



## Ordinary Council Meeting Attachments

Tuesday, 24 March 2020 at 3.30pm

ATTACHMENTS		
9.4	CHIEF EXECUTIVE OFFICER/ADMIN	Page No
9.4.1	Review of Delegated Authority Register	2
9.4.2	Kalannie Community Meeting Notes 2020	55
9.4.3	WALGA – Deed of Variation	60



**DELEGATED  
AUTHORITY  
REGISTER**



## Delegated Authority Register

### DOCUMENT CONTROL

DOCUMENT CONTROL			
Version	Approved by		Date
	Name	Title/Resolution	
1	Council	Register of Delegations (Annual Review)	27 October 2015
2	Council	Register of Delegations (Annual Review)	28 March 2017
3	Council	Register of Delegations (Annual Review)	27 March 2018
4	Council	Register of Delegations (Annual Review)	26 March 2019

AMENDMENTS		
Document Version	Date of Amendment	Amendment details
1	27 October 2015	Review - 27 October 2015
2	28 March 2017	Review - 28 March 2017 (M8798)
3	27 March 2018	Added 2012 Gravel Royalties 27 March 2018 (M9128)
3	27 March 2018	Amended 3001 – Addition of Manager of Works & Services and Manager Planning & Development Services 27 March 2018 (M9128)
3	27 March 2018	Added 9002 Collection of Native Flora 27 March 2018 (M9128)
4	26 March 2019	Amended 3005 - Ordering Thresholds (M9343) – <i>“Removed ordering threshold for Mechanic”</i>
4	26 March 2019	Added 3007 – Debt write Offs (M9343) –



TABLE OF CONTENTS

**INTRODUCTION ..... 1**

**1000 ADMINISTRATION..... 4**

1001 ACTING CHIEF EXECUTIVE OFFICER..... 4

1002 NATIVE TITLE ..... 5

1003 REMOVE AND IMPOUND GOODS ..... 6

1004 SALE OF IMPOUNDED GOODS ..... 7

1005 NOTICES TO OWNERS AND OCCUPIERS OF LAND AND POWER OF ENTRY..... 8

1006 TENDERS / QUOTATIONS ..... 9

1007 ENTERING INTO CONTRACTS ..... 10

1008 WESTERN AUSTRALIAN TREASURY CORPORATION BORROWINGS..... 11

1009 APPOINTMENT OF AUTHORISED OFFICERS ..... 12

**2000 WORKS..... 13**

2001 REGULATORY SIGNS ..... 13

2002 TEMPORARY ROAD CLOSURES ..... 14

2003 DISPOSAL OF SURPLUS EQUIPMENT, MATERIALS, TOOLS..... 15

2004 EVENTS ON ROADS..... 16

2005 HEAVY HAULAGE PERMITS..... 17

2006 GATES AND PIPES ACROSS PUBLIC THOROUGHFARES ..... 18

2007 STREET TREES - REMOVAL..... 19

2008 ROAD CLOSURES ..... 20

2009 CROSSOVERS – APPLICATIONS/REPAIRS..... 21

2010 PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND ..... 22

2011 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET ..... 23

**2012 GRAVEL ROYALTIES ..... 24**

**3000 FINANCE ..... 25**

3001 PAYMENT OF ACCOUNTS..... 25

3002 DONATION REQUESTS ..... 26

3003 INVESTMENT OF FUNDS..... 27

3004 RECOVERY OF UNPAID DEBTORS..... 28

3005 ORDERING THRESHOLDS..... 29

3006 public liability claims..... 30

3007 DEBT WRITE OFFS..... 31



## Delegated Authority Register

<b>4000</b>	<b>BUSHFIRE CONTROL.....</b>	<b>32</b>
4001	FIREBREAK ORDER-VARIATIONS.....	32
4002	BURNING – PROHIBITED TIMES VARIATIONS.....	33
4003	OFFENCES – BUSH FIRE ACT.....	34
<b>5000</b>	<b>PLANNING .....</b>	<b>35</b>
5001	DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL .....	35
5002	SUBDIVISIONAL CLEARANCE .....	36
<b>6000</b>	<b>HEALTH AND BUILDING.....</b>	<b>37</b>
6001	POWERS UNDER THE BUILDING ACT 2011 .....	37
6002	POWERS UNDER THE HEALTH ACT 1911 & PUBLIC HEALTH ACT 2016 .....	38
6003	POWERS UNDER THE CARAVAN PARKS AND CAMPING ACT 1995.....	39
6004	ADVERTISING SIGNAGE .....	41
<b>7000</b>	<b>ANIMAL CONTROL .....</b>	<b>42</b>
7001	ENFORCEMENT OF DOG ACT AND LOCAL LAW.....	42
7002	ENFORCEMENT OF CAT ACT.....	44
<b>8000</b>	<b>COUNCIL PROPERTIES .....</b>	<b>45</b>
8001	SALE AND CONSUMPTION OF LIQUOR ON COUNCIL PROPERTY .....	45
8002	EXTENDED TRADING PERMITS – LIQUOR LICENCE PREMISES .....	46
8003	LICENCES AND PERMITS – LOCAL LAWS.....	47
<b>9000</b>	<b>OTHER.....</b>	<b>48</b>
9001	MINING TENEMENTS .....	48
9002	COLLECTION OF NATIVE FLORA.....	49



## INTRODUCTION

### **Purpose of Delegating Authority**

The aim of delegated authority is to assist with improving the time taken to make decisions within the constraints allowed by the relevant legislation. This is consistent with the Shire's commitment to a strong customer service focus. The register details the related document(s) where the power to delegate is derived from, including legislation and policies of the Council. This enables easier cross-referencing. This delegated authority register will be reviewed in accordance with the **Local Government Act 1995** (the Act) on an annual basis. The coordination of the review will be performed by the Chief Executive Officer.

### **Legislation**

The **Local Government Act 1995** 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, except those listed in section 5.43. All delegations made by the Council must be by absolute decision [section 5.42(1)].

### **Associated legislation**

Legislation other than the Act, its regulations and the local government's local laws created under the Act where delegations or authorisations may occur are as follows:

- Planning and Development Act 2005 including regulations and adopted policies
- Dog Act 1976 and regulations
- Bush Fires Act 1954 regulations and local laws created under that Act)
- Health Act 1911 (as amended) regulations and local law created under that Act
- Freedom of Information Act 1992
- Land Administration Act 1997 as amended and regulations
- Litter Act 1979 and regulations
- Local Government (Miscellaneous Provision) Act 1960 as amended
- Caravan Parks and Camping Grounds Act 1995
- Control of Vehicles (Off-Road Areas) Act 1978 and regulations
- Strata Titles Act 1985
- Food Act 2008
- Environmental Protection Act 2005
- Building Act 2011

*Note - this is not an exhaustive list*



### Delegation by the Chief Executive Officer

The Act allows for the Chief Executive Officer to delegate any of the powers to another employee [Section 5.44 (1)]. This must be done in writing [Section 5.44 (2)]. The Act allows for the Chief Executive Officer to place conditions on any delegations if desired [Section 5.44 (4)].

A register of delegations relevant to the Chief Executive Officer and other employees is to be kept and reviewed at least once every financial year [Section 5.46 (1) and (2)]. 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 used [Section 5.46 (3)].

The record is to contain the following information:

- how the person exercised the power or discharged the duty;
- when the person exercised the power or discharged the duty; and
- the persons or classes of persons, other than Council or committee members or employees of the local government, directly affected by the exercise of the power of the discharge of the duty [**Local Government (Administration) Regulations 1996, regulation 19**].
- Service unit's responsible for a work process are to ensure that data is captured and recorded managed in accordance with all legislation, as well as preparing reports to Council where required under a specific delegation. This includes recording of delegated authority of the Chief Executive Officer where applicable, once approved through a signed authority by the Chief Executive Officer.
- A person to whom a power is delegated under the Act is considered to be a 'designated employee' under S.5.74(b) of the Act and is required to complete a primary and annual return each year.
- There is no power for a person other than the Chief Executive Officer to delegate a power [Section 5.44 (1)].



### Acting through another person

#### **Local Government Act 1995 - section 5.45 (2)**

Nothing in this Division (Division 4 - Local Government Employees) is to be 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 key difference between a delegation and "acting through" is that a delegated exercises the delegated decision making function in his or her own right. The principal issue is that where a person has no discretion in carrying out a function, then that function may be undertaken through the "acting through" concept. Alternatively, where the decision allows for discretion on the part of the decision maker, then that function needs to be delegated for another person to have that authority.

The difference between a delegated authority to exercise discretion on behalf of the Shire and acting through another person to undertake a function on behalf of the Shire where not discretion exists is reinforced by *Section 56* of the **Interpretation Act 1984** which states:

56. *"May" imports a discretion, "shall" is imperative*
- (1) *Where in a written law the word "may" is used in conferring a power, such word shall be interpreted to imply that the power so conferred may be exercised or not, at discretion.*
  - (2) *Where in a written law the word "shall" is used in conferring a function, such word shall be interpreted to mean that the function so conferred must be performed.*





## 1000 ADMINISTRATION

### 1001 ACTING CHIEF EXECUTIVE OFFICER

**Objective of Delegation:** Appointment of an Acting Chief Executive Officer.

**Extent of Delegation:** The authority to appoint an Acting Chief Executive Officer during ~~scheduled~~ periods of absence.

~~During un-scheduled absences of the Chief Executive Officer, of up to two weeks duration, the Deputy Chief Executive Officer is to act as the Chief Executive Officer.~~

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	On making any appointment under this delegation the Chief Executive Officer shall inform the Council of the details of the appointment.  Recorded in central records system (Personnel file)
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.39, 5.42</b></li> </ul>
<b>Last Reviewed:</b>	27 October 2015 (formally Delegation A05) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 1002 NATIVE TITLE

**Objective of Delegation:** To register an interest in any native title claim.

**Extent of Delegation:** The power to register an interest in any native title claim affecting the Shire in order for Council to have sufficient interest to become a party to the native title application.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42</i></b></li> <li>• <b><i>Native Title (State Provisions) Act 1999</i></b></li> </ul>
<b>Last Reviewed:</b>	27 October 2015 (formally Delegation A02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 1003 REMOVE AND IMPOUND GOODS

- Objective of Delegation:** To remove and impound goods.
- Extent of Delegation:** The power to remove and impound goods from a public place if the goods present a hazard to public safety or they obstruct the lawful use of any place.
- Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer/ <b>Manager Corporate Services</b> Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42,5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 1004 SALE OF IMPOUNDED GOODS

- Objective of Delegation:** To expedite the disposal of any vehicles, animals or goods.
- Extent of Delegation:** The power to sell or otherwise dispose of impounded/confiscated/seized goods.
- Conditions imposed:**
1. Any goods confiscated may be sold by public auction or after calling public tenders as per Part 4 of the *Local Government (Functions & General) Regulations 1996*.
  2. The Chief Executive Officer is authorised to accept any tender up to the value of \$2,000. Tenders for amounts exceeding \$2,000 shall be referred to Council for consideration.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer/ <b>Manager Corporate Services</b>
<b>Formal Record:</b>	Receipt of payment Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 3.47, 3.58, 5.42, 5.44</b></li> <li>• <b>Local Government (Functions &amp; General) Regulations 1996</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A04) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 1005 NOTICES TO OWNERS AND OCCUPIERS OF LAND AND POWER OF ENTRY

**Objective of Delegation:** To exercise all of the powers and duties of the local government in respect to the powers of entry upon land.

**Extent of Delegation:** The power to authorise a person to issue and enforce owners or occupiers to do anything prescribed in Schedule 3.1 - Powers under Notices to Owners and Occupiers of Land and the Powers of Entry as per Part 3 Division 3 Sub Division 3 of the *Local Government Act 1995*.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer/ <b>Manager Corporate Services</b> Manager Planning & Development Services Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b><i>Local Government Act 1995 - Section 3.28 – 3.36, 5.42 and 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A06) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 1006 TENDERS / QUOTATIONS

- Objective of Delegation:** To expedite the calling of quotations and tenders.
- Extent of Delegation:** The power to:
- i. make the decision to invite quotations and tenders for goods and services;
  - ii. call quotations and tenders before the Shire enters into a contract of a prescribed kind;
  - iii. accept a quotation where the consideration is less than \$150,000
- Conditions Imposed:**
1. All decisions to call for quotations or tenders for goods or services must relate to a proposal that is specifically authorised in the budget or by a specific Council decision.
  2. The Chief Executive Officer must be satisfied before making the decision to call for quotations or tenders that an appropriate specification and information package is available and that there are appropriate assessment criteria specified.
  3. That the process is conducted fairly and impartially and in strict compliance with the *Local Government Act 1995* and the associated regulations, and any appropriate Council policy, direction or guidelines.
  4. That any decision to accept a quotation or tender is made fairly, impartially and based upon a proper assessment of the stipulated criteria, and that represents the best value for the Shire.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 - Section 3.57, 5.42, 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally part of Delegation A01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 1007 ENTERING INTO CONTRACTS

- Objective of Delegation:** To enter into contracts on behalf of the Shire of Dalwallinu.
- Extent of Delegation:** The administrative duty to prepare the necessary documentation to execute documents taking into account any specific policy requirements of Council where:
- The Council has authorised entering into a formal contract; or
  - A formal contract is considered necessary by the Chief Executive Officer as part of the day to day operation of the Council and where the consideration under the contract is less than \$150,000.
- Conditions Imposed:** All contracts where the consideration is greater than \$150,000 must be subject to specific authorisation of the Council.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 - Section 5.42</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 1008 WESTERN AUSTRALIAN TREASURY CORPORATION BORROWINGS

**Objective of Delegation:** To sign documents in relation to borrowings for the Shire of Dalwallinu.

**Extent of Delegation:** To sign schedule documents under the Master Lending Agreement and give instructions to Western Australian Treasury Corporation on behalf of the Shire of Dalwallinu.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 - Section 5.42, 9.49A(4)</b></li> </ul>
<b>Last Reviewed:</b>	New delegation (OCM 22 April 2014) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)





## 1009 APPOINTMENT OF AUTHORISED OFFICERS

**Objective of Delegation:** To expedite the appointment of authorised officers.

**Extent of Delegation:** The power to appoint authorised officers/persons to enforce local laws of the Shire made in accordance with the *Local Government Act 1995* and the following Acts (including their relevant regulations):

- *Bush Fires Act 1954*
- *Cemeteries Act 1986*
- *Dog Act 1976*
- *Health Act 1911*
- *Litter Act 1979*
- *Building Act 2011*
- *Fines, Penalties and Infringement Notices Enforcement Act 1994*
- *Cat Act 2011*

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 - Section 5.42</i></b></li> <li>• <b><i>Acts as listed above</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



## 2000 WORKS

### 2001 REGULATORY SIGNS

**Objective of Delegation:** To expedite the process of applying for regulatory signage to Main Roads WA.

**Extent of Delegation:** The power to make applications to Main Roads WA for the installation of regulatory signs and markings at such places as the Chief Executive Officer considers warranted.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42,5.44</b></li> </ul>
<b>Last Reviewed:</b>	New Delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 2002 TEMPORARY ROAD CLOSURES

**Objective of Delegation:** To expedite the process of approving temporary road closures if and when required.

**Extent of Delegation:** The power to temporarily close a thoroughfare or a portion of a road for a period not exceeding twenty eight (28) days (without providing local public notice) if of the opinion that by reason of heavy rain a road is likely to be damaged by the passage of traffic generally or traffic of any particular class, in accordance with Section 3.50 of the *Local Government Act 1995*. When considering implementation of this delegation the Chief Executive Officer is required to comply with the requirements of Council Policy 5.14.

The power to temporarily close a road or a portion of a road for repairs and maintenance in accordance with Section 3.50A of the *Local Government Act 1995*.

The power to close a thoroughfare for a period in excess of twenty eight (28) days by providing local public notice in accordance with Section 3.50 of the *Local Government Act 1995*.

**Conditions imposed:**

1. Council to be advised of all temporary road closures.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 3.50 &amp; 3.50A, 5.42, 5.44</i></b></li> <li>• <b><i>Shire of Dalwallinu Policy 5.15</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



**2003 DISPOSAL OF SURPLUS EQUIPMENT, MATERIALS, TOOLS**

**Objective of Delegation:** To expedite the disposal of surplus equipment, materials and tools belonging to the Shire of Dalwallinu.

**Extent of Delegation:** The power to dispose of Shire surplus equipment, materials and tools by calling for expressions of interest, holding of a surplus goods sale at the Shire depot, or any other fair means.

**Conditions imposed:** Goods are to have a value of less than \$5,000. Any items with a value of more than \$5,000 are to be referred to Council for a decision.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b> Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42,5.43,5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F04) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 2004 EVENTS ON ROADS

**Objective of Delegation:** To expedite the process for approving temporary road closures for the purpose of conducting events.

**Extent of Delegation:** The power to determine applications for the temporary road closure of roads for the purpose of conducting events in accordance with the *Road Traffic (Events on Roads) Regulations 1991*. The Chief Executive Officer shall have regard to Section 3.50 of the *Local Government Act 1995* and Council's Local Law.

**Conditions imposed:** Council to be advised of any approved temporary road closures.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 3.50, 5.42, 5.44</i></b></li> <li>• <b><i>Road Traffic Regulations 1991 – Section 4 (1) &amp; (2)</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 2005 HEAVY HAULAGE PERMITS

**Objective of Delegation:** To expedite the processing of any referrals from Main Roads WA for the use of local roads by heavy haulage vehicles.

**Extent of Delegation:** The authority to determine any application referral from Main Roads WA to use heavy vehicles up to and including **Network 4** **Network 7** Restricted Access Vehicles, on any local road within the district, recommending approval or refusal.

**Conditions imposed:**

1. The Chief Executive Officer to have regard for any applicable Council policy.
2. Council to be advised of all approved applications.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 and 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)

### 2006 GATES AND PIPES ACROSS PUBLIC THOROUGHFARES

**Objective of Delegation:** To expedite the approval of installation of gates and pipes across/under public thoroughfares.

**Extent of Delegation:** The authority to approve the installation of gates across, or pipes under, Council controlled thoroughfares.

**Conditions imposed:** 1. A register of gates to be maintained as per Regulations.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system Recorded in Gate Register
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44, Schedule 9.1</b></li> <li>• <b>Local Government (Uniform Local Provisions) Regulations 1996 – Regulation 9</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E04) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 2007 STREET TREES - REMOVAL

**Objective of Delegation:** To expedite the approval to remove street trees under the care, control and maintenance of Council.

**Extent of Delegation:** The authority to authorise the removal of any tree on any townsite street or road reserve where the street or road is under the care, control and maintenance of the Council.

**Conditions imposed:**

1. This authority shall only be exercised when the Chief Executive Officer, after obtaining technical advice when appropriate, is of the opinion that the tree is dead, diseased, structurally dangerous or creating a traffic hazard by restricting the vision of motorists or is required by a public utility in accordance with its legislative authority.
2. The removal of any tree or vegetation must comply with the requirements of the *Environmental Protection Act 1986* and associated legislation.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services Works Supervisor
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 and 5.44</b></li> <li>• <b>Environmental Protection Act 1986</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E05) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)





### 2008 ROAD CLOSURES

- Objective of Delegation:** To commence the process for the closure of any road in the district.
- Extent of Delegation:** The authority to initiate the road closure process by seeking comment from affected landowners, service authorities, etc and advertising the proposal for public comment.
- Conditions imposed:**
1. All notices and advertisements are to clearly demonstrate Council is not committed to the closure proposal but is simply seeking comment to assist in determining whether to proceed further with the closure or not.
  2. When all responses are received and the advertising period has expired, the Chief Executive Officer is to submit a report to Council for formal consideration.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42 and 5.44</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E06) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



**2009 CROSSOVERS – APPLICATIONS/REPAIRS**

**Objective of Delegation:** To expedite the application process for the construction of a crossover and to authorise repairs.

**Extent of Delegation:** The authority to determine applications for the construction of a crossing giving access from a public thoroughfare to private land or a private thoroughfare serving the land and may agree to construct the crossing for the applicant subject to Council policy.

The authority to give notice to an owner or occupier of private land requiring the person to construct or repair a crossing from a public thoroughfare to the land or a private thoroughfare serving the land. If the person fails to comply with the notice, the Chief Executive Officer is delegated authority to construct or repair the crossing and recover 50% of the cost of doing so as a debt due from the person.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services Works Supervisor
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 and 5.44</b></li> <li>• <b>Local Government (Uniform Local Provisions) Regulations 1996 – Regulations 12-15</b></li> <li>• <b>Shire of Dalwallinu Policy 5.8</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E07) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



**2010 PUBLIC THOROUGHFARES – FIXING OR ALTERING LEVELS OR ALIGNMENTS OR DRAINAGE ONTO ADJOINING LAND**

**Objective of Delegation:** To expedite the process of giving required notice before fixing or altering the level or the alignments of a public thoroughfare and before draining water from a public thoroughfare or other public places onto adjoining land.

**Extent of Delegation:** The authority to give the required notices as specified in the *Local Government Act 1995* Section 3.51 (3) and (4) before fixing or altering the level of, or the alignment of a public thoroughfare and before draining water from a public thoroughfare or other public place into adjoining land.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 3.51, 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2016 (formally Delegation E08) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



**2011 LICENCE TO DEPOSIT MATERIALS ON OR EXCAVATE ADJACENT TO A STREET**

**Objective of Delegation:** To expedite licence approvals to deposit materials on or excavate adjacent to a street.

**Extent of Delegation:** The authority to issue licences to deposit materials on a street, way or other public place and to excavate on land abutting or adjoining a street, way or other public place pursuant to Section 6 of the Local Government (Uniform Local Provisions) Regulations 1996.

**Conditions imposed:** The Chief Executive Officer shall first obtain confirmation from appropriate staff that the proposed activity will not create undue interference with the operation of the street way or public place.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services Works Supervisor
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – Section 5.42 &amp; 5.44</i></li> <li>• <i>Local Government (Uniform Local Provisions) Regulations 1996 – Section 6</i></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation E10) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 2012 GRAVEL ROYALTIES

**Objective of Delegation:** To expedite the process of acquiring gravel from landowners.

**Extent of Delegation:** The authority to negotiate compensation to landowners for the acquisition of gravel associated with road making and maintenance purposes within the Shire of Dalwallinu.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Works & Services
<b>Formal Record:</b>	Recorded in central records system Listed on monthly payments to Council
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42, 5.44, Schedule 3.2</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 27 March 2018 (M9128) 26 March 2019 (M9343)

### 3000 FINANCE

#### 3001 PAYMENT OF ACCOUNTS

- Objective of Delegation:** To expedite the payment of accounts.
- Extent of Delegation:** The authority to make payments from the Municipal or Trust Fund.
- Conditions imposed:** Each payment from the Municipal fund or Trust fund is to be noted on a list compiled each month showing:
1. The payee's name
  2. The amount of the payment
  3. The date of the payment
  4. Sufficient information to identify the transaction
- The list referred to above is to be presented to the Council at the next Ordinary meeting of Council and is to be recorded in the minutes.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b> Manager Works & Services Manager Planning & Development
<b>Formal Record:</b>	Recorded in monthly Council minutes
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 and 5.44</b></li> <li>• <b>Local Government (Financial Management) Regulations – Reg 12 and 13</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 3002 DONATION REQUESTS

- Objective of Delegation:** To expedite donation requests.
- Extent of Delegation:** The power to determine requests for the donation of monies up to the value of \$300.
- Conditions imposed:** The group or individual must demonstrate:
- a) Significant direct benefit to the local community;
  - b) That the group is an incorporated community group or nonprofit making organisation;
  - c) That the group's financial status is such as to justify a donation and Council has previously recognised the group as deserving of assistance;
  - d) That available funding exist in Council's budget

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Not applicable
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42 and 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 3003 INVESTMENT OF FUNDS

- Objective of Delegation:** To oversee the investing of funds.
- Extent of Delegation:** The power to invest any monies held in the Municipal Fund that is not, for the time being, required by the local government for any other purpose.
- Conditions imposed:**
1. To observe Council Policy 3.4 relevant to the investment of funds.
  2. To observe any regulations relating to investments by local government.
  3. To act in a prudent manner and to exercise regular management control and oversight of the investment of funds.
  4. To conduct regular reviews of the investment performance and controls.
  5. Internal control procedures to be followed by employees to ensure control over investments and should identify
    - a) Nature and location of all investments
    - b) The transactions related to each investment

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer/ <b>Manager Corporate Services</b>
<b>Formal Record:</b>	Included in monthly Financial Statements in the Ordinary Council agenda Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44,6.14</b></li> <li>• <b>Local Government (Financial Management) Regulations 1996 – Reg 19c</b></li> <li>• <b>Shire of Dalwallinu Policy 3.4</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F07) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)





### 3004 RECOVERY OF UNPAID DEBTORS

<b>Objective of Delegation:</b>	To recover debt from unpaid rates, debtors and infringements.
<b>Extent of Delegation:</b>	The authority to take legal action necessary to recover unpaid infringement notices, rates and other debtor accounts, in accordance with the requirements of the <i>Local Government Act 1995</i> .
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer/ <b>Manager Corporate Services</b>
<b>Formal Record:</b>	Included in the Ordinary Council Meeting agenda Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, Division 5 &amp; 6</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F08) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)

### 3005 ORDERING THRESHOLDS

- Objective of Delegation:** To authorise Officers to sign purchase orders.
- Extent of Delegation:** The authority to authorise Officers to sign purchase orders on behalf of Council provided such proposed purchases are contained within the budget and are within the officer's area of activity.
- Conditions imposed:**
1. All purchase orders with a value of more than \$150,000 must be through the tender process and supported by a Council resolution.

<b>Delegation by Council to:</b>	Chief Executive Officer - Unlimited
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b> - \$50,000 Manager Planning & Development Services - \$50,000 Manager Works & Services - \$50,000 Works Supervisor - \$20,000
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.43(b), 5.44</b></li> <li>• <b>Local Government (Financial Management) Regulations 1996 – Reg 13</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally part of Delegation A01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)

### 3006 PUBLIC LIABILITY CLAIMS

<b>Objective of Delegation:</b>	To consider claims for property damage.
<b>Extent of Delegation:</b>	The authority to consider claims against Council for property damage that do not exceed the insurance policy excess levels and to accept or deny liability on behalf of Council.
<b>Conditions imposed:</b>	In cases where liability is accepted, payment may only be made up to the value of Council's relevant insurance excess amount and then only upon receipt of an appropriate release form prepared by Council's Insurers.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation F03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 3007 DEBT WRITE OFFS

**Objective of Delegation:** To expedite the process of writing off small debts for rates and sundry debtors.

To alleviate the need for an agenda item for such an immaterial amount.

**Extent of Delegation:** The authority to write off debts to the value of \$100 or less, subject to appropriate follow up action having been undertaken.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44, Schedule 3.2, Section 6.12</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 26 March 2019 (Motion 9343)



### 4000 BUSHFIRE CONTROL

#### 4001 FIREBREAK ORDER-VARIATIONS

- Objective of Delegation:** To expedite approvals for firebreak variations.
- Extent of Delegation:** The authority to approve or refuse applications to provide firebreaks in alternative positions and to approve or refuse applications to provide alternative fire protection measures on land.
- Conditions imposed:** Consultation with the Chief Bush Fire Control Officer at all times.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Bush Fires Act 1954</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 4002 BURNING – PROHIBITED TIMES VARIATIONS

**Objective of Delegation:** To manage the prohibited burning periods.

**Extent of Delegation:** The authority to vary the prohibited and restricted burning times in place from time to time.

**Conditions imposed:** Officer in charge of **Department Water & Environment Regulation (DWER)** to be consulted before the delegation is exercised.

<b>Delegation by Council to:</b>	Chief Bush Fire Control Officer Shire President
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Bush Fires Act 1954</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O02) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 4003 OFFENCES – BUSH FIRE ACT

**Objective of Delegation:** To consider allegations of offences.

**Extent of Delegation:** The authority to consider allegations of offences alleged to have been committed against the *Bush Fires Act 1954* within the district, and if the Chief Executive Officer thinks fit, to institute and carry out proceedings in the name of the Shire against any person alleged to have committed any of those offences.

The authority to issue infringement notices in accordance with the provisions of Section 59A of the Bush Fires Act 1954.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b> Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Bush Fires Act 1954</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)

## 5000 PLANNING

### 5001 DETERMINATION OF APPLICATIONS FOR PLANNING APPROVAL

<b>Objective of Delegation:</b>	To expedite the approval of Planning Applications
<b>Extent of Delegation:</b>	The authority to perform the functions of Council in respect of determining applications for development approval as per the Town Planning Scheme Zoning Table where the use is:  'P' – that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
<b>Conditions imposed:</b>	Where the use is classed as a 'D' and 'A' as per the zoning table, these are to be referred to Council.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Local Government (Miscellaneous provisions) Act 1960</b></li> <li>• <b>Planning and Development Act 2005</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)





### 5002 SUBDIVISIONAL CLEARANCE

**Objective of Delegation:** To expedite the issuing of subdivision clearances.

**Extent of Delegation:** The authority to issue subdivision clearances where the subdivision complies with the requirements of the Town Planning Scheme and Council Policies in place from time to time and the conditions have been complied with to the satisfaction of the Manager Planning and Development Services.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44</b></li> <li>• <b>Local Government (Miscellaneous Provisions) Act 1960</b></li> <li>• <b>Planning and Development Act 2005</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)

## 6000 HEALTH AND BUILDING

### 6001 POWERS UNDER THE BUILDING ACT 2011

<b>Objective of Delegation:</b>	To expedite the issuing of approvals for building applications.
<b>Extent of Delegation:</b>	To undertake the powers of the Local Government under the <i>Building Act 2011</i> subject to any Council policies that apply.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44</b></li> <li>• <b>Building Act 2011, Section 127</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)

### 6002 POWERS UNDER THE HEALTH ACT 1911 & PUBLIC HEALTH ACT 2016

<b>Objective of Delegation:</b>	To expedite the approval of health applications.
<b>Extent of Delegation:</b>	To undertake the powers of the Local Government under the <i>Health Act 1911</i> and the <i>Public Health Act 2016</i> subject to any Council policies that apply.
<b>Conditions imposed:</b>	Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44</b></li> <li>• <b>Health Act 1911</b></li> <li>• <b>Public Health Act 2016</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)

### 6003 POWERS UNDER THE CARAVAN PARKS AND CAMPING ACT 1995

**Objective of Delegation:** To expedite approvals for caravan park and camping licence approvals.

**Extent of Delegation:** To undertake the powers of a Local Government under the *Caravan Parks & Camping Grounds Act 1995, Caravan Parks & Camping Grounds Regulations 1997 and Residential Parks (Long Stay Tenants) Act 2006 and Regulations 2007*, subject to any Council Policies that apply in the following sections of the Act and regulations:-

1. Act Sections 17 (1) (a) – appointment of authorised persons to undertake the provisions of the Act
2. Caravan Parks & Camping Grounds Regulation 11 (2) (a) – Use of property for caravan camping for a maximum of three months in any period of twelve months.
3. Caravan Parks & Camping Grounds Regulation 12 (2) (a) – Use of property for more than one caravan camping for a maximum of three months in any period of twelve months.
4. Caravan Parks & Camping Grounds Regulation 20 – Approval of overflow areas for Caravan Parks and Camping
5. Caravan Parks & Camping Grounds Regulation 30 (1) (c) – Approval to allow park homes on Caravan Parks
6. Caravan Parks & Camping Grounds Regulation 34 (1) (b) (ii) – Approval to allow Annexes to be attached homes on Caravan Parks
7. Caravan Parks & Camping Grounds Regulation 38 (b) – Approval to allow the use of a Park Home or rigid Annexe to be changed
8. Caravan Parks & Camping Grounds Regulation 48 – Approval to allow an area to be used for an overflow facility
9. Caravan Parks & Camping Grounds Regulation 50 – License to specify numbers and types of site and other conditions

**Conditions imposed:** Nil

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## Delegated Authority Register

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system Presented in Monthly Councillor Information Bulletin
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,5.44</i></b></li> <li>• <b><i>Caravan Parks &amp; Camping Grounds Act 1995</i></b></li> <li>• <b><i>Caravan Parks &amp; Camping Grounds Regulations 1997</i></b></li> <li>• <b><i>Residential Parks (Long Stay Tenants) Act 2006 and Regulations 2007</i></b></li> </ul>
<b>Last Reviewed:</b>	New delegation 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 6004 ADVERTISING SIGNAGE

- Objective of Delegation:** To expedite approvals for the erection of advertising signage.
- Extent of Delegation:** The authority to approve the erection of advertising signage that complies with the Town Planning Scheme and the Local Laws of the Council.
- The authority to approve advertising signage on roads controlled by Main Roads WA. (Delegated to local governments from Main Roads WA).
- Conditions imposed:** Where an application does not comply with the Town Planning Scheme or the Local Laws of the Council, the application is to be refused.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation B03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



## 7000 ANIMAL CONTROL

### 7001 ENFORCEMENT OF DOG ACT AND LOCAL LAW

**Objective of Delegation:** To enforce the *Dog Act 1976* and Shire of Dalwallinu Dog Local Law.

**Extent of Delegation:** Authority to exercise the powers or discharge the duties of the local government under the *Dog Act 1976*.

Authority to enforce the provisions of the Dog Act and Local Laws.

Court proceedings will be instituted administratively, with the provision that legal advice be obtained if necessary.

The Chief Executive Officer is authorised to instruct the Shire’s solicitors to commence proceedings against a person who is reported to have:

- a) Unlawfully rescued or released, or attempted to rescue or release, cattle or dogs lawfully impounded or seized for the purpose of being impounded;
- b) Damaged a Municipal pound, or
- c) Committed pound breach by reason of which cattle or dogs may escape from a Municipal pound.

**Conditions imposed:** In all cases that the Chief Executive Officer instructs Shire’s solicitors to commence proceedings, he/she shall report particulars to the next Council meeting.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in Central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <i>Local Government Act 1995 – Section 5.42,5.44</i></li> <li>• <i>Dog Act (1976)</i></li> <li>• <i>Shire of Dalwallinu Dog Local Law 2014</i></li> </ul>
<b>Last Reviewed:</b>	New Delegation (23 February 2016) 28 March 2017 (M8798) 27 March 2018 (M9128)



## Delegated Authority Register

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	26 March 2019 (M9343)
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### 7002 ENFORCEMENT OF CAT ACT

**Objective of Delegation:** To enforce the *Cat Act 1911 and Cat Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*.

**Extent of Delegation:** Authority to exercise the powers or discharge the duties of the local government under the *Cat Act 2011, Cat Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*.

The authority to grant, renew, refuse or cancel an application for cat registration.

The authority to cancel a cat registration.

The authority to issue a cat control notice as per the *Cat Act 2011, Section 26*.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Cat Register Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b><i>Local Government Act 1995 – Section 5.42,</i></b></li> <li>• <b><i>Cat Act 2011, Section 44</i></b></li> <li>• <b><i>Cat (Uniform Local Provisions) Regulations 2013</i></b></li> <li>• <b><i>Cat Regulations 2012</i></b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation A07) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



## 8000 COUNCIL PROPERTIES

### 8001 SALE AND CONSUMPTION OF LIQUOR ON COUNCIL PROPERTY

**Objective of Delegation:** To expedite applications for the sale of liquor on Council property.

**Extent of Delegation:** The authority to determine applications for the sale of liquor from property under the care, control and management of the Council and to approve applications to consume liquor on property under the care, control and management of Council.

In exercising this delegation, the Chief Executive Officer shall have regard to the provisions of the appropriate State Legislation regarding consumption and sale of liquor and shall, when appropriate, consult with the local Police.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b> Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation PR01) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



**8002 EXTENDED TRADING PERMITS – LIQUOR LICENCE PREMISES**

**Objective of Delegation:** To expedite applications for extended trading permits.

**Extent of Delegation:** The authority to comment on applications for an Extended trading Permit.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b> Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation PR03) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)



### 8003 LICENCES AND PERMITS – LOCAL LAWS

**Objective of Delegation:** To expedite applications for the issues and/or renewal of licences and permits that are provided for in Council local laws.

**Extent of Delegation:** The authority to determine applications for licences and permits

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b> Manager Planning & Development Services
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li><b>Local Government Act 1995 – Section 5.42, 5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O06) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)

### 9000 OTHER

#### 9001 MINING TENEMENTS

**Objective of Delegation:** To expedite the process of lodging objections to the granting of mining tenements that may affect Shire property.

**Extent of Delegation:** The authority to:

- Lodge an objection to the granting of a mining tenement
- Negotiate/impose appropriate conditions to be applied to the granting of any mining tenement.

**Conditions imposed:** Nil

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Deputy Chief Executive Officer / <b>Manager Corporate Services</b>
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42,5.44</b></li> </ul>
<b>Last Reviewed:</b>	25 October 2015 (formally Delegation O05) 28 March 2017 (M8798) 27 March 2018 (M9128) 26 March 2019 (M9343)

### 9002 COLLECTION OF NATIVE FLORA

**Objective of Delegation:** To expedite the process of approving the collection of native flora from Shire owned properties and Reserves vested in the name of the Shire.

**Extent of Delegation:** The authority to approve the collection of native flora will be subject to the following conditions:

1. A copy of the current flora licence to be provided to the Chief Executive Officer;
2. Permission is for a twelve (12) month period commencing from date of approval;
3. A list of all members collecting the flora to be provided to the Chief Executive Officer;
4. Appropriate hygiene measures to be followed at all times to prevent the spread of plant disease and weeds;
5. All care to be taken to avoid disturbance of any fauna habitat;
6. All care to be taken to avoid any disturbance that may lead to soil degradation.

<b>Delegation by Council to:</b>	Chief Executive Officer
<b>Delegation by Chief Executive Officer to:</b>	Nil
<b>Formal Record:</b>	Recorded in central records system
<b>Heads of Power:</b>	<ul style="list-style-type: none"> <li>• <b>Local Government Act 1995 – Section 5.42, 5.44, Schedule 3.2</b></li> </ul>
<b>Last Reviewed:</b>	New delegation 27 March 2018 (M9128) 26 March 2019 (M9343)

**MINUTES OF THE KALANNIE COMMUNITY MEETING**  
**HELD 25 FEBRUARY 2020 AT THE KALANNIE SPORTS CLUB**

**MEETING OPENED:** 7.06pm

**ATTENDANCE RECORD:**

***Shire Representatives***

Cr Steven Carter	Shire President
Cr Keith Carter	Deputy Shire President
Cr Karen McNeill	Councillor
Cr Noel Mills	Councillor
Cr Melissa Harms	Councillor
Mrs Jean Knight	Chief Executive Officer
Mr Keith Jones	Deputy Chief Executive Officer
Mr Will Taylor	Manager Works & Services
Mr Doug Burke	Manager Planning & Development

***Community Members***

S Johnson	L Dodd	R McCreery
S Benton	B Dodd	V Dodd
J Smith	G Sanderson	J Harms
A Harms		

***Apologies***

R Nixon



## **SARAH JOHNSON**

### ***Multi-purpose Court***

Sarah provided an update on the laying of the old netball court tiles on the surface at the Sports Club. Now seeking reversible basketball/netball posts. Is applying for a CBH grant.

CEO encouraged Sarah to submit an application for the Shire Community grants which close in March 2020.

CEO advised that the new netball court surface is scheduled to be laid Wednesday 26 February (dependent on weather conditions).

### ***ACTION***

*Nil*

### ***Public Liability Insurance***

A question was raised on the requirements for Clubs to have Public Liability Insurance.

### ***ACTION***

*Deputy CEO to make contact with LGIS (our insurers) to seek clarification on the requirements for clubs to have individual Public Liability Insurance.*

## **VIC DODD**

### ***Bubble Up Pit***

Is the bubble up pit in yet?

*MWS responded with a Yes. MWS acknowledged and apologised for the time it has taken.*

Vic suggested that staff need to work faster, show more initiative and more attention to detail.

*MWS advised that these comments will be passed on to staff at next tool box meeting.*

### ***Water - Club***

Vic advised of an issue with water outside of the club. Need three (3) more downpipes to remove the water. The water is flooding to the beer garden.

Who is going to undertake these works?

*MWS responded that this can be a joint effort between the Sports Club and the Shire.*





### **Road Sweeper**

Vic enquired if the Shire has a sweeper for the streets?

*MWS responded that the Shire did have a little sweeper, however streets are unable to be swept prior to storms, but a program of more regular sweeping will be undertaken.*

### **Water Tanks**

Can we have another couple of 50,000L water tanks? The original tank held 225,000L.

*MWS – The replacement tanks were installed on the advice of the supplier.*

### **ACTION**

*MWS will contact supplier for clarification on size.*

### **Xantippe Tank**

Vic enquired if there was any grant money available to put in a dam next to the tank to catch water?

### **ACTION**

*Shire to investigate if there are any funding opportunities available for water harvesting at Xantippe.*

### **Josh Smith**

#### **Kalannie Oval**

What is the program for mowing this year? Every Thursday?

*MWS responded that yes that is the mowing program for the Kalannie Oval.*

Can the patchy lawn be looked at please?

Why did the lawn specialists not attend the Kalannie Oval?

*MWS responded that the lawn specialists were requested to attend Kalannie.*

### **ACTION**

*Shire to follow up with lawn experts.*

*Lawn experts advised that the treatment for Kalannie Oval is to be the same as Dalwallinu (Aerate and spray for Black Beetle)*

### **Damage at Kennel**

Meeting was advised of damage to the zip track blinds at the kennel.

These will be required to be fixed by the Club. The insurance excess for any property claim is \$5,000.



### **Main Street (Roche)**

Is the main street being re-sheeted or resealed?

*MWS advised that the road would be resealed. The caravan park end is going to be widened and kerbed.*

### **Sanderson Road**

Rowan McCreery raised the issue of water going under the bitumen of Sanderson Road.

#### **ACTION**

*MWS to investigate.*

### **Additional Water Storage options**

A discussion was held on the possibility of building additional dams to the north of the town to harvest water.

### **Rabbit Proof Fence Rd**

Are you going to bitumise Pithara East Rd at Rabbit Proof Fence as it is?

*MWS responded that No, it is to be cement stabilised and graded.*

### **Parking – Playgroup**

Sarah Johnson enquired about parking area near the playgroup which was bought up at last year's meeting.

*MWS responded that the area has not been completed yet and yes there will be additional parking made available.*

### **Extraordinary Election – 16 May 2020**

Shire President advised the meeting that Janine Huggett had resigned and that there would be an extraordinary election on Saturday 16 May 2020.

### **Phone Tower – Kalannie**

Discussion was held on the lack of back up for the Kalannie Phone Tower. No communication = emergency issue.

#### **ACTION**

*Chief Executive Officer to write to Telstra.*

*Correspondence sent to Telstra 4 March 2020 and copied to Shane Love, Melissa Price, Ken Seymour.*



The Shire President thanked everyone for their attendance and declared the meeting closed at 7.51pm.



## DEED OF VARIATION

### LOCAL GOVERNMENT HOUSE TRUST



LAW

PERTH

11 Mounts Bay Road, Perth WA 6000

Telephone (08) 9429 2222 Facsimile: (08) 9429 2434

[eylawperth@au.ey.com](mailto:eylawperth@au.ey.com) [www.ey.com](http://www.ey.com)

Our Ref: 4WAL / 2004 7043

**THIS DEED** dated the

day of

2019

**BY**

**WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION** of Level 1, 170 Railway Parade, West Leederville in the State of Western Australia (the 'Trustee')

## **RECITALS**

- A. By Deed of Trust undated but stamped 12 February 1980 ('Original Trust Deed') made between CHARLES WILSON TUCKEY, LYAL GORDON RICHARDSON, GORDON LAWRENCE KILPATRICK, HARRY STICKLAND and MAXWELL RAY FINLAYSON (the 'Original Trustees') and THE LOCAL GOVERNMENT ASSOCIATION OF WESTERN AUSTRALIA and the COUNTRY SHIRE COUNCILS ASSOCIATION (the 'Retired Trustees') the Original Trustees declared that they would hold the property therein referred to as the Headquarters and the monies therein referred to as the Trust Fund upon trust for the beneficiaries specified in the second schedule to the Original Deed upon the terms and conditions therein contained (the 'Original Trust').
- B. By Deed dated 2 October 1981 made between the Original Trustees and the Retired Trustees the Original Trustees retired and appointed the Retired Trustees as the trustees of the Original Trust in their place.
- C. By Deed dated 4 May 1994 (the 'New Deed') the Retired Trustees (in the New Deed referred to as THE LOCAL GOVERNMENT ASSOCIATION OF WESTERN AUSTRALIA (INC) and THE COUNTRY SHIRE COUNCILS' ASSOCIATION OF WESTERN AUSTRALIA (INC)) agreed that the proceeds from the sale of the Headquarters and the Trust Fund and the income thereof should be from 17 February 1993 held upon the terms and conditions set out in the New Deed (the 'Trust').
- D. By Deed of Variation dated 5 June 2002 the Retired Trustees varied the New Deed (collectively, the 'Trust Deed') to provide for a new Clause 22 which provides that any trustee of the Trust may retire as trustee of the Trust and appoint a new trustee to act as trustee of the Trust and that notwithstanding that the original number of trustees of the Trust was five where a corporation or incorporated association is appointed as trustee of the Trust then it shall not be obligatory to appoint more than one new trustee.
- E. By Deed dated 6 June 2002 made between the Retired Trustees and the Trustee, the Retired Trustees retired and appointed the Trustee as the trustee of the Trust.
- F. Clause 21.1 of the Trust Deed provides that the Trustees may at any time and from time to time (with the consent of not less than 75% of the Beneficiaries) by deed revoke add to or vary the trusts of the Trust Deed or declare (inter alia) any new or other powers, authorities or discretions concerning the management, control or investment of the Trust Fund upon the terms contained therein.
- G. The Trustee wishes to add to and vary the Trust Deed and declare (inter alia) new or other powers, authorities and discretions concerning the management, control or investment of the Trust Fund in accordance with the terms of this Deed.
- H. More than 75% of the Beneficiaries have consented in writing to the variations to the New Deed and the records relating to this consent will be placed with the original of this Deed.

## **NOW THIS DEED WITNESSES**

### **1. DEFINITIONS AND INTERPRETATION**

In this Deed, unless the context otherwise requires:

- 1.1 a word importing the singular includes the plural and vice versa, and a word of any gender includes other genders;
- 1.2 another grammatical form of a defined word or expression has a corresponding meaning;
- 1.3 a reference to a clause, paragraph, recital, schedule or annexure is to a clause, paragraph or recital of, or schedule or annexure to, this Deed, and a reference to this Deed includes any schedule or annexure;
- 1.4 a reference to a document or instrument includes the document or instrument as varied, novated, altered, supplemented or replaced from time to time;
- 1.5 a reference to a person includes a natural person, the estate of an individual, a partnership, body corporate, the trustee of a trust (in the trustee's capacity as trustee of the trust), association, governmental or local authority or agency or other entity;
- 1.6 a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them;
- 1.7 the meaning of general words is not limited by specific examples introduced by 'including, for example' or similar expressions;
- 1.8 Recitals A to H inclusive form part of and are included in this Deed;
- 1.9 headings are for ease of reference and do not affect interpretation;
- 1.10 'Deed' means this deed;
- 1.11 unless specified otherwise, terms which are defined in the Trust Deed and used in this Deed bear the same meanings in this Deed which are ascribed to them in the Trust Deed; and
- 1.12 in the event of any inconsistency between the provisions of the Trust Deed and the provisions of this Deed, the provisions of this Deed will prevail.

### **2. OPERATIVE PART**

The Trustee in exercise of the power given to the Trustee by clause 21.1 of the Trust Deed and with the consent of more than 75% of the Beneficiaries hereby adds to and varies the Trust Deed and declares (inter alia) the following new or other powers authorities and discretions concerning the management, control or investment of the Trust Fund as follows:

- 2.1 delete the word "The" appearing after the words "Any trustee of the Trust may retire as trustee of the Trust." in the existing clause 22.1 and replace it with the words "Subject to clause 22.3, the";

2.2 insert after clause 22.2 the following:

“22.3 The retiring or continuing trustee shall only be entitled to appoint any new or additional trustee of the Trust with the consent of not less than 75% of the Beneficiaries.

22.4 The Beneficiaries may at any time by Special Resolution:

- (a) remove a Trustee from the office as trustee of the Trust; and
- (b) appoint such new or additional Trustee.

For the purposes of this clause 22.4, “Special Resolution” means a resolution passed or decision made by not less than 75% of the Beneficiaries.”

2.3 insert a new clause 13A as follows:

“13A **DELEGATION TO THE BOARD OF MANAGEMENT**

Unless the Beneficiaries otherwise direct (such direction to be given by not less than 75% of the Beneficiaries), the Trustees shall delegate all of the powers authorities and discretions contained in subclauses (a) to (x) of clause 12 to the Board of Management. The Trustees shall, at the direction of the Board of Management, do such things as may be necessary to give effect to the exercise of a power, authority or discretion by the Board of Management.”

**3. SEVERABILITY**

3.1 If any provision of this Deed is found by a competent authority (including without limitation a Court) to be void or unenforceable, then such finding shall not affect the other provisions of this Deed.

3.2 If making a subsequent amendment to this Deed avoids any invalidity or unenforceability of any provision of this Deed, the parties may elect to make that amendment, which shall be deemed for all purposes to be effective immediately prior to the occurrence of that invalidity or unenforceability.

**4. FURTHER ASSURANCES**

All parties shall make, execute and do all acts, deeds, documents and things and sign all documents which may reasonably be required to give full effect to this Deed, and the Trustee shall bear the costs of observing, performing and complying with this clause.

**5. COSTS**

The Trustee shall bear and pay the costs of and incidental to the preparation, execution and stamping of this Deed.

**6. RATIFICATION AND CONFIRMATION**

In all other respects the terms of the Trust Deed are hereby ratified and confirmed.

**7. PROPER LAW**

This Deed shall be governed by the laws of the State of Western Australia and the parties submit to the jurisdiction of the Courts of the State of Western Australia.

**EXECUTED** as a Deed

**THE COMMON SEAL of WESTERN )  
AUSTRALIAN LOCAL GOVERNMENT )  
ASSOCIATION is hereunto affixed in the )  
presence of: )**

\_\_\_\_\_  
Signature of President

\_\_\_\_\_  
Signature of Chief Executive Officer

\_\_\_\_\_  
Name of President

\_\_\_\_\_  
Name of Chief Executive Officer



demands outgoings debts and liabilities incurred in respect of the Trust Fund.

10.2 The Trustees may subject to any law in force at the time in relation to this Deed so permitting accumulate all or any part of the income arisen or arising during an accounting period and such accumulation shall be dealt with as an accretion to the Trust Fund but so that the Trustees may at any time or times resort to all such accumulations and pay or apply the whole or any part or parts thereof as if they were income of the Trust Fund for the then current accounting period.

10.3 Subject to Clause 10.2 the Trustees may at any time at their discretion pay the whole or part of the income of the Trust Fund for any accounting period to the beneficiaries in proportion to the number of units of which they are respectively registered as holders at the last day of such accounting period.

#### 11.0 **ADVANCEMENT OF CAPITAL**

The Trustees may at any time and from time to time set aside from the capital of the Trust Fund or raise therefrom any sum or sums of money and pay the same to the beneficiaries in proportion to the number of units in respect of which they are respectively registered at the date of each such payment for their own use and benefit. The payment of any such sum or sums of capital may be made in the same manner and subject to the same provisions as contained in Clause 10.3 in relation to the payment application or setting aside of any income of the Trust Fund.

#### 12.0 **POWERS OF INVESTMENT AND MANAGEMENT**

The Trustees shall apply and invest the Trust Fund in any of the investments from time to time authorised by law for the investment of trust funds by trustees and in addition to and without limiting the powers authorities and discretions vested in the Trustees by law and notwithstanding the trusts hereinbefore declared shall have the following powers authorities and discretions which may be exercised by the Trustees at any time and from time to time in the

absolute and uncontrolled discretion of the Trustees in carrying out the trusts hereof:

- (a) to invest the Trust Fund and deal with manage transpose and realise the Trust Fund or any part thereof whether real or personal property with such powers in all respects as if the Trustees were the absolute owner thereof;
- (b) to purchase or otherwise acquire any investments for cash or otherwise and upon any terms and conditions and to make any such purchase or acquisition for a sum greater than the amount of the Trust Fund for the time being and to agree to pay for any such investments wholly or in part from any future moneys which may come into the Trustees' hands including dividends profits interest or other income payable in respect of any such investments;
- (c) to sell or otherwise dispose of any real or personal property or interest therein for the time being forming the whole or part of the Trust Fund by public auction tender or private treaty at such price or prices and whether for cash or on terms and generally upon any terms and conditions and to grant options for such sale or disposition as aforesaid;
- (d) (i) to borrow and raise moneys from; or  
(ii) to secure by mortgage or otherwise howsoever the payment of or obligation to pay money to,  
  
any person (including a beneficiary) upon any terms with or without security or interest;
- (e) to vary or transpose any investments and to vary the terms of or property comprised in any security;
- (f) to hold use purchase construct demolish maintain repair renovate reconstruct develop improve sell transfer convey surrender let lease exchange take and grant options or rights in alienate mortgage charge pledge reconvey release or discharge or otherwise deal with any real or personal

property PROVIDED THAT in the improvement or development of any part of the Trust Fund the Trustees shall not be bound by the limitation contained in Section 30(1)(c) of the Trustees Act and the Trustees shall not be bound to apply to any Court to exceed such limitation;

- (g) to pay out of the Trust Fund or the income thereof all costs charges and expenses of and incidental to the management of the Trust Fund or to the exercise of any power authority or discretion hereby or by law conferred on the Trustees or in carrying out or performing the trusts hereof which the Trustees may at any time incur including all taxes of whatever kind payable in respect of the Trust Fund and costs in any way connected with the preparation and execution of these presents;
- (h) to act as manager or to employ any persons (including a Trustee hereof or a unit holder) contractors managers solicitors accountants clerks workmen employees servants or agents to transact all or any business of whatever nature including the receipt and payment of money and to decide the remuneration to be allowed and paid and to pay all charges and expenses so incurred and to create or arrange any scheme or superannuation retirement benefit or pension for the benefit of any person so employed;
- (i) to partition or agree to the partition of or to subdivide or agree to the subdivision or strata title or agree to the strata-titling of any land or other property which or any interest in which may for the time being be subject to the trusts hereof and to pay any moneys by way of equality of partition;
- (j) to determine whether any real or personal property or any increase or decrease in amount number or value of any property or holdings of property or any profit loss receipt or payments from for or in connection with any real or personal property shall be treated as and credited or debited to capital or to income and generally to determine all matters as to which any doubt difficulty or question

may arise under or in relation to the execution of the trusts and powers of this Deed and every determination of the Trustees in relation to any of the matters aforesaid whether made upon a question formally or actually raised or implied in any of the acts or proceedings of the Trustees in relation to the Trust Fund shall bind all parties interested therein and shall not be objected to or questioned on any ground whatsoever;

- (k) to open accounts with any bank or building society and to operate by and in all usual ways any such accounts;
- (l) to give effectual receipts and discharges for any moneys received by or on behalf of the Trustees or otherwise relating to any of the acts matters and things provided for in these presents;
- (m) to provide and set aside out of the Trust Fund or the income thereof such sum of money as the Trustees shall consider is available or necessary for and to pay or apply the same in or towards the discharge or reduction of any encumbrance debt or other liability for the time being affecting the Trust Fund or any part thereof;
- (n) to let sub-let lease or sub-lease for any period (and including to any beneficiary) and at any rental any real or personal property comprised in the Trust Fund upon any terms conditions or covenants;
- (o) to purchase take on lease sub-lease assignment hire or otherwise acquire any estate or interest in any real or personal property for any price premium rental charge payment fee or other consideration and subject to any terms conditions and covenants;
- (p) to take such action as the Trustees shall think fit for the adequate protection of any part of the Trust Fund and to do all such other things as may be incidental to the exercise of any of the powers authorities and discretions hereby or by law conferred on the Trustees;

- (q) to take and act upon the opinion (given in writing) of a solicitor an attorney at law or counsel practising in any country where the Trust Fund or any part thereof may for the time being be or be proposed to be invested in relation to the interpretation or effect of these presents or any other document or statute or as to the administration of the trusts hereof without being liable to any of the beneficiaries in respect of any act done by the Trustees in accordance with such opinion PROVIDED THAT nothing in this provision shall prohibit or impede the Trustees from applying to any Court if it shall think fit or prohibit any unit holder from so doing;
- (r) to allow any beneficiary to occupy have custody of or use any part of the Trust Fund on any terms or conditions as to inventories repair replacement insurance outgoings or otherwise but the Trustees shall not be liable for any loss or damage which may occur to any such part of the Trust Fund during or by reason of any such occupation custody or use except insofar as such loss or damage shall be occasioned by the conscious and wilful default or neglect of the Trustees;
- (s) to permit any part of the Trust Fund to be held or registered in the name of any nominee of the Trustees and to deposit securities deeds and other documents belonging or related to the Trust Fund with any bank or solicitor;
- (t) in the event of any gift stamp or other duties fees or taxes becoming payable in any part of the world in respect of these presents or the Trust Fund or any part thereof in any circumstances to pay all or any part of such duties fees and taxes out of the Trust Fund notwithstanding that such duties fees or taxes or some part thereof are not or may not be recoverable from the Trust Fund by legal process;
- (u) to receive and accept any real or personal property by gift inter vivos or by Will or under the provisions of any other trust or otherwise from any other person as additions to the Trust Fund and to hold the same upon the trusts herein

set forth and to administer such additions under the provisions hereof;

- (v) at any time and from time to time to ascertain and fix the value of the Trust Fund in accordance with the provisions herein contained and for that purpose to engage such competent valuers or experts as the Trustees may select and the Trustees may cause the value so ascertained and fixed to be entered from time to time in a book kept for that purpose;
- (w) to appoint any date earlier than the Vesting Date to be the Vesting Date;
- (x) during an accounting period to nominate any date not more than 18 months after the date of commencement of the then current accounting period as the last day of that accounting period and thereafter the accounting period shall mean each succeeding 12 month period commencing on the day following such nominated date until the anniversary of such nominated date immediately preceding the Vesting Date and the period thereafter until the Vesting Date.

13.0 DELEGATION OF TRUSTEE POWERS

The Trustees if at any time they are more than one shall act jointly and may delegate the exercise of all or any of the powers authorities or discretions hereby or by law conferred on the Trustees:-

- (a) to the Board of Management constituted by clause 14.0 of this Deed, or
- (b) to any other person or persons,

and execute any power of attorney or other instrument necessary to effectuate such purpose.