s.3.51].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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)] (relevant only to townsites).</li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Manager Engineering Manager Operations
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

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<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO.	Nil

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<b>Delegation</b>	<b>1.2.8 Control Reserves and Certain Unvested Facilities</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to agree the method for control and management of an unvested facility which is partially within 2 or more local government districts. [s.3.53(3)].</li> <li>2. Authority to do anything for the purpose of controlling and managing land under the control and management of the Shire of Broome that the Shire of Broome could do under s.5 of the <a href="#">Parks and Reserves Act 1895</a>. [s.3.54(1)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ 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.</li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Development Services Manager Community Facilities Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Property and Public Places Local Law 2016</a></p> <p><a href="#">Local Planning Policy 5.10</a> - Signs</p> <p><a href="#">Alcohol Management Policy</a></p> <p><a href="#">Events Policy</a></p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022

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<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	27 February 2023

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<b>Delegation</b>	<b>1.2.9 Obstruction of Footpaths and Thoroughfares</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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 (Uniform Local Provisions) Regulations 1996:</i> r.5(2) Interfering with, or taking from, local government land r.6 Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a) r.7A Obstruction of public thoroughfare by fallen things - Sch.9.1 cl.3(1)(b) r.7 Encroaching on public thoroughfare - Sch.9.1. cl.3(2)
<b>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 r.5(2)].</li> </ol> </li> <li>2. Authority to provide permission including imposing appropriate conditions or to refuse to provide permission, for a person to place on a specified part of a public thoroughfare one or more specified things that may obstruct the public thoroughfare. [ULP r.6(2) and (4)].</li> <li>3. Authority to renew permission to obstruct a thoroughfare and to vary any condition imposed on the permission effective at the time written notice is given to the person to whom permission is granted [ULP r.6(6)].</li> <li>4. Authority to require an owner or occupier of land to remove any thing that has fallen from the land or from anything on the land, which is obstructing a public thoroughfare [ULP r.7A].</li> <li>5. Authority to require an owner occupier of land to remove any part of a structure, tree or plant that is encroaching, without lawful authority on a public thoroughfare [ULP r.7].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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> <li>▪ Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> <li>◦ Where appropriate, obtained written permission from each owner of adjoining or adjacent property which may be impacted by the proposed obstruction.</li> <li>◦ 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>◦ Provided evidence of sufficient Public Liability Insurance.</li> <li>◦ Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul> </li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

<b>Subdelegates</b>	Director Infrastructure Manager Engineering Manager Operations
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.2 – Public Thoroughfare Obstruction – Determine Conditions  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil

<b>Delegation</b>	<b>1.2.10 Gates Across Public Thoroughfares</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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 (Uniform Local Provisions) Regulations 1996:</i> r.9 Permission to have gate across public thoroughfare – Sch.9.1 cl.5(1)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to provide, or refuse to provide, permission to have a gate or other device across a local government thoroughfare that permits the passage of vehicle traffic and prevents livestock straying [ULP r.9(1)].</li> <li>2. Authority to require an applicant to publish a notice of the application in a manner thought fit for the purpose of informing persons who may be affected by the proposed gate or device [r.9(2)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.9(4)].</li> <li>4. Authority to renew permission, or at any other time vary any condition, effective upon written notice to the person to whom permission was granted [ULP r.9(5)].</li> <li>5. Authority to cancel permission by written notice, and request the person to whom permission was granted to remove the gate or device within a specified time [ULP r.9 (6)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in the <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>.</li> <li>▪ Each approval provided must be recorded in the Shire of Broome's statutory Register of Gates in accordance with Uniform Local Provisions Regulation 9(8).</li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Manager Engineering Manager Operations
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>



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<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
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<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil

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<b>Delegation</b>	<b>1.2.11 Public Thoroughfare – Dangerous Excavations</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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 (Uniform Local Provisions) Regulations 1996:</i> r.11(1), (4), (6) & (8) Dangerous excavation in or near public thoroughfare – Sch.9.1 cl.6
<b>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 / occupier in writing to fill in or securely fence the excavation [ULP r.11(1)].</li> <li>2. Authority to determine to give permission or refuse to give permission to make or make and leave an excavation in a public thoroughfare or land adjoining a public thoroughfare [ULP r.11(4)].</li> <li>3. Authority to impose conditions on granting permission [ULP r.11(6)].</li> <li>4. Authority to renew a permission granted or vary at any time, any condition imposed on a permission granted [ULP r.11(8)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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> <li>▪ Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> <li>◦ 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>◦ 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>◦ Provided evidence of sufficient Public Liability Insurance.</li> <li>◦ Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul> </li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Manager Engineering Manager Operations
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.

<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.3 – Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO.	Nil

<b>Delegation</b>	<b>1.2.12 Crossing – Construction, Repair and Removal</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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 (Uniform Local Provisions) Regulations 1996:</i> r.12(1) Crossing from public thoroughfare to private land or private thoroughfare – Sch.9.1 cl.7 (2) r.13(1) Requirement to construct or repair crossing – Sch.9.1 cl.7(3)
<b>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 r.12(1)].</li> <li>2. Authority to determine the specifications for construction of crossings to the satisfaction of the Local Government [ULP r.12(1)(a)].</li> <li>3. Authority to give notice to an owner or occupier of land requiring the person to construct or repair a crossing [ULP r.13(1)].</li> <li>4. Authority to initiate works to construct a crossing where the person fails to comply with a notice requiring them to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person [ULP r.13(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Manager Engineering Manager Operations
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p> <p>Refer also Delegation 1.4.1 under the Template Activities in <i>Thoroughfares and Public Places and Trading Local Law</i></p>

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<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
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<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO.	Nil

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<b>Delegation</b>	<b>1.2.13 Private Works on, over or under Public Places</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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> r.17 Private works on, over, or under public places – Sch.9.1 cl.
<b>Function</b>	1. Authority to grant permission or refuse permission to construct a specified thing on, over, or under a specified public thoroughfare or public place that is local government property [ULP r.17(3)]. 2. Authority to impose conditions on permission including those prescribed in r.17(5) and (6) [ULP r.17(5)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Actions under this Delegation must comply with procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>▪ Permission may only be granted where, the proponent has: <ul style="list-style-type: none"> <li>◦ 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>◦ 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>◦ Provided evidence of sufficient Public Liability Insurance.</li> <li>◦ Provided pedestrian and traffic management plans which are sufficient for the protection of public safety and amenity.</li> </ul> </li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Manager Engineering Manager Operations
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.

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<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>– prescribe applicable statutory procedures</p> <p>Determination of Bond Value and Conditions - refer to CEO Delegation 1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</p> <p>Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a></p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO.	Nil

<b>Delegation</b>	<b>1.2.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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 (Uniform Local Provisions) 1996:</i> r.21(1) Wind erosion and sand drifts – Sch.9.1 cl.12
<b>Function</b>	1. Authority to give notice to a land owner / occupier if it is considered that clearing the owner / occupier's land may cause local government land with a common boundary, to be adversely affected by wind erosion or sand drift [ULP r.21(1)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	▪ Must comply with all relevant Policies
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Infrastructure Manager Engineering Manager Operations
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> – prescribe applicable statutory procedures  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <a href="#">Local Government Act 1995</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
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Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO.	Nil

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<b>Delegation</b>	<b>1.2.15 Expressions of Interest for Goods and Services</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.21 Limiting who can tender, procedure for r.23 Rejecting and accepting expressions of interest to be acceptable tenderer
<b>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 r.21].</li> <li>2. Authority to consider Expressions of Interest which have not been rejected and determine those which are capable of satisfactorily providing the goods or services, for listing as acceptable tenderers [F&amp;G r.23].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Expressions of Interest may only be called where there is an adopted budget for the proposed goods or services.</li> <li>▪ Must comply with Council's Purchasing Policy.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Development Services Director Infrastructure
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures</p> <p><a href="#">WALGA Subscription Service</a> – Procurement Toolkit</p> <p><a href="#">Council Policy - Purchasing</a></p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>

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<b>Delegation</b>	<b>1.2.16 Tenders for Goods and Services</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> r.11 When tenders have to be publicly invited r.13 Requirements when local government invites tenders though not required to do so r.14 Publicly inviting tenders, requirements for r.18 Rejecting and accepting tenders r.20 Variation of requirements before entry into contract r.21A Varying a contract for the supply of goods or services

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<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to call tenders [F&amp;G r.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 r.11(f)].</li> <li>3. Authority to undertake tender exempt procurement, in accordance with the Purchasing Policy requirements, where the total consideration under the resulting contract is \$500,000 or less and the expense is included in the adopted Annual Budget [F&amp;G.r.11 (2)].</li> <li>4. Authority to invite tenders although not required to do so [F&amp;G r.13].</li> <li>5. Authority to determine in writing, before tenders are called, the criteria for acceptance of tenders [F&amp;G r.14(2a)].</li> <li>6. Authority to determine the information that is to be disclosed to those interested in submitting a tender [F&amp;G r.14(4)(a)].</li> <li>7. Authority to vary tender information after public notice of invitation to tender and before the close of tenders, taking reasonable steps to ensure each person who has sought copies of the tender information is provided notice of the variation [F&amp;G r.14 (5)].</li> <li>8. Authority to evaluate tenders, by written evaluation, and decide which is the most advantageous [F&amp;G r.18(4)].</li> <li>9. Authority to accept, or reject tenders, only within the \$500,000 detailed as a condition on this Delegation and in accordance with the requirements of the Functions and General Regulations [F&amp;G r.18(2) and (4)].</li> <li>10. 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 10% variation and within the \$500,000 detailed as a condition on this Delegation, and to then negotiate minor variations with the successful tenderer before entering into a contract [F&amp;G r.20(1) and (3)].</li> <li>11. Authority to seek clarification from tenderers in relation to information contained in their tender submission [F&amp;G r.18(4a)].</li> <li>12. Authority to decline any tender [F&amp;G r.18(5)].</li> <li>13. If the chosen tenderer is unable or unwilling to form a contract OR the minor variation cannot be agreed with the successful tenderer, so that the tenderer ceases to be the chosen tenderer, authority to choose the next most advantageous tender to accept [F&amp;G r.20(2)]</li> <li>14. Authority to: <ol style="list-style-type: none"> <li>i. Vary a contract that has been entered into with a successful tenderer, provided the variation/s do not change the scope of the original contract or increase the contract value beyond 10% or to a maximum of \$500,000 whichever is the lesser value.</li> <li>ii. Exercise an extension option that was included in the original tender specification and contract in accordance with r.11(2)(j). [F&amp;G r.21A].</li> </ol> </li> <li>15. Authority to accept another tender where within 6-months of either accepting a tender, a contract has not been entered into OR the successful tenderer agrees to terminate the contract [F&amp;G r.18(6) &amp; (7)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Sole supplier arrangements may only be approved where a record is retained that evidences: <ul style="list-style-type: none"> <li>◦ A detailed specification;</li> <li>◦ The outcomes of market testing of the specification;</li> <li>◦ The reasons why market testing has not met the requirements of the specification; and</li> <li>◦ Rationale for why the supply is unique and cannot be sourced through other suppliers;</li> </ul> </li> <li>▪ Tenders may only be called where there is an adopted budget for the proposed goods or services, with the exception being in the period immediately prior to the adoption of a new Annual Budget and where the: <ul style="list-style-type: none"> <li>◦ proposed goods or services are required to fulfil a routine contract related to the day to day operations of the Local Government,</li> <li>◦ current supply contract expiry is imminent,</li> <li>◦ value of the proposed new contract has been included in the draft Annual Budget proposed for adoption, and</li> <li>◦ The tender specification includes a provision that the tender will only be awarded subject to the budget adoption by the Council.</li> </ul> </li> <li>▪ In accordance with s.5.43, tenders may only be accepted and panels of pre-qualified suppliers established, where the total consideration under the resulting contract is \$500,000 or less and the expense is included in the adopted Annual Budget.</li> <li>▪ Must comply with the Council's Purchasing Policy.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Development Services Director Infrastructure
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  <a href="#">WALGA Subscription Service</a> – Procurement Toolkit
<b>Policy</b>	<a href="#">Council Policy - Purchasing</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>1.2.17 Panels of Pre-Qualified Suppliers for Goods and Services</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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 (Functions and General) Regulation 1996:</i> r.24AB Local government may establish panels of pre-qualified suppliers r.24AC(1)(b) Requirements before establishing panels of pre-qualified suppliers r.24AD(3) & (6) Requirements when inviting persons to apply to join panel of pre-qualified suppliers r.24AH(2), (3), (4) and (5) Rejecting and accepting applications to join panel of pre-qualified suppliers
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine that there is a continuing need for the goods or services proposed to be provided by a panel of pre-qualified suppliers [F&amp;G r.24AC(1)(b)].</li> <li>2. Authority to, before inviting submissions, determine the written criteria for deciding which application should be for inclusion in a panel of pre-qualified suppliers should be accepted [F&amp;G r.24AD(3)].</li> <li>3. Authority to vary panel of pre-qualified supplier information after public notice inviting submissions has been given, taking reasonable steps to each person who has enquired or submitted an application is provided notice of the variation [F&amp;G r.24AD(6)].</li> <li>4. Authority to reject an application without considering its merits, where it was submitted at a place and within the time specified, but fails to comply with any other requirement specified in the invitation [F&amp;G r.24AH(2)].</li> <li>5. Authority to assess applications, by written evaluation of the extent to which the submission satisfies the criteria for deciding which applicants to accept, and decide which applications to accept as most advantageous [F&amp;G r.24AH(3)].</li> <li>6. Authority to request clarification of information provided in a submission by an applicant [F&amp;G r.24AH(4)].</li> <li>7. Authority to decline to accept any application [F&amp;G r.24AH(5)].</li> <li>8. Authority to enter into contract, or contracts, for the supply of goods or services with a pre-qualified supplier, as part of a panel of pre-qualified suppliers for those particular goods or services [F&amp;G r.24AJ(1)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s.5.43, panels of pre-qualified suppliers may only be established, where the total consideration under the resulting contract is \$500,000 or less and the expense is included in the adopted Annual Budget.</li> <li>▪ Must comply with Council's Purchasing Policy</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Development Services Director Infrastructure



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<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Functions and General) Regulations 1996</a> – prescribe applicable statutory procedures  <a href="#">WALGA Subscription Service – Procurement Toolkit</a>
<b>Policy</b>	<a href="#">Council Policy - Purchasing</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
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<b>Delegation</b>	<b>1.2.18 Application of Regional Price Preference Policy</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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 (Functions and General) Regulations 1996:</i> r.24G Adopted regional price preference policy, effect of
<b>Function</b>	1. Authority to decide when not to apply the regional price preference policy to a particular future tender [F&G r.24G].
<b>Delegates</b>	Chief Executive Officer
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Development Services Director Infrastructure
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Policy</b>	<a href="#">Council Policy - Purchasing</a> <a href="#">Council Policy - Regional Price Preference</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
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<b>Delegation</b>	<b>1.2.19 Disposing of Property</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.58(2) & (3) Disposing of Property
<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Disposal of land or building assets is limited to matters specified in the Annual Budget and in any other case, a Council resolution is required.</li> <li>▪ In accordance with s.5.43, disposal of property, for any single project or where not part of a project but part of a single transaction, is limited to a maximum value of \$500,000 or less.</li> <li>▪ When determining the method of disposal:</li> <li>▪ Where a public auction is determined as the method of disposal: <ul style="list-style-type: none"> <li>◦ Reserve price has been set by independent valuation.</li> <li>◦ Where the reserve price is not achieved at auction, negotiation may be undertaken to achieve the sale at up to a -10% variation on the set reserve price.</li> </ul> </li> <li>▪ Where a public tender is determined as the method of disposal and the tender does not achieve a reasonable price for the disposal of the property, then the CEO is to determine if better value could be achieved through another disposal method and if so, must determine not to accept any tender and use an alternative disposal method.</li> <li>▪ Where a private treaty is determined [s.3.58(3)] as the method of disposal, authority to: <ul style="list-style-type: none"> <li>◦ Negotiate the sale of the property up to a -10% variance on the valuation; and</li> <li>◦ Consider any public submissions received and determine if to proceed with the disposal, ensuring reasons for the decision are recorded.</li> </ul> </li> <li>▪ Where the market value of the property is determined as being less than \$20,000 (F&amp;G r.30(3) excluded disposal) may be undertaken: <ul style="list-style-type: none"> <li>◦ Without reference to Council for resolution; and</li> <li>◦ In any case, be undertaken to ensure that the best value return is achieved however, where the property is determined as having a nil market value then, as a minimum, the disposal must ensure environmentally responsible disposal.</li> </ul> </li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees

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<b>Subdelegates</b>	Director Corporate Services Director Development Services Director Infrastructure
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a> – s.3.58 Disposal of Property  <a href="#">Local Government (Functions and General) Regulations 1995</a> – r.30 Dispositions of property excluded from Act s. 3.58
<b>Policy</b>	<a href="#">Council Policy - Disposal of Assets</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	9 March 2023

<b>Delegation</b>	<b>1.2.20 Payments from the Municipal or Trust Funds</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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 (Financial Management) Regulations 1996:</i> r.12(1)(a) Payments from municipal fund or trust fund, restrictions on making
<b>Function</b>	1. Authority to make payments from the municipal or trust funds [r.12(1)(a)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>Authority to make payments is subject to annual budget limitations.</li> <li>Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Financial Services Director Corporate Services Director Development Services Director Infrastructure Manager Financial Services
<b>Subdelegate conditions</b>	<ul style="list-style-type: none"> <li>Delegates must comply with the Procedures approved by the CEO in accordance with Financial Management Regulation 5.</li> <li>Payments by Cheque and EFT transactions must be approved jointly by two Delegates.</li> <li>Delegates that approve the payment must not verify the liability. The verification of incurring the liability via the purchase order, invoice and evidence of goods / service received, must be undertaken independent of the payment approval.</li> <li>Must comply with all relevant Policies</li> </ul>
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government Act 1995</a>  <a href="#">Local Government (Financial Management) Regulations 1996</a> - refer specifically r.13 Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.  <a href="#">Local Government (Audit) Regulations 1996</a>
<b>Policy</b>	<a href="#">Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</a>  <a href="#">Department of Local Government, Sport and Cultural Industries: Accounting Manual</a>

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<b>Record keeping</b>	Delegations exercised are to be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	28 February 2023

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<b>Delegation</b>	<b>1.2.21 Defer, Grant Discounts, Waive or Write Off Debts (DRAFT)</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.6.12 Power to defer, grant discounts, waive or write off debts
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Waive a debt which is owed to the Shire of Broome [s.6.12(1)(b)].</li> <li>2. Grant a concession in relation to money which is owed to the Shire of Broome [s.6.12(1)(b)].</li> <li>3. Write off an amount of money which is owed to the Shire of Broome [s.6.12(1)(c)]</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ A debt may only be written off where all necessary measures have been taken to locate / contact the debtor and where costs associated with continued action to recover the debt will outweigh the net value of the debt if recovered by the Shire of Broome. <ul style="list-style-type: none"> <li>◦ Limited to individual debts valued below \$2,000 (GST exclusive). Write off of debts greater than these values must be referred for Council decision.</li> </ul> </li> <li>▪ The waiving or refunding of fees and charges for applications made under the following legislation and local laws administered by the Development Services Directorate must comply with Council's Policy – Waiving and Refunding of Fees: <ul style="list-style-type: none"> <li>◦ <i>Building Act 2011</i></li> <li>◦ <i>Bush Fires Act 1954</i></li> <li>◦ <i>Food Act 2008</i></li> <li>◦ <i>Local Government Act 1995</i></li> <li>◦ <i>Planning and Development Act 2005</i></li> <li>◦ <i>Public Health Act 2016</i></li> <li>◦ Local Government Property and Public Places Local Law 2012</li> <li>◦ Trading, Outdoor Dining and Street Entertainment Local Law 2003</li> </ul> </li> <li>▪ Amounts provided via the CEO Adhoc Sponsorship Budget are to be reported to Council on a quarterly basis via the Councillor Information Bulletin.</li> <li>▪ Sundry debtor write offs must comply with Council's Policy – Debt Recovery.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	<p>Director Corporate Services  Director Development Services  Manager Environmental Health, Emergency and Rangers  Manager Financial Services  Manager Planning and Building Services</p>

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<b>Subdelegate conditions</b>	<ul style="list-style-type: none"> <li>▪ Conditions on the Delegate also apply to the Subdelegates.</li> <li>▪ Director Development Services, Manager Planning and Building Services and Manager Environmental Health, Emergency and Rangers delegation is limited to the waiver or refund of fees related to the legislation and local laws administered by the Development Services Directorate listed above, and must comply with Council's Policy – Waiving and Refunding of Fees.</li> <li>▪ Sundry Debtor write offs must comply with Council's Policy - Debt Recovery</li> </ul>
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Policy</b>	<a href="#">Council Policy - Debt Recovery</a> <a href="#">Council Policy - Waiving and Refunding of Fees</a>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>

Amendments			
Approved	Type	Amendment	References
8 Dec 2022	Amended delegation	Manager Financial Services added as sub delegate to provide operational efficiency.	CEO approved (See Synergy Record N221213-50609)



<b>Delegation</b>	<b>1.2.22 Power to Invest and Manage Investments</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.6.14 Power to invest <i>Local Government (Financial Management) Regulations 1996:</i> r.19 Investments, control procedures for
<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 r.19].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ All investment activity must comply with the Financial Management Regulation 19C and Council 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 Reports.</li> <li>▪ Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within every 3 financial years. [Audit r.17]</li> <li>▪ Must comply with Council's Investment Policy</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Financial Services Director Corporate Services Director Development Services Director Infrastructure Manager Financial Services
<b>Subdelegate conditions</b>	<ul style="list-style-type: none"> <li>▪ Conditions on the Delegate also apply to the Subdelegates.</li> <li>▪ A decision to invest must be jointly confirmed by two Delegates.</li> </ul>
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Local Government (Financial Management) Regulations 1996</a> – refer r.19C Investment of money, restrictions on (Act s.6.14(2)(a))
<b>Policy</b>	<a href="#">Council Policy - Investment</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Shire's document management system.

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<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	28 February 2023

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<b>Delegation</b>	<b>1.2.23 Rate Record Amendment</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.6.39(2)(b) Rate record
<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>Delegates must comply with the requirements of s.6.40 of the Act.</li> <li>Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Financial Services Director Corporate Services Manager Financial Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#"><i>Local Government Act 1995</i></a> – s.6.40 prescribes consequential actions that may be required following a decision to amend the rate record.</p> <p>Note – Decisions under this delegation may be referred for review by the State Administration Tribunal</p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	28 February 2023

<b>Delegation</b>	<b>1.2.24 Agreement as to Payment of Rates and Service Charges</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.6.49 Agreement as to payment of rates and service charges
<b>Function</b>	1. Authority to make an agreement with a person for the payment of rates or service charges [s.6.49].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	1. Decisions under this delegation must comply with Council Policy – Debt Recovery. 2. Agreements must be in writing and appropriate internal controls maintained to monitor compliance with the agreed repayment schedule.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Financial Operations Director Corporate Services Manager Financial Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Policy</b>	<a href="#">Council Policy - Debt Collection</a>  Business Operating Procedure - Financial Hardship
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	28 February 2022

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Amendments			
Approved	Type	Amendment	References
8 Dec 2022	Amended delegation	Coordinator Financial Operations added as sub delegate to provide operational efficiency.	Approved by CEO (See Synergy record N221213-50609)

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<b>Delegation</b>	<b>1.2.25 Determine Due Date for Rates or Service Charges</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.6.50 Rates or service charges due and payable
<b>Function</b>	1. Authority to determine the date on which rates or service charges become due and payable to the Shire of Broome [s.6.50].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Manager Financial Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	28 February 2023

<b>Delegation</b>	<b>1.2.26 Recovery of Rates or Service Charges</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.6.56 Rates or service charges recoverable in court s.6.64(3) Actions to be taken
<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation must comply with Council Policy – Debt Collection</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Manager Financial Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Policy</b>	<a href="#">Council Policy - Debt Collection</a>  Business Operating Procedure - Financial Hardship
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	28 February 2023

<b>Delegation</b>	<b>1.2.27 Recovery of Rates Debts – Require Lessee to Pay Rent</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.6.60 Local Government may require lessee to pay rent
<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 Shire of Broome [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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegation must comply with Council Policy – Debt Collection.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Manager Financial Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – refer sections 6.61 and 6.62 and Schedule 6.2 prescribe procedures relevant to exercise of authority under s.6.60.</p>
<b>Policy</b>	<a href="#">Council Policy - Debt Collection</a>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	1 March 2023



<b>Delegation</b>	<b>1.2.28 Recovery of Rates Debts - Actions to Take Possession of the Land</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.6.64(1) Actions to be taken s.6.69(2) Right to pay rates, service charges and costs, and stay proceedings s.6.71 Power to transfer land to Crown or local government s.6.74 Power to have land revested in Crown if rates in arrears 3 years
<b>Function</b>	<ol style="list-style-type: none"> <li>Authority to take possession of land and hold the land against a person having an estate or interest in the land where rates or service charges have remained unpaid for at least three years [s.6.64(1)], including: <ol style="list-style-type: none"> <li>lease the land, or</li> <li>sell the land; or where land is offered for sale and a contract of sale has not been entered into after 12 months: <ol style="list-style-type: none"> <li>cause the land to be transferred to the Crown [s.6.71 and s.6.74]; or</li> <li>cause the land to be transferred to the Shire of Broome [s.6.71].</li> </ol> </li> </ol> </li> <li>Authority to agree terms and conditions with a person having estate or interest in land and to accept payment of outstanding rates, service charges and costs within 7 days of and prior to the proposed sale [s.6.69(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>Decisions under this delegation must comply with Council Policy – Debt Collection.</li> <li>In accordance with s.6.68(3A), this delegation cannot be used where a decision relates to exercising a power of sale <u>without having</u>, within the previous 3-years attempted to recover the outstanding rates / charges through a court under s.6.56, as s.6.68(3A) requires that the reasons why court action has not been pursued must be recorded in Council Minutes.</li> <li>Exercise of this delegation must comply with the procedures set out in Schedule 6.3 of the <i>Local Government Act 1995</i>.</li> <li>Council Members are to be informed as soon as practicable after the exercise of this delegation.</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Manager Financial Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.

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<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a> – Part 6, Division 6 Subdivision 6 and Schedule.6.3 prescribe procedures relevant to exercise of authority under this delegation.</p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a> – regulations 72 – 78 prescribe forms and procedures relevant to exercise of authority under this delegation.</p>
<b>Policy</b>	<a href="#">Council Policy - Debt Collection</a>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	1 March 2023

DRAFT

<b>Delegation</b>	<b>1.2.29 Rate Record – Objections</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.6.76 Grounds of objection
<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>Delegates</b>	Chief Executive Officer
<b>Conditions</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> <li>▪ New rate exemptions are to be reported to Council via the Councillor Information Bulletin.</li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Manager Financial Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Policy</b>	<a href="#">Council Policy - Rating</a>  <a href="#">Council Policy - Rate Exemption Charitable Use</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022

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<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	1 March 2023

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<b>Delegation</b>	<b>1.2.30 Renewal or Extension of Contracts during a State of Emergency</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(ja)
<b>Function</b>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to execute a renewal or extension to the term of a contract that will expire within 3 months, for a term of not more than 12 months from the original expiry date, without calling for tenders [F&G r.11(2)(ja)]. This authority relates to: <ul style="list-style-type: none"> <li>• contracts not formed through a public tender, where the total value of the original term and the proposed extension or renewal exceeds \$250 000, and</li> <li>• contracts formed through a public tender.</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ The authority to apply the renewal or extension option may be exercised where one or more of the following principles applies: <ul style="list-style-type: none"> <li>◦ It is exercised at the sole discretion of the Local Government;</li> <li>◦ It is in the best interests of the Local Government;</li> <li>◦ It is deemed necessary to facilitate the role of Local Government in relation to the State of Emergency declaration;</li> <li>◦ It has potential to promote local and/or regional economic benefits.</li> </ul> </li> <li>▪ This authority may only be exercised where the total consideration for the renewal or extension is \$500,000 or less.</li> <li>▪ Contracts may only be renewed or extended where there is an adopted and available budget for the proposed goods and services, OR where the expenditure from an alternative available budget allocation has been authorised in advance by the Shire President (i.e. before the expense is incurred) in accordance with LGA s.6.8(1)(c).</li> <li>▪ The decision to extend or renew a contract must be made in accordance with the objectives of the Purchasing Policy.</li> <li>▪ The CEO cannot sub-delegate this authority.</li> </ul>
<b>Statutory framework</b>	<a href="#"><i>Local Government (Functions and General) Regulations 1996</i></a>
<b>Policy</b>	<a href="#">WALGA Subscription Service – Procurement Toolkit</a> <a href="#">Council Policy - Purchasing</a>

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<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>1.2.31 Procurement of Goods or Services required to address a State of Emergency</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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.3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996:</i> Regulation 11 'When tenders have to be publicly invited' Tender exemption under subregulation 11(2)(aa) Associated definition under subregulation 11(3)
<b>Function</b>	Authority, only to be exercised when a State of Emergency declaration is in force and applies to all or part of the District, to:  1. Determine that particular goods or services with a purchasing value > \$250,000 are required for the purposes of addressing the impact, consequences or need arising from the hazard to which the State of Emergency declaration relates [F&G r11(3)(b)]; and 2. Undertake tender exempt purchasing activity to obtain the supply of those goods or services identified in accordance with point 1 above [F&G r.11(2)(aa)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ This authority may only be exercised where the goods or services are urgently required, and it is not possible for Council to meet within an appropriate timeframe.</li> <li>▪ Compliance with the Purchasing Policy is required, but only to the extent that such compliance will not incur an unreasonable delay in providing the required urgent response to the State of Emergency hazard. The rationale for non-compliance with Purchasing Policy must be evidenced in accordance with the Record Keeping Plan.</li> <li>▪ Where a relevant budget allocation is not available and a purchase is necessary in response to a State of Emergency, the expenditure from an alternative available budget allocation must be authorised in advance by the Shire President (i.e. before the expense is incurred) in accordance with LGA s.6.8.</li> <li>▪ The CEO is to inform Council Members after the exercise of this delegation, including details of the contract specification, scope and purchasing value and the rationale for determining that the goods or services were urgently required in response to the State of Emergency declaration.</li> <li>▪ The CEO cannot sub-delegate this authority.</li> </ul>
<b>Statutory framework</b>	<a href="#"><i>Local Government (Functions and General) Regulations 1996</i></a>
<b>Policy</b>	<a href="#">WALGA Subscription Service – Procurement Toolkit</a>  <a href="#">Council Policy - Purchasing</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.

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<b>Date adopted</b>	28 April 2022
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## 01.3 CEO to Employees

<b>Delegation</b>	<b>1.3.1 Determine if an Emergency for Emergency Powers of Entry</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.34(2) Entry in emergency
<b>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>Delegates</b>	Director Corporate Services Director Development Services Director Infrastructure Manager Environmental Health, Emergency and Rangers
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ The Delegate is to inform the CEO and Council Members as soon as practicable after the exercise of this delegation.</li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	1 March 2023

<b>Delegation</b>	<b>1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.6(4)(d) Obstruction of public thoroughfare by things placed and left - Sch. 9.1 cl. 3(1)(a)
<b>Function</b>	<p>When determining to grant permission to obstruct a public footpath or thoroughfare under Delegated Authority 1.2.9:</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 r.6(4)(d)].</li> <li>2. Authority to determine the requirements for protective structures, during such time as it is considered necessary for public safety and convenience [ULP r.6(5)(b)].</li> <li>3. Authority to determine and require in writing, that the person granted permission to obstruct a public thoroughfare repair damage caused by things placed on the thoroughfare and authority to determine if such repairs are to the satisfaction of the local government [ULP r.6(5)(d)].</li> </ol>
<b>Delegates</b>	<p>Director Infrastructure Manager Engineering Manager Operations</p>
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.9 Obstruction of Footpaths and Thoroughfares.</li> <li>▪ Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>▪ Must comply to all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<p>This delegated authority is effective only in alignment with Delegated Authority 1.2.9 Obstructions of Footpaths and Thoroughfares.</p> <p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a> Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i></p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>

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<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO	Nil

DRAFT

<b>Delegation</b>	<b>1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.11(6)(c) and (7)(c) Dangerous excavation in or near public thoroughfare – Sch. 9.1 cl.6
<b>Function</b>	When determining to grant permission for a dangerous excavation under Delegated Authority 1.2.11:  <ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission, the sum sufficient to deposit to cover the cost of repairing damage to the public thoroughfare or adjoining land resulting from the excavation or a protective structure, on the basis that the local government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.11(6)(c)].</li> <li>2. Authority to determine, as a condition of granting permission, requirements for protective structures and for the protective structures to be maintained and kept in satisfactory condition necessary for public safety and convenience [r.11(7)(c)].</li> <li>3. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily.</li> </ol>
<b>Delegates</b>	Director Infrastructure Manager Engineering Manager Operations
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this Delegation must be exercised in alignment with Council's Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.</li> <li>▪ Actions under this Delegation must comply with the procedural requirements detailed in the Local Government (Uniform Local Provisions) Regulations 1996.</li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  This delegated authority is effective only in alignment with Delegated Authority 1.2.11 Public Thoroughfares – Dangerous Excavations.  <a href="#">Local Government (Uniform Local Provisions) Regulations 1996</a>  Penalties under the Uniform Local Provisions Regulations are administered in accordance with Part 9, Division 2 of the <i>Local Government Act 1995</i>

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<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil

DRAFT

<b>Delegation</b>	<b>1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Uniform Local Provisions) Regulations 1996:</i> r.17(5)(b) and r.17(6)(c) Private works on, over, or under public places — Sch. 9.1 cl. 8
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine, as a condition of granting permission for Private Works in Public Places, the sum sufficient to deposit with the Local Government to cover the cost of repairing damage to the public thoroughfare or public place resulting from the crossing construction, on the basis that the Local Government may retain from that sum the amount required for the cost of repairs by the local government if the damage is not made good by the applicant [r.17(5)(b)].</li> <li>2. Authority to determine if repairs to damage resulting from excavation or protective structures have been repaired satisfactorily. [r.17(6)(c)].</li> </ol>
<b>Delegates</b>	Director Infrastructure Manager Engineering Manager Operations
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply to all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p>This delegated authority is effective only in alignment with Delegated Authority 1.2.13 Private Works on, over or under Public Places</p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

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Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil

DRAFT

<b>Delegation</b>	<b>1.3.5 Electoral Enrolment Eligibility Claims and Electoral Roll (DRAFT)</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.4.32(4), (5A) & (5) Eligibility to enrol under s.4.30, how to claim s.4.34 Accuracy of enrolment details to be maintained s.4.35 Decision that eligibility to enrol under s.4.30 has ended s.4.37 New roll for each election <i>Local Government (Elections) Regulations 1995:</i> r.11(1a) Nomination of co-owners or co-occupiers — s.4.31 r.13(2) & (4) Register - s.4.32(6)
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to require the written notice for co-owners or co-occupiers to be incorporated into Form 2 [r.11(1a)].</li> <li>2. Authority to decide whether or not the claimant is eligible under s.4.30(1)(a) and (b) and accept or reject the claim accordingly [s.4.32(4)].</li> <li>3. Authority to decide to accept or reject a claim made before the close of enrolments, but less than 14-days before the close of nominations [s.4.32(5A)].</li> <li>4. Authority to make any enquiries necessary in order to make a decision on an eligibility claim [s.4.32(5)].</li> <li>5. Authority to approve the omission of an elector's address from the Owners and Occupiers Register on the basis of a declaration from the elector that the publication of this information would place the elector's or their families safety at risk [Elections r.13 (2)].</li> <li>6. Authority to amend the Owners and Occupiers Register from time to time to make sure that the information recorded in it is accurate [Elections r.13(4)].</li> <li>7. Authority to ensure that the information about electors that is recorded from enrolment eligibility claims is maintained in an up to date and accurate form [s.4.34].</li> <li>8. Authority to decide that a person is no longer eligible under s.4.30 to be enrolled on the Owners and Occupiers Electoral Roll [s.4.35(1)] and to give notice [s.4.35(2)] and consider submissions [s.4.35(6)], before making such determination.</li> <li>9. Authority to determine to take any action necessary to give effect to advice received from the Electoral Commissioner [s.4.35(5)].</li> <li>10. Decide, with the approval of the Electoral Commissioner, that a new electoral roll is not required for an election day which is less than 100 days since the last election day [s.4.37(3)].</li> </ol>
<b>Delegates</b>	Director Corporate Services Manager Governance, Strategy & Risk
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Decisions on enrolment eligibility are to be recorded in the Enrolment Eligibility Register in accordance with s.4.32(6) and s.4.35(7).</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	Nil



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<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Department of Local Government, Sport and Cultural Industries: Returning Officer Manual</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.

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<b>Delegation</b>	<b>1.3.6 Destruction of Electoral Papers</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Elections) Regulations 1996:</i> r.82(4) Keeping election papers – s4.84(a)
<b>Function</b>	1. Authority to, after a period of 4-years, destroy the parcels of election papers in the presence of at least 2 other employees [Elect. r.82(4)].
<b>Delegates</b>	Director Corporate Services Manager Governance, Strategy & Risk
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply to all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Department of Local Government, Sport and Cultural Industries: Returning Officer Manual</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>1.3.7 Appoint Authorised Persons</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.3.24 Authorising persons under this subdivision [Part 3, Division 3, Subdivision 2 – Certain provisions about land] s.9.10 Appointment of authorised persons
<b>Function</b>	<p>1. Authority to appoint persons or classes of persons as authorised persons [s.3.24 and s.9.10] for the purpose of fulfilling functions of an authorised person prescribed in the following legislation inclusive of subsidiary legislation made under each Act i.e. Regulations:</p> <ul style="list-style-type: none"> <li>a. <a href="#">Local Government Act 1995</a> and its subsidiary legislation, including Local Government Act Regulations, the <i>Local Government (Miscellaneous Provisions) Act 1960</i> and Local Laws made under the Local Government Act..</li> <li>b. <i>Caravan Parks and Camping Grounds Act 1995</i>;</li> <li>c. <i>Cat Act 2011</i>;</li> <li>d. <i>Cemeteries Act 1986</i>;</li> <li>e. <i>Control of Vehicles (Off-road Areas) Act 1978</i>;</li> <li>f. <i>Dog Act 1976</i>;</li> <li>g. <a href="#">Graffiti Vandalism Act 2016</a> – refer s.15; and</li> <li>h. any other legislation prescribed for the purposes of s.9.10 of the <i>Local Government Act 1995</i>.</li> </ul> <p>2. Authority to appoint authorised persons for the purposes of section 9.16 of the <i>Local Government Act 1995</i>, <u>as a precondition</u> for appointment as authorised officers in accordance with Regulation 70(2) of the <a href="#">Building Regulations 2012</a> and section 6(b) of the <i>Criminal Procedure Act 2004</i>.</p>
<b>Delegates</b>	Director Corporate Services Director Development Services Director Infrastructure
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ A register of Authorised Persons is to be maintained as a Local Government Record.</li> <li>▪ Only persons who are appropriately qualified and trained may be appointed as Authorised persons.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.

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<b>Record keeping</b>	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	1 March 2023

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<b>Delegation</b>	<b>1.3.8 Information to be Available to the Public (DRAFT)</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Administration) Regulations 1996:</i> r.29(2) &(3) Information to be available for public inspection (Acts s.5.94) r.29B Copies of certain information not to be provided (Act s.5.96) <i>Local Government Act 1995:</i> s.5.95(1)(b) & (3)(b) Limits on right to inspect local government information
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to determine the public right to inspect information, by determining if the information requested relates to a part of a meeting that could have been closed to members of the public but was not [Admin. r.29(2)].</li> <li>2. Authority to determine the public right to inspect information in an agenda or minutes, by determining if the information requested would be part of the meeting which is likely to be closed to members of the public [Admin. r.29(3)].</li> <li>3. Authority to determine the manner and form by which a person may request copies of rates record information [s.5.94(m)] or owners and occupiers register and electoral rolls [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 r.29B].</li> <li>4. Authority to determine not to provide a right to inspect information, where it is considered that in doing so would divert a substantial and unreasonable portion of the local government's resources away from its other functions [s.5.95(1)(b)].</li> <li>5. Authority to determine not to provide a right to inspect information contained in notice papers, agenda, minutes, or information tabled at a meeting, where it is considered that that part of the meeting could have been closed to members of the public but was not closed [s.5.94(3)(b)].</li> </ol>
<b>Delegates</b>	Director Corporate Services Manager Governance, Strategy & Risk
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.

<b>Delegation</b>	<b>1.3.9 Financial Management Systems and Procedures (DRAFT)</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Financial Management) Regulations 1996:</i> r.5 CEO's Duties as to financial management
<b>Function</b>	<p>1. Authority to establish systems and procedures [FM r.5] that give effect to internal controls and risk mitigation for the:</p> <ul style="list-style-type: none"> <li>i. Collection of money owed to the Shire of Broome;</li> <li>ii. Safe custody and security of money collected or held by the Shire of Broome;</li> <li>iii. Maintenance and security of all financial records, including payroll, stock control and costing records;</li> <li>iv. Proper accounting of the Municipal and Trust Funds, including revenue, expenses and assets and liabilities;</li> <li>v. Proper authorisation of employees for incurring liabilities, including authority for initiating Requisition Orders, Purchase Orders and use of Credit and Transaction Cards;</li> <li>vi. Making of payments in accordance with Delegated Authority 1.2.20;</li> <li>vii. Preparation of budgets, budget reviews, accounts and reports as required by legislation or operational requirements.</li> </ul>
<b>Delegates</b>	Director Corporate Services Manager Financial Services
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Procedures are to be systematically documented and retained in accordance with the Record Keeping Plan, and must include references that enable recognition of statutory requirements and assign responsibility for actions to position titles</li> <li>▪ Procedures are to be administratively reviewed for continuing compliance and confirmed as 'fit for purpose' and subsequently considered by the Audit and Risk Committee at least once within each 3 financial years. [Audit r.17]</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<p>Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.</p> <p><a href="#">Local Government Act 1995</a></p> <p><a href="#">Local Government (Financial Management) Regulations 1996</a></p> <p><a href="#">Local Government (Audit) Regulations 1996</a></p> <p><a href="#">Department of Local Government, Sport and Cultural Industries Operational Guideline No.11 – Use of Corporate Credit Cards</a></p>

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<b>Record keeping</b>	Delegations exercised are to be recorded in the Shire's document management system.
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<b>Delegation</b>	<b>1.3.10 Audit – CEO Review of Systems and Procedures</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government (Audit) Regulations 1996:</i> r.17 CEO to review certain systems and procedures
<b>Function</b>	1. Authority to conduct the review of the appropriateness and effectiveness of the Shire of Broome's systems and procedures in relation to i. risk management; and ii. internal controls; and iii. legislative compliance [r.17(1)].
<b>Delegates</b>	Director Corporate Services Manager Governance, Strategy & Risk
<b>Conditions</b>	<ul style="list-style-type: none"> <li>Each matter is to be reviewed at least once within every 3 financial years, with a report on each matter to be provided to the Audit and Risk Committee that details the findings, including any identified deficiencies, and actions required.</li> <li>Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns. <a href="#">Local Government (Audit) Regulations 1996</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.3 Minute No. C/0321/009
<b>Last reviewed</b>	1 March 2023



<b>Delegation</b>	<b>1.3.11 Infringement Notices – Withdrawal and Extension of Time</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Express power or duty delegated</b>	<i>Local Government Act 1995:</i> s.9.13(6)(b) Onus of proof in vehicle offences may be shifted s.9.19 Extension of Time s.9.20 Withdrawal of Notice <i>Building Regulations 2012:</i> Regulation 70(1A), (1), (2) Approved officers and authorised officers
<b>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>Delegates</b>	Director Development Services Manager Environmental Health, Emergency and Rangers Manager Planning and Building Services
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ 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>▪ Delegation for Dog Act, Cat Act, Dogs Local Law 2012, Parking and Parking Facilities Local Law 2012, Parking Local Law, Property and Public Places Local Law 2016 and Trading, Outdoor Dining and Street Entertainment Local Law 2016 Infringement Notices is limited to the following listed positions ONLY: <ul style="list-style-type: none"> <li>◦ <b>Director Development Services</b></li> <li>◦ <b>Manager Environmental Health, Emergency and Rangers</b></li> </ul> </li> <li>▪ The following listed positions are delegated the functions under s.9.19 and s.9.20 only as a <u>precondition for appointment</u> as an "Approved Officer" in accordance with <i>Building Regulation 70(1)</i> for the purposes of the <i>Criminal Procedure Act 2004</i> section 6(a) and <i>Building Act 2011</i> Infringement Notices: <ul style="list-style-type: none"> <li>◦ <b>Director Development Services</b></li> <li>◦ <b>Manager Planning and Building</b></li> </ul> </li> </ul> <p>NOTE: Delegates must also be appointed as an "Approved Officer" – appointment to be determined by Council resolution or by a person with delegated authority under delegation 2.1.10.</p> <ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	Nil

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<b>Statutory framework</b>	Delegates are designated employees under s.5.74 and are required to provide Primary and Annual Returns.  <a href="#">Parking and Parking Facilities Local Law 2012</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	1 March 2023

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## 01.4 Local Law Delegations to CEO

<b>Delegation</b>	<b>1.4.1 Cemeteries Local Law 2012</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<p><i>Local Government Act 1995</i> s.5.42 Delegation of some powers of duties to the CEO s.5.43 Limitations on delegations to the CEO</p> <p><i>Cemeteries Local Law 2012</i> cl.2.1 Powers and functions of the CEO</p>
<b>Express power or duty delegated</b>	<p>Cemeteries Local Law 2012</p> <p>Part 4 - Funeral Directors Clause 4.3 Application refusal</p> <p>Part 5 - Funerals Clause 5.6 Conduct of funeral by the Board (Shire of Broome) Clause 5.7 Disposal of ashes</p> <p>Part 7 - Memorials and Other Work Clause 7.5 Removal of sand, soil or loam Clause 7.6 Hours of work Clause 7.8 Use of wood Clause 7.16 Monumental mason's licence Clause 7.18 Carrying out monumental work Clause 7.20 Cancellation of a monumental mason's licence</p> <p>Part 8 - General Clause 8.3 Damaging and removing objects Clause 8.6 Advertising</p>
<b>Function</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. refuse an application for a single funeral permit [cl.4.3]</li> <li>2. grant approval to conduct a funeral by the Board (Shire of Broome) [cl.5.6]</li> <li>3. grant permission for ashes to be disposed [cl.5.7]</li> <li>4. approve removal of sand, soil or loam [cl.7.5]</li> <li>5. approve hours of work [cl.7.6]</li> <li>6. approve use of wood [cl.7.8]</li> <li>7. approve applications for monumental mason's licence [cl.7.16(1)]</li> <li>8. approve conditions on monumental mason's licence [cl.7.16(2)]</li> <li>9. authorise monumental work other than by the holder or employee of a current monumental mason's licence [cl.7.18(c)]</li> <li>10. cancel a monumental mason's licence [cl.7.20(1)]</li> <li>11. approve the removing of objects [cl.8.3]</li> <li>12. approve application to advertise or carry on any trade, business or profession within the cemetery and determine any conditions [cl.8.6 (1) &amp; (2)]</li> </ol>
<b>Delegates</b>	Chief Executive Officer

<b>Conditions</b>	<ul style="list-style-type: none"> <li>• Must comply with conditions contained in the Cemeteries Local Law 2012</li> <li>• Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Corporate Services Director Infrastructure Manager Governance, Strategy & Risk
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Note - The Objections and Review provisions of Division 1 of Part 9 of the <i>Local Government Act 1995</i> and regulation 33 of <i>Local Government (Functions and General) Regulations 1996</i> apply.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System  Any supporting information should be recorded in the Shire's record management system
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	1 March 2023

<b>Delegation</b>	<b>1.4.2 Local Government Property and Public Places Local Law 2016</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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 Property and Public Places Local Law 2016</i> Part 2 - Determinations in respect of local government property Clause 2.3 Discretion to erect sign Part 3 - Permits Clause 3.2 Activities needing a permit Clause 3.5 Application for permit Clause 3.6 Decision on application for permit Clause 3.9 Compliance with and variation of conditions Clause 3.12 Transfer of permit Clause 3.14 Cancellation of permit Part 4 - Behaviour in public places Clause 4.7 No refund of fees Clause 4.8 Signs Part 5 - Hiring of local government property Clause 5.1 Application for hire Clause 5.2 Decision on application where 2 or more applicants Part 6 - Swimming pools and water parks Clause 6.8 Closure of pool premises Part 7 - Beaches and bathing Clause 7.3 Surf lifesaving activities Part 8 - Activities on verges and footpaths Clause 8.6 Enforcement Part 10 - Damage to and closed thoroughfares Clause 10.1 Notice to repair damage to thoroughfare Part 12 - Secured sum Clause 12.1 Security for restoration and reinstatement Part 13 - Remedy for breach Clause 13.1 Notice requiring works to be done

<b>Function</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. erect a sign to give notice of the effect of a determination [cl.2.3]</li> <li>2. exempt a person from needing a permit [cl.3.2(3)]</li> <li>3. require an applicant to provide additional information for a permit application [cl.3.5(3)]</li> <li>4. require applicant to give local public notice of the application for a permit [cl.3.5(5)]</li> <li>5. refuse to consider an application for a permit which is not in accordance with subclause (2) [cl.3.5(5)]</li> <li>6. approve an application for a permit unconditionally or subject to any conditions or refuse to approve an application for a permit [cl.3.6(1)]</li> <li>7. vary the conditions of a permit [cl.3.9(2)]</li> <li>8. approve the transfer of a permit [cl.3.12(2)]</li> <li>9. cancel a permit [cl.3.14(1)]</li> <li>10. where the hire of local government property is cancelled, authorise refund of part or all of the amount paid [cl.4.7(2)]</li> <li>11. erect a sign specifying any conditions of use which apply [cl.4.8(1)]</li> <li>12. approve applications to hire local government property [cl.5.1(1)]</li> <li>13. determine that application and permit requirements do not apply to the hiring of a particular local government property or a class of local government property [cl.5.1(2)]</li> <li>14. determine which, if any applicant will be granted an approval to hire where 2 or more applicants [cl.5.2]</li> <li>15. approve closure of pool premises [cl.6.8(1) &amp; (2)]</li> <li>16. authorise members of surf life saving club or local government employee to perform functions in the interests of maintaining safety at beaches [cl.7.3]</li> <li>17. give a notice, requiring the owner or occupier of any land adjacent to a verge to make good, give satisfactory reason why the verge treatment should be retained without alteration, or why extra time should be given to comply with notice [cl.8.6]</li> <li>18. issue notice to repair or replace that portion of the thoroughfare damaged [cl.10.1]</li> <li>19. require payment of a bond [cl.12.1(1)]</li> <li>20. issue breach notice and require rectification within specified time [cl.13.1(1)]</li> <li>21. remedy breach where approval holder or person fails to do so [cl.13.1(3)]</li> <li>22. recover costs from approval holder or person for remedying breach [cl.13.1(4)]</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• Must comply with conditions contained in the Local Government Property and Public Places Local Law 2016</li> <li>• Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</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>Subdelegates</b>	<p>Director Corporate Services</p> <p>Director Development Services</p> <p>Director Infrastructure</p> <p>Manager Community Facilities</p> <p>Manager Engineering</p> <p>Manager Environmental Health, Emergency and Rangers</p> <p>Manager Operations</p> <p>Manager Planning and Building Services</p>
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.

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<b>Statutory framework</b>	Note - The Objections and Review provisions of Division 1 of Part 9 of the <i>Local Government Act 1995</i> and regulation 33 of <i>Local Government (Functions and General) Regulations 1996</i> apply
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System  Any supporting information should be recorded in the Shire's record management system
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil

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<b>Delegation</b>	<b>1.4.3 Trading, Outdoor Dining and Street Entertainment Local Law 2016</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	01 Local Government Act 1995 Delegations
<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>Trading, Outdoor Dining and Street Entertainment Local Law 2016</i> Part 2 - Application for licence and and issue of licence Clause 2.3 Determination of application Clause 2.4 Issue of licence Clause 2.5 Licence renewal Clause 2.7 Cancellation of licence Clause 2.8 Suspension of licence rights and privileges Part 3 - Outdoor Dining Clause 3.2 Limitations on outdoor dining Clause 3.4 Outdoor dining licence Clause 3.6 Cancellation of an outdoor dining licence Part 4 - Markets Clause 4.2 Limitations on markets Clause 4.6 Responsibilities of licensee Part 5 - Trading Clause 5.2 Limitations on trading Part 6 - Street Entertainment Clause 6.7 Cancellation or variation of a street entertainment licence Part 7 - Secured sum Clause 7.1 Security for restoration and reinstatement Clause 7.2 Use by local government of secured sum Part 8 - Miscellaneous Clause 8.2 Notice requiring works to be done to remedy breach



<b>Function</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. approve licence application [cl.2.3.1(b)]</li> <li>2. refuse licence application [cl.2.3.1(a)]</li> <li>3. determine licence conditions [cl.2.3.3]</li> <li>4. vary the terms and conditions of a licence [cl.2.4.4]</li> <li>5. approve the renewal of a licence [cl.2.5.1]</li> <li>6. cancel a licence [cl.2.7(a) - (g)] *</li> <li>7. suspend a licence [cl.2.8.2] *</li> <li>8. approve the transfer of an outdoor trading licence [cl.3.2.1(b)] *</li> <li>9. approve the commencement of outdoor dining [cl.3.4.2]</li> <li>10. cancel an outdoor dining licence [cl.3.6.1] *</li> <li>11. approve the transfer of a market licence [cl.4.2.1] *</li> <li>12. approve the post market stall area return condition [cl.4.6.3]</li> <li>13. approve the transfer of a trading licence [cl.5.2.1] *</li> <li>14. cancel or vary a street entertainment licence [cl.6.7] *</li> <li>15. determine when a bond, bank guarantee or other form of security required [cl.7.1.1]</li> <li>16. determine the amount of bond, bank guarantee or other form of security [cl.7.1.3] *</li> <li>17. issue a notice requiring restoration and reinstatement work [cl.7.2.1]</li> <li>18. complete restoration and reinstatement work where licensee fails to do so [cl.7.2.1] *</li> <li>19. recover costs of restoration and reinstatement work from licensee [cl.7.2.2]</li> <li>20. apply the proceeds from security held towards costs incurred [cl.7.2.3] *</li> <li>21. issue a notice to licensee to remedy breach [cl.8.2.1]</li> <li>22. remedy breach where licensee fails to do so [cl.8.2.3] *</li> <li>23. recover costs from licensee for remedying breach [cl.8.2.4]</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• Must comply with conditions contained in the Trading, Outdoor Dining and Street Entertainment Local Law 2016.</li> <li>• Must comply with Council's Trading in Public Places Policy</li> <li>• Must comply with Council's Local Planning Policy - Outdoor Dining</li> <li>• In accordance with Schedule 1, Clause 3 of the Trading in Public Places Policy this delegation does not extend to granting a trading licence on Cable Beach beyond the maximum six trading licences. This would require a Council decision.</li> </ul>
<b>Express power to subdelegate</b>	<p><i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Subdelegates</b>	<p>Coordinator Planning Services Director Development Services Manager Environmental Health, Emergency and Rangers Manager Planning and Building Services</p>
<b>Subdelegate conditions</b>	<p>Conditions on the Delegate also apply to the Subdelegates.</p> <p>* Delegation of Functions 6, 7, 8, 10, 11, 13, 14, 16, 18, 20, 22 is limited to the Director Development Services</p>
<b>Statutory framework</b>	Note - Decisions exercised under this delegation may be referred for review by the State Administrative Tribunal
<b>Policy</b>	<p><a href="#">Trading, Outdoor Dining and Street Entertainment Local Law 2016</a>  <a href="#">Trading in Public Places Policy</a>  <a href="#">Local Planning Policy - Outdoor Dining</a></p>

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<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System Any supporting information should be recorded in the Shire's record management system
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	9 March 2023

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## 02 Building Act 2011 Delegations

Building Act 2011

## 02.1 Council to CEO

<b>Delegation</b>	<b>2.1.1 Grant a Building Permit</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.18 Further Information s.20 Grant of building permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012:</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>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 grant or refuse to grant a building permit [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a building permit [s.27(1) and(3)].</li> <li>4. Authority to determine an application to extend time during which a building permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the building permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the building permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a building permit [r.26].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<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 r.5 of the Building Regulations 2012.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)

<b>Subdelegates</b>	Coordinator Building Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegate.
<b>Statutory framework</b>	<p><a href="#"><u>Building Act 2011</u></a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit s.17 Uncertified application to be considered by building surveyor</p> <p><a href="#"><u>Building Regulations 2012</u></a> – r.25 Review of decision to refuse to extend time during which permit has effect (s.32(3)) – reviewable by SAT</p> <p><i>Building Services (Registration Act) 2011</i> – Section 7</p> <p><i>Home Building Contracts Act 1991</i> – Part 3A, Division 2 – Part 7, Division 2</p> <p><i>Building and Construction Industry Training Levy Act 1990</i></p> <p><i>Heritage Act 2018</i></p>
<b>Record keeping</b>	Delegations exercised are to be recorded to the property file within the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	9 March 2023

<b>Delegation</b>	<b>2.1.2 Demolition Permits</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.18 Further Information s.21 Grant of demolition permit s.22 Further grounds for not granting an application s.27(1) and (3) Impose Conditions on Permit  <i>Building Regulations 2012</i> r.23 Application to extend time during which permit has effect (s.32) r.24 Extension of time during which permit has effect (s.32(3)) r.26 Approval of new responsible person (s.35(c))
<b>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 [s.20(1) &amp; (2) and s.22].</li> <li>3. Authority to impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].</li> <li>4. Authority to determine an application to extend time during which a demolition permit has effect [r.23]. <ol style="list-style-type: none"> <li>i. Subject to being satisfied that work for which the demolition permit was granted has not been completed OR the extension is necessary to allow rectification of defects of works for which the permit was granted [r.24(1)]</li> <li>ii. Authority to impose any condition on the demolition permit extension that could have been imposed under s.27 [r.24(2)].</li> </ol> </li> <li>5. Authority to approve, or refuse to approve, an application for a new responsible person for a demolition permit [r.26].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<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 r.5 of the Building Regulations 2012.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.

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<b>Statutory framework</b>	<a href="#"><u>Building Act 2011</u></a> s.119 Building and demolition permits – application for review by SAT s.23 Time for deciding application for building or demolition permit  <i>Building Services (Complaint Resolution and Administration) Act 2011</i> -- Part 7, Division 2  <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage Act 2018</i>
<b>Record keeping</b>	Delegations exercised are to be recorded to the property file within the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>2.1.3 Occupancy Permits or Building Approval Certificates</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.55 Further information s.58 Grant of occupancy permit, building approval certificate s.62(1) and (3) Conditions imposed by permit authority s.65(4) Extension of period of duration  <i>Building Regulations 2012</i> r.40 Extension of period of duration of time limited occupancy permit or building approval certificate (s.65)
<b>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 [s.62(1) and (3)].</li> <li>4. Authority to extend, or refuse to extend, the period in which an occupancy permit or modification or building approval certificate has effect [s.65(4) and r.40].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<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 r.5 of the Building Regulations 2012.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.

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<b>Statutory framework</b>	<a href="#"><u>Building Act 2011</u></a> s.59 time for granting occupancy permit or building approval certificate s.60 Notice of decision not to grant occupancy permit or grant building approval certificate s.121 Occupancy permits and building approval certificates – application for review by SAT  <i>Building Services (Complaint Resolution and Administration) Act 2011 – Part 7, Division 2</i>  <i>Building and Construction Industry Training Levy Act 1990</i>  <i>Heritage Act 2018</i>
<b>Record keeping</b>	Delegations exercised are to be recorded to the property file within the Shire's document management system.
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<b>Delegation</b>	<b>2.1.4 Designate Employees as Authorised Persons</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.96(3) authorised persons s.99(3) Limitation on powers of authorised person
<b>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> <p>NOTE: An authorised person for the purposes of sections 96(3) and 99(3) is <u>not</u> an <i>approved officer</i> or <i>authorised officer</i> for the purposes of Building Reg. 70.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Decisions under this delegated authority should be in accordance with r.5 of the <i>Building Regulations 2012</i>.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegate.
<b>Statutory framework</b>	<i>Building Act 2011:</i> s.97 each designated authorised person must have an identity card. r.5A Authorised persons (s.3) – definition
<b>Record keeping</b>	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
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<b>Delegation</b>	<b>2.1.5 Building Orders</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.110(1) A permit authority may make a building order s.111(1) Notice of proposed building order other than building order (emergency) s.117(1) and (2) A permit authority may revoke a building order or notify that it remains in effect s.118(2) and (3) Permit authority may give effect to building order if non-compliance s.133(1) A permit authority may commence a prosecution for an offence against this Act
<b>Function</b>	<ol style="list-style-type: none"> <li>Authority to make Building Orders in relation to: <ol style="list-style-type: none"> <li>Building work</li> <li>Demolition work</li> <li>An existing building or incidental structure [s.110(1)].</li> </ol> </li> <li>Authority to give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)].</li> <li>Authority to revoke a building order [s.117].</li> <li>If there is non-compliance with a building order, authority to cause an authorised person to: <ol style="list-style-type: none"> <li>take any action specified in the order ; or</li> <li>commence or complete any work specified in the order; or</li> <li>if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>Authority to take court action to recover as a debt, reasonable costs and expense incurred in doing anything in regard to non-compliance with a building order [s.118(3)].</li> <li>Authority to initiate a prosecution pursuant to section 133(1) for non-compliance with a building order made pursuant to section 110 of the <i>Building Act 2011</i>.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<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 r.5 of the <i>Building Regulations 2012</i>.</li> <li>Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates,

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<b>Statutory framework</b>	<a href="#"><u>Building Act 2011:</u></a> Section 111 Notice of proposed building order other than building order (emergency) Section 112 Content of building order Section 113 Limitation on effect of building order Section 114 Service of building order Part 9 Review - s.122 Building orders – application for review by SAT
<b>Record keeping</b>	Delegations exercised are to be recorded to the property file within the Shire's document management system
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<b>Delegation</b>	<b>2.1.6 Inspection and Copies of Building Records</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.131(2) Inspection, copies of building records
<b>Function</b>	1. Authority to determine an application from an interested person to inspect and copy a building record [s.131(2)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<a href="#"><i>Building Act 2011</i></a> - s.146 Confidentiality
<b>Record keeping</b>	Delegations exercised are to be recorded to the property file within the Shire's document management system.
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<b>Delegation</b>	<b>2.1.7 Referrals and Issuing Certificates</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Act 2011:</i> s.145A Local Government functions
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to refer uncertified applications under s.17(1) to a building surveyor who is not employed by the local government [s.145A(1)].</li> <li>2. Authority to issue a certificate for Design Compliance, Construction Compliance or Building Compliance whether or not the land subject of the application is located in the Shire of Broome's District [s.145A(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<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 r.5 of the <i>Building Regulations 2012</i>.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Record keeping</b>	Delegations exercised are to be recorded to the property file within the Shire's document management system.
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<b>Delegation</b>	<b>2.1.8 Private Pool Barrier – Alternative and Performance Solutions</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.51 Approvals by permit authority
<b>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 compliant with AS 1926.1 [r.51(2)]</li> <li>2. Authority to approve a door for the purposes of compliance with AS 1926.1, where a fence or barrier would cause significant structural or other problem which is beyond the control of the owner / occupier or the pool is totally enclosed by a building or a fence or barrier between the building and pool would create a significant access problem for a person with a disability [r.51(3)]</li> <li>3. Authority to approve a performance solution to a Building Code pool barrier requirement if satisfied that the performance solution complies with the relevant performance requirement [r.51(5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<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 r.5 of the Building Regulations 2012.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Record keeping</b>	Delegations exercised are to be recorded to the property file within the Shire's document management system.
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<b>Delegation</b>	<b>2.1.9 Smoke Alarms – Alternative Solutions</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.55 Terms Used (alternative building solution approval) r.61 Local Government approval of battery powered smoke alarms
<b>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 [r.55].</li> <li>2. Authority to approve or refuse to approve a battery powered smoke alarm and to determine the form of an application for such approval [r.61].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<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 r.5 of the <i>Building Regulations 2012</i>.</li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Coordinator Building Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Record keeping</b>	Delegations exercised are to be recorded to the property file within the Shire's document management system.
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<b>Delegation</b>	<b>2.1.10 Appointment of approved officers and authorised officers</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	02 Building Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Building Act 2011:</i> s.127(1) & (3) Delegation: special permit authorities and local government
<b>Express power or duty delegated</b>	<i>Building Regulations 2012:</i> r.70 Approved officers and authorised officers
<b>Function</b>	<p>1. Authority to appoint an approved officer for the purposes of s.6(a) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(1) and (1A). <i>NOTE: Only employees delegated under s 5.44(1) of the Local Government Act 1995 with power under s 9.19 or 9.20 may be appointed as "approved officers".</i></p> <p>2. Authority to appoint an authorised officer for the purposes of s.6(b) of the <i>Criminal Procedure Act 2004</i>, in accordance with Building Regulation 70(2).</p> <p><i>NOTE: Only employees appointed under s 9.10 of the Local Government Act 1995 and authorised for the purpose of performing functions under s 9.16 of that Act may be appointed as "authorised officers" for the purposes of Building Regulation 70(2).</i></p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Building Act 2011:</i> s.127(6A) Delegation: special permit authorities and local governments (powers of sub-delegation limited to CEO)
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegate.
<b>Statutory framework</b>	<i>Building Regulations 2012:</i> r 70(3) each authorised officer must be issued a certificate of appointment
<b>Record keeping</b>	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022

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## 03 Bush Fires Act 1954 Delegations

Bush Fires Act 1954

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

<b>Delegation</b>	<b>3.1.1 Make Request to FES Commissioner – Control of Fire</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.13(4) Duties and powers of bush fire liaison officers
<b>Function</b>	1. Authority to request on behalf of the Shire of Broome that the FES Commissioner authorise the Bush Fire Liaison Officer or another person to take control of fire operations [s.13(4)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Polices.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	Note: Any reference to CEO in the Bush Fires Act 1954 means the CEO of the Department of Biodiversity, Conservation and Attractions. No powers / duties are assigned to a Local Government CEO in this Act.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
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<b>Delegation</b>	<b>3.1.2 Prohibited Burning Times - Vary</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government s.17(10) Prohibited burning times may be declared by Minister (power of delegation to shire president and Chief Bush Fire Control Officer for ONLY powers under s.17(7) and (8))
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.17(7) Prohibited burning times may be declared by Minister <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Function</b>	1. Authority, where seasonal conditions warrant it, to determine a variation of the prohibited burning times, after consultation with an authorised CALM Act officer [s.17 (7)].
<b>Delegates</b>	Chief Bush Fire Control Officer Shire President
<b>Conditions</b>	<ul style="list-style-type: none"> <li>Decisions under s.17(7) must be undertaken jointly by both the Shire President and the Chief Bush Fire Control Officer and must comply with the procedural requirements of s.17(7B) and (8).</li> <li>Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
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<b>Delegation</b>	<b>3.1.3 Prohibited Burning Times – Control Activities</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>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 [r.15].</li> <li>2. Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>3. Authority to determine, during a Prohibited Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B(2)].</li> <li>4. Authority to issue directions, during a Prohibited Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>5. Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Prohibited Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>6. Authority to recover the cost of measures taken by the Shire of Broome or Bush Fire Control Officer, to extinguish a fire burning during Prohibited Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
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<b>Delegation</b>	<b>3.1.4 Restricted Burning Times – Vary and Control Activities</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.18(5), (11) Restricted burning times may be declared by FES Commissioner s.22(6) and (7) Burning on exempt land and land adjoining exempt land s.27(2) and (3) Prohibition on use of tractors or engines except under certain conditions s.28(4) and (5) Occupier of land to extinguish bush fire occurring on own land <i>Bush Fire Regulations 1954:</i> r.15 Permit to burn (Act s.18), form of and apply for after refusal etc. r.15C Local Government may prohibit burning on certain days r.38C Harvesters, power to prohibit use of on certain days in restricted or prohibited burning times r.39B Crop dusters etc., use of in restricted or prohibited burning times
<b>Function</b>	<ol style="list-style-type: none"> <li>Authority, where seasonal conditions warrant it and after consultation with an authorised CALM Act officer, to determine to vary the restricted burning times in respect of that year [s.18(5)]. <ol style="list-style-type: none"> <li>Authority to determine to prohibit burning on Sundays or specified days that are public holidays in the District [r.15C].</li> </ol> </li> <li>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>Authority to determine permits to burn during restricted times that have previously been refused by a Bush Fire Control Officer [r.15].</li> <li>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>Authority to declare that the use of any harvesting machinery on any land under crop during the whole or any part of any Sunday or public holiday in the whole or a specified part of the District during Restricted Burning Times is prohibited, unless written consent of a Bush Fire Control Officer is obtained [r.38C].</li> <li>Authority to determine, during a Restricted Burning Time, if a firebreak around a landing ground for an aeroplane has been satisfactorily prepared [r.39B].</li> <li>Authority to issue directions, during a Restricted Burning Time, to a Bush Fire Control Officer, regarding matters necessary for the prevention of fire on land used as a landing ground for an aeroplane [r.39B(3)].</li> <li>Authority to prohibit the use of tractors, engines or self-propelled harvester, during a Restricted Burning Times, and to give permission for use of same during the Restricted Burning Time subject to compliance with requirements specified in a notice [s.27(2) and (3)].</li> <li>Authority to recover the cost of measures taken by the Shire of Broome or Bush Fire Control Officer, to extinguish a fire burning during Restricted Burning Times, where the occupier of the land has failed to comply with requirements under s.28(1) to take all possible measures to extinguish a fire the land they occupy [s.28(4)], including authority to recover expenses in any court of competent jurisdiction [s.28(5)].</li> </ol>

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<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"><li>▪ Must comply with all relevant Policies.</li></ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>3.1.5 Control of Operations Likely to Create Bush Fire Danger</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.27D Requirements for carriage and deposit of incendiary material <i>Bush Fires Regulations 1954:</i> r.39C Welding and cutting apparatus, use of in open air r.39CA Bee smoker devices, use of in restricted or prohibited burning times etc. r.39D Explosives, use of r.39E Fireworks, use of
<b>Function</b>	<ol style="list-style-type: none"> <li>Authority to give directions to a Bush Fire Control Officer regarding matters necessary for the prevention of fire arising from: <ol style="list-style-type: none"> <li>a person operating a bee smoker device during a prescribed period [r.39CA(5)].</li> <li>a person operating welding apparatus, a power operated abrasive cutting disc [r.39C(3)].</li> <li>a person using explosives [r.39D(2)].</li> <li>a person using fireworks [r.39E(3)].</li> </ol> </li> <li>Authority to determine directions or requirements for the carriage and deposit of incendiary materials (hot or burning ash, cinders, hot furnace refuse, or any combustible matter that is burning) [s.27D]. Note: this authority is also prescribed to a Bush Fire Control Officer, a Bush Fire Liaison Officer or an authorised CALM Act officer.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>3.1.6 Burning Garden Refuse / Open Air Fires</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.24F Burning garden refuse during limited burning times s.24G Minister or local government may further restrict burning of garden refuse s.25 No fire to be lit in open air unless certain precautions taken s.25A Power of Minister to exempt from provisions of section 25  <i>Bush Fires Regulations 1954:</i> r.27(3) Permit, issue of
<b>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 2m of a building or fence, only where satisfied it is not likely to create a fire hazard [s.24F(2)(b)(ii) and (4)].</li> <li>2. Authority to prohibit or impose restrictions on the burning of garden refuse that is otherwise permitted under s.24F [s.24G(2)]. <ol style="list-style-type: none"> <li>a. Authority to issue directions to an authorised officer as to the manner in which or the conditions under which permits to burn plants or plant refuse shall be issued in the District [r.27(3) and r.33(5)].</li> <li>b. Authority to prohibit (object to) the issuing of a permit for the burning of a proclaimed plan growing upon any land within the District [r.34].</li> </ol> </li> <li>3. Authority to provide written approval, during prohibited times and restricted times, for fires to be lit for the purposes of: <ol style="list-style-type: none"> <li>a. camping or cooking [s.25(1)(a)].</li> <li>b. conversion of bush into charcoal or for the production of lime, in consultation with an authorised CALM Act officer [s.25(1)(b)].</li> </ol> </li> <li>4. Authority to prohibit the lighting of fires in the open are for the purposes of camping or cooking for such period during the prohibited burning times as specified in a note published in the Gazette and newspaper circulating in the District and authority to vary such notice [s.25(1a) and (1b)].</li> <li>5. Authority to serve written notice on a person to whom an exemption has been given under s.25 for lighting a fire in open air, prohibiting that person from lighting a fire and to determine conditions on the notice [s.25A(5)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply to all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>

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<b>Delegation</b>	<b>3.1.7 Firebreaks</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.33 Local government may require occupier of land to plough or clear fire-breaks
<b>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 Shire of Broome: <ol style="list-style-type: none"> <li>a. clearing of firebreaks as determined necessary and specified in the notice; and</li> <li>b. act in respect to anything which is on the land and is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire; and</li> <li>c. as a separate or coordinated action with any other person carry out similar actions [s.33(1)].</li> </ol> </li> <li>2. Authority to direct a Bush Fire Control Officer or any other employee to enter onto the land of an owner or occupier to carry out the requisitions of the notice which have not been complied with [s.33(4)]. <ol style="list-style-type: none"> <li>a. Authority to recover any costs and expenses incurred in doing the acts, matters or things required to carry out the requisitions of the notice [s.33(5)].</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply to all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
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<b>Delegation</b>	<b>3.1.8 Appoint Bush Fire Control Officer/s and Fire Weather Officer</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.38 Local Government may appoint bush fire control officer
<b>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 Bush Fires Act 1954; and <ol style="list-style-type: none"> <li>a. Of those Officers, appoint one as the Chief Bush Fire Control Officer and one as the Deputy Chief Bush Fire Control Officer; and</li> <li>b. Determine the respective seniority of the other Bush Fire Officers so appointed [s.38(1)].</li> </ol> </li> <li>2. Authority to issue directions to a Bush Fire Control Officer to burn on or at the margins of a road reserve under the care, control and management of the Shire of Broome [s.38 (5A)]</li> <li>3. Authority to appoint a Fire Weather Officer, selected from senior Bush Fire Control Officers previously appointed and where more than one Fire Weather Officer is appointed, define a part of the District in which each Fire Weather Officer shall have exclusive right to exercise the powers of s.38(17). [s.38(8) and (9)]. <ol style="list-style-type: none"> <li>a. Authority to appoint deputy Fire Weather Officer/s as considered necessary and where two or more deputies are appointed, determine seniority [s.38(10)].</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
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<b>Delegation</b>	<b>3.1.9 Control and Extinguishment of Bush Fires</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.46 Bush fire control officer or forest officer may postpone lighting fire
<b>Function</b>	<p>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)].</p> <p>a. Where it is proposed that the fire will be lit on land within 3kms of the boundary of forest land, and an authorised CALM Act office is not available or has not exercised the power to prohibit or proposed a fire considered to become a source of danger, then the Delegate may make the decision [s.46(1B)].</p>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>3.1.10 Recovery of Expenses Incurred through Contraventions of this Act</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.58 General penalty and recovery of expenses incurred
<b>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 Shire of Broome or those on behalf of the Shire of Broome to do [s.58].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	▪ Must comply with all relevant Policies
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>3.1.11 Prosecution of Offences</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	03 Bush Fires Act 1954 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Bush Fires Act 1954:</i> s.48 Delegation by local government
<b>Express power or duty delegated</b>	<i>Bush Fires Act 1954:</i> s.59 Prosecution of offences s.59A(2) Alternative procedure – infringement notices
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to institute and carry on proceedings against a person for an offence alleged to be committed against this Act [s.59].</li> <li>2. Authority to serve an infringement notice for an offence against this Act [s.59A(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Sub-delegation is prohibited by s.48(3)
<b>Statutory framework</b>	<i>Bush Fires Act 1954:</i> s.65 Proof of certain matters s.66 Proof of ownership or occupancy
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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## 04 Cat Act 2011 Delegations

Cat Act 2011

## 04.1 Council to CEO

<b>Delegation</b>	<b>4.1.1 Cat Registrations</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.9 Registration s.10 Cancellation of registration s.11 Registration numbers, certificates and tags <i>Cat Regulations 2012</i> Schedule 3, cl.1(4) Fees Payable
<b>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 reduce or waive a registration or approval to breed fee, in respect of any individual cat or any class of cats within the Shire of Broome's District [Regs. Sch. 3 cl.1 (4)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers Senior Ranger
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.

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<b>Statutory framework</b>	<i>Cat Regulations 2012</i> r.11 Application for registration (s.8(2)), prescribes the Form of applications for registration. r.12 Period of registration (s.9(7)) r.11 Changes in registration r.14 Registration certificate (s.11(1)(b)) r.15 Registration tags (s.76(2))  Decisions are subject to Objection and Review by the State Administration Tribunal rights – refer Part 4, Division 5 of the <i>Cat Act 2011</i> .
<b>Record keeping</b>	Delegations exercised are to be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>4.1.2 Cat Control Notices</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.26 Cat control notice may be given to cat owner
<b>Function</b>	1. Authority to give a cat control notice to a person who is the owner of a cat ordinarily kept within the Shire of Broome's District [s.26].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	▪ Must comply with all relevant Policies.
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<i>Cat Regulations 2012</i> – r.20 Cat control notice [s.23(3)], prescribes the Form of the notice.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>4.1.3 Approval to Breed Cats</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.37 Approval to Breed Cats s.38 Cancellation of approval to breed cats s.39 Certificate to be given to approved cat breeder
<b>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> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</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 Cat Act 2011.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> r.21 Application for approval to breed cats (s.36(2)) r.22 Other circumstances leading to refusal of approval to breed cats (s.37(2)(f)) r.23 Person who not be refused approval to breed cats (s.37(5)) r.24 Duration of approval to breed cats (s.37(6)) r.25 Certificate given to approved cat breeder (s.39(1))
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022

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<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>4.1.4 Recovery of Costs – Destruction of Cats</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.49(3) Authorised person may cause cat to be destroyed
<b>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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	▪ Must comply with all relevant Policies.
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information is to be recorded in the Shire's document management system.
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<b>Delegation</b>	<b>4.1.5 Reduce or Waiver Registration Fee</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.44 Delegation by local government
<b>Express power or duty delegated</b>	<i>Cat Regulations 2012:</i> Schedule 3 Fees clause 1(4)
<b>Function</b>	1. Authority to reduce or waiver a fee payable under Schedule 3 clauses (2) or (3) in respect to any individual cat.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	a. This delegation does NOT provide authority to determine to reduce or waiver the fees payable in regard to any <u>class of cat</u> within the District. This matter requires a Council decision in accordance with s.6.16, 6.17 and 6.18 of the <i>Local Government Act 1995</i> .b.
<b>Express power to subdelegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Record keeping</b>	Delegations exercised are to be recorded in the Shire's document management system.
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## 04.2 Cat Act Delegations - CEO to Employees

<b>Delegation</b>	<b>4.2.1 Infringement Notices – Extensions and Withdrawals</b>
<b>Category</b>	CEO to Employees
<b>Head of power</b>	04 Cat Act 2011 Delegations
<b>Delegator</b>	Chief Executive Officer
<b>Express power to delegate</b>	<i>Cat Act 2011:</i> s.45 Delegation by CEO of local government
<b>Express power or duty delegated</b>	<i>Cat Act 2011:</i> s.64 Extension of time s.65 Withdrawal of notice
<b>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>Delegates</b>	Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	Nil
<b>Statutory framework</b>	<i>Cat Regulations 2012:</i> r.28 Withdrawal of infringement notice (s.65(1))
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023



## 05 Dog Act 1976 Delegations

Dog Act 1976

## 05.1 Dog Act Delegations Council to CEO

<b>Delegation</b>	<b>5.1.1 Part Payment of Sterilisation Costs / Directions to Veterinary Surgeons</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.10A Payments to veterinary surgeons towards costs of sterilisation
<b>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 \$210 [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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ol style="list-style-type: none"> <li>a. Council extends the sterilisation subsidy to <b>Cats</b> for eligible persons under the same conditions as contained in the <i>Dog Act 1976</i> [s.10A.]</li> <li>b. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> </ol>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers Senior Ranger
<b>Statutory framework</b>	<a href="#">Dogs Local Law 2012</a>  <a href="#">Cat Act 2011 - cl 18 Cats to be sterilised</a>
<b>Policy</b>	<p>Note - The <i>Cat Act 2011</i> at clause 18 requires all cats that have reached the age of 6 months to be sterilised, unless the cat is exempt from sterilisation.</p> <p>The <i>Cat Act 2011</i>, is silent on the payment of sterilisation costs and it is a policy position of the Council of the Shire of Broome to extend this payment to Cats as well as Dogs.</p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's record management system.</p>

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<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>5.1.2 Refuse or Cancel Registration</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.15(2) and (4A) Registration periods and fees s.16(3) Registration procedure s.17A(2) If no application for registration made s.17(4) and (6) Refusal or cancellation of registration
<b>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>i. the applicant, owner or registered owner has been convicted of an offence or paid a modified penalty within the past 3-years in respect of 2 or more offences against this Act, the Cat Act 2011 or the Animal Welfare Act 2002; or</li> <li>ii. the dog is determined to be destructive, unduly mischievous or to be suffering from a contagious or infectious disease or</li> <li>iii. the delegate is not satisfied that the dog is or will be effectively confined in or at premises where the dog is ordinarily kept</li> <li>iv. the dog is required to be microchipped but is not microchipped; or</li> <li>v. the dog is a dangerous dog [s.16(3) and s.17A(2)].</li> </ol> </li> <li>3. Authority to discount or waive a registration fee, including a concessional fee, for any individual dog or any class of dogs within the Shire of Broome's District [s15(4A)].</li> <li>4. Authority to apply to a Justice of the Peace for an order to seize a dog where, following a decision to refuse or cancel a registration and the applicant / owner has not applied to the State Administration Tribunal for the decision to be reviewed. [s.17(4)].</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> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate apply to the Subdelegates.

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<b>Statutory framework</b>	<p><i>Dog Act 1976</i></p> <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 Administration Tribunal – s.16A, s.17(4) and (6)</li></ul> <p><a href="#">Dogs Local Law 2012</a></p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance Software.</p> <p>Any supporting information should be recorded in the Shire's record management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

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<b>Delegation</b>	<b>5.1.3 Kennel Establishments</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.27 Licensing of approved kennel establishments <i>Dogs Local Law 2012:</i> Part 4 - Approved Kennel Establishments
<b>Function</b>	1. Authority to grant, refuse to grant or cancel a kennel licence [s.27(4) and (6)]. 2. Authority to approve, or refuse to approve the transfer of a licence [cl 4.14(3)]
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>Subject to conditions contained within Schedule 2 - <i>Dog Local Law 2012</i></li> <li>Variation applications to Schedule 2 - <i>Dog Local Law 2012</i> are to be referred to Council for decision.</li> <li>The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Dogs Local Law 2012</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

<b>Delegation</b>	<b>5.1.4 Recovery of Moneys Due Under this Act</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.29(5) Power to seize dogs
<b>Function</b>	1. Authority to recover moneys, in a court of competent jurisdiction, due in relation to a dog for which the owner is liable [s.29(5)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	<ul style="list-style-type: none"> <li>▪ Conditions on the Delegate also apply to the Subdelegates.</li> <li>▪ The Subdelegate is to inform the CEO prior to the exercise of this delegation.</li> </ul>
<b>Statutory framework</b>	Includes recovery of expenses relevant to: s.30A(3) Operator of dog management facility may have dog microchipped at owner's expense s.33M Local government expenses to be recoverable. s.47 Veterinary service expenses recoverable from local government r.31 Local government expenses as to dangerous dogs (declared)  <a href="#">Dogs Local Law 2012</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>5.1.5 Dispose of or Sell Dogs Liable to be Destroyed</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.29(11) Power to seize dogs
<b>Function</b>	1. Authority to dispose of or sell a dog which is liable to be destroyed [s.29(11)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> <li>▪ Proceeds from the sale of dogs are to be directed into the Municipal Fund.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	<a href="#">Dogs Local Law 2012</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>5.1.6 Declare Dangerous Dog</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33E(1) Individual dog may be declared to be dangerous dog (declared)
<b>Function</b>	1. Authority to declare an individual dog to be a dangerous dog [s.33E(1)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</li> </ul>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Manager Environmental Health, Emergency and Rangers
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal  <a href="#">Dogs Local Law 2012</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>5.1.7 Dangerous Dog Declared or Seized – Deal with Objections and Determine when to Revoke</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33F(6) Owners to be notified of making of declaration s.33G(4) Seizure and destruction s.33H(1), (2) Local government may revoke declaration or proposal to destroy
<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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</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> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Director Development Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegate.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal  <a href="#">Dogs Local Law 2012</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.

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<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>5.1.8 Deal with Objection to Notice to Revoke Dangerous Dog Declaration or Destruction Notice</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33H(5) Local government may revoke declaration or proposal to destroy
<b>Function</b>	1. Authority to consider and determine to either dismiss or uphold an objection to a decision to revoke [s.33H(5)]: a. a notice declaring a dog to be dangerous; or b. a notice proposing to cause a dog to be destroyed
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)]</li> <li>▪ Delegation of the s.33H(5) power to deal with an objection should not be delegated to the same person / position who is delegated / authorised to exercise s.33H(1) and (2)</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Director Corporate Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegate.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Dogs Local Law 2012</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

<b>Delegation</b>	<b>5.1.9 Determine Recoverable Expenses for Dangerous Dog Declaration</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.33M(1)(a) Local Government expenses to be recoverable
<b>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 the maximum amount prescribed, having regard to expenses incurred by the Local Government in making inquiries, investigations and inspections concerning the behaviour of a dog declared to be dangerous [s.33H(5)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ The Chief Executive Officer permitted to sub-delegate to suitably capable employees [s.10AA(3)].</li> <li>▪ Delegation does not include s.33M(1)(b) as the setting of a fixed fee is recommended to occur by Council resolution in accordance with s.6.16 of the Local Government Act 1995.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Dog Act 1976:</i> s.10AA(3) Delegation of local government powers and duties (NOTE – sub-delegation only permitted where delegation to the CEO expressly authorises sub-delegation)
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal <a href="#">Dog Regulations 2013</a> - Reg 31 Local government expenses as to dangerous dogs <a href="#">Dogs Local Law 2012</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance Software.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>5.1.10 Grant Exemption as to Number of Dogs Kept at Premises</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	05 Dog Act 1976 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Dog Act 1976:</i> s.10AA Delegation of local government powers and duties
<b>Express power or duty delegated</b>	<i>Dog Act 1976:</i> s.26(3) Limitation as to numbers
<b>Function</b>	1. Authority to approve, and determine conditions that apply to, an exemption as to the limit to the number of dogs that can be kept at a premises [s.26(3)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>a. The Chief Executive Officer permitted to sub-delegate to employees [s.10AA(3)].</p> <p>b. Decisions under this delegation must comply with the <i>Dog Act 1976</i> and the <i>Shire of Broome Dogs Local Law 2012</i>, including:</p> <ul style="list-style-type: none"> <li>Consider and be satisfied that for any particular premises the provisions of the <i>Dog Act 1976</i> relating to kennel establishments need not be applied in the circumstances [s.26(3)].</li> <li>Apply the provisions of s.26(4).</li> </ul> <p>c. Conditions that must be applied to an approved exemption, include:</p> <ul style="list-style-type: none"> <li>Fencing at the premises must be adequate and maintained to prevent the dogs from leaving the premises, to the satisfaction of the CEO.</li> <li>Registrations for each dog subject of the approved exemption must be current and maintained.</li> <li>An exemption applies only to the dogs registered and listed in the approval and as such cannot be transferred to another dog.</li> </ul> <p>d. Must comply with all relevant Policies</p>
<b>Express power to subdelegate</b>	<i>Dog Act 1976</i> s.10AA(3) Delegation of local government powers and duties
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Note - Decisions under this delegation may be referred for review by the State Administrative Tribunal. <a href="#">Dogs Local Law 2012</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	25 August 2022

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<b>Adoption references</b>	C/0822/109
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## 06 Food Act 2008 Delegations

Food Act 2008

## 06.1 Council to CEO

<b>Delegation</b>	<b>6.1.1 Determine Compensation</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.56(2) Compensation to be paid in certain circumstances s.70(2) and (3) Compensation
<b>Function</b>	1. Authority to determine applications for compensation in relation to any item seized, if no contravention has been committed and the item cannot be returned [s.56(2)]. 2. Authority to determine an application for compensation from a person on whom a prohibition notice has been served and who has suffered loss as the result of the making of the order and who considers that there were insufficient grounds for making the order [s.70(2) and (3)].
<b>Delegates</b>	Chief Executive Officer Director Development Services
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Compensation under this delegation may only be determined upon documented losses up to a maximum of \$2000. Compensation requests above this value are to be reported to Council.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
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<b>Delegation</b>	<b>6.1.2 Prohibition Orders</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.65(1) Prohibition orders s.66 Certificate of clearance to be given in certain circumstances s.67(4) Request for re-inspection
<b>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 Food Act 2008 [s.65(1)].</li> <li>2. Authority to give a certificate of clearance, where inspection demonstrates compliance with a prohibition order and any relevant improvement notices [s.66].</li> <li>3. Authority to give written notice to proprietor of a food business on whom a prohibition order has been served of the decision not to give a certificate of clearance after an inspection [s.67(4)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer Coordinator Environmental Health & Event Approval Environmental Health Officer Manager Environmental Health, Emergency and Rangers
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

<b>Delegation</b>	<b>6.1.3 Food Business Registrations</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.110(1) and (5) Registration of food business s.112 Variation of conditions or cancellation of registration of food businesses
<b>Function</b>	1. Authority to consider applications and determine registration of a food business and grant the application with or without conditions or refuse the registration [s.110(1) and (5)]. 2. Authority to vary the conditions or cancel the registration of a food business [s.112].
<b>Delegates</b>	Chief Executive Officer Coordinator Environmental Health & Event Approval Environmental Health Officer Manager Environmental Health, Emergency and Rangers
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>◦ Food Act 2008 Regulatory Guideline No.1 Introduction of Regulatory Food Safety Auditing in WA</li> <li>◦ Food Unit Fact Sheet 8 – Guide to Regulatory Guideline No.1</li> <li>◦ WA Priority Classification System</li> <li>◦ Verification of Food Safety Program Guideline</li> </ul> </li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	Delegations exercised are to be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

<b>Delegation</b>	<b>6.1.4 Appoint Authorised Officers and Designated Officers</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.122(1) Appointment of authorised officers s.126(6), (7) and (13) Infringement Officers
<b>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 Food Act 2008 [s.122(2)].</li> <li>2. Authority to appoint an Authorised Officer appointed under s.122(2) of this Act or the s.24(1) of the Public Health Act 2016, to be a Designated Officer for the purposes of issuing Infringement Notices under the Food Act 2008 [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>Delegates</b>	Chief Executive Officer Director Development Services
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time, including but not limited to: <ul style="list-style-type: none"> <li>◦ Appointment of Authorised Officers as Meat Inspector</li> <li>◦ Appointment of Authorised Officers</li> <li>◦ Appointment of Authorised Officers – Designated Officers only</li> <li>◦ Appointment of Authorised Officers – Appointment of persons to assist with the discharge of duties of an Authorised Officer</li> </ul> </li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Statutory framework</b>	s.122(3) requires an Enforcement Agency to maintain a list of appointed authorised officers. s.123(1) requires an Enforcement Agency to provide each Authorised Officer with a Certificate of Authority as prescribed

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<b>Record keeping</b>	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>6.1.5 Debt Recovery and Prosecutions</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Act 2008:</i> s.54 Cost of destruction or disposal of forfeited item s.125 Institution of proceedings
<b>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 Food Act 2008 [s.125].</li> </ol>
<b>Delegates</b>	Chief Executive Officer Director Development Services
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>6.1.6 Abattoir Inspections and Fees</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Regulations 2009:</i> r.43 Local government may require security r.45 Withdrawal of inspection services
<b>Function</b>	1. Authority, relevant to the payment of abattoir meat inspection fees under Food Regulation 41, to: i. require a person to provide security, ii. determine the form that security is to be provided, and iii. discharge a security held by the Shire of Broome [r.43]. 2. Authority to give written notice and withdraw abattoir meat inspection services, pending payment of any fees due and payable [r.45].
<b>Delegates</b>	Chief Executive Officer Coordinator Environmental Health & Event Approval Manager Environmental Health, Emergency and Rangers
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – Food Regulations 2009 do not provide for sub-delegation.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
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<b>Delegation</b>	<b>6.1.7 Food Businesses List – Public Access</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	06 Food Act 2008 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Food Act 2008:</i> s.118 Functions of enforcement agencies and delegation (2)(b) Enforcement agency may delegate a function conferred on it (3) Delegation subject to conditions [s.119] and guidelines adopted [s.120] (4) Sub-delegation permissible only if expressly provided in regulations
<b>Express power or duty delegated</b>	<i>Food Regulations 2009:</i> r.51 Enforcement agency may make list of food
<b>Function</b>	1. Authority to decide to make a list of food businesses maintained under s.115(a) or (b) publicly available [r.51].
<b>Delegates</b>	Chief Executive Officer Coordinator Environmental Health & Event Approval Manager Environmental Health, Emergency and Rangers
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ In accordance with s.118(3)(b), this delegation is subject to relevant Department of Health CEO Guidelines, as amended from time to time.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	NIL – <i>Food Regulations 2009</i> do not provide for sub-delegation.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
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## 07 Graffiti Vandalism Act 2016 Delegations

Graffiti Vandalism Act 2016

## 07.1 Council to CEO

<b>Delegation</b>	<b>7.1.1 Give Notice Requiring Obliteration of Graffiti</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	07 Graffiti Vandalism Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.18(2) Notice requiring removal of graffiti s.19(3) & (4) Additional powers when notice is given
<b>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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Coordinator Community Safety & Ranger Services Manager Environmental Health, Emergency and Rangers Senior Ranger
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017

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<b>Delegation</b>	<b>7.1.2 Notices – Deal with Objections and Give Effect to Notices</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	07 Graffiti Vandalism Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.22(3) Objection may be lodged s.24(1)(b) & (3) Suspension of effect of notice
<b>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>i. determine and take action to give effect to the notice, where it is determined that there are urgent reasons or an endangerment to public safety or likely damage to property or serious nuisance, if action is not taken [s.24(1)(b)] and</li> <li>ii. to give notice to the affected person, before taking the necessary actions [s.24(3)].</li> </ol> </li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Corporate Services Director Development Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Statutory framework</b>	Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>7.1.3 Obliterate Graffiti on Private Property</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	07 Graffiti Vandalism Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.25(1) Local government graffiti powers on land not local government property
<b>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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Subject to exercising Powers of Entry.</li> <li>▪ Must comply with all relevant Policies</li> </ul>
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>7.1.4 Powers of Entry</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	07 Graffiti Vandalism Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.16 Delegation by local government
<b>Express power or duty delegated</b>	<i>Graffiti Vandalism Act 2016:</i> s.28 Notice of entry s.29 Entry under warrant
<b>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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	<i>Graffiti Vandalism Act 2016:</i> s.17 Delegation by CEO of local government
<b>Subdelegates</b>	Director Development Services Manager Environmental Health, Emergency and Rangers
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
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## 08 Public Health Act 2016 Delegations

Public Health Act 2016

## 08.1 Council to CEO

<b>Delegation</b>	<b>8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	08 Public Health Act 2016 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(7) Infringement Notices
<b>Express power or duty delegated</b>	<i>Health (Asbestos) Regulations 1992:</i> r.15D(5) Infringement Notices
<b>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 [r.15D(5)].
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>Subject to each person so appointed being issued with a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices [r.15D(6)]</li> <li>Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	Nil – the <i>Health (Asbestos) Regulations 1992</i> do not provide a power to sub-delegate.
<b>Statutory framework</b>	<i>Criminal Procedure Act 2004 – Part 2</i>
<b>Record keeping</b>	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>8.1.2 Enforcement Agency Reports to the Chief Health Officer</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	08 Public Health Act 2016 Delegations
<b>Delegator</b>	Local Government
<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>Function</b>	<ol style="list-style-type: none"> <li>1. Authority to prepare and provide to the Chief Health Officer, the Local Government's report on the performance of its functions under this Act and the performance of functions by persons employed or engaged by the Shire of Broome [s.22(1)]</li> <li>2. Authority to prepare and provide to the Chief Health Officer, a report detailing any proceedings for an offence under this Act [s.22(2)].</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	Nil – Unless a Regulation enacted under the Public Health Act 2016, specifically authorises a delegated power or duty of an enforcement agency to be further delegated [s.21(4)].
<b>Statutory framework</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.
<b>Record keeping</b>	<p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's record management system.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

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<b>Delegation</b>	<b>8.1.3 Designate Authorised Officers</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	08 Public Health Act 2016 Delegations
<b>Delegator</b>	Local Government
<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.24(1) and (3) Designation of authorised officers
<b>Function</b>	<p>1. Authority to designate a person or class of persons as authorised officers for the purposes of:</p> <ul style="list-style-type: none"> <li>i. The <i>Public Health Act 2016</i> or other specified Act</li> <li>ii. Specified provisions of the <i>Public Health Act 2016</i> or other specified Act</li> <li>iii. Provisions of the <i>Public Health Act 2016</i> or another specified Act, other than the specified provisions of that Act.</li> </ul> <p>Including:</p> <ul style="list-style-type: none"> <li>a. an environmental health officer or environmental health officers as a class; OR</li> <li>b. a person who is not an environmental health officer or a class of persons who are not environmental health officers, OR</li> <li>c. a mixture of the two. [s.24(1) and (3)].</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>▪ Subject to each person so appointed being; <ul style="list-style-type: none"> <li>◦ Appropriately qualified and experienced [s.25(1)(a)]; and</li> <li>◦ Issued with a certificate, badge or identity card identifying the authorised officer [s.30 and 31].</li> </ul> </li> <li>▪ A Register (list) of authorised officers is to be maintained in accordance with s.27.</li> <li>▪ Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	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)].



<b>Statutory framework</b>	<p><i>Public Health Act 2016</i></p> <p>s.20 Conditions on performance of functions by enforcement agencies.</p> <p>s.25 Certain authorised officers required to have qualifications and experience.</p> <p>s.26 Further provisions relating to designations</p> <p>s.27 Lists of authorised officers to be maintained</p> <p>s.28 When designation as authorised officer ceases</p> <p>s.29 Chief Health Officer may issue guidelines about qualifications and experience of authorised officers</p> <p>s.30 Certificates of authority</p> <p>s.31 Issuing and production of certificate of authority for purposes of other written laws</p> <p>s.32 Certificate of authority to be returned.</p> <p>s.136 Authorised officer to produce evidence of authority</p> <p><i>Criminal Investigation Act 2006</i>, Parts 6 and 13 – refer s.245 of the <i>Public Health Act 2016</i></p> <p><i>The Criminal Code</i>, Chapter XXVI – refer s.252 of the <i>Public Health Act 2016</i></p>
<b>Record keeping</b>	<p>Instruments or Certificates of Authorisation – Copies are to be retained on the Authorised Person's personnel file.</p> <p>A record of each Authorisation is to be retained in the Authorised Persons Register, retained as a Local Government Record.</p> <p>Delegations exercised are to be recorded in the Attain Compliance System.</p> <p>Any supporting information should be recorded in the Shire's document management system.</p>
<b>Date adopted</b>	28 April 2022
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<b>Delegation</b>	<b>8.1.4 Determine Compensation for Seized Items</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	08 Public Health Act 2016 Delegations
<b>Delegator</b>	Local Government
<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>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>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>Compensation is limited to a maximum value of \$2,000, with any proposal for compensation above this value to be referred for Council's determination.</li> <li>Must comply with all relevant Policies.</li> </ul>
<b>Express power to subdelegate</b>	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)].
<b>Statutory framework</b>	<i>Public Health Act 2016</i> s.20 Conditions on performance of functions by enforcement agencies.  Note – Decisions under this delegation may be referred for review by the State Administration Tribunal
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded in the Shire's record management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

## 09 Planning and Development Act 2005 Delegations

Planning and Development Act 2005

## 09.1 Council to CEO

<b>Delegation</b>	<b>9.1.1 Illegal Development</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Local Government Act 1995:</i> s.5.42(b) Delegation of some powers or duties to the CEO s.5.43 Limitations on delegations to the CEO
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005:</i> Section 214(2), (3) and (5)
<b>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. to remove, pull down, take up, or alter the development; and</li> <li>b. to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of the responsible authority.</li> </ol> </li> <li>3. Give a written direction to the person whose duty it is to execute work to execute that work where it appears that delay in the execution of the work to be executed under a planning scheme or interim development order would prejudice the effective operation of the planning scheme or interim development order.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<ul style="list-style-type: none"> <li>• The Chief Executive Officer is to have regard to the Compliance and Enforcement Policy</li> </ul>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Development Services
<b>Subdelegate conditions</b>	The Director Development Services is to have regard to the Compliance and Enforcement Policy
<b>Statutory framework</b>	Part 13 of the <a href="#">Planning and Development Act 2005</a>
<b>Policy</b>	<a href="#">Council Policy - Compliance and Enforcement</a>

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<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded on the property file within the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

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## 09.2 Local Planning Scheme No. 6 – Council to CEO

<b>Delegation</b>	<b>9.2.1 PLA1 Built Strata Certificate of Approval – Forms 24 and 26</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 cl.82
<b>Express power or duty delegated</b>	<i>Strata Titles Act 1985</i> Part 2 Strata Schemes and Survey Strata Schemes Division 3 Creation of lots and common property Section 24, 25 Certificate of Commission
<b>Function</b>	1. The Chief Executive Officer is delegated authority under the <i>Strata Title Act 1985</i> to issue a preliminary approval strata plan (Form 24) and certificate of approval (Form 26).
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Any applications are to be determined be in accordance with Local Planning Scheme No 6.
<b>Subdelegates</b>	Coordinator Planning Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Record keeping</b>	Documentation to be recorded to the relevant property or strata subdivision file within the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

<b>Delegation</b>	<b>9.2.2 PLA4 Delegation to Waive/Refund Planning Fees</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Planning and Development Act 2005</i> s.261 Local government fees for planning matters etc., regulations as to
<b>Express power or duty delegated</b>	<i>Planning and Development Regulations 2009</i> Part 7 - Local government planning charges Division 2 - Fees and other charges Section 52 – Local government may waive or refund fees
<b>Function</b>	1. Authority to waive or refund, in whole or in part, payment of a fee for a planning service
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Waiving and Refunding of Fees must be in accordance with the Council adopted Policy and schedule of fees and charges.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Planning Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Policy</b>	Waiving and Refunding of Fees
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System  Any supporting documentation should be recorded to the relevant property and/or subdivision file in the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

<b>Delegation</b>	<b>9.2.3 PLAS Determine Development Application</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Division 2 - Delegations Clause 82 Delegations by local government
<b>Express power or duty delegated</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Deemed Provisions  <i>Local Planning Scheme No.6</i> Clause 3.18 Interpretation of the Zoning Table Clause 3.23 Extension of a Non-Conforming Use Clause 3.24 Change of Non-Conforming Use Clause 4.3 Special application of Residential Design Codes Clause 4.4 Variations to site and development requirements Clause 4.7 Car parking Clause 4.8 Service areas Clause 4.11 Height of buildings Clause 4.12 Broome-style architecture Clause 4.13 Inappropriate or incongruous development Clause 4.14 Landscaping and existing trees Clause 4.17 Telecommunications infrastructure

<b>Function</b>	<ul style="list-style-type: none"> <li>• Make determinations on the sufficiency of information provided with applications for development approval pursuant to clause 63 of the Deemed Provisions.</li> <li>• Advertise and provide notice of applications for development approval or consent pursuant to clause 64 of the Deemed Provisions.</li> <li>• Determine applications pursuant to clause 68 of the Deemed Provisions of LPS6 for development approval or refusal including: <ul style="list-style-type: none"> <li>◦ Any conditions to be imposed or reasons for refusal;</li> <li>◦ The period of validity; and</li> <li>◦ The scope of the development approval.</li> </ul> </li> <li>• Allow for the extension of the term of any development approval in accordance with clause 71 of the Deemed Provisions.</li> <li>• Determine applications where variations to Development Requirements of LPS6 pursuant to clauses, 3.23 (Extension of Non-Conforming Use), 3.24 (Change of Non-Conforming Use), 4.3 (Special Application of the Residential Design Codes), 4.4 (Variation to Site and Development Requirements) including variations to Schedule 8 (Development Standards), 4.7 (Car Parking), 4.8 (Service Areas), 4.11 (Height of Buildings), 4.12 (Broomestyle Architecture), 4.12 (Inappropriate or incongruous development), 4.14 (Landscaping and Existing Trees) and 4.17 (Telecommunications infrastructure) are proposed.</li> <li>• Any matter described in the Residential Design Codes including variations and determinations under design principles and clause 4.2 and 4.3 (Residential Design Codes) of LPS6.</li> <li>• Prescribe, vary, specify and determine requirements, standards or limitations which may be prescribed, varied, specified or determined under the Scheme with respect to the use or development of land or buildings.</li> <li>• Determine any works or uses that are temporary and in existence longer than 48 hours pursuant to clause 61(1)(f) and 61(2)(d) of the Deemed Provisions.</li> <li>• Determine any amendment applications pursuant to clause 77 (Amending or cancelling development approval) of the Deemed Provisions.</li> <li>• Determine any retrospective application pursuant to clause 65 (Subsequent approval of development) of the Deemed Provisions.</li> <li>• Make determinations to vary provisions pursuant to clause 12 of the Deemed Provisions to facilitate the conservation of a place entered in the Register of Places under the Heritage Western Australia Act 1990 or Listed in the Heritage List under clause 8 of the Deemed Provisions.</li> <li>• Determining applications in accordance with Structure Plans pursuant to clause 27 of the Deemed Provisions.</li> <li>• In accordance with clause 75(1)(c) of the Deemed Provisions agree to the extension of the Deemed Refusal time frame.</li> <li>• Make any determination and exercise any discretionary powers contained in LPS6 and its Schedules and the Deemed Provisions.</li> <li>• Determine the land use pursuant to clause 3.18 of LPS6.</li> <li>• Determine development applications which modifies or varies a Local Development Plan pursuant to clause 56 of the Deemed Provisions.</li> </ul>
<b>Delegates</b>	Chief Executive Officer



<b>Conditions</b>	<p>Authority only to be exercised following appropriate consideration of the matters listed in clause 67 of the Deemed Provisions and:</p> <ol style="list-style-type: none"> <li>1. Required consultation has to be conducted, delegation can be exercised where concerns raised through consultation is not relevant planning consideration or where concerns can be addressed by way of conditions or mitigated design. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions a report to Council shall be prepared.</li> <li>2. Delegation can only be exercised to the extent that the Scheme or Council policy provides for variations, where variation to Council policy is proposed a report will be prepared to Council.</li> </ol>
<b>Express power to subdelegate</b>	<p>Local Government Act 1995: s.5.44 CEO may delegate some powers and duties to other employees</p>
<b>Subdelegates</b>	<p>Coordinator Planning Services Director Development Services Manager Planning and Building Services</p>
<b>Subdelegate conditions</b>	<p>Conditions on the Delegate also apply to the Subdelegates.</p>
<b>Policy</b>	<p><a href="#">Local Planning Policies</a></p>
<b>Record keeping</b>	<p>Delegations exercised are to be recorded to the relevant property or reserve file within the Shire's document management system.</p>
<b>Date adopted</b>	<p>28 April 2022</p>
<b>Adoption references</b>	<p>Item 9.4.1 Minute No. C/0422/017</p>
<b>Last reviewed</b>	<p>31 March 2022</p>

<b>Delegation</b>	<b>9.2.4 PLA8 Local Development Plans</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Division 2 - Delegations Clause 82 Delegations by local government
<b>Express power or duty delegated</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Deemed Provisions  Clause 48 - Preparation of local development plan Clause 49 - Action by local government on receipt of application Clause 50 - Advertising of local development plan Clause 51 - Consideration of submissions Clause 52 - Decision of local government
<b>Function</b>	<ul style="list-style-type: none"> <li>Consider the material provided by the applicant and determine whether sufficient information is provided or if further information from the applicant is required before the local development plan can be accepted for assessment under clause 49(1).</li> <li>Determine under clause 50(3) whether the local development plan is to be advertised.</li> <li>Consider submissions and take such actions as may be required under clause 51.</li> <li>Determine whether the local development plan is approved, is required to be modified or resubmitted or refused under clause 52.</li> </ul>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>Authority only to be exercised following appropriate consideration of the matters listed under clause 48 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and the local development plan is consistent with Local Planning Scheme No6 and the Local Planning Strategy.</p> <p>Authority to not advertise a local development plan can only be exercised where it can be demonstrated that it would not adversely affect the owners or occupiers within the area covered by the plan or an adjoining area.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995:</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Development Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegate.
<b>Record keeping</b>	Delegations exercised are to be recorded to the relevant property or subject file within the Shire's document management system.
<b>Date adopted</b>	28 April 2022

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<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

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<b>Delegation</b>	<b>9.2.5 PLA9 Structure Plans</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Division 2 - Delegations Clause 82 Delegations by local government
<b>Express power or duty delegated</b>	<i>Planning and Development (Local Planning Schemes) regulations 2015</i> Schedule 2 Deemed Provisions  Clause 16 - Preparation of structure plan Clause 17 - Action by local government on receipt of application Clause 18 - Advertising structure plan Clause 19 - Consideration of submissions
<b>Function</b>	<ol style="list-style-type: none"> <li>1. Consider the material provided by the applicant and determine whether sufficient information is provided or if further information from the applicant is required before the structure plan can be accepted for assessment under clause 17(1).</li> <li>2. Advertise the structure plan in accordance with clause 18.</li> <li>3. Consider submissions and take such actions as may be required under clause 19.</li> <li>4. Prepare a report on the proposed structure plan and provide it to the Western Australian Planning Commission in accordance with clause 20.</li> </ol>
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>Authority only to be exercised following appropriate consideration of the matters listed under clause 16 of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) regulations 2015</i> and the structure plan is consistent with Local Planning Scheme 6 and the Local Planning Strategy.</p> <p>Any applications are to be determined in accordance with Local Planning Scheme No 6.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.544 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Planning Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	<p>Conditions on the Delegate also apply to the Subdelegates.</p> <p>Manager Planning and Building Services (excludes power outlined in item 4) Coordinator Planning Services (excludes power outlined in item 4)</p>
<b>Policy</b>	Local Planning Policy 5.22 <a href="#">Shire of Broome Structure Plan and Subdivision Standards</a>
<b>Record keeping</b>	Delegations exercised are to be recorded to the relevant property or subject file within the Shire's document management system.

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<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
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<b>Delegation</b>	<b>9.2.6 PLA10 Subdivision and Amalgamation Applications and Clearance</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Division 2 - Delegations Clause 82 Delegations by local government
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005</i> Part 10 - Subdivision and development control Division 2 - Approval for subdivision and certain transactions Section 142 - Consultation requirements as to proposed subdivision Section 145 - Diagram or plan of survey of approved plan of subdivision, approval of
<b>Function</b>	Authority to respond to the Western Australian Planning Commission (WAPC) regarding applications for subdivision or amalgamation or strata submissions and the clearance of any subdivision conditions imposed by the Western Australian Planning Commission.
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	<p>Authority to provide a response to the WAPC on an application for subdivision/amalgamation is to be exercised only when the response provided (either support with or without conditions or not to support) is consistent with an approved Structure Plan, Development Approval or the site and development requirements under Local Planning Scheme No 6 (LPS6) and the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Authority to provide a response to the WAPC on a request for clearance of subdivision conditions is only to be exercised where the proponent has with with Council's requirements of subdivisional works; this is to include the acceptance of bonds or securities as performance guarantees against unfulfilled conditions.</p>
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Coordinator Planning Services Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates.
<b>Policy</b>	Local Planning Policy - 5.22 <a href="#">Shire of Broome Structure Plans and Subdivision Standard</a>
<b>Record keeping</b>	Delegations exercised are to be recorded to the relevant subdivision file within the Shire's document management system.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017

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Last reviewed	10 March 2023
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<b>Delegation</b>	<b>9.2.7 PLA11 Submit Responsible Authority Report</b>
<b>Category</b>	Council to CEO
<b>Head of power</b>	09 Planning and Development Act 2005 Delegations
<b>Delegator</b>	Local Government
<b>Express power to delegate</b>	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Schedule 2 Division 2 - Delegations Clause 82 Delegations by local government
<b>Express power or duty delegated</b>	<i>Planning and Development Act 2005</i> Part 11A - Development Assessment Panels and development control Division 1 - Functions of DAP's Section 171A - Prescribed development applications, DAP to determine and regulations for Section 171B - DAP to carry out delegated functions  <i>Planning and Development (Development Assessment Panels) Regulations 2011</i> Reg 11 - Local government must notify DAP of DAP application Reg 12 - Responsible authority must report to DAP
<b>Function</b>	Authority to submit the Responsible Authority Report to the presiding member of the Development Assessment Panel (DAP)
<b>Delegates</b>	Chief Executive Officer
<b>Conditions</b>	Authority only to be exercised where:  1. Consideration has been given to the matters listed in clause 67(2)(a) - (zb) - 'matters to be considered by local government' of Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . 2. Required consultation has been conducted, delegation can be exercised where concerns raised through consultation is not relevant planning consideration or where concerns can be addressed by way of conditions or mitigated design. Where concerns raised are relevant planning considerations that cannot be addressed or mitigated through conditions, a report to Council shall be prepared.
<b>Express power to subdelegate</b>	<i>Local Government Act 1995</i> s.5.44 CEO may delegate some powers and duties to other employees
<b>Subdelegates</b>	Director Development Services Manager Planning and Building Services
<b>Subdelegate conditions</b>	Conditions on the Delegate also apply to the Subdelegates
<b>Policy</b>	<a href="#">Local Planning Policies</a>
<b>Record keeping</b>	Delegations exercised are to be recorded in the Attain Compliance System.  Any supporting information should be recorded on the property file within the Shire's document management system.



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<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

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

Statutory Authorisations and Delegations to Local Government from State Government Entities

### 10.1 Environmental Protection Act 1986

<b>Delegation</b>	<b>10.1.1 Noise Control - Environmental Protection Notices [Reg.65(1)]</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Department of Water and Environmental Regulation
<b>Express power or duty delegated</b>	<p>Published by: GOVERNMENT GAZETTE No.47. 19-Mar-2004 Environment Western Australia Page 919</p> <p>-----</p> <p><b>EV401</b></p> <p><b>ENVIRONMENTAL PROTECTION ACT 1986</b> <b>Section 20</b> Delegation No. 52</p> <p>Pursuant to section 20 of the <i>Environmental Protection Act 1986</i>, the Chief Executive Officer hereby delegates as follows—</p> <p>Powers and duties delegated—</p> <p>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.</p> <p>Persons to whom delegation made—</p> <p>This delegation is made to any person for the time being holding or acting in the office of Chief Executive Officer under the <i>Local Government Act 1995</i>.</p> <p>Pursuant to section 59(1)(e) of the <i>Interpretations Act 1984</i>, Delegation No. 32, dated 4 February 2000 is hereby revoked.</p> <p>Dated this 9th day of January 2004.</p> <p>Approved—</p> <p>FERDINAND TROMP, A/Chief Executive Officer.</p> <p>Dr JUDY EDWARDS MLA, Minister for the Environment.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Date adopted</b>	28 April 2022

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<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

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<b>Delegation</b>	<b>10.1.2 Noise Management Plans - Keeping Log Books, Noise Control Notices, Calibration and Approval of Non-Complying Events</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Department of Water and Environmental Regulation
<b>Express power or duty delegated</b>	<p>Published by: <b>GOVERNMENT GAZETTE</b> No.232. 20-Dec-2013 Environment Western Australia Page: 6282</p> <hr/> <p><b>EV402</b></p> <p><b>ENVIRONMENTAL PROTECTION ACT 1986</b> <b>Delegation No. 112</b></p> <p>I, Jason Banks, in my capacity as Acting Chief Executive Officer of the Department of Environment Regulation responsible for the administration of the <i>Environmental Protection Act 1986</i> ("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 <i>Local Government Act 1995</i>, my powers and duties under the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation, in relation to--</p> <p>(a) waste collection and other works--noise management plans relating to specified works under regulation 14A or 14B;</p> <p>(b) bellringing or amplified calls to worship--the keeping of a log of bell ringing or amplified calls to worship requested under regulation 15(3)(c)(vi);</p> <p>(c) community activities--noise control notices in respect of community noise under regulation 16;</p> <p>(d) motor sport venues--noise management plans in relation to motor sport venues under Part 2 Division 3;</p> <p>(e) shooting venues--noise management plans in relation to shooting venues under Part 2 Division 4;</p> <p>(f) calibration results--requesting, under regulation 23(b), details of calibration results undertaken and obtained under Schedule 4;</p> <p>(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--</p> <p>(i) Subregulation 18(13)(b) is not delegated.</p> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 68, gazetted 22 June 2007 is hereby revoked.</p> <p>Dated the 12th day of December 2013.</p> <p>JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by--</p> <p>JOHN DAY, Acting Minister for Environment; Heritage.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

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<b>Delegation</b>	<b>10.1.3 Noise Management Plans - Constructions Sites</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Department of Water and Environmental Regulation
<b>Express power or duty delegated</b>	<p>Published by: GOVERNMENT GAZETTE No.71. 16-May-2014 Environment Western Australia Page: 1548</p> <p>-----</p> <p><b>EV405</b></p> <p><b>ENVIRONMENTAL PROTECTION ACT 1986</b> <b>Delegation No. 119</b></p> <p>I, Jason Banks, in my capacity as the Acting Chief Executive Officer of the Department responsible for the administration of the <i>Environmental Protection Act 1986</i> ("the Act"), and pursuant to section 20 of the Act, hereby delegate to the holder for the time being of the offices of-</p> <p>(a) Chief Executive Officer under the <i>Local Government Act 1995</i>; and</p> <p>(b) to any employee of the local government under the <i>Local Government Act 1995</i> who is appointed as an Authorised Person under section 87 of the Act,</p> <p>all my powers and duties in relation to noise management plans under regulation 13 of the <i>Environmental Protection (Noise) Regulations 1997</i>, other than this power of delegation.</p> <p>Under section 59(1)(e) of the <i>Interpretation Act 1984</i>, Delegation No. 111, gazetted 20 December 2013, is hereby revoked.</p> <p>Dated the 1st day of May 2014.</p> <p>JASON BANKS, Acting Chief Executive Officer.</p> <p>Approved by-</p> <p>Hon ALBERT JACOBS JP MLA, Minister for Environment: Heritage.</p>
<b>Delegates</b>	Chief Executive Officer
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

## 10.2 Planning and Development Act 2005

<b>Delegation</b>	<b>10.2.1 Sign Development Applications for Crown Land as Owner - Local Government CEOs - Instrument of Authorisation</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Department of Planning, Lands and Heritage
<b>Express power to delegate</b>	<b>Column 2</b> Shire of Broome
<b>Express power or duty delegated</b>	<p><b>DoL FILE 1738/2002v8; 858/2001v9</b></p> <p><b>PLANNING AND DEVELOPMENT ACT 2005</b></p> <p><b>INSTRUMENT OF AUTHORISATION</b></p> <p>I, <b>Donald Terrence Redman MLA</b>, Minister for Lands, a body corporate continued by section 7 (1) of the <i>Land Administration Act 1997</i>, under section 267A of the <i>Planning and Development Act 2005</i>, HEREBY authorise, in respect of each local government established under the <i>Local Government Act 1995</i> 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.</p> <p>Dated the 2nd day of June 2016</p> <p><b>HON DONALD TERRENCE REDMAN MLA</b> <b>MINISTER FOR LANDS</b></p>

<b>Function</b>	<p><b>This is the Schedule referred to in an Instrument of Authorisation relating to Development Applications under the <i>Planning and Development Act 2005</i></b></p> <p><b>Column 1</b></p> <p>The power to sign as owner in respect of Crown land that is:</p> <ul style="list-style-type: none"> <li>• a reserve managed by the local government pursuant to section 46 of the <i>Land Administration Act 1997</i> and the development is consistent with the reserve purpose and the development is not for a commercial purpose; or</li> <li>• the land is a road of which the local government has the care, control and management under section 55(2) of the <i>Land Administration Act 1997</i> and where there is no balcony or other structure proposed to be constructed over that road unless that structure comes within the definition of a 'minor encroachment' in the <i>Building Regulations 2012</i> (Regulation 45A), or is an 'awning, verandah or thing' (Regulation 45B), or is a ground anchor, and where the development is consistent with the use of the land as a road.</li> </ul> <p>in respect of development applications being made under or referred to in:</p> <ol style="list-style-type: none"> <li>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>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 the term is defined in that Act);</li> <li>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>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>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> <li>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;</li> <li>section 171A of the <i>Planning and Development Act 2005</i> in respect of a prescribed development application (as that terms is defined in that section of that Act).</li> </ol>
<b>Delegates</b>	Chief Executive Officer



<b>Conditions</b>	<b>Column 3</b>  In accordance with and subject to approved Government Land policies.  Any signature subject to the following endorsement:  Signed only as an acknowledgement that a development applications 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 provisions 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.
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

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<b>Delegation</b>	<b>10.2.2 WA Planning Commission - Powers of Local Governments - s.15 of the Strata Titles Act 1985 (DEL.2020/01)</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Western Australian Planning Commission
<b>Express power or duty delegated</b>	<p>29 January 2021 <b>GOVERNMENT GAZETTE, WA</b> 449</p> <p>-----</p> <p><b>PL402</b></p> <p><b>PLANNING AND DEVELOPMENT ACT 2005</b> Instrument of Delegation Del 2020/01 Powers of Local Governments</p> <p>Delegation to local governments of certain powers and functions of the Western Australian Planning Commission relating to certain applications under the <i>Strata Titles Act 1985</i></p> <p><b>Preamble</b> Under section 16 of the <i>Planning and Development Act 2005</i> (the Act) the Western Australian Planning Commission (WAPC) may, by resolution published in the <i>Government Gazette</i>, delegate any function under the Act or any other written law to a local government, a committee established under the <i>Local Government Act 1995</i> or an employee of a local government.</p> <p>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.</p> <p><b>Resolution under section 16 of the Act (delegation)</b> On 20 January 2021, pursuant to section 16 of the Act, the WAPC RESOLVED-</p> <p>A. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under section 15 of the <i>Strata Titles Act 1985</i> as set out in clause 1 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</p> <p>B. TO DELEGATE to local governments, and to members and officers of those local governments, its powers and functions under sections 21 and 22 of the <i>Strata Titles Act 1985</i> as set out in clause 2 of Schedule 1, within their respective districts, subject to the conditions set out in clause 3 of Schedule 1;</p> <p>C. TO AMEND "Del 2020/01 - Powers of Local Governments" to give effect to its resolutions and to publish an updated, consolidated instrument.</p> <p>SAM FAGAN, Western Australian Planning Commission</p>

<b>Function</b>	<p style="text-align: center;"><b>Schedule 1</b></p> <p><b>1. Applications made under section 15 of the <i>Strata Titles Act 1985</i></b>  Power to determine applications under section 15 of the <i>Strata Titles Act 1985</i>, except those applications that -</p> <ul style="list-style-type: none"> <li>a. propose the creation of a vacant lot;</li> <li>b. propose vacant air stratas in multi-tiered strata scheme developments;</li> <li>c. propose the creation of postponement of a leasehold scheme;</li> <li>d. propose a type 1 (a) subdivision or a type 2 subdivision (as defined in section 3 of the <i>Strata Titles Act 1985</i>);</li> <li>e. in the opinion of the WAPC as notified to the relevant local government in writing, or in the opinion of the relevant local government as notified to the WAPC in writing, relate to - <ul style="list-style-type: none"> <li>i. a type of development; and/or</li> <li>ii. land within an area,</li> </ul> </li> </ul> <p>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.</p> <p><b>2. Applications under section 21 and 22 of the <i>Strata Titles Act 1985</i></b>  Power to determine applications under-</p> <ul style="list-style-type: none"> <li>a. section 21 of the <i>Strata Titles Act 1985</i>;</li> <li>b. section 22 of the <i>Strata Titles Act 1985</i> where the amendment or repeal of scheme by-laws requires the approval of the WAPC.</li> </ul> <p><b>3. Reporting requirements</b>  A local government that exercises the powers referred to in clause 1 and/or clause 2, is to provide the WAPC with data on all applications determined under this Instrument of Delegation. This must be provided at the conclusion of each financial year in the format prescribed by the WAPC.</p>
<b>Delegates</b>	Chief Executive Officer Coordinator Planning Services Director Development Services Manager Planning and Building Services
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

Shire of Broome

### 10.3 Main Roads Act 1930

<b>Delegation</b>	<b>10.3.1 Traffic Management - Events on Roads</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Main Roads Western Australia

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Express power or duty delegated	<p style="text-align: center;"><b>WESTERN AUSTRALIA</b>  <b>ROAD TRAFFIC CODE 2000</b>  <b>REGULATION 297(2)</b>  INSTRUMENT OF AUTHORISATION  RELATING TO  TRAFFIC MANAGEMENT FOR EVENTS</p> <p>Pursuant to Regulation 297(2) of the <i>Road Traffic Code 2000</i> the Commissioner of Main Roads ("the Commissioner ") hereby authorises the Shire of Broome ("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:</p> <ul style="list-style-type: none"> <li>i. "event" subject to an order from the Commissioner of Police pursuant to Part VA of the <i>Road Traffic Act 1974</i>;</li> <li>ii. race meeting or speed test for which the Minister referred to in section 83 of the <i>Road Traffic Act 1974</i> has, under that provision, temporarily suspended the operation of any provisions of the <i>Road Traffic Act 1974</i> or regulations made under that Act; or</li> <li>iii. public meeting or procession the subject of a permit granted by the Commissioner of Police under the <i>Public Order in Streets Act 1984</i>;</li> </ul> <p>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:</p> <p>(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 <a href="http://www.mainroads.wa.gov.au">www.mainroads.wa.gov.au</a> or by contacting Main Roads by phone;</p> <p>(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</p> <p>(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.</p> <p>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.</p> <p>The powers in this Instrument of Authorisation do not change or replace:</p> <ol style="list-style-type: none"> <li>1) any prior Instrument of Authorisation from the Commissioner of Main Roads for the purposes of undertaking traffic management for works on roads; and</li> <li>2) any powers and responsibilities of any relevant local government provided in regulation 9 of the Road Traffic (Events on Roads) Regulations 1991.</li> </ol>
Delegates	Chief Executive Officer Director Infrastructure Manager Engineering Manager Operations

Shire of Broome

<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
31 Mar 2023	Amended delegation	Manager Engineering added as a delegate.	Nil

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<b>Delegation</b>	<b>10.3.2 Traffic Management - Road Works</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Main Roads Western Australia
<b>Express power or duty delegated</b>	<p style="text-align: center;"><b>WESTERN AUSTRALIA ROAD TRAFFIC CODE 2000 REGULATION 297(2) INSTRUMENT OF AUTHORISATION</b></p> <p>Pursuant to Regulation 297(2) of the Road Traffic Code 2000 the Commissioner of Main Roads ("the Commissioner") hereby authorises the Shire of Broome ("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:</p> <ol style="list-style-type: none"> <li>the Authorised Body shall at all times observe, perform and comply with the provisions of the "Traffic Management for 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 <a href="#">Main Roads Website</a> or by contacting Main Roads by phone;</li> <li>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</li> <li>the Authorised Body shall ensure that its Representatives comply with the terms and conditions identified above at paragraphs (a) and (b) as it they were named in those paragraphs in place of the Authorised Body.</li> </ol> <p>By executing and returning the acknowledgement at the foot of this authorisation, the Authorised Body agrees to observe, perform and comply with the above terms and conditions.</p> <p>This Instrument of Authorisation replaces any prior Instrument of Authorisation under Regulation 292(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.</p>
<b>Delegates</b>	Chief Executive Officer Director Infrastructure Manager Engineering Manager Operations
<b>Date adopted</b>	28 April 2022

Shire of Broome

<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	14 March 2023

Amendments			
Approved	Type	Amendment	References
13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO	Nil

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## 10.4 Road Traffic (Vehicles) Act 2012

<b>Delegation</b>	<b>10.4.1 Approval for Certain Local Government Vehicles as Special Use Vehicles</b>
<b>Head of power</b>	10 Statutory Authorisations and Delegations to Local Government from State Government Entities
<b>Delegator</b>	Department of Transport
<b>Express power or duty delegated</b>	<p style="text-align: center;"><b>ROAD TRAFFIC (VEHICLES) ACT 2012</b>  <i>Road Traffic (Vehicles) Regulations 2014</i>  <b>RTVR-2017-202046</b></p> <p style="text-align: center;">APPROVAL UNDER REGULATION 327(4)(f) FOR CERTAIN LOCAL GOVERNMENT VEHICLES AS SPECIAL USE VEHICLES</p> <p>Pursuant to the <i>Road Traffic (Vehicles) Regulations 2014</i> (the <i>Regulations</i>), 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:</p> <ul style="list-style-type: none"> <li>a. the <i>Local Government Act 1995</i>;</li> <li>b. regulations made under the <i>Local Government Act 1995</i>;</li> <li>c. a local law;</li> <li>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 <i>Dog Act 1976</i>); or</li> <li>e. any combination of the above paragraphs (a) to (d);</li> </ul> <p>as special use vehicles for the purposes of paragraph "f" of the definition of "<i>special use vehicle</i>" in regulation 327(4) of the <i>Regulations</i>, with the effect that those vehicles may be fitted with one or more yellow flashing lights under regulation 327(3)(b) of the <i>Regulations</i>, subject to the following conditions:</p> <p>Christopher Davers  Assistant Director, Strategy and Policy  Driver and Vehicle Services  Department of Transport</p> <p>5th September 2017</p> <p><a href="https://transport.wa.gov.au">Approval for ranger vehicles to fit and use yellow flashing lights (transport.wa.gov.au)</a></p>
<b>Delegates</b>	Chief Executive Officer Coordinator Community Safety & Ranger Services Director Development Services Manager Environmental Health, Emergency and Rangers

<b>Conditions</b>	<ol style="list-style-type: none"> <li>1. Those lights must emit rotating, flashing yellow coloured light(s) and must not be a strobe light.</li> <li>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.</li> <li>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.</li> <li>4. If more than one flashing lights is fitted, they must be placed symmetrically about the centre line of the vehicle or combination of vehicles.</li> <li>5. An on/off switch for the flashing lights must be installed so as to be easily operated from the driver's seat.</li> <li>6. Any additional equipment fitted to the vehicle must not interfere with the overall safe operation of the vehicle.</li> <li>7. Any vehicle fitted with flashing lights for the purposes of this approval must: <ol style="list-style-type: none"> <li>a. have words clearly set out on the sides of the vehicle which state the name of the local government in question together with the words "Ranger", "Ranger Services", or words to similar unambiguous effect; and</li> <li>b. where the vehicle is a station wagon or van, have the words "Ranger", "Ranger Services" or words to similar unambiguous effect clearly set out on the back of the vehicle.</li> </ol> </li> </ol> <p>This condition 7 is not intended to prevent the use of additional words on the vehicle.</p>
<b>Date adopted</b>	28 April 2022
<b>Adoption references</b>	Item 9.4.1 Minute No. C/0422/017
<b>Last reviewed</b>	10 March 2023

## AMENDMENTS

Delegation	Approved or adopted	Type	Amendment	References
1.2.3 Powers of Entry	13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by the CEO.	Nil
1.2.7 Close Thoroughfares to Vehicles	13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO.	Nil
1.2.9 Obstruction of Footpaths and Thoroughfares	13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil
1.2.10 Gates Across Public Thoroughfares	13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil
1.2.11 Public Thoroughfare – Dangerous Excavations	13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO.	Nil
1.2.12 Crossing – Construction, Repair and Removal	13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO.	Nil
1.2.13 Private Works on, over or under Public Places	13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO.	Nil
1.2.14 Give Notice to Prevent Damage to Local Government Property from Wind Erosion and Sand Drift	13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO.	Nil
1.2.21 Defer, Grant Discounts, Waive or Write Off Debts	8 Dec 2022	Amended delegation	Manager Financial Services added as sub delegate to provide operational efficiency.	CEO approved (See Synergy Record N221213 -50609)
1.2.24 Agreement as to Payment of Rates and Service Charges	8 Dec 2022	Amended delegation	Coordinator Financial Operations added as sub delegate to provide operational efficiency.	Approved by CEO (See Synergy record N221213-50609)
1.3.2 Determine and Manage Conditions on Approvals to Obstruct a Public Thoroughfare	13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO	Nil

Shire of Broome

Delegation	Approved or adopted	Type	Amendment	References
1.3.3 Determine and Manage Conditions on Permission for Dangerous Excavations on or on land adjoining Public Thoroughfares	13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil
1.3.4 Determine and Manage Conditions on Permission for Private Works on, over, or under Public Places	13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil
1.4.2 Local Government Property and Public Places Local Law 2016	13 Mar 2023	Amended delegation	Manager Engineering added as a subdelegate approved by CEO	Nil
10.3.1 Traffic Management - Events on Roads	31 Mar 2023	Amended delegation	Manager Engineering added as a delegate.	Nil
10.3.2 Traffic Management - Road Works	13 Mar 2023	Amended delegation	Manager Engineering added as subdelegate approved by CEO	Nil

**9.4.3 MONTHLY PAYMENT LISTING FEBRUARY 2023**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	FRE02
<b>AUTHOR:</b>	Finance Officer - Creditors
<b>CONTRIBUTOR/S:</b>	Manager Financial Services
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report recommends that Council receives the list of payments made under delegated authority, as per the attachment to this report, for February 2023.

**BACKGROUND**

The Chief Executive Officer (CEO) has delegated authority to make payments from the Municipal and Trust funds as per the budget allocations.

**COMMENT**

The Shire provides payments to suppliers by either Electronic Funds Transfer (EFT & BPAY), cheque, credit card or direct debit. Attached is a list of all payments processed under delegated authority during February 2023.

**CONSULTATION**

Nil.

**STATUTORY ENVIRONMENT*****Local Government (Financial Management) Regulations 1996***

13. *Payments from municipal fund or trust fund by CEO, CEO's duties as to etc.*

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

- (b) the date of the meeting of the Council to which the list is to be presented.
- (3) A list prepared under sub regulation (1) or (2) is to be —
- (a) presented to the Council at the next ordinary meeting of the Council after the list is prepared; and
  - (b) recorded in the minutes of that meeting.

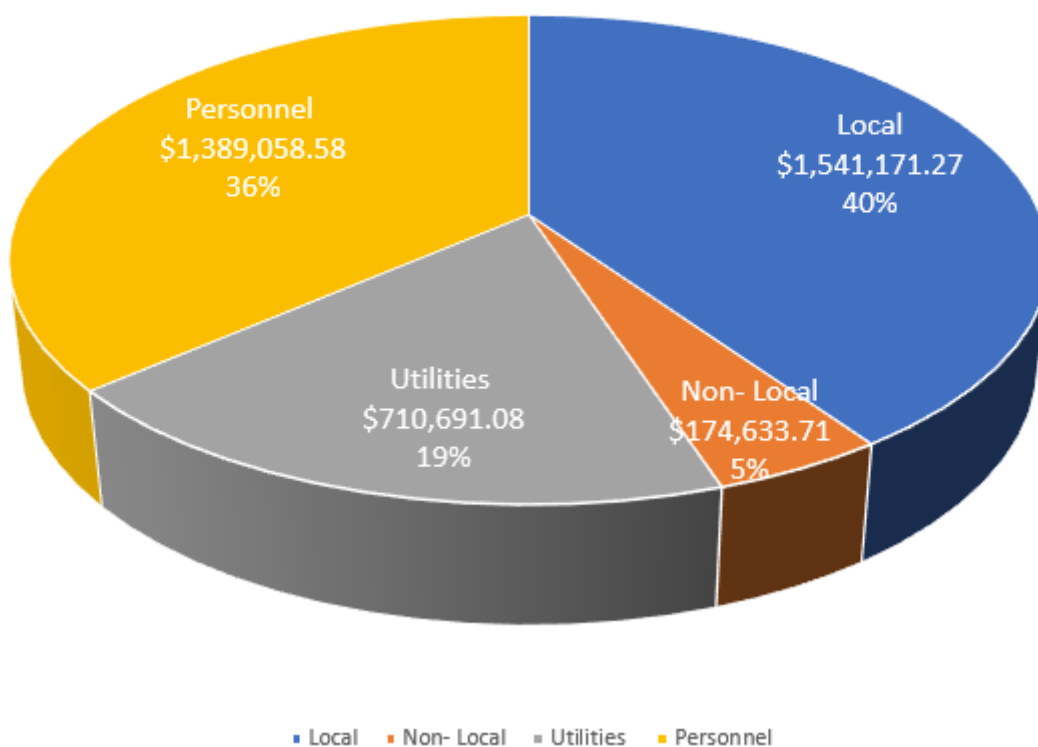
## POLICY IMPLICATIONS

Nil.

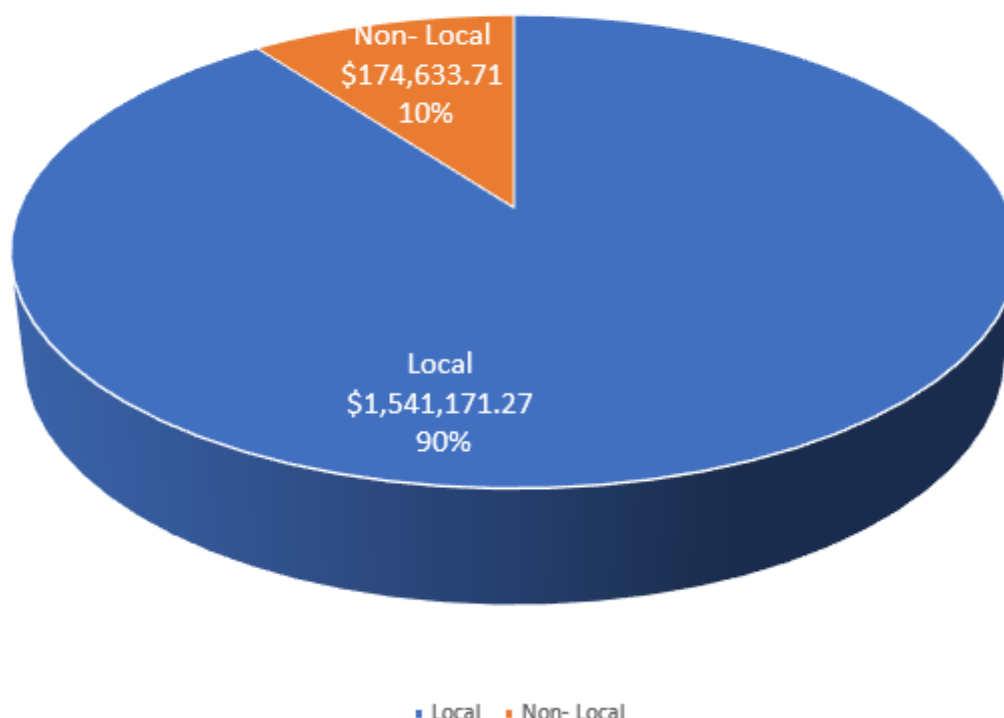
## FINANCIAL IMPLICATIONS

List of payments made in accordance with budget and delegated authority. Payments can also be analysed as follows:

### SHIRE OF BROOME PAYMENTS FEBRUARY 2023



## LOCAL Vs NON-LOCAL PAYMENTS FEBRUARY 2022



The above graph shows the percentage of local spend in comparison to non-local and recoupable spend for February 2023 after \$1,389,058.58 in personnel payments, \$710,691.08 in utilities and other non-local sole suppliers were excluded.

### YEAR TO DATE CREDITOR PAYMENTS

The below table summarises the total payments made to creditors year to date:

Month	Cheques	EFT Payments	Direct Debit	Credit Card	Trust	Payroll	Total Creditors
Jul-22	\$ 5,314.00	\$ 3,047,351.62	\$ 171,200.46	\$ 15,398.08	\$ -	\$1,364,058.69	\$ 4,603,322.85
Aug-22	\$ 25,568.89	\$ 2,848,898.04	\$ 174,797.34	\$ 27,115.77	\$ -	\$1,093,335.48	\$ 4,169,715.52
Sep-22	\$ 9,920.50	\$ 3,056,121.57	\$ 173,868.29	\$ 37,681.34	\$ -	\$1,079,117.52	\$ 4,356,709.22
Oct-22	\$ 13,212.10	\$ 2,793,790.64	\$ 170,971.65	\$ 38,481.39	\$ -	\$1,093,182.67	\$ 4,109,638.45
Nov-22	\$ 2,788.50	\$ 3,190,550.76	\$ -	\$ 27,908.69	\$ -	\$1,089,624.00	\$ 4,310,871.95
Dec-22	\$ 719.10	\$ 3,133,956.03	\$ 208,135.90	\$ 21,574.62	\$ -	\$1,140,459.19	\$ 4,504,844.84
Jan-23	\$ 995.50	\$ 2,597,431.54	\$ 532,241.63	\$ 14,510.88	\$ -	\$1,082,477.83	\$ 4,227,657.38
Feb-23	\$ 1,522.22	\$ 2,408,673.90	\$ 267,648.47	\$ 16,299.94	\$ -	\$1,121,410.11	\$ 3,815,554.64
Mar-23							\$ -
Apr-23							\$ -
May-23							\$ -
Jun-23							\$ -
<b>TOTAL</b>	<b>\$ 60,040.81</b>	<b>\$ 23,076,774.10</b>	<b>\$1,698,863.74</b>	<b>\$ 198,970.71</b>	<b>\$ -</b>	<b>\$9,063,665.49</b>	<b>\$ 34,098,314.85</b>

### RISK

The risk of Council not adopting this report is extreme as this will result in non-compliance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

The likelihood of this ever occurring is rare due to the CEO's implementation of procedures to ensure payment details are disclosed to Council in a timely manner, as well as Procurement and Purchasing policies which ensure these payments are made in accordance with budget and delegated authority and comply with *Local Government (Financial Management) Regulations 1996*.

## STRATEGIC ASPIRATIONS

**Performance - We will deliver excellent governance, service & value for everyone.**

**Outcome 13 - Value for money from rates and long term financial sustainability**

**Objective** 13.1 Plan effectively for short- and long-term financial sustainability

## VOTING REQUIREMENTS

*Simple Majority*

### REPORT RECOMMENDATION:

*That Council:*

1. *Receives the list of payments made from the Municipal and Trust Accounts in February 2023 totalling in \$3,815,554.64 (Attachment 1) per the requirements of Regulation 12 of the Local Government (Financial Management) Regulations 1996 covering:*
  - a) *EFT Vouchers EFT68748 - EFT69112 including Credit Card payments totalling \$2,778,516.54;*
  - b) *Municipal Cheque Vouchers 57793 - 57793 totalling \$1,522.22;*
  - c) *Trust Cheque Vouchers 0000 - 0000 totalling \$0.00; and*
  - d) *Municipal Direct Debits DD31851.1 – DD31898.1 including payroll totalling \$ 1,035,515.88.*
2. *Notes the local spend of \$1,541,171.27 included in the amount above, equating to 90% of total payments excluding personnel, utility and other external sole supplier costs.*

## Attachments

1. Monthly Payment Listing February 2023



## Management Regulation 12.

Each payment must show on a list the payees name, the amount of the payment, the date of the payment & sufficient information to identify the transaction.

This report incorporates the Delegation of Authority (Administration Regulation 19)

PAYMENTS BY EFT, CHEQUE, PAYROLL, TRUST, CREDIT CARDS & DIRECT DEBITS - FEBRUARY 2023					
MUNICIPAL & TRUST ELECTRONIC TRANSFERS - FEBRUARY 2023					
EFT	Date	Name	Description	Amount	DEL AUTH
EFT68748	01/02/2023	COUNCILLOR RUDEFORTH	Monthly Councillor Sitting Fee and Allowances	\$ 1,783.99	MFS
EFT68749	01/02/2023	COUNCILLOR MITCHELL	Monthly Councillor Sitting Fee and Allowances	\$ 1,783.99	MFS
EFT68750	01/02/2023	COUNCILLOR MALE	Monthly Councillor Sitting Fee and Allowances	\$ 2,798.65	MFS
EFT68751	01/02/2023	COUNCILLOR FOY	Monthly Councillor Sitting Fee and Allowances	\$ 1,783.99	MFS
EFT68752	01/02/2023	COUNCILLOR TRACEY	Monthly Councillor Sitting Fee and Allowances	\$ 6,349.91	MFS
EFT68753	01/02/2023	COUNCILLOR WEVERS	Monthly Councillor Sitting Fee and Allowances	\$ 1,783.99	MFS
EFT68754	01/02/2023	COUNCILLOR TAYLOR	Monthly Councillor Sitting Fee and Allowances	\$ 1,783.99	MFS
EFT68755	01/02/2023	COUNCILLOR MATSUMOTO	Monthly Councillor Sitting Fee and Allowances	\$ 1,783.99	MFS
EFT68756	01/02/2023	AFRI EQUIPMENT AUSTRALIA PTY LTD	Tractor Parts- Depot	\$ 350.99	MFS
EFT68757	01/02/2023	ALLPEST (BROOME PEST CONTROL)	Termite Treatment- Shire Admin	\$ 140.00	MFS
EFT68758	01/02/2023	AVERY AIRCONDITIONING PTY LTD	AirCon Parts Replacement- Staff Housing	\$ 11,506.72	MFS
EFT68759	01/02/2023	BANDIT TREE EQUIPMENT	Parts for Mulcher- P&G	\$ 353.28	MFS
EFT68760	01/02/2023	BEST IT & BUSINESS SOLUTIONS PTY LTD	Monthly Printer Copies- IT	\$ 98.18	MFS
EFT68761	01/02/2023	BIDFOOD	Kiosk Supplies- BRAC	\$ 921.22	MFS
EFT68762	01/02/2023	BK SIGNS (HALLIDAY ENTERPRISES PTY LTD)	Yawuru Artwork- Chinatown	\$ 632.50	MFS
EFT68763	01/02/2023	BLACKWOODS	Roof Mount Ladder Brackets- BRAC	\$ 1,699.49	MFS
EFT68764	01/02/2023	BOC LIMITED	Cylinder Hire- WMF	\$ 408.43	MFS
EFT68765	01/02/2023	BROOME CLEANAWAY	Kerbside Waste Collection- WMF	\$ 45,014.28	MFS
EFT68767	01/02/2023	BROOME PLUMBING & GAS	Repair Glass Washer/Replace Solenoid- BRAC	\$ 494.50	MFS
EFT68768	01/02/2023	BROOME PROGRESSIVE SUPPLIES	Kiosk Supplies- BRAC	\$ 801.50	MFS
EFT68769	01/02/2023	CABLE BEACH ELECTRICAL SERVICE	Connect Weather Station- BRAC	\$ 946.00	MFS
EFT68770	01/02/2023	CBCA WA BRANCH (INC) CHILDRENS BOOK COUNCIL OF	Annual Institutional Membership- Library	\$ 75.00	MFS
EFT68771	01/02/2023	COAST & COUNTRY ELECTRICS	Flood Light Timer- WMF	\$ 281.60	MFS
EFT68772	01/02/2023	COLIN WILKINSON DEVELOPMENTS PTY LTD	BSLSC Redevelopment (RFT-21/06)- Works	\$ 410,941.19	MFS
EFT68773	01/02/2023	CONPLANT PTY LTD	Part for Road Roller- Works	\$ 940.91	MFS
EFT68774	01/02/2023	CORSIGN WA PTY LTD	Street Numbers for Old Broome- Works	\$ 4,363.15	MFS
EFT68775	01/02/2023	DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION	Annual Licence Fee- Works	\$ 2,172.50	MFS
EFT68776	01/02/2023	EVENTPRO SOFTWARE	Software Licence Fee- IT	\$ 1,479.50	MFS
EFT68777	01/02/2023	FIELD AIR CONDITIONING & AUTO ELECTRICAL PTY LTD	Battery Maintenance for Wheel Loader- Works	\$ 767.90	MFS
EFT68778	01/02/2023	FIRE & SAFETY SERVICES	Supply Fire Extinguishers- Shire Vehicles	\$ 4,732.20	MFS
EFT68779	01/02/2023	FIRST NATIONAL REAL ESTATE BROOME	Rates refund	\$ 566.97	MFS
EFT68780	01/02/2023	FOOTPRINT CLEANING (EMPOWER3 PTY LTD)	Remove Graffiti- BRAC & Skate Park	\$ 715.00	MFS
EFT68781	01/02/2023	GO GO MEDIA	License for FM Radio Service (December)- BRAC	\$ 198.00	MFS
EFT68782	01/02/2023	GPC ASIA PACIFIC PTY LTD T/AS REPCO	Disc Brake Repair- Shire Vehicle	\$ 305.32	MFS
EFT68783	01/02/2023	GRANICUS AUSTRALIA PTY LTD	Web Hosting- Civic Centre	\$ 11,000.00	MFS
EFT68784	01/02/2023	HARMONY HORTICULTURE	Weed Spraying- WMF	\$ 2,502.50	MFS
EFT68785	01/02/2023	HARRY GOODLET FILMING	Videographer- Chinatown Christmas	\$ 850.00	MFS
EFT68786	01/02/2023	HORIZON POWER (ELECTRICITY USAGE)	Electricity- Shire Admin	\$ 43,361.08	MFS
EFT68787	01/02/2023	JACOB GREGORY (LYRICAL INSTINCT)	Opening Performance- Skate Park	\$ 350.00	MFS
EFT68788	01/02/2023	JAYE SMOKER ( UNBOUND SOUND )	AV Staging Australia Day- Civic Centre	\$ 5,734.30	MFS
EFT68789	01/02/2023	JEFFREY BUCKLE	Rates refund	\$ 297.50	MFS
EFT68790	01/02/2023	KIMBERLEY CONTRACTING	Daily Posi-Shell Cover- WMF	\$ 34,100.00	MFS
EFT68791	01/02/2023	KIMBERLEY FUEL & OIL SERVICES	Parts for Hooklift Truck- WMF	\$ 223.55	MFS
EFT68792	01/02/2023	KIMBERLEY TREE CARE	Tree & Stump Removal- P&G	\$ 1,567.50	MFS
EFT68793	01/02/2023	KIMBERLEY TRUSS (NORTRUSS (NT) PTY LTD)	Carby Kit- Workshop	\$ 29.50	MFS
EFT68794	01/02/2023	LOCK & LOAD LASER TAG	Laser Tag- Community	\$ 1,650.00	MFS
EFT68795	01/02/2023	MAMMOTH SECURITY PTY LTD	Alarm Monitoring- Various	\$ 1,156.02	MFS
EFT68796	01/02/2023	MARKETFORCE	Carnarvon Street Public Notice- Chinatown Christmas	\$ 161.30	MFS
EFT68797	01/02/2023	MCMULLEN NOLAN GROUP PTY LTD (MNG)	Silt Survey- Cape Leveque Road	\$ 4,941.20	MFS
EFT68798	01/02/2023	MICHAEL STEPHENS	Entertainment- Chinatown Christmas	\$ 300.00	MFS
EFT68799	01/02/2023	MINSHULL MECHANICAL REPAIRS	Repairs to Vehicle- BRAC	\$ 861.55	MFS
EFT68800	01/02/2023	NINTEX PTY LTD	Annual Software Licence- IT	\$ 30,602.00	MFS
EFT68801	01/02/2023	NORTH WEST COAST SECURITY	Security- Library	\$ 5,291.00	MFS
EFT68802	01/02/2023	NORTH WEST MOTOR GROUP PTY LTD	Replacement Vehicle (RFT 21/44)- Works	\$ 177,359.46	MFS
EFT68803	01/02/2023	OFFICE NATIONAL BROOME	Various Stationery- Library	\$ 52.80	MFS
EFT68804	01/02/2023	POOL WISDOM	Pool Chemicals- BRAC	\$ 2,462.32	MFS
EFT68805	01/02/2023	SAFERIGHT PTY LTD	Rates refund	\$ 2,067.60	MFS
EFT68806	01/02/2023	SHADY BY DESIGN	Shade Sail Repairs- Infrastructure	\$ 1,133.00	MFS
EFT68807	01/02/2023	TAPPED PLUMBING & GAS PTY LTD	Plumbing Repairs- Depot	\$ 726.00	MFS
EFT68809	01/02/2023	TOTALLY WORKWEAR	Uniforms- Shire Admin	\$ 682.00	MFS
EFT68810	01/02/2023	WATTLEUP TRACTORS	Mower Grease Kit- P&G	\$ 314.25	MFS
EFT68811	01/02/2023	WURTH AUSTRALIA PTY LTD	Consumable Products- Workshop	\$ 816.88	MFS
EFT68812	01/02/2023	SPATIAL SOLUTIONS PTY LTD	GIS Support Services- IT	\$ 1,848.00	MFS
EFT68813	01/02/2023	SUBSCRIBE	Periodical Subscription- Library	\$ 3,697.17	MFS
EFT68814	02/02/2023	WATER CORPORATION	Water Use and Service Charge Account	\$ 91,085.08	MFS
EFT68815	03/02/2023	AUSTRALIA POST	Postage Charges- Shire Admin	\$ 1,776.07	MFS
EFT68816	06/02/2023	BROOME TREE & PALM SERVICE	Container for Lifeguard Operation- Surf Life Saving Club	\$ 4,488.00	MFS
EFT68817	06/02/2023	BWS LIQUOUR (ENDEAVOUR GROUP)	Refreshments- Civic Centre	\$ 3,092.64	MFS

**Item 9.4.3 - MONTHLY PAYMENT LISTING FEBRUARY 2023**

EFT68841	08/02/2023	360 ENVIRONMENTAL PTY LTD	Environmental Survey-Cable Beach Foreshore Upgrade	\$	8,948.50	MFS
EFT68842	08/02/2023	ANDREW CLOSE	Staff Reimbursement- Planning	\$	269.59	MFS
EFT68843	08/02/2023	ARTISTRALIA	Movie Screening Rights- Civic Centre	\$	181.50	MFS
EFT68844	08/02/2023	ATHLETICS WEST LTD	Athletics Funding- Community	\$	17,500.00	MFS
EFT68845	08/02/2023	AVERY AIRCONDITIONING PTY LTD	Replace Server Room Air Con- Civic Centre	\$	4,656.86	MFS
EFT68846	08/02/2023	BIDFOOD	Kiosk Stock- BRAC	\$	2,788.80	MFS
EFT68847	08/02/2023	BOAB FENCING	Garrison Fencing (RFT 22-01)- Cemetery	\$	11,723.80	MFS
EFT68848	08/02/2023	BOC LIMITED	Gas Bottle Trolley- WMF	\$	279.73	MFS
EFT68849	08/02/2023	BROOME ALI WORK	Posts for Plaque- Chinatown	\$	550.00	MFS
EFT68850	08/02/2023	BROOME PROGRESSIVE SUPPLIES	Kiosk Supplies- BRAC	\$	637.26	MFS
EFT68851	08/02/2023	BROOME SMALL ENGINE SERVICES	Parts for Compactor- Depot	\$	105.60	MFS
EFT68852	08/02/2023	CABLE BEACH ELECTRICAL SERVICE	Reticulation Controller & Pump- Cynet Park	\$	132.00	MFS
EFT68853	08/02/2023	CHRISSEY LEE CARTER	Christmas Activity- Chinatown Christmas	\$	300.00	MFS
EFT68854	08/02/2023	COCA COLA AMATIL (HOLDINGS) LTD	Kiosk Stock- BRAC	\$	907.88	MFS
EFT68855	08/02/2023	CORSIGN WA PTY LTD	Directional Signage- Works	\$	123.20	MFS
EFT68856	08/02/2023	DORMA AUTOMATICS PTY LTD	Repair Door Sensor- Broome Visitor Centre	\$	865.15	MFS
EFT68857	08/02/2023	EVENTPRO SOFTWARE	Booking Management Software- Civic Centre	\$	1,479.50	MFS
EFT68858	08/02/2023	FIELD AIR CONDITIONING & AUTO ELECTRICAL PTY LTD	Consumable Products- Workshop	\$	42.55	MFS
EFT68859	08/02/2023	FIRE & SAFETY SERVICES	Routine Fire Equipment Servicing- BRAC	\$	271.34	MFS
EFT68860	08/02/2023	FITZWORK	Police Clearance Checks- People And Culture	\$	407.00	MFS
EFT68861	08/02/2023	FOOTPRINT CLEANING (EMPOWER3 PTY LTD)	Clean & Remove Graffiti- BRAC	\$	363.00	MFS
EFT68862	08/02/2023	G. BISHOPS TRANSPORT SERVICES PTY LTD	Freight for Old Broome Street Numbers- Works	\$	312.04	MFS
EFT68863	08/02/2023	HERBERT SMITH FREEHILLS	Legal Fees- Property	\$	5,528.20	MFS
EFT68864	08/02/2023	IT VISION	Altus IT Support- Finance	\$	220.00	MFS
EFT68865	08/02/2023	KIMBERLEY FUEL & OIL SERVICES	Oil Filters- Workshop	\$	289.30	MFS
EFT68866	08/02/2023	MOQDigital Pty Ltd	Migration of Shire Phone System- IT	\$	2,178.00	MFS
EFT68867	08/02/2023	NEXON ASIA PACIFIC PTY LTD	Phone Usage- IT	\$	17.88	MFS
EFT68868	08/02/2023	NORTH WEST COAST SECURITY	Fortnightly Friday Cash Pick Up- Shire Admin	\$	60.50	MFS
EFT68869	08/02/2023	NORTH WEST LOCKSMITHS	Key Cutting- Kimberley Regional Offices	\$	40.00	MFS
EFT68870	08/02/2023	NORTH WEST MOTOR GROUP PTY LTD	Toyota Hilux (RFQ 22-08)- Governance	\$	52,064.23	MFS
EFT68871	08/02/2023	OPTIC SECURITY GROUP- NORWEST	Fibre Connection Works- IT	\$	929.50	MFS
EFT68872	08/02/2023	POOL WISDOM	Pool Chemicals- BRAC	\$	2,016.40	MFS
EFT68873	08/02/2023	QUIC DIG PTY LTD	Raise Telstra Pit to Footpath Level- Infrastructure	\$	330.00	MFS
EFT68874	08/02/2023	SEASHORE ENGINEERING PTY LTD	Management Plan- Town Beach Foreshore	\$	15,730.00	MFS
EFT68875	08/02/2023	SLATER & GARTRELL SPORTS	Badminton Equipment- BRAC	\$	1,046.00	MFS
EFT68876	08/02/2023	STREETER & MALE PTY MITRE 10	Replace Toolbox on Truck- Works	\$	899.00	MFS
EFT68877	08/02/2023	TALIS CONSULTANTS	Landfill Approvals- RRRP WMF	\$	57,261.89	MFS
EFT68878	08/02/2023	TELSTRA	Service & Equipment Rental- IT	\$	3,946.74	MFS
EFT68879	08/02/2023	TNT AUSTRALIA PTY LTD	Freight- Health	\$	287.88	MFS
EFT68880	08/02/2023	TOTALLY WORKWEAR	Staff Uniforms- People & Culture	\$	1,857.20	MFS
EFT68881	10/02/2023	HARMONY HORTICULTURE	Weed Spraying- Roebuck Estate	\$	5,005.00	MFS
EFT68882	10/02/2023	HORIZON POWER (ELECTRICITY USAGE)	Electricity Charges- Depot	\$	2,756.70	MFS
EFT68883	10/02/2023	JUSTYNA HARDY	Refund- BRAC	\$	1,364.00	MFS
EFT68884	10/02/2023	MICHAEL BEER	Rates refund	\$	966.44	MFS
EFT68885	10/02/2023	AUSTRALIAN SERVICES UNION - WA BRANCH	Payroll deductions for fortnight ending 07/02/2023	\$	619.60	MFS
EFT68886	10/02/2023	AUSTRALIAN TAXATION OFFICE	PAYG Tax: Pay Period Ending 07/02/2023	\$	151,926.00	MFS
EFT68887	10/02/2023	BROOME SHIRE INSIDE STAFF SOCIAL CLUB	Payroll deductions for fortnight ending 07/02/23	\$	702.86	MFS
EFT68888	10/02/2023	BROOME SHIRE OUTDOOR STAFF SOCIAL CLUB	Payroll deductions for fortnight ending 07/02/23	\$	770.00	MFS
EFT68889	10/02/2023	CHILD SUPPORT AGENCY	Payroll deductions for fortnight ending 07/02/23	\$	1,796.75	MFS
EFT68890	10/02/2023	EASISALARY PTY LTD T/A EASI	Before tax deductions for fortnight ending 07/02/23	\$	10,845.09	MFS
EFT68891	10/02/2023	GRCEU	Payroll deductions for fortnight ending 07/02/2023	\$	132.00	MFS
EFT68892	10/02/2023	SPA SALARY PACKAGING AUSTRALIA	Before tax deductions for fortnight ending 07/02/23	\$	1,990.52	MFS
EFT68893	15/02/2023	360 ENVIRONMENTAL PTY LTD	Environmental Consultancy- Cable Beach Foreshore	\$	24,860.00	MFS
EFT68894	15/02/2023	ABLE ELECTRICAL (WA) PTY LTD	Replace UV Sensor- BRAC	\$	3,696.00	MFS
EFT68895	15/02/2023	ACOR CONSULTANTS (WA) PTY LIMITED	Consultancy- Coconut Wells Drainage	\$	15,312.00	MFS
EFT68896	15/02/2023	BLACKWOODS	Plastic Bags- WMF	\$	554.80	MFS
EFT68897	15/02/2023	BOAB FENCING	Install Cyclone Mesh Fencing- Nursery	\$	20,493.00	MFS
EFT68898	15/02/2023	BROOME BOWLING CLUB	Reimbursement of Insurance Claims- Property	\$	204,713.78	MFS
EFT68899	15/02/2023	BROOME BUILDERS PTY LTD	Crossover Subsidy- Infrastructure	\$	3,000.00	MFS
EFT68900	15/02/2023	BROOME CHAMBER OF COMMERCE & INDUSTRY (INC) - BCCI	Funding- Kimberley Economic Forum	\$	13,750.00	MFS
EFT68901	15/02/2023	BROOME DIESEL & HYDRAULIC SERVICE	Freight for Spring Packs for Truck- P&G	\$	164.00	MFS
EFT68902	15/02/2023	BROOME PLUMBING & GAS	Install New Drinking Fountain- P&G	\$	1,119.50	MFS
EFT68903	15/02/2023	BROOME PROGRESSIVE SUPPLIES	Kiosk Stock- BRAC	\$	546.67	MFS
EFT68904	15/02/2023	COCA COLA AMATIL (HOLDINGS) LTD	Kiosk Stock- BRAC	\$	807.76	MFS
EFT68905	15/02/2023	CS LEGAL	Debt Collection Fees- Rates	\$	2,579.52	MFS
EFT68906	15/02/2023	ELGAS LTD	Service Gas Cylinder- Staff Housing	\$	47.30	MFS
EFT68907	15/02/2023	FOOTPRINT CLEANING (EMPOWER3 PTY LTD)	Regular Cleaning (CON-17/02)- Various	\$	47,680.10	MFS
EFT68908	15/02/2023	G. BISHOPS TRANSPORT SERVICES PTY LTD	Freight for Parts- P&G	\$	419.55	MFS
EFT68909	15/02/2023	GLASS CO KIMBERLEY (FORMALLY KIMBERLEY GLASS SERVICE)	Replace Door Panel- Kimberley Regional Offices	\$	3,863.42	MFS
EFT68910	15/02/2023	GRANICUS AUSTRALIA PTY LTD	OpenForms Monthly Costs- IT	\$	161.70	MFS
EFT68911	15/02/2023	HARMONY HORTICULTURE	Weed Control- WMF	\$	1,716.00	MFS
EFT68912	15/02/2023	HERBERT SMITH FREEHILLS	Preparation of Lease- Broome Speedway Club	\$	3,030.13	MFS
EFT68913	15/02/2023	HORIZON POWER (ELECTRICITY USAGE)	Electricity- BRAC	\$	14,213.75	MFS
EFT68914	15/02/2023	KARRATHA ASPHALT (MANNING PAVEMENT SERVICES)	Pothole Repairs- Works	\$	13,698.01	MFS
EFT68915	15/02/2023	KIMBERLEY CONTRACTING	Posi-shell Cover- WMF	\$	29,876.00	MFS
EFT68916	15/02/2023	LANDGATE	GRV Interim Schedules- Rates	\$	1,404.47	MFS
EFT68917	15/02/2023	MARSH PTY LTD	Property Risk Evaluation- Town Beach And Streeters Jetty	\$	7,040.00	MFS
EFT68918	15/02/2023	NORTH WEST LOCKSMITHS	Service External Door- Kimberley Regional Offices	\$	130.00	MFS
EFT68919	15/02/2023	NORTH WEST STRATA SERVICES	Strata Levies- Staff Housing	\$	1,012.50	MFS

**Item 9.4.3 - MONTHLY PAYMENT LISTING FEBRUARY 2023**

EFT68920	15/02/2023	POOL WISDOM	Pool Chemicals- BRAC	\$ 2,651.22	MFS
EFT68921	15/02/2023	PRINTING IDEAS	Printed Panels- Cable Beach Foreshore Upgrade	\$ 550.00	MFS
EFT68922	15/02/2023	QUEEN TIDE CREATIVE	Photographer- Australia Day	\$ 1,200.00	MFS
EFT68923	15/02/2023	REMOTE MECHANICAL CONTRACTING	Electrical Repairs to Grader- Works	\$ 1,999.80	MFS
EFT68924	15/02/2023	ROSMECH SALES & SERVICE PTY LTD	Spray Nozzles for the Road Sweeper - Works	\$ 140.27	MFS
EFT68925	15/02/2023	SOUTHERN CROSS AUSTERO (SCA)	Radio Advertisements- Community	\$ 1,355.20	MFS
EFT68926	15/02/2023	STRATAGREEN (FORMERLY GREENWAY ENTERPRISES)	Root Pruning Pots- Nursery	\$ 471.97	MFS
EFT68927	15/02/2023	TAPPED PLUMBING & GAS PTY LTD	Repair Water Fountain- Gantheaume Point	\$ 462.00	MFS
EFT68928	15/02/2023	TERRY PATTERSON BUILDER (DEVERE CORPORATION PTY LTD )	Remove Carpet Tiles And Glue- Civic Centre	\$ 825.00	MFS
EFT68929	15/02/2023	THE GREEN FAIRY CRAFT & ENTERTAINMENT	Children's Entertainment- Australia Day	\$ 200.00	MFS
EFT68930	15/02/2023	THINK WATER BROOME	Cyclone Rated Tanks (RFQ 21-11)- Cygnet Park & BRAC	\$ 110,759.30	MFS
EFT68931	15/02/2023	TNT AUSTRALIA PTY LTD	Freight- Health	\$ 253.35	MFS
EFT68932	15/02/2023	TOLL PRIORITY	Freight- Various	\$ 262.72	MFS
EFT68933	15/02/2023	TOTALLY WORKWEAR	Staff Uniforms- People & Culture	\$ 1,326.90	MFS
EFT68934	15/02/2023	VISIMAX	Slip Leads- Rangers	\$ 241.97	MFS
EFT68935	15/02/2023	VOCUS COMMUNICATIONS	Phone Provider Charges- IT	\$ 1,828.20	MFS
EFT68936	15/02/2023	WEST AUSTRALIAN NEWSPAPERS	Newspaper Advertisements- Marketing	\$ 3,039.00	MFS
EFT68937	15/02/2023	WESTERN DIAGNOSTIC PATHOLOGY	Drug And Alcohol Tests- People & Culture	\$ 279.84	MFS
EFT68938	15/02/2023	WREN OIL	Waste Engine Oil Pick Up- WMF	\$ 16.50	MFS
EFT68939	17/02/2023	AUSTRALIA POST	Postage Charges- Shire Admin	\$ 2,071.02	MFS
EFT68940	17/02/2023	BROOME DOCTORS PRACTICE PTY LTD	Pre-employment Medicals- People & Culture	\$ 264.00	MFS
EFT68941	17/02/2023	BROOME REGIONAL ABORIGINAL MEDICAL SERVICE	Rates refund	\$ 20,666.36	MFS
EFT68942	17/02/2023	DANIEL CAVANAGH	Rates refund	\$ 402.40	MFS
EFT68943	17/02/2023	DIX INITIATIVES PL (T/A U.L.K PRODUCTIONS) - ENTERTAINMENT	Event Set Up- Civic Centre	\$ 200.00	MFS
EFT68944	17/02/2023	FIRST NATIONAL REAL ESTATE BROOME	Rates refund	\$ 489.95	MFS
EFT68945	17/02/2023	H & M TRACEY CONSTRUCTION PTY LTD	Crossover Subsidy- Infrastructure	\$ 1,000.00	MFS
EFT68946	17/02/2023	HORIZON POWER (ELECTRICITY USAGE)	Electricity Charges- WMF	\$ 1,017.75	MFS
EFT68947	17/02/2023	ICD MOBILE FABRICATION	Tracks & Trails Fabrication- BRAC	\$ 10,921.35	MFS
EFT68948	17/02/2023	MARK HUBBARD	Reimbursement Expense- BRAC	\$ 213.54	MFS
EFT68949	17/02/2023	SHIRE OF BROOME	Bond Refund- Stompem Ground Festival	\$ 6,000.00	MFS
EFT68950	21/02/2023	DEPARTMENT OF MINES, INDUSTRY AND SAFETY - BUILDING &	JANUARY BSL 2023	\$ 838.10	MFS
EFT68951	21/02/2023	SHIRE OF BROOME	JANUARY BSL 2023	\$ 25.00	MFS
EFT68952	22/02/2023	BLACKWOODS	Staff PPE- Various	\$ 16,300.53	MFS
EFT68953	22/02/2023	A PLUS EVENTS & HIRE	Equipment Hire- Staff Event	\$ 275.00	MFS
EFT68954	22/02/2023	AVERY AIRCONDITIONING PTY LTD	Aircon Maintenance- BOSSCA	\$ 428.18	MFS
EFT68955	22/02/2023	BROOME DOCTORS PRACTICE PTY LTD	Pre-employment Medicals- People & Culture	\$ 528.00	MFS
EFT68956	22/02/2023	BROOMECECRETE	Backfill for Kerbs & Driveways- Works	\$ 847.00	MFS
EFT68957	22/02/2023	BWS LIQUOUR (ENDEAVOUR GROUP)	Refreshments- Civic Centre	\$ 1,455.36	MFS
EFT68958	22/02/2023	CORSIGN WA PTY LTD	Road Signage- Works	\$ 377.30	MFS
EFT68959	22/02/2023	FOOTPRINT CLEANING (EMPOWERS PTY LTD)	Steam Clean Upholstery & Carpets- Various	\$ 15,362.43	MFS
EFT68960	22/02/2023	GO GO MEDIA	FM Radio Service- BRAC	\$ 198.00	MFS
EFT68961	22/02/2023	GPC ASIA PACIFIC PTY LTD T/AS REPCO	Part for Vehicle- Health	\$ 467.41	MFS
EFT68962	22/02/2023	HOLDFAST FLUID POWER NW PTY LTD	Hydraulic Repair to Mini Loader - P&G	\$ 98.21	MFS
EFT68963	22/02/2023	HORIZON POWER (ELECTRICITY USAGE)	Electricity Charges - Frederick St Lookout	\$ 17,004.20	MFS
EFT68964	22/02/2023	KIMBERLEY SECURITY SHREDDING	Secure Document Shredding- Shire Admin	\$ 480.00	MFS
EFT68965	22/02/2023	LAUREN CLARK	Crossover Subsidy- Infrastructure	\$ 1,000.00	MFS
EFT68966	22/02/2023	LHM FABRICATION & FENCING	Insurance Report Fee for Guardrail Repairs- Works	\$ 132.00	MFS
EFT68967	22/02/2023	LOCK & LOAD LASER TAG	Lock & Load Laser Tag- Civic Centre	\$ 1,705.00	MFS
EFT68968	22/02/2023	MARKETFORCE	Western Australian Advertisement- Property	\$ 1,888.17	MFS
EFT68969	22/02/2023	MARSH PTY LTD	OSH Contracted Services- People & Culture	\$ 35,487.79	MFS
EFT68970	22/02/2023	MCMULLEN NOLAN GROUP PTY LTD (MNG)	Feature Survey- Infrastructure	\$ 3,872.00	MFS
EFT68971	22/02/2023	MYSMART	Street Lighting Equipment- Works	\$ 1,190.49	MFS
EFT68972	22/02/2023	NORTH WEST COAST SECURITY	Security Services- Library	\$ 2,634.50	MFS
EFT68973	22/02/2023	NORTH WEST LOCKSMITHS	Door Lock Repairs- Barker St Offices	\$ 275.00	MFS
EFT68974	22/02/2023	NORTH WEST TRIM & SHADE	Replace Shade Sails- Chippendale Park	\$ 11,742.50	MFS
EFT68975	22/02/2023	OHM ELECTRONICS	UHF Radio & Handheld Radio- Works	\$ 1,305.00	MFS
EFT68976	22/02/2023	PEARL BIGHAM MAJOR	Rates refund	\$ 884.98	MFS
EFT68977	22/02/2023	RESOLUTE SECURITY SERVICES	Security- Library	\$ 1,584.00	MFS
EFT68978	22/02/2023	ROYAL LIFE SAVING SOCIETY - WA	Watch Around Water Supervision Wristbands- BRAC	\$ 1,078.00	MFS
EFT68979	22/02/2023	STREETER & MALE PTY MITRE 10	Daily West Australian Newspapers- Library	\$ 158.10	MFS
EFT68980	22/02/2023	T - QUIP	Parts for Loader- P&G	\$ 31.50	MFS
EFT68981	22/02/2023	TELSTRA	Telephone Charges- IT	\$ 6,439.20	MFS
EFT68982	22/02/2023	TOLL PRIORITY	Freight- Workshop	\$ 1,190.24	MFS
EFT68983	22/02/2023	TOTALLY WORKWEAR	Protective Clothing- P&G	\$ 789.30	MFS
EFT68984	22/02/2023	WATER CORPORATION	Trade Waste Permit for Dump Point- Broome Visitor Centre	\$ 220.81	MFS
EFT68985	22/02/2023	WATTLEUP TRACTORS	Belts and Nuts/Bolts Plus Blades for Mowers- Workshop	\$ 1,453.09	MFS
EFT68986	23/02/2023	CHARTER PROPERTY GROUP PTY LTD	Staff Rent- March 2023	\$ 3,457.72	MFS
EFT68987	23/02/2023	FIRST NATIONAL REAL ESTATE BROOME	Staff Rent- March 2023	\$ 7,698.95	MFS
EFT68988	23/02/2023	FIRST NATIONAL REAL ESTATE BROOME - COMMERCIAL TRUST	Staff Rent- March 2023	\$ 300.00	MFS
EFT68989	23/02/2023	HUTCHINSON REAL ESTATE	Staff Rent- March 2023	\$ 2,498.43	MFS
EFT68990	23/02/2023	INTELLIGENT EVE PTY LTD ATF: BAYCREST FAMILY TRUST	Staff Rent- March 2023	\$ 2,400.00	MFS
EFT68991	23/02/2023	PRD NATIONWIDE	Staff Rent- March 2023	\$ 12,181.49	MFS
EFT68992	23/02/2023	RAY WHITE BROOME (STAFF RENTAL PAYMENTS)	Staff Rent- March 2023	\$ 8,560.12	MFS
EFT68993	24/02/2023	BOC LIMITED	Medical Oxygen Cylinder- BRAC	\$ 503.18	MFS
EFT68994	24/02/2023	BROOME CLEANAWAY	Kerbside Recycling Collection- WMF	\$ 116,347.21	MFS
EFT68995	24/02/2023	FULL BOAR PTY LTD	Crossover Subsidy- Infrastructure	\$ 4,000.00	MFS
EFT68996	24/02/2023	HARMONY HORTICULTURE	Weed Control- Broome Roundabouts	\$ 3,289.00	MFS
EFT68997	24/02/2023	HORIZON POWER (ELECTRICITY USAGE)	Electricity Charges - Dampler Terrace	\$ 1,339.30	MFS
EFT68998	24/02/2023	HORIZON POWER (SERVICE WORKS)	Capital Contribution- Cable Beach Foreshore	\$ 352,982.81	MFS

**Item 9.4.3 - MONTHLY PAYMENT LISTING FEBRUARY 2023**

EFT68999	24/02/2023	JANET SOUTHERN	Rates refund	\$	950.10	MFS
EFT69000	24/02/2023	MARKETFORCE	Advertising- Mulching of Green Waste	\$	371.78	MFS
EFT69001	24/02/2023	SALVATORE MASTROLEMBO	Reimbursements- Office of the CEO	\$	2,608.77	MFS
EFT69002	24/02/2023	SETH WRIGHT	Refund for Overpaid Swimming Lessons- BRAC	\$	496.00	MFS
EFT69003	24/02/2023	WORK METRICS PTY LTD	Online Induction Portal- People & Culture	\$	1,320.00	MFS
EFT69004	24/02/2023	AUSTRALIAN SERVICES UNION - WA BRANCH	Payroll deductions for fortnight ending 21/02/2023	\$	621.60	MFS
EFT69005	24/02/2023	AUSTRALIAN TAXATION OFFICE	PAYG Tax: Pay Period Ending 21st February 2023	\$	131,728.00	MFS
EFT69006	24/02/2023	BROOME SHIRE INSIDE STAFF SOCIAL CLUB	Payroll deductions for fortnight ending 21/02/2023	\$	637.14	MFS
EFT69007	24/02/2023	BROOME SHIRE OUTDOOR STAFF SOCIAL CLUB	Payroll deductions for fortnight ending 21/02/2023	\$	830.00	MFS
EFT69008	24/02/2023	CHILD SUPPORT AGENCY	Payroll deductions for fortnight ending 21/02/2023	\$	2,306.79	MFS
EFT69009	24/02/2023	EASISALARY PTY LTD T/A EASI	Pre-tax payroll deductions for fortnight ending 21/02/2023	\$	10,645.09	MFS
EFT69010	24/02/2023	LGRCEU	Payroll deductions for fortnight ending 21/02/2023	\$	132.00	MFS
EFT69011	24/02/2023	SPA SALARY PACKAGING AUSTRALIA	Pre-tax payroll deductions for fortnight ending 21/02/2023	\$	1,990.52	MFS
EFT69040	28/02/2023	KENDRA ANDERSON	Rates refund	\$	1,200.00	MFS
EFT69041	28/02/2023	MURRAY CHAPMAN	Rates refund	\$	1,076.50	MFS
EFT69042	28/02/2023	NAOMI BROWN	Refund Overpayment- BRAC	\$	372.00	MFS
EFT69112	28/02/2023	WATER CORPORATION	Water Use and Service Charge Account	\$	48,864.06	MFS
<b>MUNICIPAL ELECTRONIC FUNDS TRANSFER TOTAL:</b>				<b>\$</b>	<b>2,762,216.60</b>	

MUNICIPAL CHEQUES - FEBRUARY 2023					
Cheque #	Date	Name	Description	Amount	Del Auth
57795	06/02/2023	SHIRE OF BROOME	Petty Cash- Administration	\$ 518.22	MFS
57796	22/02/2023	SEEK LIMITED	Recruitment & Advertising- People & Culture	\$ 704.00	MFS
57797	22/02/2023	SUN STUDIOS	Performers- China Town Christmas Party	\$ 300.00	MFS
<b>MUNICIPAL CHEQUES TOTAL:</b>				<b>\$</b>	<b>1,522.22</b>

TRUST CHEQUES - FEBRUARY 2023					
Cheque #	Date	Name	Description	Amount	Del Auth
					MFS
<b>TRUST CHEQUES TOTAL:</b>				<b>\$</b>	<b>-</b>

PAYROLL - FEBRUARY 2023					
DD#	Date	Name	Description	Amount	Del Auth
	09/02/2023	Payroll	PPE 07/02/2023	397176.27	MFS
	23/02/2023	Payroll	PPE 21/02/2023	370691.14	MFS
<b>PAYROLL TOTAL:</b>				<b>767,867.41</b>	

MUNICIPAL CREDIT CARD PAYMENTS - FEBRUARY 2023					
EFT#	Date	Card	Description	Amount	
EFT69012	17/02/2023	BRAC Administration Officer	PAYMENT	\$ 100.60	MFS
	18/01/2023	WOOLWORTHS	Milk for BRAC Kiosk	\$ 12.40	
	25/01/2023	WOOLWORTHS	BRAC Kiosk sundries - Milk, sugar	\$ 88.20	
EFT69013	17/02/2023	BRAC Operations Supervisor	PAYMENT	\$ 660.00	MFS
	14/02/2023	SMS Broadcast Pty Ltd	SMS System Credits - BRAC	\$ 660.00	
EFT69014	17/02/2023	Business Support Officer	PAYMENT	\$ 992.65	MFS
	24/01/2023	BROOMECECRETE	Gravel	\$ 253.00	
	24/01/2023	BROOME BOLT SUPPLIES	600ml Sausage sika for signs	\$ 517.00	
	27/01/2023	BUNNINGS	Asphalt	\$ 156.50	
	13/02/2023	WOOLWORTHS	Meals for employee working away - GST free	\$ 66.15	
EFT69015	17/02/2023	Business System Improvement Coordinator	PAYMENT	\$ 46.99	MFS
	15/02/2023	APPLE	In app purchase Windy premium subscription for P+G	\$ 46.99	
EFT69016	17/02/2023	Chief Executive Officer	PAYMENT	\$ 306.83	MFS
	01/02/2023	BP SHINJU	Fuel - CEO Vehicle	\$ 252.30	
	08/02/2023	SPOTTO WA	Taxi - CEO	\$ 40.53	
	08/02/2023	BRADWELL PTY LTD	Taxi Receipt CEO	\$ 14.00	
EFT69017	17/02/2023	Civic Centre Coordinator	PAYMENT	\$ 1,281.98	MFS
	01/02/2023	NISBETS AUSTRALIA	Wine buckets	\$ 514.25	
	06/02/2023	DEPT OF RACING GAMING	Occasional Liquor License	\$ 57.00	
	06/02/2023	REWARD SUPPLY CO PTY	Glasses	\$ 615.12	
	11/02/2023	FACEBOOK	Facebook Ad	\$ 83.62	
	15/02/2023	Spotify	Spotify Premium	\$ 11.99	
EFT69018	17/02/2023	EA to Chief Executive Officer	PAYMENT	\$ 651.89	MFS
	26/01/2023	OAKS BROOME	Accommodation - Aus Day Ambassador	\$ 290.80	
	01/02/2023	QANTAS AIRWAYS LIMITED	Refund processed - EA to CEO flight -Aus Day Event	-\$ 40.41	
	08/02/2023	PICAS KITCHEN	Catering provided for ACH Workshop	\$ 401.50	
EFT69019	17/02/2023	Executive Support Officer - Development Services	PAYMENT	\$ 68.88	MFS
	08/02/2023	COLES	Morning tea for Small Business Friendly Workshops	\$ 68.88	
EFT69020	17/02/2023	Fleet/Store Administrator	PAYMENT	\$ 3,921.36	MFS
	30/01/2023	BROOME BOLT SUPPLIES	Bolt for mini roller P14611	\$ 13.75	
	30/01/2023	BROOME BOLT SUPPLIES	Bolt for the Mini Roller	\$ 16.50	
	31/01/2023	FIELD AIRCONDITIONING	Belts/Bearings - Amazone Turf Ren P9016	\$ 199.45	
	31/01/2023	BUNNINGS	Asphalt 10 bags for Cable Beach	\$ 156.50	
	31/01/2023	ZURICH INSURANCE	Excess payment to Zurich	\$ 500.00	
	31/01/2023	BROOME BOLT SUPPLIES	Nut bolts for bobcat trailer works	\$ 22.28	
	31/01/2023	Kim Fuel Oil	Filters for Road Sweeper	\$ 272.38	

	01/02/2023	FIELD AIRCONDITIONING	Battery for cylinder mower toro	\$	175.30	
	01/02/2023	FIELD AIRCONDITIONING	Blower fan for AC in CCC Truck	\$	253.60	
	01/02/2023	FIELD AIRCONDITIONING	UHF Parts for the New Toyota Hilux- WMF	\$	196.00	
	02/02/2023	Kim Fuel Oil	Grease - Workshop	\$	437.43	
	02/02/2023	BROOME BOAT SHOP	Vents for Ranger Ute	\$	17.40	
	03/02/2023	BROOME BOLT SUPPLIES	Sikaflex - Workshop Consumables	\$	57.20	
	03/02/2023	BROOME BOLT SUPPLIES	Nuts bolts for brac Ute to fit tool box	\$	8.80	
	03/02/2023	Autopro Broome	Tool box brac Ute	\$	286.45	
	07/02/2023	FIELD AIRCONDITIONING	UHF radio fit out parts new parks ute	\$	212.00	
	07/02/2023	REPCO	Blade holder and fuses for toro mower	\$	34.00	
	08/02/2023	Kim Fuel Oil	Filters for cat roller	\$	206.31	
	09/02/2023	Kim Fuel Oil	Filters for 3way tipper truck	\$	268.30	
	09/02/2023	BUNNINGS	Asphalt 121025	\$	93.90	
	13/02/2023	Autopro Broome	Gas Struts for truck hort crew P1319	\$	28.95	
	14/02/2023	FIELD AIRCONDITIONING	Battery for compressor on patching truck 82813	\$	431.20	
	14/02/2023	J BLACKWOOD & SON P/L	Diffuser tool for mug welder workshop consumables	\$	33.66	
EFT69021	17/02/2023	Library Coordinator	PAYMENT	\$	1,076.38	MFS
	19/01/2023	COLES	Catering for upcoming programs	\$	32.37	
	20/01/2023	Business Base	Replacement desk for library staff member	\$	479.00	
	25/01/2023	JB HI-FI ONLINE	Purchase movie disc set for the collection	\$	29.97	
	30/01/2023	THE BOSS SHOP OFFICE	Refund on purchase due to stock unavailability	-\$	34.01	
	01/02/2023	WOOLWORTHS	Soap for Library Kitchen	\$	8.00	
	09/02/2023	KIMBERLEY BOOKSHOP	Purchased a book for the collection	\$	22.49	
	09/02/2023	JB HI-FI ONLINE	Replacements for a popular DVD series	\$	65.93	
	13/02/2023	Booktopia Pty Ltd	Purchase two books for the library collection	\$	57.84	
	13/02/2023	Office National Broome	Disposable cups for events and programs	\$	18.10	
	13/02/2023	SP BYOGUIDES	Non-fiction books	\$	204.63	
	13/02/2023	COLES	Program materials for story-time	\$	11.94	
	14/02/2023	AMAZON	Book for the non-fiction collection	\$	170.27	
	14/02/2023	MiniZoo	Puppets for Little Bubba Yarns story-time	\$	9.85	
EFT69022	17/02/2023	Manager Governance, Strategy & Risk	PAYMENT	\$	463.65	MFS
	06/02/2023	INSIGHT CALL CENTRE	After Hours Call Centre Monthly charges	\$	463.65	
EFT69023	17/02/2023	Manager Information Services	PAYMENT	\$	356.57	MFS
	11/02/2023	MICROSOFT	M365 Cloud Backup Subscription	\$	162.82	
	11/02/2023	MICROSOFT	M365 Cloud Backup Service	\$	193.75	
EFT69024	17/02/2023	Manager Operations	PAYMENT	\$	295.33	MFS
	25/01/2023	NORTH WEST LOCKSMITHS	Keys cut	\$	24.00	
	13/02/2023	BUNNINGS	Cold mix for pot holes	\$	93.90	
	13/02/2023	COLES EXPRESS	Fuel P2518	\$	158.05	
	15/02/2023	WOOLWORTHS	Consumables for office	\$	19.38	
EFT69025	17/02/2023	Manager People & Culture	PAYMENT	\$	955.40	MFS
	20/01/2023	SONIC HEALTHPLUS PTY	Pre-employment medical (EHO)	\$	290.40	
	30/01/2023	LOCAL GOVERNMENT MANAGERS AUSTRALIA	LGPro advertising vacancy	\$	165.00	
	14/02/2023	KIMBERLEY CAREERS EXPO	West Kimberley Careers Expo Sponsorship	\$	500.00	
EFT69026	17/02/2023	Marketing & Communications Coordinator	PAYMENT	\$	211.59	MFS
	19/01/2023	PEARL SHED	King Charles frame	\$	190.60	
	04/02/2023	Canva	Canva monthly payment	\$	20.99	
EFT69027	17/02/2023	Parks & Gardens Coordinator	PAYMENT	\$	1,080.84	MFS
	08/02/2023	BROOME PROGRESSIVE SUPPLIES	3 boxes Aeroguard	\$	665.84	
	08/02/2023	TOTALLY WORKWEAR BROOME	Protective clothing	\$	415.00	
EFT69028	17/02/2023	Parks Supervisor	PAYMENT	\$	311.80	MFS
	13/02/2023	BUNNINGS	Tie down straps to secure small plant on trailers.	\$	22.80	
	13/02/2023	MINSHULL MECH/REPAIR	Tyre puncture repair kits for P+G department	\$	129.00	
	13/02/2023	NORTH WEST LOCKSMITHS	Power box keys for Chinatown	\$	160.00	
EFT69029	17/02/2023	People & Culture Advisor	PAYMENT	\$	160.08	MFS
	20/01/2023	COLES	Coffee, tea supplies	\$	52.63	
	03/02/2023	COLES	Catering ceo15 Feb 2023	\$	69.71	
	06/02/2023	COLES	Catering - Arts workshop 6 Feb 23	\$	37.74	
EFT69030	17/02/2023	Place Activation & Engagement Coordinator	PAYMENT	\$	188.90	MFS
	25/01/2023	COLES	Coles vouchers for payment for speaker	\$	160.90	
	07/02/2023	MABU MAYI CAFE	Reimbursed by cardholder.	\$	28.00	
EFT69031	17/02/2023	Senior Administration & Governance Officer	PAYMENT	\$	875.22	MFS
	31/01/2023	COLES	Refreshments meeting 31.01.23	\$	17.93	
	02/02/2023	WA LOCAL GOVERNMENT ASSOCIATION	WALGA Training Course	\$	638.00	
	07/02/2023	Broome Boulevard Cafe	Catering Workshop 07.02.2023	\$	194.30	
	07/02/2023	WOOLWORTHS	Catering Workshop 07.02.2023	\$	24.99	
EFT69032	17/02/2023	Senior Customer Service Officer	PAYMENT	\$	800.00	MFS
	25/01/2023	DEPARTMENT OF TRANSPORT	Shire of Broome Number plates	\$	400.00	
	14/02/2023	DEPARTMENT OF TRANSPORT	Shire of Broome Number plates	\$	400.00	
EFT69033	17/02/2023	Sport & Recreation Facility Coordinator	PAYMENT	\$	156.85	MFS
	30/01/2023	WOOLWORTHS	Batteries fly spray	\$	58.85	
	02/02/2023	BUNNINGS	Cable ties	\$	3.00	
	02/02/2023	COLES	Milk	\$	6.20	
	08/02/2023	COLES	Kiosk items	\$	53.36	
	13/02/2023	OFFICE NATIONAL BROOME	Bell	\$	12.24	
	13/02/2023	COLES	Milk and coffee	\$	23.20	
EFT69034	17/02/2023	Waste Supervisor	PAYMENT	\$	733.95	MFS
	24/01/2023	REPCO	Battery waste water pond	\$	148.62	
	01/02/2023	STREETER & MALE HARDWARE	Tape & cable ties	\$	42.45	

	08/02/2023	COLES	Staff meeting	\$	141.68	
	08/02/2023	BROOME BOLT SUPPLIES	Bolts and washers	\$	34.21	
	09/02/2023	COLES	Staff meeting expenses	\$	29.80	
	09/02/2023	STREETEY & MALE HARDWARE	Wall safe and fittings	\$	113.60	
	10/02/2023	AMPOL BROOME	Ice for drinking water	\$	30.00	
	10/02/2023	STREETEY & MALE HARDWARE	Fuel can	\$	26.95	
	13/02/2023	BUNNINGS	Fittings	\$	10.84	
	13/02/2023	REPCO	Flitting tank fit up	\$	21.00	
	14/02/2023	REPCO	Hose fittings and clamps	\$	25.90	
	16/02/2023	J BLACKWOOD & SON P/L	Sqwincher & battery for boom gate	\$	1.08	
	16/02/2023	J BLACKWOOD & SON P/L	Hydrolysed for staff	\$	107.82	
EFT69035	17/02/2023	Works Supervisor	PAYMENT	\$	602.20	MFS
	18/01/2023	BUNNINGS	Road patching in sector 5	\$	180.30	
	19/01/2023	CLARK RUBBER BROOME	Cargo mat liner for new tool box on P6319	\$	37.90	
	31/01/2023	BUNNINGS	6 x bags of asphalt for road patching in Roebuck Estate	\$	93.90	
	07/02/2023	BROOME CRETE	6 bags rapid set - Port drive signs	\$	102.30	
	14/02/2023	BUNNINGS	12 bags of asphalt to patch holes in Roebuck Estate	\$	187.80	
MUNICIPAL CREDIT CARD TOTAL:				\$	16,299.94	

MUNICIPAL DIRECT DEBIT - FEBRUARY 2023					
DD#	Date	Name	Description	Amount	Del Auth
DD31851.1	06/02/2023	SUPER EMPLOYEE PAYMENT DEFINITIV	SUPER FE 27.01.2023	\$ 84,082.86	MFS
DD31898.1	24/02/2023	SUPER EMPLOYEE PAYMENT DEFINITIV	SUPER FE 21.02.2023	\$ 183,565.61	MFS
MUNICIPAL DIRECT DEBIT TOTAL:				\$ 267,648.47	

MUNICIPAL ELECTRONIC TRANSFER TOTAL	\$	2,762,216.60
MUNICIPAL CHEQUES TOTAL	\$	1,522.22
PAYROLL TOTAL	\$	767,867.41
TRUST CHEQUE TOTAL	\$	-
MUNICIPAL CREDIT CARD TOTAL	\$	16,299.94
MUNICIPAL DIRECT DEBIT TOTAL	\$	267,648.47
TOTAL PAYMENTS FEBRUARY 2023	\$	3,815,554.64

Key for Delegation of Authority:

CEO- Chief Executive Officer  
DCS- Director Corporate Services  
MFS- Manager Financial Services

**9.4.4 MONTHLY STATEMENT OF FINANCIAL ACTIVITY REPORT - FEBRUARY 2023**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	FRE02
<b>AUTHOR:</b>	Senior Finance Officer
<b>CONTRIBUTOR/S:</b>	Manager Financial Services
<b>RESPONSIBLE OFFICER:</b>	Director Corporate Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

This report recommends that Council receives the Monthly Statement of Financial Activity Report for the period ended 28 February 2023, as required by Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996 (FMR)*.

**BACKGROUND**

Council is provided with the Monthly Financial Activity Report which has been developed in line with statutory reporting standards and provides Council with a holistic overview of the operations of the Shire of Broome.

Supplementary information has been provided in the form of Notes to the Monthly Report and a General Fund Summary of Financial Activity, which discloses Council's Revenue and Expenditure in summary form, by Programme (Function and Activity).

**COMMENT**

The 2022/23 Annual Budget was adopted at the Special Meeting on 5 July 2022. The following are key indicators supporting the year to-date budget position with respect to the Annual Forecast Budget:

Budget Year elapsed	66.58%
Total Rates Raised Revenue	100% (of which 91.01% has been collected)
Total Other Operating Revenue	70% (72% excluding profit on disposal of assets)
Total Operating Expenditure	39% (60% excluding depreciation and loss on disposal of assets)
Total Capital Revenue	53%
Total Capital Expenditure	32%
Total Sale of Assets Revenue	0%

More detailed explanations of variances are contained in Note 2 of the Monthly Statement of Financial Activity. The commentary identifies material variations between the expected year-to-date budget position and the position at the reporting date.

YTD operating expenditure is 39% of the budget, which includes non-cash items of depreciation and loss on sale of assets. Excluding these items, the YTD operating expenditure is 59% of the budget. Similarly, excluding profit on disposal of assets from operating revenue shows 72% of the budget has been received. Assets transactions (including depreciation, and profit and loss on sale) have not been recognised in the

monthly statements this financial year; these are non-cash items which cannot be generated until the completion of the audit of the Annual Financial Statements for 2021/22.

There is one February pay run which has been paid but not reflected in the February statements; Officers are working with the IT consultants to remediate the matter with the upload of the payment and will be reflected in the March Statements.

Based on the 2022/23 Annual Budget presented at the Special Meeting on 5 July 2022, Council adopted a balanced budget to 30 June 2023. Amendments to the Original Budget include two Finance and Costing Reviews, carry overs and amendments resolved directly by Council; the specific amendments are listed in Note 5 of the Monthly Statement of Financial Activity.

The Office of the Auditor General conducted the onsite final audit during October 2022. The report "Carry over budgets for 2022/23 and review of closing financial position" and recommendations were adopted by Council at the February OMC, recognising a closing position for 2021/22 of \$2,963,867. Noting that the audited annual financial report is in the process of being finalised by the auditor; once received it will be presented through the Audit and Risk Committee, and any variances to the outcome will be addressed through the Quarter 3 Finance and Costing Review process.

## **CONSULTATION**

Nil.

## **STATUTORY ENVIRONMENT**

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

#### **Section 6.4 – Financial report**

#### **Section 6.8 – Expenditure from municipal fund not included in the budget**

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

#### **Reg 34. Financial activity statement report — s. 6.4**

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **RISK**

The Financial Activity Report is presented monthly and provides a retrospective picture of the activities at the Shire. Contained within the report is information pertaining to the financial cost and delivery of strategic initiatives and key projects.

In order to mitigate the risk of budget over-runs or non-delivery of projects, the Chief Executive Officer (CEO) has implemented internal control measures such as regular Council and management reporting and the quarterly Finance and Costing Review (FACR) process to monitor financial performance against budget estimates. Materiality reporting thresholds have been established at half the adopted Council levels, which equate to \$5,000 for operating budget line items and \$10,000 for capital items, to alert management prior to there being irreversible impacts.



It should also be noted that there is an inherent level of risk of misrepresentation of the financials through either human error or potential fraud. The establishment of control measures through a series of efficient systems, policies and procedures, which fall under the responsibility of the CEO as laid out in the *Local Government (Financial Management Regulations) 1996* regulation 5, seek to mitigate the possibility of this occurring. These controls are set in place to provide daily, weekly and monthly checks to ensure that the integrity of the data provided is reasonably assured.

## **STRATEGIC ASPIRATIONS**

**Performance – We will deliver excellent governance, service and value, for everyone.**

### ***Outcome 11 – Effective leadership, advocacy and governance:***

**Objective** 11.2 Deliver best practice governance and risk management

### ***Outcome 12 – A well informed and engaged community:***

**Objective** 12.1 Provide the community with relevant, timely information and effective engagement

### ***Outcome 13 - Value for money from rates and long term financial sustainability:***

**Objective** 13.1 Plan effectively for short and long term financial sustainability

13.2 Improve real and perceived value for money from rates

### ***Outcome Fourteen – Excellence in organisational performance and service delivery:***

**Objective** 14.3 Monitor and continuously improve performance levels.

## **VOTING REQUIREMENTS**

*Simple Majority*

### **REPORT RECOMMENDATION:**

*That Council receives the Monthly Financial Activity Statement Report for the period ended 28 February 2023 as attached.*

## **Attachments**

1. Monthly Statement of Activity February 2023

**SHIRE OF BROOME**  
**MONTHLY FINANCIAL REPORT**  
**For the Period Ended 28 February 2023**

**LOCAL GOVERNMENT ACT 1995**  
**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996**

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## Shire of Broome

### Compilation Report

For the Period Ended 28 February 2023

### Report Purpose

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

### Overview

Summary reports and graphical progressive graphs are provided on page 3, 4 and 5.  
No matters of significance are noted.

### Statement of Financial Activity by reporting program

Is presented on page 6 and shows a surplus as at 28 February 2023 of \$16,643,024.

Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary.

### Preparation

Prepared by: S Santoro

Reviewed by: E French

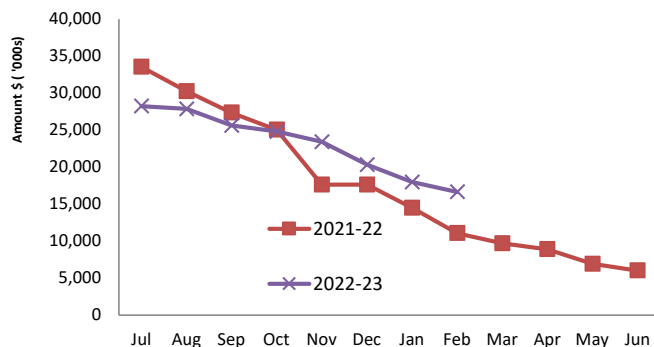
Date prepared: 23/03/2023

### Summary by date

#### Monthly Summary Information

For the Period Ended 28 February 2023

Liquidity Over the Year (Refer Note 3)



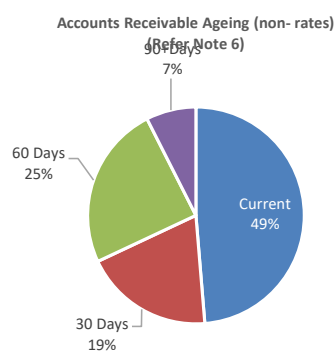
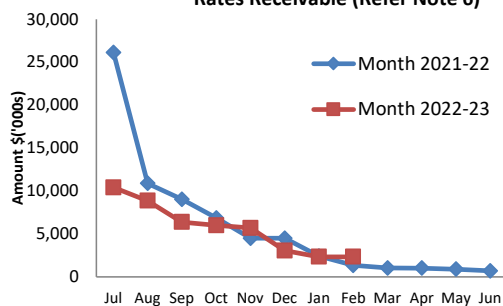
#### Cash and Cash Equivalents as at period end

Unrestricted	\$ 19,137,794
Restricted	\$ 33,345,048
	<u>\$ 52,482,842</u>

#### Receivables

Rates	\$ 2,315,182
Other	\$ 1,267,871
	<u>\$ 3,583,053</u>

Rates Receivable (Refer Note 6)



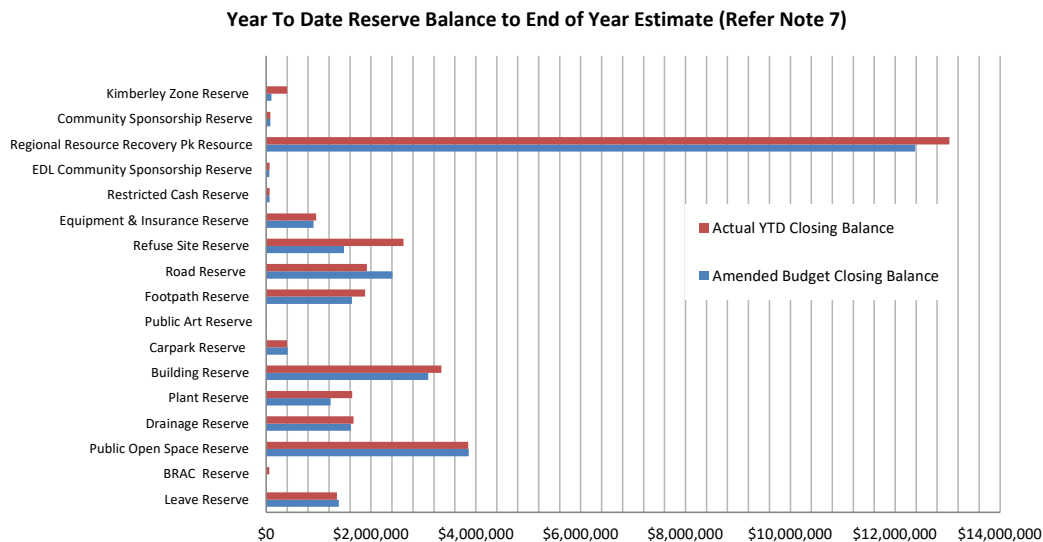
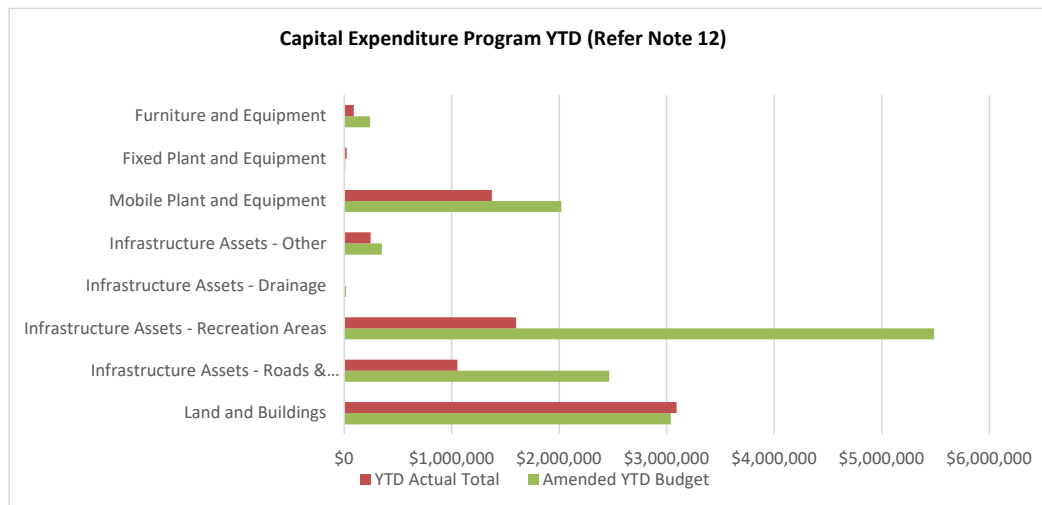
#### Comments

1. Liquidity refers to the Shire of Broome's ability to meet its financial obligations within the current year. Liquidity increased at the start of the financial year by \$22.228M due mainly to the issuance of rates. Liquidity is a combination of unrestricted cash, Current Debtors (including Rates), and Current Creditors. The Shire of Broome's current position (representing liquidity) can be found in Note 3.

2. Rates were raised in July with payment due 35 days after issuing. Total Rates raised for the year was \$25M with total outstanding rates YTD at \$2.32M.

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

**Shire of Broome**  
**Monthly Summary Information**  
 For the Period Ended 28 February 2023



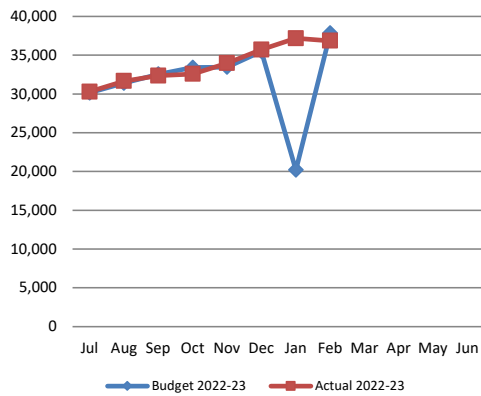
**Comments**

\*Amended Budget Closing balance is the forecast of the closing balance after all budgeted transfers to and from reserve have been performed. At this time there have been no transactions to or from reserve other than to recognise interest earned on reserve investments. All interest earned on Reserve investments is recorded on reserve at the end of each month.

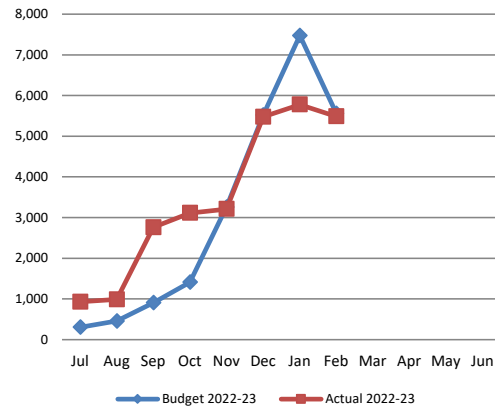
This information is to be read in conjunction with the accompanying Financial Statements and notes.

**Shire of Broome**  
**Monthly Summary Information**  
 For the Period Ended 28 February 2023

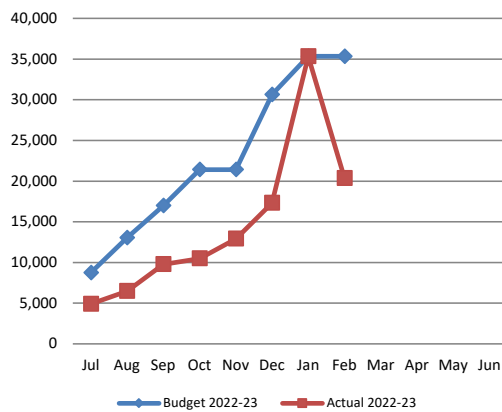
Budget Operating Revenues -v- Actual (Refer Note 2)



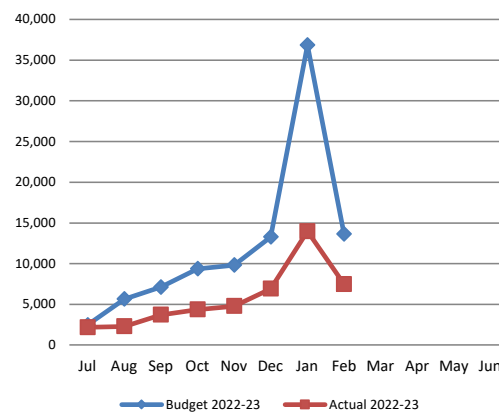
Budget Capital Revenue -v- Actual (Refer Note 2)



Budget Operating Expenses -v- YTD Actual (Refer Note 2)



Budget Capital Expenses -v- Actual (Refer Note 2)



**Comments**

Explanation on material variances are presented in note 2.

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

**SHIRE OF BROOME**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(Statutory Reporting Program)**  
**For the Period Ended 28 February 2023**

	Note	Amended Annual Budget (a)	Amended YTD Budget (b)	YTD Actual (c)	%	Var. \$ (c)-(b)	Var. % (c)-(b)/(b)	Var.
<b>Operating Revenues</b>		\$	\$	\$		\$	%	
Governance		28,714	12,959	9,089		(3,870)	(29.86%)	
General Purpose Funding - Rates	9	25,435,154	25,323,229	25,329,613		6,384	0.03%	
General Purpose Funding - Other		585,639	439,230	439,229		(1)	(0.00%)	
Law, Order and Public Safety		132,928	74,336	65,987		(8,349)	(11.23%)	
Health		197,140	165,197	157,742		(7,455)	(4.51%)	
Education and Welfare		103,000	68,664	67,000		(1,664)	(2.42%)	
Housing		1,082,751	721,832	384,234		(337,598)	(46.77%)	▼
Community Amenities		7,108,502	5,880,671	5,561,567		(319,104)	(5.43%)	
Recreation and Culture		1,751,190	1,106,880	980,188		(126,692)	(11.45%)	▼
Transport		1,335,197	1,177,056	817,933		(359,123)	(30.51%)	▼
Economic Services		1,310,487	952,072	735,834		(216,238)	(22.71%)	▼
Other Property and Services		2,710,086	1,936,627	2,298,698		362,071	18.70%	▲
<b>Total Operating Revenue</b>		<b>41,780,788</b>	<b>37,858,753</b>	<b>36,847,114</b>	<b>70%</b>	<b>(1,011,639)</b>		
<b>Operating Expense</b>								
Governance		(2,475,094)	(1,702,797)	(1,406,243)		296,554	17.42%	▲
General Purpose Funding		(444,840)	(294,384)	(243,287)		51,097	17.36%	▲
Law, Order and Public Safety		(1,496,764)	(988,668)	(837,579)		151,089	15.28%	▲
Health		(813,994)	(542,144)	(480,916)		61,228	11.29%	▲
Education and Welfare		(799,743)	(529,372)	(524,083)		5,289	1.00%	
Housing		(1,291,616)	(861,072)	(546,302)		314,770	36.56%	▲
Community Amenities		(11,074,863)	(7,500,386)	(4,872,471)		2,627,915	35.04%	▲
Recreation and Culture		(17,606,280)	(11,685,106)	(5,474,366)		6,210,740	53.15%	▲
Transport		(10,821,093)	(7,202,082)	(1,767,847)		5,434,235	75.45%	▲
Economic Services		(2,789,159)	(1,799,828)	(1,377,208)		422,620	23.48%	▲
Other Property and Services		(2,792,111)	(2,231,069)	(2,812,350)		(581,281)	(26.05%)	▼
<b>Total Operating Expenditure</b>		<b>(52,405,557)</b>	<b>(35,336,908)</b>	<b>(20,342,652)</b>	<b>39%</b>	<b>14,994,256</b>		
Non-cash amounts excluded from operating activities		17,957,596	12,035,834	0				
<b>Net Cash from Operations</b>		<b>7,332,827</b>	<b>14,557,679</b>	<b>16,504,462</b>		<b>13,982,617</b>		
<b>Capital Revenues</b>								
<b>Grants, Subsidies and Contributions</b>		10,259,406	4,995,965	5,484,483		488,518	(9.78%)	
Governance		0	0	0		0		
General Purpose Funding		0	0	0		0		
Rates		0	0	0		0		
Other General Purpose Funding		0	0	0		0		
Law, Order and Public Safety		0	0	0		0		
Health		0	0	0		0		
Education and Welfare		0	0	0		0		
Housing		0	0	0		0		
Community Amenities		34,423	6,885	34,424		27,539	(399.99%)	
Recreation and Culture		6,878,088	4,381,491	4,949,830		568,339	(12.97%)	
Transport		3,346,895	607,589	491,229		(116,360)	19.15%	
Economic Services		0	0	9,000		9,000		
Other Property and Services		0	0	0		0		
Proceeds from Disposal of Assets	8	728,000	560,500	0	0%	(560,500)	100.00%	▼
<b>Total Capital Revenues</b>		<b>10,987,406</b>	<b>5,556,465</b>	<b>5,484,483</b>	<b>53%</b>	<b>(71,982)</b>		

**SHIRE OF BROOME**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(Statutory Reporting Program)**  
**For the Period Ended 28 February 2023**

	Note	Amended Annual Budget (a)	Amended YTD Budget (b)	YTD Actual (c)	%	Var. \$ (c)-(b)	Var. % (c)-(b)/(b)	Var.
<b>Capital Expenses</b>								
Land Held for Resale	12	0	0	0		0		
Land Under Control (Crown Land)	12	0	0	0		0		
Land and Buildings	12	(4,892,889)	(3,037,734)	(3,090,852)		(53,118)	(1.75%)	
Infrastructure Assets - Roads & Footpaths	12	(4,964,511)	(2,464,273)	(1,052,822)		1,411,451	57.28%	▲
Infrastructure Assets - Recreation Areas	12	(8,362,348)	(5,487,906)	(1,600,311)		3,887,595	70.84%	▲
Infrastructure Assets - Drainage	12	(93,370)	(17,544)	0		17,544	100.00%	▲
Infrastructure Assets - Other	12	(617,560)	(351,369)	(245,513)		105,856	30.13%	▲
Mobile Plant and Equipment	12	(3,831,135)	(2,020,109)	(1,373,857)		646,252	31.99%	▲
Fixed Plant and Equipment	12	(18,437)	(12,294)	(23,742)		(11,448)	(93.12%)	
Furniture and Equipment	12	(478,566)	(240,328)	(89,333)		150,995	62.83%	▲
Total Capital Expenditure		(23,258,816)	(13,631,557)	(7,476,431)	32%	6,155,126		
<b>Net Cash from Capital Activities</b>		<b>(12,271,410)</b>	<b>(8,075,092)</b>	<b>(1,991,948)</b>		<b>6,083,144</b>		
<b>Financing</b>								
Proceeds from New Debentures		690,746	0	0		0		
Payments for financial assets at amortised cost - self supporting loans			0	0		0		
Self-Supporting Loan Principal		0	0	0		0		
Transfer from Reserves	7	4,528,069	2,545,867	0		(2,545,867)	100.00%	▲
Advances to Community Groups		(690,746)	0	0		0		
Repayment of Debentures	10	(444,161)	(222,083)	(220,644)		1,439	0.65%	
Repayment of Self Supporting Loan		0	0	0		0		
Asset Rehab Liability		(289,869)	(193,248)	(59,685)		133,563	69.11%	▲
Transfer to Reserves	7	(2,096,555)	(836,451)	(553,028)		283,423	33.88%	▲
<b>Net Cash from Financing Activities</b>		<b>1,697,484</b>	<b>1,294,085</b>	<b>(833,357)</b>		<b>(2,127,442)</b>		
<b>Net Operations, Capital and Financing</b>		<b>(3,241,099)</b>	<b>7,776,672</b>	<b>13,679,157</b>		<b>17,938,319</b>		
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,963,867</b>	<b>2,963,867</b>	<b>2,963,867</b>		<b>0</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(277,232)</b>	<b>10,740,539</b>	<b>16,643,024</b>		<b>17,938,319</b>		

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

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



**SHIRE OF BROOME**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**(By Nature or Type)**  
**For the Period Ended 28 February 2023**

	Note	Amended Annual Budget (a)	Amended YTD Budget (b)	YTD Actual (c)	%	Var. \$ (c)-(b)	Var. % (c)-(b)/(b)	Var.
<b>Operating Revenues</b>		\$	\$	\$		\$	%	
Rates	9	25,024,405	24,991,067	25,003,638		12,571	0.05%	
Operating Grants, Subsidies and Contributions		2,527,486	1,883,113	1,446,674		(436,439)	(23.18%)	▼
Fees and Charges		11,854,691	9,280,262	8,189,943		(1,090,319)	(11.75%)	▼
Service Charges		0	0	0		0		
Interest Earnings		608,559	369,019	1,072,900		703,881	190.74%	▲
Other Revenue		1,562,653	1,175,676	1,133,959		(41,717)	(3.55%)	
Profit on Disposal of Assets	8	202,995	159,614	0		(159,614)	(100.00%)	▼
<b>Total Operating Revenue</b>		<b>41,780,789</b>	<b>37,858,751</b>	<b>36,847,114</b>	<b>71%</b>	<b>(1,011,637)</b>		
<b>Operating Expense</b>								
Employee Costs		(16,470,607)	(10,847,487)	(10,469,370)		378,117	(3.49%)	
Materials and Contracts		(12,142,410)	(8,572,793)	(6,393,285)		2,179,508	(25.42%)	
Utility Charges		(2,179,208)	(1,452,848)	(1,374,719)		78,129	(5.38%)	
Depreciation on Non-Current Assets		(18,142,152)	(12,094,872)	0		12,094,872	(100.00%)	
Interest Expenses		(202,898)	(91,951)	(120,658)		(28,707)	31.22%	
Insurance Expenses		(785,277)	(685,286)	(1,010,357)		(325,071)	47.44%	
Other Expenditure		(2,228,463)	(1,491,095)	(974,263)		516,832	(34.66%)	
Loss on Disposal of Assets	8	(254,543)	(100,576)	0		100,576	(100.00%)	
<b>Total Operating Expenditure</b>		<b>(52,405,558)</b>	<b>(35,336,908)</b>	<b>(20,342,652)</b>	<b>39%</b>	<b>14,994,256</b>		
Non-cash amounts excluded from operating activities		17,957,596	12,035,834	0			(100.00%)	
<b>Net Cash from Operations</b>		<b>7,332,827</b>	<b>14,557,677</b>	<b>16,504,462</b>		<b>13,982,619</b>		
<b>Capital Revenues</b>								
Grants, Subsidies and Contributions		10,259,406	4,995,965	5,484,483		488,518	9.78%	
Proceeds from Disposal of Assets		728,000	560,500	0	0%	(560,500)	(100.00%)	▼
<b>Total Capital Revenues</b>		<b>10,987,406</b>	<b>5,556,465</b>	<b>5,484,483</b>	<b>53%</b>	<b>(71,982)</b>		
<b>Capital Expenses</b>								
Land Held for Resale	12	0	0	0		0		
Land Under Control (Crown Land)	12	0	0	0		0		
Land and Buildings	12	(4,892,889)	(3,037,734)	(3,090,852)		(53,118)	1.75%	
Infrastructure Assets - Roads & Footpaths	12	(4,964,511)	(2,464,273)	(1,052,822)		1,411,451	(57.28%)	
Infrastructure Assets - Recreation Areas	12	(8,362,348)	(5,487,906)	(1,600,311)		3,887,595	(70.84%)	
Infrastructure Assets - Drainage	12	(93,370)	(17,544)	0		17,544	(100.00%)	
Infrastructure Assets - Other	12	(617,560)	(351,369)	(245,513)		105,856	(30.13%)	
Fixed Plant and Equipment	12	(18,437)	(12,294)	(23,742)		(11,448)	93.12%	▲
Furniture and Equipment	12	(478,566)	(240,328)	(89,333)		150,995	(62.83%)	
<b>Total Capital Expenditure</b>		<b>(23,258,816)</b>	<b>(13,631,557)</b>	<b>(7,476,431)</b>	<b>32%</b>	<b>6,155,126</b>		
<b>Net Cash from Capital Activities</b>		<b>(12,271,410)</b>	<b>(8,075,092)</b>	<b>(1,991,948)</b>		<b>6,083,144</b>		
<b>Financing</b>								
Proceeds from New Debentures		690,746	0	0		0		
Payments for financial assets at amortised cost - self supporting loans		0	0	0		0		
Self-Supporting Loan Principal		0	0	0		0		
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Advances to Community Groups		(690,746)	0	0		0		
Repayment of Debentures	10	(444,161)	(222,083)	(220,644)		1,439	(0.65%)	
Repayment of Self Supporting Loan		0	0	0		0		
Asset Rehab Liability		(289,869)	(193,248)	(59,685)		133,563	(69.11%)	
Transfer to Reserves	7	(2,096,555)	(836,451)	(553,028)		283,423	(33.88%)	
<b>Net Cash from Financing Activities</b>		<b>1,697,484</b>	<b>1,294,085</b>	<b>(833,357)</b>		<b>(2,127,442)</b>		
<b>Net Operations, Capital and Financing</b>		<b>(3,241,099)</b>	<b>7,776,670</b>	<b>13,679,157</b>		<b>17,938,321</b>		
<b>Opening Funding Surplus(Deficit)</b>	3	<b>2,963,867</b>	<b>2,963,867</b>	<b>2,963,867</b>		<b>0</b>		
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(277,232)</b>	<b>10,740,537</b>	<b>16,643,024</b>		<b>17,938,321</b>		

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

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

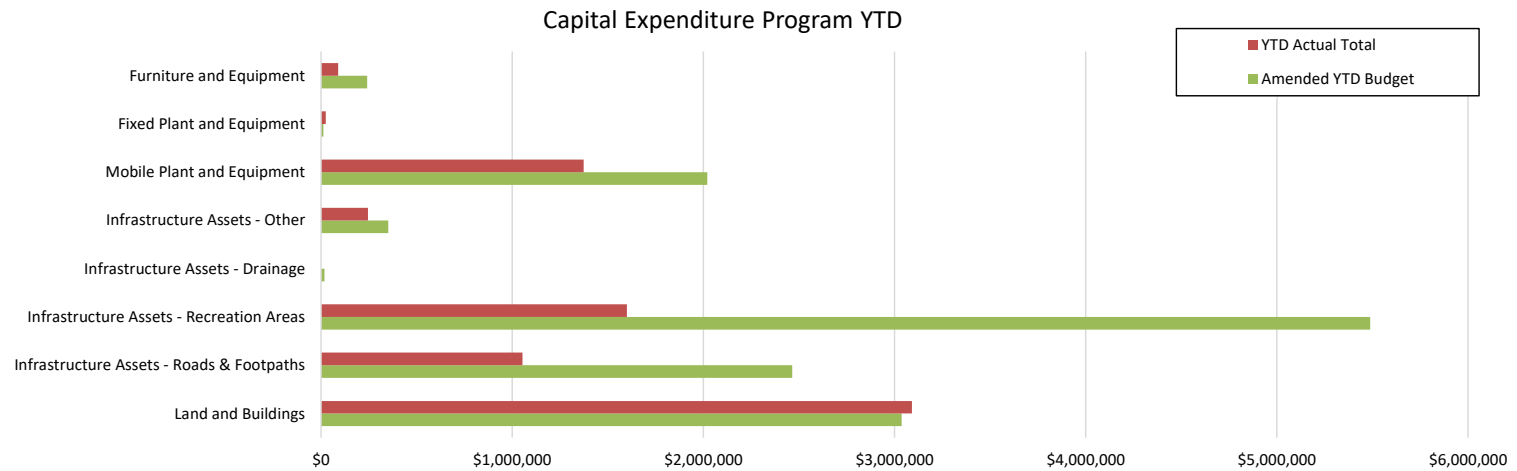
**SHIRE OF BROOME**  
**STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING**  
For the Period Ended 28 February 2023

Capital Acquisitions	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Actual Total (c) = (a)+(b)	Amended YTD Budget (d)	Amended Annual Budget	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	12	2,764,138	326,714	3,090,852	3,037,734	4,892,889	53,118
Infrastructure Assets - Roads & Footpaths	12	480,443	572,379	1,052,822	2,464,273	4,964,511	(1,411,451)
Infrastructure Assets - Recreation Areas	12	1,458,549	141,762	1,600,311	5,487,906	8,362,348	(3,887,595)
Infrastructure Assets - Drainage	12	0	0	0	17,544	93,370	(17,544)
Infrastructure Assets - Other	12	178,553	66,960	245,513	351,369	617,560	(105,856)
Mobile Plant and Equipment	12	94,237	1,279,620	1,373,857	2,020,109	3,831,135	(646,252)
Fixed Plant and Equipment	12	18,067	5,675	23,742	12,294	18,437	11,448
Furniture and Equipment	12	89,333	0	89,333	240,328	478,566	(150,995)
Capital Expenditure Totals		5,083,320	2,393,111	7,476,431	13,631,557	23,258,816	(6,155,126)

**Funded By:**

Capital Grants and Contributions	5,484,483	4,995,965	10,259,406	488,518
Borrowings	0	0	690,746	0
Other (Disposals & C/Fwd)	0	560,500	728,000	(560,500)
Total Own Source Funding - Cash Backed Reserves	0	2,545,867	(4,138,995)	(2,545,867)
Own Source Funding - Operations	1,991,948	5,529,225	15,719,659	(3,537,277)
Capital Funding Total	7,476,431	13,631,557	23,258,816	(6,155,126)

**SHIRE OF BROOME**  
**STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING**  
**For the Period Ended 28 February 2023**



**SHIRE OF BROOME**  
**STATEMENT OF BUDGET AMENDMENTS**  
**(Statutory Reporting Program)**  
**For the Period Ended 28 February 2023**

	Adopted Budget	Adopted Budget Amendments (Note 5)	Amended Annual Budget (a)
<b>Operating Revenues</b>	\$	\$	\$
Governance	28,714	0	28,714
General Purpose Funding - Rates	25,425,375	9,779	25,435,154
General Purpose Funding - Other	547,096	38,543	585,639
Law, Order and Public Safety	132,928	0	132,928
Health	197,140	0	197,140
Education and Welfare	93,000	10,000	103,000
Housing	1,102,751	(20,000)	1,082,751
Community Amenities	7,003,502	105,000	7,108,502
Recreation and Culture	1,589,053	162,137	1,751,190
Transport	868,607	466,590	1,335,197
Economic Services	962,637	347,850	1,310,487
Other Property and Services	2,324,119	385,967	2,710,086
<b>Total Operating Revenue</b>	<b>40,274,922</b>	<b>1,505,866</b>	<b>41,780,788</b>
<b>Operating Expense</b>			
Governance	(2,244,184)	(230,910)	(2,475,094)
General Purpose Funding	(624,840)	180,000	(444,840)
Law, Order and Public Safety	(1,496,764)	0	(1,496,764)
Health	(813,994)	0	(813,994)
Education and Welfare	(799,743)	0	(799,743)
Housing	(1,281,616)	(10,000)	(1,291,616)
Community Amenities	(10,994,485)	(80,378)	(11,074,863)
Recreation and Culture	(17,517,054)	(89,225)	(17,606,279)
Transport	(10,610,233)	(210,860)	(10,821,093)
Economic Services	(2,495,059)	(294,100)	(2,789,159)
Other Property and Services	(2,492,440)	(299,673)	(2,792,113)
<b>Total Operating Expenditure</b>	<b>(51,370,412)</b>	<b>(1,035,146)</b>	<b>(52,405,558)</b>
Non-cash amounts excluded from operating activities	18,193,700	(236,104)	17,957,596
<b>Net Cash from Operations</b>	<b>7,098,210</b>	<b>234,616</b>	<b>7,332,826</b>
<b>Capital Revenues</b>			
Grants, Subsidies and Contributions	12,633,743	(2,374,337)	10,259,406
Proceeds from Disposal of Assets	445,073	282,927	728,000
Proceeds from Sale of Investments	0		0
<b>Total Capital Revenues</b>	<b>13,078,816</b>	<b>(2,091,410)</b>	<b>10,987,406</b>

**SHIRE OF BROOME**  
**STATEMENT OF BUDGET AMENDMENTS**  
**(Statutory Reporting Program)**  
**For the Period Ended 28 February 2023**

	Adopted Budget	Adopted Budget Amendments (Note 5)	Amended Annual Budget (a)
<b>Capital Expenses</b>			
Land Held for Resale	0	0	0
Land Under Control (Crown Land)	0	0	0
Land and Buildings	(11,220,879)	6,327,989	(4,892,890)
Works in Progress Land & Buildings	0	0	0
Works In Progress Recreation Areas			
Infrastructure	0	0	0
Works in Progress - Rds, F/Paths & Bridges	0	0	0
Works In Progress Other Infrastructure	0	0	0
Works in Progress Plant & Equipment	0	0	0
Infrastructure Assets - Roads & Footpaths	(4,085,677)	(878,834)	(4,964,511)
Infrastructure Assets - Recreation Areas	(11,413,967)	3,051,621	(8,362,346)
Infrastructure Assets - Drainage	(26,320)	(67,050)	(93,370)
Infrastructure Assets - Other	(491,906)	(125,654)	(617,560)
Mobile Plant and Equipment	(4,003,999)	172,864	(3,831,135)
Fixed Plant and Equipment	(18,437)	0	(18,437)
Furniture and Equipment	(478,860)	294	(478,566)
<b>Total Capital Expenditure</b>	<b>(31,740,045)</b>	<b>8,481,230</b>	<b>(23,258,815)</b>
<b>Net Cash from Capital Activities</b>	<b>(18,661,229)</b>	<b>6,389,820</b>	<b>(12,271,409)</b>
<b>Financing</b>			
Proceeds from New Debentures	690,746	0	690,746
Payments for financial assets at amortised cost - self supporting loans	0	0	0
Self-Supporting Loan Principal	0	0	0
Transfer from Reserves	9,970,352	(5,442,283)	4,528,069
Purchase of Investments	0	0	0
Advances to Community Groups	(690,746)	0	(690,746)
Repayment of Debentures	(444,161)	0	(444,161)
Repayment of Self Supporting Loan	0	0	0
Asset Rehab Liability	(289,869)	0	(289,869)
Transfer to Reserves	(1,818,355)	(278,200)	(2,096,555)
<b>Net Cash from Financing Activities</b>	<b>7,417,967</b>	<b>(5,720,483)</b>	<b>1,697,484</b>
<b>Net Operations, Capital and Financing</b>	<b>(4,145,052)</b>	<b>903,953</b>	<b>(3,241,099)</b>
<b>Opening Funding Surplus(Deficit)</b>	<b>4,145,052</b>	<b>(1,181,185)</b>	<b>2,963,867</b>
<b>Closing Funding Surplus(Deficit)</b>	<b>0</b>	<b>(277,232)</b>	<b>(277,232)</b>

**SHIRE OF BROOME**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 28 February 2023

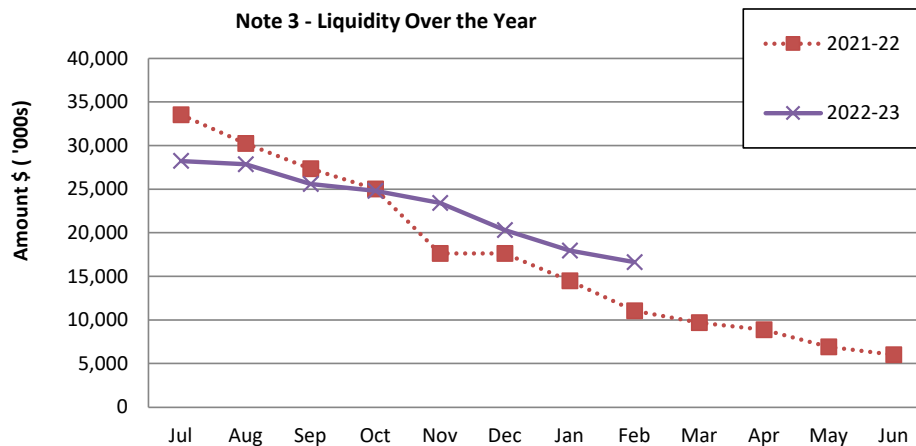
**Note 2: EXPLANATION OF MATERIAL VARIANCES**

Reporting Program	Var. \$	Var. %	Var.	Timing/ Permanent	Explanation of Variance
<b>Operating Revenues</b>	\$	%			
Governance	(3,870)	(29.86%)			
General Purpose Funding - Rates	6,384	0.03%			
General Purpose Funding - Other	(1)	(0.00%)			
Law, Order and Public Safety	(8,349)	(11.23%)			
Health	(7,455)	(4.51%)			
Education and Welfare	(1,664)	(2.42%)			
Housing	(337,598)	(46.77%)	▼	Permanent	Less rented staff housing than expected on budget due to housing market conditions. This is being reviewed in FACR 2
Community Amenities	(319,104)	(5.43%)			
Recreation and Culture	(126,692)	(11.45%)	▼	Timing	Various BRAC income below budget
Transport	(359,123)	(30.51%)	▼	Timing	DRFAWA grant less than budgeted
Economic Services	(216,238)	(22.71%)	▼	Timing	Broome Visitor Centre internal journal not yet processed for subsidised rental agreement.
Other Property and Services	362,071	18.70%	▲	Permanent	Rent & outgoings more than budget, Muni interest higher than expected as well as insurance reimbursements and interest on reserves
<b>Operating Expense</b>					
Governance	296,554	17.42%	▲	Timing	Youth development program, and General agenda items & councillor support are under budget
General Purpose Funding	51,097	17.36%	▲	Timing	Timing of admin allocation costs
Law, Order and Public Safety	151,089	15.28%	▲	Timing	Due to timing of multiple small expenses not yet occurred as expected on budget.
Health	61,228	11.29%	▲	Timing	Timing of internal monthly processes (Admin costs and Depreciation).
Education and Welfare	5,289	1.00%			
Housing	314,770	36.56%	▲	Permanent	Less rented staff housing than expected on budget due to housing market conditions combined with Admin costs to be allocated. This is being reviewed in FACR 2
Community Amenities	2,627,915	35.04%	▲	Timing	Less expenditure than budgeted mainly due to Kerbside Recycling Collection, Refuse & Grounds expenditures, Contaminated Site remediation expenses and fixed asset depreciation (depreciation will be processed once the financial audit is complete).
Recreation and Culture	6,210,740	53.15%	▲	Timing	Depreciation will be processed once the financial audit is complete. Timing of expenditure associated with parks and reserves and BRAC maintenance.
Transport	5,434,235	75.45%	▲	Timing	Less operating expenses than budgeted due to depreciation not yet recognised. In addition, urban road maintenance expenses lower than budget due to timing.
Economic Services	422,620	23.48%	▲	Timing	Broome Visitor Centre internal journal not yet processed for subsidised rental agreement, a sporting chnace not yet invoiced, fixed asset depreciation not yet processed, (depreciation will be processed once the financial audit is complete).
Other Property and Services	(581,281)	(26.05%)	▼	Permanent	Private works, more than budgeted
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	488,518	(9.78%)			
Proceeds from Disposal of Assets	(560,500)	100.00%	▼	Timing	Disposals not yet done, will be in conjunction with acquisitions (trade-in).
<b>Capital Expenses</b>					
Land and Buildings	(53,118)	(1.75%)			
Infrastructure Assets - Roads & Footpaths	1,411,451	57.28%	▲	Timing	Road works not yet completed.
Infrastructure Assets - Recreation Areas	3,887,595	70.84%	▲	Timing	Cable Beach project construction not yet started.
Infrastructure Assets - Drainage	17,544	100.00%	▲	Timing	Drainage grate improvements not yet started
Infrastructure Assets - Other	105,856	30.13%			
Mobile Plant and Equipment	646,252	31.99%	▲	Timing	Vehicle replacement occurring throughout the year
Fixed Plant and Equipment	(11,448)	(93.12%)			
Furniture and Equipment	150,995	62.83%	▲	Timing	No significant furniture and equipment purchased for the year compared to the budget.
<b>Financing</b>					
Transfer from Reserves	(2,545,867)	100.00%	▲	Timing	Transfer not yet made, timing.
Loan Principal	1,439	0.65%			
Transfer to Reserves	283,423	33.88%	▲	Timing	Transfer not yet made, timing.

**SHIRE OF BROOME**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
For the Period Ended 28 February 2023

**Note 3: NET CURRENT FUNDING POSITION**

Positive=Surplus (Negative=Deficit)				
	Note	YTD 28 Feb 2023	30 Jun 2022	YTD 28 Feb 2022
		\$	\$	\$
<b>Current Assets</b>				
Cash Unrestricted	4	19,137,794	10,621,784	7,484,618
Cash Restricted	4	33,345,048	32,792,020	30,858,748
Receivables - Rates	6	2,315,182	755,425	2,395,514
Receivables - Rates Other		16,293	(91,201)	1,150
Receivables - Debtors	6	1,178,188	1,198,881	74,799
Receivables - Other		(1,005,920)	152,615	63,840
Other Assets		86,937	225,940	99,482
Inventories		42,909	31,520	26,627
		55,116,431	45,686,984	41,004,778
<b>Less:</b>				
Current Liabilities		(8,198,160)	(13,029,091)	(5,075,073)
Borrowings		(223,518)	(444,162)	(433,265)
		(8,421,678)	(13,473,253)	(5,508,338)
Less: Cash Reserves	7	(33,345,048)	(32,792,020)	(30,858,748)
Adjustments to net current assets		3,293,318	3,542,156	0
<b>Net Current Funding Position</b>		<b>16,643,024</b>	<b>2,963,867</b>	<b>4,637,692</b>

**Note 3 - Liquidity Over the Year****Comments - Net Current Funding Position**

The budget was adopted at the Special Meeting held on 05 July 2022. It was presented to Council with a predicted carried forward surplus of \$4,145,052.

The Rounding and Timing Adjustment is calculated by subtracting the sum of current assets less current liabilities and cash reserves from the YTD funding surplus (see page 7).

**SHIRE OF BROOME**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 28 February 2023**

**Note 4: CASH AND INVESTMENTS**

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>							
Municipal Bank Account	2.10%	4,729,392			4,729,392	CommBank	At Call
Business Online Saver	3.20%	10,051,169			10,051,169	CommBank	At Call
BRAC Bank Account	2.10%	35			35	CommBank	At Call
BPAY Bank Account	0.00%	0			0	CommBank	At Call
Reserve Bank Account	3.20%		4,971,700		4,971,700	CommBank	At Call
Trust Bank Account	0.00%			206,771	206,771	CommBank	At Call
ESCROW - Trust	0.00%		3,373,348		3,373,348	Perpetual	At Call
Cash On Hand	Nil	4,200			4,200	N/A	On Hand
<b>(b) Term Deposits</b>							
Term Deposit	3.97%	4,000,000			4,000,000	Westpac	17-Mar-23
Term Deposit	4.40%		25,000,000		25,000,000	CBA	28-Jun-23
<b>Total</b>		<b>18,784,797</b>	<b>33,345,048*</b>	<b>206,771†</b>	<b>52,336,616</b>		
<b>Adjustments</b>							
Payment Timing Adjustments**		(352,997)					
<b>Total</b>		<b>19,137,794</b>	<b>33,345,047.88</b>				

**Comments/Notes - Investments**

\*Note - The total of Restricted Cash balances to the reserves on Note 7.

\*\*NOTE - Payment Timing adjustments indicate payments that have been recorded on the ledger but have yet to be paid out of the bank. The bank accounts are reconciled monthly to ensure no discrepancies occur.

†Note - A discrepancy between Trust balance and the balance of Note 11 is a result of money in transit, either as a refund or a payment, or an unrepresented cheque.



SHIRE OF BROOME

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 28 February 2023

**Note 5: BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Job Number	Description	Council Resolution	Classification	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
		<b>Budget Adoption</b>					0
		Closing position deficit for 2021/22 F.Y.	C/Fwd: 23/02/23	Opening Surplus(Deficit)		(1,181,185)	(1,181,185)
113989		Reversal of transfer to POS Reserve (Net surplus from FY 2020/21 allocated for future projects)	C/Fwd: 23/02/23	Capital Income	350,830		(830,355)
113989		Reversal of transfer to POS Reserve (Unallocated budget transfer)	C/Fwd: 23/02/23	Capital Income	46,381		(783,974)
		<b>Permanent Changes</b>					(783,974)
		<b>General Purpose Funding</b>					(783,974)
30301		Grants Commission - Op Inc - Other General Purpose Funding	OMC - 15/12/22- FACR 1	Operating Income	38,543		(745,431)
32220		Valuation Expenses - Op Exp - Rates	OMC - 15/12/22- FACR 1	Operating Expenditure	180,000		(565,431)
30107		Rates Concessions - Op Inc - Rates	OMC - 23/02/23- FACR 2	Operating Income	9,779		(555,652)
32492		Back Rates - Op Inc - Rates	OMC - 23/02/23- FACR 2	Operating Income	13,000		(542,652)
30146		Interest - Rates Instalments - Op Inc - Rates	OMC - 23/02/23- FACR 2	Operating Income		(13,000)	(555,652)
		<b>Governance</b>					(555,652)
23450		Consultants - Op Exp - Other Governance	OMC - 15/12/22- FACR 1	Operating Expenditure		(20,000)	(575,652)
23598		Transfer From Kimberley Zone Reserve - Cap Inc - Kimberley Zone	OMC - 15/12/22	Capital Income	298,453		(277,199)
22137		Kimberley Zone - Transfer of Zone Surplus - Op Exp	OMC - 15/12/22	Operating Expenditure		(298,453)	(575,652)
23015		Executive Travel & Accom - Op Exp - Other Governance	OMC - 23/02/23- FACR 2	Operating Expenditure	12,000		(563,652)
11709		Quarterly Marketing Campaigns - CEO202209 - Op Ex	OMC - 23/02/23- FACR 2	Operating Expenditure	15,000		(548,652)
22290		Sister City Relations/Japanese Youth Ambassador - Op Exp - Other Governance	OMC - 23/02/23- FACR 2	Operating Expenditure	17,800		(530,852)
23040		Youth Development Programme & Working Group - Op Exp - Other Governance	OMC - 23/02/23- FACR 2	Operating Expenditure		(35,000)	(565,852)
23450		Consultants - Op Exp - Other Governance	OMC - 23/02/23- FACR 2	Operating Expenditure	60,000		(505,852)
22124		Contribution to Kimberley Zone Secretariat	OMC - 23/02/23- FACR 2	Operating Expenditure	10,000		(495,852)
24010		Conferences Travel & Accom Op Exp - Members	OMC - 23/02/23- FACR 2	Operating Expenditure	10,000		(485,852)
23017		Special Event/Milestone Celebration	C/Fwd: 23/02/23	Operating Expenditure		(2,257)	(488,109)
		<b>Law, Order and Public Safety</b>					(488,109)
53239		Surf Club Building Upgrade (Inc Plant & Furniture) Cap Exp-Law Ord & PS	C/Fwd: 23/02/23	Capital Expenditure	264,600		(223,509)
52951		Transfer from Plant Replacement reserve - Cap Inc - Ranger Operations	C/Fwd: 23/02/23	Capital Income		(23,000)	(246,509)
		<b>Health</b>					(246,509)
		<b>Education and Welfare</b>					(246,509)
82670		Grant Income - Comm Services	OMC - 15/12/22- FACR 1	Operating Income		(35,000)	(281,509)
82670		Grant Income - Comm Services	OMC - 15/12/22- FACR 1	Operating Income	5,000		(276,509)
82675		Grants For Community Programs - Op Inc - Community Services	OMC - 23/02/23- FACR 2	Operating Income	40,000		(236,509)
		<b>Housing</b>					(236,509)
96101		Staff Housing - Reactive Maint - Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(10,000)	(246,509)
96202		8/6 Ibis Way - Rent & Recoup Income - Op Inc	OMC - 23/02/23- FACR 2	Operating Income		(10,000)	(256,509)
96203		11/6 Ibis Way - Rent & Recoup Income - Op Inc	OMC - 23/02/23- FACR 2	Operating Income		(10,000)	(266,509)

SHIRE OF BROOME

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 28 February 2023

**Note 5: BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Job Number	Description	Council Resolution	Classification	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
		<b>Community Amenities</b>					(266,509)
106030	106055	Planning General Project Consult - Op Exp Town Planning/Reg Dev	OMC - 15/12/22- FACR 1	Operating Expenditure		(16,563)	(283,072)
104270	104299	Short St-Paspaley Carnarvon Street New Drainage Const - Cap Exp	OMC - 15/12/22- FACR 1	Capital Expenditure		(67,050)	(350,122)
104480		Transfer From Drainage Reserve - Urban Stormwater Drainage - Cap Inc	OMC - 15/12/22- FACR 1	Capital Income	67,050		(283,072)
101896	101897	Community Recycling Centre - RRP - Cap Exp	OMC - 15/12/22- FACR 1	Capital Expenditure	6,365,904		6,082,832
101995		Transfer from Regional Resource Recovery Reserve - Cap Inc - Reg Res Recov	OMC - 15/12/22- FACR 1	Capital Income		(6,365,904)	(283,072)
101896	101897	Community Recycling Centre - RRP - Cap Exp	OMC - 23/02/23- FACR 2	Capital Expenditure		(119,044)	(402,116)
101995		Transfer from Regional Resource Recovery Reserve - Cap Inc - Reg Res Recov	OMC - 23/02/23- FACR 2	Capital Income	119,044		(283,072)
106030	106055	Planning General Project Consult - Op Exp Town Planning/Reg Dev	OMC - 23/02/23- FACR 2	Operating Expenditure		(5,000)	(288,072)
101411		C'van Pk & Additional Services - Op Inc - Sanitation Gen Refuse	OMC - 23/02/23- FACR 2	Operating Income	35,000		(253,072)
101028	101090	Transfer Station Tyres	OMC - 23/02/23- FACR 2	Operating Expenditure		(150,000)	(403,072)
101028	101091	Transfer Station Concrete	OMC - 23/02/23- FACR 2	Operating Expenditure	150,000		(253,072)
101423		Sundry Income (Inc. GST) - Op Inc - Sanitation Gen Refuse	OMC - 23/02/23- FACR 2	Operating Income	70,000		(183,072)
101895		Transfer to Regional Resource Recovery Park Reserve - Cap Exp - Reg Res Rec Pk	OMC - 23/02/23- FACR 2	Capital Expenditure		(105,000)	(288,072)
107034		Broome Cemetery Survey & Other - Op Exp - Other Comm Amen	OMC - 23/02/23- FACR 2	Operating Expenditure		(5,000)	(293,072)
104482		Headworks Contribution - Non Op Inc - Urban Stormwater Drainage	OMC - 23/02/23- FACR 2	Capital Income	34,423		(258,649)
104281		Transfer to Drainage Reserve - Cap Exp - Urban Stormwater Drainage	OMC - 23/02/23- FACR 2	Capital Expenditure		(34,423)	(293,072)
107028	107033	Cemetery Operating Expense - Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(12,500)	(305,572)
107071	107071	Male Oval Ablutions - Operating Expense - Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(17,500)	(323,072)
101550		Mobile Garbage Bin Replacement - Cap Exp - Sanitation Gen Refuse	OMC - 23/02/23- FACR 2	Capital Expenditure		(153,234)	(476,306)
101896	101897	Community Recycling Centre - RRP - Cap Exp	C/Fwd: 23/02/23	Capital Expenditure		(27,956)	(504,262)
107550	107563	Broome Cemetery Fencing Capx	C/Fwd: 23/02/23	Capital Expenditure		(9,345)	(513,607)
101510		Vehicle & Mob Plant Renewal(Replacement)-Cap Exp- Sanit Gen Refuse	C/Fwd: 23/02/23	Capital Expenditure		(892)	(514,499)
106184		Vehicle & Mobile Plant Renewal (Replacement) Cap Exp - Dev Services	C/Fwd: 23/02/23	Capital Expenditure	84,246		(430,253)
106030	106055	Planning General Project Consult - Op Exp Town Planning/Reg Dev	C/Fwd: 23/02/23	Operating Expenditure		(3,792)	(434,045)
101050		Contaminated Site Remediation- OP Ex	C/Fwd: 23/02/23	Operating Expenditure		(20,023)	(454,068)
101995		Transfer from Regional Resource Recovery Reserve - Cap Inc - Reg Res Recov	C/Fwd: 23/02/23	Capital Income	27,956		(426,112)
101525		Transfer From Refuse Site Reserve - Sanitation Gen Refuse	C/Fwd: 23/02/23	Capital Income	20,000		(406,112)
101525		Transfer From Refuse Site Reserve - Sanitation Gen Refuse	C/Fwd: 23/02/23	Capital Income	20,023		(386,089)
106194		Proceeds From Sale Of Assets - Development Services	C/Fwd: 23/02/23	Capital Income		(29,308)	(415,397)
		<b>Recreation and Culture</b>					(415,397)
113370		Other Recreation Projects & Events Income - Op Inc - Oth Rec	OMC - 15/12/22- FACR 1	Operating Income	10,000		(405,397)
113394		Other Recreation Projects & Events - Op Exp - Other Rec	OMC - 15/12/22- FACR 1	Operating Expenditure		(10,000)	(415,397)
113027	113029	Skatepark New Infrs Const - Cap Exp - Other Rec & Sport	OMC - 15/12/22- FACR 1	Capital Expenditure	37,000		(378,397)
116470	116471	Broome Civic Centre Building General Maint Exps - Op Exp Bme Civic Centre	OMC - 15/12/22- FACR 1	Operating Expenditure		(27,800)	(406,197)
1181425	1181426	Cable Beach Foreshore Upgrade	OMC - 15/12/22- FACR 1	Capital Expenditure		(262,277)	(668,474)
1181425	1181426	Cable Beach Foreshore Upgrade	OMC - 15/12/22- FACR 1	Capital Expenditure	262,277		(406,197)
115260		Consultancy - Op Exp - Libraries	OMC - 23/02/23- FACR 2	Operating Expenditure	50,000		(356,197)
113128		Cable Beach - Non Op Grant - Other Recreation & Sport - CAP INC	OMC - 23/02/23- FACR 2	Capital Income		(1,096,406)	(1,452,603)
1181425		Cable Beach Redevelopment (Detailed Design) - Cap Exp	OMC - 23/02/23- FACR 2	Capital Expenditure	2,735,406		1,282,803
113128		Cable Beach - Non Op Grant - Other Recreation & Sport - CAP INC	OMC - 23/02/23- FACR 2	Capital Income		(1,639,000)	(356,197)

SHIRE OF BROOME

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 28 February 2023

**Note 5: BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Job Number	Description	Council Resolution	Classification	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
116085		Arts, Culture and Heritage Strategy - Op Exp - Other Culture	OMC - 23/02/23- FACR 2	Operating Expenditure		(6,000)	(362,197)
1138334		Turf Club Masterplan Review - Op Ex- Other Culture	OMC - 23/02/23- FACR 2	Operating Expenditure		(50,000)	(412,197)
1138333		Turf Club contribution to Masterplan Reviews - Op Inc - Other Culture	OMC - 23/02/23- FACR 2	Operating Income	25,000		(387,197)
117010	117011	Aquatic Building & Pool General Maint Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(10,000)	(397,197)
117081	117082	General Building & Facility Maint - BRAC Dry - Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(15,000)	(412,197)
117156		Program Annual Events - Op Exp - BRAC Dry	OMC - 23/02/23- FACR 2	Operating Expenditure	5,000		(407,197)
116470	116471	Broome Civic Centre Building General Maint Exps - Op Exp Bme Civic Centre	OMC - 23/02/23- FACR 2	Operating Expenditure		(5,000)	(412,197)
116483		Broome Civic Centre Operational Grants & Contributions - Op Inc - Bme Civic	OMC - 23/02/23- FACR 2	Operating Income	80,000		(332,197)
116491		Minor Assets - Op Exp - Bme Civic Centre	OMC - 23/02/23- FACR 2	Operating Expenditure		(50,000)	(382,197)
116489		Operational Expenses - Broome Civic Centre - Production/Events	OMC - 23/02/23- FACR 2	Operating Expenditure		(10,000)	(392,197)
116540		Broome Civic Centre Reimbursements Received - Op Inc - Bme Civic Centre	OMC - 23/02/23- FACR 2	Operating Income	10,000		(382,197)
113411		Venue Hire Inc - Cable Beach & Amphitheatre - Op Inc - Other Rec & Sport	OMC - 23/02/23- FACR 2	Operating Income	5,000		(377,197)
113413		Town Beach Hire - Op Inc - Parks & Ovals	OMC - 23/02/23- FACR 2	Operating Income	20,000		(357,197)
113421		Event Application Fee (No GST) Parks & Ovals & Oth Rec Areas (not Ovals) - Op Inc -	OMC - 23/02/23- FACR 2	Operating Income	6,000		(351,197)
113027	113029	Skatepark New Infrs Const - Cap Exp - Other Rec & Sport	OMC - 23/02/23- FACR 2	Capital Expenditure	150,000		(201,197)
1138332		Grant Income & Contributions - Op Inc - Other Culture	OMC - 23/02/23- FACR 2	Operating Income	6,137		(195,060)
113000	113039	Streeters Jetty Park - P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	8,050		(187,010)
113000	113591	Mackie Park - P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	10,000		(177,010)
113000	113070	Sunset Park - P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure		(8,780)	(185,790)
113000	113076	Koel Park - P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure		(5,000)	(190,790)
113000	113040	Cable Beach - P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure		(10,000)	(200,790)
113000	113030	Frederick Street Lookout (R39556)- P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure		(6,000)	(206,790)
113000	113033	Haynes Oval - P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure		(13,000)	(219,790)
113000	113068	Chippindale Park - P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	20,000		(199,790)
111989		Transfer to POS Reserve - Cap Exp - Parks & Ovals	OMC - 23/02/23- FACR 2	Capital Expenditure		(20,000)	(219,790)
117210	117211	BRAC Ovals - P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	50,000		(169,790)
111989		Transfer to POS Reserve - Cap Exp - Parks & Ovals	OMC - 23/02/23- FACR 2	Capital Expenditure		(50,000)	(219,790)
116283	PPART	Public Art, Monument & Plaque- P&G Maint	OMC - 23/02/23- FACR 2	Operating Expenditure		(7,000)	(226,790)
1181425	1181426	Cable Beach Foreshore Upgrade	OMC - 23/02/23- FACR 2	Capital Expenditure	115,225		(111,565)
1181425	1181426	Cable Beach Foreshore Upgrade	OMC - 23/02/23- FACR 2	Capital Expenditure	102,488		(9,077)
1181425	1181426	Cable Beach Foreshore Upgrade	OMC - 23/02/23- FACR 2	Capital Expenditure	42,022		32,945
1181425	1181426	Cable Beach Foreshore Upgrade	OMC - 23/02/23- FACR 2	Capital Expenditure	76,307		109,252
1181425	1181426	Cable Beach Foreshore Upgrade	OMC - 23/02/23- FACR 2	Capital Expenditure		(262,277)	(153,025)
117399	117421	BRAC Water Fountain and Entrance - DCS202206	OMC - 23/02/23- FACR 2	Capital Expenditure		(11,780)	(164,805)
1181407		Town Beach Redevelopment - Greenspace Stage 2 - Cap Exp	C/Fwd: 23/02/23	Capital Expenditure	21,212		(143,593)
1181425	1181426	Cable Beach Foreshore Upgrade	C/Fwd: 23/02/23	Capital Expenditure		(14,895)	(158,488)
117450	117452	BRAC Oval Upgrade of Infra - Cap Exp	C/Fwd: 23/02/23	Capital Expenditure	7,062		(151,426)
1181420	YBRA001	Youth Bike Recreation Area - New Construction - Cap Exp	C/Fwd: 23/02/23	Capital Expenditure		(16,163)	(167,589)
113027	113029	Skatepark New Infrs Const - Cap Exp - Other Rec & Sport	C/Fwd: 23/02/23	Capital Expenditure	124,593		(42,996)
113551	113795	Parks & Gardens Works Renewal Infra - Cap Exp	C/Fwd: 23/02/23	Capital Expenditure		(66,359)	(109,355)
117398		Vehicle & Mobile Plant Renewal (Replacement) -Cap Exp- BRAC General	C/Fwd: 23/02/23	Capital Expenditure	795		(108,560)

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NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 28 February 2023

**Note 5: BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Job Number	Description	Council Resolution	Classification	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
116085		Arts, Culture and Heritage Strategy - Op Exp - Other Culture	C/Fwd: 23/02/23	Operating Expenditure	1,305		(107,255)
112485		Grant Non Op - State Swim Areas & Beaches	C/Fwd: 23/02/23	Capital Income		(499,177)	(606,432)
113403		Grants - Non Op - Cap Inc - Other Rec & Sport	C/Fwd: 23/02/23	Capital Income		(97,167)	(703,599)
113316		Grants - non Operating Income for Parks & Oval Const - Cap Inc - Parks & Ovals	C/Fwd: 23/02/23	Capital Income		(40,000)	(743,599)
113127		Skatepark - Non Op Grant - Other Recreation & Sport	C/Fwd: 23/02/23	Capital Income		(34,693)	(778,291)
112485		Grant Non Op - State Swim Areas & Beaches	C/Fwd: 23/02/23	Capital Income	440,403		(337,888)
117500		Proceeds From The Sale Of Assets - BRAC General	C/Fwd: 23/02/23	Capital Income	16,405		(321,483)
		<b>Transport</b>					(321,483)
125507		Transfer to Road Reserve - St Lighting - Cap Exp	OMC - 15/12/22- FACR 1	Capital Expenditure		(481,625)	(803,108)
125134		Transfer to Road Reserve (for Bus Shelters)	OMC - 15/12/22- FACR 1	Capital Expenditure		(31,277)	(834,385)
125138		Transfer to Footpath Reserve (Footbridge per Transport AMP)	OMC - 15/12/22- FACR 1	Capital Expenditure		(38,326)	(872,711)
120305		WALGGC Road Grants Untied Op Grant Rec'd	OMC - 15/12/22- FACR 1	Operating Income		(213,549)	(1,086,260)
121762		State Direct MRWA/RRG Rd Maint Op Grant Rec'd	OMC - 15/12/22- FACR 1	Operating Income		(13,314)	(1,099,574)
122000	121011	Sector 1 Chinatown - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure	66,316		(1,033,258)
122000	121025	Sector 2 Cable Beach - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure	42,712		(990,546)
122000	121026	Sector 3 Old Broome - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure	55,526		(935,020)
122000	121027	Sector 4 Sunset Park - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure	39,340		(895,680)
122000	121028	Sector 5 Roebuck Est - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure	44,510		(851,170)
122000	121029	Sector 6 Broome North / Blue Haze - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure	32,596		(818,574)
122000	121030	Sector 7 LIA, HIA and Port - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure	38,216		(780,358)
126000	126021	Sector 1 Chinatown- Operating	OMC - 15/12/22- FACR 1	Operating Expenditure	5,395		(774,963)
126000	126036	Sector 3 Old Broome- Operating	OMC - 15/12/22- FACR 1	Operating Expenditure	11,802		(763,161)
121217	121217	Urban Street House Number - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure	13,825		(749,336)
121101	121562	Capital Works Program Projects - Upgrade (stewart St)- Cap Ex	OMC - 15/12/22- FACR 1	Capital Expenditure		(121,842)	(871,178)
125000	125025	Dakas, St Marys New Carpark Const - Cap Exp	OMC - 15/12/22- FACR 1	Capital Expenditure		(89,358)	(960,536)
121101	121562	Capital Works Program Projects - Upgrade (stewart St)- Cap Ex	OMC - 15/12/22- FACR 1	Capital Expenditure	121,842		(838,694)
125000	125025	Dakas, St Marys New Carpark Const - Cap Exp	OMC - 15/12/22- FACR 1	Capital Expenditure	89,358		(749,336)
122000	121011	Sector 1 Chinatown - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure		(66,316)	(815,652)
122000	121025	Sector 2 Cable Beach - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure		(42,712)	(858,364)
122000	121026	Sector 3 Old Broome - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure		(55,526)	(913,890)
122000	121027	Sector 4 Sunset Park - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure		(39,340)	(953,230)
122000	121028	Sector 5 Roebuck Est - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure		(44,510)	(997,740)
122000	121029	Sector 6 Broome North / Blue Haze - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure		(32,596)	(1,030,336)
122000	121030	Sector 7 LIA, HIA and Port - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure		(38,216)	(1,068,552)
126000	126021	Sector 1 Chinatown- Operating	OMC - 15/12/22- FACR 1	Operating Expenditure		(5,395)	(1,073,947)
126000	126036	Sector 3 Old Broome- Operating	OMC - 15/12/22- FACR 1	Operating Expenditure		(11,802)	(1,085,749)
121217	121217	Urban Street House Number - Works Maint	OMC - 15/12/22- FACR 1	Operating Expenditure		(13,825)	(1,099,574)

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NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 28 February 2023

**Note 5: BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Job Number	Description	Council Resolution	Classification	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
1254421		Access & Inclusion Improvements New Infra - Cap Exp	OMC - 23/02/23- FACR 2	Capital Expenditure		(15,000)	(1,114,574)
121100	121715	Frederick Street/Hamersley Street Intersection Lighting Upgrades	OMC - 23/02/23- FACR 2	Capital Expenditure	1,591		(1,112,983)
121100	121716	Port Drive – Guy Street Intersection Upgrade	OMC - 23/02/23- FACR 2	Capital Expenditure		(99,331)	(1,212,314)
121100	121716	Port Drive – Guy Street Intersection Upgrade	OMC - 23/02/23- FACR 2	Capital Expenditure		(31,899)	(1,244,213)
121771		Black Spot State Non Op Grant	OMC - 23/02/23- FACR 2	Capital Income	289,279		(954,934)
121771		Black Spot State Non Op Grant	OMC - 23/02/23- FACR 2	Capital Income		(144,640)	(1,099,574)
121100	121715	Frederick Street/Hamersley Street Intersection Lighting Upgrades	OMC - 23/02/23- FACR 2	Capital Expenditure	8,668		(1,090,906)
121100	121715	Frederick Street/Hamersley Street Intersection Lighting Upgrades	OMC - 23/02/23- FACR 2	Capital Expenditure	15,740		(1,075,166)
121100	121716	Port Drive – Guy Street Intersection Upgrade	OMC - 23/02/23- FACR 2	Capital Expenditure		(8,668)	(1,083,834)
121100	121716	Port Drive – Guy Street Intersection Upgrade	OMC - 23/02/23- FACR 2	Capital Expenditure		(15,740)	(1,099,574)
125253	125045	State Blackspot - Frederick Street off-street carpark Cap (Broome SHS) Exp	OMC - 23/02/23- FACR 2	Capital Income	250,000		(849,574)
125000	125045	State Blackspot - Frederick Street off-street carpark Cap (Broome SHS) Exp	OMC - 23/02/23- FACR 2	Capital Expenditure		(250,000)	(1,099,574)
125140	125183	Conti foreshore Footpath Construction (Before Hamersley Street - New Footpath	OMC - 23/02/23- FACR 2	Capital Expenditure		(11,000)	(1,110,574)
121390		Transfer to Carpark Reserve - Cap Exp - Carpark Const	OMC - 23/02/23- FACR 2	Capital Expenditure		(6,137)	(1,116,711)
121782		Dev Contrib - Footpaths	OMC - 23/02/23- FACR 2	Capital Income	62,640		(1,054,071)
125950		Transfer to Footpath Reserve	OMC - 23/02/23- FACR 2	Capital Expenditure		(62,640)	(1,116,711)
123000	123000	Mtce Streets, Rds - Rural Summary Budget Only -No Post-Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(115,225)	(1,231,936)
123000	123000	Mtce Streets, Rds - Rural Summary Budget Only -No Post-Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(102,488)	(1,334,424)
123000	123000	Mtce Streets, Rds - Rural Summary Budget Only -No Post-Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(42,022)	(1,376,446)
123000	123000	Mtce Streets, Rds - Rural Summary Budget Only -No Post-Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(76,307)	(1,452,753)
122000	121011	Sector 1 Chinatown - Works Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	30,286		(1,422,467)
122000	121025	Sector 2 Cable Beach - Works Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	19,506		(1,402,961)
122000	121026	Sector 3 Old Broome - Works Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	25,358		(1,377,603)
122000	121027	Sector 4 Sunset Park - Works Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	17,966		(1,359,637)
122000	121028	Sector 5 Roebuck Est - Works Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	20,327		(1,339,310)
122000	121029	Sector 6 Broome North / Blue Haze - Works Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	14,886		(1,324,424)
122000	121030	Sector 7 LIA, HIA and Port - Works Maint	OMC - 23/02/23- FACR 2	Operating Expenditure	17,453		(1,306,971)
122000	121031	Lighting - Works Maint	OMC - 23/02/23- FACR 2	Operating Expenditure		(20,600)	(1,327,571)
125140		Footpath Construction New - Cap Exp - Cons Streets Roads Bridges	OMC - 23/02/23- FACR 2	Capital Expenditure		(212,309)	(1,539,880)
125300		Footpath Const Renewal - Cap Exp - Cons Streets Roads Bridges	OMC - 23/02/23- FACR 2	Capital Expenditure		(99,507)	(1,639,387)
124300		Car Park Upgrade Wks - Cap Exp - Car Park Const	OMC - 23/02/23- FACR 2	Capital Expenditure		(28,424)	(1,667,811)
121101	121562	Capital Works Program Projects - Upgrade (stewart St)- Cap Ex	OMC - 23/02/23	Capital Expenditure	375,000		(1,292,811)
121100	121716	Port Drive – Guy Street Intersection Upgrade	OMC - 23/02/23	Capital Expenditure		(375,000)	(1,667,811)
129411		Capital Works Program Projects - Upgrade (Stewart St) Non Op Grant	OMC - 23/02/23	Capital Income	100,000		(1,567,811)
121100	121716	Port Drive – Guy Street Intersection Upgrade	OMC - 23/02/23	Capital Expenditure		(100,000)	(1,667,811)
121501	121587	Lawrence Road Upgrade	C/Fwd: 23/02/23	Capital Expenditure	121,000		(1,546,811)
125300	125921	Various Footbridge Renewals - Cap Exp	C/Fwd: 23/02/23	Capital Expenditure	1,500		(1,545,311)
125140	125183	Conti foreshore Footpath Construction (Before Hamersley Street - New Footpath	C/Fwd: 23/02/23	Capital Expenditure		(44,606)	(1,589,917)
125140	125172	Footpaths - Various	C/Fwd: 23/02/23	Capital Expenditure		(106,949)	(1,696,866)
120306		DRFAWA Natural Disaster Grant - Op Grants	C/Fwd: 23/02/23	Operating Income	693,453		(1,003,413)

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NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 28 February 2023

**Note 5: BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Job Number	Description	Council Resolution	Classification	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
		<b>Economic Services</b>					(1,003,413)
1367210		Economic Development Program Expense - Op Exp - Other Economic Services	OMC- 28/07/22	Operating Expenditure		(14,000)	(1,017,413)
1367301		Grants & Contributions Received - Op Inc - Economic Services Special Projects	OMC - 15/12/22- FACR 1	Operating Income	173,000		(844,413)
1367459		A Sporting Chance - Op Exp - Economic Services Special Projects	OMC - 15/12/22- FACR 1	Operating Expenditure		(173,000)	(1,017,413)
1367301		Grants & Contributions Received - Op Inc - Economic Services Special Projects	OMC - 15/12/22- FACR 1	Operating Income	40,100		(977,313)
1367458		SKATE event: Skate park opening activation 2022	OMC - 15/12/22- FACR 1	Operating Expenditure		(77,100)	(1,054,413)
1365355		CRC at Broome Visitor Centre - Rent & Recoup Income - Op Inc	OMC - 15/12/22- FACR 1	Operating Income	34,750		(1,019,663)
132060		Tourism Development - Op Exp - Tourism & Area Promotion	OMC - 15/12/22- FACR 1	Operating Expenditure		(30,000)	(1,049,663)
136723	CT00	Chinatown Activation - Budget Only	OMC - 23/02/23- FACR 2	Operating Expenditure	59,500		(990,163)
1367218	TB01	Town Beach Activation	OMC - 23/02/23- FACR 2	Operating Expenditure	59,500		(930,663)
1367457		Place Activation Plan	OMC - 23/02/23- FACR 2	Operating Expenditure		(119,000)	(1,049,663)
132410		Roebuck Bay CP - Rent & Recoup Income - Op Inc	OMC - 23/02/23- FACR 2	Operating Income	100,000		(949,663)
1367404	1367414	Short Street Streetscape Enhancements (Chinatown Stage 2) - Cap Exp	C/Fwd: 23/02/23	Capital Expenditure		(3,900)	(953,563)
1367405	1367419	Streeter's Jetty Refurbishment (Chinatown Stage 2) Cap Exp	C/Fwd: 23/02/23	Capital Expenditure	36,925		(916,638)
		<b>Other Property and Services</b>					(916,638)
142395		All Employee Paid Parental Leave Reimb - Op Inc - Gen Admin O'Heads	OMC - 15/12/22- FACR 1	Operating Income	20,000		(896,638)
142015		All Employee Centrelink Paid Parental Leave - Op Exp - Gen Admin O'Heads	OMC - 15/12/22- FACR 1	Operating Expenditure		(20,000)	(916,638)
147457		Transfer to Building Reserve - Cap Exp - Unclassified General	OMC - 15/12/22- FACR 1	Capital Expenditure	551,228		(365,410)
112051	112062	Town Beach Cafe - Planned Maint & Minor Works - Op Exp	OMC - 15/12/22- FACR 1	Operating Expenditure		(50,000)	(415,410)
146555		Transfer From Building Reserve Leased Comm Facilities - Un Clas	OMC - 15/12/22- FACR 1	Capital Income	50,000		(365,410)
143010		Salary - Op Exp - Engineering Office	OMC - 15/12/22- FACR 1	Operating Expenditure	70,000		(295,410)
143038		Consultants Engineering Office	OMC - 15/12/22- FACR 1	Operating Expenditure		(70,000)	(365,410)
141271	141385	Illegal dumping clean up	OMC - 15/12/22- FACR 1	Operating Expenditure	6,744		(358,666)
143508		Wages & Related Sick & Holiday - P & G Ops	OMC - 15/12/22- FACR 1	Operating Expenditure	116,495		(242,171)
141271	141385	Illegal dumping clean up	OMC - 15/12/22- FACR 1	Operating Expenditure		(6,744)	(248,915)
143508		Wages & Related Sick & Holiday - P & G Ops	OMC - 15/12/22- FACR 1	Operating Expenditure		(116,495)	(365,410)
142048		HRM Consultancy - Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(15,000)	(380,410)
142261		Occupation Health & Safety - Op Exp - General Admin O'Heads	OMC - 23/02/23- FACR 2	Operating Expenditure		(15,000)	(395,410)
0112054		Town Beach Café preliminary site investigations - Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(60,000)	(455,410)
142231		Consultants Corp Serv - Op Exp - Corp Gov Support	OMC - 23/02/23- FACR 2	Operating Expenditure		(10,000)	(465,410)
142212		Interest Rec on Muni Investment - Op Inc - General Administration O'Heads	OMC - 23/02/23- FACR 2	Operating Income	185,000		(280,410)
143390		Reimb Received No GST Incl Diesel Fuel Rebate & Insurance - Op Inc	OMC - 23/02/23- FACR 2	Operating Income		(9,779)	(290,189)
142500		Local Number Plate Sales Op Inc - Gen Admin	OMC - 23/02/23- FACR 2	Operating Income	5,000		(285,189)
142548		Local Number Plate Purchases - Op Exp - General Administration O'Heads	OMC - 23/02/23- FACR 2	Operating Expenditure		(5,000)	(290,189)
146120		Equip & H'Ware > \$5000 Cap Exp - IT	OMC - 23/02/23- FACR 2	Capital Expenditure	50,000		(240,189)
146110		Minor Assets<\$5000 - IT Exp	OMC - 23/02/23- FACR 2	Operating Expenditure	20,000		(220,189)
146111		IT Contract Consultants - Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(15,000)	(235,189)
0141450		Works Private Works Income - Not Prepaid	OMC - 23/02/23- FACR 2	Operating Income	65,000		(170,189)
148100	148105	Depot - Reactive Maint - Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(18,000)	(188,189)



SHIRE OF BROOME

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY

For the Period Ended 28 February 2023

**Note 5: BUDGET AMENDMENTS**

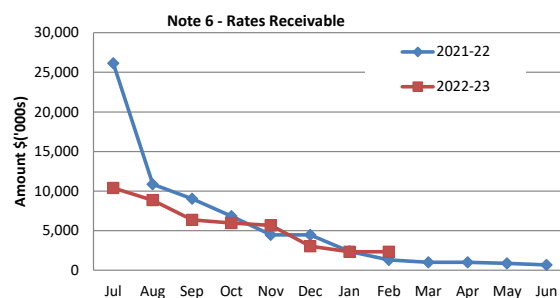
Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Account Code	Job Number	Description	Council Resolution	Classification	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
143485		Subdivision Engineering Supervision Charges - Op Inc - Eng Off	OMC - 23/02/23- FACR 2	Operating Income	25,116		(163,073)
141600		P & G Private Works - Fees Charged	OMC - 23/02/23- FACR 2	Operating Income	9,000		(154,073)
143384		Reimbursements - W. Comp & Sundry No GST P & G Ops - Op Inc	OMC - 23/02/23- FACR 2	Operating Income	35,000		(119,073)
143508		Wages & Related Sick & Holiday - P & G Ops	OMC - 23/02/23- FACR 2	Operating Expenditure	116,495		(2,578)
146020	141020	Mulberry Tree Child Care - Reactive Maint - Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(12,820)	(15,398)
146050	146052	4 Jones Place - Planned Maint & Minor Works - Op Exp	OMC - 23/02/23- FACR 2	Operating Expenditure		(32,861)	(48,259)
146670	146671	Bowling Club - Planned Maint & Minor Works - Op Exp - Community Facilities	OMC - 23/02/23- FACR 2	Operating Expenditure		(201,000)	(249,259)
147585		Reimbursement of Insurable Claimable Costs - Op Inc - Unclassified General	OMC - 23/02/23- FACR 2	Operating Income	246,681		(2,578)
112483		Town Beach Cafe - Rent & Recoup Income - Op Inc	OMC - 23/02/23- FACR 2	Operating Income		(35,000)	(37,578)
146408		Zanders - Rent & Recoup Income - Op Inc	OMC - 23/02/23- FACR 2	Operating Income	15,000		(22,578)
147489		User Charges KRO Outgoings - Op Inc - Office Properties Leased	OMC - 23/02/23- FACR 2	Operating Income		(157,063)	(179,641)
147491		Old Broome Lock Up - Rent & Recoup Income - Op Inc	OMC - 23/02/23- FACR 2	Operating Income		(10,488)	(190,129)
147865		Sam Male Luggier - Op Inc - Other Build Leased	OMC - 23/02/23- FACR 2	Operating Income		(7,500)	(197,629)
143600		Proceeds from Sale of Assets - Cap Inc - Engineering Office	OMC - 23/02/23- FACR 2	Capital Income	66,000		(131,629)
143601		Proceeds from Sale of Assets - Cap Inc - Parks & Gardens Operations	OMC - 23/02/23- FACR 2	Capital Income	92,000		(39,629)
148600		Proceeds from Sale of Assets - Cap Inc - Works Operations	OMC - 23/02/23- FACR 2	Capital Income	131,000		91,371
148601		Proceeds From Sale of Assets - Cap Inc - Depot Operations	OMC - 23/02/23- FACR 2	Capital Income	6,830		98,201
147500		Building Renewal AMP	C/Fwd: 23/02/23	Capital Expenditure		(155,515)	(57,314)
142550		Vehicle & Mobile Plant New -Cap Exp- Corp Gov	C/Fwd: 23/02/23	Capital Expenditure	1,284		(56,030)
143610		Vehicle & Plant Renewal(Replacement) - Cap Exp - P&G Operations	C/Fwd: 23/02/23	Capital Expenditure	83,832		27,802
148611		Vehicle & Mob Plant Renewal(Replacement) - Cap Exp - Works Ops	C/Fwd: 23/02/23	Capital Expenditure	3,599		31,401
146122		Software Cap Exp - IT (dont use)	C/Fwd: 23/02/23	Capital Expenditure		(37,926)	(6,525)
146111		IT Contract Consultants - Exp	C/Fwd: 23/02/23	Operating Expenditure	33,907		27,382
146110		Minor Assets<\$5000 - IT Exp	C/Fwd: 23/02/23	Operating Expenditure	10,000		37,382
142232		LGIS Insurance Funded Expenses (Inc in 142393) - Op Exp - Corp Gov	C/Fwd: 23/02/23	Operating Expenditure		(3,894)	33,488
142261		Occupation Health & Safety - Op Exp - General Admin O'Heads	C/Fwd: 23/02/23	Operating Expenditure		(21,500)	11,988
146555		Transfer From Building Reserve Leased Comm Facilities - Un Clas	C/Fwd: 23/02/23	Capital Income		(76,116)	(64,128)
142794		Transfer From Plant Reserve - Corp Gov & Support	C/Fwd: 23/02/23	Capital Income		(46,284)	(110,412)
148395		Transfer from Plant Reserve - Works Ops	C/Fwd: 23/02/23	Capital Income	69,284		(41,128)
					<b>18,017,080</b>	<b>(18,058,208)</b>	<b>(41,128)</b>

**SHIRE OF BROOME**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 28 February 2023**

**Note 6: RECEIVABLES**

Receivables - Rates Receivable	YTD 28 Feb 2023	30 Jun 2022
	\$	\$
Opening Arrears Previous Years	755,425	839,534
Levied this year	25,003,638	23,902,635
Less Collections to date	(23,443,881)	(23,986,744)
Equals Current Outstanding	2,315,182	755,425
<b>Net Rates Collectable</b>	<b>2,315,182</b>	<b>755,425</b>
% Collected	91.01%	96.95%



**Comments/Notes - Receivables Rates**

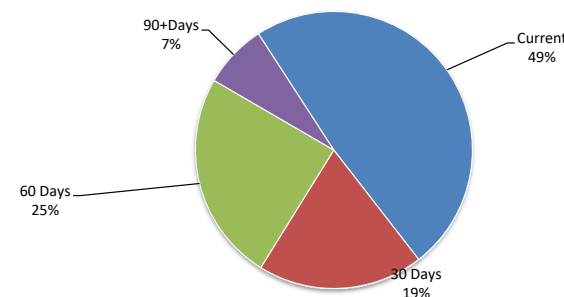
\* NOTE - Rates were raised on 14 July 2022 and due on 18 August 2022.

\*\*NOTE - The calculation of percentage of Rates collected only reports on current Rates, Arrears and Back Rates. For a full breakdown on Rates received, please see the Rates Receipt Statement in the info bulletin.

Receivables - General	Credit*	Current	30 Days	60 Days	90+Days
		\$	\$	\$	\$
Receivables - General	(154,319)	629,198	249,750	316,466	96,565
<b>Total Receivables General Outstanding</b>					<b>1,137,659</b>

Amounts shown above include GST (where applicable)

**Receivables - General**



**Comments/Notes - Receivables General**

\* Note - A credit refers to a debtor paying more than required in the current billing period. It sits as a credit against the account until the following period when it is applied



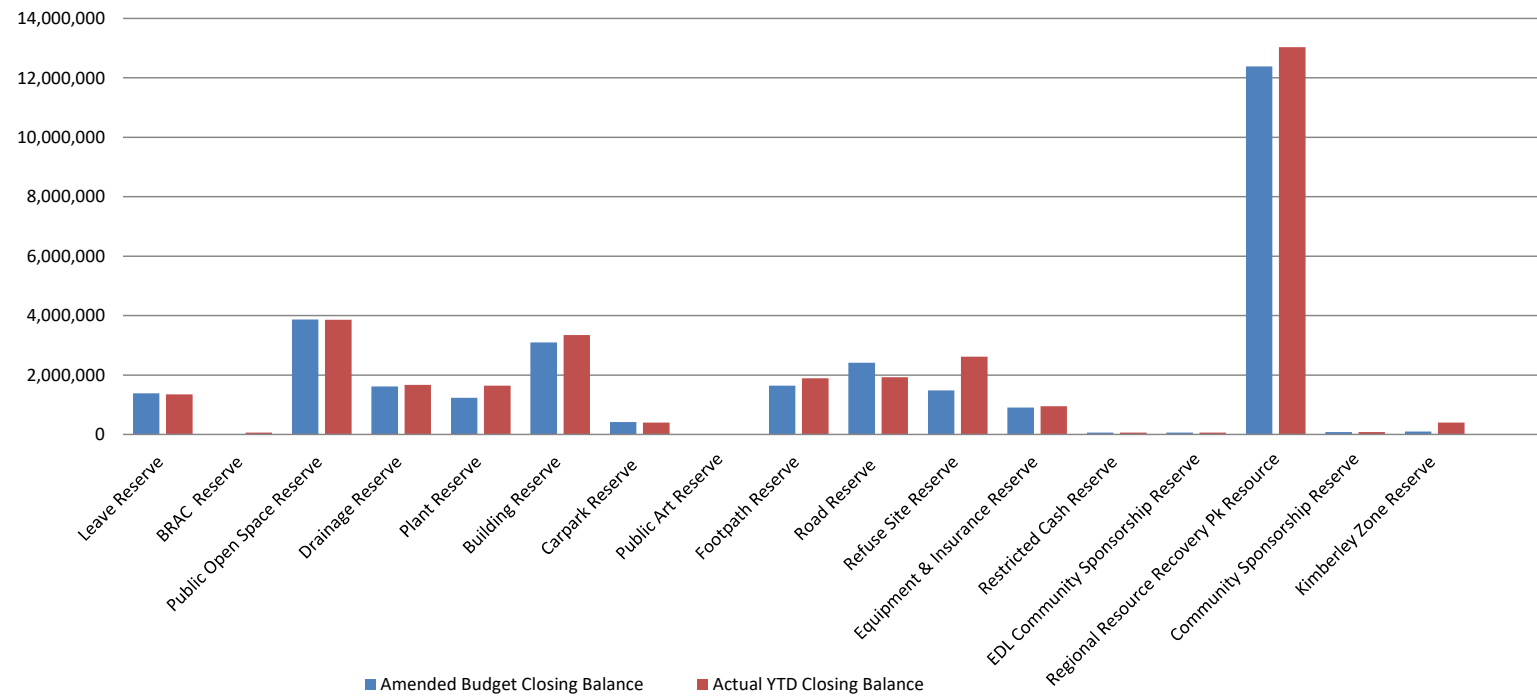
**SHIRE OF BROOME**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 28 February 2023**

**Note 7: Cash Backed Reserve**

2022-23									
Name	Opening Balance	Amended Budget Interest Earned	Actual Interest Earned	Amended Budget Transfers In (+)	Actual Transfers In (+)	Amended Budget Transfers Out (-)	Actual Transfers Out (-)	Amended Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Leave Reserve	1,324,537	4,795	23,450	57,675	(0)	0	0	1,387,007	1,347,987
BRAC Reserve	58,697	234	988	0	0	58,000	0	931	59,685
Public Open Space Reserve	3,789,990	5,213	64,692	838,566	(0)	769,501	0	3,864,268	3,854,682
Drainage Reserve	1,636,814	6,162	27,517	38,597	(0)	67,050	0	1,614,523	1,664,331
Plant Reserve	1,616,587	7,592	27,220	0	(0)	391,804	0	1,232,375	1,643,807
Building Reserve	3,289,749	11,700	55,392	355,080	(0)	562,934	0	3,093,595	3,345,141
Carpark Reserve	391,357	1,395	6,590	20,792	(0)	0	0	413,544	397,947
Public Art Reserve	6,232	24	105	0	(0)	0	0	6,256	6,337
Footpath Reserve	1,854,112	9,145	31,219	91,821	(0)	316,173	0	1,638,905	1,885,331
Road Reserve	1,892,145	5,024	31,859	512,902	0	0	0	2,410,071	1,924,005
Refuse Site Reserve	2,574,622	10,675	43,351	0	(0)	1,101,855	0	1,483,442	2,617,973
Equipment & Insurance Reserve	936,537	2,863	15,769	0	0	35,000	0	904,400	952,306
Restricted Cash Reserve	65,000	0	0	0	0	0	0	65,000	65,000
EDL Community Sponsorship Reserve	62,229	248	1,048	0	(0)	0	0	62,477	63,277
Regional Resource Recovery Pk Resource	12,815,817	0	215,788	105,000	0	538,225	0	12,382,592	13,031,605
Community Sponsorship Reserve	81,722	327	1,376	0	0	0	0	82,049	83,098
Kimberley Zone Reserve	395,873	1,580	6,666	0	(0)	298,453	0	99,000	402,538
	0					0	0		
	<b>32,792,020</b>	<b>66,977</b>	<b>553,030</b>	<b>2,020,433</b>	<b>(2)</b>	<b>4,138,995</b>	<b>0</b>	<b>30,740,435</b>	<b>33,345,048</b>

**SHIRE OF BROOME**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 28 February 2023**

**Note 7: Cash Backed Reserve**



**SHIRE OF BROOME**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 28 February 2023**

## Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal				Disposals	Amended Annual Budget Profit/(Loss)	YTD Actual Profit/(Loss)	Variance
Cost	Accum Depr	Proceeds	Profit (Loss)				
\$	\$	\$	\$		\$	\$	\$
				<b>P Number Plant and Equipment</b>			
				0 P9914 ALL TERRAIN VEHICLE 4WD - BEACH AREA (REPLACES P9911) - Used by CCC and Weed Control	(1,580)	0	0
				0 P11116 Mitsubishi Triton - Health (BM29322)	0	0	0
				0 P118 Holden Colorado Rangers- (1GND061)	(11,786)	0	0
				0 P817 Mitsubishi Triton - BRAC Manager (Replaces Toyota Hilux P810) BM29323	(3,405)	0	0
				0 P16212 Trailer - SES Incident Support Trailer (Boxtop) 1TJA451	0	0	0
				0 P5013 Case 590ST Backhoe Loader (Works) BM26051	1,280	0	0
				0 P4614 HINO 3 WAY SIDE TIPPER (1EUV239)	(25,707)	0	0
				0 P84214 HINO 2628 MEDIUM 500 SERIES WATER TRUCK(Works)	(48,064)	0	0
				0 P1013 Truck Crew Cab Tipper 5T Isuzu FRR 500 (P&Gs) 1EKS727	16,433	0	0
				0 P10518 John Deere Ride on Mower 1585 with Cab - 1GOK099	(8,409)	0	0
				0 P9118 Holden Colorado - Parks Supervisor 1GNT026	(10,813)	0	0
				0 P1216 John Deere 5105M Tractor (1GB0512)- P&G	(17,433)	0	0
				0 P9216 Isuzu D-Max Extra Cab (P&Gs) Mowing 2 (1GDI724)	(2,054)	0	0
				0 P3818 Holden Colorado Parks Supervisor - 1GND051	(1,524)	0	0
				0 P2718 Holden Colorado - Parks Mowing Team 2 - 1GNC990	(1,167)	0	0
				0 P2518 Holden Colorado Retic 1	(3,372)	0	0
				0 P17714 KOMATSU WHEEL LOADER WA 250PZ-6 (WMF) 1ESM965	78,795	0	0
				0 P15416 Isuzu D-Max Extra Cab - WMF Supervisor	1,421	0	0
				0 P13616 Hino 300 Series 921 XXlong Auto Truck Crew Cab Caged Tipper (CFC) (1GEU286) (Replaced	(14,184)	0	0
				0 P7419 Toyota Prado T/D 5 Door WGN A/T GXL	(8,856)	0	0
				0 P16319 Toyota Prado GX 2019	12,559	0	0
				0 P12118 Holden Colorado (MC&ED) 1GNC999	6,279	0	0
				0 P4418 Holden Colorado 4x4 Crew Cab Ute (MPBS)	1,759	0	0
				0 P10118 Holden Colorado 4x4 Crew Cab Ute (CHS)	2,615	0	0
				0 P7518 Holden Colorado Crew Cab 4WD Tray Top (Manager P&C)	2,987	0	0
				0 P11318 Holden Colorado 4x4 Crew Cab Ute (ME)	2,035	0	0
				0 P2817 Utility Isuzu D-Max LSM Crew cab 4wd (Mgr Ops)	3,944	0	0
				0 P82813 Paveline Versapatch Asphalt Maintenance unit / Hino 300 series 816	20,652	0	0
				0 P12808 Pump Water 4" Diesel PTG405DS (Works)	1,000	0	0
				0 P7216 Skidsteer Loader Bobcat T650	(38,119)	0	0
				0 P15511 Bobcat Planer (Profiler) Attachment40inch (Refer to Bobcat P7216)	5,991	0	0
				0 P2301 Trailer Polmac 8x4 Single Axle white cage - Signs 1TDC203	1,000	0	0
				0 P1416 Isuzu D-Max Dual Cab (with Fuel Pod)	(38)	0	0
				0 P1616 Isuzu D-Max SX Ute Crew Cab 4WD (with Fuel Pod)	7,693	0	0
				0 New Vacuum Excavation Mobile Plant	0	0	0

SHIRE OF BROOME  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 28 February 2023

Note 8 CAPITAL DISPOSALS

Actual YTD Profit/(Loss) of Asset Disposal				Disposals	Amended Annual Budget Profit/(Loss)	YTD Actual Profit/(Loss)	Variance
Cost	Accum Depr	Proceeds	Profit (Loss)				
\$	\$	\$	\$		\$	\$	\$
				0 P14410 Forklift 2.5T 2WD 4.3mtr 3 stage mast. Toyota model 42-7FG25	4,000	0	0
				0 P3017 Isuzu D-Max SX Extra Cab 4WD Tray Top (Workshop)	7,203	0	0
				0 P83705 Dean tipping trailer	3,764	0	0
				0 P6918 John Deere 1585 Front Deck 4WD-Enclosed cab	(217)	0	0
				0 P2916 Isuzu D-Max Extra Cab -Spray Ute	12,670	0	0
				0 P9016 Turf Renovator Amazone GHS210	(25,637)	0	0
				P11615 900LT Silvan Tractor Mounted Fertilizer Spreader	(698)	0	0
				0 P17218 Toro Groundmaster 360 4WD-Team 1	4,795	0	0
				0 P2620 Toro 3100D Ride-On Cylinder Mower	(29,591)	0	0
				0 P6818 Holden Colorado Space Cab Alloy Tray - Retic 3	(531)	0	0
				0 P18118 Holden Colorado Ute Crew Cab 4WD Community Clean Up Crew	4,120	0	0
0	0	0	0		(50,190)	0	0

SHIRE OF BROOME  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 28 February 2023

Note 9: RATING INFORMATION		Rate in \$	Number of Properties	Rateable Value \$	Rate Revenue \$	Interim Rates \$	Back Rates \$	Total Revenue \$	Amended Budget Rate Revenue \$	Amended Budget Interim Rate \$	Amended Budget Back Rate \$	Amended Budget Total Revenue \$
<b>RATE TYPE</b>												
<b>Differential General Rate</b>												
<b>Gross Rental Valuations</b>												
GRV - Residential		8.3113	5,009	162,149,978	13,476,771	100,000		13,576,771	13,576,771		13,000	13,589,771
GRV - Residential - Vacant		17.5995	190	3,619,490	637,012			637,012	637,012			637,012
GRV - Commercial/Industrial		11.0873	554	59,572,694	6,605,003			6,605,003	6,605,003			6,605,003
GRV - Tourism		13.4671	564	21,602,106	2,909,177			2,909,177	2,909,177			2,909,177
<b>Unimproved Value Valuations</b>												
UV - Rural		0.8105	54	17,809,000	144,343			144,343	144,343			144,343
UV - Mining		13.7090	32	1,116,265	153,029			153,029	153,029			153,029
UV - Commercial Rural		3.3886	21	10,560,860	357,865			357,865	357,865			357,865
<b>Sub-Totals</b>			6,424	276,430,393	24,283,200	100,000	0	24,383,200	24,383,200	0	13,000	24,396,200
<b>Minimum Payment</b>		<b>Minimum \$</b>										
<b>Gross Rental Valuations</b>												
GRV - Residential		1,268	53	709,210	67,204			67,204	67,204			67,204
GRV - Residential - Vacant		1,268	181	846,368	229,508			229,508	229,508			229,508
GRV - Commercial/Industrial		1,268	22	153,862	27,896			27,896	27,896			27,896
GRV - Tourism		1,268	260	904,134	329,680			329,680	329,680			329,680
<b>Unimproved Value Valuations</b>												
UV - Rural		1,268	4	191,300	5,072			5,072	5,072			5,072
UV - Mining		520	22	42,111	11,440			11,440	11,440			11,440
UV - Commercial Rural		1,268	2	13,300	2,536			2,536	2,536			2,536
<b>Sub-Totals</b>			544	2,860,285	673,336	0	0	673,336	673,336	0	0	673,336
<b>Charitable Concessions</b>								25,056,536				25,056,536
<b>Totals</b>								(54,910)				(45,131)
								<b>25,001,626</b>				<b>25,024,405</b>

**Comments - Rating Information**

NOTE - This note represents the budgeted rating and back rating revenue expected for the 2022/23 financial year. The Statement of Financial Activity (by Reporting Program) examines the reporting program for rates which also includes other items, such as debt recovery and rates instalments charges, which are not represented in this table as they do not form part of ordinary rates modelling

**SHIRE OF BROOME**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 28 February 2023**

**10. INFORMATION ON BORROWINGS**

## (a) Debenture Repayments

Particulars	Principal 30-Jun-22	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual \$	Amended Budget \$	Actual \$	Amended Budget \$	Actual \$	Amended Budget \$
Loan 197 - Town Beach Redevelopment	1,276,291		44,308	88,975	1,231,983	1,187,316	10,316	20,272
Loan 196 - Chinatown Revitalisation Loan	1,223,136		82,127	165,029	1,141,010	1,058,107	15,856	22,340
Loan 198 - Chinatown Revitalisation Stage 2	1,681,479		52,519	105,549	1,628,961	1,575,930	28,338	32,276
Loan 201- China Town Contingency	1,800,000		41,690	84,609	1,758,310	1,715,391	49,597	84,588
<b>Self Supporting Loans</b>								
Loan 199 - Broome Golf Club	1,250,000		0	0	1,250,000	1,250,000	16,552	24,426
Broome Surf Life Saving Club	0	690,746	0	0	0	690,746	0	18,996
	7,230,907	690,746	220,644	444,162	7,010,263	7,477,491	120,658	202,898

All debenture repayments were financed by general purpose revenue.

**SHIRE OF BROOME**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**For the Period Ended 28 February 2023**

**Note 11: TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 Jul 22	Amount Received	Amount Paid	Closing Balance 28-Feb-23
	\$	\$	\$	\$
Town Planning Related Bond Deposits	106,562	0	0	106,562
	106,562	0	0	106,562

Level of Completion Indicators

0% ○  
20% ○  
40% ●  
60% ●  
80% ●  
100% ●  
No Budget ☒

SHIRE OF BROOME  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 28 February 2023

Note 12: CAPITAL ACQUISITIONS

% of Completion	Level of Completion Indicator	Infrastructure Assets	Acct	Job	YTD 28 Feb 2023					Strategic Reference / Comment
					Amended Annual Budget	Amended YTD Budget	YTD Actual	Variance Under/(Over)	YTD Actual (Renewal Exp)	
		<b>Governance</b>								
0%	○	Vehicle & Mobile Plant Renewal (Replacement) Cap Exp - Other Gov	23571		60,000	30,000	0	60,000	0	
0%	○	<b>Governance Total</b>			<b>60,000</b>	<b>30,000</b>	<b>0</b>	<b>60,000</b>	<b>0</b>	
		<b>Law, Order And Public Safety</b>								
84%	●	Surf Club Building Upgrade (Inc Plant & Furniture) Cap Exp-Law Ord & PS	53239		2,828,237	1,885,493	2,369,924	458,313	0	
84%	●	<b>Law, Order And Public Safety Total</b>			<b>2,828,237</b>	<b>1,885,493</b>	<b>2,369,924</b>	<b>458,313</b>	<b>0</b>	
		<b>Housing</b>								
20%	○	Staff housing 8 & 11/ 6 Ibis Way - fit out- Cap Ex	0095810	095810	31,192	20,795	6,211	24,981	0	
20%	○	<b>Housing</b>			<b>31,192</b>	<b>20,795</b>	<b>6,211</b>	<b>24,981</b>	<b>0</b>	
		<b>Community Amenities</b>								
100%	●	Vehicle & Mob Plant Renewal(Replacement)-Cap Exp- Sanit Gen Refuse	0101510		367,000	244,964	0	(119)	367,119	
21%	○	Asset Rehabilitation Obligation (Cap Exp - Sanitation Gen Refuse)	101524		289,869	193,248	59,685	230,184	0	
No Budget	☒	Fixed Plant & Equip New Cap Exp - San Gen Refuse	101535	101536	0	0	18,067	(18,067)	0	
25%	○	Mobile Garbage Bin Replacement - Cap Exp - San Gen Refuse	101550	101552	171,506	114,236	0	128,290	43,216	
68%	●	Community Recycling Centre - RRP - Cap Exp	101896	101897	566,180	386,772	386,109	180,071	0	
0%	○	RRRP Waste Facility - Yr 1 CRC	101896	101898	251,680	107,820	0	251,680	0	
0%	○	Short St-Paspaley Carnarvon Street New Drainage Const - Cap Exp	104270	104299	67,490	293	0	67,490	0	
0%	○	Drainage Grate Improvements	104600	104796	25,880	17,251	0	25,880	0	
0%	○	Vehicle & Mobile Plant Renewal (Replacement) Cap Exp - Dev Services	106184		243,448	163,847	0	243,448	0	
211%	●	Implement Cemetery Master Plan	107540	107551	1,980	1,320	4,180	(2,200)	0	
5%	○	Japanese Cemetery New Infra by P & G - Cap Exp	107550	107550	50,000	0	2,521	47,480	0	
99%	●	Broome Cemetery Fencing Capx	107550	107563	165,285	163,305	163,513	1,772	0	
0%	○	Mobile Plant & Equipment Renewal (Replacement) - Cap Exp - Sanitation	1042510		208,000	129,000	0	208,000	0	
43%	●	<b>Community Amenities Total</b>			<b>2,408,318</b>	<b>1,522,056</b>	<b>634,075</b>	<b>1,363,908</b>	<b>410,335</b>	
		<b>Recreation And Culture</b>								
94%	●	Skatepark New Infrs Const - Cap Exp - Other Rec & Sport	0113027	113029	562,392	403,852	530,006	32,386	0	
0%	○	Haynes Oval Reserve Renewal of Infrastructure- Cap Exp	113551	113762	1,320	880	0	1,320	0	
0%	○	Male Oval Renewal Infra - Cap Exp - Parks & Ovals	0113551	113763	900	600	0	900	0	
123%	●	Parks & Gardens Works Renewal Infra - Cap Exp	0113551	113795	113,119	97,532	0	(26,557)	139,676	
No Budget	☒	Reticulation Control System New Exp - Cap Exp Parks & Ovals	0113603		0	0	255	(255)	0	
1%	○	Tennis Court Lighting Renewal- Cap Ex	0114105	114105	206,756	10,920	0	204,670	2,086	
0%	○	Broome Public Library - Kitchen Fit Out- Cap Ex	0115460	115460	20,795	530	0	20,795	0	
0%	○	Cape Leveque Tourist Bay and Signage	0116125	116132	35,000	23,336	0	35,000	0	
0%	○	Museum Building Renewal- Cap Exp - Other Cult	0116201		75,000	0	0	75,000	0	
124%	●	Broome Museum - Air Con- Cap Ex	0116207	116207	4,575	3,053	0	(1,100)	5,675	
0%	○	BRAC Gym and Fitness Facility - Detailed Design / Tender Package- Cap Ex	0117024	117025	485,980	161,930	1,894	484,086	0	
0%	○	Vehicle & Mobile Plant Renewal (Replacement) - Cap Exp- BRAC General	0117398		45,000	29,733	0	45,000	0	
0%	○	BRAC Grid Solar Connection	0117399	117420	233,100	80,603	237	232,863	0	
		BRAC Water Fountain and Entrance - DCS202206	0117399	117421	11,780	0	65	11,715	0	
7%	○	BRAC Oval Upgrade of Infra - Cap Exp	0117450	117452	32,938	0	2,375	30,563	0	
0%	○	BRAC Ovals Renewal Infra Works - Cap Exp - BRAC Ovals	0117455	117456	216,354	144,235	0	216,354	0	
101%	●	Town Beach Redevelopment - Greenspace Stage 2 - Cap Exp	1181407		31,860	27,988	32,086	(226)	0	
37%	○	Youth Bike Recreation Area - New Construction - Cap Exp	1181420	YBRA001	100,247	72,219	36,924	63,323	0	
12%	○	Cable Beach Foreshore Upgrade	1181425	1181426	7,096,461	4,729,679	856,903	6,239,558	0	
0%	○	Cable Beach Redevelopment (Construction) - Cap Exp	1181427		1	1	0	(1)	0	
0%	○	BRAC Water Fountain and Entrance - DCS202206	0117399	117421	11,780	0	0	(11,780)	0	
17%	○	<b>Recreation And Culture Total</b>			<b>9,285,358</b>	<b>5,787,090</b>	<b>1,460,745</b>	<b>7,653,613</b>	<b>147,437</b>	



SHIRE OF BROOME  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 28 February 2023

Note 12: CAPITAL ACQUISITIONS

					YTD 28 Feb 2023					
	Level of Completion				Amended Annual Budget	Amended YTD Budget	YTD Actual	Variance Under/(Over)	YTD Actual (Renewal Exp)	
% of Completion	Indicator	Infrastructure Assets	Acct	Job						Strategic Reference / Comment
0%	○	Transport Frederick Street/Hamersley Street Intersection Lighting Upgrades	0121100	121715	14,000	0	0	14,000	0	
7%	○	Port Drive – Guy Street Intersection Upgrade	0121100	121716	1,456,278	914,922	99,620	1,356,658	0	
2%	○	Urban Maint Reseals Renewal Works Cap Exp	0121101	121549	647,820	431,880	0	631,812	16,008	
77%	●	Capital Works Program Projects - Upgrade (stewart St)- Cap Exp	0121101	121562	716,580	477,728	0	163,777	552,803	
No Budget	☒	Lawrence Road Upgrade	0121501	121587	0	0	61,953	(61,953)	0	
		Carpark Annual Reseals as per AMP - Various	124600	124611	28,424	5,685	0	28,424	0	
		Dakas, St Marys New Carpark Const - Cap Exp	125000	125025	0	(1)	0	0	0	
0%	○	State Blackspot - Frederick Street off-street carpark Cap (Broome SHS) Exp	0125000	125045	1,325,835	27,280	930	1,324,905	0	
113%	●	Conti foreshore Footpath Construction (Before Hamersley Street - New	0125140	125183	153,584	117,262	172,949	(19,365)	0	
0%	○	De Pledge Way	0125200	125074	34,654	11,986	0	34,654	0	
0%	○	Sahanna Place	0125200	125075	34,654	11,986	0	34,654	0	
0%	○	Walcott Street	0125200	125076	34,654	11,986	0	34,654	0	
0%	○	Various Footbridge Renewals - Cap Exp	0125300	125921	86,000	56,836	0	86,000	0	
2%	○	Various Footpath Renewals - Cap Exp	0125300	VARPATH	157,832	157,832	0	154,264	3,568	
27%	○	Access & Inclusion Improvements New Infra - Cap Exp	1254421	125441	15,000	9,950	4,100	10,900	0	
48%	●	Broome North Subdivision - New Footpath construction	125140	125277	212,309	127,386	101,054	111,255	0	
1894400%	●	Street Lighting Renewal Const - Cap Exp - St Lighting	125225	125225	1	1	0	18,943	18,944	
		Dakas, St Marys New Carpark Const - Cap Exp	125000	125025	0	(1)	0	0	0	
0%	○	Carpark Annual Reseals as per AMP - Various	0124600	124611	28,424	5,685	0	(28,424)	0	
0%	○	Footpaths - Various	0125140	125172	106,949	106,949	0	(106,949)	0	
20%	○	Transport Total			5,052,998	2,475,352	440,606	3,788,209	591,323	
Economic Services										
3%	○	Broome Visitor Centre - Packaged Plant Cap Ex	0132029	132040	57,186	1,457	1,847	55,339	0	
15%	○	Sam Male Luggar Restoration- Cap EX	0132142	132143	31,100	10,729	0	26,300	4,800	
No Budget	☒	Chinatown Poject Mgmt, Feasibility & Design Consultancy - Cap Exp -	1367221		0	0	5,495	(5,495)	0	
78%	●	Short Street Streetscape Enhancements (Chinatown Stage 2) - Cap Exp	1367404	1367414	43,900	30,564	34,343	9,558	0	
No Budget	☒	Frederick St Lookout - Other Infra New - Cap Ex	1367405	1367409	0	0	180	(180)	0	
No Budget	☒	Public Art (funded from Reserve) - Other Infra New - Cap Ex	1367405	1367412	0	0	(3,803)	3,803	0	
No Budget	☒	Smart Cities Enabling Items - Cap Exp	1367405	1367418	0	0	10,116	10,116	0	
0%	○	Streeter's Jetty Refurbishment (Chinatown Stage 2) Cap Exp	1367405	1367419	1,540	1,027	0	(1,540)	0	
40%	○	Economic Services Total			133,726	43,777	48,177	97,901	4,800	
Other Property & Services										
90%	●	Vehicle & Mobile Plant New -Cap Exp- Corp Gov	0142550		105,000	59,572	94,237	10,763	0	
No Budget	☒	Shire Office Build Haas St Renewal - Cap Exp - Corp Gov	0142558		0	0	0	(2,286)	2,286	
40%	○	Vehicle & Plant Renewal(Replacement) - Cap Exp - P&G Operations	0143610		1,063,326	655,878	0	639,570	423,756	
55%	●	Equip & H'Ware > \$5000 Cap Exp - IT	0146120		113,000	75,336	61,929	51,071	0	
24%	○	Software Cap Exp - IT (dont use)	0146122		73,926	61,926	17,732	56,194	0	
1%	○	Admin Building - Packaged Plant- Cap Exp	0147100	147100	363,910	242,609	0	360,217	3,693	
0%	○	KRO 2 - air-conditioning units- Cap Ex	0147350	1482447	13,862	9,241	0	13,862	0	
20%	○	KRO 1 & 2 Security Screens	0147354	147354	46,760	22,463	9,435	37,325	0	
119%	●	Building Renewal AMP	0147500		269,915	231,784	0	(50,821)	320,736	
0%	○	Vehicle & Mobile Plant Renewal(Replacement)- Cap Exp - Eng Office	0148004		165,000	82,500	0	165,000	0	
0%	○	Vehicle & Mobile Plant New - Cap Exp - Depot Ops	0148021		180,000	90,000	0	180,000	0	
37%	○	Vehicle & Mob Plant Renewal(Replacement) - Cap Exp - Works Ops	0148611		1,335,841	495,599	0	847,096	488,745	
0%	○	Vehicle & Mob Plant New - Cap Exp - Works Ops	0148621		58,520	39,016	0	58,520	0	
38%	○	Other Property & Services Total			3,789,060	2,065,925	183,333	2,366,511	1,239,216	
GRAND TOTAL										
32%	○				23,588,889	13,830,489	5,143,071	15,813,437	2,393,111	

SHIRE OF BROOME  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
For the Period Ended 28 February 2023

Note 12: CAPITAL ACQUISITIONS

% of Completion	Level of Completion Indicator	Infrastructure Assets	Acct	Job	YTD 28 Feb 2023					Strategic Reference / Comment
					Amended Annual Budget	Amended YTD Budget	YTD Actual	Variance Under/(Over)	YTD Actual (Renewal Exp)	
30%	○	Land & Buildings - New			1,335,032	677,317	394,215	940,818	0	
83%	●	Land & Buildings - Upgrade			2,849,032	1,886,023	2,369,924	479,108	0	
46%	●	Land & Buildings - Renewal			708,825	474,394	0	382,110	326,715	
		Works in Progress Land & Buildings			0	0	0	0	0	
63%	⊙	<b>Land &amp; Buildings - Total</b>			<b>4,892,889</b>	<b>3,037,734</b>	<b>2,764,138</b>	<b>1,802,036</b>	<b>326,715</b>	
19%	○	Recreation Areas Infrastructure - New			7,823,899	5,233,739	1,458,549	6,365,348	0	
		Recreation Areas Infrastructure - Upgrade			0	0	0	0	0	
26%	○	Recreation Areas Infrastructure - Renewal			538,449	254,167	0	396,687	141,762	
		Works in Progress Recreation Areas Infrastructure			0	0	0	0	0	
19%	○	<b>Recreation Areas Infrastructure - Total</b>			<b>8,362,348</b>	<b>5,487,906</b>	<b>1,458,549</b>	<b>6,762,035</b>	<b>141,762</b>	
15%	○	Roads, F/Paths & Bridges Infrastructure - New			1,813,677	388,826	279,033	1,320,746	0	
13%	○	Roads, F/Paths & Bridges Infrastructure - Upgrade			1,514,178	945,486	201,411	1,312,767	0	
35%	○	Roads, F/Paths & Bridges Infrastructure - Renewal			1,636,656	1,129,961	0	1,007,429	572,379	
		Works in Progress - Rds, F/Paths & Bridges			0	0	0	0	0	
21%	○	<b>Roads, F/Paths &amp; Bridges Infrastructure - Total</b>			<b>4,964,511</b>	<b>2,464,273</b>	<b>480,443</b>	<b>3,640,943</b>	<b>572,379</b>	
0%	○	Drainage Infrastructure - New			67,490	293	0	67,490	0	
0%	○	Drainage Infrastructure - Upgrade			25,880	17,251	0	25,880	0	
		Drainage Infrastructure - Renewal			0	0	0	0	0	
		Works in Progress Drainage Infrastructure			0	0	0	0	0	
0%	○	<b>Drainage Infrastructure - Total</b>			<b>93,370</b>	<b>17,544</b>	<b>0</b>	<b>93,370</b>	<b>0</b>	
42%	●	Other Infrastructure - New			412,973	225,083	174,373	255,752	0	
211%	●	Other Infrastructure - Upgrade			1,980	1,320	4,180	(2,200)	0	
33%	○	Other Infrastructure - Renewal			202,607	124,966	0	173,533	66,960	
		Works in Progress Other Infrastructure			0	0	0	0	0	
40%	○	<b>Other Infrastructure - Total</b>			<b>617,560</b>	<b>351,369</b>	<b>178,553</b>	<b>427,085</b>	<b>66,960</b>	
27%	○	Mobile Plant & Equip New			343,520	188,588	94,237	249,283	0	
		Mobile Plant & Equip Upgrade			0	0	0	0	0	
37%	○	Mobile Plant & Equipment Renewal (Replacement)			3,487,615	1,831,521	0	2,207,995	1,279,620	
36%	○	<b>Mobile Plant &amp; Equip - Total</b>			<b>3,831,135</b>	<b>2,020,109</b>	<b>94,237</b>	<b>2,457,278</b>	<b>1,279,620</b>	
No Budget	☒	Fixed Plant & Equipment - New			0	0	18,067	(18,067)	0	
0%	○	Fixed Plant & Equipment - Upgrade			13,862	9,241	0	13,862	0	
124%	●	Fixed Plant & Equipment - Renewal			4,575	3,053	0	(1,100)	5,675	
129%	●	<b>Fixed Plant &amp; Equipment - Total</b>			<b>18,437</b>	<b>12,294</b>	<b>18,067</b>	<b>(5,305)</b>	<b>5,675</b>	
19%	○	Furniture & Equipment - New			478,566	240,328	89,333	365,673	0	
19%	○	<b>Furniture &amp; Equipment - Total</b>			<b>478,566</b>	<b>240,328</b>	<b>89,333</b>	<b>365,673</b>	<b>0</b>	
32%	○	<b>Capital Expenditure Total</b>			<b>23,258,816</b>	<b>13,631,557</b>	<b>5,083,321</b>	<b>15,543,114</b>	<b>2,393,111</b>	

**SHIRE OF BROOME**  
**Monthly Statement of Financial Activity**  
**For the Period Ending 28 February 2023**

**Appendix A: SUPPLEMENTARY NOTES TO THE MONTHLY REPORT**

**NOTES TO THIS MONTH'S REPORT**

**OVERVIEW**

For the period ended 28 February 2023, the following are key indicators supporting the year to-date budget position with respect to the Annual Forecast Budget:

Budget Year elapsed	66.58%
Total Rates Raised Revenue	100% (of which 91.01% were collected)
Total Other Operating Revenue	70%
Total Operating Expenditure	39%
Total Capital Revenue	53%
Total Capital Expenditure	32%
Total Sale of Assets Revenue	0%

The budget was adopted at the Special Meeting on 05 July 2022. Council adopted a balanced annual budget, which included a net carried forward balance of \$4,145,052 being \$2,607,572 of carry-over projects, plus \$1,537,480 Financial Assistance Grants received in advance.

More information on the Shire's current position can be found on Note 3 of these Financial Statements.

**ADJUSTMENTS TO DETERMINE THE CASH POSITION**

**CURRENT POSITION**

Currently, to the end of February 2023, the current position stands at \$16.6M

**Cash**

Total Cash Assets are now \$52.4M being \$2.5M decrease from prior month.

The major collections this month include receipt of:

- \$769K Rates Various Assessments
- \$239K Q3 Financial assistance Grant
- \$92K Surcharge & rent

The major expenditure items this month include payments of:

- \$410K Surf Life Saving Club Redevelopment – Colin Wilkinson Developments Pty Ltd
- \$352K Capital Contribution Cable Beach Foreshore Upgrade – Horizon Power
- \$204K Insurance Claim Reimbursement – Broome Bowling Club

### **Receivables**

Sundry debtors including GST refundable stand at \$1.30M.

Rates and rubbish debtors stand at \$2.33M. Annual rates were raised on 14th July 2022 with due date of 18 August 2022. Rates & Rubbish debtors will continue to reduce throughout the year as ratepayers on instalment and payment plans continue to pay their rates.

### **Other Assets**

These stand at \$227K having a \$19K decrease since the previous month.

### **Cash Liabilities**

These stand at \$223K. This represents our obligation on our outstanding loans in 22/23.

### **Creditors and Payables**

Sundry Creditors are \$1.86M, due to continued major infrastructure works in progress.

Other Payables comprising Tax Payable, FESA Levy Collected, Accrued Loan Interest, Prepayments Received and accruals stand at \$5.95M.

### **Employee Provisions and Accruals**

In the normal course of events, these figures are adjusted in June and July each year by end of year accounting adjustments.

Current leave provisions are \$1.4M (non-current leave provisions are \$267K). Accruals to reflect the year end position will be completed in the coming months for the 2022-2023 year.

## 10. REPORTS OF COMMITTEES

### 10.1 MINUTES AND RECOMMENDATIONS FROM KIMBERLEY REGIONAL GROUP MEETING HELD ON 17 FEBRUARY 2023

LOCATION/ADDRESS:	Nil
APPLICANT:	Nil
FILE:	KRG01
AUTHOR:	Executive Assistant to the CEO
CONTRIBUTOR/S:	Nil
RESPONSIBLE OFFICER:	Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil

#### SUMMARY:

This report presents for Council endorsement the Minutes from the joint meeting of the Kimberley Zone of WALGA and Kimberley Regional Group held on 17 February 2023.

#### BACKGROUND

A copy of the minutes from the Kimberley Zone of WALGA (Kimberley Zone) and the Kimberley Regional Group (KRG) meeting held 17 February 2023 are attached for Council consideration (**Attachments 1 and 2**).

As a result of a past decision of the group, both the Kimberley Zone and KRG meetings are joined.

It should be remembered that the Kimberley Zone is a group established to represent regional issues to the State Council of the Western Australian Local Government Association (WALGA). This group includes the four Kimberley Shires in addition to the Shires of Christmas Island and Cocos Keeling Islands.

The KRG is a group defined through a deed of agreement between the four Kimberley local governments with the Minister for Local Government.

The Shire of Wyndham East Kimberley accepted the Secretariat role for the Kimberley Zone / KRG late in 2021.

#### COMMENT

The minutes and respective background information are attached to this report and the following comments are made in relation to the resolutions passed by the Group. Additional recommendations have been made where necessary for Council's consideration.

#### Kimberley Zone Meeting Minutes – 17 February 2023

The Kimberley Zone considered and supported the recommendations on Matters for Decision that were contained within the 1 March 2023 WALGA State Council agenda as summarised below:

	Matters for Decision	WALGA Recommendation
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<b>4.1</b>	Minutes of the State Council meeting held 7 December 2022	That the Minutes of the WALGA State Council meeting held on Wednesday, 7 December 2022 be confirmed as a true and correct record of proceedings.
<b>4.2</b>	Flying Minute – WALGA Submission Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Three	That the Flying Minute – WALGA Submission Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Three be confirmed as a true and correct record of proceedings.
<b>7.1</b>	Proposed Advocacy Position on Constitutional Recognition of Aboriginal and Torres Strait Islander People	<p>That the following Advocacy Position be endorsed: WALGA supports constitutional recognition of Aboriginal and Torres Strait Islander People through the enshrining of a Voice to Parliament.</p> <p>Executive Summary</p> <ul style="list-style-type: none"> <li>• The Australian Government will hold a referendum in the second half of 2023 on amending the Constitution to enshrine an Aboriginal and Torres Strait Islander Voice to Parliament (the Voice) as part of its commitment to implement the Uluru Statement from the Heart.</li> <li>• At its December 2022 meeting State Council resolved that WALGA prepare an advocacy position in support of constitutional recognition to be circulated to WALGA Zones for their next meeting for consideration and feedback.</li> <li>• WALGA has prepared the attached Information Paper for WALGA Zones and State Council to facilitate discussion on the proposed WALGA Advocacy Position.</li> </ul>
<b>7.2</b>	Community Disaster Resilience Strategy Submission	<p>That the submission on the draft Western Australian Community Disaster Resilience Strategy be endorsed.</p> <p>Executive Summary</p> <ul style="list-style-type: none"> <li>• The State Emergency Management Committee (SEMC) has released the draft Western Australian Community Disaster Resilience Strategy (CDRS) for public consultation, until 3 March 2023.</li> <li>• The Strategy intends to provide the guidance to support all Western Australians to increase their disaster resilience.</li> <li>• The Strategy builds on a CDRS Discussion Paper. WALGA previously provided input on the discussion paper, and Local Government Consultation was also undertaken by SEMC</li> <li>• WALGA has prepared a draft Submission that is supportive of the CDRS</li> </ul>
<b>7.3</b>	Child Safeguarding Advocacy Position	<p>That the Child Safeguarding Advocacy Position as follows be endorsed:</p> <p>Child Safeguarding</p> <ol style="list-style-type: none"> <li>1. Local Government Supports: <ol style="list-style-type: none"> <li>a) the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse 2017, in particular Recommendation 6.12 which can be achieved by Local Government</li> </ol> </li> </ol>

		<p>implementing and embedding child safeguarding across its functions with support from Governments at the national, state and territory levels; and</p> <p>b) the ten National Principles for Child Safe Organisations (Australian Human Rights Commission)</p> <p>2. The State Government through an Independent Oversight Body should provide financial, resourcing and capacity building support to Local Governments to implement and embed child safeguarding across its functions, through the provision of:</p> <p>a) supporting materials such as template policies, procedures and guidelines;</p> <p>b) consistent key messaging and resources to promote and share in venues and facilities and online;</p> <p>c) examples of best practice, including case studies;</p> <p>d) self-assessment tools to assist Local Government;</p> <p>e) ongoing training and skills development for Local Government staff, including online training options;</p> <p>f) funding for the delivery of the child safeguarding function within smaller, less well resourced (Band 3 and Band 4) Local Governments; and</p> <p>g) expert officers within each region to provide support and guidance to Local Government on child safeguarding</p> <p>3. The Local Government sector supports Local Government participation in the State's National Redress Scheme, with full financial coverage by the State.</p> <p>Executive Summary</p> <ul style="list-style-type: none"> <li>• Since 2018 WALGA has consulted extensively with Local Government in relation to the response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) including the National Redress Scheme, Reportable Conduct and Child Safety Officers.</li> <li>• WALGA has developed a Child Safeguarding Advocacy Position which will be used to guide policy development, advocacy, and capacity building activities for Local Government within the State framework.</li> <li>• The new Advocacy Position has been developed based on submissions previously endorsed by State Council and extensive consultation with Local Government, and is supported by the Local Government Child Safety Communities of</li> </ul>
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		Practice network and the Community Industry Reference Group (CIRG).
<b>7.4</b>	Submission on Draft Guideline Minimising Noise Impact from Outdoor Community Basketball Facilities	<p>That the submission on the Draft Guideline: Minimising noise impact from outdoor community basketball facilities be endorsed.</p> <p>Executive Summary</p> <ul style="list-style-type: none"> <li>• The Department of Water and Environmental Regulation released the Draft Guideline: Minimising noise impact from outdoor community basketball facilities on 23 December 2022 for a 10 week consultation period.</li> <li>• The Draft Guideline includes options for how noise, from new community basketball facilities can be mitigated. This includes separation distances between the facility and residents in different circumstances, engineering and facility management controls.</li> <li>• A draft Submission was circulated to Local Government for feedback and the final Submission has been updated based on the information provided.</li> <li>• The WALGA Submission provides feedback on the costs and practicality of the various interventions suggested.</li> </ul>
<b>7.5</b>	Main Roads Draft Roadside Advertising Policy and Application Guidelines	<p>That the submission to Main Roads on its Draft Roadside Advertising Policy and Application Guidelines be endorsed.</p> <p>Executive Summary</p> <ul style="list-style-type: none"> <li>• Main Roads is seeking feedback on their Draft Roadside Advertising Policy and Application Guidelines.</li> <li>• This policy could be used to significantly curtail the deployment of roadside advertising devices, which are currently used by Local Governments as a source of public realm amenity, support funding bus shelter improvements and are a source of revenue for Local Government in some cases.</li> <li>• As drafted, these guidelines would apply to most of the public road network, including Local Government roads, and signs on private property that are visible from the road. The draft guidelines would cover advertiser-funded bus shelters and information or decorative banners. There is no demonstrated road safety problem resulting from roadside advertising devices, as currently deployed in Western Australia. Road safety is the stated rationale for developing this policy.</li> <li>• WALGA has prepared a submission to Main Roads on the guidelines, requesting:             <ol style="list-style-type: none"> <li>a) Greater delegation of authority in assessing small format static signs and small format digital signs.</li> </ol> </li> </ul>



		b) Guaranteed processing times for classes of signs for which Main Roads retains the assessment function. This includes requesting a schedule of approval time frames, and a “deemed approved” clause in the event of these timeframes not being met.
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#### Matters for Noting:

- 8.1 Environment and Waste Policy Team Report
- 8.2 Governance and Organisational Services Policy Team Report
- 8.3 Infrastructure Policy Team Report
- 8.4 People and Place Policy Team Report
- 9.1 Animal Welfare in Emergencies Grant Program Overview
- 9.2 Emergency Management Update
- 9.3 Local Development Plan Background Paper
- 9.4 2023-24 WALGA Federal Budget Submission
- 9.5 WALGA Submission on Phase Three of the Aboriginal Cultural Heritage Act 2021 Co-Design Process
- 9.6 Child Care Premises Position Statement: Consultation Response
- 9.7 Report Municipal Waste Advisory Council (MWAC)
- 10.1.1 Report on Key Activities, Advocacy Portfolio
- 10.1.2 Report on Key Activities, Infrastructure Portfolio
- 10.1.3 Report on Key Activities, Member Services Portfolio
- 10.1.4 Report on Key Activities, Policy Portfolio

The KRG also noted the report from the WALGA President as circulated.

#### **Kimberley Regional Group Meeting Minutes – 21 November 2022:**

The following items from the Kimberley Regional Group Meeting held 17 February 2023 should be noted by Council:

#### Correspondence

The KRG noted that the correspondence was received and also noted that the Chief Executive Officer could be directed on a response if required.

#### Correspondence in:

From: Nicole Perry; DLGSC  
Topic: BDR Evaluation and Review  
Dated: 23 December 2022

#### Correspondence out:

To: Nicola Perry, DLGSC  
Topic: BDR Evaluation and Review  
Dated: 23 December

To: Hon Jackie Jarvis MLC; Minister for Agriculture and Food, Forestry, and Small Business  
Topic: Congratulations on your appointment  
Dated: 4 January 2023

To: Hon Don Punch, MLA; Minister for Regional Development; Disability Services; Fisheries; Seniors and Ageing  
Topic: Congratulations on your appointment

Dated: 4 January 2023

To: Hon Sabine Winton, MLA; Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services.

Topic: Congratulations on your appointment

Dated: 4 January 2023

To: Hon John Carey, MLA; Minister for Housing; Lands; Homelessness; Local Government

Topic: Kimberley Regional Group - Support for the WA Development Index

Dated: 12 January 2023

To: Nick Sloan, Chief Executive Officer, WALGA

Topic: Kimberley Regional Group - Support for the WA Development Index

Dated: 4 January 2023

### Financial Report

This report provided an update to the KRG on the financial position of the group. The 2021-22 finalised Audit Report (attached) indicates a final surplus position of \$298,453 and is in line with budget.

### Presentations

The following presentations were received from key stakeholders:

1. Hon. Stephen Dawson MLC, Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering  
Ms Divina D'Anna MLA, Member for Kimberley  
Mathew Dixon, Senior Policy Adviser – Emergency Services
2. Christine Comer, Assistant Director, WA and SA Engagement Branch, National Emergency Management Agency

### Kimberley Investment Prospectus

The Kimberley Regional Group's Investment Prospectus 2022/23 was tabled with the group. The Prospectus has been updated with projects and costs reviewed by Shires, to drive advocacy for investment into agreed priority projects. Further update and finalisation is required prior to a proposed lobbying effort by the group to Canberra in late March 23.

### Communication and Media Policy

This report presented a draft KRG Communications and Media Policy which was endorsed by the KRG.

### KRG Website

The KRG Communications and Media policy recommended a website as a tool to raise the profile of the KRG and the KRG's policy and advocacy agenda.

The Kimberley Regional Group endorsed up to \$8,000 for Eclipse Design Solutions, as the preferred supplier, to develop a KRG website, including the cost of licencing and updates for the first year.

### Strategic Operational Planning – Workshop Outcomes and Actions

The KRG noted the draft action plan, policy positions and stakeholder engagement strategy which will be endorsed at the March KRG meeting in Canberra.

### Executive Officer Report

This report provided an update on the Executive Officer services provided for the period November 2022 - January 2023 which was noted by the KRG.

## **CONSULTATION**

WALGA  
Kimberley Development Commission  
Kimberley Regional Development Australia  
Department of Local Government Sport and Cultural Industries

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995*

## **POLICY IMPLICATIONS**

Nil.

## **FINANCIAL IMPLICATIONS**

Nil.

## **RISK**

Nil.

## **STRATEGIC ASPIRATIONS**

**Place – We will grow and develop responsibly, caring for our natural, cultural and built heritage, for everyone.**

***Outcome Seven – Safe, well connected, affordable transport options***

**Objective** 7.1 Provide safe and efficient roads and parking.

**Prosperity – Together, we will build a strong, diversified and growing economy with work opportunities for everyone.**

***Outcome Nine – A strong, diverse and inclusive economy where all can participate***

**Objective** 9.5 Grow the size and depth of Broome's labour market with improved access to training and development opportunities.

**Performance – We will deliver excellent governance, service and value, for everyone.**

***Outcome Eleven – Effective leadership, advocacy and governance***

**Objective** 11.1 Strengthen leadership, advocacy and governance capabilities.

## **VOTING REQUIREMENTS**

*Absolute Majority*

### REPORT RECOMMENDATION:

*That Council receives and endorses the resolutions of the Kimberley Zone of WALGA and the Kimberley Regional Group as attached in the Kimberley Zone of WALGA and Kimberley Regional Group Joint Meeting Minutes of 17 February 2023 en bloc;*

## **Attachments**

1. Kimberley Regional Group Minutes 17 February
2. Kimberley Zone Minutes 17 February



THE  
**KIMBERLEY**  
REGIONAL GROUP

Meeting Minutes

17 February 2023

Zoom

<https://us02web.zoom.us/j/84478816286?pwd=LzhYYIIZSG5yZk1PQURqSk5pOXIJUT09>

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## Meeting Open: 11:48

1. Chair acknowledged the Traditional Custodians of the different lands on which people are meeting today, and paid respect to all the Elders past, present and emerging.

## 2. Attendance and Apologies

Name	Shire / Council / Organisation	Method
<b>Members</b>		
Cr Chris Mitchell	Shire of Broome	Zoom
Cr Geoff Haerewa	President, Shire of Derby West Kimberley	Zoom
Cr Malcolm Edwards	President, Shire of Halls Creek	Zoom
Cr Tony Chafer	Deputy Shire President, SWEK	Zoom
<b>Observers</b>		
Sam Mastrolembo	CEO, Shire of Broome	Zoom
James Watt	Director Corporate Services, Shire of Broome	Zoom
Peter McCumstie	Deputy President, Shire of Derby West Kimberley	Zoom
Phillip Cassell	CEO, Shire of Halls Creek	Zoom
Nick Kearns	Director of Planning / Community SWEK	Zoom
Alfred Nagaiya	Senior Economic Development Officer SWEK	Zoom
<b>Executive Support Team</b>		
Paul Rosair	Principal, NAJA Business Consulting	Zoom
Michelle Mackenzie	Principal, Mira Consulting	Zoom
Jane Lewis	Principal, Redit Research	Zoom
<b>Apologies</b>		
Cr Harold Tracey	President, Shire of Broome	
Amanda Dexter	CEO, Shire of Derby West Kimberley	
Cr David Menzel	President, Shire of Wyndham East Kimberley	
Vernon Lawrence	CEO, Shire of Wyndham East Kimberley	
Ashley Randell Thomas Della Vedova	Director Regional Planning Policy Coordination Principal Planning Officer, DPLH	

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Name	Shire / Council / Organisation	Method
Guests		
Hon. Stephen Dawson MLC	Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering	Zoom: 10:45 – 11:15 am
Ms Divina D'Anna MLA	Member for the Kimberley	
Mathew Dixon	Senior Policy Adviser – Emergency Services	
Christine Comer	Assistant Director, WA and SA Engagement Branch, National Emergency Management Agency	Zoom

### 3. Disclosures, Conflicts and Declarations of Interest:

Financial Interest / Impartiality			
Member	Item Number	Item	Nature of Interest
Nil			

### 4. Minutes of the last meeting

#### Item for Decision

Submitted by: Secretariat

Attachment 1: Matters Arising and Outstanding Business

### Confirmation of Previous Minutes

Resolution(s)		Action(s) / Budget Implications	
That the Minutes of the Kimberley Regional Group held on 21 November 2022, as published and circulated, be confirmed as a true and accurate record of that meeting.		See Attachment 1 – Matters Arising and Outstanding Business	
Moved:	Shire of Broome	Responsible:	See Attachment
Seconded:	Shire of Halls Creek	Due date:	As appropriate
Carried: 4/0			

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Attachment 1 Matters Arising and Outstanding Business

Date / Item	Action / Progress	Responsible
<b>Government Services in the Kimberley</b>		
24/8/2022 Item 11.2	<p><b>Action:</b> Development of an advocacy paper, utilising past inquiries, research and reports, highlighting the inadequacy of the centralisation of government services to the Kimberley region, and particularly the impact on the Aboriginal population, to be a priority once the new secretariat service is established.</p> <p><b>Progress:</b> After the strategic planning session workshop, it was decided to provide a position paper that can be used for advocacy purposes with external stakeholders. Tabled in meeting agenda, Item 12</p>	Members and Executive Officer
<b>North West Defence Alliance (NWDA) Funding Request</b>		
24/8/2022 Item 11.4	<p><b>Action:</b> The KRG approves, in principle, a contribution up to \$40,000 from the KRG surplus for the 2022-23 financial year, towards the lobbying and advocacy efforts of the North West Defence Alliance, subject to the development of a formal budget to be considered by circular resolution.</p> <p><b>Progress:</b> An allocation of \$40k will be funded from the 2022/23 budget. Awaiting further action</p>	Members and Executive Officer
<b>State Government Funding to Address Juvenile Crime in the Kimberley</b>		
21/6/2022 Item 9.1	<p><b>Action:</b> Updates to be received from the relevant working groups Funding initiatives implementation and outcomes to be monitored</p> <p><b>Progress:</b> This matter was considered at the Priority Planning Workshop. Raised by Executive Officer with the new Minister for Regional Development, Don Punch – who has been invited to the KRG meeting.</p>	Members and Executive Officer
<b>Kimberley Regional Group Memorandum of Understanding</b>		
21/6/2022 Item 9.4	<p><b>Action:</b> MOU to be finalised prior to 31<sup>st</sup> August</p> <p><b>Progress:</b> Received some feedback regarding complexity of the document, to be discussed at the February meeting.</p>	Members and Executive Officer

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Date / Item	Action / Progress	Responsible
<b>Banned Drinking Register</b>		
21/11/2022 Items 5 and 8	<p><b>Action:</b> EO to follow up with Nicola Perry re Covid State Emergency Powers Removal - Rescinding of Section 31 additional powers under the Liquor Act</p> <p><b>Progress:</b> Liquor Licencing sent directive to licensees reinforcing Section 31 for West Kimberley. Email sent re Section 64 submission: <b>Resolved</b></p> <p><b>Action:</b> EO to follow up with the Department on the outcome of the BDR evaluation. <b>Progress:</b> emailed: <b>Watching Brief</b></p>	Executive Team
<b>Western Australian Development Index (WADI)</b>		
21/11/2022 Item 9	<p><b>Action:</b> EO to Write to WALGA to express their support for the progression of the WA Development Index; and write to the Minister for Local Government expressing support for the development of the WADI. <b>Progress:</b> Letters, signed by Cr Menzel sent. <b>Resolved:</b> <b>Watching Brief</b></p>	Executive Team
<b>Strategic Operational Planning</b>		
21/11/2022 Item 10	<p><b>Action:</b> EO team to formulate an action plan, based on the results of the planning workshop; to be submitted for ratification at the February meeting.</p> <p><b>Progress:</b> Draft complete and tabled for discussion and ratification, Item 12.</p> <p>Six policy priorities:</p> <ol style="list-style-type: none"> <li>1. Housing</li> <li>2. Community safety and crime prevention</li> <li>3. Juvenile Justice</li> <li>4. Prosperous diverse economy</li> <li>5. Management of alcohol and other drugs</li> <li>6. Provision of Government services: housing, emergency management, health, education and training, justice and public safety</li> </ol> <p>Priority Action Plan Stakeholder Engagement Strategy</p>	Executive Team

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Date / Item	Action / Progress	Responsible
<b>Service Level Agreement</b>		
21/11/2022 Item 11	<b>Action:</b> EO and Secretariat to finalise the SLA and set a date for assessment.  <b>Progress:</b> Secretariat and EO signed the final agreement and agreed a review date at the October in-person meeting: <b>Resolved</b>	Executive Team and Secretariat
<b>Kimberly Zone and Kimberley Regional Group Calendar and Proposed Meeting Dates</b>		
21/11/2022 Item 12	<b>Action:</b> EO team to circulate audited statements as soon as they are released for ratification and so that KRG funds can be transferred from SOB to SWEK  <b>Progress:</b> Dates agreed, calendars booked for members and Zone attendees for 2023: <b>Resolved</b>	Executive Team
<b>Kimberley Regional Group Annual Financial Report 2021-22 and Kimberley Regional Group Financial Activity Statements</b>		
21/11/2022 Item 13	<b>Action:</b> EO team to circulate audited statements as soon as they are released for ratification and so that KRG funds can be transferred from SOB to SWEK  <b>Progress:</b> Audited statements included in Feb agenda, Item 6	Secretariat and EO team
<b>Other Business and Incidentals</b>		
16/12/2022	<b>Action:</b> Send letters of congratulations (signed by Chair) to new state ministers: <ul style="list-style-type: none"> <li>Hon Jackie Jarvis MLC; Minister for Agriculture and Food, Forestry, and Small Business</li> <li>Hon Don Punch, MLA; Minister for Regional Development; Disability Services; Fisheries; Seniors and Ageing</li> <li>Hon Sabine Winton, MLA; Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services</li> </ul> <b>Progress:</b> Letters sent: <b>Resolved</b>	Executive Team

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Date / Item	Action / Progress	Responsible
21/11/2022 Strategic Workshop	<b>Action:</b> Develop a stakeholder engagement plan  <b>Progress:</b> Draft strategy and stakeholder list included in agenda, Item 12	Executive Team
21/11/2022 Strategic Workshop	<b>Action:</b> Invite Executive Staff to next in-person meeting  <b>Progress:</b> CEOs to share invite for April meeting with relevant staff	CEOs
As at 10/2/2023 Aboriginal Heritage Act	<b>Action:</b> Watching brief on Aboriginal Heritage Act third round approx. Feb 2023. EO spoke to Anthony Kannis, DG DPLH	Executive Team
As at 10/2/2023 Minister McBain – Kimberley Tour arrangements	<b>Action:</b> Watching brief on sitting dates for Parliament	Executive Team
As at 10/2/2023 Federal Grant (Growing regions)	<b>Action:</b> Watching brief on grant announcements	Executive Team
Regional Planning Infrastructure Framework	<b>Action:</b> EO to liaise with Thomas Della Vedova, DPLH regarding Kimberley workshop.	Executive Team

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## 5. Correspondence

### Item for Noting

Submitted by: Secretariat

**Attachment 2: Correspondence In: Nicola Perry; BDR Evaluation and Review**  
**Attachment 3: Correspondence Out: Nicola Perry; BDR Evaluation and Review**  
**Attachment 4: Correspondence Out: Hon Jackie Jarvis MLC; Congratulations**  
**Attachment 5: Correspondence Out: Hon Don Punch, MLA; Congratulations**  
**Attachment 6: Correspondence Out: Hon Sabine Winton, MLA; Congratulations**  
**Attachment 7: Correspondence Out: Hon John Carey, MLA; Support for WADI**  
**Attachment 8: Correspondence Out: Nic Sloan, CEO WALGA; Support for WADI**

Note: Correspondence considered of an administrative nature, will not be tabled.

Correspondence In	
Date	23/12/22
From	Nicola Perry, DLGSC
Topic	BDR Evaluation and Review
Attachment	2
Correspondence Out	
Date	23/12/22
From	Paul Rosair, on behalf of the KRG
To	Nicola Perry, DLGSC
Topic	BDR Evaluation and Review
Attachment	3
Date	4/1/2023
From	CR David Menzel, KRG Chair
To	Hon Jackie Jarvis MLC; Minister for Agriculture and Food, Forestry, and Small Business
Topic	Congratulations on your appointment
Attachment	4
Date	4/1/2023
From	CR David Menzel, KRG Chair
To	Hon Don Punch, MLA; Minister for Regional Development; Disability Services; Fisheries; Seniors and Ageing
Topic	Congratulations on your appointment
Attachment	5

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Correspondence Out	
Date	4/1/2023
From	CR David Menzel, KRG Chair
To	Hon Sabine Winton, MLA; Minister for Early Childhood Education; Child Protection; Prevention of Family and Domestic Violence; Community Services.
Topic	Congratulations on your appointment
Attachment	6
Date	12/1/2023
From	CR David Menzel, KRG Chair
To	Hon John Carey, MLA; Minister for Housing; Lands; Homelessness; Local Government
Topic	Kimberley Regional Group - Support for the WA Development Index
Attachment	7
Date	4/1/2023
From	CR David Menzel, KRG Chair
To	Nic Sloan, CEO WALGA
Topic	Kimberley Regional Group - Support for the WA Development Index
Attachment	8

Resolution(s)		Action(s) / Budget Implications	
That the Correspondence be received and noted, and that the Executive Officer be directed on a response, if required.		Nil	
Moved:	Shire of Wyndham East Kimberley	Responsible:	N/A
Seconded:	Shire of Halls Creek	Due date:	N/A
Carried: 4/0			

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Attachment 2 Correspondence Out: BDR Evaluation and Review
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**From Nicola Perry 23/12/2022**

Hi Paul

Thank you for your email.

In respect of the Section 64 inquiry, the following link [www.dlgsc.wa.gov.au/department/news/news-article/2022/12/15/inquiries-into-kimberley-and-pilbara-packaged-liquor-availability](http://www.dlgsc.wa.gov.au/department/news/news-article/2022/12/15/inquiries-into-kimberley-and-pilbara-packaged-liquor-availability) will take you to the Department of Local Government, Sport and Cultural Industries website which provides additional information.

However, in summary, the Director of Liquor Licensing has written to affected licensees in the Kimberley to notify them that it is the intent to impose conditions on their liquor licence consistent with those conditions prescribed in the Liquor Control (Section 31) (Kimberley) Notice 2021 and to afford them an opportunity to provide submissions. An excerpt from the website is below:

The Director of Liquor Licensing is expecting to make a final decision in late February 2023. In respect of the BDR, I acknowledge your requests and a response will be provided in the new year.

Kind regards

Nicola

Nicola Perry  
A/Executive Director – Racing, Gaming and Liquor  
Department of Local Government, Sport and Cultural Industries  
Gordon Stephenson House, Level 2, 140 William Street, Perth WA 6000  
PO Box 8349, Perth Business Centre WA 6849  
Tel (08) 6551 4872  
Email [nicola.perry@dlgsc.wa.gov.au](mailto:nicola.perry@dlgsc.wa.gov.au)

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<b>Attachment 3 Correspondence Out: BDR Evaluation and Review</b>
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**From Executive Officer 23/12/2022**

Hi Nicola

Thank you again for the information you provided on the Section 64 review and the BDR.

The Kimberley Regional Group, comprised of the four Kimberley Shires, met on the 21st of November. The Group expressed the critical need for:

A briefing from the Department on the outcomes of the Kimberley BDR evaluation and how the Shires can be further engaged with the BDR review to inform the government's policy response  
A regionally consistent approach to the management of alcohol in the Kimberley with the removal of the Covid State Emergency Powers - the best way for the Shires to progress this with the Department. For example, given the focus on local Liquor Accords is there a greater opportunity to develop some foundational principles and to share knowledge to support more consistent and better Kimberley-wide outcomes.

It would be appreciated if you could advise when the Kimberley BDR evaluation will be received, if the Kimberley Regional Group is able to get a copy of the evaluation, and how this work will inform the BDR review. Also, if you could advise of the time frame for the Section 64 review, and how we can work with your Department to drive some consistency to deliver better outcomes across the Kimberley.

If you have any questions regarding the above, please let me know

Kind Regards,

Paul

Paul Rosair



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Attachment 4 Correspondence Out: Congratulations on your appointment

From KRG Chair, Cr David Menzel 4/1/2023



Hon Jackie Jarvis MLC  
Minister for Agriculture and Food, Forestry, and Small Business  
Level 7 Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Via Email – [Minister.jarvis@dpc.wa.gov.au](mailto:Minister.jarvis@dpc.wa.gov.au)

4<sup>th</sup> January 2023

Dear Minister

Congratulations on your appointment

The Kimberley Regional Group would like to congratulate you on your Ministerial appointment.

The Kimberley Regional Group (KRG) is an alliance of the four Shires in the Kimberley, being the Shires of Broome, Derby West-Kimberley, Halls Creek and Wyndham East-Kimberley. Our vision is to maintain and enhance the rich diversity and liveability of the Kimberley for its people and the world. Collectively we support positive outcomes across the Kimberley through improved social, economic and cultural development.

The KRG can only achieve our vision through strong partnerships and the WA Government is a key partner in driving our vision. The work of the Department of Primary Industries and Regional Development is a critical in unlocking the economic and social opportunities that agriculture affords across the Kimberley region. This not only contributes to Western Australia's overall prosperity, but to the support and the growth of small businesses in our region.

The Kimberley Regional Group would welcome the opportunity to meet with you, to discuss your policy priorities and how we can work in partnership with your office to deliver great outcomes across the Kimberley and WA. Our executive team will be in touch to progress a time to meet.

Congratulations again on your appointment. We look forward to working with you.

Yours sincerely

A handwritten signature in black ink that reads 'David Menzel'.

Cr David Menzel  
Chair  
Kimberley Regional Group

Kimberley Regional Group and Kimberley Zone  
459 Albany Hwy Victoria Park | 0419 930 467 | [info@krga.com.au](mailto:info@krga.com.au)

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Attachment 5 Correspondence Out: Congratulations on your appointment

From KRG Chair, Cr David Menzel 4/1/2023



Hon Don Punch, MLA  
Minister for Regional Development; Disability Services; Fisheries; Seniors and Ageing  
7<sup>th</sup> Floor Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Via Email – [Minister.punch@dpc.wa.gov.au](mailto:Minister.punch@dpc.wa.gov.au)

4<sup>th</sup> January 2023

Dear Minister

Congratulations on your appointment

The Kimberley Regional Group would like to congratulate you on your appointment as Minister for regional development.

The Kimberley Regional Group (KRG) is an alliance of the four Shires in the Kimberley, being the Shires of Broome, Derby West-Kimberley, Halls Creek and Wyndham East-Kimberley. Our vision is to maintain and enhance the rich diversity and liveability of the Kimberley for its people and the world. Collectively we support positive outcomes across the Kimberley through improved social, economic and cultural development.

The KRG can only achieve our vision through strong partnerships. The Department of Primary Industries and Regional Development, and the Kimberley Development Commission, are key partners in driving our vision. This partnership with government is a critical if we are to harness and to build on the regional development opportunities across the Kimberley region.

The Kimberley Regional Group would welcome the opportunity to meet with you, to discuss your policy priorities and how we can work in partnership with your office to deliver great outcomes across the Kimberley region. Our executive team will be in touch to progress a time to meet.

Congratulations again on your appointment. We look forward to working with you.

Yours sincerely

A handwritten signature in black ink that reads 'David Menzel'.

Cr David Menzel  
Chair  
Kimberley Regional Group

Kimberley Regional Group and Kimberley Zone  
459 Albany Hwy Victoria Park | 0419 930 467 | [info@naja.com.au](mailto:info@naja.com.au)

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Attachment 6 Correspondence Out: Congratulations on your appointment

From KRG Chair, Cr David Menzel 4/1/2023



Hon Sabine Winton, MLA  
Minister for Early Childhood Education; Child Protection;  
Prevention of Family and Domestic Violence; Community Services.  
7<sup>th</sup> Floor Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

Via Email – [Minister.winton@dpc.wa.gov.au](mailto:Minister.winton@dpc.wa.gov.au)

4<sup>th</sup> January 2023

Dear Minister

Congratulations on your appointment

The Kimberley Regional Group would like to congratulate you on your Ministerial appointment.

The Kimberley Regional Group (KRG) is an alliance of the four Shires in the Kimberley, being the Shires of Broome, Derby West-Kimberley, Halls Creek and Wyndham East-Kimberley. Our vision is to maintain and enhance the rich diversity and liveability of the Kimberley for its people and the world. Collectively we support positive outcomes across the Kimberley through improved social, economic and cultural development.

The KRG can only achieve our vision through strong partnerships. The WA Government is a key partner in driving our vision. The work of the Department of Communities is a critical given the systemic disadvantage faced by many Kimberley towns and remote communities, and the opportunity to drive economic and social opportunity through the provision of targeted community services.

The Kimberley Regional Group would welcome the opportunity to meet with you, to discuss your policy priorities and how we can work in partnership with your office to deliver great outcomes across the Kimberley region. Our executive team will be in touch to progress a time to meet.

Congratulations again on your appointment. We look forward to working with you.

Yours sincerely

A handwritten signature in black ink that reads 'David Menzel'.

Cr David Menzel  
Chair  
Kimberley Regional Group

Kimberley Regional Group and Kimberley Zone  
459 Albany Hwy Victoria Park | 0419 930 467 | [info@naja.com.au](mailto:info@naja.com.au)

Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



## Attachment 7 Correspondence Out: KRG Support for WADI

From KRG Chair, Cr David Menzel 4/1/2023



Hon John Carey, MLA  
Minister for Housing; Lands; Homelessness; Local Government  
7th Floor Dumas House 2 Havelock Street  
WEST PERTH WA 6005

Via Email – [Minister.Carey@dpc.wa.gov.au](mailto:Minister.Carey@dpc.wa.gov.au)

4<sup>th</sup> January 2023

Dear Minister

### Kimberley Regional Group - Support for the WA Development Index

I write to express the Kimberley Regional Group's support for the work being undertaken by the WA Government to progress the WA Development Index (WADI).

Wellbeing indexes are becoming common across progressive jurisdictions to present a broader view of the ways in which societies are progressing, or regressing, that goes beyond traditional economic indicators. These indexes enable all spheres of government, in partnership with their communities, to better plan and measure the effectiveness of public policy and programmes.

The Kimberley Regional Group supports the progression of the Western Australian Development Index as a significant state project. We are pleased that agencies such as the WA Local Government Association, the University of Western Australia, the Telethon Kids Institute and the WA Council of Social Service are working to progress the WADI, in partnership with the Department of Local Government, Sport and Cultural Industries.

We believe that the WADI will improve the capability of State and Local Governments, and the non-government sector, to measure the wellbeing of their communities and to implement effective evidence-based responses. This is critical in the Kimberley region, where data from WADI will facilitate greater alignment of effort, delivering more targeted and better outcomes for our communities.

This Index could also inform and be incorporated into calculation formulae of the Financial Assistance Grants and other State and Federal funding programs to Local Government.

We look forward to further development of the WA Development Index and of its progression to the next stage.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Menzel'.

Cr David Menzel  
Chair  
Kimberley Regional Group

Kimberley Regional Group and Kimberley Zone  
459 Albany Hwy Victoria Park | 0419 930 467 | [info@naia.com.au](mailto:info@naia.com.au)

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Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



Attachment 8 Correspondence Out: KRG Support for WADI

From KRG Chair, Cr David Menzel 4/1/2023



Nick Sloan  
Chief Executive Officer  
WALGA  
PO Box 1544,  
West Perth WA 6872

Via Email – [nsloan@walga.asn.au](mailto:nsloan@walga.asn.au)

4<sup>th</sup> January 2023

Dear Nick

Kimberley Region Support for the WA Development Index

I write to express the Kimberley Regional Group's support for the work being undertaken by WALGA to progress the WA Development Index.

Wellbeing indexes are becoming common across progressive jurisdictions to present a broader view of the ways in which societies are progressing, or regressing, that goes beyond traditional economic indicators. These indexes enable all spheres of government, in partnership with their communities, to better plan and to measure the effectiveness of public policy and programs.

The Kimberley Regional Group supports the progression of the Western Australian Development Index (WADI) by WALGA as a significant state project. We believe that the WADI will improve the capacity of State and Local governments, and the non-government sector, to measure the wellbeing of communities and to implement effective evidence-based policy, program and funding responses.

The Kimberley Regional Group would appreciate the opportunity for representation on the WALGA WADI Sector Reference Group and input into its development through zone meetings and elected member forums. Also, engagement with WALGA on how the WADI data may link in with, inform and be incorporated into calculation formulae of the Financial Assistance Grants and other State and Federal funding programs to Local Government.

We wish you all the best in progressing this important initiative and look forward to our involvement in WADI as it progresses.

Yours sincerely



Cr David Menzel  
Chair  
Kimberley Regional Group

Kimberley Regional Group and Kimberley Zone  
459 Albany Hwy Victoria Park | 0419 930 467 | [info@naja.com.au](mailto:info@naja.com.au)

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## 6. Financial Report

### Item for Decision

Submitted by: Vernon Lawrence, KRG Secretariat and James Watt

Attachment 9: Kimberley Zone Financials 2021-22 Signed Final

### Purpose

To update the KRG members on the financial position of the Group.

### Details

The 2021-22 finalised Audit Report (attached) indicates a final surplus position of \$298,453 and is in line with budget.

Current year to date figures will be reported on at the April meeting – Nick Kearns to discuss.

Resolution(s)		Action(s) / Budget Implications	
That the Kimberley Zone Financials 2021-22 Signed Final, as published and circulated, be confirmed as a true and accurate record.		<p>Secretariat to provide a standard financial reporting item commencing at the April meeting.</p> <p>Executive Officer to follow up Item 11.4 from 24<sup>th</sup> August 2022 pertaining to the following action:</p> <p><i>“The KRG approves, in principle, a contribution up to \$40,000 from the KRG surplus for the 2022-23 financial year, towards the lobbying and advocacy efforts of the North West Defence Alliance, subject to the development of a formal budget to be considered by circular resolution.”</i></p> <p>Peter Long and Nick Kearns to be contacted.</p>	
Moved:	Shire of Broome	Responsible:	Secretariat and Executive Officer
Seconded:	Shire of Wyndham East Kimberley	Due date:	As appropriate
Carried: 4/0			

Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



Attachment 9 Kimberley Zone Financials 2021-22 Signed Final
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**KIMBERLEY ZONE OF WALGA  
AND KIMBERLEY REGIONAL GROUP**

**FINANCIAL REPORT**

**FOR THE YEAR ENDED 30TH JUNE 2022**

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Principal place of business: Address 27 Weld Street Broome WA 6725	

Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



**KIMBERLEY ZONE OF WALGA AND KIMBERLEY REGIONAL GROUP  
FINANCIAL REPORT  
FOR THE YEAR ENDED 30TH JUNE 2022**


**STATEMENT BY CHIEF EXECUTIVE OFFICER**

In the opinion of the Chief Executive Officer, the financial report set out in this document:

- (i) presents fairly the results of its operations for the year ended 30 June 2022.
- (ii) confirms the projects of the Kimberley Zone of Walga and Kimberley Regional Group have been carried out in accordance with respective funding agreements.

This statement is made and signed by the Chief Executive Officer on behalf of the Shire of Broome.

Signed as authorisation of issue on the 18<sup>th</sup> day of NOVEMBER 2022

  
Sam Mastrolemba  
Chief Executive Officer





Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023

**Kimberley Zone of WALGA and Kimberley Regional Group  
Statement of Surplus/(Deficit)  
for the year ended 30 June 2022**

	2022	2021
	\$	\$
Opening Balance as at 1 July Surplus/(Deficit)	278,365	327,907
Kimberley Zone Secretariat	23,650	78,113
Kimberley Zone Interest on Reserves	1,293	2,345
Adjustment related to the Shire of Broome Interest	(4,855)	
Kimberley Zone - Alcohol Management Initiatives	-	(130,000)
Kimberley Zone - Volunteer Strategy	-	-
Closing Balance as at 30 June Surplus/(Deficit)	298,453	278,365



Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023

**Kimberley Zone of WALGA and Kimberley Regional Group  
Kimberley Zone Secretariat  
Statement of Income and Expenditure  
for the year ended 30 June 2022**

	2022	2021
	\$	\$
<b>Operating Income</b>		
Kimberley Zone - Reimbursement Zone & RCG Meetings Expenses	3,809	731
Kimberley Zone - Members Contribution Secretariat Costs	164,320	200,000
<b>Operating Income Total</b>	<b>168,129</b>	<b>200,731</b>
<b>Operating Expenditure</b>		
Kimberley Zone - Executive Consultancy	(132,724)	(89,441)
Kimberley Zone - Administrative Consultancy	-	(21,150)
Kimberley Zone - Zone & RCG Meeting Expenses	(6,755)	(4,196)
Kimberley Zone - Annual Financial Audit	(5,000)	(4,050)
Kimberley Zone - IT Support	-	(2,774)
Kimberley Zone - Sundry Expenses	-	(1,007)
<b>Operating Expenditure Total</b>	<b>(144,479)</b>	<b>(122,618)</b>
<b>Net Operating Surplus/(Deficit)</b>	<b>23,650</b>	<b>78,113</b>

Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



Kimberley Zone of WALGA and Kimberley Regional Group  
Alcohol Management Project  
Statement of Income and Expenditure  
for the year ended 30 June 2022

	2022	2021
	\$	\$
Opening Balance as at 1 July Surplus/(Deficit)	-	-
<b>Operating Income</b>		
Kimberley Zone - Alcohol Management Initiatives Grant	-	-
<b>Operating Income Total</b>	-	-
<b>Operating Expenditure</b>		
Kimberley Zone - Alcohol Management Initiatives	-	(130,000)
<b>Operating Expenditure Total</b>	-	(130,000)
<b>Kimberley Regional Group Volunteer Strategy Surplus/(Deficit)</b>	-	(130,000)

Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



Kimberley Zone of WALGA and Kimberley Regional Group  
Volunteer Strategy  
Statement of Income and Expenditure  
for the year ended 30 June 2022

	2022 \$	2021 \$
Opening Balance as at 1 July Surplus/(Deficit)	650	650
<b>Operating Income</b>		
Kimberley Zone - Kimberley Volunteer Strategy DLGC Grant		
<b>Operating Income Total</b>	<u>0</u>	<u>0</u>
<b>Operating Expenditure</b>		
Kimberley Zone - Volunteer Strategy		
<b>Operating Expenditure Total</b>	<u>0</u>	<u>0</u>
<b>Kimberley Regional Group Volunteer Strategy Surplus/(Deficit)</b>	<u>650</u>	<u>650</u>



Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023

**Kimberley Zone of WALGA and Kimberley Regional Group  
DLGC Youth Strategy  
Statement of Income and Expenditure  
for the year ended 30 June 2022**

	2022	2021
	\$	\$
Opening Balance as at 1 July Surplus/(Deficit)	2,636	2,636
<b>Operating Income</b>		
Kimberley Zone - Youth Strategy DLGC Grant	-	-
<b>Operating Income Total</b>	-	-
<b>Operating Expenditure</b>		
Kimberley Zone - Youth Strategy - Op Exp	-	-
<b>Operating Expenditure Total</b>	-	-
<b>Kimberley Regional Group DLGC Youth Strategy Surplus/(Deficit)</b>	<b>2,636</b>	<b>2,636</b>

Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



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Kimberley Zone of WALGA and Kimberley Regional Group  
Notes to the Financial Statements  
for the year ended 30 June 2022

**1. Summary of Accounting Policies**

The accounting policies adopted by the Group are stated in order to assist in a general understanding of the financial statements. These policies have been consistently applied except as otherwise indicated.

**Reporting Entity**

The group is not a reporting entity because in the committee's opinion there are unlikely to exist users who are unable to command the preparation of reports tailored so as to satisfy all of their information needs, and these accounts are therefore "special purpose accounts" that have been prepared solely to meet the requirements of the Accounting Standards.

**Accounting Policies**

The financial report has been prepared under the historical cost and cash basis of accounting conventions and does not take into account changing money values except to the extent that they are reflected in the revaluation of certain assets.

In order for the financial report to present fairly the state of affairs of the Association and the results of the Association for the year, Australian Accounting Standards have been adopted to the extent disclosed in this note.

**Income Tax**

The Group is of the opinion that it is not subject to income tax.

Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



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**INDEPENDENT AUDITOR'S REPORT  
TO THE MEMBERS OF  
KIMBERLEY ZONE OF WALGA AND REGIONAL COLLABORATIVE GROUP  
AND THE SHIRE OF BROOME**

**Report on The Financial Report**

**Opinion**

We have audited the accompanying financial report of Kimberley Zone of WALGA and Regional Collaborative Group ("the Group") comprising the statement of income and expenditure of the Secretariat and the statements of income and expenditure for each individual project being undertaken by the Group for the year ended 30 June 2022, a summary of significant accounting policies and statement by chief executive officer. The financial report has been prepared by the Shire of Broome (the Shire) for the purpose of reporting on the income and expenditure by the Secretariat to the Group.

In our opinion, the financial report presents fairly in all material respects, the income and expenditure of the Secretariat and each project of the Group for the year ended 30 June 2022.

**Basis for Opinion**

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of our report. We are independent of the Secretariat, the Group and the Shire in accordance with the ethical requirements of the Accounting Professional & Ethical Standards Board's APES 110 Code of Ethics for Professional Accountants (including Independence Standards) (the Code) that are relevant to our audit of the financial report in Australia, and we have fulfilled our other ethical responsibilities in accordance with the Code. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

**Emphasis of Matter – Basis of Accounting and Restriction on Distribution**

The financial report is prepared to assist the Shire of Broome (the Shire) in reporting to the Group on the income and expenditure of the Secretariat and each individual project. As a result, the financial report may not be suitable for another purpose. Our report is intended solely for the Shire and members of the Group and should not be distributed to or used by parties other than the Shire and members of the Group.

**Responsibilities of the Shire of Broome for the Financial Report**

The Shire, on behalf of the Group, is responsible for the preparation of the financial report in accordance with the accrual basis of accounting; this includes determining that the accrual basis of accounting is an acceptable basis for the preparation of the financial statement and for such internal control as the Shire determined is necessary, to enable the preparation of the financial statement that is free from material misstatement, whether due to fraud or error.

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Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



INDEPENDENT AUDITOR'S REPORT  
TO THE MEMBERS OF  
KIMBERLEY ZONE OF WALGA AND REGIONAL COLLABORATIVE GROUP  
AND THE SHIRE OF BROOME (CONTINUED)

**Auditor's Responsibility for the Audit of the Financial Report**

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standard Board website at [http://www.auasb.gov.au/auditors\\_responsibilities/ar4.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf). This description forms part of our audit report.

WEN-SHIEN CHAI  
PARTNER

MOORE AUSTRALIA AUDIT (WA)  
CHARTERED ACCOUNTANTS

Signed at Perth this 23<sup>rd</sup> day of November 2022.

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Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



## 7. Formal Presentations

Submitted by: Executive Officer

### Purpose

To receive presentations from key stakeholders.

### Background:

In accordance with the priorities of the KRG, stakeholders have been secured to present and discuss relevant topics with the members.

### Details:

Due to the recent flooding event in the Kimberley, Hon. Stephen Dawson MLC, Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering was invited to address the Kimberley Regional Group on the following items:

1. Update on the status of the government's response and recovery effort and future plans.
2. Role for the Kimberley Regional Group in the state recovery plan.
3. WA Disaster Relief Funding Arrangements
4. Kimberley wide impact on the floods

Due to diary commitments, the Minister's attendance fell within the Zone meeting time. The Zone meeting was suspended between 10:45 and 11:30 during which time the KRG convened; with all Zone representatives apart from Nic Sloan and Tim Lane suspending their attendance until the conclusion of this item.

Time	Name	Position	Topics for discussion
10:45 11:30	Hon. Stephen Dawson MLC  Ms Divina D'Anna MLA  Mathew Dixon	Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering  Member for the Kimberley  Senior Policy Adviser – Emergency Services	See notes above
11.30 11.50	Christine Comer	Assistant Director, WA and SA Engagement Branch, National Emergency Management Agency	

Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



Last minute apology	Ashley Randell	Director Regional Planning Policy Coordination	DPLH Strategic Planning information
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Link to Key Pillar/s and Strategies:		Budget Implications	
<b>People Place</b> Prosperity Performance	<b>Advocate Partner</b> Promote	<b>Facilitate Fund Monitor</b>	Nil
Resolution(s)		Action(s)	
For information only		Executive Team to: <ul style="list-style-type: none"> <li>contact Rob Cossart, State Recovery Coordinator</li> <li>look at opportunities to be involved with the review of DRFAWA</li> <li>Send thankyou letter to guests</li> </ul>	
<b>Moved:</b>	N/A	<b>Responsible:</b>	Executive Team
<b>Seconded:</b>	N/A	<b>Due date:</b>	As appropriate
<b>Carried:</b>	N/A		

Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



## 8. Around the Grounds

**Matter for Discussion – Impact of the floods on the Kimberley.**

**Submitted by: Secretariat**

### Purpose:

This session provides an opportunity for Group members to discuss the recent floods; the impact on communities and Local Government Infrastructure and any actions required by the KRG as a group going forward.

The

Link to Key Pillar/s and Strategies:		Budget Implications	
<b>People Place</b> Prosperity Performance	<b>Advocate Facilitate</b> Partner Fund Promote Monitor	Nil	
Resolution(s)		Action(s)	
<b>For Information Only</b>		As required	
<b>Moved:</b>	N/A	<b>Responsible:</b>	As required
<b>Seconded:</b>	N/A	<b>Due date:</b>	As required
<b>Carried:</b>	N/A		



## 9. Investment Prospectus 2022/23 Review

### Item for Decision

Submitted by: KRG Executive Team

**Attachment 10: 2022/23 Kimberley Investment Prospectus (separately attached)**

### Purpose

That Kimberley Regional Group's Investment Prospectus 2022/23 is updated with projects and costs reviewed by Shires, to drive advocacy for investment into agreed priority projects.

### In summary

- The Kimberley Investment Prospectus 2022/23 contains projects that will generate jobs and investment growth as the region recovers from the impact of COVID-19.
- A number of the projects in the prospectus have received funding.
- With a new Federal government and regional development priorities, and new State and Federal Minister's for regional development, it is timely to update investment projects, and the document's framing, to facilitate government interest and investment in projects.
- The prospectus review was identified as a priority at the KRG's November 2022 planning workshop.
- With government's focus on the region as a result of the floods, and the KRG is planning to visit key stakeholders in Canberra, updating this document is time critical.
- KRG members are asked to review their projects and costs to inform an updated prospectus.
- Once reviewed an updated prospectus will be presented to the KRG for endorsement.
- Projects should deliver jobs and business opportunities, be shovel ready and relate to local government, leverage partnerships and facilitate resilience.
- With new State and Federal funding pools for social and affordable housing, it is recommended that Shires consider housing opportunities in the prospectus.

### Background:

- The KRG is a powerful voice for the Kimberley region taking a whole of region perspective on social and economic issues.
- The language in the 2022/23 prospectus is not contemporary i.e. it refers to the May 2022 State Budget. Also, it contains projects that have received funding. With a new Federal Government there is the opportunity to update the document's framing to speak more strongly to Federal (and State) policy priorities, showing how project investment will drive government objectives. This will make investment more attractive to government.
- KRG members are asked to review their projects, and costs, so the prospectus can be updated; this will inform discussions with Government and other key stakeholders.
- With the focus on the region due to the floods, and as the KRG is planning to visit Canberra this should be done as a priority as agreed at the November 2022 KRG planning workshop.

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**Details:**

The following projects are in the 2022/23 Investment Prospectus and need to be reviewed by Shires:

**Economic**

- Tanami Road Upgrade
- East Kimberley Regional Airport Runway Extension
- Derby Wharf Precinct Masterplan and Redevelopment
- Sanctuary Road Housing Project
- Cable Beach Foreshore Redevelopment

**Social**

- Broome Boating Facility
  - Wyndham Foreshore Redevelopment And Boating Facility
  - Ewin Early Learning Centre Expansion
  - Fitzroy Crossing Recreation Centre Rebuild And Precinct Masterplan
  - Halls Creek Town Development Masterplan
  - Great Northern Highway to Looma Road Reconstruction & Seal
- Regional Resource Recovery Park

**Risk:**

Reputational – the prospectus is not contemporary or reflective of need.

Financial - lack of agreement on projects, and alignment with government priorities, may reduce government's confidence to invest.

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Link to Key Pillar/s and Strategies:		Budget Implications	
<div> <div>People</div> <div>Place</div> <div>Prosperity</div> <div>Performance</div> </div>	<div> <div>Advocate</div> <div>Facilitate</div> <div>Partner</div> <div>Fund</div> <div>Promote</div> <div>Monitor</div> </div>	Funding for graphic design work and printing. Consideration for additional hours for Executive Team beyond standard contract.	
Resolution(s)		Action(s)	
<ul style="list-style-type: none"> <li>That the Kimberley Regional Group members as a priority review and update their projects and costs for the investment prospectus</li> <li>That a budget of up to \$6k plus printing costs be allocated for work to update the prospectus. This is to include a refresh of content and graphic design.</li> </ul>		<p>Executive Team to contact individual Shires with requirements.</p> <ol style="list-style-type: none"> <li>Confirmation of projects to be included and those to be deleted from original Prospectus</li> <li>Updates for any projects already included</li> <li>Provision of information for new projects to be included</li> <li>Information to be received by Friday 3<sup>rd</sup> March at the latest</li> <li>New layout and copy to be integrated and graphically designed by 18<sup>th</sup> March 2022 so that it is ready for the KRG trip to Canberra.</li> </ol>	
<b>Moved:</b>	Shire of Broome	<b>Responsible:</b>	Executive Team and Shire Officers
<b>Seconded:</b>	Shire of Wyndham East Kimberley	<b>Due date:</b>	As above
<b>Carried:</b>	4/0		



## 10. Communication and media policy

### Item for Decision

Submitted by: KRG Executive Team

**Attachment 11: Draft Communication and media policy**

### Purpose

That Kimberley Regional Group communications are proactive, timely, professional and accurately represent the KRG's policy and advocacy agenda.

### In summary

- Communications and media are critical components of KRG policy and advocacy.
- A communications and media policy has been developed using a WA Local Government Association (WALGA) template.
- This policy outlines protocols on who can speak on behalf of the KRG.
- The policy recommends a KRG website, and LinkedIn as the group's digital and social media platforms to target key stakeholders.
- It recommends the Executive provide key messages to spokespeople engaging with media, to support them to drive the KRG policy and advocacy agenda.

### Background:

The KRG is a powerful voice for the Kimberley region taking a whole of region perspective on social and economic issues. To maximize opportunities to drive the KRG agenda, a communications and media policy has been developed based on a WALGA template.

### Details:

As above.

### Risk:

Reputational - Without a policy, there is the potential to lose media opportunities, and lack of alignment with KRG policy and advocacy agenda when engaging with media.

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Link to Key Pillar/s and Strategies:		Budget Implications	
<div> <b>People</b> Place Prosperity Performance                 </div>	<div> <b>Advocate</b> Partner <b>Promote</b> </div> <div>                     Facilitate Fund Monitor                 </div>	Funding to establish a website, See Item 11	
Resolution(s)		Action(s)	
<b>The Draft Communications and media policy (with a modification to “<i>Speaking on behalf of the Kimberley Regional Group</i>” to include the Secretariat.) is endorsed by the Kimberley Regional Group.</b>		Executive Team to update the Draft Communication and media policy.	
<b>Moved:</b>	Shire of Broome	<b>Responsible:</b>	Executive Team
<b>Seconded:</b>	Shire of Halls Creek	<b>Due date:</b>	As appropriate
<b>Carried:</b>	4/0		



Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



## Attachment 11 Draft Kimberley Communication and Media Policy

### Communications and Media Policy



---

#### Policy Objective

This policy establishes protocols for the Kimberley Zone and Kimberley Regional Group's official communications to ensure the Kimberley Regional Group is professionally and accurately represented and to maximise a positive public profile and maintain relationships with key stakeholders.

---

#### Policy Scope

This policy applies to:

1. Communications initiated or responded to by the Kimberley Regional Group; and
2. Elected Members when making comment in either their Kimberley Regional Group role or in a personal capacity.

---

#### Policy Statement

### Official Communications

The purposes of the Kimberley Regional Group's official communications include:

- Sharing information that is of interest and benefit to key stakeholders
- Driving the Kimberley Regional Group's policy and advocacy agenda
- Answering questions and responding to requests for information relevant to the role of the Kimberley Regional Group
- Receiving and responding to community feedback, ideas, comments, compliments and complaints.

The Kimberley Regional Group's official communications will be consistent with relevant legislation, policies, standards and the positions adopted by the Group. The aim of official communications is to raise awareness and endorsement of Kimberley Regional Group's policy and advocacy positions and activities.

Communications will take a Kimberley-wide perspective and be respectful, professional, solution focussed, and ensure that our positions are appropriately represented, building understanding and endorsement of our strategic objectives. The Kimberley Regional Group will use a combination of different communication modes to suit the type of information to be communicated and the requirements of the specific audience, including:

- Letters / Emails;
- Website;
- Advertising and promotional materials;
- Media releases;
- Opinion pieces;

## Kimberley Regional Group: Minutes 17<sup>th</sup> February 2023



- Speeches and presentations;
- Social media; and
- Newsletters or other modes of communications undertaken as approved by the Kimberley Regional Group.

## Speaking on behalf of the Kimberley Regional Group

The Chair is the official spokesperson for the Kimberley Regional Group and may represent the Group in official communications, including speeches, comment, print, electronic and social media. Where the Chair is unavailable, the Deputy or another Elected Member of the Group may act as the spokesperson. The Executive Officer may speak on behalf of the Kimberley Regional Group where authorised to do so by the Chair.

Communications by Kimberley Regional Group members, whether undertaken in an authorised official capacity or as a personal communication, must not:

- Bring the Kimberley Regional Group into disrepute;
- Compromise the person's effectiveness in their role with the Kimberley Regional Group;
- Imply the Kimberley Regional Groups' endorsement of personal views; or
- Disclose, without authorisation, confidential information.

## Initiating and Responding to Media Enquiries

All enquiries from the Media for an official Kimberley Regional Group comment, whether made to an individual Elected Member, Employee, or Contractor, must be directed to the Chair or a person authorised by the Chair. Information will be coordinated to support the Chair, Elected Member, Executive Officer or a CEO (where authorised) to make an official response on behalf of the Kimberley Regional Group. This support may include key messages and speaking points.

Media commentary will be relevant, objective, balanced, accurate, informative and timely. All four Kimberley Shire Presidents will be listed at the end of media statements to show Kimberley-wide solidarity.

## Website

The Kimberley Regional Group will maintain an official website, as a key resource to access to the Kimberley Regional Group's official communications.

## Social Media - LinkedIn

The Kimberley Regional Group will use LinkedIn as the professional social media platform to facilitate interactive information sharing. LinkedIn will not however, be used by the Kimberley Regional Group to communicate or respond to matters that are complex or relate to a person's or entity's private affairs.

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The Kimberley Regional Group expect participants to behave in a respectful manner and will moderate its LinkedIn account to address and where necessary delete content which is deemed as:

- Offensive, abusive, defamatory, objectionable, inaccurate, false or misleading;
- Promotional, soliciting or commercial in nature;
- Unlawful or incites others to break the law;
- Information which may compromise individual or community safety or security;
- Repetitive material copied and pasted or duplicated;
- Content that promotes or opposes any person campaigning for election to the Council, appointment to official office, or any ballot;
- Content that violates intellectual property rights or the legal ownership of interests or another party; and
- Any other inappropriate content or comments at the discretion of the Kimberley Regional Group.

Where a third-party contributor to the Kimberley Regional Group's social media account is identified as posting content which is deleted in accordance with the above, the Kimberley Regional Group may at its complete discretion block that contributor for a specific period of time or permanently.

The Kimberley Regional Group may also post and contribute to social media hosted by others, so as to ensure that the Kimberley Regional Group's views are presented. Consideration must be given to when commenting on or reposting information, if the original poster is an individual or organisation that the Kimberley Regional Group would be happy to associate itself with.

## Personal Communications

Personal communications and statements made privately in conversation, written, recorded email or posted in personal social media have the potential to be made public, whether it was intended to be made public or not. Therefore, on the basis that personal or private communications may be shared or become public at some point in the future, Kimberley Regional Group Members must ensure that their personal or private communications do not bring the Kimberley Regional Group into disrepute.

**Document date -**



## 11.KRG Website

### Item for Decision

Submitted by: KRG Executive Team

**Attachment 12: Website Quote – Total Web Solutions**

**Attachment 13: Website Quote – Eclipse Design Solutions**

### Purpose

That a website is developed for the Kimberley Regional Group as a tool to raise the profile of the KRG and to drive the KRG's policy and advocacy agenda.

### In summary

- Communications and media are critical components of KRG policy and advocacy.
- A website will assist key stakeholders and media better understand the role of the KRG and policy priorities.
- A website will facilitate a greater profile for the KRG and be a place to upload KRG documents including the strategic plan and media statements and include links to member websites.
- Quotes have been sought for the cost of developing a website for the KRG.
- It is recommended that the KRG endorse the development of a website.

### Background:

The KRG is a powerful voice for the Kimberley region taking a whole of region perspective on social and economic issues. To maximize opportunities to drive the KRG agenda, a communications and media policy has been developed for KRG endorsement. This policy recommends a website as a tool to raise the profile of the KRG and the KRG's policy and advocacy agenda.

### Details:

The benefit of website is to tell the KRG story, establish KRG authority by becoming an information source, boost awareness of the role of the KRG. The recent floods showed that there was media interest in a whole of Kimberley perspective. A website would have been a good tool to link to KRG media, and link to media from KRG members.

Quotes have been sourced from two reputable companies, both of whom have completed website work for the Executive Team and for the Regional Capitals Alliance WA. The same scope was provided to both companies. A comparison of services and costs is provided in the table below.

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Service	Total Web Solutions	Eclipse Design Solutions
Concepts Design main theme in HOME PAGE, within client branding and all features	\$5,100 (includes upload of 50 documents)	\$2,898
Website Development & Coding		
Upload and Test Site to Live		
Hosting Costs	\$450 per annum	\$660 per annum
Domain Name Purchase	Variable depending on supplier	\$39 (variable)
Document Control Plugin	Not specified	\$78 (plus updates if required)
Licences	\$339 per annum	Not specified
Quarterly software updates to theme, core, plugins, backups	\$340	Not specified
Training to input information (if required)	\$85 standard \$150 travel and on-client-site work	\$103.50 per hour

**Risk:**

Reputational - Without a website, the profile of the KRG is diminished

Financial – the operational cost to keep the website contemporary is addressed by having a website that can be updated by the Executive.

Link to Key Pillar/s and Strategies:		Budget Implications	
<div>People</div> <div>Place</div> <div>Prosperity</div> <div>Performance</div>	<div>Advocate</div> <div>Partner</div> <div>Promote</div> <div>Facilitate</div> <div>Fund</div> <div>Monitor</div>	Up to \$8,000 to establish a website, including licensing and updates for the first year, and then ongoing costs of approximately \$1,000 - \$2,000 per year for licenses and software updates if required.	
Resolution(s)		Action(s)	
<b>The Kimberley Regional Group endorses up to \$8,000 for Eclipse Design Solutions, as the preferred supplier, to develop a KRG website, including the cost of licencing and updates for the first year</b>		Executive Team and Secretariat to negotiate a contract and purchase order with the chosen web developer.	
<b>Moved:</b>	Shire of Wyndham East Kimberley	<b>Responsible:</b>	Executive Team and Secretariat
<b>Seconded:</b>	Shire of Broome	<b>Due date:</b>	As required
<b>Carried:</b>	4/0		

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## Attachment 12 Website Design – Total Web Solutions



## Quotation

Date: 09/02/2023  
 QUOTATION # 106191  
 Expiration Date:  
 09/06/2023

TO: Kimberley Regional Group

Attn KRG,

Please find the quotation as requested.

### Item #1 – Main website

Creation of a website for the Kimberley Regional Group. The website will have the following characteristics and functionality:

Be styled in a way typical of a local regional government grouping websites with main theme colours taken from the logo unless a style sheet or graphic design information is supplied.

Have document download areas based on document type. Document download areas can be lists or be article style images with associated text. Which is used can depend on the context – for example media releases may have an image associated with the file, whereas meeting agendas may simply be in a list with document descriptions and dates.

Here is an example of a list of documents:

Policies

Document Tag

Reset

Search

Title	Summary	Categories	Size	Type	Link
<a href="#">Diversity Policy</a>	Read about our commitment to equality and diversity.	<a href="#">Policies</a> , <a href="#">Staff</a>	9 KB	PDF	<a href="#">Download</a> <input type="checkbox"/>
<a href="#">Employee Handbook (Quonbox)</a>	The handbook contains everything you need to know.	<a href="#">Staff</a>	0.5GB	PDF	<a href="#">Download</a>
<a href="#">Presentation – Employee Dress Code</a>	All employees are expected to look professional and well presented at all times.	<a href="#">Staff</a>	33 KB	pptx	<a href="#">Download</a> <input type="checkbox"/>
<a href="#">Sales Leads</a>	A list of current sales leads for the sales team to process.	<a href="#">Staff</a>	85 B	txt	<a href="#">Download</a> <input type="checkbox"/>
<a href="#">Sales Pitch Template</a>	You can upload PowerPoint and other presentations to the document library.	<a href="#">Sales</a>	460 KB	key	<a href="#">Download</a> <input type="checkbox"/>

8 documents (16 in total)

1

2

Download Selected Documents

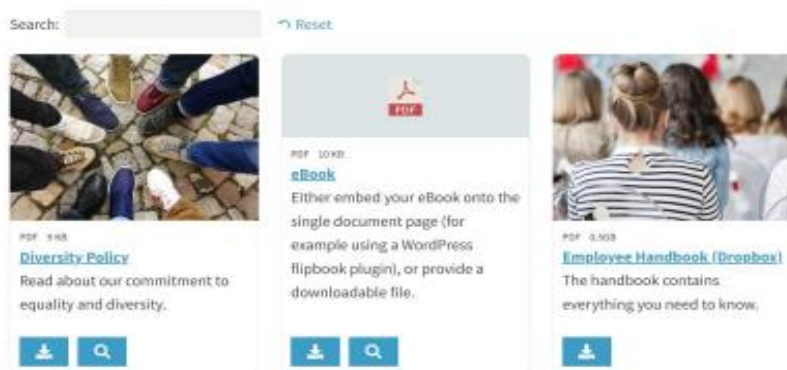
Page 1 of 4

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Here is an example of an article style document display such as a media release:



It's not necessary to use both – either can be used.

The website will have the following pages with downloadable documents being on these pages:

- Strategic planning and other documents
- Meeting agendas
- Government submissions and media releases

Content will be supplied to aid in the creation of a home page with description text detailing the 'what, why and where' typical of an 'about' page.

The website will have a contact page with a contact form utilising Google reCAPTCHA v3 to assist in eliminating spam from the website form whilst being invisible to the user.

Up to 50 documents will be uploaded including images where appropriate for up to 10 of the documents. A name and short description will need to be supplied for each document where appropriate, along with the document category/type.

### Item #2 – Board or members

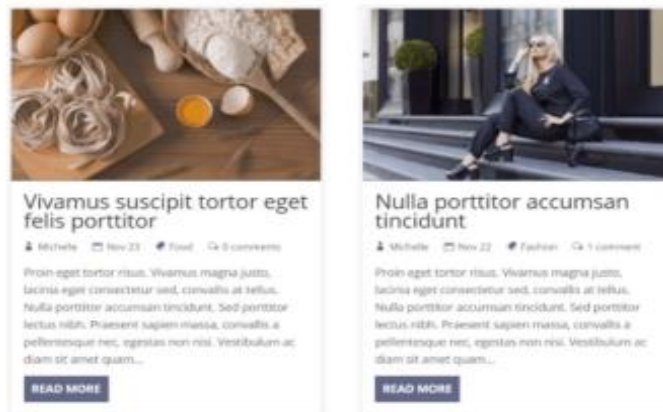
Optional page for the board to be listed. This area can be titled as required with a description area and photo/title/name for each member such as the Chair, CEO, Mayor and so on.

### Item #3 – Projects or news

Optional page for a projects/news area. Each project or news item will have its own page, and all pages will be summarised with excerpt text and the article image which will display similar to this:



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Item #4 – Recurring costs

Yearly recurring costs necessary for ongoing use of the website and its software, due up front, then yearly.

Item #5 – Training, tuition, and initial support

Training, tuition, and initial support can be purchased up front in multiples of hourly rates, or purchased as required at a later date. Costs are currently \$85/hr for remote work, or \$150/hr for travel and on-site work.



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Cost breakdown

Item	Description	Unit price	Qty	Total
#1	Main website including document uploads	5,100.00	1	5,100.00
#2	Board or members	680.00	1	680.00
#3	Projects or news	680.00	1	680.00
#4	Recurring costs due up front and every 12 months thereafter			
	Hosting - Medium traffic SSD website hosting, 12 months	450.00	1	450.00
	License - Theme, Elegant Themes builder per 12 months	89.00	1	89.00
	License - Document library per 12 months	250.00	1	250.00
	Quarterly software updates to Theme, Core, Plugins, Backups	340.00	1	340.00
#5	Training, tuition, and initial support			
	Currently \$85/hr for standard work	85.00	n	tbd
	Currently \$150/hr for travel and on-client-site work	150.00	n	tbd

**NOTE:** It has not yet been confirmed whether the domain name will be supplied or will require purchasing, so has not been included in the quotation.

*Thank you for your consideration. Please do not hesitate to contact me on 0433 408 644 if you have any questions.*

**Matthew Ford**

**Total Web Solutions Perth**

Phone 0433 408 644

**ABN 62185636870**

1/24 Frederick Street, Belmont, WA 6104

matthew@totalwebsolutions.com.au

www.totalwebsolutions.com.au

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Attachment 13 Website Design – Eclipse Design Solutions



**Jacqueline Limb**  
 GRAPHIC DESIGN & DIGITAL MEDIA MARKETING  
 m: 0488 080 779  
[jacque@eclipsedesigns.com.au](mailto:jacque@eclipsedesigns.com.au) | [www.eclipsedesigns.com.au](http://www.eclipsedesigns.com.au)  
 ABN: 7227 0420 010

**QUOTE**

Attention: Jane Lewis  
 RCAWA  
 Perth, Western Australia

**Quote Number**  
 Q2076

**Job Number**

**Date**  
 7 February 2023

**Website Development | Kimberley Regional Group - Responsive Wordpress**

Provide a modern and fully responsive website, as per client specifications to include document control and upload/download.

Site will be developed using best practice, to allow for further SEO marketing and Google ranking (prepped for search engine optimisation - further costs do apply for getting the site to rank on google).

**SCOPE**

- Built on Wordpress CMS - Customised Layout and Easy Admin Functionality
- Social media links active
- Images included - also to be provided by the client if required
- Coverage: Up to 5 pages included

**INVESTMENT - Project Essentials**

- Client consult to build initial sitemap
- Optimise for user experience and user interface
- Develop working HTML/CSS website to best practice web standards
- Develop responsive breakpoints for tablet and mobile/iphone experience
- Integrate website into WordPress content management system
- Test site against all browsers
- Launch live website

\* IMPORTANT NOTES: Once client has signed off on initial wire-frame/menu and page layouts, further charges will apply for further changes once site is under development @ 85 per/hour. \*\* When the website is made live, further costs are expected to begin to rank on Google, this is called SEO (search engine optimisation) and is a different industry skill set. Preferred SEO partners contact details can be shared upon request.

Tasks	Amount
Concepts Design main theme in HOME PAGE, within client branding and all features from the latest wordpress updates, We require copy/content, logo, specialised images and colour scheme.	621.00
Website Development & Coding Includes customised coding and styling within the Wordpress interface, utilising all digital features and clients specific branding.	1,863.00
** Includes adding in specialised document control pugin.	
Upload and Test Site to Live Ensure site is active and live across all platforms.	414.00

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Subtotal 2,898.00

10 % Rate 289.80

**Total 3,187.80**

Options	Quantity	Rate	Amount
TRAINING IN ELEMENTOR - 2 Hours If required for a new interface, we can use a similar plugin to RCAWA	2.00	103.50	207.00
Hosting Costs - PER MONTH 12 MONTHS - Ongoing cost for hosting, again you can get cheaper but this allows for SSL Security with WP-Engine and auto updates. I recommend this option for longevity of the website.	1.00	55.00	55.00
Purchase Domain Name - Ongoing Cost of Approx Yearly Cost - Varies depending of provider	1.00	39.00	39.00
Document Control Plugin - One Off Payment One-off purchase then occasional updates required	1.00	78.00	78.00

Valid To: 7 March 2023



## 12. Strategic Operational Planning – Workshop Outcomes and Actions

### Matter for Noting

Submitted by: Executive Officer

**Attachment 14:** Draft Priority Action List (attached separately)

**Attachment 15:** Draft Policy Position - Management of Alcohol and other Drugs (attached separately)

**Attachment 16:** Draft Policy Position – Community Safety and Crime Prevention (attached separately)

**Attachment 17:** Draft Policy Position – Housing (attached separately)

**Attachment 18:** Draft Policy Position – Juvenile Justice (attached separately)

**Attachment 19:** Draft Policy Position – Prosperous Diverse Economy (attached separately)

**Attachment 20:** Draft Policy Position – Provision of Government Services (attached separately)

**Attachment 21:** Draft Stakeholder Engagement Strategy (attached separately)

### Purpose:

That the Kimberley Regional Group notes the outcomes from the planning workshop. The Action List and Policy Priorities that came from this workshop will be presented as items for endorsement at the April 2023 KRG meeting. Prior to seeking endorsement, the Executive will seek feedback from KRG members and Shire CEOs on the action list, policy positions, stakeholder engagement strategy and key stakeholders and incorporate feedback into the documents.

### Summary:

- In November 2022 the KRG held a workshop to determine its priority focus areas
- Based on the workshop, a draft action plan has been developed
- Draft policy positions have been developed for each priority focus area identified at the workshop and in the Action Plan. These are;
  1. Management of alcohol and other drugs;
  2. Community safety and crime prevention;
  3. Housing;
  4. Juvenile Justice;
  5. Prosperous diverse economy; and
  6. Provision of government services.
- These draft policy positions are informed by the KRG workshop, Strategic Community Plan and Business Plan, along with contemporary research and ALGA and WALGA policy positions and will form the basis of advocacy.
- Engagement with stakeholders is critical to the KRG's policy and advocacy agenda - a draft Stakeholder Engagement Strategy has been developed to frame engagement.
- There are Kimberley wide non-government organisations whose policy and advocacy agendas align with the KRG. Also, Kimberley wide committees who work with government and other stakeholders to develop a collaborate response to social and economic issues.

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- It is recommended that a stakeholder analysis session is undertaken to understand the KRG's current relationship with key stakeholders, where the KRG would like this relationship to sit and tactics to work with key stakeholders.
- The Executive will work out of session with the CEOs on a stakeholder analysis exercise to identify key stakeholders, relationship status and tactics to influence them.

## Background:

As above

## Details

As above

## Risk:

Reputational – lack of alignment on key policy positions  
Reputational – engagement is not informed by strategy.

Link to Key Pillar/s and Strategies:		Budget Implications	
<div>People Place Prosperity Performance</div>	<div>Advocate Partner Promote</div> <div>Facilitate Fund Monitor</div>	Publishing costs of up to \$5,000	
Resolution(s)		Action(s)	
<div>1. The KRG noted the draft action plan, policy positions and stakeholder engagement strategy and that these will be endorsed by the KRG out of session in time for publication for Canberra visit scheduled for the end of March 2023.</div> <div>2. The KRG allocated a budget of up to \$5,000 for the graphic design and publishing (including printing) of the Policy Positions.</div>		<div>Members to provide feedback on the Policy Position Papers by 25<sup>th</sup> February.</div> <div>Executive Team to incorporate feedback and have the papers graphically designed and printed ready to take to Canberra at the end of March.</div> <div>Members are to advise the Executive Officer if they represent the KRG on any external committees or working groups.</div>	
Moved:	Shire of Broome	Responsible:	KRG members and Executive Team
Seconded:	Shire of Wynham East Kimberley	Due date:	As required
Carried:	4/0		

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## 13. Executive Officer Report

### Item for Noting

Submitted by: Executive Officer

Attachment 23: EO Report November, December and January

### Purpose:

To update the KRG on the Executive Officer services provided for the period November 2022 – January 2023 inclusive.

### Background:

The attached report provides information about the services provided, activities undertaken and time allocation over the past three months.

### Details:

As in included attachment.

### Risk:

Nil

Link to Key Pillar/s and Strategies:		Budget Implications	
<div><div>People Place Prosperity Performance</div><div><div>Advocate Partner Promote</div><div>Facilitate Fund Monitor</div></div></div>		As per 2022/23 approved KRG budget.	
Resolution(s)		Action(s)	
That the Executive Officers Report be received and endorsed		As per Outstanding Actions	
Moved:	Shire of Broome	Responsible:	Executive Officer
Seconded:	Shire of Wynham East Kimberley	Due date:	As required
Carried:	4/0		

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Attachment 23: EO Report –September - October 2022

Project Work / Activity

Project / Activity	Status	Item
Administrative Matters and Meetings	Continuing	-
Banned Drinker Register	Followed up with Nicola Perry – now watching brief	-
WA Development Index	Letter written to the Minister and WALGA – now watching brief	-
Strategic Planning	<p>Workshop held 21/11/2022. Resultant papers to be presented at 17/2/2023 meeting:</p> <ul style="list-style-type: none"> <li>• Workshop summary</li> <li>• Strategic Operational Planning</li> <li>• Policy Positions - Draft</li> <li>• Stakeholder List -Draft</li> </ul>	<ul style="list-style-type: none"> <li>• 12</li> <li>• 12</li> <li>• 12</li> <li>• 12</li> </ul>

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## Stakeholder Engagement

Date	Stakeholders	Purpose
9/11/2022	Christine Comer, Director Western Australia, National Emergency Management Authority	Understanding the funding opportunities for disaster preparedness, response and recovery. Invited Christine to attend November meeting in Kununurra.
14/11/2022	David Menzel, Chair of the KRG	General KRG discussion and draft Agenda overview.
14/11/2022	KRG CEO's	KRG CEO Ringaround – Finalising November Agenda
15/11/2022	Kim, RDA Kimberley	General Executive Officer introduction and KRG Overview.
16/11/2022	Prue Jenkins, CEO Wunan	General Executive Officer introduction and KRG Overview.
19/11/2022	Vernon Lawrence, CEO SWEK and KRG Secretary	KRG Secretariat Arrangements.
20/11/2022	Prue Jenkins, CEO Wunan	Catch up in Kununurra.
21/11/2022	KRG Members, Executive & Presenters	Strategic Workshop in Kununurra KRG and Zone Meeting.
23/11/2022	Michelle Pucci, Director, KDC	General Executive Officer introduction and KRG Overview.
26/11/2022	Phillip Cassell, CEO Shire of Halls Creek	General discussion around Halls Creek priorities and expectations of KRG.
16/12/2022	Vernon Lawrence, CEO SWEK and KRG Secretary	Financial matters.
11/01/2023	Thomas Della Vedova, Executive Director, DPLH	Discussed KRG role in the development of the Kimberley Regional Planning Infrastructure Framework (RPIF).
25/01/2023	Hannah, ABC Kimberley	Flood discussion and coordinating speaking notes.
30/01/2023	Samantha Rowe, Parliamentary Secretary to Minister Culture and the Arts and Sport and Recreation	General Executive Officer introduction and KRG Overview. Invitation for Minister to attend future meeting. 1/02/2023.



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Date	Stakeholders	Purpose
27/10/2023	Frank Mills, CEO, Cocos Island	General discussion around Cocos Island priorities and expectations of KRG.
3/02/2023	Phillip Cassell, CEO Shire of Halls Creek	Discussion re WALGA agenda items for Zone Meeting.
6/02/2023	Vernon Lawrence, CEO SWEK and Secretary KRG Alfred Nagaiya, Program Manager, SWEK	General discussion around KRG financial and agenda matters for February meeting. Discussion around KRG Canberra visit in March 2023.

## Time Allocation September 2022 – August 2023

Total Yearly Contract: 864 Hours: Monthly from 8<sup>th</sup> of the month to 7<sup>th</sup> of the next month

	Paul Rosair		Michelle Mackenzie		Jane Lewis		Joshua Turner	
	Contract	Actual	Contract	Actual	Contract	Actual	Contract	Actual
Sept 22	32	34	20	18	23	29	4	2
Oct 22	32	22	20	8	23	24	4	1
Nov 22	32	40	20	36	23	28	4	0
Dec 22	10	12.5	10	26.25	10	1.5	2	0
Jan 23	10	19	10	11	10	36	2	0
Feb 23	32		20		23		4	
Mar 23	32		20		23		4	
Apr 23	32		20		23		4	
May 23	32		20		23		4	
June 23	32		20		23		4	
July 23	32		20		23		4	
Aug 23	32		20		23		4	
<b>TOTALS</b>	<b>116/350</b>	<b>128/116</b>	<b>80/220</b>	<b>99.25/80</b>	<b>89/250</b>	<b>118.5/89</b>	<b>16/44</b>	<b>3/16</b>
<b>OVERALL CONTRACT: 301 / 864 ACTUALS: 348.75/ 301</b>								

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## 14. General Business

Item	Responsible	Actions Arising
KRG MOU	Executive Officer	Executive Team to rewrite the KRG MOU in a succinct fashion, referencing the KRG Governance Manual and Communications Plan
Insurance Costs	Executive Officer	EO to discuss with CEO Broome and talk to Jonathan Seth, CEO LGIS regarding relief on Insurances as a result of impact of the floods.
Canberra Visit	Members and Alfred Nagaiya	Members to contact Alfred Nagaiya regarding arrangements
Meeting Dates – calendar invites sent for entire year – see dates below	Executive Team	April meeting to be changed to a Perth venue. Executive Team to organise
Lord Mayors Distress Relief Fund	Executive Team	Letter to be sent on behalf of the KRG to request that funding from the Lord Mayors Distress Relief Fund be directed to evacuation centres across the Kimberley.



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Date	Time	KRG	Notes
17/2/2023	10-1pm	KRG and Zone Meeting - ZOOM	Canberra visit 27 - 29 March 2023
6/4/2023	9-9.30 am	CEO Ringaround	
13/4/2023	1-5 pm then dinner	KRG and Zone Meeting – Derby	Derby meeting to be rescheduled to a venue in Perth
8/6/2023	9-9.30 am	CEO Ringaround	
15/6/2023	9-12 noon	KRG and Zone Meeting – Zoom	
9/8/2023	9-9.30 am	CEO Ringaround	
16/8/2023	1-5 pm then dinner	KRG and Zone Meeting – Halls Creek	
27/9/2023	9-9.30 am	CEO Ringaround	
To coincide with the WALGA AGM – date to be determined. 4/10/23?	TBD	KRG and Zone Meeting – Metropolitan Venue TBD	
17/11/2023	9-9.30 am	CEO Ringaround	
24/11/2023	9-12 noon	KRG and Zone Meeting – Zoom	

## 15. Meeting Closure: 1:38



THE  
**KIMBERLEY  
ZONE**

Meeting Minutes

17 February 2023

Zoom

<https://us02web.zoom.us/j/84478816286?pwd=LzhYYIIZSG5yZk1PQURqSk5pOXIJUT09>

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## Kimberley Country Zone Meeting Open: 10:03

1. Chair acknowledged the Traditional Custodians of the different lands on which people are meeting today, and paid respect to all the Elders past, present and emerging.

## 2. Attendance and Apologies

Name	Shire / Council / Organisation	Method
<b>Members</b>		
Cr Chris Mitchell	Shire of Broome	Zoom
Cr Geoff Haerewa	President, Shire of Derby West Kimberley	Zoom
Cr Malcolm Edwards	President, Shire of Halls Creek	Zoom
Cr Tony Chafer	Deputy Shire President, SWEK	Zoom
<b>Observers</b>		
Sam Mastrolembro	CEO, Shire of Broome	Zoom
James Watt	Director Corporate Services, Shire of Broome	Zoom
Peter McCumstie	Deputy President, Shire of Derby West Kimberley	Zoom
Phillip Cassell	CEO, Shire of Halls Creek	Zoom
Nick Kearns	Director of Planning / Community SWEK	Zoom
<b>Executive Support Team</b>		
Paul Rosair	Principal NAJA Business Consulting	Zoom
Michelle Mackenzie	Principal Mira Consulting	Zoom
Jane Lewis	Principal Redit Research	Zoom
<b>Apologies</b>		
Cr Harold Tracey	President, Shire of Broome	
Gordon Thomson	President, Shire of Christmas Island	
David Price	CEO, Shire of Christmas Island	
Aindil Minkom	President, Cocos (Keeling) Islands	
Frank Mills	CEO, Cocos (Keeling) Islands	
Amanda Dexter	CEO, Shire of Derby West Kimberley	
Cr David Menzel	President, Shire of Wyndham East Kimberley	

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Name	Shire / Council / Organisation	Method
Vernon Lawrence	CEO, Shire of Wyndham East Kimberley	
Karen Chapple	President, WALGA	
Guests		
Hon. Stephen Dawson MLC	Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering	Zoom: 10:45 – 11:15 am
Nick Sloan	CEO, WALGA	Zoom
Tim Lane	Manager, Association and Corporate Governance, WALGA	Zoom
Kim Brown	Acting Director, RDA Kimberley	Zoom
Natasha Mahar	CEO, Australia's North West	Zoom
Tim Bray	Director Regional Development, Kimberley Development Commission	Zoom
Chuck Berger	CEO Kimberley Development Commission	Zoom
Tom Chapman	Regional Manager, DLGCI	Zoom
Greg Hayes	Regional Road Safety Advisor, WALGA	Zoom

### 3. Disclosures, Conflicts and Declarations of Interest:

Financial Interest / Impartiality			
Member	Item Number	Item	Nature of Interest
Nil			

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## 4. Kimberley Country Zone State Council Agenda:

### Attachments:

1 WALGA State Council Agenda and Complete Zone Status Report February 2023  
(Separately Attached)

2 Presidents' Report (Separately Attached)

### 4.1 Reports from Representatives

WALGA – Nick Sloan, CEO and Tim Lane, Manager Association and Corporate Governance (Karen Chappel, President WALGA – apology)

RDA Kimberley - Kim Brown, A/Director

Australia's North West Tourism – Natasha Mahar, CEO Australia's Northwest

WALGA Roadwise – Greg Hayes, Road Safety Advisor

Kimberley Development Commission – Chuck Berger CEO Kimberley Development Commission, and Tim Bray, Director Regional Development

Department of Local Government, Sport and Cultural Industries – Tom Chapman, Regional Manager Kimberley

### 4.2 Reports from Kimberley Country Zone

The WALGA State Council Agenda has been attached as a separate document (Attachment 1). The following table provides a summary of Matters for Decision that will be considered at the WALGA State Meeting on 1<sup>st</sup> March, 2023, and provides an update on Matters for Noting.

#### 4.2.1 Item/Matters for Decision

Item / Matters for Decision	WALGA Recommendations
4.1. Minutes of the State council meeting held 7 December 2022	<i>That the Minutes of the WALGA State Council meeting held on <u>Wednesday, 7 December 2022</u> be confirmed as a true and correct record of proceedings.</i>
4.2 Flying Minute – WALGA Submission Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Three	<i>That the Flying Minute – <u>WALGA Submission Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Three</u> be confirmed as a true and correct record of proceedings</i>



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Item / Matters for Decision	WALGA Recommendations
<p><b>7.1 Proposed Advocacy Position on Constitutional Recognition of Aboriginal and Torres Strait Islander People</b></p>	<p>That the following Advocacy Position be endorsed:</p> <p><b><i>WALGA supports constitutional recognition of Aboriginal and Torres Strait Islander People through the enshrining of a Voice to Parliament.</i></b></p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>• The Australian Government will hold a referendum in the second half of 2023 on amending the Constitution to enshrine an Aboriginal and Torres Strait Islander Voice to Parliament (the Voice) as part of its commitment to implement the Uluru Statement from the Heart.</li> <li>• At its December 2022 meeting State Council resolved that WALGA prepare an advocacy position in support of constitutional recognition to be circulated to WALGA Zones for their next meeting for consideration and feedback.</li> <li>• WALGA has prepared the attached Information Paper for WALGA Zones and State Council to facilitate discussion on the proposed WALGA Advocacy Position.</li> </ul> <p>Attachment</p> <ul style="list-style-type: none"> <li>• <a href="#"><u>Information Paper: Constitutional Recognition of Aboriginal and Torres Strait Islander People</u></a></li> </ul>
<p><b>7.2 Community Disaster Resilience Strategy Submission</b></p>	<p>That the submission on the draft <b><i>Western Australian Community Disaster Resilience Strategy</i></b> be endorsed.</p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>• The State Emergency Management Committee (SEMC) has released the draft Western Australian Community Disaster Resilience Strategy (CDRS) for public consultation, until 3 March 2023.</li> <li>• The Strategy intends to provide the guidance to support all Western Australians to increase their disaster resilience.</li> <li>• The Strategy builds on a CDRS Discussion Paper. WALGA previously provided input on the discussion paper, and Local Government Consultation was also undertaken by SEMC</li> <li>• WALGA has prepared a draft Submission that is supportive of the CDRS</li> </ul> <p><u>Attachments</u></p> <ul style="list-style-type: none"> <li>• <i>WALGA Submission March 2023 - Community Disaster Resilience Strategy</i></li> <li>• <a href="#"><u>Draft Community Disaster Resilience Strategy</u></a></li> </ul>



Item / Matters for Decision	WALGA Recommendations
<p><b>7.3 Child Safeguarding Advocacy Position</b></p>	<p>That the Child Safeguarding Advocacy Position as follows be endorsed:</p> <p><b>Child Safeguarding</b></p> <ol style="list-style-type: none"> <li><b>1. Local Government supports:</b> <ol style="list-style-type: none"> <li><i>a. the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse 2017, in particular Recommendation 6.12 which can be achieved by Local Government implementing and embedding child safeguarding across its functions with support from Governments at the national, state and territory levels; and</i></li> <li><i>b. the ten National Principles for Child Safe Organisations (Australian Humans Rights Commission).</i></li> </ol> </li> <li><b>2. The State Government through an Independent Oversight Body should provide financial, resourcing and capacity building support to Local Governments to implement and embed child safeguarding across its functions, through the provision of:</b> <ol style="list-style-type: none"> <li><i>a. supporting materials such as template policies, procedures and guidelines;</i></li> <li><i>b. consistent key messaging and resources to promote and share in venues and facilities and online;</i></li> <li><i>c. examples of best practice, including case studies;</i></li> <li><i>d. self-assessment tools to assist Local Government;</i></li> <li><i>e. ongoing training and skills development for Local Government staff, including online training options;</i></li> <li><i>f. funding for the delivery of the child safeguarding function within smaller, less well resourced (Band 3 and Band 4) Local Governments; and</i></li> <li><i>g. expert officers within each region to provide support and guidance to Local Government on child safeguarding.</i></li> </ol> </li> <li><b>3. The Local Government sector supports Local Government participation in the State's National Redress Scheme, with full financial coverage by the State.</b></li> </ol> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>• Since 2018 WALGA has consulted extensively with Local Government in relation to the response to the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission) including the National Redress Scheme, Reportable Conduct and Child Safety Officers.</li> <li>• WALGA has developed a Child Safeguarding Advocacy Position which will be used to guide policy development, advocacy, and capacity building activities for Local Government within the State framework.</li> <li>• The new Advocacy Position has been developed based on submissions previously endorsed by State Council and extensive consultation with Local Government, and is supported by the Local Government Child Safety Communities of Practice network and the Community Industry Reference Group (CIRG).</li> </ul> <p><u>Attachment</u></p> <ul style="list-style-type: none"> <li>• <a href="#">Draft Child Safeguarding Advocacy Position Background Paper</a></li> </ul>

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Item / Matters for Decision	WALGA Recommendations
<p><b>7.4 Submission on Draft Guideline Minimising Noise Impact from Outdoor Community Basketball Facilities</b></p>	<p><b>That the submission on the <i>Draft Guideline: Minimising noise impact from outdoor community basketball facilities</i> be endorsed.</b></p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>The Department of Water and Environmental Regulation released the <i>Draft Guideline: Minimising noise impact from outdoor community basketball facilities</i> on 23 December 2022 for a 10 week consultation period.</li> <li>The Draft Guideline includes options for how noise, from new community basketball facilities can be mitigated. This includes separation distances between the facility and residents in different circumstances, engineering and facility management controls.</li> <li>A draft Submission was circulated to Local Government for feedback and the final Submission has been updated based on the information provided.</li> <li>The WALGA Submission provides feedback on the costs and practicality of the various interventions suggested.</li> </ul> <p><u>Attachment</u></p> <ul style="list-style-type: none"> <li>Submission on Draft Guideline: Minimising noise impact from outdoor community basketball facilities</li> </ul>
<p><b>7.5 Main Roads Draft Roadside Advertising Policy and Application Guidelines</b></p>	<p><b>That the submission to Main Roads on its Draft Roadside Advertising Policy and Application Guidelines be endorsed.</b></p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>Main Roads is seeking feedback on their Draft Roadside Advertising Policy and Application Guidelines.</li> <li>This policy could be used to significantly curtail the deployment of roadside advertising devices, which are currently used by Local Governments as a source of public realm amenity, support funding bus shelter improvements and are a source of revenue for Local Government in some cases.</li> <li>As drafted, these guidelines would apply to most of the public road network, including Local Government roads, and signs on private property that are visible from the road. The draft guidelines would cover advertiser-funded bus shelters and information or decorative banners.</li> <li>There is no demonstrated road safety problem resulting from roadside advertising devices, as currently deployed in Western Australia. Road safety is the stated rationale for developing this policy.</li> <li>WALGA has prepared a submission to Main Roads on the guidelines, requesting:</li> </ul>

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Item / Matters for Decision	WALGA Recommendations
	<ul style="list-style-type: none"> <li>○ Greater delegation of authority in assessing small format static signs and small format digital signs.</li> <li>○ Guaranteed processing times for classes of signs for which Main Roads retains the assessment function. This includes requesting a schedule of approval time frames, and a “deemed approved” clause in the event of these timeframes not being met.</li> </ul> <p><u>Attachment</u></p> <ul style="list-style-type: none"> <li>• WALGA submission to Main Roads on the Draft Roadside Advertising Policy and Application Guidelines.</li> </ul>

4.2.2 Item/Matters for Noting

Item / Matters for Noting	WALGA Recommendations
8.1 Environment and Waste Policy Team Report	<p><b>That the matters considered by the Environment and Waste Policy Team be noted.</b></p> <p><b>1. Matters for State Council Decision</b></p> <p>The Submission on the Department of Water and Environmental Regulation draft Guideline Minimising noise impact from outdoor community basketball facilities was considered and endorsed for State Council decision at the March 2023 meeting (see Agenda item 7.4).</p> <p><b>2. Matters for State Council Noting</b></p> <p>The following updates were noted by the Policy Team:</p> <ul style="list-style-type: none"> <li>• New Urban Forest promotional videos – available on the WALGA website <a href="#">here</a>.</li> <li>• Varroa mite and backyard beekeepers – WALGA continues to engage with DPIRD on this issue.</li> <li>• In relation to Foot and Mouth Disease (FMD) and Lumpy Skin Disease (LSD):</li> <li>• Release of a <a href="#">National LSD Action Plan</a>; <ul style="list-style-type: none"> <li>○ A Northern Australian Coordination Network has been <a href="#">established</a> and funded to assist in managing the threat of LSD and FMD;</li> <li>○ The Western Australian taskforce continues to meet, this group includes DPIRD, industry groups, livestock agents and processors; and</li> <li>○ The National FMD Biosecurity Response Zone extended to 30 June 2023 to ensure Australia’s strong protections against FMD remain in place.</li> </ul> </li> </ul>

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Item / Matters for Noting	WALGA Recommendations
<p><b>8.2 Governance and Organisational Services Policy Team Report</b></p>	<p><b>That the Governance and Organisational Services Policy Team Report be noted.</b></p> <p>The Governance and Organisational Services (GOS) Policy Team have not had a meeting since the last State Council meeting in December 2022.</p> <p>A meeting of the GOS Policy Team is scheduled for Friday, 3 February.</p> <p>A Report providing an update on matters considered at that meeting will be included in the next State Council Agenda.</p>
<p><b>8.3 Infrastructure Policy Team Report</b></p>	<p><b>That the matters considered by the Infrastructure Policy Team be noted.</b></p> <p><b>1. Matters for State Council Decision</b></p> <p>Nil.</p> <p><b>2. Matters for State Council Noting</b></p> <p><b>2.1 Policy Team meeting on 7 December 2022</b></p> <p>At the meeting on 7 December, the Infrastructure Policy Team considered matters related to:</p> <p><u>Road Traffic Issues</u> This matter was deferred for consideration after the development and endorsement of a clear Local Government advocacy position on speed management.</p> <p><u>Car Parking and Traffic Congestion Around Schools</u> The Policy Team requested WALGA use its role at the Safe Active Travel to School Working Group to advocate for desired outcomes and to provide advice back to the Local Government sector.</p> <p><u>Proposal for Regional Road Maintenance Contracts with Main Roads</u> The Policy Team requested WALGA explore, in discussion with Main Roads WA, opportunities and interest in contracting Local Governments to undertake maintenance and minor works on the State road network.</p> <p><u>Northern Australian Beef Roads Program</u> The Policy Team requested that WALGA engage with the Goldfields-Esperance Regional Road Group regarding the matter of Northern Australian Beef Roads Program.</p> <p><b>2.2 Policy Team meeting on 11 January 2023</b></p> <p><u>Western Power Access Arrangement 5</u> At the meeting on 11 January, the Infrastructure Policy Team endorsed the draft submission, consistent with the policy positions endorsed by State Council in April 2022, concerning Western Power Access Arrangement 5 (2022 – 2027) for lodgement with the Economic Regulation Authority.</p>

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Item / Matters for Noting	WALGA Recommendations
<p><b>8.4 People and Place Policy Team Report</b></p>	<p><b>That the matters considered by the People and Place Policy Team be noted.</b></p> <p><b>1. Matters for State Council Decision</b></p> <p>The Aboriginal Cultural Heritage Act Stage 3 Co-Design Submission was considered and endorsed for State Council decision by Flying Minute (see <a href="#">Agenda item 9.5</a>).</p> <p>The following items were considered and endorsed for State Council decision at the March 2023 meeting:</p> <ul style="list-style-type: none"> <li>• A submission on the draft Western Australian Disaster Resilience Strategy (see <a href="#">Agenda item 7.2</a>); and</li> <li>• An updated Child Safeguarding Advocacy Position (see <a href="#">Agenda item 7.3</a>).</li> </ul> <p><b>2. Matters for State Council Noting</b></p> <p>The following noting items were considered:</p> <ul style="list-style-type: none"> <li>• The consultation response to the Draft Position Statement: Child Care Premises prior to submission to the DPLH (see <a href="#">Agenda item 9.6</a>); and</li> <li>• The Local Development Plan Background Paper (see <a href="#">Agenda item 9.3</a>).</li> </ul>
<p><b>9.1 Animal Welfare in Emergencies Grant Program Overview</b></p>	<p><b>That the update on the Animal Welfare in Emergencies Grant Program be noted.</b></p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>• The Animal Welfare in Emergencies Grant Program was established in 2020 between the Department of Primary Industries and Regional Development (DPIRD) and WALGA to improve the capacity of Local Governments, and their communities, to manage the impacts of emergency situations on animal welfare.</li> <li>• At the conclusion of the Program in June 2022, 40 Local Governments shared in a total of \$414,066.06 funding through project grants and reimbursement of costs to attend a tailored three-day training course at the Muresk Institute.</li> </ul>
<p><b>9.2 Emergency Management Update</b></p>	<p><b>That State Council note this Emergency Management update.</b></p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>• The Department of Fire and Emergency Services (DFES) has revised the timing of the Consultation Exposure Draft Bill for the proposed Emergency Services Act, which is now expected to be released for a three-month consultation period in mid-2023.</li> <li>• The Auditor General has released Report 13: 2022-23 Funding of Volunteer Emergency and Fire Services, which includes recommendations for DFES and for Local Government.</li> </ul>

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Item / Matters for Noting	WALGA Recommendations
	<ul style="list-style-type: none"> <li>• The Minister for Emergency Services has written to the WALGA President in response to the WALGA 2023-24 State Budget Submission, including advice that DFES is considering a review of the Local Government Grants Scheme (LGGS).</li> <li>• WALGA was recently contacted by DFES regarding the legality of Bush Fire Brigades established by Local Governments in the absence of an associated Bush Fire Brigades Local Law, and has sought its own legal advice and contacted impacted LGs.</li> <li>• WALGA is maintaining a watching brief on the Kimberly Floods emergency, is in communication with the Shire of Broome and Shire of Derby – West Kimberley and will provide support as required to the response and recovery effort.</li> </ul> <p><u>Attachments</u></p> <ul style="list-style-type: none"> <li>• <a href="#">DFES Presentation - Consultation Bill: Emergency Services Bill 2022</a></li> <li>• <a href="#">Minister Emergency Services to WALGA President - WALGA 2023-24 State Budget Submission</a></li> <li>• <a href="#">Bush Fire Brigades Local Laws Information Sheet</a></li> </ul>
<p><b>9.3 Local Development Plan Background Paper</b></p>	<p><b>That State Council note the Local Development Plan Background Paper.</b></p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>• Local Development Plans (LDPs) are planning instruments used to facilitate and coordinate development and assist in achieving built form outcomes.</li> <li>• WALGA established a Local Government LDP Working Group, including members of the Department of Planning, Lands and Heritage (DPLH) Planning Reform team, following multiple Local Governments raising concerns with LDPs.</li> <li>• The LDP Background paper identifies four key challenges associated with LDPs and provides recommended solutions that will inform DPLH's formal review of LDPs.</li> </ul> <p><u>Attachment:</u></p> <ul style="list-style-type: none"> <li>• <a href="#">Local Development Plan Background Paper</a></li> </ul>

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Item / Matters for Noting	WALGA Recommendations
<p><b>9.4 2023-24 WALGA Federal Budget Submission</b></p>	<p><b>That WALGA's letter in support of the Australian Local Government Association's 2023-24 Federal Budget Submission be noted.</b></p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>• WALGA recently wrote to the Federal Treasurer in support of the Australian Local Government Association's (ALGA) 2023-24 Federal Budget Submission.</li> <li>• WALGA's letter supports the priority areas identified in ALGA's submission.</li> <li>• It also highlights several initiatives of particular importance to Western Australia, given the State's unique geographic and economic circumstances including addressing climate change (notably funding support to reduce emissions and for coastal hazard planning); continuation of key infrastructure programs including the Local Roads and Community Infrastructure Program, Roads of Strategic Importance and Roads to Recovery; and addressing the shortage of building surveyors.</li> <li>• In coming weeks WALGA will be writing to Western Australian members of Federal Parliament to draw their attention to the spending priorities for Western Australian Local Governments in the 2023-24 Budget.</li> </ul> <p><u>Attachments:</u></p> <ul style="list-style-type: none"> <li>• <a href="#">2023-24 ALGA Federal Budget Submission</a></li> <li>• <a href="#">WALGA Letter to the Treasurer: 2023-24 Federal Budget Submission</a></li> </ul>
<p><b>9.5 WALGA Submission on Phase Three of the Aboriginal Cultural Heritage Act 2021 Co-Design Process</b></p>	<p><b>That the submission on Phase Three of the Aboriginal Cultural Heritage Act 2021 Co-design Process, endorsed via Flying Minute on 23 December 2022, be noted.</b></p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>• The <i>Aboriginal Cultural Heritage Act 2021</i> (ACH Act) is expected to commence in July 2023.</li> <li>• During 2022, the Department of Planning, Lands and Heritage (DPLH) facilitated a three-phase co-design process to develop the regulations, statutory guidelines and operational policies that will support the ACH Act.</li> <li>• WALGA provided a submission at each stage including in response to Phase Three.</li> <li>• WALGA's Phase Three submission was endorsed by State Council by way of Flying Minute on 23 December 2022.</li> <li>• This completes the consultation process for the ACH Act, with DPLH now moving into a document finalisation and implementation phase.</li> </ul>



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Item / Matters for Noting	WALGA Recommendations
	<ul style="list-style-type: none"> <li>• Since 2018, WALGA has undertaken the following advocacy and capacity building activities to in relation to the development of the new ACH Act: <ul style="list-style-type: none"> <li>◦ filed five State Council endorsed submissions;</li> <li>◦ provided formal feedback twice via letter and survey;</li> <li>◦ co-delivered 10 place-based online workshops to contribute to the preliminary work in developing the activity categories in 2021;</li> <li>◦ convened the Local Government Aboriginal Heritage Reference Group which has included representation from 26 Local Governments; and</li> <li>◦ co-delivered 5 Infosessions and webinars with DPLH to facilitate consultation with, and provide information to, Local Governments; and</li> <li>◦ included a request for funding for the establishment and ongoing functioning of the new Aboriginal heritage system, with respect to the ACH Council, Local ACH Services (LACHS) and Local Governments in the <a href="#">2023-24 WALGA Budget Submission</a>.</li> </ul> </li> <li>• WALGA will continue to support the Local Government sector with ongoing implementation and capacity building support.</li> </ul> <p><u>Attachments:</u></p> <ul style="list-style-type: none"> <li>• <a href="#">Flying Minute: WALGA Submission Aboriginal Cultural Heritage Act 2021 Co-design Process, Phase Three</a></li> </ul>
<p><b>9.6 Child Care Premises Position Statement: Consultation Response</b></p>	<p><b>That State Council note the consultation response to the Child Care Premises Position Statement.</b></p> <p><u>Executive Summary</u></p> <ul style="list-style-type: none"> <li>• The Department of Planning, Lands and Heritage (DPLH) released a draft Position Statement: Child Care Premises in November 2022 which outlines the DPLH position and key considerations for proponents, decision-makers and the community in the development and assessment of child care premises.</li> <li>• The WALGA consultation response provides comment on minor matters of a technical nature and supports the continued status of the Position Statement as providing guidance to Local Governments while retaining flexibility needed to develop local planning scheme and policy provisions that respond to local context.</li> </ul> <p><u>Attachment</u></p> <ul style="list-style-type: none"> <li>• <a href="#">Consultation Response on Child Care Premises Position Statement</a></li> </ul>
<p><b>9.7 Report Municipal Waste Advisory Council (MWAC)</b></p>	<p><b>That the resolutions of the 14 December 2022 Municipal Waste Advisory Council meeting be noted.</b></p> <p>This item summaries the outcomes of the MWAC meeting held on Wednesday 14 December 2022, see full State Council Agenda.</p>

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Item / Matters for Noting	WALGA Recommendations
<p><b>10.1.1 Report on Key Activities, Advocacy Portfolio</b></p>	<p><b>That the Key Activity Report from the Advocacy Portfolio to the March 2023 State Council meeting be noted.</b></p> <p><u>Activities:</u></p> <ul style="list-style-type: none"> <li>• 2023 Urban Forest Conference – Valuing Canopy</li> <li>• Media</li> <li>• Transport and Roads Forum</li> <li>• New WALGA Website</li> <li>• Best Practice Governance Review Independent Research</li> <li>• Salary and Workforce Survey</li> <li>• Economic Briefing</li> <li>• Local Government Directory</li> </ul> <p><b>That the Key Activity Report from the Infrastructure Portfolio to the March 2023 State Council meeting be noted.</b></p> <p><u>Activities:</u></p> <ul style="list-style-type: none"> <li>• <b>Condition Assessment of Roads of Regional Significance</b></li> <li>• <b>Local Government Transport and Roads Research and Innovation Program</b></li> <li>• <b>Transport and Roads Forum 2023</b></li> <li>• <b>State Road Funds to Local Government Agreement</b></li> <li>• <b>Local Government Cycling Reference Group</b></li> <li>• <b>Streetlighting</b></li> <li>• <b>Underground Power</b></li> <li>• <b>Road Safety Ratings for Local Government Roads Project</b></li> <li>• <b>Road Safety Council Update</b></li> </ul>
<p><b>10.1.2 Report on Key Activities, Infrastructure Portfolio</b></p>	
<p><b>10.1.3 Report on Key Activities, Member Services Portfolio</b></p>	<p><b>That the Key Activity Report from the Member Services Portfolio to the March 2023 State Council meeting be noted.</b></p> <p><u>Activities:</u></p> <ul style="list-style-type: none"> <li>• The Commercial team has scheduled seven ad-hoc tenders across the Preferred Supplier Program</li> <li>• State Industrial Relations transition – commenced 1 January 2023</li> <li>• WALGA Salary and Workforce Survey 2022</li> <li>• Local Government Legislative Reform</li> <li>• LGA30120 Certificate III in Local Government</li> <li>• Short Courses and General Overview</li> </ul>

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Item / Matters for Noting	WALGA Recommendations
10.1.4 Report on Key Activities, Policy Portfolio	<p>That the Key Activity Report from the Policy Portfolio to the March 2023 State Council meeting be noted.</p> <p>Activities:</p> <ul style="list-style-type: none"> <li>• Quarterly Economic Briefing</li> <li>• Federal Budget Submission</li> <li>• Strategic Policy Register</li> <li>• Natural Resource Management Grant</li> <li>• Gascoyne Waste and Environment Summit</li> <li>• Biosecurity</li> <li>• 7 Star Homes Cost Investigation – South Coast Addendum</li> <li>• Coastal Hazard Risk Management Grants</li> <li>• Urban Forest Conference</li> <li>• Short-Term Rental Accommodation</li> <li>• Planning Fees and Charges</li> <li>• Temporary Buildings and Uses</li> <li>• Performance Monitoring</li> <li>• Upcoming Public Consultations</li> <li>• Child Safety</li> <li>• Public Health Act 2016</li> <li>• Emergency Management</li> </ul>

4.2.3 Kimberley Zone Status Report

Zone	Agenda Item	Zone Resolution	WALGA Response	Update	WALGA Contact
Kimberley C	19 April 2022 Zone  Agenda Item 9.7 Underground Power	That the Kimberley Regional Group requests that WALGA enter into discussions with Horizon Power in relation to programs and funding to transition overhead wires to underground power.	<p>The State Budget submission seeks \$34m per year from the State Government as a contribution toward underground power projects.</p> <p>The principle of the electricity distributor contributing funds on the basis of avoided future maintenance and upgrade costs has been accepted by Western Power.</p> <p>However, further work is required with Horizon Power that operates under a different regulatory framework and is heavily dependent on revenue from the tariff equalization arrangements.</p>	Ongoing	Ian Duncan Executive Manager Infrastructure <a href="mailto:jduncan@walga.asn.au">jduncan@walga.asn.au</a> 9213 2031

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Kimberley C	202120 April Zone Agenda Item 11.1 Disaster Relief and Recovery Funding Arrangements	That the Kimberley Zone: Express dissatisfaction with current disaster relief and recovery funding arrangements and call for urgent action from the State Government to investigate and address these shortcomings. Seek WALGA advocacy to support the motion.	The Association has endorsed advocacy positions seeking improvements to disaster relief and recovery funding including assessment periods, eligibility of certain costs and improving resilience of reconstructed infrastructure. Regular meetings with DFES and Main Roads officers are on-going. Detailed evidence of examples where the process is not effective have been collected and continue to be. Timelines for decision-making and an escalation process would seem to be an important addition to the process.  Following consideration at the Infrastructure Policy Team a working group is being established to develop recommendations to improve DRFA WA processes. Initial engagement with the DFES Assistant Commissioner, Resilience and Recovery has occurred.	Ongoing	Ian Duncan Executive Manager Infrastructure <a href="mailto:jduncan@walga.asn.au">jduncan@walga.asn.au</a> 9213 2031
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Link to Key Pillar/s and Strategies:		Budget Implications	
People Place Prosperity Performance	Advocate Partner Promote	Facilitate Fund Monitor	Nil
Resolution(s)		Action(s)	
That the Kimberley Regional Group: 1. Notes the State Council Agenda Items as circulated. 2. Supports the recommendations in the Matters for Decision contained within the State Council Agenda, 3. Acknowledges the Items for noting, 4. Notes the Kimberley Zone Status Report 5. Notes the report from the WALGA President as circulated.		Nil	
Moved:	Shire of Broome	Responsible:	N/A
Seconded:	Shire of Halls Creek	Due date:	N/Z
Carried:	4 / 0		

Kimberley Country Zone: Minutes 17<sup>th</sup> February 2023



## 5. Formal Presentation

### Attachments:

#### 3. Minister Dawson Briefing Note (Separately Attached)

### Purpose

To receive presentations from key stakeholders.

### Background:

In accordance with the priorities of the KRG, stakeholders have been secured to present and discuss relevant topics with the members.

### Details:

Due to the recent flooding event in the Kimberley, Hon. Stephen Dawson MLC, Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering was invited to address the Kimberley Regional Group on the following items:

1. Update on the status of the government's response and recovery effort and future plans.
2. Role for the Kimberley Regional Group in the state recovery plan.
3. WA Disaster Relief Funding Arrangements
4. Kimberley wide impact on the floods

Due to diary commitments, the Minister's attendance fell within the Zone meeting time. The Zone meeting was suspended between 10:45 and 11:30 during which time all representatives apart from Nic Sloan and Tim Lane went off-line and reconvened at 11:30 for the rest of the meeting.

## Conclusion of Zone Matters 11.47

<b>11. NOTICES OF MOTION WITH NOTICE</b>
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<b>12. NOTICES OF MOTION WITHOUT NOTICE</b>
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<b>13. BUSINESS OF AN URGENT NATURE</b>
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**14. MEETING CLOSED TO PUBLIC**

*This item and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, and section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”.*

**14.1 BEAM IN BROOME - TRADING APPLICATION**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Beam Mobility Australia Pty. Ltd
<b>FILE:</b>	HE05
<b>AUTHOR:</b>	Economic Development Coordinator
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

**SUMMARY:**

Council is requested to consider an application for a 12-month trading license trial from Beam Mobility Australia Pty. Ltd to operate an e-scooter 'shared micro-mobility service' in Broome.

***This item and any attachments are confidential in accordance with section 5.23(2) of the Local Government Act 1995 section 5.23(2)((e)(ii)) as it contains “a matter that if disclosed, would reveal information that has a commercial value to a person, where the information is held by, or is about, a person other than the local government”, and section 5.23(2)((e)(iii)) as it contains “a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government”.***

#### **14.2 INTER-REGIONAL FLIGHT NETWORK EXPANSION DEED FOR REVIEW**

<b>LOCATION/ADDRESS:</b>	Nil
<b>APPLICANT:</b>	Nil
<b>FILE:</b>	ECI05
<b>AUTHOR:</b>	Economic Development Coordinator
<b>CONTRIBUTOR/S:</b>	Nil
<b>RESPONSIBLE OFFICER:</b>	Director Development Services
<b>DISCLOSURE OF INTEREST:</b>	Nil

#### **SUMMARY:**

On 16 December 2022 at the Special Council Meeting, Council resolved to provide in principle support for the Inter-Regional Flight Network (IRFN) expansion due to the social and economic benefit it could bring to Broome. The extended IRFN will link Geraldton, the Kimberley and Pilbara and make Broome the first regional airline hub in Western Australia.

The Shire of Broome's contribution towards the IRFN would be over a four-year period. The IRFN is also financially supported by the City of Karratha (CoK), City of Greater Geraldton (CGG) and the Town of Port Hedland (TOPH). The airports of Karratha, Geraldton, Broome International Airport (BIA) and Port Hedland International Airport (PHIA) are also supporting the IRFN financially and in-kind. The State Government is contributing \$4.05 million.

As a result of Council's in principle support for the IRFN expansion, officers then negotiated two agreements, a group Deed which covers the agreement between the local governments and private airline company Aviair, and the Broome social and economic benefit agreement which is a confidential agreement between the Shire of Broome and Aviair. Both are assessed separately in this agenda item and are presented for Council's endorsement.

Officers also assessed various funding options for the IRFN expansion and have presented an option for Council consideration.



<b>15. MEETING CLOSURE</b>
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