



# **PUBLIC AGENDA**

## **ORDINARY COUNCIL MEETING**



**15 DECEMBER 2022**

Commencing at 4pm in the  
Shire of Wyalkatchem Council Chambers  
27 Flint Street, Wyalkatchem

**NOTICE OF COUNCIL MEETING**

The next Ordinary Meeting of the Wyalkatchem Shire Council will be held on Thursday 15 December 2022 in the Council Chambers, 27 Flint Street Wyalkatchem, commencing at 4pm.

An Agenda for this meeting will be made available from the Shire Administration Office and on our website [www.wyalkatchem.wa.gov.au](http://www.wyalkatchem.wa.gov.au)

I have reviewed this agenda and I am aware of all recommendations made to Council.

I support each as presented.

**Peter Klein**

**CHIEF EXECUTIVE OFFICER**

**DISCLAIMER**

*No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decisions, which will be provided within ten days of this meeting.*

## **DISCLOSURE OF INTEREST**

Councillors and staff are reminded of the requirements of section 5.65 of the *Local Government Act 1995*, to disclose any interest or perceived interest in any matter to be discussed during a meeting, and also the requirement to disclose any item affecting impartiality.

### Financial Interest:

Under section 5.60A of the *Local Government Act 1995*, a person is said to have a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

### Proximity Interest:

Under section 5.60B of the *Local Government Act 1995*, a person is said to have a proximity interest in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development of land that adjoins the person's land.

### Impartiality Interest:

To maintain transparency, it is important to disclose all interests, including impartiality interests which include interests arising from kinship, friendship and membership of associations. If it is possible that your vote on a matter may be perceived as impartial, you should disclose your interest.

### Disclosing an Interest:

Disclosures must be made, in writing, to the Chief Executive Officer prior to the meeting at which the matter in which you have an interest is to be discussed.

If you disclose a Financial or Proximity Interest, you must leave the room while the matter is discussed and voted on. Only after a decision has been reached may you return to the meeting, at which time the Presiding Person will inform you of Council's decision on the matter.

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**1. DECLARATION OF OPENING**

**2. PUBLIC QUESTION TIME**

- 2.1. Response to Public Questions Previously Taken on Notice
- 2.2. Declaration of Public Question Time opened
- 2.3. Declaration of Public Question Time closed

**3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

- 3.1. Attendance
- 3.2. Apologies
- 3.3. Approved Leave of Absence
- 3.4. Applications for Leave of Absence

**4. OBITUARIES**

**5. PETITIONS, DEPUTATIONS, PRESENTATIONS**

- 5.1. Petitions
- 5.2. Deputations
- 5.3. Presentations – Emma Grant, acting Principle WDHS update

**6. DECLARATIONS OF INTEREST**

- 6.1. Financial and Proximity Interest
- 6.2. Impartiality Interests

**7. CONFIRMATION AND RECEIPT OF MINUTES**

**7.1. Confirmation of Minutes**

**7.1.1. Ordinary Meeting of Council – 17 November 2022**

Minutes of the Shire of Wyalkatchem Ordinary Meeting of Council held on Thursday 17 November 2022 ([Attachment 7.1.1](#))

**OFFICER’S RECOMMENDATION:**

*That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 17 November 2022 (Attachment 7.1.1) be confirmed as a true and correct record.*

**7.1.2. Audit and Risk Management Committee (ARC) Minutes – 1 December 2022** Minutes of the ARC Meeting held on Thursday 1 December 2022 ([Attachment 7.1.2](#))

**OFFICER’S RECOMMENDATION:**

*That the minutes of the ARC Meeting held on Thursday 1 December 2022 (Attachment 7.1.2) be received by Council.*

**Business Arising:**

VOTING REQUIREMENT

Absolute Majority

OFFICERS RECOMMENDATION / COMMITTEE RESOLUTION

(14/2022) Moved: Cr Stratford

Seconded: Cr Petchell

*That the Audit and Risk Management Committee:*

1. *Accepts the 2021/2022 Management Letter prepared by Office of Auditor General (Attachment 7.1.1.1) and accepts management comments and actions in relation to the audit outcomes (attachment 7.1.1.2.)*
2. *That, in accordance with the s7.12A (4)(b) accepts the Report on Significant Matters for the financial year 30 June 2022 (Attachment 7.1.1.3).*
3. *Advises Council that it has met with the Auditor and discharged its obligations, in accordance with Section 7.12A (2)) of the Local Government Act, and that the Audit and Risk Committee recommends that that Council;*
4. *Accepts the 2021/2022 Management Letter prepared by Office of Auditor General (Attachment 7.1.1.1) and accepts management comments and actions in relation to the audit outcomes (attachment 7.1.1.2.)*
5. *That, in accordance with the s7.12A (4)(b) accepts the Report on Significant Matters for the financial year 30 June 2022 (Attachment 7.1.1.3).*
6. *Advises Council that it has met with the Auditor and discharged its obligations, in accordance with Section 7.12A (2)) of the Local Government Act*

CARRIED 6/0

**OFFICER'S RECOMMENDATION:**

*That Council:*

1. *Accepts the 2021/2022 Management Letter prepared by Office of Auditor General (Attachment 7.1.1.1) and accepts management comments and actions in relation to the audit outcomes (attachment 7.1.1.2.)*
2. *That, in accordance with the s7.12A (4)(b) accepts the Report on Significant Matters for the financial year 30 June 2022 (Attachment 7.1.1.3).*
3. *Advises Council that it has met with the Auditor and discharged its obligations, in accordance with Section 7.12A (2)) of the Local Government Act.*

**7.1.3. Audit and Risk Management Committee (ARC) unconfirmed Minutes – 15 December 2022**

Minutes of the ARC Meeting held on Thursday 15 December 2022

**(Attachment 7.1.3 to be presented)**

**OFFICER'S RECOMMENDATION:**

*That the draft minutes of the ARC Meeting held on Thursday 15 December 2022 (Attachment 7.1.3) be received by Council.*





**9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Item 14.1 AIRPORT TERMINAL LICENCE REVIEW

Item 14.2 DEVELOPMENT APPLICATION EXTENSION

**10. REPORTS**

**10.1. CORPORATE AND COMMUNITY SERVICES**

**10.1.1. ACCOUNTS FOR PAYMENT – NOVEMBER 2022**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	01 December 2022
Reporting Officer:	Parul Begum
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	<a href="#">Attachment 10.1.1 – Accounts for Payment – November 2022</a>

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION**

*That Council endorse the total payments for the month of November 2022 being \$510,059.31 which comprised of:*

1. *Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$477,768.88;*
2. *Direct Debit (DD) payments in the Municipal Fund totalling \$32,290.43.*

**SUMMARY**

To provide Council with a list of accounts paid by the Chief Executive Officer in accordance with his delegated authority and for Council to endorse the payments made for the prior month.

**BACKGROUND**

The *Local Government (Financial Management) Regulations 1996, s13(1)*, requires that if a local government has delegated to the CEO 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 all payments since the last such list was prepared.

Council has delegated to the CEO (delegation number 1.2.17) the power to make payments from the municipal fund or trust fund.

**COMMENT**

The payment listing for November 2022 is presented to Council for endorsement.

Bank Account	Payment Type	Last Number	First Number in the report
Municipal and Trust	EFT	EFT 2403	EFT 2334
DD	DD	DD 2377	DD 2341

**STATUTORY ENVIRONMENT**

*Local Government (Financial Management) Regulations, S13.1*

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

Expenditure in accordance with the 2022/2023 Annual Budget.

**COMMUNITY and STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal No.	Strategies		Actions
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1	<ul style="list-style-type: none"><li>Ensuring a well-informed Council makes good decisions for the community</li></ul>
		10.2	<ul style="list-style-type: none"><li>Ensuring sound financial management and plans for the Shire’s long-term financial sustainability</li></ul>
		10.3	<ul style="list-style-type: none"><li>High quality corporate governance, accountability and compliance</li></ul>
		10.4	<ul style="list-style-type: none"><li>Maintaining Integrated Strategic and Operational plans</li></ul>

**10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – OCTOBER 2022**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	05 November 2022
Reporting Officer:	Parul Begum – Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	<a href="#">Attachment 10.1.2 – Credit Cards – October 2022</a>

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION**

*That Council endorses credit card payments for the period 29 September – 28 October 2022, totalling \$6,420.29 (refer to attachment 10.1.2).*

**BACKGROUND**

Council governance procedures require the endorsement of credit card payments at each OMC. The attached credit card payment report has been reviewed by the Manager of Corporate Services and CEO.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995, Part 6 – Financial Management s.6.4  
Local Government (Financial Management) Regulations 1996, R34*

**POLICY IMPLICATIONS**

Policy Number 2.1 – Purchasing Policy.  
Policy Number 2.3 – Credit Card Policy.

**FINANCIAL IMPLICATIONS**

Nil. Reported expenditure is assessed by management as being consistent with the FY22 Annual Budget.

**COMMUNITY and STRATEGIC OBJECTIVES**

This matter is consistent with the following Strategic Community Plan goal.

**Goal - Transparent, accountable and effective governance**

Goal No.	Strategies		Actions
<b>Goal 10</b>	<b>Transparent, accountable, and effective governance</b>	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.2	<ul style="list-style-type: none"> <li>Ensuring sound financial management and plans for the Shire’s long-term financial sustainability</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High-quality corporate governance, accountability, and compliance</li> </ul>
		10.4	<ul style="list-style-type: none"> <li>Maintaining Integrated Strategic and Operational plans.</li> </ul>

### 10.1.3. MONTHLY FINANCIAL REPORT – NOVEMBER 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 2022
Reporting Officer:	Claire Trenorden, MCS and Megan Shirt, Consultant
Disclosure of Interest:	No interest to disclose
File Number:	25.08
Attachment Reference:	<a href="#">Attachment 10.1.3 – Monthly Financial Report November 2022</a>

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

*That Council accepts the Statements of Financial Activity for the months ending 30 November 2022 (refer attachment 10.1.3.).*

#### BACKGROUND

The *Local Government (Financial Management) Regulations 34* requires a local government to prepare a monthly financial statement that reports on actual revenue and expenditure against the annual budget prepared under regulation 22(1) (d).

Council has adopted a material variance on 10% or \$10,000 whichever is the greater.

#### COMMENT

The attached report includes:

- Statement of Financial Activity by Program (p.3)
- Statement of Financial Activity by Nature and Type (p.4)

The statements provide details of the Shire's operations on an actual year to date basis.

These statements and Notes 1 (p.5) and 2 (p.6) are statutory requirements and must be presented to Council.

The remaining notes all relate to the Statements of Financial Activity.

#### STATUTORY ENVIRONMENT

*Local Government Act 1995, Part 6 – Financial Management S6.4*  
*Local Government (Financial Management) Regulations, R34*

#### POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

#### FINANCIAL IMPLICATIONS AUGUST 2022

Total Cash Available as at 30 November 2022 is \$5,336,391;

- cash available is made up of unrestricted cash \$2,378,235 (44.57%) and
- restricted cash \$2,989,869 (56.03%).

Rates Debtors balance as at 30 November 2022 is \$211,459 and Rates Notices for 2022-23 were issued in August 2022. Rates collected as at end of November 2022 was \$1,23,473 - 85%.

**November 2022:** Operating Revenue – Operating revenue of \$2,065,731 is made up of Rates - 68%, Grants - 22%, Fees and Charges - 7%, Interest earnings – 2% and other – 1%.

Operating Expenses – Operating expenses of \$1,849,394 is made of Employee Costs – 29%, Materials and Contracts – 26%, Depreciation – 32%, Insurance – 8% and Utility – 3% and Other Charges – 2%.

**COMMUNITY and STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Goal: Transparent, accountable and effective governance.**

Goal No.	Strategies		Actions
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.2	<ul style="list-style-type: none"> <li>Ensuring sound financial management and plans for the Shire’s long term financial sustainability</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High quality corporate governance, accountability and compliance</li> </ul>
		10.4	<ul style="list-style-type: none"> <li>Maintaining Integrated Strategic and Operational plans</li> </ul>

**10.2. GOVERNANCE AND COMPLIANCE**

**10.2.1. CHIEF EXECUTIVE OFFICER'S REPORT NOVEMBER/DECEMBER 2022**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION**

*That Council accepts the Chief Executive Officer's report.*

**SUMMARY**

This report is prepared by the CEO to provide Council and the Wyalkatchem community, some insight into CEO activities and Council operations.

**COMMENT**

Since the last report the CEO has attended the following substantial meetings and events to progress community and Council's interests;

- Tania Reynolds (At Works Australia) and James Gault (WAPOL) re employment opportunities within the shire;
- Grace St Depot pre-start x 2;
- WALGA Great Eastern Zone meeting;
- NEWROC Council meeting, Trayning;
- Craig Cooper, Wylie CRC – building repairs;
- Gavin Cook, Vizona re feature lighting;
- GP welcome event, Community Club;
- WALGA Waste Advisory Committee;
- Julie Chambers – former casual employee

**STATUTORY ENVIRONMENT**

There are no direct statutory implications in relation to this item.

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

**COMMUNITY and STRATEGIC OBJECTIVES**

The CEO's activity promotes the Strategic Community Plan objectives particularly, those outlined in Goal 10 which calls on transparent, accountable and effective governance.

**Goal 10 Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.**

Goal No.	Action No.	Actions
<b>10</b> <b>Transparent, accountable and effective governance</b>	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
<b>12</b> <b>Form strategic partnerships and advocate for the community</b>	12.1	Developing strategic partnerships with regional, State and Federal governments
	12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

**10.2.2. FITNESS FOR DUTY POLICY**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	<a href="#">Attachment 10.2.2 Fitness for Duty Policy V4 Final</a>

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER’S RECOMMENDATION**

*That Council approve the revised Fitness for Duty Policy.*

**COMMENT**

Management has recently undertaken the first staff random drug and alcohol screening test. This was undertaken on 2 December 2022.

A number of lessons were learnt and as a result some revisions to the policy have been recommended to improve the flow of its delivery.

In particular, the policy has been amended to allow either a urine or saliva screening test for drugs and to encourage, not compel counselling following a positive drug test.

In addition, the relationship with the Medical Centre is better understood and will support the process by either receiving urine samples for dispatch for confirmation testing or collect and dispatch of urine samples for confirmation testing.

The intention of this policy is to improve workplace safety, reduce operating risk and strengthen the wellbeing of council staff.

**STATUTORY ENVIRONMENT**

There are no direct statutory implications in relation to this item.

**POLICY IMPLICATIONS**

Replaces the Fitness for Duty policy that was approved by Council in September 2022.

**FINANCIAL IMPLICATIONS**

There will be costs for training staff as drug and alcohol testers (\$550/person + costs), for calibrating the breath tester and procuring drug screening test kits.

**COMMUNITY and STRATEGIC OBJECTIVES**

The policy supports **Goal 1 - A safe and healthy community.**

Goal No. 1	Actions
<p><b>Zero lost time injuries</b></p> <p><b>An engaged workforce with safety at its core.</b></p>	<p>Staff present to the workplace in a fit and healthy state.</p>



**OFFICER'S RECOMMENDATION:**

*That Council Move items 10.2.3 to 10.6 Local Laws en bloc.*

**10.2.3. PROPOSED VOLUNTEER BUSH FIRE BRIGADES LOCAL LAW**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	1 December 2022
Reporting Officer:	Peter Klein, CEO and Chris Liversage, Consultant
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	<a href="#">Attachment 10.2.3 - Bush Fire Brigades Local Law 2022</a>

**VOTING REQUIREMENT**

Absolute Majority

**OFFICER'S RECOMMENDATION**

*That Council:*

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Wyalkatchem Bush Fire Brigades Local Law, subject to deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted;*
2. *In accordance with s3.12(5) of the Local Government Act 1995 the local law be published in the Government Gazette and a copy sent to the Ministers for Local Government and Emergency Services;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, after Gazetted local public notice be given:*
  - a. *Stating the title of the local law;*
  - b. *Summarizing the purpose and effect of the local law and specifying the day on which it comes into operation; and*
  - c. *Advising that copies of the local law may be inspected or obtained from the Shire offices.*
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

**SUMMARY**

A draft local law was previously adopted by council, advertised for public comment and copies sent to the Ministers for Local Government and Emergency Services.

Subject to some minor amendments to reflect the feedback received, the local law can now be made. It will come into effect 14 days after publication in the Government Gazette.

**COMMENT**

As reported to council at its meeting held on 15 September 2022, most matters relating to bush fires and the role of local governments are dealt with by the Bush Fires Act and its associated Regulations.

The proposed local law deals with the matters that a local law is required to deal with under s43 of the Bush Fires Act.

### STATUTORY ENVIRONMENT

Section 62 of the *Bush Fires Act 1954* provides that a local government may make local laws using the process set out in section 3.12 of the *Local Government Act 1995*.

As required by s3.12 of the Local Government Act 1995, a copy of the proposed local law was sent to the Ministers for Emergency Services and Local Government and was advertised for public comment.

There were no comments received from the public. A summary of other responses and proposed action is:

Suggestion	Comment
The WA Department of Local Government, Sport and Cultural Industries noted that in recent years, local governments have sought to simplify bush fire brigade local laws and remove unnecessary procedures. It lacks the subject matter expertise to determine what level of detail is appropriate for these local laws, so has refrained from making suggestions in that regard.	Noted.
The Minister for Emergency Services advised that: <ol style="list-style-type: none"> <li>1) The Shire should ensure a careful review of clause numbering; and</li> <li>2) While the proposed local law appears to satisfy the relevant requirements of the Bush Fires Act 1954, the Shire may care to seek input from the WA Local Government Association who offer guidance on local laws, including a template Bush Fire Brigades Local Law which has been endorsed by the (WA Parliamentary) Joint Standing Committee on Delegated Legislation. The template provides a comprehensive framework, including more prescriptive role statements and governing rules which may assist the smooth running of brigades.</li> </ol>	Noted.  Clause numbers referred to in the draft local law appear correct.  As noted above and reported to council at its meeting held on 15 September 2022, the local law deals only with the matters that a local government is required to when establishing a volunteer bush fire brigade. The model referred to by the Minister is considered overly prescriptive; amendments to matters listed would require amending the local law which is a drawn out, cumbersome and expensive process that is of little use when dealing with volunteers.  The approach used by the local governments referred to above (Carnarvon and Greater Geraldton) is far simpler and has the same effect.

The Department also made some suggestions in relation to page numbers, the enacting provision, and the contents page of the draft local law. Page numbers and an index will be deleted from the official version to be published in the Gazette and the correct enactment date (being the date of final adoption of the local law under s3.12(4) of the Act) added.

### POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Objective: Transparent, accountable and effective governance and community and customer service focus**

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

#### 10.2.4. PROPOSED PUBLIC PLACES AND LOCAL GOVERNMENT PROPERTY LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	1 December 2022
Reporting Officer:	Peter Klein, CEO and Chris Liversage, Consultant
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	<a href="#">Attachment 10.2.4 – Public Places and LG Property LL V3 1 Dec 2022</a>

#### VOTING REQUIREMENT

Absolute Majority

#### OFFICER'S RECOMMENDATION

*That Council:*

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Wyalkatchem Public Places and Local Government Property Local Law, subject to:
  - a. *Various minor amendments as 'marked up' on the attachment to the report to Council; and*
  - b. *Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted.**
2. *In accordance with s3.12(5) of the Local Government Act 1995 the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, after Gazetted local public notice be given:
  - a. *Stating the title of the local law;*
  - b. *Summarizing the purpose and effect of the local law and specifying the day on which it comes into operation; and*
  - c. *Advising that copies of the local law may be inspected or obtained from the Shire offices.**
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

#### SUMMARY

The Shire has in place a number of local laws that regulate activities on property under its care, control and management.

It is proposed to replace all of them with one that reflects current legislative provisions, is based on a model made by the WA Local Government Association and used by a number of local governments.

A draft local law was considered by council at its meeting held on 15 September 2023 and advertised for public comment. Subject to some minor amendments, the local law can now be made. It will come into effect 14 days after publication in the Government Gazette.

## COMMENT

This proposed local law replaces six older ones and regulates activities on property under the Shire's care, control and management as well as thoroughfares (essentially road reserves).

As required by s3.12 of the Local Government Act 1995, a copy of the proposed local law was sent to the Minister for Local Government and advertised for public comment.

There were no comments received from the public. The WA Department of Local Government, Sport and Cultural Industries made a number of minor suggestions, all of which are considered minor and recommended for inclusion in the local law:

Suggestion	Comment
<p>Clause 9.6 of the local law provides that in the absence of proof to the contrary, the business indicated on the side of a shopping trolley is presumed to own that trolley.</p> <p>Generally speaking, the onus lies on the prosecutor to prove all elements of an offence. Clause 9.6 reverses this onus, by stating that the business displayed on the shopping trolley has the onus of proving their innocence.</p> <p>The Parliament's Delegated Legislation Committee has refrained from objecting to clauses of this kind, since the burden imposed by the clause was deemed acceptable. However, the Committee has expressed serious doubts as to whether these clauses would be enforceable if challenged in court. The Shire should keep this in mind when enforcing the local law.</p>	<p>Noted.</p>

The Department also made some suggestions in relation to page numbers, the enacting provision, deletion of a duplicated clause and the contents page of the draft local law. Page numbers and an index will be deleted from the official version to be published in the Gazette and the correct enactment date (being the date of final adoption of the local law under s3.12(4) of the Act).

## STATUTORY ENVIRONMENT

Local governments make local laws using the process set out in section 3.12 of the Local Government Act 1995.

The Shire has complied with sections 3.12(1) – (3) of the Local Government Act which sets out how a local law is to be made.

The Shire gave local public notice from 7 October to 24 November 2022 stating that it proposes to make a Public Places and Local Government Property local law, the purpose and effect of which was summarised in the notice. A copy was also given to the Minister for Local Government.

The local law may now be ‘made’ in accordance with s3.12(4) of the Act and must be published in the Government Gazette. It will come into effect 14 days after Gazettal. Note that the version that is Gazetted will have the contents page, text box notes and pages deleted and will be the official version.

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Objective: Transparent, accountable and effective governance and community and customer service focus**

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

### 10.2.5. PROPOSED CATS LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	1 December 2022
Reporting Officer:	Peter Klein, CEO and Chris Liversage, Consultant.
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	<a href="#">Attachment 10.2.5 SOW Cats Local Law version 2</a>

#### VOTING REQUIREMENT

Absolute Majority

#### OFFICER'S RECOMMENDATION

*That Council:*

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Wyalkatchem Cats Local Law, subject to:*
  - a. *Various minor amendments as 'marked up' on the attachment to the report to Council; and*
  - b. *Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted*
2. *In accordance with s3.12(5) of the Local Government Act 1995 the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, after Gazetted local public notice be given:*
  - a. *Stating the title of the local law;*
  - b. *Summarizing the purpose and effect of the local law and specifying the day on which it comes into operation; and*
  - c. *Advising that copies of the local law may be inspected or obtained from the Shire offices.*
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

#### SUMMARY

Clause 5.4.2 of the Shire's *Health Local Law 2002* deals with cats, but the *Cat Act 2012* and associated regulations also apply.

A draft Shire of Wyalkatchem Cats Local Law was considered by Council at its meeting held on 15 September 2022 (item 10.2.5). Its subsequent publication resulted in no public comments being received although the Department of Local Government, Sporting and Cultural Industries suggested some minor amendments. This local law will come into effect subject to Council endorsement and 14 days after publication in the Government Gazette.

#### COMMENT

There have been a significant number of recent changes in the management of cats, including the introduction of the *Cat Act 2011*, the *Cats Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*.

In summary, the local law regulates of the number of cats that can be kept on premises (the ‘standard number’) without a permit.

As required by s3.12 of the Local Government Act 1995, a copy of the proposed local law was sent to the Minister for Local Government and advertised for public comment.

There were no comments received from the public. The WA Department of Local Government, Sport and Cultural Industries made a number of minor suggestions, all of which are considered minor and recommended for inclusion in the local law:

Suggestion	Comment
<p>Clause 2.3 provides that in a residential zone, no more than 3 cats may be kept on the premises.</p> <p>It has been noted that the local law does not prescribe a cat limit for any other zone of property. The Shire should keep in mind that this will mean no cat limits apply to those properties.</p>	<p>Clause 5.2.4 of the current Health Local law applies to all premises in the district. It is not intended to restrict this to only properties zoned residential, and as such clause 2.3 of the proposed new local law should be amended to reflect the provisions of the current Health local law and apply to all properties in the district.</p>
<p>The Cat Regulations specify that cat limits do not apply to cats lower than 6 months in age. To avoid any confusion, it is suggested that clause 2.3 be modified by changing “3 cats may” to “3 cats over the age of 6 months may”</p>	<p>Agreed – the suggested amendment is shown ‘marked’ on the updated version of the local law attached to this report.</p>

A duly updated local law showing the recommended changes ‘marked’ is attached to the report.

Page numbers and the index will be deleted from the official version to be published in the Gazette and the correct enactment date (being the date of final adoption of the local law under s3.12(4) of the Act) will be added prior to being published.

### STATUTORY ENVIRONMENT

Section 3(2) of the Cat Act 2011 provides that words and expressions defined in the Local Government Act 1995 have the same meaning in the Cat Act, unless the contrary intention appears. This includes making local laws, and using the process set out in section 3.12 of the Local Government Act 1995.

The Shire has complied with sections 3.12(1) – (3) of the Local Government Act which sets out how a local law is to be made.

The Shire gave local public notice from 7 October to 24 November 2022 stating that it proposes to make a Cats local law, the purpose and effect of which was summarized in the notice. A copy was also given to the Minister for Local Government.



The local law may now be 'made' in accordance with s3.12(4) of the Act and must now be published in the Government Gazette. It will come into effect 14 days after Gazettal. Note that the version that is Gazetted will have the contents page, text boxes notes and pages deleted and will be the official version.

#### **POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

#### **FINANCIAL IMPLICATIONS**

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

#### **COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

#### **Objective: Transparent, accountable and effective governance and community and customer service focus**

<b>Outcome</b>	<b>Action No.</b>	<b>Actions</b>
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

### 10.2.6. PROPOSED DOGS LOCAL LAW

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	1 December 2022
Reporting Officer:	Peter Klein, CEO and Chris Liversage, Consultant
Disclosure of Interest:	NIL
File Number:	19.08.02
Attachment Reference:	<a href="#">Attachment 10.2.6 – Dogs Local Law Version 3 December 2022</a>

#### VOTING REQUIREMENT

Absolute Majority

#### OFFICER'S RECOMMENDATION

*That Council:*

1. *In accordance with section 3.12(4) of the Local Government Act 1995, adopts the Shire of Wyalkatchem Dogs Local Law subject to:*
  - a. *Various minor amendments as 'marked up' on the attachment to the report to Council; and*
  - b. *Deletion of text boxes, page numbers in the index and notes in the version to be officially Gazetted*
2. *In accordance with s3.12(5) of the Local Government Act 1995 the local law be published in the Government Gazette and a copy sent to the Minister for Local Government;*
3. *In accordance with s3.12(6) of the Local Government Act 1995, after Gazetted local public notice be given:*
  - a. *Stating the title of the local law;*
  - b. *Summarizing the purpose and effect of the local law and specifying the day on which it comes into operation; and*
  - c. *Advising that copies of the local law may be inspected or obtained from the Shire offices.*
4. *In accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, a copy of the local law and a duly completed explanatory memorandum signed by the Shire President and Chief Executive Officer be sent to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.*

#### SUMMARY

A draft Shire of Wyalkatchem Dogs Local Law was considered by Council at its meeting held on 15 September 2022 (item 10.2.6). No comments were received from the public and subject to some minor amendments suggested by the Department of Local Government, Sporting and Cultural Industries this local law can now be made subject to adoption by the Council. It will come into effect 14 days after publication in the Government Gazette.

#### COMMENT

The *Shire of Wyalkatchem Dogs Local Law* was made in 1986 and last amended in 1988. A number of activities dealt with by this local law have been affected by changes to other legislation and in particular changes to the *Dog Act 1976* and the *Dogs Regulations 2013*.

As such, rather than amending the old local law, it was considered more efficient to make a new one. Most issues relating to dogs are dealt with by the Dog Act and its associated regulations. It is

therefore only necessary to make a local law to deal with confinement, the requirement to pick up dog excreta, and kennels.

### STATUTORY ENVIRONMENT

Section 51 of the Dog Act 1976 provides that a local government may make local laws about dogs using the process set out in section 3.12 of the Local Government Act 1995.

As required by s3.12 of the Local Government Act 1995, a copy of the proposed local law was sent to the Minister for Local Government and advertised for public comment.

The WA Department of Local Government, Sport and Cultural Industries made the following suggestions, all of which are considered minor and recommended for inclusion in the local law:

Suggestion	Comment
<p><b>Clause 4.1 – Penalty for excrement</b>                      Clause 4.1 prescribes an offence for dog excrement. This clause is subject to the general penalty in clause 5.2, which means a person who disputes an offence in court may potentially be liable for an offence of \$5000. The Shire may wish to add a subclause to clause 4.1 specifying a lower penalty for this offence. For example:  <i>(4) Notwithstanding clause 5.2, the unmodified penalty for an offence under this clause is \$1000.</i></p>	<p>Agreed. Clause 4.1(4) has been added to the draft local law.</p>
<p><b>2. Schedule of prohibited areas</b>                      After Schedule 3, there appears to be an additional sheet of paper which purports to set out several “dog exercise” areas and “dog prohibited” areas.                      After the last set of amendments to the Dog Act, dog local laws were no longer capable of prescribing these areas. Instead, local councils were granted the power to establish these areas by resolution (subject to the consultation process of the Act).                      It is suggested that the sheet after Schedule 3 be deleted since:                      a. It has no legal force; and                      b. Once the Shire council passes a resolution to add or remove from its list of declared areas, this document will become outdated and potentially confusing.</p>	<p>Agreed. The sheet referred to does not form part of the local law.                      It is a list of areas where dogs are prohibited and where dogs may be exercised off leash.                      The draft advertisement was included by mistake in the draft of the local law sent to the Minister.</p>

The Shire has complied with sections 3.12(1) – (3) of the Local Government Act which sets out how a local law is to be made.

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

There are costs associated with the drafting, giving of public notice and the Gazettal of a new local law.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Objective: Transparent, accountable and effective governance and community and customer service focus**

Outcome	Action No.	Actions
High quality corporate governance, accountability & compliance.	4.1.1.3	Workplace safety is proactively managed and demonstrates our care for each other & community
Community is engaged in the direction & decisions of Council.	4.2	Effective communication & engagement with the community, including local groups and organisations

### 10.2.7. REVIEW OF COUNCIL MEETING AND AUDIT COMMITTEE MEETING DATES

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 2022
Reporting Officer:	Stephanie Elvidge – Governance Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.5.12
Attachment Reference:	NIL

#### VOTING REQUIREMENT

Simple Majority

#### OFFICER'S RECOMMENDATION

*That Council,*

- 1. Consider and endorse the dates for the Ordinary Council Meetings and the Audit and Risk Committee meetings for the 2023 calendar year as recommended.*
- 2. In accordance with the Local Government (Administration) Regulations, gives public notice of the Ordinary Council Meeting dates, Audit and Risk Committee Meeting dates and time and place.*

#### BACKGROUND

Council had adopted policy number 6.1 Ordinary Council Meeting Dates which stipulates that the Ordinary Council Meetings be conducted on the Third Thursday of each month, except January, unless otherwise determined by a Council as a 'Special Meeting' and that Council meetings commence at 4pm, with Public notice to be given annually.

#### COMMENT

Elected members attend council meetings to ensure that the district's electors are adequately represented. The number of council and committee meetings that elected members will be required to attend will vary according to the frequency of their local government's scheduled ordinary and committee meetings.

#### Ordinary Council Meetings

Ordinary council meetings are formal meetings of the elected council members and are required to be open to the public (although under certain conditions, council meetings can be closed under provisions of the Act). In order to promote the transparency and accountability required for good governance the closed meeting provisions should be applied as infrequently as possible.

#### Committee Meetings

Section 5.8 of the LG Act enables councils to form committees to assist it with its functions. Committee members can include elected members, employees and members of the public in a variety of combinations. Committees can operate with council delegated decision-making powers or solely on an advisory basis. Advisory committees where members are drawn from both council and the community give the community a significant opportunity to provide input into the council's decision-making meeting process

Council operates an Audit Committee, being the Audit and Risk Committee. This is the only committee that currently exists under section 5.8 of the Act.

Review and Recommendation

It is recommended that no council meeting be held during January 2023.

**Ordinary Council Meetings**

To be conducted on the third Thursday on the month as follows unless otherwise determined by the Shire President as a 'Special Meeting' and that Council meetings commence at 4pm, unless otherwise determined by the Shire President.

**No January Meeting**

16 February 2023  
16 March 2023  
20 April 2023  
18 May 2023  
15 June 2023  
20 July 2023  
17 August 2023  
21 September 2023  
19 October 2023  
16 November 2023  
21 December 2023

**Audit and Risk Committee Meetings**

That the Audit and Risk Committee Meeting be conducted on the Third Thursday on the month as follows;

16 February 2023  
18 May 2023  
21 September 2023  
21 December 2023

That Audit and Risk Committee meetings commence at 3pm, unless otherwise determined by the Shire President.

In accordance with the Act, both meetings will be open to the public, with the exception of confidential matters as defined under section 5.23(2) of the Act, where the meeting or part of the meeting is closed to the public.

**STATUTORY ENVIRONMENT**

The matter of the role of Council and conducting of Council and Committee meetings are prescribed within the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996*, and *Local Government (Rules of Conduct) Regulations 2007*.

In particular, the following statutory environment is referenced in relation to this item;

*Local Government Act 1995- Section 5.3(2)*

*Local Government Act 1995- Section 5.8*

*Local Government Act 1995- Section 5.23*

*Local Government (Administration) Regulations 1996 – Regulation 12(1)*

*Local Government (Financial Management) Regulations 1996 section 34(1)(a)*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

There are no direct financial implications in relation to this item.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Goal 10: Community and customer service focus**

Goal 10	Strategies	
Transparent, accountable and effective governance	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.2	Ensuring sound financial management and plans for the Shire's long-term financial sustainability
	10.3	High quality corporate governance, accountability and compliance
	10.4	Maintaining integrated strategic and operational plans

### **10.3. WORKS AND SERVICES**

#### **10.3.1. MANAGER OF WORKS OFFICER'S REPORT OCTOBER – DECEMBER 9 2022**

Applicant:	Not Applicable
Location:	Shire of Wyalkatchem
Date:	9 December 2022
Reporting Officer:	Terry Delane – Manager of Works
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	<a href="#">Attachment 10.3.1 -MOW Organisational Chart</a>

#### **VOTING REQUIREMENT**

Simple majority

#### **OFFICER'S RECOMMENDATION**

*That Council accept the Manager of Work's (MOW) Report up to 9 December 2022.*

#### **BACKGROUND**

To inform Council of the activities of the works and services team during 6 October – 8 December 2022.

#### **COMMENT**

#### **SAFETY / INCIDENTS**

Reported Incidents as follows;

1. Repeated vandalism to Railway Tce Park irrigation (3 nights in a row).

#### **CAPITAL PROJECTS**

##### **REGIONAL ROAD GROUP. (RRG)**

1. Cunderdin Rd and Tammin Rd seal lifting issue. Temporary repairs affected by spreading stone.
2. Cunderdin Rd sealing to be programmed in conjunction with the Wyalkatchem North Rd.
3. Wyalkatchem North Rd estimate indicates that the 3.3 km can be delivered for the funding allowance with a small over run to cover extra tankage at Martin Rd as discussed. A key component is gravel haulage which if not managed has the potential to affect the expected project balance.

##### **ROADS 2 RECOVERY (R2R)**

4. Elsegood Rd upgrade status;
  - Wet mixing of the 2 nominated areas completed
  - Sealing to be programmed
  - Gravel laying out on the balance of the road continuing
  - Suggested asphaltting of the Koorda Road intersection to the Xing to be completed prior to Xmas to boost safety at this intersection
  - Work is coming along well, albeit several weeks behind program due to compliance and HR issues.



**AERODROME**

- Resealing to be rescheduled to mid-January.

**OVAL IRRIGATION UPGRADE**

- Newground to advise of an annual maintenance program for the oval turf as well as the wicket block, in conjunction with David Crane.
- Wickets themselves have been good playing strips.

**SWIMMING POOL**

- EOI for major capital works requested from Wet Deck Pools.
- Pool open and good quality.

**ASHELFORD PARK**

- Survey points taken, not yet marked on block.

**MINOR WORKS AND MAINTENANCE**

**MAINTENANCE GRADING**

- To be continued when time permits.

**PARKS / TOWN SERVICES CREW**

- Tree pruning / clean ups in town and on roads.

**RUBBISH TIP**

- Indiscriminate tipping still occurring.
- New tipping design concept to be tabled.

**HUMAN RESOURCES**

- New Works Administrator position filled.

**VEHICLE/PLANT**

- Grader steering solenoid repaired, grader back in work.
- Truck air-conditioning and tipping solenoid repairs complete.
- Dolly air bag and leveller replaced.
- Dolly spider studs and cleats replaced.
- All LV's being serviced prior to Xmas.
- 'Fred' Wicket Roller diff failure. Plans to replace currently on hold.

**Goal: Our built environment responds to the accessibility and connectivity needs of all.**

Outcome No.	Action No.	Actions
<b>Our built environment responds to the accessibility and connectivity needs of all.</b>	8.1	Improving safety on road, cycle and footpath networks
	8.2	Developing and planning community infrastructure to improve use and social interaction
	8.3	Implement Aged Friendly Plan
	8.4	Implement the Disability Access and Inclusion Plan (DAIP)

**10.4. PLANNING AND BUILDING**

- Planning approved for Crisp Wireless Tower as per OMC 17 November 2022.
- Planning approval extension request – confidential item 14.2

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**14. MATTERS BEHIND CLOSED DOORS**

14.1 AIRPORT TERMINAL LICENCE

14.2 PLANNING APPLICATION EXTENSION

**OFFICER'S RECOMMENDATION**

*That Council moves behind closed doors in accordance with Section 5.23 (2)(b) and (e)(iii) of the Local Government Act 1995 which states, that a Council may move its meeting behind closed doors;*

- *to deal with matters that relate to the personal affairs of a person and*
- *to deal with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.*

**14.1. AIRPORT TERMINAL LICENSE AGREEMENT**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	7 December 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	<a href="#">Attachment 14.1 – Revised Licence Agreement Confidential</a>

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION:**

*That Council offers a one-year licence renewal based on the existing terms and conditions except for the following amendments;*

- 1. The weekly licence fee increasing by 3.5%, and*
- 2. The obligation to pay the weekly licence fee, during the term, being suspended for any period of leave.*

**STATUTORY ENVIRONMENT**

There are no direct statutory implications in relation to this item.

**POLICY IMPLICATIONS**

Council provides significant financial support to sustain services provided by a doctor in Wyalkatchem. Physiotherapy is an important allied health service and the importance of this service and the precedent set by Council’s support for the doctor, justifies Council providing the Airport Terminal to the physiotherapist at a subsidised rate.

**FINANCIAL IMPLICATIONS**

Budgeted Terminal Building expenses FY22 is approximately \$16,000 comprising \$8,390 of maintenance expense and the balance being depreciation. Total Licence income at \$7,150 means the cost of holding the building is being under-recovered.

The extent of this under recovery (\$8,850) defines Council’s subsidy to support the continuation of this service.

**COMMUNITY and STRATEGIC OBJECTIVES**

The list before Council is generally in accordance with the desired outcome as expressed in the Shire of Wyalkatchem Strategic Community Plan.

Objective.	Action No.	Actions
<b>A healthy, safe, active and engaged community.</b>	1.1.1.8	Explore opportunities to expand the range and availability of health services.
	1.1.1.11	Licence the aerodrome building, or part thereof, for provision of allied health services.

## 14.2. DEVELOPMENT APPROVAL – WILSON STREET, WYALKATCHEM

Applicant:	Owner
Location:	Wilson Street, Wyalkatchem
Date:	7 December 2022
Responsible Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	18.13 Subdivisions
Attachment Reference:	<a href="#">Attachment 14.2 – SOW Policy 11.1 Moveable Buildings</a>

### VOTING REQUIREMENT

Simple Majority

### OFFICER'S RECOMMENDATION

*That Council extends its approval for the positioning of two containers within the footprint shown as a 'Proposed New Extended Shed' on the previous application sketch for an additional period of 4 months, to 28 February 2023.*

### BACKGROUND

In October 2021, development approval was given through the following resolution of Council;

***That Council approves the positioning of two containers within the footprint shown as a 'Proposed New Extended Shed' on the application sketch for a period of 12 months (i.e. to 31 October 2022).***

The owner advises that the new shed, to house the containers, has been delivered to site but that the party contracted to erect the shed will not be available to complete the works until January/February 2023.

### Statutory Environment

- *Planning and Development Act 2005*
- Shire of Wyalkatchem Local Planning Scheme No 4

### Policy Implications

Under the provisions of Scheme 4, the Council has adopted various Local Planning Policies (LPPs) that deal with issues not necessarily relevant to the Scheme. These LPPs relate to the following topics;

1. Moveable Buildings
2. Homestead Lots
3. DA Delegation
4. Bed and Breakfast
5. Plantations
6. Rural Residential
7. Caretakers Residence and
8. Wylie Airstrip

**Financial Implications**

There are no financial implications applicable to this item.

**Strategic/Risk Implications**

There is a minor risk that this approval may encourage further of the same requests and that unfavourable outcomes may appear biased.

It is recommended that the proposed development only be approved for a short additional period to provide time for the owner to complete the works.

**Objective: A sustainable natural and built environment**

Outcome No.	Outcome	Action No.	Actions
3.1	A sustainable natural and built environment	3.1.1	Maintain an effective Local Planning Scheme

**OFFICER'S RECOMMENDATION**

*That Council move out from behind closed doors.*

**15. INFORMATION BULLETIN**

**15.1. Information Bulletin**

The information bulletin has been provided as an attachment (Attachment 15.1)

**15.2. Business Arising from the Information Bulletin**

**15.2.1. [Status Report](#)**

**16. CLOSURE OF THE MEETING**



*Stay Safe*

**DECEMBER 2022**

# ATTACHMENTS DECEMBER 2022

1. 7.1.1 OMC Minutes 17 November 2022
2. 7.1.2 ARC Meeting Minutes 01 December 2022
3. 7.1.3 ARC Meeting Minutes 15 December 2022 (to be provided)
4. 7.2.1 NEWROC Council Minutes 28 November 2022
5. 7.2.2 CEACA MCM Minutes 9 November 2022
6. 10.1.1 Accounts for Payment – November 2022
7. 10.1.2 Credit Card Declaration – October 2022
8. 10.1.3 Monthly Financial Report – November 2022
9. 10.2.2 Fitness for Duty Policy Revised V4 2022
- 10.10.2.3 VBFB Revised Local Law Dec 2022
- 11.10.2.4 Public Places and LG Property revised Local Law Dec 2022
- 12.10.2.5 Cats local law revised Dec 2022
- 13.10.2.6 Dogs Local Law revised Dec 2022
- 14.10.3.1 Manager of Works Budget and Organisational Chart.
- 15.14.1 Terminal Licence Renewal Dec 2022 - **confidential**
- 16.14.2 Policy 11.1 Movable Buildings.
- 17.15.1 Information Bulletin





Shire of  
**Wyalkatchem**

**PUBLIC MINUTES  
OF THE  
ORDINARY MEETING  
OF COUNCIL  
HELD ON  
THURSDAY 17 NOVEMBER 2022**

**Council Chambers  
Honour Avenue  
Wyalkatchem**

**Commencement: 4:04pm  
Closure: 5:41pm**

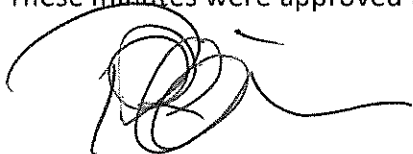
**Preface**

When the Chief Executive Officer approved these Minutes for distribution they are in essence "Unconfirmed" until the following Ordinary Meeting of Council, where the minutes will be confirmed subject to any amendments.

The "Confirmed" Minutes are then signed off by the Presiding Member.

**Unconfirmed Minutes**

These minutes were approved for distribution on 18 November 2022



Peter Klein

**Chief Executive Officer**

**DISCLAIMER**

*No responsibility whatsoever is implied or accepted by the Shire of Wyalkatchem for any act, omission or statement or intimation occurring during this meeting. It is strongly advised that persons do not act on what is heard at this meeting and should only rely on written confirmation of Council's decisions, which will be provided within ten days of this meeting.*

## **DISCLOSURE OF INTEREST**

Councillors and staff are reminded of the requirements of section 5.65 of the *Local Government Act 1995*, to disclose any interest or perceived interest in any matter to be discussed during a meeting, and also the requirement to disclose any item affecting impartiality.

### Financial Interest:

Under section 5.60A of the *Local Government Act 1995*, a person is said to have a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person.

### Proximity Interest:

Under section 5.60B of the *Local Government Act 1995*, a person is said to have a proximity interest in a matter if the matter concerns a proposed change to a planning scheme affecting land that adjoins the person's land; a proposed change to the zoning or use of land that adjoins the person's land; or a proposed development of land that adjoins the person's land.

### Impartiality Interest:

To maintain transparency, it is important to disclose all interests, including impartiality interests which include interests arising from kinship, friendship and membership of associations. If it is possible that your vote on a matter may be perceived as impartial, you should disclose your interest.

### Disclosing an Interest:

Disclosures must be made, in writing, to the Chief Executive Officer prior to the meeting at which the matter in which you have an interest is to be discussed.

If you disclose a Financial or Proximity Interest, you must leave the room while the matter is discussed and voted on. Only after a decision has been reached may you return to the meeting, at which time the Presiding Person will inform you of Council's decision on the matter.

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**1. DECLARATION OF OPENING**

The meeting was declared open at 4:05pm.

**2. PUBLIC QUESTION TIME**

**2.1. Response to Public Questions Previously Taken on Notice**

Nil

**2.2. Declaration of Public Question Time opened**

Public Question Time opened at 4:05pm.

There were no questions.

**2.3. Declaration of Public Question Time closed**

Public Question Time closed at 4:05pm.

**3. ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE**

**3.1. Attendance**

Members:	Cr. Quentin Davies	Shire President
	Cr. Owen Garner	Deputy president
	Cr. Emma Holdsworth	
	Cr. Stephen Gamble	
	Cr. Mischa Stratford	
	Cr. Christy Petchell	
	Cr. Christopher Loton	

Staff:	Peter Klein	Chief Executive Officer
	Stephanie Elvidge	Governance Executive Officer
	Terence Delane	Manager of Works

**3.2. Apologies**

Claire Trenorden	Manager of Corporate services
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**3.3. Approved Leave of Absence**

Nil

**3.4. Applications for Leave of Absence**

Nil

**4. OBITUARIES**

It was advised that Maureen Dickson had passed. Sincere condolences to Maureen's family.

**5. PETITIONS, DEPUTATIONS, PRESENTATIONS**

**5.1. Petitions**

**5.2. Deputations**

**5.3. Presentations**

**6. DECLARATIONS OF INTEREST**

**6.1. Financial and Proximity Interest**

Nil

**6.2. Impartiality Interests**

Nil

**7. CONFIRMATION AND RECEIPT OF MINUTES**

**7.1. Confirmation of Minutes**

**7.1.1. Ordinary Meeting of Council – 20 October 2022**

Minutes of the Shire of Wyalkatchem Ordinary Meeting held on Thursday 20 October 2022 (Attachment 7.1.1)

**OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION**

***(124/2022) Moved: Cr Stratford                      Seconded: Cr Petchell***

***That the minutes of the Shire of Wyalkatchem Ordinary Meeting of Council of Thursday 20 October 2022 (Attachment 7.1.1) be confirmed as a true and correct record.***

**CARRIED 7/0**

**7.2. Receipt of Minutes**

**7.2.1. Local Emergency Management Committee (LEMC) Minutes – 26 October 2022**

Minutes of the LEMC Meeting held on Wednesday 26 October 2022 (Attachment 7.2.1)

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION**

***(125/2022) Moved: Cr Stratford                      Seconded: Cr Garner***

***That the minutes of the LEMC Meeting held on Wednesday 26 October 2022 (Attachment 7.2.1) be received by Council.***

**BUSINESS ARISING**

**LEMC COMMITTEE RESOLUTION/ RECOMMENDATION**

Moved – Cr Garner                      Seconded – Trent Tyler

***That the LEMC Terms of Reference be amended to reflect the change in meeting frequency from quarterly to a minimum of 2 meetings per year and endorsed by Council.***

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION**

***(126/2022) Moved: Cr Loton                      Seconded: Cr Petchell***

***That the LEMC Terms of Reference be amended to reflect the change in meeting frequency from quarterly to a minimum of 2 meetings per year and endorsed by Council.***

**CARRIED 7/0**

**8. ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Cr Davies thanked Councillors and staff that attended the Remembrance Day ceremony on behalf of the Shire.

Cr Davies thanked Cr Stratford for attending the CEACCA meeting on his behalf and reminded Councillors that the WALGA Great Eastern Country Zone conference will be in Meriden on the 28<sup>th</sup> February 2023.

All Councillors were encouraged to provide feedback to WALGA on Local Government Week 2022.

Cr Davies formally welcomed Dr Michael Cudjoe to Wyalkatchem and encourages the community to pay him a visit. Cr Davies acknowledged Dr Emmanuel and the Shire of Koorda for the immense effort of all that contributed to the process.

The Shire received an acknowledgement of condolences from Malcolm Carter's sister.

**9. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Item 14.1 CHIEF EXECUTIVE OFFICER'S FY22 PERFORMANCE REVIEW



**10.REPORTS**

**10.1. CORPORATE AND COMMUNITY SERVICES**

**10.1.1. ACCOUNTS FOR PAYMENT – OCTOBER 2022**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	01 November 2022
Reporting Officer:	Parul Begum
Disclosure of Interest:	No interest to disclose
File Number:	12.10.02
Attachment Reference:	Attachment 10.1.1 – Accounts for Payment – October 2022

**SUMMARY**

To provide Council with a list of accounts paid by the Chief Executive Officer in accordance with his delegated authority and for Council to endorse the payments made for the prior month.

**BACKGROUND**

The *Local Government (Financial Management) Regulations 1996, s13(1)*, requires that if a local government has delegated to the CEO 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 all payments since the last such list was prepared.

Council has delegated to the CEO (delegation number 1.2.17) the power to make payments from the municipal fund or trust fund.

**COMMENT**

The payment listing for October 2022 is presented to Council for endorsement.

Bank Account	Payment Type	Last Number	First Number in the report
Municipal & Trust	EFT	EFT 2333	EFT 2282
DD	DD	DD2337	DD2293

**STATUTORY ENVIRONMENT**

*Local Government (Financial Management) Regulations, S13.1*

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

Expenditure in accordance with the 2022/2023 Annual Budget.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

Goal No.	Strategies		Actions
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.2	<ul style="list-style-type: none"> <li>Ensuring sound financial management and plans for the Shire’s long-term financial sustainability</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High quality corporate governance, accountability and compliance</li> </ul>
		10.4	<ul style="list-style-type: none"> <li>Maintaining Integrated Strategic and Operational plans</li> </ul>

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION**

*(127/2022) Moved: Cr Stratford*

*Seconded: Cr Gamble*

*That Council endorse the total payments for the month of October 2022 being \$317,835.41 which comprised of:*

1. *Electronic Funds Transfer (EFT) payments in the Municipal Fund totalling \$270,926.02;*
2. *Direct Debit (DD) payments in the Municipal Fund totalling \$46,909.39.*

***CARRIED 7/0***

**10.1.2. ACCOUNTS FOR PAYMENT – CREDIT CARDS – SEPTEMBER 2022**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	05 October 2022
Reporting Officer:	Parul Begum – Finance Officer
Disclosure of Interest:	No interest to disclose
File Number:	File Ref: 12.10.02
Attachment Reference:	Attachment 10.1.2 – Credit Cards – September 2022

**BACKGROUND**

Council governance procedures require the endorsement of credit card payments at each OMC. The attached credit card payment report has been reviewed by the Manager of Corporate Services and CEO.

**STATUTORY ENVIRONMENT**

*Local Government Act 1995, Part 6 – Financial Management s.6.4*  
*Local Government (Financial Management) Regulations 1996, R34*

**POLICY IMPLICATIONS**

Policy Number 2.1 – Purchasing Policy.  
 Policy Number 2.3 – Credit Card Policy.

**FINANCIAL IMPLICATIONS**

Nil. Reported expenditure is assessed by management as being consistent with the FY22 Annual Budget.

**COMMUNITY & STRATEGIC OBJECTIVES**

This matter is consistent with the following Strategic Community Plan goal.

**Goal - Transparent, accountable and effective governance**

Goal No.	Strategies		Actions
<b>Goal 10</b>	<b>Transparent, accountable, and effective governance</b>	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.2	<ul style="list-style-type: none"> <li>Ensuring sound financial management and plans for the Shire’s long-term financial sustainability</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High-quality corporate governance, accountability, and compliance</li> </ul>
		10.4	<ul style="list-style-type: none"> <li>Maintaining Integrated Strategic and Operational plans.</li> </ul>

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION**

*(128/2022) Moved: Cr Gamble*

*Seconded: Cr Petchell*

*That Council endorses credit card payments for the period 28 August – 28 September 2022, totalling \$2,227.45 (refer to attachment 10.1.2).*

**CARRIED 7/0**

### 10.1.3. MONTHLY FINANCIAL REPORT – OCTOBER 2022

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	12 October 2022
Reporting Officer:	Claire Trenorden, MCS and Megan Shirt, Consultant
Disclosure of Interest:	No interest to disclose
File Number:	25.08
Attachment Reference:	Attachment 10.1.3 – Monthly Financial Report October 2022

#### BACKGROUND

The *Local Government (Financial Management) Regulations 34* requires a local government to prepare a monthly financial statement that reports on actual revenue and expenditure against the annual budget prepared under regulation 22(1) (d).

Council has adopted a material variance on 10% or \$10,000 whichever is the greater.

#### COMMENT

The attached report includes:

- Statement of Financial Activity by Program (p.3)
- Statement of Financial Activity by Nature and Type (p.4)

The statements provide details of the Shire's operations on an actual year to date basis.

These statements and Notes 1 (p.5) and 2 (p.6) are statutory requirements and must be presented to Council.

The remaining notes all relate to the Statements of Financial Activity.

#### STATUTORY ENVIRONMENT

*Local Government Act 1995, Part 6 – Financial Management S6.4*

*Local Government (Financial Management) Regulations, R34*

#### POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

#### FINANCIAL IMPLICATIONS AUGUST 2022

Total Cash Available as at 31 October 2022 is \$5,671,102;

- cash available is made up of unrestricted cash \$2,712,947 (47.84%) and
- restricted cash \$2,958,156 (52.16%).

Rates Debtors balance as at 31 October 2022 is \$304,269 and Rates Notices for 2022-23 were issued in August 2022. Rates collected as at end of October 2022 was \$1,142,663 79%.

**October 2022:** Operating Revenue – Operating revenue of \$1,885,778 is made up of Rates - 75%, Grants - 17%, Fees and Charges - 7% and other – 1%.

Operating Expenses – Operating expenses of \$1,032,728 is made of Employee Costs – 43%, Materials and Contracts – 37%, Insurance – 15% and Utility – 4% and Other Charges – 1%.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Goal: Transparent, accountable and effective governance.**

Goal No.	Strategies		Actions
<b>Goal 10</b>	<b>Transparent, accountable and effective governance</b>	10.1	<ul style="list-style-type: none"> <li>Ensuring a well-informed Council makes good decisions for the community</li> </ul>
		10.2	<ul style="list-style-type: none"> <li>Ensuring sound financial management and plans for the Shire’s long term financial sustainability</li> </ul>
		10.3	<ul style="list-style-type: none"> <li>High quality corporate governance, accountability and compliance</li> </ul>
		10.4	<ul style="list-style-type: none"> <li>Maintaining Integrated Strategic and Operational plans</li> </ul>

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION**

*(129/2022) Moved: Cr Garner*

*Seconded: Cr Holdsworth*

*That Council accepts the Statements of Financial Activity for the months ending 31 October 2022 (refer attachment 10.1.3.)*

**CARRIED 7/0**

#### 10.1.4. RATE EXEMPTION

Applicant:	Roman Catholic Church
Location:	13 Railway Terrace, Wyalkatchem
Date:	02 November 2022
Reporting Officer:	Louise Sequerah
Disclosure of Interest:	No interest to disclose
File Number:	25.08.02
Attachment Reference:	Attachment 10.1.4.1 – E261022 - A934 - 13 Railway Terrace.pdf Attachment 10.1.4.2 – Policy 2-11 Rating Exemptions.pdf

#### SUMMARY

For Council to consider granting a rate exemption to Roman Catholic Church – Wyalkatchem Parish for 13 Railway Terrace, Wyalkatchem

#### BACKGROUND

An application from the Roman Catholic Church has been received seeking a rate exemption for their property located at 13 Railway Terrace, Wyalkatchem – A934 (Attachment 10.1.4.1).

Section 6.26(2) of the Local Government Act 1995 provides information on land exempt for rates, including

- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
- (e) land used exclusively by a religious body as a school for the religious instruction of children; and
- (g) land used exclusively for charitable purposes.

The Act does not provide a definition eligible requirements.

Council Policy 2.11 – Rate Exemption identifies the process to be followed when an organisation wishes to apply for an exemption of rates. Council is required to consider this application and decide to grant or decline an exemption.

#### COMMENT

Due to diminishing congregation levels, the Wyalkatchem Parish is currently finding it difficult to maintain the four properties that they own within the shire. Whilst the Perth Archdiocese do assist with some expenses the congregation is largely responsible for these properties.

In accordance with Council Policy 2.11 – Rate Exemption, an assessment of the application has been conducted. It has been deemed that this property meets the criteria to be considered for an exemption.

This assessment is based on the grounds that

- The Roman Catholic Church is a registered religious body.
- The hall is used solely by the parishioners or free to community groups.

**STATUTORY ENVIRONMENT**

Local Government Act 1995 Section 6.26

**POLICY IMPLICATIONS**

Council Policy 2.11 – Rate Exemption

**FINANCIAL IMPLICATIONS**

Decrease in rate revenue of \$515 for the 2022/2023 financial year.

Decrease in future rate revenue of approximately \$520 for each financial year.

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan

**Objective: Healthy, strong and connected communities**

Goal No.	Outcome	Action No.	Actions
1.1	Enhanced community wellbeing and participation in community life	1.1.5	Support people with complex needs

**Objective: A prosperous and dynamic district**

Goal No.	Outcome	Action No.	Actions
2.2	Informed, learning and district, connected	2.2.2	Promote learning, networking and sharing opportunities

**VOTING REQUIREMENT**

Simple Majority

**OFFICER’S RECOMMENDATION COUNCIL RESOLUTION**

*(130/2022) Moved: Cr Holdsworth                      Seconded: Cr Petchell*

**That Council:**

- 1. Applies Section 6.26 of the Local Government Act 1995 to the property at 13 Railway Terrace, Wyalkatchem owned by the Roman Catholic Church;**
- 2. That the rate exemption is only applicable while the premises and land is owned by the Roman Catholic Church and used exclusively for Religious or non-profit Community use. The rating exemption will cease if the premises or land is used for any commercial activity or gain.**

**NOT VOTED**



**OFFICER'S RECOMMENDATION COUNCIL RESOLUTION**

***(131/2022) Moved: Cr Holdsworth***

***Seconded: Cr Stratford***

***That Council lays this item on the table and seeks further information on the matter.***

***CARRIED 7/0***

*Cr Garner and Peter Klein left the meeting at 4:48pm*

*Cr Garner and Peter Klein returned to the meeting at 4:50pm*

## **10.2. GOVERNANCE AND COMPLIANCE**

### **10.2.1. CHIEF EXECUTIVE OFFICER'S REPORT OCTOBER / DECEMBER 2022**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	08 November 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

#### **SUMMARY**

This report is prepared by the CEO to provide Council and the Wyalkatchem community, some insight into CEO activities and Council operations.

#### **COMMENT**

Since the last report the CEO has attended the following substantial meetings and events to progress community and Council's interests;

- DFES - Bush Fire Control Officer training, Wongan Hills
- Nathan Garn – re: grader repairs
- Wyalkatchem DHS – Council meeting
- Dr Emmanuel Awogun re GP recruitment
- WALGA People & Culture seminar
- NEWROC Executive meeting – teleconference
- Brendan Eaton re: equipment storage
- Local Emergency Management Committee
- Wyalkatchem Business Network – Quade Agri Services

#### **STATUTORY ENVIRONMENT**

There are no direct statutory implications in relation to this item.

#### **POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

#### **FINANCIAL IMPLICATIONS**

There are no financial implications in relation to this item.

#### **COMMUNITY & STRATEGIC OBJECTIVES**

The CEO's activity promotes the Strategic Community Plan objectives particularly, those outlined in Goal 10 which calls on transparent, accountable and effective governance.

**Goal 10 Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.**

Goal No.	Action No.	Actions
<b>10</b> <b>Transparent, accountable and effective governance</b>	10.1	Ensuring a well-informed Council makes good decisions for the community
	10.4	Maintaining Integrated Strategic and Operational plans
<b>12</b> <b>Form strategic partnerships &amp; advocate for the community</b>	12.1	Developing strategic partnerships with regional, State & Federal governments
	12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

**VOTING REQUIREMENT**

Simple Majority

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION**

*(132/2022) Moved: Cr Garner*

*Seconded: Cr Stratford*

*That Council accepts the Chief Executive Officer's report.*

**CARRIED 7/0**

**10.3. WORKS AND SERVICES**

**10.3.1. MANAGER OF WORKS OFFICER'S REPORT OCTOBER / NOVEMBER 2022**

Applicant:	Not Applicable
Location:	Shire of Wyalkatchem
Date:	10 <sup>th</sup> November 2022
Reporting Officer:	Terry Delane – Manager of Works
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

**BACKGROUND**

To inform Council of the activities of the works and services team during the month prior to the 10<sup>th</sup> November 2022.

**COMMENT**

**SAFETY / INCIDENTS**

Reported Incidents as follows;

1. Abandoned car in CBH access road removed by staff.

**CAPITAL PROJECTS**

**REGIONAL ROAD GROUP. (RRG)**

- i. Cunderdin Rd sealing quotes received.
- ii. Wylie North Rd estimate in progress.

**WHEATBELT SECONDARY FREIGHT NETWORK (WSFN)**

- iii. MetroCount traffic counters installed on the Koorda Rd.

**ROADS 2 RECOVERY (R2R)**

- iv. Elsegood Rd commenced.
  1. Minor clearing completed.
  2. Survey completed for blackspot sections.
  3. Gravel production underway (M Grant).
  4. Gravel laying out underway. (Shire and Digga Civil)
  5. Subcontractor for wetmixing under negotiation.

**AERODROME**

- Resealing still on target for end November

**THURSTUN ST DRAINAGE UPGRADE**

- Drainage work complete. Trim and reseal of disturbed seal to be completed when the sealing crew is in town.

**OVAL IRRIGATION UPGRADE**

- Irrigation replacement completed very successfully.
- Subsequent failure of the control wires conducted by same contractor. Suspected heavy plant activity during rodeo is the main contributing factor.

#### **SWIMMING POOL UPGRADE**

- Major capital works to be scoped and priced over the next couple of months.
- Emergency repairs to the coping on the outlet channels completed.
- Pool expected to open imminently.
- Main line repairs from W/C meter to pool systems completed.
- Electrical to existing lights on east side made redundant. A new LED solar being trialled.

#### **ASHELFORD PARK**

- Block cleared and levelled.

#### **RAILWAY TCE**

- Post and chain fence completed. Further installs of this design pending approval.

#### **WYLIE WATERPROOFING - NATIONAL GRID CONNECTION PROJECT**

- Railway to Town dam transfer pipe completed
- Plumbing to pump and school system pending (Shire expense at this stage).
- No further update on catchment upgrade.

### **MINOR WORKS AND MAINTENANCE**

#### **MAINTENANCE GRADING**

- Program essentially completed. Some priority roads to be redone when time permits either during or after the Elsegood Rd work is finished.

#### **PARKS / TOWN SERVICES CREW**

- Focus has been on reticulation repairs to council / public properties.
- Cricket season commenced. Leading Hand Cris to be applauded for his work assisting me to curate the wickets. Invaluable advice received from ex Wyalkatchem and WACA curator Tony Kelly and ex WACA lead curator, David Crane.

#### **GRACE ST DEPOT**

- Safety shower and washing slab installed.

#### **RUBBISH TIP**

- Some indiscriminate tipping still occurring including a load of pickled wheat.

#### **HUMAN RESOURCES**

- Interviews closed for Works Admin position.

#### **VEHICLE/PLANT**

- Some upgrades to the community bus in progress.

**Goal: Our built environment responds to the accessibility and connectivity needs of all.**

Outcome No.	Action No.	Actions
<b>Our built environment responds to the accessibility and connectivity needs of all.</b>	8.1	Improving safety on road, cycle and footpath networks
	8.2	Developing & planning community infrastructure to improve use & social interaction
	8.3	Implement Aged Friendly Plan
	8.4	Implement the Disability Access and Inclusion Plan (DAIP

**VOTING REQUIREMENT**

Simple majority

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION**

*(133/2022) Moved: Cr Gamble*

*Seconded: Cr Loton*

*That Council accept the Manager of Work's (MOW) Report up to 10<sup>th</sup> November 2022.*

**CARRIED 7/0**

**10.4. PLANNING AND BUILDING**

**10.4.1. DEVELOPMENT APPROVAL (DA) LOT 20955 (HN 4398) PARSONS ROAD, KORRELOCKING**

Applicant:	Crips Wireless
Location:	Lot 20955 Parsons Road, Korrelocking
Date:	08 <sup>th</sup> November 2022
Reporting Officer:	Peter Klein on behalf of Paul Bashall, Planwest (WA) Pty Ltd
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Nil

**BACKGROUND**

This report considers a proposal to build a new communications facility on the western edge of a large farming property in Korrelocking.

On 12th October 2022 a Development Approval (DA) application was submitted by Crisp Wireless for the construction of a 30m aerial and associated infrastructure to provide for improved wireless connectivity in the locality.

The DA application form is accompanied by an authority from the executor of the deceased estate, summary and location of the proposal, how the proposal fits within the Council’s Local Planning Scheme No 4 (the Scheme), details of the components of the facility and a copy of the certificate of title.

**LOCATION**

The property is located about 19 kilometers south southeast of Wyalkatchem townsite and about 18 kilometers south of Korrelocking Townsite.

**Figure 1** provides a location plan of the site showing its relationship to these townsites and the rural nature of the surrounding properties.

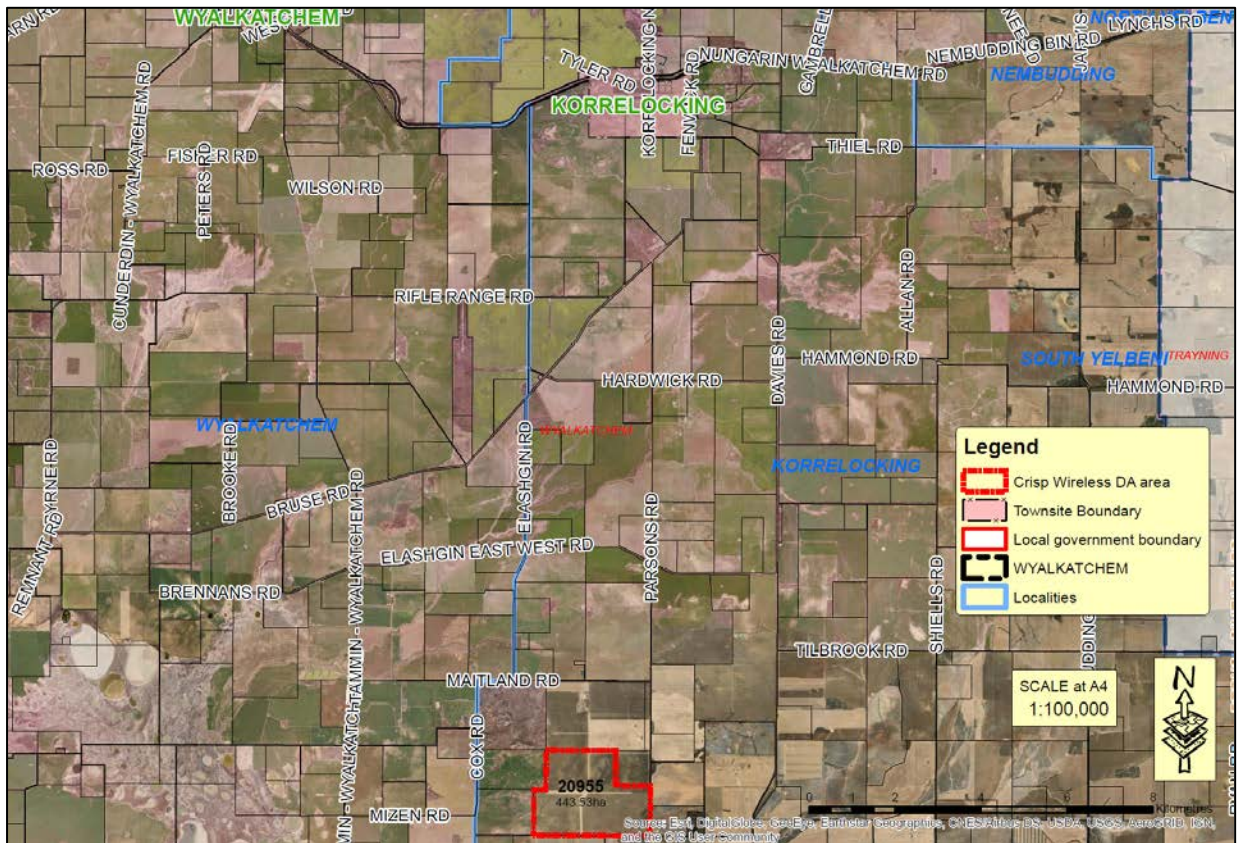
**Figure 2** shows an enlargement of the whole property indicating the location of the facility on the western boundary. Lot 20955 is about 433 hectares and largely used for cropping. A closer examination of the aerial photograph shows a firebreak on the boundary.

This figure also provides the areas of the property that are affected by the Bushfire Prone mapping.

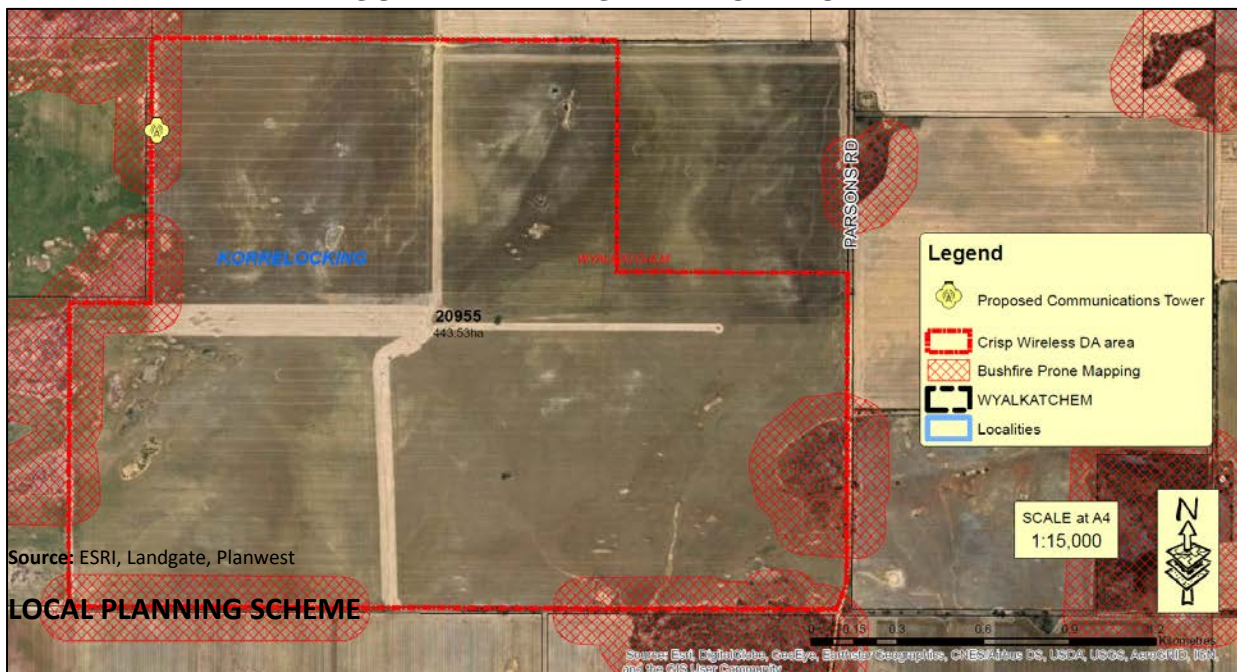
These bushfire prone areas are determined by existing vegetation areas – plus 100 metres. As the Figure shows, many of these bushfire prone areas are resulting from road reserves where trees and vegetation has remained. The road reserve abutting the development site is 20 metres wide but unconstructed. It appears that this road reserve area remains isolated from any abutting road reserve as is therefore unlikely to be constructed or used in the future.

Bushfire provisions essentially relate to the protection of lives that are involved in buildings or works. As this facility will be unmanned and require very little on-site maintenance the risk and consequences of a bushfire are considered remote.

**FIGURE 1 – LOCATION PLAN**



**FIGURE 2 – ENLARGEMENT OF PROPERTY**



The land is zoned 'Rural' in the Local Planning Scheme No 4 (the Scheme). **Figure 3** shows the zoning of the property and surrounding land.

All the surrounding properties are also zoned 'Rural' and appear to be largely cropped as well.

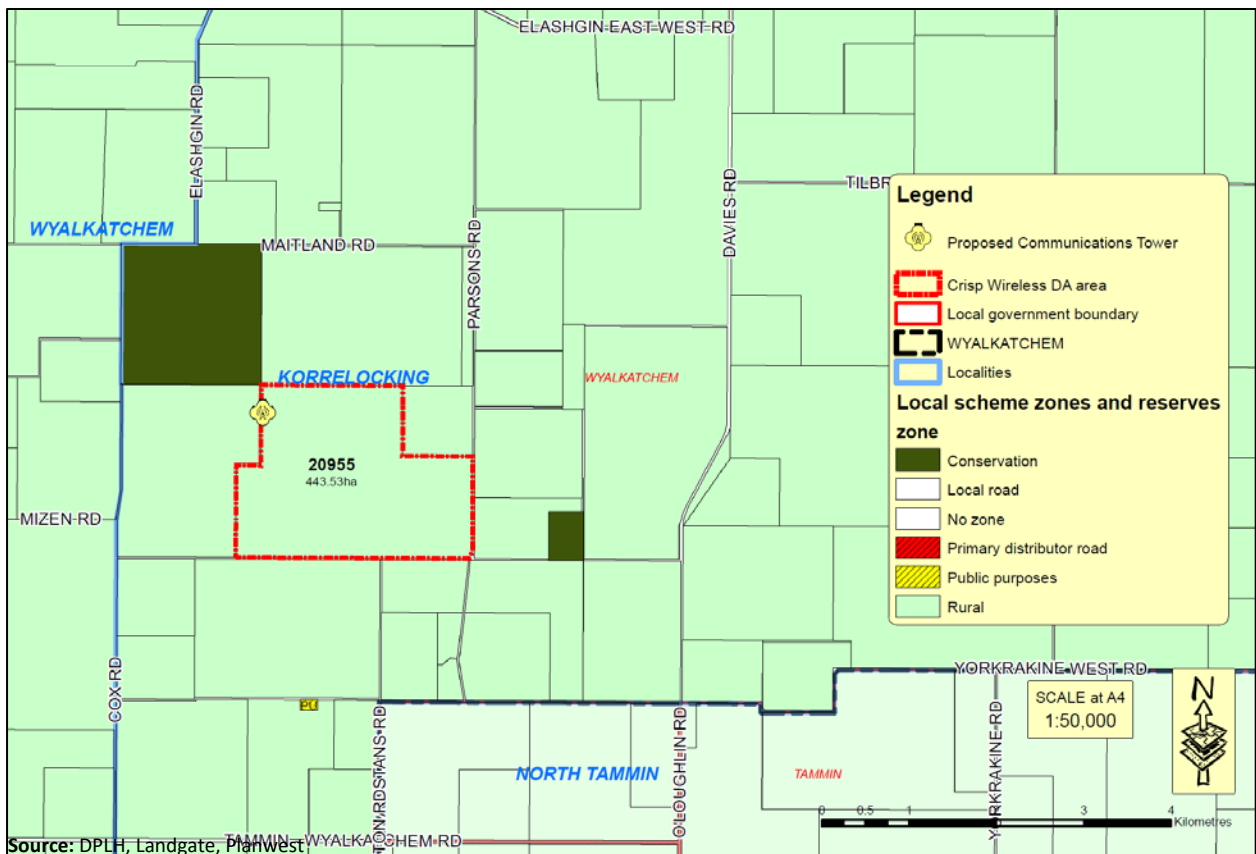


As noted by the applicant, Table 1 – Zoning Table of the Scheme provides for a Telecommunications infrastructure as a ‘D’ use in a Rural zone.

A ‘D’ use means that the use is not permitted unless the local government has exercised its discretion by granting planning approval (DA).

The Deemed Provisions (of the *Planning and Development (Local Planning Schemes) Regulations 2015*) do not exempt the development from requiring a DA (clause 61).

**FIGURE 3 – SCHEME MAP EXTRACT**



**PROPOSED DEVELOPMENT**

The proposed development consists of:

- A 30m steel tower.
- A combination of Dual Pole Parabolic Antennas (Dishes) and Sector.
- A sea container housing the communications equipment; and
- Solar panels to power the system on the roof of the sea container.

The details in the DA are contradictory whereas Figure 5 of the application shows the hut separated from the aerial, but the hut diagrams following Figure 5 clearly shows the aerial attached to the hut.



Clarification from the applicant confirms that the configuration ‘is more likely to look like Figure 4’ of the application. This figure clearly shows the two components separated (see adjacent).

The hut will be self-sufficient in power through solar panels to service its operations remotely.

The DA shows that the guy wires extend 15 metres from the base of the tower and the tower will be located 16 metres from the western boundary of the property. This setback only allows for a 1 metre gap to maintain a perimeter firebreak.

It would not be possible for the firebreak machinery to travel under the guy wires without becoming tangled. It will therefore be necessary to set the installation slightly further away from the boundary to allow a firebreak vehicle to maintain the perimeter

firebreak – as well as a fire break around the proposed facility.

The applicant has been advised of this information and has agreed to the requirement.

The applicant indicates that access will be via farm tracks from Parsons Road, however, other than the construction phase, visits to the facility should be infrequent.

**SUMMARY**

The proposed facility is unlikely to have a significant impact from any surrounding development or public places. The nearest dwelling is over 1 kilometre to the west and another over 1.5 kilometres northwards of the site.

The nearest public place is the abutting road reserve which is not accessible to the general public as it is land locked. The nearest other public road is probably Cox Road that is over 1.6 kilometres to the west. The facility will be barely noticeable at this distance.

Due to the nature of the facility parking and landscaping provisions are considered unnecessary.

It is not considered necessary to advertise the DA.

**CONSULTATION**

Paul Bashall – Planwest, Town Planning Consultant

**STATUTORY ENVIRONMENT**

*Planning and Development Act 2005*  
*Shire of Wyalkatchem Local Planning Scheme No 4*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

**COMMUNITY & STRATEGIC OBJECTIVES**

The matter before Council generally accords with the following Shire desired outcome as expressed in the revised Shire of Wyalkatchem Strategic Community Plan.

**Goal: Transparent, accountable and effective governance.**

Goal No.	Strategies		Actions
10	Transparent, accountable and effective governance	10.1	<ul style="list-style-type: none"><li>Ensuring a well-informed Council makes good decisions for the community</li></ul>
		10.3	<ul style="list-style-type: none"><li>High quality corporate governance, accountability and compliance</li></ul>

**VOTING REQUIREMENT**

Simple majority

**OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION**

*(134/2022) Moved: Cr Stratford* *Seconded: Cr Loton*

*That the Council approves the proposed communications facility subject to the guy wires being well clear of the property perimeter firebreak area and appropriate safe access available for emergency situations. In addition, standard footnotes should be added to address approval times, appeal rights, the potential need for a building permit and the on-going obligations to maintain firebreaks.*

**CARRIED 7/0**

**11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

**12. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil

**13. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

Nil

**14. MATTERS BEHIND CLOSED DOORS**

**14.1 CHIEF EXECUTIVE OFFICER'S FY 22 PERFORMANCE REVIEW**

**OFFICER'S RECOMMENDATION / COUNCIL RESOLUTION**

***(135/2022) Moved: Cr Stratford***

***Seconded: Cr Petchell***

***That Council moves behind closed doors in accordance with Section 5.23 (2)(b) and (e)(iii) of the Local Government Act 1995 which states, that a Council may move its meeting behind closed doors;***

- to deal with matters that relate to the personal affairs of a person and***
- to deal with a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person.***

**CARRIED 7/0**

**14.1. CHIEF EXECUTIVE OFFICER'S FY 22 PERFORMANCE REVIEW**

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	8 November 2022
Reporting Officer:	Peter Klein, Chief Executive Officer
Disclosure of Interest:	No interest to disclose
File Number:	13.05.01
Attachment Reference:	Attachment 14.1 – KPI Review November 2022- confidential

**SUMMARY**

The performance of the CEO must be reviewed annually.

The local government and the CEO must agree on —

- (a) the process by which the CEO's performance will be reviewed; and
- (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.

A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.

(2) The local government must —

- (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
- (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

**STATUTORY ENVIRONMENT**

The process for reviewing the CEO’s performance is outlined in the *Local Government (Administration) Regulations 1996 – Division 3.*

**POLICY IMPLICATIONS**

There are no direct policy implications in relation to this item.

**FINANCIAL IMPLICATIONS**

It is proposed that subject to Council passing the resolution to accept the performance review, that the CEO’s salary be escalated. The CEO has not received a salary increase since his recruitment in November 2020.

**COMMUNITY & STRATEGIC OBJECTIVES**

The CEO’s activity promotes the Strategic Community Plan objectives particularly, those outlined in Goal 10 which calls on transparent, accountable and effective governance.

**Goal 10 Transparent, accountable and effective governance and 12 Form strategic partnerships and advocate for the Community.**

Goal No.	Action No.	Actions
<b>10 Transparent, accountable and effective governance</b>	10.1	Ensuring a well-informed Council makes good decisions for the community
	12.2	Ensuring that the Shire of Wyalkatchem is well positioned to meet future needs

**VOTING REQUIREMENT**

Absolute majority

**OFFICER’S RECOMMENDATION**

*(136/2022) Moved: Cr Stratford*

*Seconded: Cr Holdsworth*

*That Council accepts the Chief Executive Officer’s Performance Review, KPI’s and proposed salary increase.*

**CARRIED 7/0**

**OFFICER’S RECOMMENDATION / COUNCIL RESOLUTION**

*(137/2022) Moved: Cr Holdsworth*

*Seconded: Cr Stratford*

*That Council move out from behind closed doors.*

**CARRIED 7/0**

**15. INFORMATION BULLETIN**

**15.1. Information Bulletin**

The information bulletin has been provided as an attachment (Attachment 15.1)

**15.2. Business Arising from the Information Bulletin**

**15.2.1. Status Report Discussion**

**16. CLOSURE OF THE MEETING**

There being no further business to discuss, the Chairperson thanked everyone for their attendance and closed the meeting at 5:41pm.





**Shire of Wyalkatchem Audit and Risk Committee (ARC)  
Special Meeting Minutes, held on Thursday 1 December 2022,  
Commencing at 3.30pm in the Council Chambers,  
Honour Avenue, Wyalkatchem**

*Regulation 16 of the Local Government (Audit) Regulations 1996 states that:*

*“An audit committee —*

- a)** is to provide guidance and assistance to the local government —
  - i.** as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
  - ii.** as to the development of a process to be used to select and appoint a person to be an auditor; and**
  
- b)** may provide guidance and assistance to the local government as to —
  - i.** matters to be audited; and*
  - ii.** the scope of audits; and*
  - iii.** its functions under Part 6 of the Act; and*
  - iv.** the carrying out of its functions relating to other audits and other matters related to financial management; and**
  
- c)** is to review a report given to it by the CEO under regulation 17(3) (the CEO’s report) and is to —
  - i.** report to the council the results of that review; and*
  - ii.** give a copy of the CEO’s report to the council.”**

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**1. DECLARATION OF OPENING**

The Chairperson, Cr Owen Garner, opened the meeting at 3:33pm.

**2. PUBLIC QUESTION TIME**

Public question time opened at 3:34pm

There weren't any members of the public.

Public question time closed at 3:35pm

**3. ATTENDANCE /APOLOGIES/LEAVE OF ABSENCE**

Members:	Cr Owen Garner	Chair
	Cr. Emma Holdsworth	Deputy Chair - <i>joined at 3:43pm</i>
	Cr. Stephen Gamble	<i>Joined at 3:43pm</i>
	Cr. Mischa Stratford	
	Cr. Christy Petchell	
	Cr. Christopher Loton	

Staff:	Peter Klein	Chief Executive Officer
	Stephanie Elvidge	Governance Executive Officer
	Terry Delane	Manager of Works

Apoloiges:	Cr. Quentin Davies	Shire President
	Claire Trenorden	Manager of Corporate Services

Visitors:	Mr Suraj Karki	Officer of the Auditor General – via TEAMS
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Leave of Absence: Nil

**4. PETITIONS, DEPUTATIONS, PRESENTATIONS**

Nil

**5. DECLARATIONS OF INTEREST**

Nil

**6. ANNOUNCEMENT BY THE PRESIDING PERSON WITHOUT DISCUSSION**

Nil

## 7. MATTERS REQUIRING A COMMITTEE DECISION

### 7.1. CORPORATE SERVICES REPORTS

#### 7.1.1. MEETING WITH THE AUDITOR AND MANAGEMENT LETTER

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	25 November 2022
Reporting Officer:	Claire Trenorden, Manager of Corporate Services
Disclosure of Interest:	No interests to disclose
File Number:	12.02.01
Attachment Reference:	Attachment 7.1.1.1 – Office of Auditor General – Management Letter Attachment 7.1.1.2 – Audit Findings Report Attachment 7.1.1.3 – Report on Significant Matters

#### SUMMARY

Council is required to meet with the auditor annually. Council has given delegated authority to the Audit Committee to meet with the auditor to satisfy the requirement of s.7.12A (2) of the *Local Government Act 1995* (the Act). The officer of the Auditor General is present at this meeting via TEAMS.

In addition, Council is to consider the 2021/2022 Management Letter and Audit Findings Report.

#### BACKGROUND

The meeting with the auditor is required to allow the Audit Committee the opportunity to discuss any matters or concerns with the auditors and similarly for the auditor to discuss and matters or concerns with the committee.

In addition to responding to any specific questions, Mr Suraj Karki will provide committee members with an overview of the audit process that was conducted and details of findings and recommendations arising from the audit conducted in 2021/22.

#### COMMENT

Mr Suraj Karki, the Officer of Auditor General gave his feedback to Council. The report raised one significant matter which was discussed at length.

*Mr Suraj Karki, the Officer of Auditor General left the meeting at 3:48pm.*

To comply with section 7.12(A) a Report on Significant Matters attachment 7.1.1.3 has been prepared which is to be presented to the Minister within 3 months of the Auditors Report being received by the Local Government as per the requirement of s.7.12A (4) *Local Government Act 1995* (the Act).

It is recommended that the Audit and Risk Committee Audit endorse this report and recommends the endorsement by Council.

Once endorsed the report will be provided to the Minister and published on the Shire's website.

## STATUTORY ENVIRONMENT

*Local Government Act 1995 section 7.12A – Duties of local government with respect to audits.*

The requirements of this response are:

- a. Upon receipt of the auditor's report, the local government must prepare a report for its Audit Committee to address the significant matters raised and outline what action(s) the local government has taken or intends to take in respect of each of the matters raised.
- b. The Audit Committee minutes and the report to the Minister are referred to Council for proper review and endorsement of any proposed actions.
- c. Within 3 months of receipt of the auditor's report, a copy of the Council-endorsed report must be provided to the Minister.
- d. Within 14 days of providing a copy of the report to the Minister, a copy must be published on the local government's website.

A local government is not considered compliant with its statutory obligations until all of the above actions have been completed.

## POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

## FINANCIAL IMPLICATIONS

There are no direct financial implications in relation to this item.

## COMMUNITY & STRATEGIC OBJECTIVES

This matter promotes the following Strategic Community Plan goal.

### GOAL 10

Outcome No.	Outcome
Transparent, accountable and effective governance	<ul style="list-style-type: none"><li>• Ensuring a well-informed Council makes good decisions for the community</li><li>• Ensuring sound financial management and plans for the Shire's long term financial sustainability</li><li>• High quality corporate governance, accountability and compliance</li></ul> Maintaining Integrated Strategic and Operational plans

## VOTING REQUIREMENT

Absolute Majority

## OFFICERS RECOMMENDATION / COMMITTEE RESOLUTION

*(14/2022) Moved: Cr Stratford*

*Seconded: Cr Petchell*

*That the Audit and Risk Management Committee:*

- 1. Accepts the 2021/2022 Management Letter prepared by Office of Auditor General (Attachment 7.1.1.1) and accepts management comments and actions in relation to the audit outcomes (attachment 7.1.1.2.)*
- 2. That, in accordance with the s7.12A (4)(b) accepts the Report on Significant Matters for the financial year 30 June 2022 (Attachment 7.1.1.3).*
- 3. Advises Council that it has met with the Auditor and discharged its obligations, in accordance with Section 7.12A (2)) of the Local Government Act.*

***That the Audit and Risk Committee recommends that that Council;***

- 1. Accepts the 2020/2022 Management Letter prepared by Office of Auditor General and accepts management comments and actions in relation to the audit outcomes and recommendations.***
- 2. Accepts and endorse the Report on Significant Matters for the financial year ended 30 June 2022.***
- 3. Acknowledge that the Audit and Risk Management Committee has met with the Auditors and has discharges its obligations, in accordance with Section 7.12A (2)) of the Local Government Act.***

***CARRIED 6/0***

### 7.1.2. ANNUAL REPORT AND FINANCIAL STATEMENTS

Applicant:	Shire of Wyalkatchem
Location:	Shire of Wyalkatchem
Date:	25 November 2022
Reporting Officer:	Claire Trenorden, Manager of Corporate Services
Disclosure of Interest:	No interests to disclose
File Number:	12.10.01
Attachment Reference:	Attachment 7.1.2. – 2021/2022 Annual Report and Financial Statements

#### SUMMARY

The Audit Committee is requested to endorse and recommend to Council to accept the 2021/2022 Annual Report and Financial Statements for the period ending 30 June 2022.

#### BACKGROUND

In accordance with Section 5.54(1) of the *Local Government Act 1995* Council is required to prepare and accept the Annual Report for each financial year no later than 31 December after that financial year.

#### COMMENT

The final audit of Council's finances and operations commenced 29 August 2022. The final audit report from the Office of the Auditor General was received by the Shire on Thursday 24 November 2022.

Council is required to accept the Annual Report and select a date for the Electors meeting that is no more than 56 days from the acceptance of the annual report. The Electors meeting time and date is also required to be advertised for 14 days.

It is proposed that the Electors meeting be held on the 15 December 2022 commencing at 6pm in Council Chambers.

Public Notice of the Annual Electors Meeting and availability of the Annual Report will be displayed on public notice boards, Wylie Weekly and advertised on Council's Website. In addition residents can request a copy to be mailed to them or view a copy at the Shire Office.

#### STATUTORY ENVIRONMENT

*Local Government Act 1995 section 5.54(1)*

#### POLICY IMPLICATIONS

There are no direct policy implications in relation to this item.

#### FINANCIAL IMPLICATIONS

Advertising, printing and posting costs included in the 2021/2022 budget.

#### COMMUNITY & STRATEGIC OBJECTIVES

This matter promotes the following Strategic Community Plan goal.

## GOAL 10

Outcome No.	Outcome
Transparent, accountable and effective governance	<ul style="list-style-type: none"><li>• Ensuring a well-informed Council makes good decisions for the community</li><li>• Ensuring sound financial management and plans for the Shire's long term financial sustainability</li><li>• High quality corporate governance, accountability and compliance</li></ul> Maintaining Integrated Strategic and Operational plans

## VOTING REQUIREMENT

Absolute Majority

## OFFICERS RECOMMENDATION / COMMITTEE RESOLUTION

*(15/2022) Moved: Cr Petchell*

*Seconded: Cr Stratford*

*That Audit and Risk Management Committee;*

1. *Accepts the Annual Report and Financial Statements for the year ended 30 June 2022 year as provided for in attachment 7.1.2.2.*

*That the Audit and Risk Committee recommends that Council;*

1. *Accepts the Annual Report and Financial Statements for the year ended 30 June 2022 year.*
2. *Holds a General Meeting of Electors on the 15 December 2022 commencing at 6pm in the Shire of Wyalkatchem Council Chambers.*

*Cr Petchell and Cr Stratford changed the proposed motions to lay on the table in order that the presented Annual Report be amended.*

**CARRIED 6/0**

The matter will remain on the table until the Report has been reviewed further.

## 8. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

## 9. QUESTIONS BY MEMBER OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil

## 10. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

## 11. MATTERS BEHIND CLOSED DOORS

Nil

## 12. CLOSURE OF THE MEETING

Meeting closed at 4:04pm





North Eastern Wheatbelt Regional Organisation of Councils

Dowerin | Koorda | Mt Marshall | Mukinbudin | Nungarin | Trayning | Wyalkatchem

# Council Meeting

Monday 28 November 2022

Shire of Trayning, Council Chambers

## MINUTES

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

## ANNUAL CALENDAR OF ACTIVITIES

MONTH	ACTIVITY	MEETING
January		Executive
February	<ul style="list-style-type: none"> <li>👉 Council refreshes itself on NEWROC Vision, Mission, Values (review Vision and Mission every other year)</li> <li>👉 Council reviews NEWROC project priorities</li> </ul>	Council
March	<ul style="list-style-type: none"> <li>👉 WDC attendance to respond to NEWROC project priorities</li> <li>👉 Submit priority projects to WDC, Regional Development and WA Planning</li> </ul>	Executive
April	👉 NEWROC Budget Preparation	Council
May	<ul style="list-style-type: none"> <li>👉 NEWROC Draft Budget Presented</li> <li>👉 NEWROC Executive Officer Contract/Hourly Rate Review (current contract expires June 2022)</li> <li>👉 Local Government Week agenda to be discussed at Executive meeting to determine if EA should attend</li> </ul>	Executive
June	👉 NEWROC Budget Adopted	Council
July		Executive
August	<ul style="list-style-type: none"> <li>👉 Information for Councillors pre-election</li> <li>👉 NEWROC Audit</li> </ul>	Council
September		Executive
October	👉 NEWROC CEO and President Handover	Council
November	<ul style="list-style-type: none"> <li>👉 NEWROC Induction of new Council representatives (every other year)</li> <li>👉 Review NEWROC MoU (every other year)</li> </ul>	Executive
December	<ul style="list-style-type: none"> <li>👉 NEWROC Annual Report</li> <li>👉 NEWROC Drinks</li> </ul>	Council

### **ONGOING ACTIVITIES**

Compliance

Media Releases

Newsletter

### **NEWROC Chair and CEO Rotation**

Shire of Mt Marshall

Shire of Nungarin

Shire of Wyalkatchem

Shire of Koorda

Shire of Mukinbudin (Oct 2021 – Oct 2023)

Shire of Trayning

Shire of Dowerin



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## NORTH EASTERN WHEATBELT REGIONAL ORGANISATION OF COUNCILS

Minutes of the Council Meeting held at the Shire of Trayning Council Chambers on Monday 28 November 2022 commencing at 3.02pm

### MINUTES

#### 1. OPENING AND ANNOUNCEMENTS

NEWROC CEO, Dirk Sellenger welcomed everyone and opened the meeting at 3.02pm

#### 2. RECORD OF ATTENDANCE AND APOLOGIES

##### Attendance

Cr Jannah Stratford	President Shire of Koorda
Cr Quentin Davies	President, Shire of Wyalkatchem (3.17pm)
Cr Christopher Loton	Councillor, Shire of Wyalkatchem
Cr Pippa De Lacy	President, Shire of Nungarin 3.10pm
Cr Melanie Brown	President, Shire of Trayning
Cr Tony Sachse	President, Shire of Mt Marshall
Cr Robert Trepp	President, Shire of Dowerin

Dirk Sellenger	NEWROC CEO, CEO Shire of Mukinbudin
Darren Simmons	CEO, Shire of Koorda
Peter Klein	CEO, Shire of Wyalkatchem (3.17pm)
John Nuttall	CEO, Shire of Mt Marshall
Leanne Parola	CEO, Shire of Trayning
Leonard Long	CEO, Shire of Nungarin
Rebecca McCall	CEO, Shire of Dowerin

##### NEWROC Officer

Caroline Robinson	Executive Officer, NEWROC
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##### Guests

Linda Vernon	NEWTravel EO
Rob Cossart	CEO, Wheatbelt Development Commission (3.09pm)
Renee Manning	Wheatbelt Development Commission

##### Apologies

Cr Gary Shadbolt	NEWROC Chair, Shire of Mukinbudin
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#### 3. Leave of Absence Approvals / Approved

#### 4. Declarations of Interest and Delegations Register

##### Delegation Register

Please find below a delegations register as per the new policy adopted in March 2017:

Description of Delegations	Delegatee	Delegated to	Approval
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Records Management	CEO	NEWROC EO	Council
NEWROC Financial Management	CEO	NEWROC EO	Council Dec 2017
Bendigo Bank Signatory (NEWROC)	CEO	NEWROC EO	Council Dec 2017
Bendigo Bank Signatory (Shire of Mukinbudin)	Council	CEO	Council Oct 2019
NEWROC Website	CEO	NEWROC EO	Council June 2017

## 5. Presentations

Linda Vernon NEWTravel EO

- Presentation of the NEWTravel Strategic Plan and key focus areas
- Discussion regarding the requirement of a Wheatbelt EV Strategy

Rob Cossart – Wheatbelt Bushfire Recovery Coordinator (Corrigin and Wickepin fires)

- Key themes in the recovery: Mental health support; DRFA applications (Primary Producers) required one on one support; Asbestos disposal and removal, landowner responsibilities and costs associated with this; Positive role of the Grower Groups; Telecommunications network and its reliance on power supply; Assistance for the natural environment recovery
- Member Shires need Animal Welfare Plans and an understanding of the State Animal Welfare Act

**ACTION: NEWROC to investigate a district Animal Welfare Plan, emergency services MoU as well as identify its local needs to prepare for a future CESM position**

## 6. MINUTES OF MEETINGS

### Council Meeting

Minutes of the Council Meeting held 27 September 2022 has previously been circulated.

### RESOLUTION

**That the Minutes of the Council Meeting held on 27 September 2022 be received as a true and correct record of proceedings.**

**Moved Cr Stratford**

**Seconded Cr Sachse**

**CARRIED 6/0**

### Executive Meeting 27 October 2022

Minutes of the Executive Meeting held on 27 October 2022 have previously been circulated.

### RESOLUTION

**That the Minutes of the Executive Meeting held on 27 October 2022 be received.**

**Moved Cr De Lacy**

**Seconded Cr Davies**

**CARRIED 6/0**

**7. FINANCIAL MATTERS****7.1. Income, Expenditure and Profit and Loss**

**FILE REFERENCE:** 42-2 Finance Audit and Compliance  
**REPORTING OFFICER:** Caroline Robinson  
**DISCLOSURE OF INTEREST:** Nil  
**DATE:** 21 November 2022  
**ATTACHMENT NUMBER:** #1P and L  
**CONSULTATION:**  
**STATUTORY ENVIRONMENT:** Nil  
**VOTING REQUIREMENT:** Simple Majority

**COMMENTS**

Account transactions for the period 1 September to 31 October 2022

Date	Description	Reference	Credit	Debit	Running Balance
<b>Opening Balance</b>			<b>97,711.95</b>	<b>0.00</b>	<b>0.00</b>
01 Sep 2022	Xero Australia	XEROAUSTRALIA	0.00	51.30	0.00
01 Sep 2022	Bendigo Bank		0.00	4.40	0.00
02 Sep 2022	Payment: Shire of Koorda	INV-0096	14,300.00	0.00	0.00
13 Sep 2022	Payment: Shire Of Nungarin	INV-0094	14,300.00	0.00	0.00
23 Sep 2022	Payment: Alyce Ventris	2028	0.00	1,819.95	0.00
23 Sep 2022	Payment: Alyce Ventris	2029	0.00	2,626.80	0.00
23 Sep 2022	Payment: Alyce Ventris	2030	0.00	2,782.72	0.00
01 Oct 2022	Bendigo Bank		0.00	1.20	0.00
04 Oct 2022	Xero Australia	XEROAUSTRALIA	0.00	56.05	0.00
19 Oct 2022	Payment: 150Square	INV-0178	0.00	4,219.63	0.00
19 Oct 2022	Payment: Alyce Ventris	2031	0.00	2,581.43	0.00
<b>Total BB</b>					
<b>NEWROC Funds-5557</b>			<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Closing Balance</b>			<b>112,168.47</b>	<b>0.00</b>	<b>0.00</b>

# Balance Sheet

North Eastern Wheatbelt Regional Organisation of Councils

As at 31 October 2022

Cash Basis

31 OCT 2022

## Assets

Bank	
BB NEWROC Funds-5557	112,168.47
BB Term Deposit Account-1388	295,712.15
<b>Total Bank</b>	<b>407,880.62</b>
<b>Total Assets</b>	<b>407,880.62</b>

## Liabilities

Current Liabilities	
GST	(4,623.39)
Unpaid ATO Liabilities	9,244.00
<b>Total Current Liabilities</b>	<b>4,620.61</b>
<b>Total Liabilities</b>	<b>4,620.61</b>

**Net Assets** 403,260.01

## Equity

Current Year Earnings	50,297.48
Retained Earnings	352,962.53
<b>Total Equity</b>	<b>403,260.01</b>

### RESOLUTION

That the income and expenditure from 1 September 2022 to 31 October 2022 and the P and L and balance sheet as at 31 October 2022 be received.

Moved Cr Brown

Seconded Cr Sachse

CARRIED 6/0

**8. MATTERS FOR DECISION**

**8.1. ENERGY**

**FILE REFERENCE:** 107-1 Power  
**REPORTING OFFICER:** Caroline Robinson  
**DISCLOSURE OF INTEREST:** Nil  
**DATE:** 21 November 2022  
**ATTACHMENT NUMBER:** #2 Energy Briefing Paper  
**CONSULTATION:** Cr Tony Sachse  
Cr Trepp  
John Nuttall  
Peter Klein  
**STATUTORY ENVIRONMENT:** Nil  
**VOTING REQUIREMENT:** Simple Majority

**COMMENT**

An energy briefing paper was prepared for the NEWROC Energy subcommittee (see attached).

Feedback is currently being submitted to the NEWROC EO by the members of the subcommittee and this agenda item will be updated accordingly.

**Discussion:**

- Mobile power solution is an option e.g. ute
- Subcommittee to meet with Cameron
- Discussion regarding a diesel and battery solution
- NEWROC can still investigate a VPP. NEWROC to meet with Western Power and Synergy contacts

**MOTION**

**NEWROC Energy Subcommittee to meet online with Cameron Edwards.**

**John Nuttall be replaced by Dirk Sellenger on the NEWROC Energy Subcommittee.**

**Moved Cr Sachse**

**Seconded Cr Davies**

**CARRIED 6/0**

**8.2. REGIONAL SUBSIDIARY**

**FILE REFERENCE:** 041-5 Strategic and Future Planning  
**REPORTING OFFICER:** Caroline Robinson  
**DISCLOSURE OF INTEREST:** Nil  
**DATE:** 21 November 2022  
**ATTACHMENT NUMBER:** #3 Regional Subsidiary Charter Updated  
 #4 Business Plan updated  
**CONSULTATION:** Darren Simmons  
 Kirsty Martin (DLGSC)  
 Liam McNeill (DLGSC)  
**STATUTORY ENVIRONMENT:** Nil  
**VOTING REQUIREMENT:** Simple Majority

**COMMENT**

The following resolution was passed at the NEWROC Council meeting in September.

<b>RESOLUTION</b>		
NEWROC EO work with the NEWROC Executive to respond and amend the Charter following feedback from DLGSC. The Executive be delegated the authority to submit the Charter to the Minister subject to the amendments not altering the intent of the Charter in a substantial manner and after the Charter has been reviewed by individual member local governments.		
Moved Cr Stratford	Seconded Cr Trepp	CARRIED 5/0

The following action was endorsed at the NEWROC Council meeting in September: *NEWROC EO to meet with DLGSC and Policy Advisor to discuss our updated Charter.*

The NEWROC EO has liaised with DLGSC and updated the Regional Subsidiary Charter. The updated Charter has been provided to Darren Simmons to review. Key amendments included:

<b>Requested Amendments from DLGSC</b>	<b>Comments</b>
<b>Legal</b>	
Objectives of the Regional Subsidiary need to be specific	Included two options. I believe we can add some specifics but still be broad
Powers of the Board	Updated in line with feedback
Delegation	Updated in line with feedback
Functions of the Board	Updated but have also kept some of our original suggestions
Chairperson and Deputy Chairperson Tenure	Updated Chair from 12 months to 2 years Deputy Chair – 12 months
Inspection of documents by the public	Added public has right to inspect
Executive Officer name change	Renamed Executive Director
Finances – no borrowing	Removal of credit card
Special Project/Activity contributions not recommended	Members to check the terminology and push back on their request to not allow charges to a smaller group of members for specific projects/activities

Annual Financial Report contents	Must be in line with regulations
Audit requirements	Conducted by Auditor General
Withdrawal conditions	DLGSC has suggested unanimous approval for withdrawal. I have not included this but please let me know if I have interpreted this incorrectly from NEWROC
Wind Up conditions	Added Councils by absolute majority can wind up the Subsidiary. Need feedback on this.
References, Formatted	Updated

The Charter was then reviewed by the Executive.

Additionally, the following responses from the DLGSC regarding two questions the NEWROC raised:

- *Will the RS be audited as a Local Government? There will be significant governing documents and procedures we would need to establish*  
The RS would be audited in accordance with the relevant standards for auditors, this would include the internal controls and financial management procedures of the subsidiary that it is required to maintain under its charter.
- *We have presumed we need to follow the Financial Managements Regs – correct?*  
The subsidiary must follow the following financial management regulations unless its charter provides that one or more of them do not apply and the reasons why:

r. 5A to 6 Comply with Australian Accounting Standards CEO's duties in financial management Internal Audit Staff cannot report to financial management staff.	r. 11 Procedures for making payments
r. 14 to 17A Nature and type financial reporting Rounding off figures in budget Valuation of assets for financial reports	r. 19 Procedures for control of investments
r. 22 Form and content of annual budget	r. 25 to 33A Estimate of fees and charges in annual budget Information about discounts in annual budget Notes in annual budget Investment information in notes Borrowings information in notes Previous years figures for comparison



	<p>Net current assets at start of financial year to be shown</p> <p>Amounts to be excluded when calculating deficiency</p> <p>Budget to be lodged with participants</p> <p>Review of budget</p>
<p>r. 36</p> <p>Content of annual financial report</p>	<p>r. 41 and 42</p> <p>Fees and charges in annual financial report</p> <p>Discounts in annual financial report</p>
<p>r. 44</p> <p>Fees paid to governing body members in annual financial report</p>	<p>r. 48 and 49</p> <p>Information about borrowings in annual financial report</p> <p>Information about investments in annual financial report</p>
<p>r. 51</p> <p>Annual financial report supplied to participants</p>	

**Executive Meeting Discussion:**

- Withdrawal should not be by unanimous vote. It does not recognise the sovereignty of each local government
- Seek further information on the word 'commercial activity'. Possible alignment with the definition in the Act

**Executive Resolution 27 October 2022:**

**RESOLUTION**

*NEWROC seeks additional information on the term 'commercial activity'*

*The Executive submit the updated Regional Subsidiary Charter to member Councils for review before the NEWROC November Council meeting. Subject to feedback, the Charter be submitted to the Minister for Local Government.*

*Moved R McCall*

*Seconded D Simmons*

*CARRIED 5/0*

**Actions since the October Executive Meeting:**

- Clarification on 'commercial activity' by DLGSC
- Updated Charter emailed to member Presidents and CEO's for their endorsement

**RESOLUTION**

**Council submit the Regional Subsidiary Charter and Business Plan to the Minister for Local Government.**

**Moved Cr Davies**

**Seconded Cr Trepp**

**CARRIED 6/0**

### 8.3. EMERGENCY SERVICES

<b>FILE REFERENCE:</b>	060-2 Emergency Services
<b>REPORTING OFFICER:</b>	Caroline Robinson
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE:</b>	18 October 2022
<b>ATTACHMENT NUMBER:</b>	
<b>CONSULTATION:</b>	Rob Cossart, Recovery Officer / WDC CEO
<b>STATUTORY ENVIRONMENT:</b>	Nil
<b>VOTING REQUIREMENT:</b>	Simple Majority

#### COMMENT

External to NEWROC, Caroline Robinson facilitated two bushfire recovery sessions in Wickopin and Corrigin on Thursday 13 October. The sessions were coordinated by the Facey Group and Corrigin Farm Improvement Group. Each grower group took a hands on recovery role in the bushfires 8 months ago.

In attendance at both the sessions was a DFES Superintendent, the DPIRD Executive Director of Biosecurity, Bushfire Recovery Coordinator, local government CEOs, Councillors and farmers. The sessions were an opportunity for farmers to provide feedback on the response to the bushfires and the recovery.

Of interest to the NEWROC was the following feedback provided by farmers and local governments:

- Training across bushfire brigades particularly in communication e.g. radio channels, captain contact details
- Training in the contents of local government emergency management plans as well as animal welfare plans for CEOs, responders etc. Knowledge of the State Animal Welfare Plan
- The important role the grower groups played in connecting farmers to response efforts (Blaze Aid etc)
- Sharing burning permit time periods across neighbouring local governments
- Supporting local brigades – not just fire fighting roles. There are roles in the brigade for volunteers to help maintain vehicles, clean sheds, mow lawns at sheds etc
- Local governments sharing DFES warnings through resident SMS system (not just harvest bans or fire bans)
- Educating farmers about recognising the signs and symptoms of stock suffering burns and how to euthanise
- Sharing the Esperance Bushfire Response and Recovery handbook with LEMCs
- Importance of a local person on the ground supporting CEO's during response and recovery, external to Shire administration

The information is presented to the Executive for discussion with a view to determining whether member Shires can accommodate any of the learnings individually or collectively. As noted at the Corrigin and Wickepin sessions, there is a very high fuel load in our areas and we should be aware of the risks this Summer.

Additionally, emergency services could be a role within NEWROC either during planning or recovery phases.

**Discussion at Executive Meeting:**

- What constitutes minimal training standards for BFBs? WALGA and DFES Commissioner to respond
- Discussion to share fire burning permit dates across the Shires. This has also been raised at GECZ
- There is potential for coordination of emergency services across the NEWROC
- Rob Cossart to be invited to attend and present to the NEWROC Council

**RESOLUTION**

**Information received**

**Moved Cr Davies**

**Seconded Cr Trepp**

**CARRIED 6/0**

**Discussion:**

- NEWROC to investigate an MoU for emergency services, possibly a NEWROC LEMA
- Animal Welfare Plan to be developed for the members of the NEWROC
- NEWROC to prepare for a future CESH funding application

#### 8.4. BIKE TRAIL

**FILE REFERENCE:**  
**REPORTING OFFICER:** Caroline Robinson  
**DISCLOSURE OF INTEREST:** Nil  
**DATE:** 18 October 2022  
**ATTACHMENT NUMBER:**  
**CONSULTATION:** Leonard Long  
Linda Vernon  
**STATUTORY ENVIRONMENT:** Nil  
**VOTING REQUIREMENT:** Simple Majority

#### COMMENT

The [Western Australian Bicycle Network \(WABN\) Grants Program](#) is an initiative of the State Government, administered by the Department of Transport (DoT).

Grant funding is available to local governments (LGAs) in Western Australia, up to 50 per cent of the total project cost, for the planning and implementation of bicycle network infrastructure in accordance with State Government priorities set out in the WA Bicycle Network Plan 2014-2031 (The WABN Plan).

The project being proposed should achieve one or more of the following outcomes:

1. Increased safety for people on bikes
2. Connection and access to strategic destinations
3. Increased cycle tourism opportunities

The Shire of Nungarin expressed interest in developing a bike trail (as well as associated infrastructure) along the disused railway line from Nungarin to Wyalkatchem. The WABN grants program will fund feasibility studies and concept plans, which could be stage one of the proposed bike trail. This proposal would meet point three of the desired outcomes of the WABN grants program.

Quotes will be sought for the feasibility study and will be presented to the NEWROC Executive at the meeting for further discussion. The project may involve the Shires of Nungarin, Trayning and Wyalkatchem (possibly Dowerin?) with collaboration from NEWTravel.

The Shire of Mukinbudin would be the lead Council under current governance, or this could be transferred to the Shire of Nungarin.

Applications close on 3 November 2022.

#### RESOLUTION

**NEWROC endorse an application to the WABN Grants Program for the bike and rail trail**

**NEWROC contribute up to \$5000 towards the WABN application**

**Moved Cr Davies**

**Seconded Cr De Lacy**

**CARRIED 6/0**

**8.5. NEWROC Annual Report 2022**

**FILE REFERENCE:** 042-6 NEWROC Promotion  
**REPORTING OFFICER:** Caroline Robinson  
**DISCLOSURE OF INTEREST:** Nil  
**DATE:** 21 November 2022  
**ATTACHMENT NUMBER:** #5 NEWROC Annual Report  
**CONSULTATION:**  
**STATUTORY ENVIRONMENT:** Nil  
**VOTING REQUIREMENT:** Simple Majority



**7 SHIRES**  Voluntary Regional Organisation of Councils

- Dowerin
- Nungarin
- Wyalkatchem
- Mukinbudin
- Trayning
- Mt Marshall
- Koorda

  
Supported by an Executive Officer

**REGIONAL PRIORITIES**

**2022 ACHIEVEMENTS**

 **Advocacy**

Advocacy on local government reform (specifically regional subsidiaries), mobile black spots; Housing and Worker Discussion Paper; community consultation completed regarding the Regional Subsidiary Charter and Business Plan

**Economy**



Investment in an additional three Crisp Wireless internet towers to expand the footprint of high speed internet to NEWROC residents and businesses; Income to the NEWROC for additional towers outside of the NEWROC internet network; Sponsorship and support of the Trayning Do Over in partnership with Town Team Movement; Continued engagement of the Wheatbelt Town Team Builder to assist with placemaking in the NEWROC; two additional Town Teams in the NEWROC; investigation into a DAMA; advocacy and meetings with Western Power and Telstra regarding reliable townsite power and telecommunications power

**Environment**



Two meetings with the Minister for Energy to progress the microgrid; progress towards improving waste sites across the NEWROC

**Community**



Sponsorship of the NEWROC Literacy Lunch; Funding application for bike trail development; Funding application for Future Drought Funding

**3** Newsletters

[newroc.com.au](http://newroc.com.au)



**RESOLUTION**

**2022 NEWROC Annual Report is received**

**Moved Cr Stratford**

**Seconded Cr Trepp**

**CARRIED 6/0**

**8.6. NEWROC FORWARD PLANNING**

**FILE REFERENCE:** 041-5 Strategic and Future Planning  
**REPORTING OFFICER:** Caroline Robinson  
**DISCLOSURE OF INTEREST:** Nil  
**DATE:** 21 November 2022  
**ATTACHMENT NUMBER:** #6 Huffer and Associates Quote  
**CONSULTATION:**  
**STATUTORY ENVIRONMENT:** Nil  
**VOTING REQUIREMENT:** Simple Majority

**COMMENT**

The NEWROC Strategic Plan is due for a full review in February 2023.

The NEWROC EO proposes an external facilitator to assist in the process. In previous years the NEWROC has done the process internally or with the assistance of WALGA.

It is also proposed that a dinner be held afterwards for all members.

A quote from Andrew Huffer is attached. The NEWROC EO believes Andrew would be a good fit for the group and understands the regional landscape. Andrew is available 1-3<sup>rd</sup> Feb and 6<sup>th</sup>-13<sup>th</sup> Feb.

One focus area that the NEWROC EO believes is important going forward is the development of an Economic Development Plan as well.

**RESOLUTION**

**Information is received**

**Moved Cr Brown**

**Seconded Cr Davies**

**CARRIED 6/0**

**Discussion**

- NEWROC EO to speak to WDC about utilising the UWA students for the basis of an economic development plan
- NEWROC strategic plan to be further discussed at the start of 2023

**8.7. NEWROC WORKFORCE PLAN**

<b>FILE REFERENCE:</b>	041-5 Strategic and Future Planning
<b>REPORTING OFFICER:</b>	Caroline Robinson
<b>DISCLOSURE OF INTEREST:</b>	Nil
<b>DATE:</b>	21 November 2022
<b>ATTACHMENT NUMBER:</b>	
<b>CONSULTATION:</b>	
<b>STATUTORY ENVIRONMENT:</b>	Nil
<b>VOTING REQUIREMENT:</b>	Simple Majority

**COMMENT**

The NEWROC sought funding from BBRF for its workforce plan however the Federal Government decided not to proceed with funding of Round 6. The following extract of some of the strategies in the plan are included for discussion and reported progress:

<b>1. Attraction and Retention of the Workforce</b>	
Investigate housing infrastructure and innovative funding models that is aligned to current and future needs of NEWROC members, whilst delivering individual and collective benefit	Housing and Workforce Paper  For possible action at GECZ Conference 2023
Recruit a CEO for the regional subsidiary	To be undertaken when RS Charter is adopted by the Minister
Train Councillors in the role and governance of a regional subsidiary	To be undertaken when RS Charter is adopted by the Minister
<b>2. Develop People and Build Capability</b>	
Assist members to access quality and diverse education and training opportunities for staff and Councillors through providers such as WALGA, LG Pro etc.	Priorities to be advised
<b>3. Connect with Local People and Local Business</b>	
When vacancies arise members can share this information to inform and encourage suitably skilled and qualified applicants to apply, promote on NEWROC website member vacancies	NEWROC EO currently shares vacancies on Wheatbelt Jobs website  NEWROC consider establishing a social media profile
NEWROC to regularly communicate its activities to the communities it represents	NEWROC Newsletter (3 in 2021), website  NEWROC consider establishing a social media profile
<b>4. Network and Resource Share within the Region and the Local Government Sector.</b>	
Explore opportunities for secondments or exchanges with other Local Governments	McCusker Centre Internship Program?
When required work with each other to outsource expertise to help prepare and meet compliance and legislative requirements	Emergency Services?

**RESOLUTION**

**Information be received**

**Moved Cr De Lacy**

**Seconded Cr Stratford**

**CARRIED 6/0**

**Discussion:**

- Any future events role needs to support or complement Community Development Officers in the NEWROC and not duplicate them



## MATTERS FOR DECISION

### 9. EMERGING NEWROC ISSUES as notified or introduced by decision of the Meeting

Nil

### 10. GENERAL UPDATES

#### Housing and Worker Paper

- Attached and ready for distribution (#7 Paper)
- GROH and worker housing to be put forward as a potential topic of discussion at the GECZ conference that is taking place in early 2023
- Discussion regarding the WACHS housing in Trayning and Wyalkatchem that is being proposed

#### Regional Landfill

- Wyalkatchem tip has an estimated 24yrs – 30yrs if it was to be a regional site
- Clearing application has been submitted so that the Shire understands its obligations going forward

#### Funding Submissions

- BBRF – Workforce. Program dissolved by Federal Government (Oct 2022)
- FRRR Drought Fund. Submitted in October 2022
- WA Bike Grant. Submitted November 2022.

### 11. 2023 MEETING SCHEDULE

20 February	Council meeting	Shire of Dowerin (MONDAY)
28 February	GECZ Conference	
28 March	Executive	Shire of Mukinbudin
27 April	Council	Shire of Mt Marshall (THURSDAY)
30 May	Executive	Shire of Wyalkatchem
27 June	Council	Shire of Koorda
25 July	Executive	Shire of Trayning
21 August	Council	Merredin (straight after GECZ)
26 September	Executive	Shire of Mukinbudin
31 October	Council	Shire of Mt Marshall
28 November	Council	Shire of Nungarin

**RESOLUTION**

**2023 meeting dates are adopted**

**Moved Cr Brown**

**Seconded Cr Sachse**

**CARRIED 6/0**

**12. CLOSURE**

NEWROC CEO acknowledged the passing of Bill Fensome and thanked him for his role and time at the Shires of Mukinbudin, Nungarin and the NEWROC.

NEWROC CEO acknowledged the efforts by the Shire of Mt Marshall CEO John Nuttall who will be leaving his role in December. NEWROC thanked him for his contributions.

NEWROC CEO wished all members a Merry Christmas and thanked the Shire of Trayning for hosting. The meeting was closed at 5.41pm.

# ANNUAL REPORT 2022

## 7 SHIRES



Voluntary Regional  
Organisation of Councils

- Dowerin
- Wyalkatchem
- Trayning
- Koorda
- Nungarin
- Mukinbudin
- Mt Marshall



Supported by an  
Executive Officer

## REGIONAL PRIORITIES



### Advocacy

### Economy



### Environment



### Community



3

Newsletters

## 2022 ACHIEVEMENTS

Advocacy on local government reform (specifically regional subsidiaries), mobile black spots; Housing and Worker Discussion Paper; community consultation completed regarding the Regional Subsidiary Charter and Business Plan

Investment in an additional three Crisp Wireless internet towers to expand the footprint of high speed internet to NEWROC residents and businesses; Income to the NEWROC for additional towers outside of the NEWROC internet network; Sponsorship and support of the Trayning Do Over in partnership with Town Team Movement; Continued engagement of the Wheatbelt Town Team Builder to assist with placemaking in the NEWROC; two additional Town Teams in the NEWROC; investigation into a DAMA; advocacy and meetings with Western Power and Telstra regarding reliable townsite power and telecommunications power

Two meetings with the Minister for Energy to progress the microgrid; progress towards improving waste sites across the NEWROC

Sponsorship of the NEWROC Literacy Lunch; Funding application for bike trail development; Funding application for Future Drought Funding





**MINUTES OF CENTRAL EAST ACCOMMODATION & CARE ALLIANCE INC MANAGEMENT COMMITTEE MEETING HELD ON WEDNESDAY, 9 NOVEMBER 2022 AT THE KELLERBERRIN RECREATION & LEISURE CENTRE, LOT 260 CONNELLY STREET, KELLERBERRIN**

**1. WELCOME & INTRODUCTION**

The Chairperson opened the meeting at 10.08am.

**2. MEETING MATTERS**

**2.1 Record of Attendance and Apologies**

**Attendance**

Terry Waldron - Chairperson, Richard Marshall – CEACA Executive Officer (EO), Jo Trachy – CEACA Operations Manager (OM), Stephen Strange - Shire of Bruce Rock, Darren Mollenoyux - Shire of Bruce Rock, Rodney Forsyth - Shire of Kellerberrin, Raymond Griffiths – Shire of Kellerberrin, John Nuttall – Shire of Mt Marshall, Tony Sachse – Shire of Mt Marshall, Gary Shadbolt - Shire of Mukinbudin, Bill Price – Shire of Westonia, Louis Geier – Shire of Westonia, Mischa Stratford - Shire of Wyalkatchem, Quentin Davies - Shire of Wyalkatchem, Nic Warren - Shire of Yilgarn, Wayne Della-Bosca – Shire of Yilgarn

**Apologies**

Lisa Clack – Shire of Merredin, Mark McKenzie – Shire of Merredin, Dirk Sellenger – Shire of Mukinbudin, Peter Klein – Shire of Wyalkatchem

**2.2 Declaration of Quorum**

The Chairperson advised that the quorum for the meeting was met.

**2.3 Conflicts of Interest**

There were no declarations of conflicts of interest.

**2.4 Minutes of the Management Committee Meeting – 17 October 2022**

**RESOLUTION**

It was resolved that the Minutes of the Management Committee meeting held on the 17 October 2022 be accepted as a true and accurate record of proceedings with one correction. Bill Price from the Shire of Westonia was incorrectly noted as being an apology.

CARRIED

**2.5 Minutes of the Management Committee Meeting – 31 August 2022**

**RESOLUTION**

It was resolved that the Minutes of the Management Committee meeting held on the 31 August 2022 be accepted as a true and accurate record of proceedings.

CARRIED

**2.6 Matters Arising / Action Items**

The CEACA Action Items list was distributed to the attendees prior to the meeting. The EO summarised the points and there were no questions or comments.

### **3. MATTERS FOR DECISION**

#### **3.1 Appointment of CEACA Chairperson**

The Chairperson, Terry Waldron, left the meeting.

The Deputy Chairperson, Gary Shadbolt, asked for nominations for the role of Chairperson for the 2022/23 year. Stephen Strange nominated Terry Waldron and this was seconded by Raymond Griffiths.

#### **RESOLUTION**

It was agreed by the Management Committee to accept the nomination put forward by Stephen Strange and Raymond Griffiths and to elect Terry Waldron as the CEACA Independent Chairperson until the 2023 Annual General Meeting.

CARRIED

#### **3.2 Executive Committee Members Appointment (Deferred to after AGM)**

This item was deferred until after the AGM. The Minutes and Resolution from that meeting follow the Management Committee meeting minutes.

#### **3.3 CEACA Membership Terms (EO Report – Annexure C)**

The EO summarised the information contained in Annexure C of the EO Report and explained the options. The Management Committee discussed these options in detail and resolved as follows:

#### **RESOLUTION**

It was resolved by the Management Committee that CEACA agree to receive associate Members on the following conditions:

1. Membership term will be a minimum of 3 years.
2. \$5k associate membership fee per year.
3. Land tenure for any ILU's constructed to be donated to CEACA.
4. Any units constructed through the program will be exempt from Shire rates.
5. Consideration be given for cash contribution per unit depending on State Government requirements.
6. Should the ILU project be funded the Associate Members receiving units are to transfer to full Member of CEACA at the time of funding confirmed unless the Associate Member elects to transfer earlier.

CARRIED

#### **ACTION ITEM**

A draft Letter of Intent will be prepared and shared with potential new members.

It was also agreed that in order to provide more certainty to CEACA, existing Members will commit to a three (3) year term from 1<sup>st</sup> July 2023, based on annual membership fee of \$15,000 per annum, with a penalty payable if a Shire resigned, such that there is no financial incentive for a shire to resign with three (3) years.

Process:

1. A document formalising the above conditions will be prepared at the CEACA Management Committee meeting to be held in February 2023 and passed at the May 2023 meeting.
2. When the draft document is complete, it will be sent to Member Shires for their input and agreement.
3. Consider the change of constitution at the May 2023 meeting.

#### **ACTION ITEMS**

1. All Members to check the number of ILU listed under "Aged and Social" in Annexure D and ensure the figures for their shire are accurate. Consideration to be given to providing options for aged care workers as part of the application for funding for additional ILU.
2. Option for workers accommodation is not included at this stage and will be considered as part of a separate project.
3. When the new Minister for Regional Development is appointed, they will be invited to view the CEACA project and see first-hand the benefit that the project is delivering to the regional community.
4. Workshop to be held in February 2023 to discuss CEACA's future Vision and Strategic Planning.

## **4. MATTERS FOR DISCUSSION**

### **4.1 Additional ILU and/or Workers Accommodation Update (EO Report Annexure D)**

This item was discussed as part of Item 3.3.

### **4.2 Property Management – Agent Review Update**

The EO to give an update as part of his Report in Item 4.3.

### **4.3 Executive Officer Report**

The EO provided a summary of his report and made the following additional comments:

- A meeting was held between CEACA, WEROC and NEWROC to discuss workers accommodation. WEROC and NEWROC believe that CEACA would be well positioned to assist with future applications. It was agreed to keep dialogue open, as there is potential for expansion for CEACA.
- Updated in Income & Expenditure account for the 3 months to 30<sup>th</sup> September 2022 and Balance Sheet at that date.
- Elders contract for property management expires 5 December 2022. EO and OM will meet with the Elders State Manager next week to discuss renewal options. Costs are expected to increase. If required, CEACA will ask Elders for a 3-month extension to the contract to allow time to review a second proposal from the Professionals in Northam. A report will be tabled at the CEACA Management Committee meeting in February 2023. New contract should be for a 2-year period.

### **4.4 Operations Manager Report**

The OM added the following comments to the Operations Report (Item 4.4):

- Round 3 of Defect Rectification inspections are being conducted this week to give the builder an idea of materials required. Once complete, the High, Medium and Low priority items will be complete. The issue of defect rectification has been on the agenda since 2019 and although this may seem like a long time, CEACA have had to deal with COVID lockdowns, CEACA being left with 700+ defects to manage and new ones arising, the builder going into liquidation, other builders not able to provide assistance as well as material and labour shortages.
- Acknowledged the great work done by many contractors to not only rectify these defects, but to attend to emergency repairs at short notice. It is very much appreciated by CEACA and the OM.
- Acknowledged the support from shires with regards to the defects and referrals to contractors when required.
- IT systems are currently being moved over to a new provider, Commandacom and when finalised, the CEACA website will be easier to manage and this will mean the uploading of additional information and online forms.
- Information Session/Health Forum will be held on the 23 March 2023 in Wyalkatchem. OM thanked Mischa Stratford from the Shire of Wyalkatchem for her assistance with this event and also thanked Nic Warren from the Shire of Yilgarn for his assistance with marketing.
- EO and OM will meet with Westside Insurance brokers on the 21<sup>st</sup> November 2022 to discuss 2022-23 renewals.
- It has been pleasing to receive referrals from various agencies such as Share and Care, Catholic Homes, Department of Health and WACHS. This benefits not only CEACA but people who are desperate for housing in the region.

#### **General Business**

The Chairperson thanked John Nuttall from the Shire of Mt Marshall for his hard work and dedication to the CEACA project since its inception and on behalf of all the Committee Members wished him all the best in his future endeavours.

## **5. MEETING CLOSURE**

There being no further business, the meeting closed at 12.20pm.

The Management Committee will re-convene after the AGM to elect the Executive Committee Members (Item 3.2).

## **6. NEXT MEETING**

The CEACA Management Committee meeting will be held on the 27<sup>th</sup> February 2023 commencing at 10.30am at the Merredin Recreation & Leisure Centre.

- Meeting reconvened after AGM.
- Appointment of Executive Committee

## **NOMINATION OF EXECUTIVE COMMITTEE MEMBERS**

### **Nominations Received:**

Darren Mollenoyux – Shire of Bruce Rock, Bill Price – Shire of Westonia and Raymond Griffiths – Shire of Kellerberrin nominated themselves for the position of Ordinary Member.

### **RESOLUTION**

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It was resolved by the CEACA Members that Darren Mollenoyux from the Shire of Bruce Rock, Bill Price from the Shire of Westonia and Raymond Griffiths from the Shire of Kellerberrin be appointed as CEACA Ordinary Members until the 2023 Annual General Meeting.

### **The Members of the CEACA Executive Committee until the 2023 Annual General Meeting will be:**

Terry Waldron	-	Chairperson
Richard Marshall	-	CEACA Executive Officer
Gary Shadbolt	-	Shire of Mukinbudin & CEACA Deputy Chairperson
Rodney Forsyth	-	Shire of Kellerberrin & CEACA Treasurer
Quentin Davies	-	Shire of Wyalkatchem & CEACA Secretary
Darren Mollenoyux	-	Shire of Bruce Rock
Raymond Griffiths	-	Shire of Kellerberrin
Bill Price	-	Shire of Westonia

### **MEETING CLOSURE**

There being no further business, the meeting closed at 12.43pm.

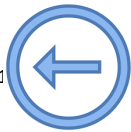
### **DECLARATION**

These Minutes were confirmed by the Central East Accommodation & Care Alliance Inc at the Management Committee Meeting held on \_\_\_\_\_.

Signed \_\_\_\_\_

Person presiding at the meeting at which these minutes were confirmed.





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**ATTACHMENT 10.1.1 Shire of Wyalkatchem  
List of Accounts - November 2022**

Chq/EFT	Date	Name	Description	Invoice Amount	Payment Amount	Bank	Type
	01/11/2022		MERCHANT FEES (INCL GST)	-89.51		1	FEE
	07/11/2022		NAB CONNECT FEE (INCL GST)	-21.24		1	FEE
	30/11/2022		NAB ACCOUNT FEES (INPUT TAXED)	-25.90		1	FEE
	30/11/2022		NAB CONNECT FEE (INCL GST)	-27.99		1	FEE
	30/11/2022		MERCHANT FEES (INCL GST)	-184.97		1	FEE
<b>Total Bank FEE</b>				<b>-349.61</b>			
EFT2334	08/11/2022	Perfect Computer Solutions Pty Ltd	Works on Councilior's Ipad, Stephanie's email, Perter and Stephanie's outlook		-977.50	1	CSH
	20/10/2022		Works on Councilior's Ipad, Stephanie's email, Perter and Stephanie's outlook	977.50		1	INV
EFT2335	08/11/2022	Wyalkatchem General Store	Refreshment for Admin,Depot and Council Member		-100.92	1	CSH
	25/10/2022		Refreshment for Admin,Depot and Council Member	100.92		1	INV
EFT2336	08/11/2022	Gary Thorpe (Personal)	Reimbursement for Fuel for the month of October 2022		-407.68	1	CSH
	01/11/2022		Reimbursement for Fuel for the month of October 2022	407.68		1	INV
EFT2337	08/11/2022	Five Rivers Plumbing and Gas	Railway Barracks - Replace gas valve to regulator		-585.42	1	CSH
	19/10/2022		Railway Barracks - Replace gas valve to regulator	223.38		1	INV
	19/10/2022		Replace flushpipe to mens ext toilet at Town Hall	148.92		1	INV
	19/10/2022		Bathroom sink pipe blockage at 4 Slocum Street	213.12		1	INV
EFT2338	08/11/2022	Newground Water Services Pty Ltd	Supply and install new irrigation system to the Wylie Recreation Ova		-200299.00	1	CSH
	23/10/2022		Supply and install new irrigation system to the Wylie Recreation Oval	200299.00		1	INV
EFT2339	08/11/2022	Goomalling Farm Shed	Plants, Various reticulatons Parts,fertiliser, poly pressure spayer,weed mat		-1365.54	1	CSH
	21/10/2022		Reticulation - Micro joiner barb, elbow barb x 2, plug end, poly at Railway Terrace Park	20.30		1	INV
	21/10/2022		Flexitube and fittings at Pioneer Park and Raiway Terrace Park	67.00		1	INV
	21/10/2022		Various reticulation parts	1074.99		1	INV
	21/10/2022		Micro Dripper Stake, Micro Spray Jet Stake at Railway Terrace Park	96.15		1	INV
	27/10/2022		Cable ties 4.8 x 200 Pk 100 at Rodeo	107.10		1	INV
EFT2340	08/11/2022	Iplex Pipelines	Culvert pipes x 4 for Bruse Rd		-986.06	1	CSH
	18/10/2022		Culvert pipes x 4 for Bruse Rd	986.06		1	INV
EFT2341	08/11/2022	Market Creations Agency Pty Ltd	Artwork set-up and print x 100 pocket books- Simple take 5 for works staffs		-1661.00	1	CSH
	14/10/2022		Artwork set-up and print x 100 pocket books- Simple take 5 for works staffs	1661.00		1	INV
EFT2342	08/11/2022	Australian Taxation Office	BAS - September 2022		-17321.00	1	CSH
	07/11/2022		BAS - September 2022	17321.00		1	INV
EFT2343	08/11/2022	Bunnings Midland	Flyscreens. painting materials, tool expendables		-602.45	1	CSH



**Shire of Wyalkatchem**  
**List of Accounts - November 2022**

	08/10/2022		Flyscreens. painting materials, tool expendables, Paint	602.45	1	INV
EFT2344	08/11/2022	Central Second Hand	1 clock for chambers		-199.00	1 CSH
	17/10/2022		1 clock for chambers	199.00		1 INV
EFT2345	08/11/2022	DFES	ESL Liability 2022/23		-45860.00	1 CSH
	19/08/2022		ESL Liability 2022/23	46124.00		1 INV
	19/08/2022		ESL Adjustment 2021/22	-264.00		1 INV
EFT2346	08/11/2022	Petchell Mechanical	Repairs to transimtion for Caterpillar Grader hire		-1874.82	1 CSH
	09/09/2022		Repairs to transimtion for Caterpillar Grader hire	1874.82		1 INV
EFT2347	08/11/2022	Westrac	Supply 2 no. CAT keys for Caterpillar Grader		-22.33	1 CSH
	13/10/2022		Supply 2 no. CAT keys for Caterpillar Grader	22.33		1 INV
EFT2348	08/11/2022	Wyalkatchem Hotel	Refreshment for Member		-185.00	1 CSH
	22/10/2022		1 case of 50 lashes, 1 case export, 1 bottle merlot and 1 bottle sav blanc	185.00		1 INV
EFT2349	08/11/2022	Wyalkatchem Weekly	Wylie Weekly - 08/07/2022 to 30/09/2022		-406.00	1 CSH
	10/10/2022		Wylie Weekly - 8/07/ 2022 to 30/092022	406.00		1 INV
EFT2350	14/11/2022	Perfect Computer Solutions Pty Ltd	Annual fee for offsite backup		-4170.00	1 CSH
	27/10/2022		Monthly Daily Monitoring and fix to open Stephanie 's heic document	170.00		1 INV
	03/11/2022		Annual fee for offsite backup	4000.00		1 INV
EFT2351	14/11/2022	Wyalkatchem General Store	Refreshment for member,admin and depot		-240.97	1 CSH
	02/11/2022		Refreshment for member,admin and depot	192.87		1 INV
	11/11/2022		Refreshment for member and staff	48.10		1 INV
EFT2352	14/11/2022	Stephanie Elaine Elvidge	Reimbursement for payment for SMS Broadcast - Communication for Harvest Firevan		-357.50	1 CSH
	28/10/2022		Reimbursement for payment for SMS Broadcast - Communication for Harvest Firevan	357.50		1 INV
EFT2353	14/11/2022	Wheatbelt Central Carpet Cleaning	57 Flint St carpet and Car cleaning		-300.00	1 CSH
	06/11/2022		57 Flint St carpet and Car cleaning, 000WM (Doctors vehicle) detailing inside and out	300.00		1 INV
EFT2354	14/11/2022	Sunny Sign Company Pty Ltd	Chevron signs ; D4-6 600mm x 750mm		-475.20	1 CSH
	26/10/2022		Chevron signs ; D4-6 600mm x 750mm	475.20		1 INV
EFT2355	14/11/2022	Shred-X Pty Ltd	Collection and replacement of paper shredding bin		-197.27	1 CSH
	27/10/2022		Collection and replacement of paper shredding bin	197.27		1 INV
EFT2356	14/11/2022	Five Rivers Plumbing and Gas	Repairs to Town standpipe and backlow prevention test to Martin Rd and Airport standpipes		-4460.50	1 CSH
	25/10/2022		Repairs to Town standpipe and backlow prevention test to Martin Rd and Airport standpipes	4460.50		1 INV
EFT2357	14/11/2022	CDW Trailers and Firewood	Remove tree branches - Elsegood Rd		-660.00	1 CSH
	04/11/2022		Remove tree branches - Elsegood Rd	660.00		1 INV
EFT2358	14/11/2022	Novum Networks (Operations) Pty Ltd	Phone Usage for the month of October 2022		-372.35	1 CSH
	21/10/2022		Payment for Phone Usage from 01/08/2022 to 17/10/2022	60.54		1 INV
	01/11/2022		Phone Usage for the month of October 2022	311.81		1 INV
EFT2359	14/11/2022	M & S Property Maintenance (Absolute Loyal Transport Pty Ltd)	57 Flint St Garden Maintenance		-264.00	1 CSH

**Shire of Wyalkatchem**  
**List of Accounts - November 2022**

	31/10/2022		57 Flint St Garden Maintenance	264.00	1	INV
EFT2360	14/11/2022	Northam Carpet Court	45 Wilson Street carpet replacement		-2534.00	1 CSH
	07/11/2022		45 Wilson Street carpet replacement	2534.00		1 INV
EFT2361	14/11/2022	MCG IT Services PTY LTD	Software for Medical Centre		-38223.90	1 CSH
	02/11/2022		Software for Medical Centre	38223.90		1 INV
EFT2362	14/11/2022	ASB Marketing	Cotton Caps with logo for Staffs/Pioneer Park Volunteers		-833.91	1 CSH
	25/10/2022		Cotton Caps with logo for Staffs/Pioneer Park Volunteers, 4 canvas sun hat with logo - Works, 24 canvas sun hat with logo - volunteers and Works, 20 canvas sun hat with logo - volunteers	833.91		1 INV
EFT2363	14/11/2022	Australia Post	Postage October 2022		-181.22	1 CSH
	03/11/2022		Postage October 2022	181.22		1 INV
EFT2364	14/11/2022	Bunnings Midland	Spare batteries and building materials		-384.02	1 CSH
	28/10/2022		Spare batteries, Building materials	384.02		1 INV
EFT2365	14/11/2022	TOLL Australia	Freight for Bolt and nuts, Sign for CRC and uniform for staff		-384.36	1 CSH
	09/08/2022		Freight for protective clothing and nut and Bolt	107.27		1 INV
	03/10/2022		Freight for Bolt and nuts, Freight for Sign for CRC, Freight for uniform for staff	227.24		1 INV
	30/10/2022		Freight for Library book for CRC	49.85		1 INV
EFT2366	14/11/2022	D & D Transport	Freight of pallet racking from Temples to Wylie		-133.36	1 CSH
	23/09/2022		Freight of pallet racking from Temples to Wylie	133.36		1 INV
EFT2367	14/11/2022	Wyalkatchem Electrical and Air conditioning Services	55 Flint Street replace Oven		-1683.00	1 CSH
	27/10/2022		55 Flint Street replace Oven	880.00		1 INV
	27/10/2022		Electrics and new lighting for first aid room at Swimming Pool	803.00		1 INV
EFT2368	14/11/2022	Eastern Hills Saws & Mowers	Road crew chain saw, Mower and oil and chain		-3304.25	1 CSH
	31/10/2022		Road crew chain saw, Mower, Oil and chains	3304.25		1 INV
EFT2369	14/11/2022	Landgate	SLIP Landgate Subscription 2022-23		-2453.00	1 CSH
	01/11/2022		SLIP Landgate Subscription 2022-23	2453.00		1 INV
EFT2370	14/11/2022	Lock Stock & Farrell Locksmith	Replacement master keys for rooms 2, 6 and 10		-85.50	1 CSH
	20/10/2022		Replacement master keys for rooms 2, 6 and 10	85.50		1 INV
EFT2371	14/11/2022	Pet Tags Australia	Shire Tags - Dog/Cat, 3yr exp 10/25 Green		-329.67	1 CSH
	07/10/2022		Shire Tags - Dog/Cat, 3yr exp 10/25 Green	329.67		1 INV
EFT2372	14/11/2022	Petchell Mechanical	WM015 Airconditioner re - gas and solenoid valves		-5425.68	1 CSH
	11/10/2022		WM003 Brake boosters, repair air leaks for Isuzu Tipper	445.84		1 INV
	24/10/2022		WM015 Airconditioner re - gas and solenoid valves	1784.70		1 INV
	24/10/2022		Battery for Wicket Roller	274.76		1 INV
	25/10/2022		Service and prepare for season for Wicket Roller	198.00		1 INV
	25/10/2022		Suspension parts and equaliser maintenance for 1TRX200 Lombardi Side Tipper	1521.12		1 INV
	26/10/2022		15KG welding wire at Depot	129.23		1 INV
	27/10/2022		Service, radiator clean and grease for WM017	1072.03		1 INV
EFT2373	14/11/2022	Piano Magic	Service and tune Town Hall piano		-330.00	1 CSH

**Shire of Wyalkatchem**  
**List of Accounts - November 2022**

	28/10/2022		Service and tune Town Hall piano	330.00	1	INV
EFT2374	14/11/2022	Planwest	Planning advices - Wylie General , LPP DA Exemptions and Crisp Aerial DA		-2904.00	1 CSH
	27/10/2022		Planning advices - Wylie General , LPP DA Exemptions and Crisp Aerial DA	2904.00		1 INV
EFT2375	14/11/2022	T & E Services Pty Ltd	Medical Services for the month of Nov. 2022		-14661.90	1 CSH
	03/11/2022		Medical Services for the month of Nov. 2022	14661.90		1 INV
EFT2376	14/11/2022	Westrac	Fuel cap for CAT 226B Skid Steer loader.		-69.34	1 CSH
	13/10/2022		Fuel cap for CAT 226B Skid Steer loader	69.34		1 INV
EFT2377	14/11/2022	Wheatbelt Office & Business Machines	Printing Black and White and Colour from 03/10/2022 to 01/11/2022		-379.33	1 CSH
	01/11/2022		Printing Black and White and Colour from 03/10/2022 to 01/11/2022	379.33		1 INV
EFT2378	14/11/2022	Wyalkatchem Community Resource Centre	Monthly Contribution for CRC October 2022		-2464.68	1 CSH
	31/10/2022		Monthly Contribution for CRC October 2022	2464.68		1 INV
EFT2379	14/11/2022	Wyalkatchem Hotel	Refreshment for Member		-114.00	1 CSH
	05/11/2022		Refreshment for Member	114.00		1 INV
EFT2380	14/11/2022	Wyalkatchem Post Office	Assorted admin office stationery and TN 2350		-648.40	1 CSH
	13/10/2022		Assorted admin office stationery and TN 2350	648.40		1 INV
EFT2381	14/11/2022	Wyalkatchem Tyre Service	Jumper Leads for Miscellaneous minor plant		-110.00	1 CSH
	31/10/2022		Jumper Leads for Miscellaneous minor plant	110.00		1 INV
EFT2382	14/11/2022	Wylie Community Meats Pty Ltd	work event 27/10/2022 sausages and steak		-273.03	1 CSH
	27/10/2022		work event 27/10/2022 sausages and steak	273.03		1 INV
EFT2383	16/11/2022	Dunnings	Fuel for the month of October 2022		-17195.09	1 CSH

**Shire of Wyalkatchem**  
**List of Accounts - November 2022**

	31/10/2022		Fuel - Isuzu D-Max Dual Cab (Roads Leading Hand) - October 2022, Fuel -Caterpillar Grader - October 2022, Fuel - unallocated plant (Hire Plant) - October 2022, Fuel -Isuzu Prime Mover - October 2022, Fuel - Liebherr Front End Loader - October 2022, Fuel - Doctors Vehicle - October 2022, Fuel - WM012 Toyota Hilux Cab Ute 4x2 2020 - October 2022, Fuel - unallocated plant (Hire Plant) - October 2022, Fuel -Isuzu 2.4 Fire Tanker - October 2022, Fuel - Isuzu Prime Mover - October 2022, Fuel - MCS Vehcile - October 2022, Fuel -Caterpillar Grader - October 2022, Fuel -unallocated plant (Hire Plant)- October 2022, Fuel -Isuzu Prime Mover- October 2022, Fuel - Liebherr Front End Loader - October 2022, Fuel - Kubota Cabin Tractor - October 2022, Fuel - Ford PX3 Ranger XL Dual Cab (Town Leading Hand - October 2022, Fuel - Isuzu 2.4 Fire Tanker- October 2022, Fuel - Bomag Rubber Wheel Roller - October 2022, Fuel - Amman Roller - October 2022, Fuel - unallocated plant (Hire Plant) - October 2022, Fuel - Yorkrakine Bush Fire Brigade Fast Attack - October 2022, Fuel - 3 Tonne Dual Cab truck - October 2022, Fuel - Caterpillar Skid Steer - October 2022, Fuel - 2018 Trailer (Description to be updated) - October 2022, Fuel - Liebherr Front End Loader - October 2022, Fuel - Ford PX3 Ranger XL Dual Cab (Town Leading Hand)- October 2022, Fuel - Community Bus - October 2022, Fuel - Nalkain Bush Fire Brigade Fast Attack - October 2022, Fuel - Caterpillar Grader - October 2022, Fuel -Works Manager ute WM000 - October 2022, Fuel - ICEO Vehicle - October 2022	17195.09	1	INV
EFT2384	23/11/2022	Wyalkatchem General Store	Refreshment for member, admin and toster,light for Doctor House	-208.73	1	CSH
	14/11/2022		Refreshment for member, admin and toster,light for Doctor House, Light for Doctor's House, Refreshment for Admin - including GST ( 03/11/2022 to 14/11/2022), Refreshment for Member - including GST ( 03/11/2022 to 14/11/2022), Refreshment for Member - excluding GST ( 03/11/2022 to 14/11/2022), Refreshment for Admin - excluding GST ( 03/11/2022 to 14/11/2022)	208.73	1	INV
EFT2385	23/11/2022	Dowerin Farm Shed	Varius retic fittings	-126.85	1	CSH
	31/12/2020		Bolt for Pioneer Park	3.50	1	INV
	31/10/2022		Varius retic fittings	123.35	1	INV
EFT2386	23/11/2022	Five Rivers Plumbing and Gas	57 Flint st - replace pan and cistern, replace relief valve to hwu, fix leak in laundry	-2504.93	1	CSH
	15/11/2022		hot water system leak at RFDS Transfer Building	252.18	1	INV
	15/11/2022		Grader burst the main water pipe for Elsegood Road	948.75	1	INV
	15/11/2022		57 Flint st - replace pan and cistern, replace relief valve to hwu, fix leak in laundry	970.75	1	INV
	15/11/2022		Emergency shower fitting at the new Depot	333.25	1	INV

**Shire of Wyalkatchem**  
**List of Accounts - November 2022**

EFT2387	23/11/2022	ACCWEST Pty Ltd	Assistance in the preparation of the annual financial report and monthly report for August to October 2022	-13068.00	1	CSH
	15/11/2022		Assistance in the preparation of the annual financial report and monthly report for August to October 2022	13068.00	1	INV
EFT2388	23/11/2022	Goomalling Farm Shed	Plants, retic	-563.40	1	CSH
	08/11/2022		Bushmans Roll on insect repellent and Cable Joiner for Swimming Pool and Depot	243.70	1	INV
	09/11/2022		Tube, flexible riser PVC 4mm x 30m for Admin Garden	47.15	1	INV
	09/11/2022		Plants, retic, Qu #12010182 No More Gaps x 5, Qu #12010183 Rustguard spray x 3, Qu #12010185 Padlock, garden trowel, Qu #12010185 Reticulation, Qu #12010186 Additional weed mat. (See qu.0179 - quote for 1 but 2 were supplied), Qu #12010187 - Poly pipe	272.55	1	INV
EFT2389	23/11/2022	Terence W Delane	Quilt for Doctors, Car Phone Kit, Iphone Cover SD Card for Dash Camera	-131.90	1	CSH
	18/11/2022		Quilt for Doctors, Car Phone Kit, Iphone Cover SD Card for Dash Camera,	131.90	1	INV
EFT2390	23/11/2022	Duff Consulting Group	Chemical handling training x 4 - Cris, Simon, Shauna, Shannan	-1348.20	1	CSH
	15/11/2022		Chemical handling training x 4 - Cris, Simon, Shauna, Shannan	1348.20	1	INV
EFT2391	23/11/2022	Belinda Jonas	Reimbursement for buy some Knives and Shower Curtain for Doctor House	-10.55	1	CSH
	15/11/2022		Reimbursement for buy some Knives and Shower Curtain for Doctor House	10.55	1	INV
EFT2392	23/11/2022	Lynette Clare Stewart	Refund for Dog Registration	-21.25	1	CSH
	21/11/2022		Refund for Dog Registration	21.25	1	INV
EFT2393	23/11/2022	Avon Waste	Rubbish and Recycling Services - October 2022	-5260.40	1	CSH
	31/10/2022		Rubbish and Recycling Services - October 2022	5260.40	1	INV
EFT2394	23/11/2022	Blackwoods	Galvanised chain 8mm x 29mm x 51mm link; 40m buckets for Railway Terrace Park	-508.99	1	CSH
	07/11/2022		Galvanised chain 8mm x 29mm x 51mm link; 40m buckets for Railway Terrace Park	508.99	1	INV
EFT2395	23/11/2022	BOC Gases	Container Services and C Size Oxygen Bottles for Depot and Swimming Pool from 28/09/2022 to 28/10/2022	-106.28	1	CSH
	31/10/2022		Container Services and C Size Oxygen Bottles for Depot. from 28/09/2022 to 28/10/2022	106.28	1	INV
EFT2396	23/11/2022	TOLL Australia	Freight for BP Medical	-30.25	1	CSH
	06/11/2022		Freight for BP Medical	16.41	1	INV
	13/11/2022		Freight for Staff Uniform	13.84	1	INV
EFT2397	23/11/2022	Kleenheat Gas	Yearly fees for 45 KG Vap Cyl for 57 Flint, 22a Flint and 22b Flint Street	-162.80	1	CSH
	21/11/2022		Yearly fees for 45 KG Vap Cyl, Yearly fees for 45 KG Vap Cyl for 57 Flint, 22a Flint and 22b Flint Street	162.80	1	INV

**Shire of Wyalkatchem**  
**List of Accounts - November 2022**

EFT2398	23/11/2022	Liebherr-Australia Pty Ltd	Diagnose and repair hydraulic issue	-3483.70	1	CSH
	09/11/2022		Diagnose and repair hydraulic issue	3483.70	1	INV
EFT2399	23/11/2022	Marty Grant Bulldozing	Push up gravel with D9T at Ant Ryan's pit - Lackman Rd	-8167.50	1	CSH
	15/11/2022		Push up gravel with D9T at Ant Ryan's pit - Lackman Rd	8167.50	1	INV
EFT2400	23/11/2022	Shire of Dowerin	Wet hire of Jet Sprayer to repair potholes and seal failures	-8350.00	1	CSH
	14/11/2022		Wet hire of Jet Sprayer to repair potholes and seal failures	8350.00	1	INV
EFT2401	23/11/2022	WA Contract Ranger Services	Contract Ranger Services on 25/10/2022 and 09/11/2022	-522.50	1	CSH
	10/11/2022		Contract Ranger Services on 25/10/2022 and 09/11/2022	522.50	1	INV
EFT2402	23/11/2022	Wylie Community Meats Pty Ltd	Work event on 27/10/2022 sausages and steak	-64.00	1	CSH
	27/10/2022		Work event on 27/10/2022 sausages and steak	64.00	1	INV
EFT2403	25/11/2022	Digga Civil	Second Stage of Thurstun St Drainage Project	-53671.50	1	CSH
	20/10/2022		Second Stage of Thurstun St Drainage Project	53671.50	1	INV
<b>Total EFT</b>				<b>477768.88</b>	<b>-477768.88</b>	
9911/BPAY	30/11/2022	Water Corporation.	Water Bill from 15/08/2022 to 10/10/2022 for 181Railway TCE Lot18	-570.37	1	CSH
	11/10/2022		Water Bill from 15/08/2022 to 10/10/2022 for 181Railway TCE Lot18	570.37	1	INV
DD2341.1	01/11/2022	Water Corporation.	Water Bill for Honour Avenue from 11/08/2022 to 10/10/2022	-1158.01	1	CSH
	01/11/2022		Water Bill for 54 Honour Avenue from 15/08/2022 to 10/10/2022	76.70	1	INV
	01/11/2022		Water Bill for 42 Flint St from 11/08/2022 to 10/10/2022	117.35	1	INV
	01/11/2022		Water Bill for Wilson St from 11/08/2022 to 10/10/2022	128.66	1	INV
	01/11/2022		Water for L5Railway TCE from 15/08/2022 to 10/10/2022	314.99	1	INV
	01/11/2022		Water Bill for Honour Avenue from 11/08/2022 to 10/10/2022	520.31	1	INV
DD2341.2	01/11/2022	Crisp Wireless	Internet Charge for the month of October 2022	-526.90	1	CSH
	01/11/2022		Internate Charge - October 2022	526.90	1	INV
DD2345.1	03/11/2022	Water Corporation.	Water Bill from 14/08/2022 to 12/10/2022 for Pioneer Park	-469.38	1	CSH
	03/11/2022		Water Bill at Depot Top from 16/08/2022 to 12/10/2022	48.96	1	INV
	03/11/2022		Water Bill from 16/08/2022 to 12/10/2022 at Bottom Depot	49.38	1	INV
	03/11/2022		Water Bill from 14/08/2022 to 12/10/2022 for Pioneer Park	371.04	1	INV
DD2347.1	08/11/2022	HESTA Superannuation	Payroll deductions	-980.87	1	CSH
	08/11/2022		Superannuation contributions	741.63	1	INV
	08/11/2022		Payroll Deduction	239.24	1	INV
DD2347.2	08/11/2022	Jonas Superannuation Fund	Superannuation contributions	-114.75	1	CSH

**Shire of Wyalkatchem**  
**List of Accounts - November 2022**

	08/11/2022	Superannuation contributions	114.75	1	INV
DD2347.3	08/11/2022 Rest Super	Superannuation contributions		-219.84	1 CSH
	08/11/2022	Superannuation contributions	219.84	1	INV
DD2347.4	08/11/2022 Australian Retirement	Superannuation contributions		-282.12	1 CSH
	08/11/2022	Superannuation contributions	282.12	1	INV
DD2347.5	08/11/2022 CBUS Superannuation	Superannuation contributions		-1148.02	1 CSH
	08/11/2022	Payroll Deduction	500.00	1	INV
	08/11/2022	Superannuation contributions	648.02	1	INV
DD2347.6	08/11/2022 AMP Superannuation	Superannuation contributions		-1154.15	1 CSH
	08/11/2022	Payroll Deduction	281.50	1	INV
	08/11/2022	Superannuation contributions	872.65	1	INV
DD2347.7	08/11/2022 Aware Superannuation Fund	Superannuation contributions		-1934.27	1 CSH
	08/11/2022	Payroll Deduction	122.02	1	INV
	08/11/2022	Superannuation contributions	1812.25	1	INV
DD2347.8	08/11/2022 Colonial Superannuation	Superannuation contributions		-594.70	1 CSH
	08/11/2022	Payroll Deduction	145.05	1	INV
	08/11/2022	Superannuation contributions	449.65	1	INV
DD2347.9	08/11/2022 MTAA Superannuation Fund	Superannuation contributions		-175.04	1 CSH
	08/11/2022	Superannuation contributions	175.04	1	INV
DD2349.1	04/11/2022 Water Corporation.	Water Bill from 16/08/2022 to 13/10/2022 for Swimming Pool		-4503.10	1 CSH
	04/11/2022	Water Bill from 16/08/2022 to 13/10/2022 for family day care	5.59	1	INV
	04/11/2022	Water Bill from 16/08/2022 to 13/10/2022 for Railway Barrack	104.63	1	INV
	04/11/2022	Water Bill from 16/08/2022 to 13/10/2022 for New Depot	168.82	1	INV
	04/11/2022	Water Bill from 16/08/2022 to 13/10/2022 for 27 Flint St, Water Bill from 16/08/2022 to 13/10/2022 for 27 Flint St	172.45	1	INV
	04/11/2022	Water Bill from 16/08/2022 to 13/10/2022 for Main Oval	390.34	1	INV
	04/11/2022	Water Bill from 16/08/2022 to 13/10/2022 for Swimming Pool	3661.27	1	INV
DD2352.1	08/11/2022 Synergy	Electricity Bill for Terminal Building from 14/09/2022 to 12/10/2022		-400.31	1 CSH
	08/11/2022	Electricity Bill for NAB Bank from 17/09/2022 to 18/10/2022	124.75	1	INV
	08/11/2022	Electricity Bill for Terminal Building from 14/09/2022 to 12/10/2022	275.56	1	INV
DD2358.1	22/11/2022 HESTA Superannuation	Payroll deductions		-989.17	1 CSH
	22/11/2022	Superannuation contributions	747.91	1	INV
	22/11/2022	Payroll Deduction	241.26	1	INV
DD2358.2	22/11/2022 Rest Super	Superannuation contributions		-306.41	1 CSH
	22/11/2022	Superannuation contributions	306.41	1	INV
DD2358.3	22/11/2022 Australian Retirement	Superannuation contributions		-221.09	1 CSH

**Shire of Wyalkatchem**  
**List of Accounts - November 2022**

	22/11/2022	Superannuation contributions	221.09	1	INV
DD2358.4	22/11/2022 Macquarie Super Consolidator II	Superannuation contributions		-136.24	1 CSH
	22/11/2022	Superannuation contributions	136.24	1	INV
DD2358.5	22/11/2022 CBUS Superannuation	Superannuation contributions		-1152.52	1 CSH
	22/11/2022	Payroll Deduction	500.00	1	INV
	22/11/2022	Superannuation contributions	652.52	1	INV
DD2358.6	22/11/2022 AMP Superannuation	Superannuation contributions		-1154.15	1 CSH
	22/11/2022	Payroll Deduction	281.50	1	INV
	22/11/2022	Superannuation contributions	872.65	1	INV
DD2358.7	22/11/2022 Aware Superannuation Fund	Superannuation contributions		-1845.25	1 CSH
	22/11/2022	Payroll Deduction	123.02	1	INV
	22/11/2022	Superannuation contributions	1722.23	1	INV
DD2358.8	22/11/2022 Colonial Superannuation	Superannuation contributions		-594.70	1 CSH
	22/11/2022	Payroll Deduction	145.05	1	INV
	22/11/2022	Superannuation contributions	449.65	1	INV
DD2358.9	22/11/2022 MTAA Superannuation Fund	Superannuation contributions		-169.92	1 CSH
	22/11/2022	Superannuation contributions	169.92	1	INV
DD2360.1	17/11/2022 Foxtel	Foxtel - 57 Flint Street		-155.00	1 CSH
	17/11/2022	Foxtel - 57 Flint Street	155.00	1	INV
DD2362.1	21/11/2022 Telstra	Phone Bill for the month of October 2022		-251.60	1 CSH
	21/11/2022	Mobile Phone Bill -Works Manager for the month of October 2022, Mobile Phone Bill -CEO for the month of October 2022, Mobile Phone Bill from 02/11/2022 to 01/12/2022 2022, Mobile Phone Bill -Emergency Bill for the month of October 2022, Camera SIM Card - Swimming Pool from 02/11/2022 to 01/12/2022, Camera SIM Card -Public Toilet from 02/11/2022 to 01/12/2022	251.60	1	INV
DD2364.1	22/11/2022 Synergy	Electricity Bill for Pioneer Park from 25/09/2022 to 24/10/2022		-2618.68	1 CSH
	22/11/2022	Electricity Bill for Pioneer Park from 25/09/2022 to 24/10/2022	2618.68	1	INV
DD2371.1	29/11/2022 Synergy	Electric Bill from 08092022 to 07112022 for Lot 418 Bultin St		-386.17	1 CSH
	29/11/2022	Electric Bill from 08092022 to 07112022 for Lot 418 Bultin St	386.17	1	INV
DD2376.1	30/11/2022 Fuji Xerox	Photocopier Lease Charges		-317.02	1 CSH
	30/11/2022	Photocopier Lease Charges	317.02	1	INV
DD2377.1	03/11/2022 NAB	Lunch for the BFB training - 31 Volunteers and trainers.		-6420.29	1 CSH



**Shire of Wyalkatchem**  
**List of Accounts - November 2022**

	03/11/2022		Hotel accommatadion for Peter Klein for LG Convention, Hotel accommatadion for Emma Holdsworth for LG Convention, Hotel accommatadion for Owen Garner for LG Convention, Hotel accommatadion for Quentin Davies for LG Convention, Hotel accommatadion for Mischa Stratford for LG Convention	3933.15	1	INV
	03/11/2022		Flowers for Beth Carter,	135.90	1	INV
	03/11/2022		Refreshment	42.70	1	INV
	03/11/2022		Ticket to the Perth garden Show - CP	22.00	1	INV
	03/11/2022		WALGA People and Cultural Seminer	330.00	1	INV
	03/11/2022		Subscription for Jamf	19.20	1	INV
	03/11/2022		Vacum and bag stock for Admin	558.95	1	INV
	03/11/2022		Salads for work event on 27/11/22.	26.00	1	INV
	03/11/2022		PIC renewal 2022/23	76.50	1	INV
	03/11/2022		NAB Card Fee and other Charges	9.77	1	INV
	03/11/2022		Plants for the town	587.78	1	INV
	03/11/2022		Refreshment for WALGA Conference	5.50	1	INV
	03/11/2022		Refreshment for WALGA Conference	22.00	1	INV
	03/11/2022		Refreshment for DFES	23.03	1	INV
	03/11/2022		Licence fees for the KUBOTA	263.65	1	INV
	03/11/2022		Refreshment for DEFS	24.00	1	INV
	03/11/2022		Subscription for Jamf	6.41	1	INV
	03/11/2022		Lunch for the BFB training - 31 Volunteers and trainers.	333.75	1	INV
DD2347.10	08/11/2022	Clearview Superannuation	Superannuation contributions		-71.66	1 CSH
	08/11/2022		Superannuation contributions	71.66		1 INV
DD2347.11	08/11/2022	Suncorp Superannuation	Superannuation contributions		-154.04	1 CSH
	08/11/2022		Superannuation contributions	154.04		1 INV
DD2347.12	08/11/2022	BT Panorama Superannuation	Superannuation contributions		-464.42	1 CSH
	08/11/2022		Superannuation contributions	464.42		1 INV
DD2358.10	22/11/2022	Suncorp Superannuation	Superannuation contributions		-120.12	1 CSH
	22/11/2022		Superannuation contributions	120.12		1 INV
DD2358.11	22/11/2022	BT Panorama Superannuation	Superannuation contributions		-464.42	1 CSH
	22/11/2022		Superannuation contributions	464.42		1 INV
DD2358.12	22/11/2022	Jonas Superannuation Fund	Superannuation contributions		-65.73	1 CSH
	22/11/2022		Superannuation contributions	65.73		1 INV
<b>Total DD</b>				<b>32290.43</b>	<b>-32290.43</b>	
<b>Total DD and EFT</b>				<b>510059.31</b>	<b>-510059.31</b>	





Statement for  
**NAB Business Visa**

NAB Commercial Cards Centre - GPO Box 9992 Melbourne Victoria 3001  
Tel 1300 498 594 8am - 8pm AEST & AEDT Monday to Friday, 9am - 6pm AEST &  
AEDT Saturday and Sunday  
Fax 1300 363 658  
Lost & Stolen cards: 1800 033 103 (24 hours within Australia only)

WYALKATCHEM SHIRE  
27 FLINT STREET  
WYALKATCHEM WA 6485

Statement Period 29 September 2022 to 28 October 2022  
Company Account No: 4557 0498 0000 4281  
Facility Limit: \$13,000

**Your Account Summary**

Balance from previous statement	\$2,227.45 DR
Payments and other credits	\$2,491.10 CR
Purchases, cash advances and other debits	\$6,674.17 DR
Interest and other charges	\$9.77 DR
<b>Closing Balance</b>	<b>\$6,420.29 DR</b>

**YOUR DIRECT DEBIT PAYMENT OF \$6,420.29 WILL BE  
CHARGED TO ACCOUNT 000086977- 0000508383313 ON  
03/11/2022 AS PER OUR AGREEMENT.**

301/21/01/M03287/S0009887/1019773

see reverse for transaction details

## Transaction record for: Billing account

Date	Amount A\$	Details	Reference
4 Oct 2022	\$2,227.45 CR	DIRECT DEBIT PAYMENT	74557042276
12 Oct 2022	\$0.19	NAB INTNL TRAN FEE - (MC)	74557042285
20 Oct 2022	\$0.58	NAB INTNL TRAN FEE - (MC)	74557042293
<b>Total for this Period:</b>	<b>\$2,226.68 CR</b>		



NAB Telephone Banking: transfer funds by phone from your nominated NAB accounts to your NAB Business Visa account. Phone 1300 498 594, between 7am and 9pm AEST, Monday to Friday, 8am and 6pm AEST, Saturday and Sunday



NAB Internet Banking: transfer funds from your NAB cheque or savings account to your NAB Business Visa account using NAB Internet Banking at nab.com.au



Billers Code: 1008. Ref: Select the card number you are making the payment to. Contact your participating bank, credit union or building society to make this payment from your cheque or savings account. BPAY payments may be delayed until the next banking business day, due to processing cut-off times. Maximum BPAY payment amount is AU \$100,000 per payment.

## Cardholder summary

If you have recently switched to a new product or had a Lost/Stolen replacement of your card, your cardholder summary may not reconcile with the account balance. The closing balance in "Your Account Summary" section of this statement reflects your correct balance and amount payable. Please login to your Internet Banking or NAB Connect account to review your most up to date transaction listing.

Cardholder account	Cardholder name	Credit limit	Payments and other credits (A)	Purchases and cash advances (B)	Interest and other charges (C)	Net Totals (B + C - A)
4557-0455-3822-6329	MR PETER JAMES KLEIN	\$13,000	\$263.65	\$6,674.17	\$9.00	\$6,419.52
4557-0498-0000-4281	BILLING ACCOUNT	\$0	\$2,227.45 CR	\$0.00	\$0.77 DR	\$2,226.68 CR
			\$2,491.10 CR	\$6,674.17 DR	\$9.77 DR	\$4,192.84 DR

## Transaction type

Purchase

## Annual percentage rate

0.000%

## Daily percentage rate

0.00000%



Statement for

**NAB Business Visa**

NAB Commercial Cards Centre - GPO Box 9992 Melbourne Victoria 3001  
 Tel 1300 498 594 8am - 8pm AEST & AEDT Monday to Friday, 9am - 6pm AEST & AEDT Saturday and Sunday  
 Fax 1300 363 658  
 Lost & Stolen Cards: 1800 033 103 (24 hours, 7 days a week)

**Cardholder Details**

Cardholder Name: MR PETER JAMES KLEIN  
 Account No: 4557 0455 3822 6329  
 Statement Period: 29 September 2022 to 28 October 2022  
 Cardholder Limit: \$13,000

**Transaction record for: MR PETER JAMES KLEIN**

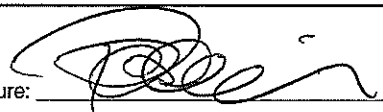
Date	Amount A\$	Details	Explanation	Amount NOT subject to GST	Amount subject to GST	GST component (1/11th of the amount subject to GST)	Reference
29 Sep 2022	\$3,933.15	Crown Promenade Perth Burswood	Hotel Accommodation				74773882271
30 Sep 2022	\$587.78	GUILDFORD TOWN GARDE GUILDFORD	plants for the town				04121104940
6 Oct 2022	\$5.50	CROWN PERTH MARKET & C BURSWOOD	Refreshment for councillors (WALGA)				74940522277
6 Oct 2022	\$22.00	CROWN PERTH MARKET & C BURSWOOD	"				74940522277
7 Oct 2022	\$23.03	BakersDelight Wembley Wembley	Refreshment for DEFS				74249232279
10 Oct 2022	\$24.00	DUNNINGS WYALKATCHEM WYALKATCHEM	"				74564452280
10 Oct 2022	\$263.65	DEPARTMENT OF TRANSPOR PERTH	licence fee for the KCEBOTA				74940522280
10 Oct 2022	\$263.65	DEPARTMENT OF TRANSPOR PERTH	X				74940522280
10 Oct 2022	\$263.65 CR	DEPARTMENT OF TRANSPOR PERTH	X				74940522280
12 Oct 2022	\$6.41	JAMF SOFTWARE, LLC HTTPSWWW.JAMFMN	JAMF Software Subscription				24011342284
12 Oct 2022	\$6.41	FRGN AMT: 4.00 US dollar					
12 Oct 2022	\$333.75	DUNNINGS WYALKATCHEM WYALKATCHEM	lunch for the BFB training - volunteers and trainee				74564452284
12 Oct 2022	\$135.90	EASYFLOWERS ADELAIDE	Flowers for Beth Carter				74564502284
13 Oct 2022	\$42.70	DUNNINGS WYALKATCHEM WYALKATCHEM	Refreshments for DEFS				74564452285
17 Oct 2022	\$22.00	CORPORATE SPORTS AUSTR PERTH	Ticket to the perth Garden Show - CP				74229852287
19 Oct 2022	\$330.00	WA LOCAL GOVERNMENT AS WEST LEEDERVI	WALGA people and culture seminar				74940522290

Continued next page

301/21/01/M03287/S009888/019775

Transaction record for: MR PETER JAMES KLEIN (continued)

Date	Amount A\$	Details	Explanation	Amount NOT subject to GST	Amount subject to GST	GST component (1/11th of the amount subject to GST)	Reference
20 Oct 2022	\$19.20	JAMF SOFTWARE, LLC HTTPWWW.JAMFMN	JAMF Software Subscription				24011342293
20 Oct 2022	\$19.20	FRGN AMT: 12.00 US dollar					
21 Oct 2022	\$558.95	ELECTRICAL HOME AIDS GLEN WAVERLEY	Vacuum and Bag Sticks for Admin				74940522292
28 Oct 2022	\$26.00	DUNNINGS WYALKATCHEM WYALKATCHEM ✓	Refreshment for work Event				74564452300
28 Oct 2022	\$76.50	DEPARTMENT OF PRIMARY PERTH	Re-registration for a non-farming property				74940522299
28 Oct 2022	\$9.00	CARD FEE	Card Fee				74557042301
<b>Total for this period</b>	<b>\$6,419.52</b>		<b>Totals</b>				

<b>Employee declaration</b>	
I verify that the above charges are a true and correct record in accordance with company policy	Cardholder signature:  Date: 6/12/22





Shire of  
**Wyalkatchem**

**SHIRE OF WYALKATCHEM**

**MONTHLY FINANCIAL REPORT**  
(Containing the Statement of Financial Activity)  
**FOR THE PERIOD ENDED 30 NOVEMBER 2022**

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

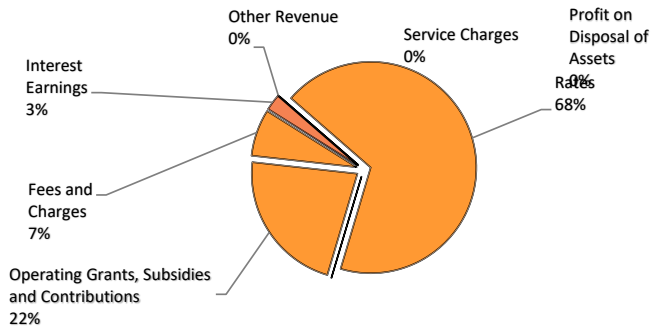
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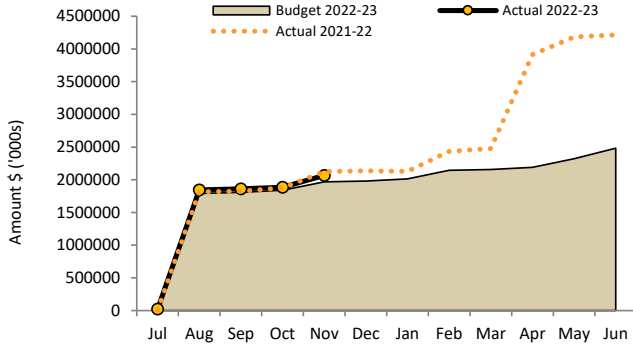
The information contained in this report is current at the time of preparation.

OPERATING ACTIVITIES

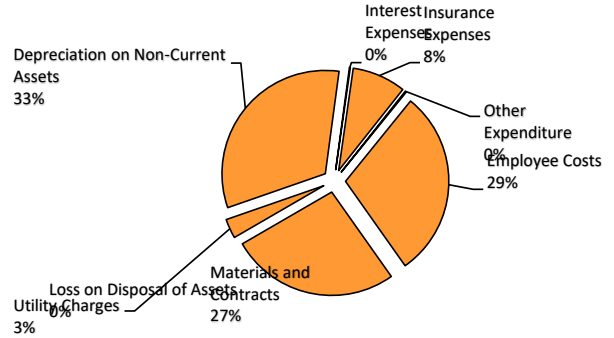
OPERATING REVENUE



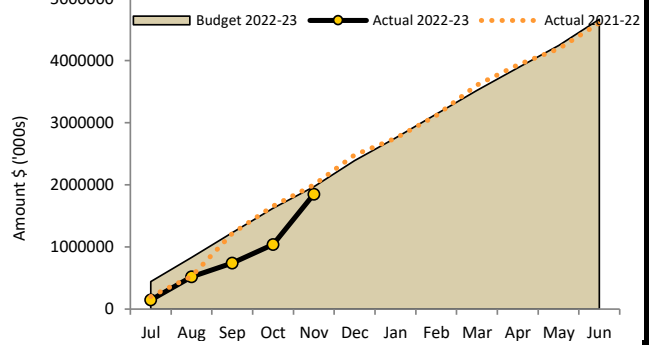
Budget Operating Revenues -v- Actual



OPERATING EXPENSES

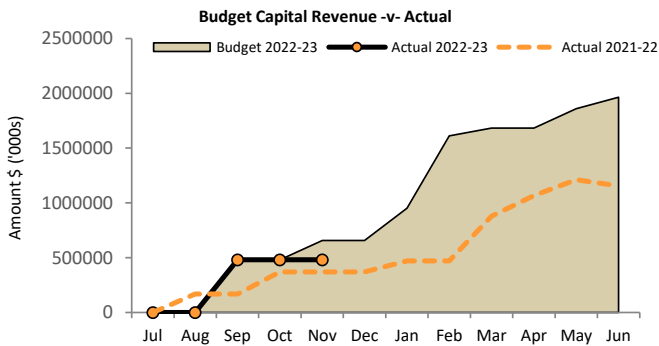


Budget Operating Expenses -v- YTD Actual

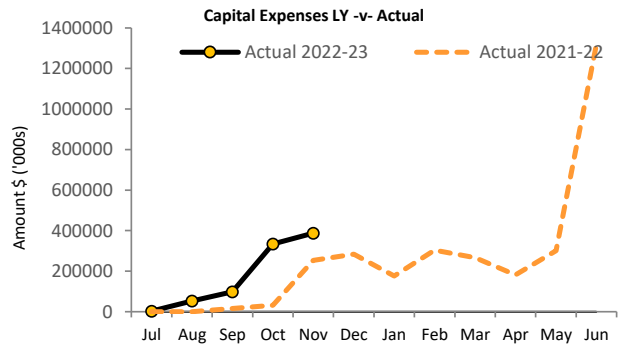


INVESTING ACTIVITIES

CAPITAL REVENUE



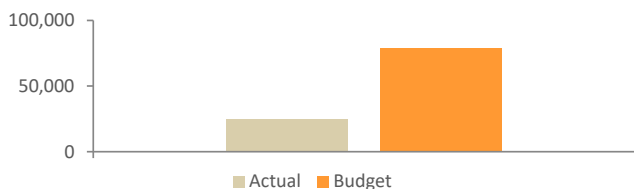
CAPITAL EXPENSES



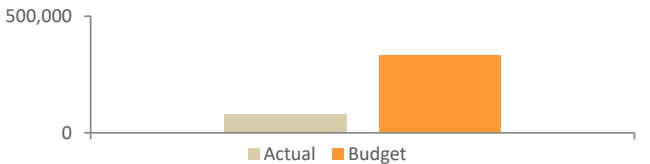
FINANCING ACTIVITIES

BORROWINGS

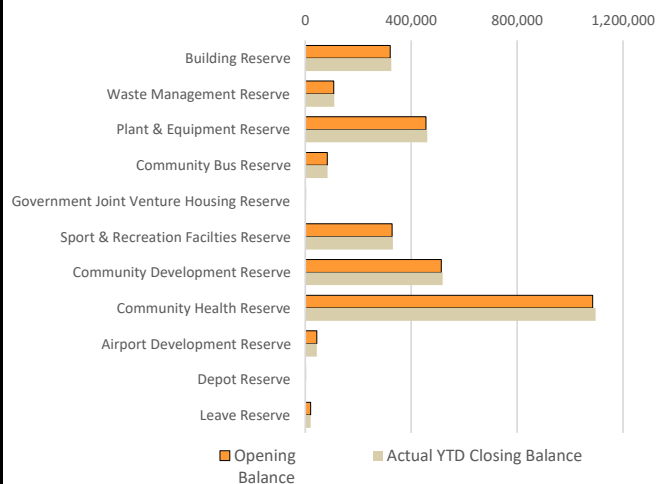
Principal Repayments



Principal Outstanding



RESERVES



**STATUTORY STATEMENT Local Government (Financial Management) Regulations 34**
**STATEMENT OF FINANCIAL ACTIVITY**
**BY NATURE OR TYPE**
**FOR THE PERIOD ENDED 30 NOVEMBER 2022**

Note	Ref	REG 34(1)(a)	Amended Budget	REG 34(1)(b)	REG 34(1)(c)	REG 34(1)(d)	REG 34(1)(d)	Var.
		Adopted Budget		YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	
		\$	\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1	1,520,037	1,520,037	1,520,037	<b>1,516,920</b>	(3,117)	(0.21%)	
<b>Revenue from operating activities</b>								
Rates	9	1,403,239	1,403,239	1,403,239	<b>1,408,938</b>	5,699	0.41%	
Operating grants, subsidies and contributions	8	701,555	701,555	400,524	<b>457,436</b>	56,912	14.21%	▲
Fees and charges		225,234	225,234	158,701	<b>148,352</b>	(10,349)	(6.52%)	
Interest earnings		14,450	14,450	6,510	<b>50,955</b>	44,445	682.72%	▲
Other revenue		1,550	1,550	640	<b>50</b>	(590)	(92.23%)	
Profit on disposal of assets	6	136,670	136,670	0	<b>0</b>	0	0.00%	
		<b>2,482,698</b>	<b>2,482,698</b>	<b>1,969,614</b>	<b>2,065,731</b>	96,117		
<b>Expenditure from operating activities</b>								
Employee costs		(1,588,104)	(1,588,104)	(612,503)	<b>(543,310)</b>	69,193	11.30%	▼
Materials and contracts		(1,180,264)	(1,180,264)	(490,377)	<b>(488,866)</b>	1,511	0.31%	
Utility charges		(182,962)	(182,962)	(55,970)	<b>(56,174)</b>	(204)	(0.36%)	
Depreciation on non-current assets		(1,480,574)	(1,480,574)	(616,845)	<b>(600,019)</b>	16,826	2.73%	
Interest expenses		(10,893)	(10,894)	(2,186)	<b>(2,549)</b>	(363)	(16.62%)	
Insurance expenses		(170,786)	(170,786)	(170,766)	<b>(155,319)</b>	15,447	9.05%	▼
Other expenditure		(51,047)	(51,047)	(21,250)	<b>(3,157)</b>	18,093	85.14%	▼
		<b>(4,664,630)</b>	<b>(4,664,631)</b>	<b>(1,969,897)</b>	<b>(1,849,394)</b>	120,503		
<b>Non-cash amounts excluded from operating activities</b>								
Less: Profit on asset disposals	6	(136,670)	(136,670)	0	<b>0</b>	0	0.00%	
Add: Loss on disposal of assets	6	0	0	0	<b>0</b>	0	0.00%	
Add: Depreciation on assets		1,480,574	1,480,574	616,845	<b>600,019</b>	(16,826)	(2.73%)	
<b>Amount attributable to operating activities</b>		<b>(838,028)</b>	<b>(838,029)</b>	<b>616,562</b>	<b>816,356</b>	199,794		
<b>Investing activities</b>								
Proceeds from non-operating grants, subsidies and contributions	7	1,964,480	1,964,480	658,059	<b>481,101</b>	(176,958)	(26.89%)	▼
Less UnSpent Non-Operating Grants (Contract Liabilities)	7	0	0	0	<b>0</b>			
<b>Net Non-Operating Grants</b>	7	<b>1,964,480</b>	<b>1,964,480</b>	<b>658,059</b>	<b>481,101</b>			
Proceeds from disposal of assets	6	176,500	176,500	0	<b>0</b>	0	0.00%	
Payments for property, plant and equipment and infrastructure	5	(3,041,529)	(3,041,529)	(449,129)	<b>(443,891)</b>	5,237	1.17%	
<b>Amount attributable to investing activities</b>		<b>(900,549)</b>	<b>(900,549)</b>	<b>208,930</b>	<b>37,210</b>	(171,721)		
<b>Financing Activities</b>								
Proceeds from new debentures	12	310,000	310,000	0	<b>0</b>	0	0.00%	
Transfer from reserves	4	195,000	195,000	0	<b>0</b>	0	0.00%	
Payments for principal portion of lease liabilities		(1,722)	(1,722)	0	<b>0</b>	0	0.00%	
Repayment of debentures	12	(78,737)	(78,737)	(24,740)	<b>(24,740)</b>	0	0.00%	
Transfer to reserves	4	(206,000)	(206,000)	(31,714)	<b>(31,714)</b>	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>218,541</b>	<b>218,541</b>	<b>(56,454)</b>	<b>(56,454)</b>	0		
<b>Closing funding surplus /(deficit) REG 34(1)- (Also refer Note 14)</b>	1	<b>0</b>	<b>0</b>	<b>2,289,076</b>	<b>2,314,033</b>	24,957		

**KEY INFORMATION**

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

Refer to Note 2 for an explanation of the reasons for the variance.

The material variance adopted by Council is \$10,000 or 10.00% whichever is greater.

This statement is to be read in conjunction with the accompanying Financial Statements and Notes.



**Statutory document REG 34(2)(a)**
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**
**Note 1**
**Explanation of the composition of net current assets**

	Notes	Last Years Actual Closing 30/6/2021	Adopted Budget	This time 2 months ago 30/09/2022	This time last month 31/10/2022	YTD Actual (b) 30/11/2022
		\$	\$	\$	\$	\$
<b>Net current assets used in the Statement of Financial Activity</b>						
<b>Current assets</b>						
Cash and cash equivalents	3	2,704,079	2,543,477	3,012,164	2,706,337	2,378,432
Cash backed Reserves		2,958,156	3,118,760	2,958,156	2,958,156	2,989,869
Rates receivables	10	37,994	37,994	328,206	304,269	211,459
Receivables	10	258,672	264,835	183,111	175,911	126,314
Inventories		1,375	5,644	1,375	3,302	3,302
<b>Total Current assets</b>		<b>5,960,276</b>	<b>5,970,710</b>	<b>6,483,011</b>	<b>6,147,973</b>	<b>5,709,376</b>
<b>Less: Current liabilities</b>						
Payables		(1,062,030)	(1,262,215)	(80,361)	(260,545)	17,696
Contract liabilities	7	(358,178)	(160,605)	(358,178)	(358,178)	(358,178)
Borrowings	12	(50,193)	(48,909)	(36,891)	(25,452)	(25,452)
Lease liabilities	13	(1,723)	(1,722)	(1,723)	(1,723)	(1,723)
Employee Provisions		(64,992)	(69,698)	(64,992)	(64,992)	(64,992)
<b>Total Current liabilities</b>		<b>(1,537,116)</b>	<b>(1,543,149)</b>	<b>(542,145)</b>	<b>(710,891)</b>	<b>(432,649)</b>
<b>Net Currents Assets</b>		<b>4,423,160</b>	<b>4,427,561</b>	<b>5,940,866</b>	<b>5,437,083</b>	<b>5,276,727</b>
<b>Less: Adjustments to net current assets</b>						
Less: Reserves - restricted cash	4	(2,958,156)	(3,118,760)	(2,958,156)	(3,118,760)	(2,989,869)
Less: Current year unspent grants		0	0	0	0	0
Add: Borrowings included in Budget	12	50,193	48,909	36,891	25,452	25,452
Add: Lease liabilities included in Budget	13	1,723	1,722	1,723	1,723	1,723
<b>Total adjustments to net current assets</b>		<b>(2,906,240)</b>	<b>(2,907,524)</b>	<b>(2,919,542)</b>	<b>(3,091,585)</b>	<b>(2,962,694)</b>
<b>Closing funding surplus / (deficit) (NET CURRENT ASSETS)</b>		<b>1,516,920</b>	<b>1,520,037</b>	<b>3,021,324</b>	<b>2,345,498</b>	<b>2,314,033</b>

**CURRENT AND NON-CURRENT CLASSIFICATION**

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

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

The material variance adopted by Council for the 2022-23 year is \$10,000 or 10.00% whichever is the greater. This is indicated by the symbols ▲ ▼

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
<b>Revenue from operating activities</b>				
Rates	5,699	0.41%		No material variance
Operating grants, subsidies and contributions	56,912	14.21%	▲ Permanent	FAGS grants are \$31K higher than budget, and the Shire has received insurance reimbursements of \$19k not budgeted.
Fees and charges	(10,349)	(6.52%)		No material variance
Interest earnings	44,445	682.72%	▲ Permanent	The Shire has been able to invest surplus funds at a much higher rate than budgeted. This additional revenue (mainly attributed to Reserve funds) will be addressed with the budget review.
Other revenue	(590)	(92.23%)		No material variance
Profit on disposal of assets	0	0.00%		No material variance
<b>Expenditure from operating activities</b>				
Employee costs	69,193	11.30%	▼ Timing	Lower costs in Administration and works salaries. These potential savings will be addressed with the budget review.
Materials and contracts	1,511	0.31%		No material variance
Utility charges	(204)	(0.36%)		No material variance
Depreciation on non-current assets	16,826	2.73%		No material variance
Interest expenses	(363)	(16.62%)		No material variance
Insurance expenses	15,447	9.05%		No material variance
Other expenditure	18,093	85.14%	▼ Timing	Members Fees (\$17k) have not been paid to date
Loss on disposal of assets	0	0.00%		No material variance
<b>Non-cash amounts excluded from operating activities</b>				
Less: Profit on asset disposals	0	0.00%		No material variance
Add: Loss on disposal of assets	0	0.00%		No material variance
Add: Depreciation on assets	(16,826)	(2.73%)		No material variance
<b>Investing activities</b>				
Proceeds from non-operating grants, subsidies and contributions	(176,958)	(26.89%)	▼ Timing	Refer to Note 7 for details. RRG & R2R funds have not yet been received.
Proceeds from disposal of assets	0	0.00%		No material variance
Proceeds from financial assets at amortised cost - self supporting loans	0	0.00%		No material variance
Payments for financial assets at amortised cost - self supporting loans	0	0.00%		No material variance
Payments for property, plant and equipment and infrastructure	5,237	1.17%		Refer to Note 5 for details
<b>Financing activities</b>				
Proceeds from new debentures	0	0.00%		No material variance
Transfer from reserves	0	0.00%		No material variance
Payments for principal portion of lease liabilities	0	0.00%		No material variance
Repayment of debentures	0	0.00%		No material variance
Transfer to reserves	0	0.00%		No material variance

# SHIRE OF WYALKATCHEM

## SUPPORTING INFORMATION THE MONTHLY STATEMENTS PROVIDED FOR COUNCILLORS INFORMATION REG 34(2)(c) FOR THE PERIOD ENDED 30 NOVEMBER 2022

The Local Government (Financial Management) Regulations provide at 34.(2) that:  
(2) Each Statement of financial activity is to be accompanied by documents containing —  
(c) such other supporting information as is considered relevant by the local government;  
as such the following supporting information is provided.

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Description	Classification	Unrestricted \$	Restricted \$	Total Cash \$	Trust \$	Institution	Interest Rate	Maturity Date
<b>Cash on hand</b>								
Municipal Bank Account	Cash and cash equivalents	1,371,753		1,371,753	0	NAB		
Municipal Investment	Cash and cash equivalents	1,006,482		1,006,482	0	BOQ	2.60%	7/02/2023
Reserve Investment Account	Cash and cash equivalents	0	2,989,869	2,958,156	0	BOQ	2.15%	8/05/2023
<b>Total</b>		<b>2,378,235</b>	<b>2,989,869</b>	<b>5,336,391</b>	<b>0</b>			
<b>Comprising</b>								
Cash and cash equivalents		2,378,235	2,989,869	5,336,391	0			
		<b>2,378,235</b>	<b>2,989,869</b>	<b>5,336,391</b>	<b>0</b>			

**KEY INFORMATION**

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

The local government classifies financial assets at amortised cost if both of the following criteria are met:

- the asset is held within a business model whose objective is to collect the contractual cashflows, and
- the contractual terms give rise to cash flows that are solely payments of principal and interest.

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are provided in Note 4 - Other assets.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022

OPERATING ACTIVITIES  
Note 4  
CASH RESERVES

Cash backed reserve

Reserve name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Current Budget Transfers In ( Inc Interest) (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Current Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$		\$	\$		\$	\$	\$
Building Reserve	321,275	651	3,468	0	651	0	0	0	0	321,926	324,743
Waste Management Reserve	107,941	219	1,165	0	219	0	0	0	0	108,160	109,106
Plant & Equipment Reserve	455,568	924	4,917	200,000	200,924	0	(195,000)	(195,000)	0	461,492	460,485
Community Bus Reserve	83,165	169	898	0	169	0	0	0	0	83,334	84,063
Government Joint Venture Housing Reserve	11	0	0	0	0	0	0	0	0	11	11
Sport & Recreation Facilities Reserve	327,872	665	3,539	0	665	0	0	0	0	328,537	331,411
Community Development Reserve	513,283	1,041	5,540	0	1,041	0	0	0	0	514,324	518,823
Community Health Reserve	1,085,443	2,202	11,716	0	2,202	0	0	0	0	1,087,645	1,097,159
Airport Development Reserve	43,440	88	469	0	88	0	0	0	0	43,528	43,909
Depot Reserve	157	0	2	0	0	0	0	0	0	157	159
Leave Reserve	20,000	41	0	0	41	0	0	0	0	20,041	20,000
	<b>2,958,155</b>	<b>6,000</b>	<b>31,714</b>	<b>200,000</b>	<b>206,000</b>	<b>0</b>	<b>(195,000)</b>	<b>(195,000)</b>	<b>0</b>	<b>2,969,155</b>	<b>2,989,869</b>

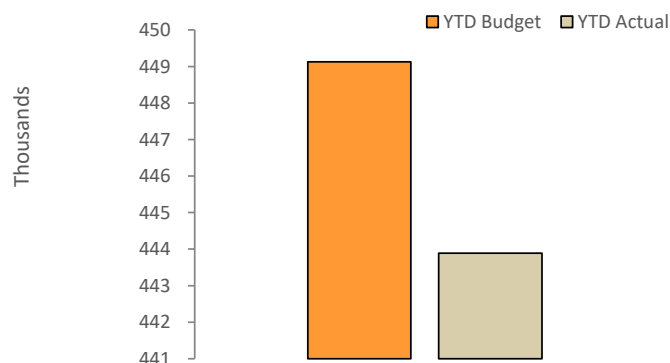
KEY INFORMATION

CAPITAL ACQUISITIONS SUMMARY

Capital acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Adopted Budget	YTD Budget		
	\$	\$	\$	\$
Land & Buildings	177,131	30,505	37,213	6,709
Furniture & Equipment	38,924	0	1,163	1,163
Plant & Equipment	709,300	20,580	20,580	0
Roads	919,529	144,252	144,408	156
Footpaths	75,000	0	0	0
Other Infrastructure	1,121,645	253,792	240,527	(13,265)
<b>Payments for Capital Acquisitions</b>	<b>3,041,529</b>	<b>449,129</b>	<b>443,891</b>	<b>(5,237)</b>
<b>Total Capital Acquisitions</b>	<b>3,041,529</b>	<b>449,129</b>	<b>443,891</b>	<b>(5,237)</b>
<b>Capital Acquisitions Funded By:</b>				
	\$	\$	\$	\$
Capital grants and contributions	1,964,480	658,059	481,101	(176,958)
Borrowings	310,000	0	0	0
Proceeds from disposal of assets	176,500	0	0	0
Cash backed reserves				
Plant & Equipment Reserve	195,000	0	0	0
Contribution - operations	395,549	(208,930)	(37,210)	171,721
<b>Capital funding total</b>	<b>3,041,529</b>	<b>449,129</b>	<b>443,891</b>	<b>(5,237)</b>

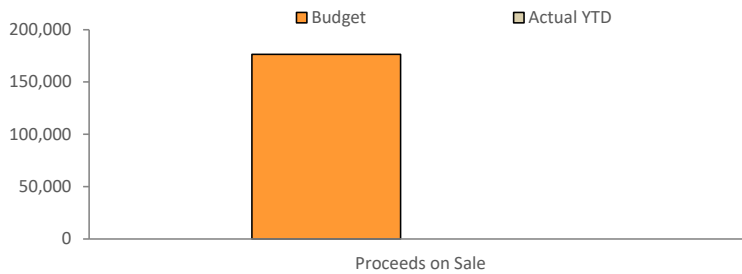
**SIGNIFICANT ACCOUNTING POLICIES**

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the acquisition. For assets acquired at no cost or for nominal consideration, cost is determined as fair value at the date of acquisition. The cost of non-current assets constructed by the local government includes the cost of all materials used in the construction, direct labour on the project and an appropriate proportion of variable and fixed overhead. Certain asset classes may be revalued on a regular basis such that the carrying values are not materially different from fair value. Assets carried at fair value are to be revalued with sufficient regularity to ensure the carrying amount does not differ materially from that determined using fair value at reporting date.



Adopted							
Account	Job	Account Description	Original Budget	YTD Budget	YTD Actual	Variance (Under)/Over	Comments
<b>Land &amp; Buildings</b>							
		Railway Tce (NAB) Building improvement	80,000	0	0	0	
		Asbestos remediation Program	34,000	0	0	0	
BC042		Wash Down Bay at new Depot - Grace St	9,000	5,500	5,500	0	
		Carport for Light vehicle at new Depot	10,000	0	0	0	
		New lock up facility for workshop/tools at New Depot	10,000	0	0	0	
		Museum building maintenance	12,000	0	0	0	0 CBH Bin Museum Committee
BC001		Chambers Refurbish	0	0	0	0	
BC040		New Depot - Grace Street	22,131	25,005	25,005	0	
LC0001		Purchase corner Railway Terrace and Honour Avenue	0	0	6,709	6,709	
			<b>177,131</b>	<b>30,505</b>	<b>37,213</b>	<b>6,709</b>	
<b>Furniture &amp; Equipment</b>							
		Photocopier	9,404	0	0	0	
PEC003		Replacement of 3 PC's + 2 new & MOW iphone	13,000	0	1,163	1,163	
		Substitute Councillor iPads for Surface Pros	16,520	0	0	0	
			<b>38,924</b>	<b>0</b>	<b>1,163</b>	<b>1,163</b>	
<b>Plant &amp; Equipment</b>							
		Skid Steer	140,000	0	0	0	Funding from Plant Reserve
		6 wheel tipper	390,000	0	0	0	Loan
		Dmax	40,000	0	0	0	Funding from Plant Reserve
		Klugger	60,000	0	0	0	Funding from Plant Reserve
		Town trailer	5,000	0	0	0	Funding from Plant Reserve
		Water trailer - town	5,000	0	0	0	Funding from Plant Reserve
PC0102		Bulk Fuel Storage	25,800	20,580	20,580	0	
			<b>709,300</b>	<b>20,580</b>	<b>20,580</b>	<b>0</b>	
<b>Roads</b>							
R2R09		R2R McNee Road SLK 12.36 - 18.77	131,572	5,049	5,049	0	R2R
R2R130		Wyalkatchem-Koorda Road (rural road), Wyalkatchem -, between Straight Line Kik	28,345	77,964	77,964	0	R2R
R2R03		Elsegood Road (Rural road), Elsegood, between the Wyalkatchem - Koorda Rd and	124,542	47,984	47,984	0	R2R
RRG02		Wyalkatchem North Road	564,345	0	156	156	RRG
RRG131		Cunderdin/Wyalkatchem Road	70,725	13,254	13,254	0	RRG
			<b>919,529</b>	<b>144,252</b>	<b>144,408</b>	<b>156</b>	
<b>Footpaths</b>							
LRCI		Footpath & kerbing upgrade project	75,000	0	0	0	LRCI
			<b>75,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Other Infrastructure</b>							
LRCI		Wyalkatchem Pool Refurbishment Program.	150,000	0	0	0	LRCI
LRC003		Wyalkatchem Recreation Reserve Reticulation Upgrade.	200,000	200,000	182,090	(17,910)	LRCI
		Water Wise Garden – space activation. Corner of Honour Ave & Railway Tce Wyalkatchem	55,000	0	0	0	LRCI
LRC005		Lady Novar Refurbishment.	120,000	0	3,754	3,754	LRCI
LRCI		Town entry statement improvements.	20,000	0	0	0	LRCI
LRCI		Purchase tip netting	20,000	0	0	0	LRCI
LRCI		Water Sustainability Project	100,000	0	0	0	LRCI
LRCI		Flag Poles at Admin Building	5,000	0	0	0	LRCI
LRCI		Korrellocking Cemetery	10,200	0	0	0	LRCI
LRCI		Rec Reserev Depot	35,000	0	0	0	LRCI
LRCI		Asset Security/Protection	25,000	0	0	0	LRCI
LRCI		Exercise equipment trail (x4)	20,000	0	0	0	LRCI
LRCI		Museum Building Refurbishment	12,500	0	0	0	LRCI
CIO005		Stormwater drainage upgrade	24,502	48,792	48,792	0	LRCI
LRCI		Family Day Care Centre Upgrade	10,000	0	0	0	LRCI
CIO004		Re-establish Rose Garden	5,000	5,000	5,153	153	LRCI
CIO007		Cemetery	15,000	0	0	0	
CIO13		Airport Runway Reseal	294,443	0	0	0	Aero Grant
CIO014		Railway Tce and Thurston St Stormwater	0	0	738	738	
			<b>1,121,645</b>	<b>253,792</b>	<b>240,527</b>	<b>(13,265)</b>	
			<b>3,041,529</b>	<b>449,129</b>	<b>443,891</b>	<b>(5,237)</b>	

Asset Ref.	Asset description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
<b>Plant and equipment</b>									
<b>Health</b>									
	10166 - Doctors Mazda	36,509	50,000	13,491	0	0	0	0	0
<b>Other property and services</b>									
	10155 - Skid Steer CAT 226B	2,185	30,000	27,815	0	0	0	0	0
	10142 - Isuzu Tipper	0	80,000	80,000	0	0	0	0	0
	10148 - Isuzu Dmax Crew Cab	1,136	15,000	13,864	0	0	0	0	0
	Loadstar Garden Trailer	0	500	500	0	0	0	0	0
	Jon Papas Water Trailer	0	500	500	0	0	0	0	0
	Able Pump Trailer	0	500	500	0	0	0	0	0
		<b>39,830</b>	<b>176,500</b>	<b>136,670</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>





NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022

Note 7

NON-OPERATING GRANTS AND CONTRIBUTIONS

Non operating grants, subsidies and contributions revenue

Type	Provider	Adopted Budget Revenue	YTD Budget	YTD Revenue Actual	YTD Expense Actual	Unspent Grants Contract Liability Actual	
		\$	\$	\$	\$	\$	
<b>Non-operating grants and subsidies</b>							
<b>Governance</b>							
GEN PUR - Other Grants	Tied	LGRIC	962,202	481,101	481,101	239,789	241,312
<b>Transport</b>							
ROADC - Regional Road Group Grants (MRWA)	Tied	Main Roads WA	423,376	105,844	0	13,410	0
ROADC - Roads to Recovery Grant	Tied	DIAP - Commonwealth	284,459	71,114	0	130,998	0
AERO - Grants	Tied	DISER - Commonwealth	294,443	0	0	0	0
			<b>1,964,480</b>	<b>658,059</b>	<b>481,101</b>	<b>384,935</b>	<b>241,312</b>

Operating grants, subsidies and contributions revenue							
Provider	Type	Adopted Budget Revenue	Revised Budget	YTD Budget	YTD Revenue Actual	YTD Expense Actual	Contract Liability Actual
		\$	\$	\$	\$	\$	\$
<b>Operating grants and subsidies</b>							
<b>General purpose funding</b>							
GEN PUR - Financial Assistance Grant - General	Untied	329,417	329,417	164,708	214,282	n/a	n/a
GEN PUR - Financial Assistance Grant - Roads	Untied	140,446	140,446	70,224	52,028	n/a	n/a
<b>Law, order, public safety</b>							
ESL BFB - Operating Grant		34,390	34,390	17,196	23,607	n/a	n/a
ESL BFB - Admin Fee/Commission		4,000	4,000	4,000	4,000	n/a	n/a
<b>Recreation and culture</b>							
REC - Other Income		0	0	0	19,200	0	19,200
<b>Transport</b>							
ROADM - Direct Road Grant (MRWA)	Untied	126,406	126,406	126,406	129,125	n/a	n/a
		<b>634,659</b>	<b>634,659</b>	<b>382,534</b>	<b>442,242</b>	<b>0</b>	<b>19,200</b>
<b>Reimbursement Contribution</b>							
<b>Health</b>							
OTH HEALTH - Contributions, Donations & Reimbursements	Untied	59,280	59,280	14,820	347	n/a	n/a
<b>Housing</b>							
STF HOUSE - Staff Rental Reimbursements - 2 Slocum St		2,000	2,000	830	1,077	n/a	n/a
STF HOUSE - Staff Rental Reimbursements - 22a Flint St	Untied	2,808	2,808	1,170	969	n/a	n/a
STF HOUSE - Staff Rental Reimbursements - 43 Wilson St	Untied	0	0	0	323	n/a	n/a
STF HOUSE - Staff Rental Reimbursements - 45 Wilson St	Untied	2,808	2,808	1,170	2,208	n/a	n/a
STF HOUSE - Staff Rental Reimbursements - 45 Wilson St	Untied	0	0	0	1,305	n/a	n/a
<b>Economic services</b>							
ECONOM - Other Fees & Charges	Untied	0	0	0	0	n/a	n/a
<b>Other property and services</b>							
ADMIN - Fees & Charges	Untied	0	0	0	3,417	n/a	n/a
PWO - Insurance Claims	Untied	0	0	0	5,521	n/a	n/a
		<b>66,896</b>	<b>66,896</b>	<b>17,990</b>	<b>15,195</b>	<b>0</b>	<b>0</b>
<b>TOTALS</b>		<b>701,555</b>	<b>701,555</b>	<b>400,524</b>	<b>457,436</b>	<b>0</b>	<b>19,200</b>

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022

OPERATING ACTIVITIES  
Note9  
RATE REVENUE

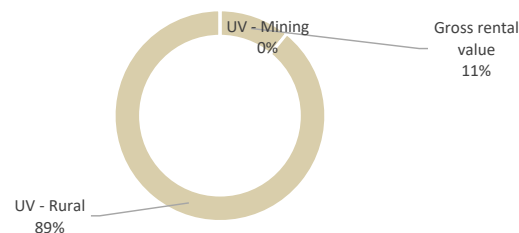
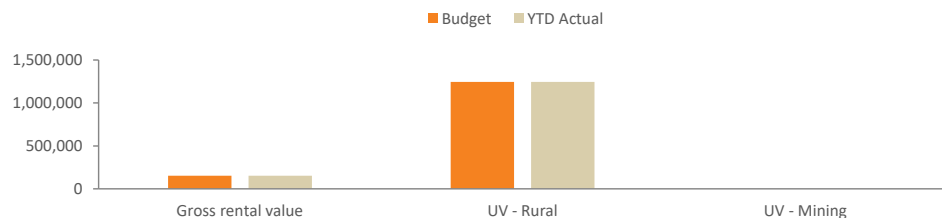
General rate revenue	Budget						YTD Actual				
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
<b>RATE TYPE</b>				\$	\$	\$	\$	\$	\$	\$	\$
<b>Gross rental value</b>											
Gross rental value	0.11334	194	1,340,466	151,932	0	0	151,932	151,932	109	0	152,041
<b>Unimproved value</b>											
UV - Rural	0.01295	208	91,119,500	1,244,267	0	0	1,244,267	1,244,267	(401)	(245)	1,243,621
UV - Mining	0.01295	0	0	0	0	0	0	0	0	0	0
<b>Sub-Total</b>		<b>402</b>	<b>92,459,966</b>	<b>1,396,199</b>	<b>0</b>	<b>0</b>	<b>1,396,199</b>	<b>1,396,200</b>	<b>(293)</b>	<b>(245)</b>	<b>1,395,662</b>
<b>Minimum payment</b>	<b>Minimum \$</b>										
<b>Gross rental value</b>											
GRV - Wyalkatchem	515	53	68,337	27,295	0	0	27,295	27,295	0	0	27,295
<b>Unimproved value</b>											
UV - Rural	573	18	419,000	10,314	0	0	10,314	10,314	0	0	10,314
UV - Mining	573	13	46,823	7,449	0	0	7,449	7,449	2,104	0	9,553
<b>Sub-total</b>		<b>84</b>	<b>534,160</b>	<b>45,058</b>	<b>0</b>	<b>0</b>	<b>45,058</b>	<b>45,058</b>	<b>2,104</b>	<b>0</b>	<b>47,162</b>
Discount							(46,795)				(44,274)
<b>Amount from general rates</b>							<b>1,394,462</b>	<b>1,441,258</b>	<b>1,811</b>	<b>(245)</b>	<b>1,398,550</b>
Ex-gratia rates							8,777				10,388
<b>Total general rates</b>							<b>1,403,239</b>				<b>1,408,938</b>

KEY INFORMATION

Prepaid rates are, until the taxable event for the rates has occurred, refundable at the request of the ratepayer. Rates received in advance give rise to a financial liability. On 1 July 2021 the prepaid rates were recognised as a financial asset and a related amount was recognised as a financial liability and no income was recognised. When the taxable event occurs the financial liability is extinguished and income recognised for the prepaid rates that have not been refunded.

Rates are expected to be levied early August 2022.

Rate Revenue by Rate Type



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**OPERATING ACTIVITIES  
Note 10  
RECEIVABLES**

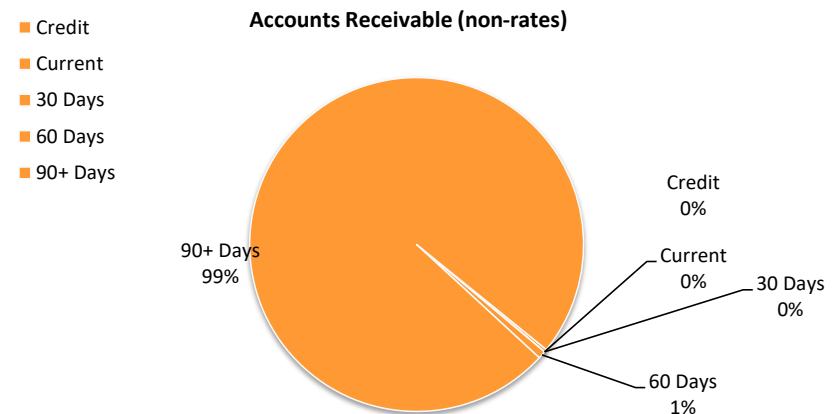
Rates receivable	30 Jun 2022	30 Nov 2022
	\$	\$
Opening arrears previous years	18,796	37,994
Levied this year	2,550,269	1,408,938
Less - collections to date	(1,276,453)	(1,235,473)
Equals current outstanding	<b>37,994</b>	<b>211,459</b>
<b>Net rates collectable</b>	<b>37,994</b>	<b>211,459</b>
% Collected	49.7%	85.4%

Receivables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(381)	0	0	1,023	134,431	135,073
Percentage	(0.3%)	0%	0%	0.8%	99.5%	
<b>Balance per trial balance</b>						
Sundry receivable	(381)	0	0	1,023	134,431	135,073
GST receivable	0	18,678	0	0	0	18,678
Pensioner rebate	0	1,248	0	0	0	1,248
<b>Total receivables general outstandi</b>	<b>(381)</b>	<b>19,926</b>	<b>0</b>	<b>1,023</b>	<b>134,431</b>	<b>126,314</b>

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business. Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.

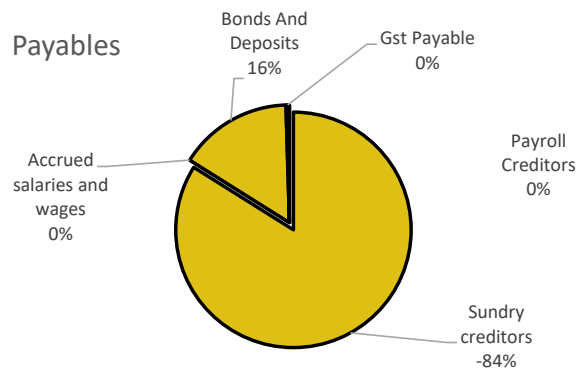


Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	0	424	0	0	0	424
Percentage	0%	100%	0%	0%	0%	
<b>Balance per trial balance</b>						
Sundry creditors	0	424	0	0	(47,701)	(47,277)
Accrued salaries and wages	0	0	0	0	0	0
Bonds And Deposits	0	8,796	0	0	0	8,796
Gst Payable	0	268	0	0	0	268
Payroll Creditors	0	0	0	0	0	0
Other Payables	0	524	0	0	0	524
ATO Liabilities	0	0	0	0	0	0
<b>Total payables general outstanding</b>						<b>(17,696)</b>

Amounts shown above include GST (where applicable)

KEY INFORMATION

Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition.



**Repayments - borrowings**

Information on borrowings Particulars	Loan No.	1 July 2022	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Housing</b>										
Loan 68 - 43/45 Wilson	79	56,631	0	0	13,301	27,061	43,330	29,570	579	3,403
8 wheel prime mover	TBA			310,000		28,545	0	281,455		5,642
<b>Economic Services</b>										
Loan 73 - CRC Building	78	46,005	0	0	11,439	23,131	34,566	22,874	530	1,842
<b>B/Fwd. Balance</b>		<b>102,636</b>	<b>0</b>	<b>310,000</b>	<b>24,740</b>	<b>78,737</b>	<b>77,896</b>	<b>333,899</b>	<b>1,108</b>	<b>10,887</b>
<b>C/Fwd. Balance</b>		<b>102,636</b>	<b>0</b>	<b>310,000</b>	<b>24,740</b>	<b>78,737</b>	<b>77,896</b>	<b>333,899</b>	<b>1,108</b>	<b>10,887</b>
<b>Self supporting loans</b>										
		0	0	0	0	0	0	0	0	0
<b>Total</b>		<b>102,636</b>	<b>0</b>	<b>310,000</b>	<b>24,740</b>	<b>78,737</b>	<b>77,896</b>	<b>333,899</b>	<b>1,108</b>	<b>10,887</b>
Current borrowings		78,737					25,452			
Non-current borrowings		23,899					52,444			
		<b>102,636</b>					<b>77,896</b>			

All debenture repayments were financed by general purpose revenue.

Self supporting loans are financed by repayments from third parties.

**New borrowings 2022-23**

The Shire has budgeted to borrow funds to purchase an 8 Wheel Prime mover during the year.

**Unspent borrowings**

The Shire has no unspent debenture funds as at 30th June 2022, nor is it expected to have unspent funds as at 30th June 2023.

**KEY INFORMATION**

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**FINANCING ACTIVITIES  
NOTE 13  
LEASE LIABILITIES**

**Movement in carrying amounts**

Information on leases Particulars	Lease No.	1 July 2022	New Leases		Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Other property and services</b>										
Photocopier		1,722	0	0	0	1,722	1,722	0	65	6
Current lease liabilities		1,722								
Non-current lease liabilities		0								
		<u>1,722</u>								

All lease repayments were financed by general purpose revenue.

**KEY INFORMATION**

At inception of a contract, the Shire assesses if the contract contains or is a lease. A contract is, or contains, a lease if the contract conveys the right to control the use of an identified asset for a period of time in exchange for consideration. At the commencement date, a right of use asset is recognised at cost and lease liability at the present value of the lease payments that are not paid at that date. The lease payments are discounted using that date. The lease payments are discounted using the interest rate implicit in the lease, if that rate can be readily determined. If that rate cannot be readily determined, the Shire uses its incremental borrowing rate.

All contracts classified as short-term leases (i.e. a lease with a remaining term of 12 months or less) and leases of low value assets are recognised as an operating expense on a straight-line basis over the term of the lease.

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**Note 14**

**BUDGET AMENDMENTS**

Amendments to original budget since budget adoption. Surplus/(Deficit)

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	<b>Budget adoption</b>		Opening surplus				0
	There have been no budget amendments to date.						0
							0
							0



**STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 30 NOVEMBER 2022**

**Note 15  
BY PROGRAM**

		REG 34(1)(a)	REG 34(1)(b)	REG 34(1)(c) 0	REG 34(1)(d)	REG 34(1)(d)	
	Ref	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	Note						
		\$	\$	\$	\$	%	
<b>Opening funding surplus / (deficit)</b>	1	1,520,037	1,520,037	<b>1,516,920</b>	(3,117)	(0.21%)	
<b>Revenue from operating activities</b>							
Governance		0	0	<b>0</b>	0	0.00%	
General purpose funding - general rates	9	1,394,462	1,403,239	<b>1,408,938</b>	5,699	0.41%	
General purpose funding - other		496,710	243,502	<b>319,217</b>	75,715	31.09%	▲
Law, order and public safety		40,520	22,076	<b>28,257</b>	6,181	28.00%	
Health		73,271	15,025	<b>347</b>	(14,678)	(97.69%)	▼
Housing		49,058	20,425	<b>22,818</b>	2,393	11.71%	
Community amenities		116,643	112,946	<b>113,115</b>	169	0.15%	
Recreation and culture		2,368	980	<b>21,160</b>	20,180	2059.15%	▲
Transport		255,825	129,006	<b>129,693</b>	687	0.53%	
Economic services		51,841	21,585	<b>10,032</b>	(11,553)	(53.52%)	▼
Other property and services		2,000	830	<b>12,155</b>	11,325	1364.41%	▲
		<b>2,482,698</b>	<b>1,969,614</b>	<b>2,065,731</b>	96,117		
<b>Expenditure from operating activities</b>							
Governance		(585,269)	(237,795)	<b>(152,994)</b>	84,801	35.66%	▲
General purpose funding		(110,805)	(46,155)	<b>(26,419)</b>	19,736	42.76%	▲
Law, order and public safety		(104,734)	(52,199)	<b>(32,331)</b>	19,868	38.06%	▲
Health		(302,543)	(126,824)	<b>(119,666)</b>	7,158	5.64%	
Education and welfare		(44,325)	(27,991)	<b>(24,222)</b>	3,769	13.47%	
Housing		(157,080)	(69,727)	<b>(92,150)</b>	(22,423)	(32.16%)	▼
Community amenities		(178,574)	(74,697)	<b>(89,897)</b>	(15,200)	(20.35%)	▼
Recreation and culture		(1,059,662)	(440,159)	<b>(398,084)</b>	42,076	9.56%	
Transport		(1,833,854)	(744,995)	<b>(570,995)</b>	174,000	23.36%	▲
Economic services		(274,810)	(118,629)	<b>(123,548)</b>	(4,919)	(4.15%)	
Other property and services		(12,973)	(30,726)	<b>(219,088)</b>	(188,362)	(613.04%)	▼
		<b>(4,664,630)</b>	<b>(1,969,897)</b>	<b>(1,849,394)</b>	120,503		
Less: Profit on asset disposals	6	(136,670)	0	<b>0</b>	0	0.00%	
Add: Loss on disposal of assets	6	0	0	<b>0</b>	0	0.00%	
Add: Depreciation on assets		1,480,574	616,845	<b>600,019</b>	(16,826)	(2.73%)	
<b>Amount attributable to operating activities</b>		<b>(838,028)</b>	<b>616,562</b>	<b>816,356</b>	<b>199,794</b>		
<b>Investing Activities</b>							
Proceeds from non-operating grants, subsidies and contributions	7	1,964,480	658,059	<b>481,101</b>	(176,958)	(26.89%)	▼
Less UnSpent Non-Operating Grants (Contract Liabilities)	7	0	0	<b>0</b>	0	0.00%	
<b>Net Non-Operating Grants</b>	7	<b>1,964,480</b>	<b>658,059</b>	<b>481,101</b>	<b>(176,958)</b>	<b>(26.89%)</b>	
Proceeds from disposal of assets	6	176,500	0	<b>0</b>	0	0.00%	
Payments for property, plant and equipment and infrastructure	5	(3,041,529)	(449,129)	<b>(443,891)</b>	5,237	1.17%	
<b>Amount attributable to investing activities</b>		<b>(900,549)</b>	<b>208,930</b>	<b>37,210</b>	<b>(171,721)</b>		
<b>Financing Activities</b>							
Proceeds from new debentures	12	310,000	0	<b>0</b>	0	0.00%	
Transfer from reserves	4	195,000	0	<b>0</b>	0	0.00%	
Payments for principal portion of lease liabilities		(1,722)	0	<b>0</b>	0	0.00%	
Repayment of debentures	12	(78,737)	(24,740)	<b>(24,740)</b>	0	0.00%	
Transfer to reserves	4	(206,000)	(31,714)	<b>(31,714)</b>	0	0.00%	
<b>Amount attributable to financing activities</b>		<b>218,541</b>	<b>(56,454)</b>	<b>(56,454)</b>	0		
<b>Closing funding surplus / (deficit) REG 34(1)- (Also refer Note 14)</b>	1	<b>0</b>	<b>2,289,076</b>	<b>2,314,033</b>			

**BASIS OF PREPARATION**

**REPORT PURPOSE**

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*. Note: The statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

**BASIS OF ACCOUNTING**

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board, and the *Local Government Act 1995* and accompanying regulations.

The *Local Government (Financial Management) Regulations 1996* take precedence over Australian Accounting Standards. Regulation 16 prohibits a local government from recognising as assets Crown land that is a public thoroughfare, such as land under roads, and land not owned by but under the control or management of the local government, unless it is a golf course, showground, racecourse or recreational facility of State or regional significance. Consequently, some assets, including land under roads acquired on or after 1 July 2008, have not been recognised in this financial report. This is not in accordance with the requirements of *AASB 1051 Land Under Roads paragraph 15* and *AASB 116 Property, Plant and Equipment paragraph 7*.

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

**PREPARATION TIMING AND REVIEW**

Date prepared: All known transactions up to 00 January 1900

**SIGNIFICANT ACCOUNTING POLICES**

**CRITICAL ACCOUNTING ESTIMATES**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

**THE LOCAL GOVERNMENT REPORTING ENTITY**

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

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between funds) have been eliminated.

All monies held in the Trust Fund are excluded from the financial statements. A separate statement of those monies

**GOODS AND SERVICES TAX**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). Receivables and payables are stated inclusive of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with receivables or payables in the statement of financial position. Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to, the ATO are presented as operating cash flows.

**ROUNDING OFF FIGURES**

All figures shown in this statement are rounded to the nearest dollar.

## KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 NOVEMBER 2022

## STATUTORY REPORTING PROGRAMS

Shire operations as disclosed in these financial statements encompass the following service orientated activities/programs.

### PROGRAM NAME AND OBJECTIVES

#### GOVERNANCE

To provide a decision making process for the efficient allocation of scarce resources.

#### ACTIVITIES

Includes the activities of members of Council and the administrative support available to the Council for the provision of governance to the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific council services.

#### GENERAL PURPOSE FUNDING

To collect revenue to allow for the provision of services.

Rates, general purpose government grants and interest revenue.

#### LAW, ORDER, PUBLIC SAFETY

To provide services to help ensure a safer and environmentally conscious community.

Supervision and enforcement of various local laws relating to fire prevention, animal control and other aspects of public safety including emergency services.

#### HEALTH

To provide an operational framework for environmental and community health.

Inspection of food outlets and their control, provision of meat inspection services, noise control and waste disposal compliance. Administration of the ROEROC health scheme and provision of various medical facilities.

#### EDUCATION AND WELFARE

To provide services to disadvantaged persons, the elderly, children and youth.

Maintenance and support of child minding and playgroup centres, senior citizen and aged care facilities.

#### HOUSING

To provide housing to staff.

Provision and maintenance of staff, community and joint venture housing.

#### COMMUNITY AMENITIES

To provide services required by the community.

Rubbish collection services, operation of rubbish disposal sites, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes, cemetery, public conveniences and community bus.

#### RECREATION AND CULTURE

To establish and effectively manage infrastructure and resources which help the social well being of the community.

Maintenance of public halls, aquatic centres, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens, reserves and playgrounds. Provision of library services (contract). Support of museum and other cultural facilities and services.

#### TRANSPORT

To provide safe, effective and efficient transport services to the community.

Construction and maintenance of roads, streets, footpaths, cycling ways, airstrip, parking facilities and traffic control. Cleaning of streets and maintenance of street trees, street lighting etc.

#### ECONOMIC SERVICES

To help promote the Shire and its economic wellbeing.

Tourism and area promotion including the maintenance and operation of a caravan park. Provision of rural services including weed control, vermin control and standpipes. Building control.

#### OTHER PROPERTY AND SERVICES

To monitor and control Council's overhead operating accounts.

Private works operation, plant repair and operation costs, administration and engineering operation costs.

## KEY TERMS AND DESCRIPTIONS

FOR THE PERIOD ENDED 30 NOVEMBER 2022

### REVENUE

#### RATES

All rates levied under the *Local Government Act 1995*. Includes general, differential, specified area rates, minimum rates, interim rates, back rates, ex-gratia rates, less discounts and concessions offered. Exclude administration fees, interest on instalments, interest on arrears, service charges and sewerage rates.

#### OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Refers to all amounts received as grants, subsidies and contributions that are not non-operating grants.

#### NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

Amounts received specifically for the acquisition, construction of new or the upgrading of identifiable non financial assets paid to a local government, irrespective of whether these amounts are received as capital grants, subsidies, contributions or donations.

#### REVENUE FROM CONTRACTS WITH CUSTOMERS

Revenue from contracts with customers is recognised when the local government satisfies its performance obligations under the contract.

#### FEES AND CHARGES

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire charges, fee for service, photocopying charges, licences, sale of goods or information, fines, penalties and administration fees. Local governments may wish to disclose more detail such as rubbish collection fees, rental of property, fines and penalties, other fees and charges.

#### SERVICE CHARGES

Service charges imposed under *Division 6 of Part 6 of the Local Government Act 1995*. *Regulation 54 of the Local Government (Financial Management) Regulations 1996* identifies these as television and radio broadcasting, underground electricity and neighbourhood surveillance services. Exclude rubbish removal charges. Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

#### INTEREST EARNINGS

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and interest on debtors.

#### OTHER REVENUE / INCOME

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

#### PROFIT ON ASSET DISPOSAL

Excess of assets received over the net book value for assets on their disposal.

## NATURE OR TYPE DESCRIPTIONS

### EXPENSES

#### EMPLOYEE COSTS

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation, employment expenses, removal expenses, relocation expenses, worker's compensation insurance, training costs, conferences, safety expenses, medical examinations, fringe benefit tax, etc.

#### MATERIALS AND CONTRACTS

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal expenses, consultancy, maintenance agreements, communication expenses, advertising expenses, membership, periodicals, publications, hire expenses, rental, leases, postage and freight etc. Local governments may wish to disclose more detail such as contract services, consultancy, information technology, rental or lease expenditures.

#### UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of roadwork on behalf of these agencies.

#### INSURANCE

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

#### LOSS ON ASSET DISPOSAL

Shortfall between the value of assets received over the net book value for assets on their disposal.

#### DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

#### INTEREST EXPENSES

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

#### OTHER EXPENDITURE

Statutory fees, taxes, allowance for impairment of assets, member's fees or State taxes. Donations and subsidies made to community groups.





## FITNESS FOR DUTY POLICY

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## **1. INTRODUCTION**

The Shire of Wyalkatchem is committed to the provision of a safe and healthy and productive workplace for all persons working for or on behalf of the Council no matter the location.

To ensure the provision of a safe and healthy workplace the Council has a ZERO tolerance to the misuse of alcohol or other drugs, either legal or illegal, whilst attending any Council work location. In effect, this means that individuals have a responsibility to maintain themselves 'Fit to Work' at all times whilst working for or on behalf of the Council.

The purpose of this policy is to ensure the following:

- a) That employees, contractors, sub-contractors and volunteers are fit for work and not under the influence of alcohol and/or other drugs whilst in the workplace.
- b) That the safety and wellbeing of staff and the public are not placed at risk by the actions of an employee under the influence of drugs and / or alcohol.
- c) That the illegal and criminal activity of cultivation, possession or dealing in drugs does not occur whilst in the workplace.

Participation in random alcohol and other drug testing is a condition of working for the Council at any work location or for entry to any Council workplace. The intent of this policy is to provide direction for the management of fitness for work in areas under the control of the Shire of Wyalkatchem (Council).

As a condition of working for, or contracting to, the Council all personnel agree to be bound by the requirements of this policy. The Council reserves the right to exercise its discretion to undertake random testing of any nature at any time in any work location.

The Council also reserves the right to remove access rights to Council controlled areas when this policy is breached.

This policy will also be applied to any individual accessing a Council work location regardless of their employment status. Including where a person may be employed by multiple companies, this policy will apply to an individual as if they only had one employer.

## **2. SCOPE**

This procedure applies to all persons accessing Council work locations, including all Council staff, councillors and consultants as well as volunteers, visitors, community members and contractors.

This procedure does not extend into individual contractor business sites.

Contractors are expected to have their own safe system of work in place to ensure that all persons accessing their work locations are fit to do so.

Where a law may have been broken, the Council reserves the right to contact the WA Police.

### 3. DEFINITIONS

**BAC** – Blood Alcohol Concentration or its equivalent Breath Alcohol Concentration. The units used for expression of Blood Alcohol Concentration in this procedure being percent (%) with the equivalent breath concentration being expressed as grams to 210 litres of expired breath.

**Candidate** – For the purposes of this procedure, any worker who is participating in a fitness for duty test.

**Chain-of-custody** – A series of procedures to account for the integrity of each urine or oral fluid specimen by tracking its handling and storage from point of collection to final disposal of the specimen.

**Confirmatory test** – An analytical procedure that uses mass spectrometry to identify and quantify unequivocally a specific drug or metabolite.

**Confirmed negative** – A result at or below the target concentration following confirmatory testing.

**Confirmed positive** – A result above the target concentration following testing. This equates to; BAC (alcohol) - greater than 0.000 at test – Please note a drug test can only be confirmed positive following laboratory testing.

**Drug and Alcohol Tester** – A member of the Council staff or other appropriately trained person tasked with coordinating the Drug and Alcohol program on all Council workplaces.

**Employees** – Persons employed by the Shire of Wyalkatchem.

**Fitness for Duty** – Describes the physical or mental condition of a person whereby the person can be reasonably expected to undertake a task without incurring unacceptable risks to the health and safety of themselves or any other person.

**Incident** – An ‘incident’ is an unplanned event that causes, or has the potential to cause, injury, damage to property, harm to the environment, financial loss or impact on the reputation of the organisation.

**Laboratory** – A laboratory to carry out chemical analysis in conformity to the requirements of AS/NZS 4308:2008 Procedures for the collection, detection and quantitation of drugs of abuse in urine and AS 4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.

**NATA** – National Association of Testing Authorities.

**Non-negative result** – This is an initial indicator from the drug screening test that will require further laboratory testing.

**Prescribed Drug** – Any substance prescribed by a medical practitioner that has restriction or specific instructions associated with its use.

**Worker** – Includes employees, councillors, contractors, visitors and other persons undertaking work or accessing areas under Council control.

### 4. COMMITMENT TO FITNESS FOR DUTY

This policy addresses drug and alcohol use in the workplace and management of fatigue and other fitness for duty issues. The policy supports and is to be read in conjunction with the Disciplinary Policy (Policy No. 3.6).

The Council has adopted a zero tolerance to impairment caused by alcohol and other drugs to ensure its obligation to provide a safe and healthy workplace is met.

A medical assessment will form part of the pre-employment checks on all persons who reach preferred applicant status for positions with the Council. This assessment will include a drug and / or alcohol test. Testing shall be conducted in accordance with the Australian Standard

AS/NZS 4308:2008 - Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

The policy covers all Council staff, councillors and contractors, it also extends to cover volunteers and any persons performing work for, or with, the Council and is a condition of access to any Council work location regardless of the reason for access.

Failure to abide by this policy may result in withdrawal of an individual's permission to remain in the workplace and may lead to disciplinary action.

Council staff and or contractors must not cultivate, consume, use or possess illegal drugs in the workplace.

A function on any Council premises where alcohol is provided must be approved in advance and in writing by the CEO. Council staff or contractors must not consume alcohol in the workplace if they are subject to duties.

On occasions where alcohol may be included as part of a work function or other recognised work event, sufficient non-alcoholic alternatives are to be provided. Where such a function is authorised, persons are not to bring or provide additional alcohol.

Where approved, the consumption of alcohol at a Council function or event, all persons must apply a 'duty of care' for their own and other peoples' safety and wellbeing. Note that such approval does not override any legal requirements, for example, compliance with the WA road laws etc.

Any failure to follow directions by Council management regarding the consumption of alcohol at a Council function or event may result in disciplinary action being taken by the Council.

Council Staff and or contractors must arrange their own transport in relation to any Council function or event. The Council does not accept responsibility or liability for employees during travel to and from any Council function or event.

## **5. RESPONSIBILITIES**

All Council staff, contractors, volunteers or other persons doing work for the Council must report to their manager or leading hand any situation where they genuinely believe that an employee may be affected by alcohol and/or other drugs.

Council Staff & others accessing a Council workplace must;

- Not commence work if in any doubt about their fitness for duty.
- Inform their leading hand or manager of their absence and time away from work will be taken as sick leave (for Council employees).
- Discuss with their doctor or pharmacist the requirements of their role and whether any prescribed or over the counter medication could impact on working safely, if taking prescription or pharmaceutical medication.



- Obtain a letter from the Doctor indicating what impacts could arise, where impacts are expected – all persons should also read carefully any information sheets provided with medication.
- Speak with their leading hand or manager if unsure as to fitness for duty.
- Discuss with their manager if they are concerned about working with other employees because of a perceived safety risk due to fitness for duty issues.

All Contractors are responsible for;

- Their employees whilst on or about Council work locations at all times regarding fitness for duty.
- Complying with this procedure at all times whilst on Council work locations.
- Maintaining their own fitness for duty policy and / or procedures which are, at a minimum, in line with this procedure whilst on or about Council work locations.
- Implementing appropriate disciplinary actions for any employee who breach this policy whilst on or about Council work locations.

Any disciplinary action(s) will be discussed with the Council's Governance Executive Officer.

Drug & Alcohol Tester

- Responsible for ensuring adherence to testing procedures outlined in this Policy.
- Checking and testing equipment and kit prior to conducting testing.
- Maintaining relevant documentation.
- Coordinating training for testers.
- Maintaining and calibrating the monitoring equipment.
- Liaising with the CEO when a non-negative result is received.
- Liaising with the Medical Centre in relation to testing requirements and results.
- Ensuring adequate stocks of test kits and mouth pieces are available.

Leading Hand / Manager

- Taking prompt and appropriate action where they have reasonable cause to suspect an individual may not be fit for duty.
- Ensuring that adequate rest breaks are allowed between work periods to ensure that fatigue is managed.
- Contacting the Shire CEO for advice on the application of this procedure, if needed.
- Identifying the possibility that a decline in work performance could be the result of illness, disability or other personal factors and may not be directly related to fatigue, alcohol or other drug use.
- Confidentially entering any breaches into the Council's incident reporting system.

CEO

- Coordinating the random drug and alcohol testing program.
- Authorising Lead and Assistant Testers.
- Ensuring the Policy is regularly reviewed and maintained.
- Ensuring sufficient budget for implementing Policy requirements.
- Implement disciplinary actions and return to work program.

## **6. INFORMATION AND TRAINING**

Workers will be made aware of Council's Fitness for Duty Policy and their responsibilities through toolbox meetings and the Council's induction process. The policy is available on the Council's website.

The Council will provide practical guidelines and training to relevant personnel on fitness for duty issues. Additional signage is also located at key Council work locations.

## **7. IMPAIRMENT INDICATORS**

Impairment refers to an inability of an individual to safely undertake tasks at their normal level of concentration and performance. Impairment can be associated with a range of factors including fatigue, stress or anxiety, environmental factors (heat, dust, noise, chemicals), drug or alcohol use. Regardless of the reason, workers who are impaired must not be involved in tasks that could jeopardise their safety or that of others.

Managers and supervisors are responsible for approaching an individual to determine their fitness for duty where they suspect a person may be impaired.

The potential impact on work performance and / or safety of the person or other workers is to be discussed.

Drug or alcohol indicators: These can include habitual lateness or excessive absenteeism, extended lunch breaks, aggressive outbursts, problems with coordination, forgetfulness or 'near mis' incidents, time management issues, clear intoxication at work or signs of drinking prior to commencement of work.

These signs may include:

- Smell of alcohol on the breath.
- Slurred or incoherent speech.
- Unsteadiness.
- Red, bloodshot or watery eyes.
- Flushed or ruddy face.
- Noticeably smaller or larger pupils.
- Lack of or poor muscle coordination.
- Over-excitement or agitation.
- Difficulty with simple instructions.
- Drowsiness or falling asleep.
- Difficulty in concentrating.
- Poor balance and coordination.
- Loss of inhibitions.
- Aggressive or argumentative behaviour.

Fatigue Indicators include

- Not feeling refreshed after sleep.
- A greater tendency to fall asleep while at work.
- More frequent naps during leisure hours.

- Feelings of sleepiness.
- Extended sleep during days off.
- Increased errors and loss of concentration at work.

Sleep Indicators include

- A drowsy feeling.
- Blurred vision.
- Difficulty keeping eyes open.
- Head nodding.
- Excessive yawning.
- Repeatedly drifting out of lane if driving.

## **8. ALCOHOL AND DRUG TESTING**

Taking part in random alcohol and other drug testing is a condition of entry to any Council work location.

A worker may also be requested to provide a test or screening sample to a representative of the Council or an external tester appointed by the Council where:

- There is reasonable suspicion or cause that the worker may be under the influence of alcohol or other drugs.
- A worker has been directly or significantly involved in any incident.
- The worker is returning to work after an alcohol or other drug rehabilitation program.
- The worker's behaviour indicates impairment.
- The worker commits any act of neglect or carelessness or breach of safety requirements.
- A material decline in work performance or work attendance or any other irrational behaviour is apparent.
- The worker has contravened the Council's fitness for duty requirements in terms of alcohol or other drug use.

## **9. REFUSING A TEST**

Where an individual refuses to participate in testing, the disciplinary consequences shall be explained to the individual and the request repeated.

Further, refusal to participate or failing to attend for testing shall be deemed as a failed screening result and the individual concerned shall have the disciplinary process applied and must supply a negative drug test (at the employees' cost) and alcohol test before being able to return to the workplace.

## **10. CAUSE AND SUSPICION TESTING**

### **a. Cause Testing**

Cause testing may be conducted on any Council employee or contractor directly involved in an incident.

## **b. Suspicion Testing**

Where a leading hand or manager has reasonable suspicion a worker may be under the influence of drugs or alcohol, the leading hand or manager has reasonable cause to test the identified person.

Cause and Suspicion Testing may be conducted by one authorised tester who will conduct the required tests in compliance with this Policy and relevant guidelines.

## **11. WORKPLACE ASSISTANCE FOR SUBSTANCE ABUSE PROBLEM**

Council employees with a substance abuse problem are encouraged to speak with any of the following people for referral to the Employee Assistance Program (EAP);

- Governance Executive Officer.
- Corporate Services Manager.
- A Safety and Health Representative (SHR).

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the Council will aid the employee by;

- allowing an employee to access any accrued personal or annual leave while undergoing treatment, and;
- by taking steps to return an employee to their employment position after completion of the treatment program, if practicable in the circumstances.

Where an employee acknowledges that they have an alcohol or drug problem and are receiving help and treatment, the manager or members of senior management, will review the full circumstances and agree on a course of action to be taken.

This may include redeployment to suitable alternative employment, or possible termination of employment if the employee is unable to safely carry out the requirements of their role.

## **12. ALCOHOL**

### **12.1 ALCOHOL TEST RESULTS**

In the event an employee or other person tests positive to alcohol, the following shall apply;

- a) The individual will not be allowed to return to the Council workplace until the Council is satisfied that actions taken are appropriate & acceptable and include the provision of a negative test result prior to restarting.
- b) Test results are captured using the Drug and Alcohol Positive / Negative Test Record. For a Council employee, the results will be placed on the employee's personnel file and a first warning issued. For any other worker, the employing organisation will be notified immediately and an incident logged (confidentially) in Council's incident system.
- c) The worker is to relocate to an amenities room to wait for a - Confirmatory Breath Test. During this wait period the candidate must not undertake work tasks, nor will they be able to smoke or consume any fluid or food until after the second test has been completed.

- d) After the worker relocates to an amenities room, they will be retested after 20 minutes. If the BAC content reading has fallen to 0.000 the candidate may resume their normal duties, otherwise they must be escorted from the workplace and not allowed to resume duties for the duration of that working day.
- e) If required to leave the workplace and the BAC is below the legal driving limit, it is acceptable to for the person to drive. Otherwise, the Council will make alternative arrangements for them to be transported to their accommodation / home.

### **First Confirmed Positive**

A written warning will be issued to the employee. If over 0.05%, the employee will be encouraged to seek assistance through the Council's EAP provider.

If no further positives are recorded during the next 24 months the written warning will be withdrawn (initial BAC was less than 0.05%).

If the initial BAC was more than 0.05% the written warning will remain on the employees file. The employee will be required to undergo further testing in line with their return to work program.

### **Second Confirmed Positive**

A final written warning will be issued to the employee for any repeat positives received during the 24 months following a positive test or if the previous offence was a recording over 0.05% BAC. The employee will be required to attend EAP counselling or other medical assistance and will be required to undergo further testing in line with their return to work program.

Final written warnings will remain on the employees file.

### **Third Confirmed Positive**

If any positive alcohol offences occur whilst on a final warning, employment will be terminated.

## **12.2 CALIBRATION OF TEST EQUIPMENT**

Equipment used for alcohol breath testing must be calibrated in accordance with Australian Standard AS/ANZ 3547 Breath Alcohol Testing Device for Personnel Use.

A calibration certificate is issued when the Council's Protector Alcolimit Breath Analyser unit is recalibrated.

Calibration certificates are to be recorded in Council's safety management system and a hard copy kept with Governance Executive Officer's files where it can be readily produced.

## **13. DRUGS**

### **13.1 PRESCRIBED OVER THE COUNTER MEDICATIONS**

The Council recognises that workers may at times take prescription or over-the-counter medications and that these medications may show up in a random drug screening test.

Workers must discuss with their doctor or pharmacist the requirements of their role and whether any prescribed medication could impact on them working safely.

If the medication could affect workplace safety, **the worker** is responsible for advising their manager of these effects and of any tasks that are to be avoided.

This advice is preferably in the form of a letter from the doctor or pharmacist. This letter is to be submitted to your manager and will be filed securely and referred to as part of the drug screening process.

If this letter also specifies the screening test fields the prescription medication could trigger, then the worker may be allowed to continue working after an initial non-negative result relevant to the declared drug, although no high-risk works are to be carried out.

In all other cases, a non-negative screening test for drugs will result in the worker being stood-down, at least until a confirmatory test result is received.

The Council may contact your medical practitioner to confirm the prescription of medication or the content of any letter from your doctor or pharmacist presented as evidence.

### **13.2 INITIAL DRUG SCREEN**

The Council reserves the right to conduct screening tests for the presence of drugs in any manner allowable under the Australian Standards.

If a candidate returns a non-negative screening test result, a urine sample collected as per AS/NZ 4308:2008 requirements shall be sent to an accredited laboratory for confirmation testing.

If at any time the Council's Drug and Alcohol Testers experience aggressive or potentially threatening behaviour the police will be called to attend.

### **13.3 ACTIONS POST DRUG SCREEN TEST – INCLUDING NON-NEGATIVE RESULT**

Action for negative initial screening test;

- Thank the worker for their participation.
- Complete required documentation and move on to the next person.

Action for non-negative initial screening test;

- Inform the worker of the result and relocate them to an appropriate and discrete room or area.
- Contact the worker's manager or CEO and advise them of the situation and the requirements identified below.

- The manger will contact the Wyalkatchem Medical Centre to advise that a non-negative drug screening test has occurred.
- If the screening test was undertaken with a urine sample, this sample will be delivered to the Medical Centre for preparation & dispatch to an accredited laboratory for confirmation testing.
- If the screening test was not taken from a urine sample then the worker will be escorted to the Medical Centre, for collection of a urine sample which will be prepared and dispatched to an accredited laboratory for confirmation testing.
- The worker will be delivered to their place of residence.
- Period during wait for test results
  - The affected worker will be stood down from their duties until the test results have cleared them to return to work.
  - Test results will be provided confidentially and directly to the relevant Council manager, nominated at the point the sample is delivered to the Medical Centre. The results will be confidentially discussed upon receipt with the relevant Council manager and/or the CEO or if a contractor, to the nominated supervisor / manager. The worker must also receive a duplicate copy of the test results.
  - If the test is returned negative in line with prescription or over the counter drugs nominated by the candidate the worker will be permitted to return to work.
  - If the test is confirmed positive or not in line with prescribed or over the counter medication, appropriate actions will be taken in accordance with Sections 14 and 15, depending upon the worker either being a Council employee or a contractor.

#### **13.4 LABORATORY TESTING OF URINE**

The only recognised standard that currently exists for the collection and analysis of human fluid samples for toxicological purposes in a laboratory setting is AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.

The Council will use NATA laboratories that are accredited to Class 10.61.16 Drugs for Toxicological Purposes. This standard is important as it guarantees the technical quality and integrity of the tests.

Testing must follow a rigorous set of procedures and shall be consistent with the requirements of AS/NZS 4308:2008. This standard requires the time, place and details of each person handling the sample to be documented (chain of custody) and for confidentiality of the process to be respected.

### **13.5 DRUG SCREEN CUT-OFF LEVELS**

Confirmatory test cut-off levels for positive test results are to be in accordance with AS/NZS 4308 Procedures for specimen collection and the detection and quantification of drugs of abuse in urine. These levels may vary as Australian Standards are amended.

The categories of drugs and substances prohibited by the Council as per AS/NZS 4308 are:

- Alcohol - An employee with a - BAC of more than 0.000%.
- Opiates - Morphine, codeine and monoacetylmorphine.
- Sympathomimetic amines - Amphetamines, methylamphetamine, methylenedioxymethamphetamine (MDMA), phentermine, including ephedrine and pseudoephedrine.
- Cannabis metabolites - Tetrahydrocannabinol-9-carboxylic acid (THC).
- Cocaine metabolites - Benzoyllecgonine and ecgonine methyl ester.
- Benzodiazepines – Oxazepam, temazepam, flunitrazepam, diazepam, nitrazepam, clonazepam or their metabolites.

The Council reserves the right to have tests carried out for all substances that may cause impairment.

### **14. RETURN TO WORK FOLLOWING A POSITIVE (FAILED) TEST - COUNCIL EMPLOYEE**

If the confirmation is positive for a drug of abuse, the Council employee will be offered counselling for drug and dependency issues.

If the employee attends counselling, the employee should make arrangements for the counsellor to communicate directly with the Shire about the employee's attendance and to provide any other feedback that a counsellor would normally communicate to an employer, without breaching the confidence that exists between the employee & counsellor.

Before returning to the workplace a negative drug test must be provided by the employee, at the employees cost.

On return to the workplace, the employee will be issued a first and final warning letter and will be subject to a structured return to work program that will include at least two (2) unannounced drug screening tests, in addition to the Council's normal random testing program, over the following twelve months.

A return to work plan will be arranged through the Corporate Services Manager and will be informed by any feedback given by the drug & alcohol counselling service provider, the employee's doctor and the criticality of the work performed by the employee.

### **15. RETURN TO WORK FOLLOWING A POSITIVE (FAILED) TEST – CONTRACTORS AND OTHER PERSONNEL**

In the event a contractor or volunteer returns a positive result, the worker's Supervisor will be advised immediately and their company's Fit for Duty and Disciplinary procedures will be followed.



Contractors, labour-hire and other personnel working for the Council are required to participate in this fitness for duty procedure as well as the procedures which apply in the event of a confirmed positive test for alcohol or other drugs.

All organisations are required to have made their own arrangements for suitable testing, breach and support regimes for the personnel they are managing and / or providing. For clarity, this requirement should be incorporated into relevant contractor agreements and induction programs for contractors and labour-hire personnel.

In the event a worker tests positive to alcohol or drugs their employer will be notified so that appropriate action can be taken.

The worker will have their duties for the Council suspended and will not be allowed to return to a Council workplace until they provide a negative test result.

Any actions taken by the employing company to prevent reoccurrence must be to the satisfaction of the Council and be appropriate and acceptable.

The Council may also request a return to work plan that would place controls to prevent further breaches of this policy. Failure to meet the requirements or follow an agreed plan would mean further suspension of the worker's ability to perform work in any Council workplace.

## **16 FATIGUE AND WORKING HOURS ARRANGEMENTS**

Sleep deprivation, sleep disturbance, – fatigue and stress are health risks that can be associated with long working hours and factors outside the workplace. These health risks may have implications for safety standards and the prevention of incidents.

Work life and personal life are inter-related with personal life having the ability to influence a person's fitness for work.

No matter how much sleep a person has beforehand, they will feel sleepy between 1.00 am and 6.00 am because of the body's natural circadian rhythm (body clock).

Research indicates that a fatigued person's performance may be similar to that of a person with a BAC of 0.1 which, is twice the legal driving limit.

The Council mandates a maximum 12 hour work period for any individual working in any Council workplace.

A minimum of 10 hours of rest is required in any 24 hour period.

## **17. PRIVACY AND CONFIDENTIALITY**

Confidentiality is fundamental in order to protect the privacy of individuals. To ensure the highest level of confidentiality is maintained:

- Conversations relating to work performance or the misuse of alcohol or other drugs must be confidential and conducted in private.

- Documentation relating to the implementation of this procedure must be kept confidential.
- It is the responsibility of the Council to ensure that counsellors providing services to their employees are aware of the confidentiality requirements relating to client information.

The Council will respect the rights of employees to privacy in matters relating to the use of the EAP or other counselling services and communicate those rights to employees. The practices to be implemented are:

- Information relating to counselling must be treated as confidential.
- Psychologists are bound by their code of conduct to respect the confidentiality of information obtained in the course of their work. They may disclose such information to others only with the consent of the client or the client's legal representative except in those cases where failure to disclose information would result in a clear danger to the individual or another person.
- Counsellors who are not psychologists are not required to be registered with a professional association and therefore may not be bound by a code of conduct. It is the responsibility of the Council to ensure that counsellors are aware of the confidentiality requirements relating to client information.
- Employees may wish to have their manager liaise with their counsellor. In this case, the employee must give written permission for information to be disclosed. The information that can be disclosed in such circumstances is limited to that which is required to support the most effective management of a performance-related problem and the reintegration of the employee into the workforce.
- Where counselling is a compulsory requirement, the Council will need to be provided with a report as to whether counselling is progressing satisfactorily, whether adjustments are needed to the employee's work and whether the counselling is likely to lead to no further breaches occurring. A counsellor without divulging information of a personal nature can provide this information.

## 18 RECORD KEEPING

The privacy of any records relating to work performance and counselling, treatment or rehabilitation must be securely protected. Records should only focus on the drug and/or alcohol issues as they relate to work readiness and performance. All records are to be retained on the employee's personnel file and archived and disposed of in accordance with organisational disposal schedules for personnel records.

## 19 REFERENCES

The following documents provide more guidance:

- *WHS ACT WA 2022*
- *WHS ACT WA 2022 Regulations*
- *AS/ANZ 3547 Breath alcohol testing device for person use*
- *AS/NZS 4308:2008 Procedures for specimen collection and the detection and quantitation of drugs of abuse in urine.*
- *AS 4760:2006 Procedures for specimen collection and the detection and quantitation of drugs in oral fluid.*
- *NATA laboratories that are accredited to Class 10.61.16 Drugs for Toxicological Purposes.*
- *Code of Practice Working Hours - WA Department of Commerce (WorkSafe)*





# SHIRE OF WYALKATCHEM

LOCAL GOVERNMENT ACT 1995

BUSH FIRES ACT 1954

# BUSH FIRE BRIGADES LOCAL LAW 2022

Published in the Government Gazette on dd  
mm yyyy, number 123.

Amended:

Disclaimer:

This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

### **Note**

This document contains a number of notes and text boxes which do not form part of the local law and are simply to assist with explaining the application of the local law, or are extracts from other legislation.

Most significant issues that relate to bush fires, brigades and firefighting are dealt with by the Bush Fires Act 1954 and the associated Regulations. The only matters that must be included in a local law are in s43:

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

All other matters are dealt with under the Act. For example:

- Part 2 of the Act sets out the powers of the Fire and Emergency Services Commissioner, provides for the appointment of bush fire liaison officers, and sets out powers of police or authorised persons as well as providing for entry on to land or buildings for the purposes of the Act;
- Part 3 sets out measures to prevent bush fires, including restricted or prohibited burning times, fire bans, and provisions about burning of land or rubbish. Section 33 allows a local government to require occupiers of land to establish fire breaks by a notice in the Gazette and or public notice, or by local law;
- Part 4 deals with the control and extinguishment of bush fires. In particular:
  - Section 36 provides that a local government may expend funds to control and extinguish bush fires;
  - Under s37 a local government must insure volunteer fire fighters and bush fire brigade equipment;
  - Section 38 provides that a local government may appoint a person as a bush fire control officer (and who does not necessarily have to be a local government employee), and of whom can be a Chief Bush Fire Control Officer and deputy. Under s38A the FES commissioner may appoint a person as a Chief Bush Fire Control officer if requested by a local government for its district;
  - Section 39 sets out the powers of bush fire control officers;
  - Section 40 sets out the powers and duties of local governments, brigades, and bush fire control officers in the event of a bush fire;
  - Section 41 provides that a local government shall keep a register of bush fire brigades and their members in accordance with the regulations, and may at any time cancel the registration of a bush fire brigade;
  - Under s42A, any group of persons, however constituted and whether incorporated or not, may be established as a bush fire brigade under section 41(1) or 42(1); and
  - Sections 44 – 47 deal with fire-fighting by officers of bush fire brigades, 'CALM' and bush fire control officers.
- Part 5 of the Act deals with miscellaneous matters and among other things:
  - Allows a local government to delegate any of its powers and duties to its CEO; and
  - Provides for penalty and prosecution provisions.

**SHIRE OF WYALKATCHEM**  
**LOCAL GOVERNMENT ACT 1995**  
**BUSH FIRES ACT 1954**  
***Shire of Wyalkatchem***  
**Bush Fire Brigades Local Law 2022**

Under the powers conferred by the *Local Government Act 1995*, *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Wyalkatchem resolved on **dd mm 2022** to make the following local law.

**1 Citation**

This local law may be cited as the *Shire of Wyalkatchem Bush Fire Brigades Local Law 2022*.

**2 Definitions**

(1) In this local law unless the context otherwise requires –

**Act** means the *Bush Fires Act 1954*;

**brigade area** is defined in clause 5(1)(b);

**bush fire brigade** is defined in section 7 of the Act;

**bush fire brigade** means a bush fire brigade for the time being registered in a register kept pursuant to section 41;

Extract from s7 of Bush Fires Act 1954

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**local government** means the Shire of Wyalkatchem;

**normal brigade activities** is defined by section 35A of the Act; and

### 35A. Terms used

In this Division, and in section 41 —

**bush fire** means a fire or potential fire, however caused, and includes a fire in a building;

**loss or damage** does not include loss or damage that is caused by or results from theft, reasonable wear or tear, mechanical or electrical breakdown, failure or breakage;

**normal brigade activities** means the following activities when carried out by a volunteer fire fighter —

- (a) the prevention, control or extinguishment of bush fires;
- (b) any act or operation at or about the scene of a bush fire, or in connection with a bush fire, which is necessary for, directed towards, or incidental to, the control or suppression of the fire or the prevention of spread of the fire, or in any other way necessarily associated with the fire including travelling and support services such as meals and communication systems;
- (c) any bush fire prevention activity including the burning, ploughing or clearing of fire-breaks or any other operation, including but without being limited to, the inspection of fire-breaks or other works and the survey of areas for the purpose of detecting fire or ascertaining the need for precautions against the outbreak of fire, but not including the activities of an owner or occupier providing a fire-break or fire prevention works on his own property in order to comply with a notice given under section 33(1) or a local law made under section 33(5a);
- (d) demonstrations, exercises, fundraising, promotions, public education, competitions or a training process for volunteers;
- (e) examination, preparation, maintenance, adjustment or repair of any vehicle, equipment, building or thing used or intended to be used by a bush fire brigade for the purpose of fighting fires or for carrying out fire prevention operations including activities associated with administration of a bush fire brigade;
- (f) travelling in aircraft for the purposes of inspection of fire-breaks, fire hazards and bush fires;
- (g) erection, removal or maintenance of radio masts used for fire related purposes;
- (h) attending an incident where the skills of a volunteer fire fighter or the operation of fire fighting equipment may reduce or remove a perceived threat to life or property;
- (i) attending an incident subsequently found to be a false alarm;

**volunteer fire fighter** means a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member.

*[Section 35A inserted by No. 60 of 1992 s. 18; amended by No. 14 of 1996 s. 4.]*

Extract from Bush Fires Act 1954

**Regulations** means Regulations made under the Act.

(2) In this local law, unless the context otherwise requires, a reference to —

- (a) a Captain;
- (b) a First Lieutenant;
- (c) a Second Lieutenant; and
- (d) any additional Lieutenants;

means a person holding that position in a bush fire brigade.

**3 Application**

This local law applies throughout the district.

Provisions relating to the establishment and maintenance of firebreaks, and the powers of the local government to enter the property and establish firebreaks on default by an owner or occupier are dealt with in section 33 of the Act:

**33. Local government may require occupier of land to plough or clear fire-break**

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the *Government Gazette* and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
  - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —

- (c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
  - (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.
- (2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the *Interpretation Act 1984*.
- (3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.
- Penalty: \$5 000.
- (4) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice —
- (a) the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and
  - (b) the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.



- (5) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) —
- (a) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be *prima facie* evidence of the amount; and
  - (b) may be recovered by the local government in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.
- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* —
- (a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;
  - (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.
- (5b) Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply *mutatis mutandis* as if those requirements were the requisitions of a notice given under subsection (1).
- (5c) Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.
- (5d) Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.
- (6) A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.
- (7) Nothing in this section authorises a local government —
- (a) to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or
  - (b) to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.
- (8) Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —
- (a) a debt due from each subsequent owner in succession; and
  - (b) a charge against the land with the same consequences as if it were a charge under the *Local Government Act 1995* for unpaid rates; and
  - (c) recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.

(9) In this section —

**owner or occupier of land** includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.

[Section 33 amended by No. 11 of 1963 s. 15; No. 113 of 1965 s. 8(1); No. 65 of 1977 s. 32 and 48; No. 51 of 1979 s. 3 and 5; No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 38 of 2002 s. 28 and 39; No. 70 of 2003 s. 7; No. 19 of 2010 s. 52(4).]

#### 4 Establishment of a bush fire brigade

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).
- (3) A bush fire brigade established under subclause (1) is to hold a meeting at least once every financial year to appoint persons to the positions in clause 5(5), and where applicable in clause 5(7).

#### 41. Bush fire brigades

- (1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.
- (2) A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.
- (2a) A local government is to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).
- (3) A local government may at any time cancel the registration of a bush fire brigade.

*Extract from Bush Fires Act 1954*

Note that there are no penalties for a breach of this local law. Bush fire brigade members are valued members of the community who volunteer their time to provide a service.

The Shire also has an obligation and duty of care to ensure that volunteers are adequately trained, comply with relevant health and safety rules, and that brigades deal properly with public funds and property. Issues are generally and preferably dealt with by agreement and consensus but if an issue is serious enough the Shire could suspend funding to a brigade and ultimately cancel its registration under the Act.

While a reason for cancellation of the registration of a bush fire brigade under s41(3) of the Act is not required it may come about from things like :

- A brigade having no members, or being merged with another;
- A consistent or serious failure to comply with the reasonable directions by a brigade or its members;
- Misuse of local government property; and/or
- Misuse of funds.

#### 5 Name and officers of bush fire brigade

- (1) On establishing a bush fire brigade under clause 4(1) the local government is to –
  - (a) Give a name to the bush fire brigade;
  - (b) Specify the brigade area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities; and

- (c) Appoint –
  - (i) a Captain;
  - (ii) a First Lieutenant;
  - (iii) a Second Lieutenant; and
  - (iv) additional Lieutenants if the local government considers it necessary.;
- (3) A person appointed to a position pursuant to subclause (1)(c) is to be taken to be a brigade member.
- (4) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) An election is to be held at the first annual general meeting by the members of the brigade for appointments to the positions referred to in subclause 1(c) or established under subclause (7) and every subsequent annual general meeting.
- (6) If a position referred to in subclause (1)(c) or established under subclause (7) becomes vacant prior to the completion of the first annual general meeting or at any time, then the Brigade members are to vote for a replacement member to fill the position.
- (7) The Brigade members may elect, set the term of office, describe the duties of, and dismiss, any person to any other position including secretary, treasurer, equipment officer, training officer or other positions, and may combine those positions; and
- (8) The Brigade members may establish types of brigade membership including fire fighting members, auxiliary members, cadet members, and honorary life members.

## **6 Duties of Captain and bush fire brigade officers**

- (1) The duties of the Captain are to:
  - (a) provide leadership to bush fire brigades;
  - (b) monitor bush fire brigades' resourcing, equipment and training levels;
  - (c) liaise with the local government concerning –
    - (i) fire prevention or fire suppression matters generally;
    - (ii) directions to be issued by the local government to bush fire control officers, including those who issue permits to burn; and
    - (iii) bush fire brigade officers;
  - (d) ensure that a list of bush fire brigade members is maintained;
  - (e) report annually to the local government the office bearers of the bush fire brigade in accordance with the Regulations;
  - (f) report to the local government not later than 31 March each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's –
    - (i) training and readiness;
    - (ii) protective clothing;
    - (iii) equipment; and
    - (iv) vehicles and appliances.
  - (g) nominate persons to the CEO for appointment as bush fire control officers by the local government;
  - (h) arrange for normal brigade activities as authorised by the Act or by the local government; and
  - (i) where a vacancy occurs in a position appointed under clause 6(1)(c), to –
    - (i) advise the CEO of the vacancy as soon as practicable; and
    - (ii) make alternate suitable arrangements for that position until an appointment is made.

(2) The duties of other bush fire brigade officers are to support the Captain in his/her role.

## **7 Appointment, employment, payment, dismissal and duties of bush fire control officers**

The appointment, employment, payment, dismissal and duties of bush fire control officers is dealt with by the Act.

### **38. Local government may appoint bush fire control officer**

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- (2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
  - (a) carrying out normal brigade activities;
  - [(b), (c) deleted]*
  - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
  - (e) procuring the due observance by all persons of the provisions of Part III.
- (5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of, streets, roads, and ways, under the care, control and management of the local

government.

- (5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.
- (5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).
- (6) In this section —
- approved local government means a local government approved under subsection (7) by the FES Commissioner.
- (7) If it appears to the FES Commissioner that the standard of efficiency of a local government in fire prevention and control justifies the FES Commissioner doing so, the FES Commissioner, by notice published in the Government Gazette —
- (a) may approve the local government as one to which subsections (6) to (18) apply; and
- (b) may from time to time cancel or vary any previous approval given under this subsection.
- (8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.
- (9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).
- (10) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.
- (11) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under subsection (10) is, subject to subsection (12), entitled to act in the discharge of the duties of that office.
- (12) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under subsection (10) is available and able to discharge those duties.
- (13) The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the Government Gazette.
- (14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under subsections (6) to (18).
- (15) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority conferred on him by subsection (17), notwithstanding the advice and

assistance tendered to him by the committee.

- (16) The provisions of subsections (6) to (18) are not in derogation of those of any other subsection of this section.
- (17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is “catastrophic”, “extreme”, “severe” or “very high”, and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (18) Subsections (6) to (18) do not authorise the burning of bush —
- (a) during the prohibited burning times; or
  - (b) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.

*Extract from the Bush Fires Act 1954*

The *Interpretation Act 1984* further provides that:

**52. Power to appoint includes power to remove, suspend, appoint acting officer etc.**

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power —
- (a) to remove or suspend a person so appointed to an office or position, and to reappoint or reinstate, any person appointed in exercise of such power or duty; and
  - (b) where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and
  - (c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.
- (2) For the purposes of subsection (1)(b), **cause** includes —
- (a) illness; and
  - (b) temporary absence from the State; and
  - (c) conflict of interest.
- (3) The validity of anything done by a person purporting to act under an appointment made under subsection (1)(b) shall not be called in question on the ground that the occasion for his appointment had not arisen or had ceased.
- (4) Where a written law confers a power or imposes a duty upon a person to make an

appointment to an office or position and that power or duty is exercisable only upon the nomination or recommendation, or is subject to the approval, concurrence, or consent of some other person, then the powers conferred by subsection (1)(a) to (c) shall only be exercisable upon such nomination or recommendation or subject to such approval, concurrence, or consent.

- (5) Nothing in this section affects the tenure of office or position of any person under the express provisions of any written law.

*[Section 52 amended by No. 31 of 2010 s. 7.]*

### **53. Appointments may be by name or office**

Where a written law confers a power or imposes a duty upon a person to appoint or designate a person to —

- (a) perform any function; or
- (b) be a member of any board, tribunal, commission, committee, council, or other similar body, whether corporate or unincorporate; or
- (c) be or do any other thing,

that person may make the appointment or designation either by appointing or designating a person by name or by appointing or designating the holder of an office by the term designating his office; and any such appointment or designation of the holder of an office shall be construed as the appointment or designation of the person from time to time holding, acting in, or lawfully performing the functions of the office.

## **8 Maintenance and equipment with appliances and apparatus of bush fire brigades**

The local government may provide funds for the maintenance and equipment with appliances and apparatus of bush fire brigades in accordance with Part 6 of the *Local Government Act 1995*.

---

Dated

The Common Seal of the )  
Shire of Wyalkatchem was affixed in )  
the presence of )

.....  
Cr Quentin Davies  
President

.....  
Peter Klein  
Chief Executive Officer





**LOCAL GOVERNMENT ACT 1995  
SHIRE OF WYALKATCHEM**

**PUBLIC PLACES AND  
LOCAL GOVERNMENT PROPERTY  
LOCAL LAW 2022**

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Amended:
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Shire of Wyalkatchem

**Public Places and Local Government Property Local  
Law 2022**

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# **Local Government Act 1995**

## **Shire of Wyalkatchem**

### **Public Places and Local Government Property Local Law 2022**

Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Wyalkatchem resolved on dd mm 2022 to make this local law.

#### **Part 1 - Preliminary**

##### **1.1 Title**

This is the *Shire of Wyalkatchem Public Places and Local Government Property Local Law 2022*.

##### **1.2 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

##### **1.3 Application**

This local law applies throughout the district.

##### **1.4 Repeal and transitional provisions**

- (1) The following local laws are repealed –
  - (a) The *Municipality of the Shire of Wyalkatchem By-Laws Relating to the Management and Control of the Wyalkatchem Recreation Centre (Reserve No. 15004)* published in the *Government Gazette* on 4 March 1977;
  - (b) The *Municipality of the Shire of Wyalkatchem By-laws Relating to the Control and Management of the Wyalkatchem Shire Hall* published in the *Government Gazette* on 3 October 1975;
  - (c) The *Municipality of the Shire of Wyalkatchem By-laws Relating to Old Refrigerators and Cabinets* published in the *Government Gazette* on 21 Feb 1963;
  - (d) The *Shire of Wyalkatchem By-laws for the Management of the Wyalkatchem War Memorial Aquatic Centre* published in the *Government Gazette* on 12 Dec 1961;
  - (e) The *Wyalkatchem Road Board Hawker's Licence By-Law* published in the *Government Gazette* on 1 May 1931; and
  - (f) The *Wyalkatchem Road Board Bylaw for regulating and licensing, of Hawkers and Stall-holders* published in the *Government Gazette* on 2 July 1926.

- 
- (2) An application for, or an application for the renewal of, a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.
- (3) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a permit under this local law and may be dealt with accordingly.

## 1.5 Definitions

In this local law -

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

**applicant** means a person who applies for a permit;

**application** means an application for a permit;

**application fee** means the fee payable on the lodgement of an application for a permit and which relates to the lodgement, assessment and determination of the application but does not include the permit fee;

**authorised person** means a person appointed by the CEO under section 9.10 of the Act to perform any of the functions of an authorised person under this local law;

**building** means any building which is local government property and includes any –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

**bulk rubbish container** means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;

**carriageway** has the meaning given to it by the *Road Traffic Code 2000*;

**carriageway** means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;

Regulation 3 of the Road Traffic Code 2000

**CEO** means the chief executive officer of the local government;

---

**commencement day** means the day on which this local law comes into operation;

**Council** means the council of the local government;

**crossing** means a crossing giving access from a public thoroughfare to -

- (a) private land; or
- (b) a private thoroughfare serving private land;

**determination** means a determination made under clause 2.1;

**district** means the district of the local government and any area outside the district of the local government in respect of which the Governor's approval under section 3.6(1) of the Act has been obtained;

**entertainment** means the action of providing or being provided with amusement or enjoyment, an event, performance, or activity designed to entertain others.

**function** means an event or activity characterised by all or any of the following -

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

**garden** means any part of a street planted, developed or treated, otherwise than as a lawn, with one or more plants;

**hire** includes offer to hire and expose for hire;

**intersection** has the meaning given to it in the *Road Traffic Code 2000*;

**intersection** means —

- (a) the area where 2 or more carriageways meet; or
- (b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict;

*Rea 3 Road Traffic Code 2000*

**kerb** includes the edge of a carriageway;

**lawn** means any part of a street which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

**liquor** has the meaning given to it in section 3 of the *Liquor Control Act*;

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**Liquor Control Act** means the *Liquor Control Act 1988* and all regulations made under that Act;

**local government** means the Shire of Wyalkatchem;

**local government property** means anything –

- (a) which belongs to or leased by the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an otherwise unvested facility within section 3.53 of the Act;

except a street.

**local public notice** has the meaning given to it by the Act;

**1.7. Local public notice**

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

- (a) published in a newspaper circulating generally throughout the district; and
- (b) exhibited to the public on a notice board at the local government's offices; and
- (c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

- (a) published under subsection (1)(a) on at least one occasion; and
- (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
  - (i) the time prescribed for the purposes of this paragraph; or
  - (ii) if no time is prescribed, 7 days.

**lot** has the meaning given to it in the *Planning and Development Act 2005*;

**lot** means a defined portion of land —

- (a) depicted on a plan or diagram available from, or deposited with, the Authority and for which a separate Crown grant or certificate of title has been or can be issued; or
- (b) depicted on a diagram or plan of survey of a subdivision approved by the Commission; or
- (c) which is the whole of the land the subject of —
  - (i) a Crown grant issued under the *Land Act 1933*<sup>2</sup>; or
  - (ii) a certificate of title registered under the *Transfer of Land Act 1893*; or
  - (iii) a survey into a location or lot under section 27(2) of the *Land Administration Act 1997* or a certificate of Crown land title the subject of such a survey; or
  - (iv) a part-lot shown on a diagram or plan of survey of a subdivision deposited with the Authority; or



- 
- (v) a conveyance registered under the *Registration of Deeds Act 1856*,

but does not include a lot in relation to a strata scheme, a lot in relation to a survey-strata scheme, or a lot shown as common property on a survey-strata plan, as those terms are defined in the *Strata Titles Act 1985*;

Section 4 *Planning and Development Act 2005*

**market** means a collection of stalls, stands or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction;

**nuisance** means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which –

- (a) is injurious or dangerous to the health or safety of another person of normal susceptibility; or
- (b) which has a disturbing effect on the state of reasonable physical, mental or social well being of another person;

**owner or occupier**, in relation to land, does not include the local government;

**permit** means a permit under this local law;

**permit fee** means the fee payable on the issue of a permit;

**permit document** means a permit document issued under this local law;

**permit holder** means a person who holds a permit;

**permissible verge treatment** means any one of the treatments described in clause 8.4(2), and includes any associated reticulation pipes and sprinklers;

**person** does not include the local government;

**private property** means any land that –

- (a) has a separate certificate of title; and
- (b) is in private ownership or is the subject of a lease or agreement with a person enabling its use for private purposes,

and includes any building or structure on the land;

**prohibited drug** has the meaning given to it by the *Misuse of Drugs Act 1981*;

**prohibited drug** means a drug to which this Act applies by virtue of section 4;

4. Drugs and plants to which Act applies

(1) Subject to subsection (4), the drugs to which this Act applies are —

- (a) drugs of addiction;
- (b) specified drugs; and
- (c) whether or not they are also drugs of addiction or specified drugs, the drugs specified in Schedule I.

(2) Subject to subsection (3), the plants to which this Act applies are —

---

(a) prohibited plants as defined by section 5 of the Poisons Act 1964; and

(b) whether or not they are also prohibited plants as defined by section 5 of the Poisons Act 1964, the plants specified in Schedule II.

(3) This Act does not apply to the non-viable seeds of the opium poppy *Papaver somniferum*.

(4) This Act does not apply to processed industrial hemp.

*Extract from the Misuse of Drugs Act 1981*

**public place** means –

- (a) a street;
- (b) any local government property; or
- (c) a place to which the public have access;

**Regulations** means the *Local Government (Functions and General) Regulations 1996*;

**repealed local law** means a local law repealed under clause 1.4;

**retailer** means a the owner or occupier of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

**Schedule** means a schedule to this local law;

**sell** includes –

- (a) offer or attempt to sell;
- (b) display for sale;
- (c) send, forward or deliver for sale or on sale;
- (d) barter or exchange;
- (e) dispose, by lot or chance or by auction;
- (f) supply, or offer, agree or attempt to supply –
  - (i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or
  - (ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or
- (g) authorise, direct, cause or permit to be done any act referred to in this definition;

**shopping trolley** means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods;

**sign** includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

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**stall** means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold and includes a vehicle;

**street** means any highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and footpath;

**street tree** means any tree planted or self sown in the street, of an appropriate species and in an appropriate location, for the purposes of contributing to the streetscape;

**thoroughfare** has the meaning given to it by the Act;

**thoroughfare** means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

Extract from s1.4 Local Government Act 1995

**trading** means selling or hiring goods or services and includes the setting up of a stall and conducting business at a stall;

**vehicle** includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

- (c) a wheel-chair or any device designed for use, by a physically impaired person on a footpath; and
- (d) a pram, stroller or similar device, or a shopping trolley;

**verge** means that part of a street between the carriageway and the land which abuts the street, but does not include any footpath; and

**waste** includes matter –

- (a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or
- (b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.

## 1.6 Interpretation

In this local law, a reference to local government property includes a reference to any part of local government property.

## 1.7 Overriding power to hire and agree

Despite anything to the contrary in this local law, the CEO or an authorised person, on behalf of the local government, may –

- (a) hire local government property to any person; or

- 
- (b) enter into an agreement with any person regarding the use of any local government property.

## **Part 2 - Determinations in respect of local government property**

### **2.1 Determinations as to use of local government property**

- (1) The local government may make a determination in accordance with clause 2.2 –
  - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
  - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
  - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
  - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 1 –
  - (a) are to be taken to have been made in accordance with clause 2.2;
  - (b) may be amended or revoked in accordance with clause 2.6; and
  - (c) have effect on the commencement day.

### **2.2 Procedure for making a determination**

- (1) The CEO or an authorised person is to give local public notice of the local government's intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
  - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
  - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
  - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council may decide –
  - (a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;

- 
- (b) to amend the proposed determination, in which case subclause (5) is to apply; or
  - (c) not to continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the Council -
- (a) is to consider those submissions; and
  - (b) may decide –
    - (i) whether or not to amend the proposed determination; or;
    - (ii) whether or not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
- (a) of the effect of the amendments; and
  - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

### **2.3 Discretion to erect sign**

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

### **2.4 Determination to be complied with**

A person must comply with a determination.

### **2.5 Register of determinations**

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

---

## 2.6 Amendment or revocation of a determination

- (1) The local government may amend or revoke a determination.
- (2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.
- (3) If the local government revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

## 2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
  - (a) take, ride or drive a vehicle, or a particular class of vehicle;
  - (b) fly or use a motorised model aeroplane;
  - (c) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
  - (d) launch, beach or leave a boat;
  - (e) take or use a boat, or a particular class of boat;
  - (f) play or practise –
    - (i) golf or archery;
    - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
    - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property; or
  - (g) ride a bicycle, a skateboard, roller skates, rollerblades, a sandboard or a similar device.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
  - (a) the days and times during which the activity may be pursued;
  - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
  - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;

- 
- (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
  - (e) may specify that the activity can be pursued by a class of persons or all persons; and
  - (f) may distinguish between different classes of the activity.

## **2.8 Activities which may be prohibited on specified local government property**

(1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –

- (a) riding a bicycle, a skateboard, roller skates, rollerblades, a sandboard or a similar device;
- (b) taking, riding or driving a vehicle or a particular class of vehicle;
- (c) riding or driving above a specified speed a vehicle or a particular class of vehicle;
- (d) taking or using a boat, or a particular class of boat;
- (e) the playing or practice of –
  - (i) golf, archery, pistol shooting or rifle shooting; or
  - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
- (g) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –

- (a) the days and times during which the activity is prohibited;
- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and

- 
- (e) may distinguish between different classes of the activity.

*Note: smoking on local government property, and in other places, is regulated by the Tobacco Products Control Regulations 2006.*

## **2.9 Sign under repealed local law taken to be determination**

- (1) Where an approved sign erected on local government property has been erected under a repealed local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

## **Part 3 - Activities on local government property requiring a permit**

### **3.1 Activities requiring a permit**

- (1) A person must not without a permit –
- (a) subject to subclause (3) hire local government property;
  - (b) advertise anything by any means on local government property;
  - (c) erect, on local government property a structure for public amusement or for any performance, whether for gain or otherwise;
  - (d) teach, coach or train, for profit, a person or animal on local government property;
  - (e) plant any plant or sow any seeds on local government property;
  - (f) carry on any trading on local government property or public place unless the trading is conducted –
    - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
    - (ii) by a person who has a permit or permit to carry on trading on local government property under any written law;
  - (g) conduct or set up a market on local government property or public place;
  - (h) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose –
    - (i) drive or ride or take any vehicle on to local government property; or



- 
- (ii) park or stop any vehicle on local government property;
  - (i) conduct a function on local government property ;
  - (j) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
  - (k) light a fire on local government property except in a facility provided for that purpose;
  - (l) parachute, hang glide, abseil or base jump from or on to local government property;
  - (m) erect a building or a refuelling site on local government property;
  - (n) make any excavation on or erect or remove any fence on local government property;
  - (o) erect or install any structure above or below ground of local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
  - (p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property;
  - (q) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property;
  - (r) conduct an entertainment event on local government property;
  - (s) fly or land a drone, balloon, unmanned aircraft or similar device from or on local government property; or
  - (t) film or make a recording as part of or for commercial gain on local government property.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.
  - (3) The CEO or an authorised person may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

### 3.2 Erecting structures or camping

- (1) In this clause –

**camp** unless the context requires otherwise has the same meaning as given to it in section 5 of the *Caravan Parks and Camping Grounds Act 1995*;

---

**camp** means any portable shed or hut, tent, tent fly, awning, blind or other portable thing used as or capable of being used for habitation and includes a vehicle of a prescribed type or in prescribed circumstances;

Extract from s5 *Caravan Parks and Camping Grounds Act 1995*

**caravan** has the same meaning as given to it in section 5 of the *Caravan Parks and Camping Grounds Act 1995*;

**caravan** means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexe;

Extract from s5 *Caravan Parks and Camping Grounds Act 1995*

**facility** has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

**facility** means a caravan park or camping ground;

Extract from s5 *Caravan Parks and Camping Grounds Act 1995*

**park home** has the same meaning as given to it in section 5 of the *Caravan Parks and Camping Grounds Act 1995*; and

**park home** means a vehicle of a prescribed class or description that is fitted or designed for habitation;

**prescribed** means prescribed by regulation;

Extract from s5 *Caravan Parks and Camping Grounds Act 1995*

**structure** includes a caravan, park home, or camp.

(2) This clause does not apply to a facility operated by the local government.

(3) A person must not without a permit –

(a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;

(b) erect, on local government property, any tent, camp, hut or similar structure; or

(c) erect, on local government property that is not enclosed, an umbrella or temporary shade structure unless –

(i) it is erected for protection from the sun or other elements;

(ii) it has an area of no more than 18 square metres;

(iii) it has a height of no less than 2.5 metres;

(iv) it is removed by that person –

(l) immediately on leaving that local government property; and

- 
- (II) during daylight on the same day on which it was erected; and
  - (v) it is for a private use.
- (4) The maximum period for which the CEO or an authorised person may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

Sections 3.37 – 3.38 of the *Local Government Act 1995* set out the requirements and processes for impounding animals, vehicles or goods that may have been involved in a contravention of a Regulation or Local Law.

Regulation 29 of the Local Government (Functions and General) Regulations 1996 further provides that:

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —
  - (a) it occurs in a public place; and
  - (b) either —
    - (i) the presence of the goods —
      - (I) presents a hazard to public safety; or
      - (II) obstructs the lawful use of any place;
    - or
    - (ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

### 3.3 Licence required for possession and consumption of liquor

- (1) A person, on local government property, must not consume any liquor or have in her or his possession or under her or his control any liquor, unless —
  - (a) that is permitted under the *Liquor Control Act*; and
  - (b) a licence has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

## Part 4 - Advertising Signs On Thoroughfares

### 4.1 Interpretation

In this Part, unless the context otherwise requires—

**advertising sign** means a sign used for the purpose of advertisement;

**direction sign** means a sign which indicates the direction of another place, activity or event, but does not include any such sign erected or affixed by the local government or the Commissioner of Main Roads;

**portable direction sign** means a portable free standing direction sign; and portable sign means a portable free standing advertising sign.

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## **4.2 Advertising signs and portable direction signs**

- (1) A person shall not, without a permit—
  - (a) erect or place an advertising sign on a thoroughfare; or
  - (b) post any bill or paint, place or affix any advertisement on a thoroughfare.
- (2) Notwithstanding subclause (1), a permit is not required in respect of a portable direction sign which neither exceeds 500 millimetres in height nor 0.5 square metres in area, provided that the sign is placed or erected on a thoroughfare on an infrequent or occasional basis only to direct attention to a place, activity or event during the hours of that activity or event.
- (3) Notwithstanding subclause (1), a person shall not erect or place an advertising sign—
  - (a) on a footpath;
  - (b) over any footpath where the resulting vertical clearance between the sign and the footpath is less than 2.5 metres;
  - (c) on or within 3 metres of a carriageway;
  - (d) in any other location where, in the opinion of the local government, the sign is likely to obstruct lines of sight along a thoroughfare or cause danger to any person using the thoroughfare; or
  - (e) on any natural feature, including a rock or tree, on a thoroughfare, or on any bridge or the structural approaches to a bridge.

## **4.3 Matters to be considered in determining application for permit**

In determining an application for a permit for the purpose of clause 4.2(1), the local government is to have regard to—

- (a) any other written law regulating the erection or placement of signs within the district;
- (b) the dimensions of the sign;
- (c) other advertising signs already approved or erected in the vicinity of the proposed location of the sign;
- (d) whether or not the sign will create a hazard to persons using a thoroughfare; and
- (e) the amount of the public liability insurance cover, if any, to be obtained by the applicant.

---

#### **4.4 Conditions on portable sign**

- (1) If the local government approves an application for a permit for a portable sign, the application is to be taken to be approved subject to the following conditions —
  - (a) the portable sign shall—
    - (i) not exceed 1 metre in height;
    - (ii) not exceed an area of 1 square metre on any side;
    - (iii) relate only to the business activity described on the permit;
    - (iv) contain letters not less than 200 millimetres in height;
    - (v) not be erected in any position other than immediately adjacent to the building or the business to which the sign relates;
    - (vi) be removed each day at the close of the business to which it relates and not be erected again until the business next opens for trading;
    - (vii) be secured in position in accordance with any requirements of the local government;
    - (viii) be placed so as not to obstruct or impede the reasonable use of a thoroughfare or access to a place by any person; and
    - (ix) be maintained in good condition.
- (2) No more than one portable sign shall be erected in relation to the one building or business.
- (3) A person must not place or erect a sign in contravention of a condition of a permit issued under this clause.

### **Part 5 - Behaviour on all local government property**

#### ***Division 1 - Prohibited behaviour***

##### **5.1 Behaviour which interferes with others**

A person must not, in or on any local government property, behave in a manner which –

- (a) is likely to interfere with the enjoyment of a person who might use the property or who might otherwise lawfully be on the property; or
- (b) interferes with the enjoyment of a person using, or otherwise lawfully on, the property.

---

## 5.2 Behaviour detrimental to property

(1) A person must not behave in or on local government property in a way which is or might be detrimental to the property.

(2) In subclause (1) –

**detrimental to the property** includes –

(a) removing anything from the local government property including a rock, a plant or a seat provided for the use of any person; and

(b) destroying, defacing or damaging anything on the local government property, including a plant, a seat provided for the use of any person or a building.

## 5.3 Taking or injuring fauna

(1) A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

(2) In this clause and in clause 5.5 –

**animal** means any living thing that is not a human being, fly or plant; and

**fauna** means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

(a) any class of animal or individual member;

(b) the eggs or larvae; or

(c) the carcass, skin, plumage or fur unless it has been shed or discarded by the animal in a normal or natural manner.

## 5.4 Flora

(1) Unless authorised to do so under a written law or with the written approval of the CEO or an authorised person, a person must not –

(a) remove, damage or interfere with any flora that is on or above any local government property; or

(b) cultivate, plant or deposit any flora on local government property.

(2) In this clause –

**flora** means all vascular plants, seeds and other flora, whether living or dead.

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## **5.5 Intoxicated persons not to be on local government property**

- (1) Unless attending a function or event where a permit has been obtained under clause 3.3(1), a person must not enter or remain on local government property while under the influence of liquor; or
- (2) A person must not enter or remain on local government property while under the influence of a prohibited drug.

## **5.6 Only specified gender to use entry of toilet block or change room**

- (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –
  - (a) females - then a person of the male gender must not use that entry of the toilet block or change room;
  - (b) males - then a person of the female gender must not use that entry of the toilet block or change room; or
  - (c) families - then, where the toilet block or change room is being used by a family, only an immediate member of that family may use that entry of the toilet block or change room.
- (2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –
  - (a) under the age of 8 years; or
  - (b) otherwise permitted by an authorised person to use the relevant entry.

### ***Division 2 - Signs and powers to give directions***

## **5.7 Signs**

- (1) The CEO or an authorised person may erect a sign on local government property –
  - (a) specifying any conditions of use which apply to that property; and
  - (b) for any other purpose relevant to this local law, including giving notice of a breach of clause 5.4 and substituting a sign for flora that has been removed, damaged or interfered with contrary to clause 5.4.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
  - (a) not to be inconsistent with any provision of this local law or any determination; and

- 
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

### **5.8 Authorised person to be obeyed**

A person on local government property must obey any lawful direction of the CEO or an authorised person and must not in any way obstruct or hinder the CEO or an authorised person in the execution of her or his duties.

### **5.9 Refusal of entry and removal**

- (1) If the CEO or an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, the CEO or authorised person may –
  - (a) refuse to allow that person to enter local government property;
  - (b) if the person is on local government property, direct the person to leave the local government property; and
  - (c) specify a period of up to 30 calendar days within which the person is not to re-enter the local government property.
- (2) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property quickly and peaceably.
- (3) If a person fails to comply with subclause (2), the CEO or an authorised person may remove the person, or arrange for the person to be removed, from the local government property.
- (4) The CEO or an authorised person may reduce the period specified in subclause (1)(c) on application of the person who has been directed not to re-enter local government property.

### **5.10 Disposal of lost property**

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the CEO or an authorised person -

- (a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3) of the *Local Government (Functions and General) Regulations 1996*, using the process under section 3.58 of the Act for the sale of the article as if it was property referred to in that section;
- (b) if the article is reasonably believed to be of a negligible or little value or likely to be of no interest to a not for profit body, in any manner he or she thinks fit; or
- (c) in any other case, by donation to a not for profit body incorporated under the *Associations Incorporations Act 2015*.



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## Part 6 - Matters relating to particular local government property

### *Division 1 - Functions and closed property*

#### 6.1 No unauthorised entry to function

- (1) A person must not enter local government property on such days or during such times as the property is set aside for a function for which a charge for admission is authorised, except –
  - (a) through the proper entrance for that purpose; and
  - (b) on payment of the fee chargeable for admission at the time.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1)(b).

#### 6.2 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the CEO or an authorised person.

### *Division 2 - Golf courses*

#### 6.3 Interpretation

In this Division –

**controller** means an authorised person who has been appointed to control and manage a golf course;

**golf course** means that portion of a local government property which is laid out as a golf course and includes –

- (a) all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range; and
- (b) all buildings, structures, fittings, fixtures and equipment on that property.

Note: under these definitions, the provisions of this Division apply to a 'golf course' on 'local government property', whether operated by the local government or, for example, by a contractor or lessee.

#### 6.4 Observance of special conditions of play

While on a golf course, a player must –

- (a) observe and comply with a direction of the controller in respect of any special conditions of play;
- (b) observe and comply with a requirement of any notice erected to direct or control play; and
- (c) not be accompanied by a non playing person without the permission of the controller or an authorised person.

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## 6.5 Children under the age of 10 years

A person under the age of 10 years must not enter, play or practise on a golf course unless accompanied by a person of 18 years or older.

## Part 7 – Roadside Conservation

### 7.1 Interpretation

In this Part -

"**MRWA**" means Main Roads Western Australia;

"**protected flora**" has the meaning given to it in Part 10, Division 2 of the *Biodiversity Conservation Act 2016*;

"**rare flora**" has the meaning given to it in Regulation 168 of the *Biodiversity Conservation Regulations 2018*;

"**Roadside Conservation Committee**" means the Roadside Conservation Committee appointed by the Minister for the Environment; and

"**special environmental area**" means an area designated as such under clause 7.7.

### 7.2 Application

This Part does not apply to a townsite.

### 7.3 Declaration of flora road

The local government may declare a thoroughfare which has, in the opinion of the local government, high quality roadside vegetation to be a flora road.

### 7.4 Construction works on flora roads

Construction and maintenance work carried out by the local government on a flora road is to be in accordance with the "Handbook of Environmental Practice for Road Construction and Road Maintenance Works" prepared by the Roadside Conservation Committee.

### 7.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA "flora road" sign.

### 7.6 Driving only on carriageway of flora roads

- (1) A person driving or riding a vehicle on a flora road shall only drive or ride the vehicle on the carriageway.
- (2) Subclause (1) does not apply where -

- 
- (a) conditions on the thoroughfare do not reasonably permit a vehicle to remain on the carriageway;
  - (b) there is no carriageway; or
  - (c) an exemption from the application of subclause (1) has been obtained from the local government.

### **7.7 Designation of special environmental areas**

The local government may designate a thoroughfare, or any part of a thoroughfare, as a special environmental area which -

- (a) has protected flora or rare flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

### **7.8 Marking of special environmental areas**

The local government is to mark and keep a register of each thoroughfare, or part of a thoroughfare, designated as a special environmental area.

### **7.9 Permit to plant**

A person shall not plant any plant or sow any seeds in a flora road without first obtaining a permit.

### **7.10 Relevant considerations in determining application**

In determining an application for a permit for the purpose of clause 7.9, the local government is to have regard to -

- (a) existing vegetation within that part of the thoroughfare in which the planting is to take place; and
- (b) the diversity of species and the prevalence of the species which are to be planted or sown.

### **7.11 Permit to clear**

A person shall not clear and maintain in a cleared state, the surface of a flora road within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

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### **7.12 Application for permit**

A person making an application for a permit for the purpose of clause 7.11 shall submit a sketch plan clearly showing the boundary of the person's land and the portions of the thoroughfare joining that person's land which are to be cleared.

### **7.13 Permit to burn flora road**

A person shall not burn part of a flora road without first obtaining a permit or unless acting under the authority of any other written law.

### **7.14 Application for permit**

An application for a permit for the purposes of clause 7.13 shall –

- (a) include a sketch plan showing the portions of a thoroughfare which are proposed to be burned; and
- (b) advise of the estimated fire intensity and the measures to be taken to protect upper storey vegetation from the burn.

### **7.15 When application for permit can be approved**

The local government may approve an application for a permit for the purpose of clause 7.13 only if the burning of the particular part of the thoroughfare will -

- (a) reduce a fire hazard and alternative means of reducing that hazard, such as slashing or the use of herbicides, are considered by the local government to be not feasible or more detrimental to native flora and fauna than burning; or
- (b) in the opinion of the local government, be beneficial for the preservation and conservation of native flora and fauna.

### **7.16 Prohibitions on burning**

- (1) Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 7.13 is not to be approved by the local government -
  - (a) for burning between 1 October and 1 May of the following year where the intensity of the burn could damage native flora and fauna; or
  - (b) in any year to any person for any part of a thoroughfare which is on the opposite side of the carriageway to that portion of the thoroughfare for which a permit to burn has been approved in the same year.
- (2) Nothing in this clause prevents the local government approving a permit to burn part of a thoroughfare to remove an imminent fire risk.

### **7.17 Permit for firebreaks on thoroughfares**

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

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### **7.18 When application for permit cannot be approved**

- (1) The local government is not to approve an application for a permit for the purpose of clause 7.17 where the thoroughfare is less than 20m wide.
- (2) Subclause (1) does not apply where the firebreak is, in the opinion of the local government, desirable for the protection of roadside vegetation.

### **7.19 General prohibition on commercial wildflower harvesting**

Subject to clause 7.20, a person shall not commercially harvest native flora on a thoroughfare.

### **7.20 Permit for revegetation projects**

- (1) A person shall not collect seed from native flora on a thoroughfare without first obtaining a permit.
- (2) The local government may approve an application for a permit under subclause (1) only where-
  - (a) the seed is required for a revegetation project in any part of the district; and
  - (b) the thoroughfare, or the relevant part of it, is not a special environmental area.
- (3) Unless the local government specifically provides to the contrary on a permit, if the local government approves an application for a permit for the purpose of subclause (1) it is to be taken to be approved subject to the following conditions –
  - (a) the collection of the seed is to be carried out so as not to endanger the long time survival of the native flora on the thoroughfare; and
  - (b) any licence or approval which may be required under any other written law is to be obtained by the applicant.

## **Part 8 - Activities in streets**

### ***Division 1 - General***

#### **8.1 General prohibitions**

A person must not –

- (a) plant, or allow to remain, in a street a plant that is or may become an obstruction to a reasonable sight line hazard for a driver of any vehicle negotiating or using the street;
- (b) damage a lawn or a garden, or remove any plant or part of a plant from a lawn or a garden, in a street unless –

- 
- (i) the person is the owner or the occupier of the lot abutting that portion of the street and the lawn or the garden or the particular plant has not been installed or planted by the local government ; or
  - (ii) the person is acting under the authority of a written law;
- (c) damage, or remove a street tree, or part of a street tree, irrespective of whether it was planted by the owner or occupier of the lot abutting the street or by the local government , unless –
- (i) the damage to, or removal of, the street tree is authorised by the CEO or an authorised person in writing; or
  - (ii) the person is acting under authority of written law;
- (d) place, or allow to be placed or remain, on a street any thing (except water) that –
- (i) obstructs the street; or
  - (ii) results in a hazard for any person using the street;
- (e) unless at the direction of the CEO or an authorised person, damage, remove or interfere with any part of a street, or any structure erected on a street, by the local government or a person acting under the authority of a written law; or
- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a street.

## **8.2 Activities allowed with a permit**

- (1) A person must not, without a permit –
  - (a) dig or otherwise create a trench through or under a kerb or footpath;
  - (b) throw, place or deposit any thing on a verge or street except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;
  - (c) cause any obstruction to a vehicle or a person using a street as a street;
  - (d) cause any obstruction to a water channel or a water course in a street;
  - (e) throw, place or drain offensive, noxious or dangerous fluid onto a street;

- 
- (f) damage a street;
  - (g) fell or damage any street tree;
  - (h) fell any tree onto a street;
  - (i) light any fire or burn any thing on a street other than in a stove or fireplace provided for that purpose;
  - (j) unless installing, or in order to maintain, a permissible verge treatment –
    - (i) lay pipes under or provide taps on any verge; or
    - (ii) place or install, on any part of a street, any thing such as gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
  - (k) provide, erect, install or use in or on any building, structure or land abutting on a street any hoist or other thing for use over the street;
  - (l) on a street use anything or do anything so as to create a nuisance;
  - (m) place or cause to be placed on a street a bulk rubbish container;
  - (n) interfere with the soil of, or anything in, a street or take anything from a street;
  - (o) conduct or carry on any trading on a street or public place;
  - (p) conduct, carry on or set up a market or stall on a street or public place;
  - (q) conduct or carry on an entertainment event on a street or public place; or
  - (r) film or make a recording as part of or for commercial gain on a street or public place.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.

### **8.3 Notice to owner or occupier**

The CEO or an authorised person may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Part.

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## **Division 2 - Permissible verge treatments**

### **8.4 Permissible verge treatments**

- (1) An owner or occupier of land which abuts on a verge may, on that part of the verge directly in front of her or his land, install a permissible verge treatment.
- (2) A permissible verge treatment is—
  - (a) the planting and maintenance of a lawn;
  - (b) the planting and maintenance of a garden provided that —
    - (i) clear sight visibility is maintained at all times for a person using the abutting street in the vicinity of an intersection or bend in the street or using a driveway on land adjacent to the street for access to or from the street;
    - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
    - (iii) it does not include a wall or built structure; and
    - (iv) it is not of a thorny, poisonous or hazardous nature; and
  - (c) the installation of an acceptable material.
- (3) In this clause **acceptable material** means any material which would create a hard surface, and which has been approved by the local government.
- (4) A person must not install or maintain a verge treatment which is not a permissible verge treatment.
- (5) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 8.5.

### **8.5 Obligations of owner or occupier**

An owner or occupier who installs or maintains a permissible verge treatment must —

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge are not obstructed by the verge treatment;
- (b) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a thoroughfare, or using a driveway on



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land adjacent to the thoroughfare for access to or from the thoroughfare;

- (c) not place any obstruction on or around the verge treatment;
- (d) not disturb a footpath on the verge;
- (e) ensure that the verge treatment does not damage or obstruct a drain, manhole, galley, inspection pit, channel, kerb or tree planted by the local government; and
- (f) ensure that any sprinklers or pipes installed to irrigate a verge treatment –
  - (i) do not protrude above the level of the lawn or verge treatment when not in use;
  - (ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and
  - (iii) do not otherwise present a hazard to pedestrians or other persons.

#### **8.6 Transitional provision**

- (1) In this clause –

***former provisions*** means the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government.

- (2) A verge treatment which –

- (a) was installed prior to the commencement day; and
  - (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,
- is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

#### **8.7 Power to carry out public works on verge**

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority –

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any –
  - (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or

- 
- (ii) sprinklers, pipes or other reticulation equipment.

### **Division 3 - Vehicle crossings**

**Note:**

Regulations 12 – 15 of the *Local Government (Uniform Local Provisions) Regulations 1996* apply to crossovers.

This Division deals with temporary crossovers and removal of redundant crossovers.

#### **8.8 Temporary crossings**

- (1) Where it is likely that works on a lot will involve vehicles leaving a street and entering the lot, the person responsible for the works must obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, where –
  - (a) a crossing does not exist; or
  - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The **person responsible for the works** in subclause (1) is to be taken to be –
  - (a) the builder named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
  - (b) the owner of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If the permit authority for the purpose of subclause (1) is the local government, the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the person to whom the permit is given must keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the street.

#### **8.9 Removal of redundant crossing**

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the street affected by the removal are to be reinstated to the satisfaction of the CEO.
- (2) The CEO may give written notice to the owner or occupier of a lot requiring her or him to –
  - (a) remove any part of or all of a crossing which does not give access to the lot; and
  - (b) reinstate the kerb, drain, footpath, verge and any other part of the street, which may be affected by the removal,

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within the period of time stated in the notice, and the owner or occupier of the lot must comply with that notice.

***Division 4 - Property numbers***

**8.10 Assignment of numbers**

- (1) The CEO or an authorised person may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.
- (2) In this clause, **number** means a number of a lot with or without an alphabetical suffix indicating the address of a lot by reference to a thoroughfare.

***Division 5 - Fencing***

**8.11 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act**

A public place, as that term is defined in clause 1.5, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

***Division 6 - Signs erected by the local government***

**8.12 Signs**

- (1) The local government may erect a sign in a street specifying any conditions of use which apply to that street.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

**8.13 Transitional**

Where a sign erected in a street has been erected under a repealed local law then, on and from the commencement day, it is to be taken to be a sign erected under clause 8.12 if –

- (a) the sign specifies a condition of use relating to the street which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

***Division 7 - Driving on a closed street***

**8.14 No driving on closed street**

- (1) A person must not drive or take a vehicle on a closed street unless –
  - (a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or

---

(b) the person has first obtained a permit.

(2) In this clause –

**closed street** means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

### ***Division 8 - Notices***

#### **8.15 Notice to redirect or repair sprinkler**

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a street, the CEO or an authorised person may give a written notice to the owner or the occupier of the land abutting the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

#### **8.16 Notice to remove hazardous plants**

(1) Where a plant in a garden creates or may create a hazard for any person using a street, the CEO or an authorised person may give a written notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.

(2) Subclause (1) does not apply where the plant was planted by the local government.

#### **8.17 Notice to remove any thing unlawfully placed on street**

Where any thing is placed on a street in contravention of this local law, the CEO or an authorised person may give a written notice –

(a) to the owner or the occupier of the property which abuts that portion of the street where the thing has been placed; or

(b) to any other person who may be responsible for the thing being so placed,

requiring the person to remove the thing.

Note: other provisions relating to notices are set out in Division 1 of Part 10 of this local law.
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## **Part 9 – Activities in public places**

### ***Division 1 - General provisions***

#### **9.1 Leaving animal or vehicle in public place**

(1) A person must not leave an animal or a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place, unless that person has first obtained a permit or is authorised to do so under a written law.

- 
- (2) A person does not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
  - (3) A person does not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

## 9.2 Prohibitions relating to animals

- (1) In subclause (2), **owner** in relation to an animal includes –
  - (a) an owner of it;
  - (b) a person in possession of it;
  - (c) a person who has control of it; and
  - (d) a person who ordinarily occupies the premises where the animal is permitted to stay.
- (2) An owner of an animal must not –
  - (a) allow the animal to enter or remain for any time on any public place except for the use of the public place as a thoroughfare and unless it is led, ridden or driven;
  - (b) allow the animal, if it has a contagious or infectious disease, to be led, ridden or driven in a public place; or
  - (c) train or race the animal in a public place.
- (3) An owner of a horse must not lead, ride or drive the horse on a street, unless that person does so under a permit or under the authority of a written law.
- (4) This clause is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) Section 9(2).

## 9.3 Shopping trolley to be marked

A retailer must clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

## 9.4 Person not to leave trolley in public place

A person must not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

### 3.37. Contraventions that can lead to impounding

- (1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.
- (2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

**29. Contraventions that may lead to impounding of goods  
(Act s. 3.37)**

(1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —

- (a) it occurs in a public place; and
- (b) either —

the presence of the goods —

- (I) presents a hazard to public safety; or
- (II) obstructs the lawful use of any place;

or

where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

(1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.

(2) In subregulation (1) or (1a) —

**public place** includes a place that is on private property that the public are allowed to use.

[R29 Local Government (Functions and General) Regulations 1996]

**3.38. Terms used**

**goods** means any goods involved in a contravention that can lead to impounding, and includes —

- (a) a vehicle; or
- (ab) an animal; or
- (b) a stall or other structure temporarily placed on land, involved in such a contravention;

[Section 3.37 Local Government Act 1995]

**9.5 Retailer to remove abandoned trolley**

- (1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the CEO or an authorised officer may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1).

**9.6 Retailer taken to own trolley**

In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.

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## **Part 10 - Permits**

### ***Division 1 - Applying for a permit***

#### **10.1 Application for permit**

- (1) Where a person is required to obtain a permit under this local law, that person must apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law must -
  - (a) be in the form determined by the CEO;
  - (b) be signed by the applicant;
  - (c) provide the information required by the form; and
  - (d) be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.
- (3) The CEO or an authorised person may require an applicant to provide additional information reasonably related to the application before determining the application.
- (4) The CEO or an authorised person may require an applicant to give local public notice of the application .
- (5) The CEO or an authorised person may refuse to consider an application which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

#### **10.2 Decision on application**

- (1) The CEO or an authorised person may –
  - (a) approve an application unconditionally or subject to any conditions; or
  - (b) refuse to approve an application.
- (2) If the CEO or an authorised person approves an application, he or she is to issue to the applicant a permit in the form determined by the CEO.
- (3) If the CEO or an authorised person refuses to approve an application, he or she is to give written notice of that refusal to the applicant.
- (4) The CEO or an authorised person may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the permit holder.

#### **10.3 General restrictions on grant of permit**

- (1) The CEO or an authorised person must not grant a permit if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.

- 
- (2) The CEO or an authorised person must not grant a permit unless the CEO or an authorised person is satisfied that –
- (a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the permit;
  - (b) the public place at which the activity is to be carried on is suitable for that purpose;
  - (c) a permit or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and
  - (d) the applicant is a fit and proper person to carry on the activity.

#### **10.4 Amendment of permit**

- (1) In this clause –
- amend** includes –
- (a) to impose any new condition; and
  - (b) to change or remove any existing condition.
- (2) The CEO or an authorised person may, by written notice given to the permit holder, amend a permit.
- (3) An amendment may be made on application made by the permit holder or on the CEO or authorised person's initiative.

#### ***Division 2 - Conditions***

#### **10.5 Examples of conditions**

- (1) Examples of the conditions that the CEO or an authorised person may impose on a permit under clause 10.2(1)(a) or 10.4(2) are conditions relating to -
- (a) the payment of a fee;
  - (b) compliance with a standard or a policy adopted by the local government;
  - (c) the duration and commencement of the permit;
  - (d) the commencement of the permit being contingent on the happening of an event;
  - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
  - (f) the approval of another application for a permit which may be required by the local government under any written law;
  - (g) the area of the district to which the permit applies;



- 
- (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
  - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the CEO or an authorised person.
- (2) Examples of the type and content of the conditions on which a permit to hire local government property may be issued include –
- (a) when fees and charges are to be paid;
  - (b) payment of a bond against possible damage or cleaning expenses or both;
  - (c) restrictions on the erection of material or external decorations;
  - (d) rules about the use of furniture, plant and effects;
  - (e) limitations on the number of persons who may attend any function in or on local government property;
  - (f) the duration of the hire;
  - (g) the right of the CEO or an authorised person to cancel a booking during the course of an annual or seasonal booking, if the CEO or an authorised person sees fit;
  - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Control Act;
  - (i) whether or not the hire is for the exclusive use of the local government property;
  - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
  - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

## 10.6 Imposing conditions under a policy

- (1) In this clause –

**policy** means a local government policy adopted by the Council under section 2.7 of the Act containing conditions subject to which an application for a permit may be approved under clause 10.2.

- 
- (2) Under clause 10.2(1)(a) the CEO or an authorised person may approve an application subject to conditions by reference to a policy.
  - (3) The CEO or an authorised person must give to the permit holder a copy of the policy or, at the discretion of the CEO or the authorised person, the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 10.2(2).
  - (4) An application for a permit is not to be taken to have been approved subject to the conditions contained in a policy until the CEO or an authorised person gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
  - (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is deemed to be information within section 5.94(u)(i) of the Act.

### **10.7 Compliance with conditions**

Where an application for a permit has been approved subject to conditions, the permit holder must comply with each of those conditions, as amended.

#### ***Division 3 - Duration of permits***

### **10.8 Duration of permit**

A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) suspended or cancelled under this Division.

### **10.9 Renewal of permit**

- (1) A permit holder may apply to the CEO for the renewal of a permit.
- (2) An application for renewal must –
  - (a) be in the form determined by the CEO;
  - (b) be signed by the permit holder;
  - (c) provide the information required by the form;
  - (d) be forwarded to the CEO no later than 28 days before the expiry of the permit, or within a shorter period that the CEO in a particular case permits; and
  - (e) be accompanied by any fee imposed by the Council under section 6.16 to 6.19 of the Act.
- (3) The provisions of this Part that apply to an application for a permit also apply to an application for the renewal of a permit as though it were an application for a permit.

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## **10.10 Transfer of permit**

- (1) An application for the transfer of a valid permit is -
  - (a) to be made in writing;
  - (b) to be signed by the permit holder and the proposed transferee of the permit;
  - (c) to include such information as the CEO or an authorised person may require to enable the application to be determined; and
  - (d) to be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.
- (2) The CEO or an authorised person may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the CEO or an authorised person approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO or the authorised person.
- (4) Where the CEO or an authorised person approves the transfer of a permit, the local government is not required to refund any part of any fee paid by the former permit holder.

## **10.11 Suspension of permit**

- (1) The CEO may, subject to clause 10.12, by written notice given to the permit holder, suspend a permit if there are reasonable grounds for believing that –
  - (a) the permit holder has contravened a term or condition of a permit;
  - (b) the permit holder has contravened a provision of this local law; or
  - (c) the continued carrying on of the activity authorised by the permit constitutes or will constitute an unacceptable risk to the safety of the public.
- (2) The suspension notice must –
  - (a) state the day, or the day and time, on or at which the suspension takes effect;
  - (b) state the reasons for the CEO's decision to suspend the permit; and
  - (c) where appropriate, indicate what steps need to be taken to ensure that there is compliance with the relevant provision, term or condition or that there is no longer a risk as described in subclause (1)(c); and

- 
- (d) inform the permit holder that he/she has a right to apply under the Act for a review of the CEO's decision to suspend the permit.

*Note – Part 11 of this local law deals with objection and review rights.*

#### **10.12 Proposed suspension**

- (1) If the CEO proposes to suspend a permit for the reason mentioned in clause 10.11(1)(a), the CEO must give written notice to the permit holder of the proposed suspension.
- (2) The notice must –
  - (a) state that the CEO proposes to suspend the permit;
  - (b) state the reasons for the proposed suspension; and
  - (c) inform the permit holder that the permit holder is entitled to make representations to the CEO in respect of the proposed suspension within 7 days after the day on which the permit holder is given the notice.
- (3) In considering whether to suspend the permit, the CEO must have regard to any representations made by the permit holder within the period referred to in subclause (2)(c).

#### **10.13 Revocation of suspension**

- (1) The CEO must, by written notice given to the permit holder, revoke the suspension of a permit if the CEO is satisfied that the steps specified in the suspension notice have been taken.
- (2) The CEO may, by written notice given to the permit holder, revoke the suspension of the permit if the CEO considers that it is appropriate to do so in the circumstances of a particular case.

#### **10.14 Period of suspension**

The suspension of a permit has effect on the day, or the day and time, specified in the suspension notice until one of the following happens –

- (a) the suspension is revoked under clause 10.13;
- (b) the permit is cancelled under clause 10.15 or expires; or
- (c) the permit is surrendered in accordance with the provisions of this local law.

#### **10.15 Cancellation of permit**

A permit may be cancelled by the CEO if -

- (a) the permit was obtained improperly by including false or misleading information;

- 
- (b) the permit holder has persistently or frequently contravened a term or condition of the permit, or a provision of this local law, whether or not the permit is or has been suspended on the grounds of a contravention; or
  - (c) there are reasonable grounds for believing that the continued carrying on of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the permit has been suspended on the grounds of that risk.

Note – objection and appeal rights under Part 11 apply to the suspension or cancellation of a permit

#### **10.16 Surrender of permit**

A permit holder may, at any time by notice in writing to the CEO, surrender the permit.

#### ***Division 4 - Responsibilities of permit holders and others***

#### **10.17 Production of permit**

A permit holder must produce to an authorised person her or his permit immediately after being required to do so by that authorised person.

#### **10.18 Other responsibilities of permit holder**

A permit holder must, in respect of local government property to which the permit relates -

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) comply with a direction from the CEO or an authorised person to take the action specified in the direction for the purpose of maintaining public safety;
- (c) leave the local government property in a clean and tidy condition after its use;
- (d) report any damage or defacement of the local government property to the CEO or an authorised person; and
- (e) take reasonable action to prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act* for that purpose.

#### **10.19 Production of permit document for amendment**

If the CEO or an authorised person amends or renews a permit, the permit holder must, if required by the CEO or authorised person, produce the permit document to the CEO or authorised person for amendment within the period specified by the CEO or authorised person.

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## **10.20 Return of permit document if permit no longer in effect**

If a permit –

- (a) has expired or has not been renewed;
- (b) has been suspended or cancelled; or
- (c) has been surrendered,

the person who was the permit holder must, as soon as practicable after the expiry, suspension, cancellation or surrender, return the permit document to the CEO.

## **10.21 Advertising**

A person must not advertise, or otherwise hold out in any way, that the person conducts a commercial activity in any public place unless that person holds a permit authorising that commercial activity.

## **10.22 False or misleading statement**

A person must not make a false or misleading statement in connection with an application in respect of a permit under this local law.

# **Part 11 – Objections and review**

## **11.1 Objection and review rights**

Division 1 of Part 9 of the Act applies to a decision under this local law in respect of the grant, renewal, transfer, amendment, suspension or cancellation of a permit.

# **Part 12 – Enforcement**

## ***Division 1 - Notices***

## **12.1 Definition**

In this Division –

**costs** of the local government include its administrative costs.

## **12.2 Damage to local government property**

If a person unlawfully removes, damages or interferes with local government property or portion of a street, the CEO or an authorised person may give the person a notice requiring that person, within the time specified in the notice, to do any one or more of the following (at the local government's option) –

- (a) reinstate the property to the state it was in before the removal, damage or interference;
- (b) replace that property; or
- (c) pay for the costs of reinstatement or replacement.

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### **12.3 Breach of a permit**

If a permit holder breaches a condition of the permit, or fails to comply with a direction under this local law, the CEO or an authorised person may give the person a notice.

### **12.4 Notice requirements**

A notice under this Division must –

- (a) be in writing;
- (b) specify the reason for giving the notice, the work or action that is required to be undertaken and the time within which it is to be undertaken; and
- (c) be given to the person referred to in clause 12.2 or 12.3, as the case may be.

### **12.5 Local government may undertake requirements of notice**

- (1) If a person fails to comply with a notice referred to in clause 12.2, the local government may –
  - (a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference; and
  - (b) recover from the person, as a debt, the costs of doing so.
- (2) If a person fails to comply with a notice referred to in clause 12.3, the local government may –
  - (a) take whatever remedial action it considers appropriate to put the local government in the position it would have been in if the breach or failure had not occurred; and
  - (b) recover from the person, as a debt, the costs of doing so.

### **12.6 Offence to fail to comply with notice**

A person who fails to comply with a notice given to him or her under this local law commits an offence.

## ***Division 2 - Offences and penalties***

### **12.7 Offences and general penalty**

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

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## **12.8 Prescribed offences**

- (1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The modified penalty for a prescribed offence is the amount specified adjacent to the clause in Schedule 3.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, the local government should be satisfied that –
  - (a) commission of the prescribed offence is a relatively minor matter; and
  - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

## **12.9 Form of notices**

- (1) For the purposes of this local law -
  - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
  - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
  - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

## **12.10 Evidence of a determination**

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.



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## SCHEDULE 1 - DETERMINATIONS

[Clause 2.1]

The following determinations are to be taken to have been made by the local government under clause 2.1.

### Part 1 - Preliminary

#### 1.1 Definition

In these determinations –

**local law** means the *Public Places and Local Government Property Local Law 2022* made by the local government.

#### 1.2 Interpretation

Where a term is used but not defined in a determination and that term is defined in this local law then the term is to have the meaning given to it in this local law.

### Part 2 - Application

#### 2.1 Vehicles on local government property

- (1) Unless authorised by a permit or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless –
- (a) subject to subclause (3), the local government property is clearly designated as a road, access way or car park;
  - (b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in –
    - (i) providing a service or making a delivery in connection with the local government property; or
    - (ii) maintaining the local government property;
  - (c) the person is driving an emergency vehicle in the course of his or her duties;
  - (d) the vehicle is –
    - (i) driven on local government property that has been designated as a golf course;
    - (ii) used in accordance with the conditions set down by the local government, the controller or an authorised person; and
    - (iii) of a type allowed to be taken onto the golf course by the local government, the controller or an authorised person; or

- 
- (e) the vehicle is a motorised wheelchair, and the driver of that vehicle is a disabled person.
  - (2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.
  - (3) Other than in accordance with paragraphs (b), (c), (d) or (e) of subclause (1), a person must not drive a vehicle on local government property that is being used for a function for which a permit has been obtained unless permitted to do so by the permit holder or an authorised person.

## **2.2 Motorised model aeroplanes, toys or ships**

A person must not use, launch or fly a drone, motorised model aeroplane, toy, ship, glider or rocket that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except in accordance with a permit or determination that specifies that particular local government property.

## **2.3 Children's playgrounds**

- (1) The local government may set aside a public reserve or any portion of a public reserve as a children's playground.
- (2) The local government may limit the ages of persons who are permitted to use a children's playground and may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.
- (3) A person over the age specified on that sign, other than a person having the charge of a child or children in the playground, must not use a playground or interfere with the use by children of the playground.

## **2.4 Launching and retrieval of boats**

A person must not take a boat onto, launch a boat from, or retrieve a boat on, local government property except in accordance with permit or a determination that specifies that particular local government property unless –

- (a) the person is
  - (i) a local government employee or authorised person; or
  - (ii) a contractor engaged by the local government and who is engaged in providing a service, maintaining or making a delivery in connection with, the local government property.
- (b) the person is in charge of a boat engaged in rescue services or dealing with an emergency; or
- (c) the local government property is a boat ramp that is delineated by a sign to that effect.

---

## 2.5 Activities prohibited on local government property

- (1) A person must not play or practise archery or pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise permitted by a determination or permit.
- (2) A person must not play or practise golf on local government property except on a reserve set aside by the local government as a golf course.
- (3) A person must not, on any local government property, use or ride a bicycle or wheeled recreational device, skateboard, or sand board –
  - (a) inside, or on the curtilage to, a building;
  - (b) on a golf course except to the extent permitted under clause 2.1(1)(d) of these Determinations; or
  - (c) in or on a lakebed or waterway.
- (4) A person must not use on, or take on to, any local government property, a spear gun, hand spear, gidgie or similar device unless permitted by a determination or permit.

## SCHEDULE 2 - PRESCRIBED OFFENCES

[Clause 12.8]

Item number	Clause	Description	Modified Penalty (\$)
1	2.4	Failure to comply with a determination	100
2	3.1	Undertaking activity on local government property without a permit	100
3	3.2	Camping on local government property or erecting an unauthorised structure	100
4	3.3	Failure to obtain licence for liquor	100
5	4.2	Failure to obtain permit for sign	100
6	4.4(3)	Failure to comply with sign permit condition	100
7	5.1	Behaviour interfering with others	100
8	5.2	Behaviour detrimental to local government property	100
9	5.3	Taking or injuring fauna without authorisation	100
10	5.4	Removing, damaging or depositing flora without authorisation	100
12	5.5	Under influence of liquor or prohibited drug on local government property	100
13	5.7	Failure to comply with sign	100
14	5.8	Failure to comply with direction of authorised person	100
15	6.1, 6.2	Unauthorised entry to event, closed or fenced local government property	100
16	6.4	Failure to observe conditions of play or direction of course controller on golf course	100
32	7.6(1)	Driving or riding vehicle on area of a flora road that is not a carriageway	100
33	7.9	Planting in flora road without a permit	100
34	7.11	Clearing a flora road without a permit	100
35	7.13	Burning a flora road without a permit	100
36	7.17	Constructing firebreak without a permit	100
37	7.19	Commercially harvesting flora without a permit	100
38	7.20(1)	Collecting native flora seeds without a permit	100
39	8.1(a), 8.4(2)(b)	Planting or allowing plant or verge treatment in street to become a sightline hazard	100
40	8.1(b)	Damaging a street lawn or garden	100
41	8.1(c)	Damaging or removing whole or part of a street tree without authorisation	300

Item number	Clause	Description	Modified Penalty (\$)
42	8.1(d)	Obstruction of street	100
43	8.1(e)	Damaging, removing or interfering with street, part of street, sign or structure in a street without authorisation	100
44	8.1(f)	Playing games in street so as to impede vehicles or persons	100
45	8.2	Carry on or undertake prohibited activity in street or damage local government property in a street without authorisation	300
46	8.4(4)	Install verge treatment that is not a permissible treatment	100
47	8.5(a), 8.5(d) 8.5(e)	Failure to keep permissible verge treatment in good and tidy condition, obstruct a street, footpath, drain, or driveway	100
48	8.5(c)	Placing an obstruction on or around a verge treatment	100
49	8.5(f)	Failure to ensure sprinklers or reticulation pipes do not protrude above level of verge treatment when not in use, not used at such times as to cause inconvenience to pedestrians, or otherwise present a hazard	100
50	8.8	Failure to obtain permit for a temporary crossing	100
51	8.9	Failure to remove redundant crossing or reinstate kerb, drain, footpath, verge or street	100
52	8.12	Failure to comply with condition of use of a street indicated by a sign	100
53	9.1(1)	Animal or vehicle obstructing public place without authorisation	100
54	9.2(2)	Animal in public place when not led, ridden or driven	100
55	9.3	Failure to clearly mark name or trading name on shopping trolley	100
56	9.4	Person leaving a shopping trolley in a public place other than trolley bay	100
57	9.5	Failure to remove shopping trolley after being advised of location	100
58	10.7	Failure to comply with permit condition	100
59	10.18	Failure to comply with permit condition in relation to local government property	100
60	10.17, 10.19, 10.20	Failure to produce permit for inspection, amendment or to return permit when no longer in effect	100
61	12.6	Failure to comply with notice	300
62	12.7	All other offences not specified	100

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Dated

The Common Seal of the )  
Shire of Wyalkatchem was affixed in )  
the presence of )

.....  
Cr Quentin Davies  
President

.....  
Peter Klein  
Chief Executive Officer

DRAFT





Local Government Act 1995  
Cat Act 2011

Shire of Wyalkatchem

# Cats Local Law 2022

Published in the Government Gazette on  
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Amended:

Disclaimer:

This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

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**CAT ACT 2011**  
**LOCAL GOVERNMENT ACT 1995**  
*Shire of Wyalkatchem*  
**CATS LOCAL LAW 2022**

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Wyalkatchem resolved on **dd mm** 2022 to make the following local law.

**Part 1 - Preliminary**

**1.1 Title**

This is the *Shire of Wyalkatchem Cats Local Law 2022*.

**1.2 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Repeal**

Clause 5.2.4 of the *Shire of Wyalkatchem Health Local Laws* published in the *Government Gazette* on 3 May 2002 is repealed.

**1.4 Terms used**

(1) In this local law, unless the context otherwise requires -

**Act** means the *Cat Act 2011*;

**applicant** means a person who applies for an approval;

**application** means an application for an approval;

**approval** means approval under regulation 9 of the *Cat (Uniform Local Provisions) Regulations 2013* and Part 2 of this local law;

**approved person** means the person to whom an approval is granted;

**authorised person** means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;

**cat** has the meaning given to it in the Act;

**cat** means an animal of the species *felis catus* or a hybrid of that species.

s3(1) of the *Cat Act 2011*.

**cat management facility** has the meaning given to it in the Act;

cat management facility means —

- (a) a facility operated by a local government that is, or may be, used for keeping cats; or
- (b) a facility for keeping cats that is operated by a person or body prescribed; or

(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

S3(1) of the *Cat Act 2011*

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**local government** means the Shire of Wyalkatchem;

**local planning scheme** means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

**nuisance** means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

**owner** has the meaning given to it in the Act;

**4. Term used: owner**

(1) In this Act —

**owner**, in relation to a cat, means any of these persons —

- (a) in the case of a cat that is registered, the registered owner of the cat; or
- (b) in the case of a cat that is not registered, a person who, or an owner of a business or organisation that, ordinarily keeps and cares for the cat; or
- (c) if a person referred to in paragraph (b) is a child under 18 years of age, that child's parent or guardian.

(2) In the case of a cat that is not registered, but is microchipped, a person whose name is recorded as the owner of the cat in a microchip database is to be taken, in the absence of evidence to the contrary, to be a person who ordinarily keeps and cares for the cat.

s4 Cat Act 2011

**premises** has the meaning given to it in the Act; and

**premises** includes the following —

- (a) land (whether or not vacant);
- (b) the whole or part of a building or structure (whether of a permanent or temporary nature);
- (c) a vehicle;

s3(1) Cat Act 2011.

**veterinarian** has the meaning given to it in the Act.

**veterinarian** means a registered veterinary surgeon as defined in the Veterinary Surgeons Act 1960 section 2.

s3(1) of the Cat Act 2011.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

## 1.5 Application

This local law applies throughout the district.

### Part 2 - Number of cats that may be kept

## 2.1 Interpretation

For the purposes of applying this Part, a **cat** does not include a cat less than 6 months old.

## 2.2 Prescribed premises

For the purposes of the definition of **prescribed premises** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except —

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government; or
- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment.

Regulation 4 of the Cat Regulations 2012 states –

**4. Cat management facility operators (s. 3(1))**

For the purposes of the definition of cat management facility paragraph (b) in section 3(1) of the Act, each of the following bodies are prescribed as operators of a facility for keeping cats —

(a) Cat Welfare Society Inc., trading as “Cat Haven”;

(b) Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia

**2.3 Standard number of cats**

For the purposes of the definition of **standard number of cats** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 3 cats over the age of 6 months may be kept on premises within the district at which a member of a cat organisation is not ordinarily resident.

Regulation 7 of the *Cat (Uniform Local Provisions) Regulations 2013* states -

‘If a member of a cat organisation is ordinarily resident at prescribed premises, the number of cats that may be kept at the premises is 3 times the number of cats that could be kept at the premises under the local law that applies to the premises’.

A “member of a cat organisation” is defined to mean a person referred to in regulation 23(c) of the *Cat Regulations 2012*;

Regulation 23(3) of the *Cat Regulations 2012* refers to a person who -

- (c) is a current member of one of the following organisations and associations —
- (i) the Cat Owners Association of Western Australia (COAWA);
  - (ii) the Feline Control Council of Western Australia (FCCWA);
  - (iii) the Australian National Cats (ANCATS).

**2.4 Application for approval**

- (1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) An application for approval must be accompanied by the application fee determined by the local government in accordance with the Act.

Note - under the *Cat (Uniform Local Provisions) Regulations 2013* –

- (1) A cat that is under 6 months of age is not to be included when calculating the number of cats ordinarily kept at prescribed premises (regulation 5);
- (2) A person who is ordinarily resident at prescribed premises may apply to the local government for approval to keep an additional number of cats at its premises (regulation 8(1)); and
- (3) There are detailed provisions dealing with the application and approval processes and requirements (see regulations 8-11).

## 2.5 Determining an application

Note - under regulation 9 of the *Cat (Uniform Local Provision) Regulations 2013*, the local government must not grant approval for an additional number of cats on prescribed premises unless it is satisfied that the premises are suitable for the additional number of cats.

- (1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to -
  - (a) the zoning of the land under the local planning scheme;
  - (b) the physical suitability of the premises for the proposed use;
  - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
  - (d) the structural suitability of any enclosure in which any cat is to be kept;
  - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
  - (f) the likely effect on the amenity of the surrounding area of the proposed use;
  - (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and
  - (h) any other factors which the local government considers to be relevant in the circumstances of the application.
- (2) An approval is to be in the form determined by the local government and is to be issued to the approved person.

## 2.6 Conditions

Regulation 9(3) of the *Cat (Uniform Local Provision) Regulations 2013* states:

An approval is subject to any condition that the local government –

- (a) reasonably considers is necessary to ensure that the premises are suitable for the additional number of cats; and
- (b) specifies in the approval.

- (1) For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including -
  - (a) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);

- (b) that there must be adequate space for the exercise of the cats;
  - (c) that, in the case of multiple dwellings where there is no suitable dividing fence, each current occupier of the adjoining multiple dwellings must give their written consent to the approval; and
  - (d) that, without the consent of the local government, the approved person must not substitute or replace any cat that dies or is permanently removed from the premises.
- (2) An approved person who does not comply with a condition of the approval, commits an offence.

Penalty: a fine of not less than \$1,000 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

## **2.7 Renewal of an application**

- (1) An application is to be renewed if –
- (a) the approved person has not breached the conditions of the approval;
  - (b) the approval would have been granted if a fresh application for approval had been made; and
  - (c) the renewal fee, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*, is paid to the local government before the expiry of the approval.
- (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.

Regulation 10 of the Cat (Uniform Local Provisions) Regulations 2013 states that an approval has effect for the period specified in the approval.
---

## **2.8 Transfer of an approval**

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval, and is transferrable only in accordance with this clause .
- (2) An application for the transfer of an approval from the approved person to another person must be –
- (a) made in the form determined by the local government;
  - (b) made by the proposed transferee;
  - (c) made with the consent of the approved person; and
  - (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

- (3) The local government is not to determine an application for the transfer of an approval until the proposed transferee has complied with subclause (2).
- (4) The local government may grant, or refuse to grant, an application for the transfer of an approval, and this approval will be subject to such conditions as the local government may impose under Regulation 9(3) of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (5) Where the local government grants an application for the transfer of an approval –
  - (a) it is to issue to the transferee an approval in the form determined by the CEO; and
  - (b) on the date of approval, unless otherwise specified in the approval, the transferee becomes the approved person for the purposes of this local law.

## **2.9 Variation or cancellation of an approval**

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the permit holder and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval –
  - (a) on the request of the approved person;
  - (b) if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
  - (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

## **2.10 Objection and review rights**

A decision of the local government made under clauses 2.7, 2.8 or 2.9 is a decision to which Division 1, Part 9 of the *Local Government Act 1995* applies.

Regulation 11 of the *Cat (Uniform Local Provisions) Regulations 2013* states –

### **11. Review by the State Administrative Tribunal**

A person who applies for approval to keep an additional number of cats may apply to the State Administrative Tribunal for a review of a decision of the local government to —

- (a) refuse to grant approval; or
- (b) grant approval to keep an additional number of cats that is less than the number specified in the application; or
- (c) grant approval subject to conditions.

### Part 3 - Enforcement

#### 3.1 Infringement notices

- (1) An offence against clause 2.6(2) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (3) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

Regulations 6 and 13 of the Cat (Uniform Local Provisions) Regulations 2013 state:

**6. Offence to keep more than standard number of cats**

- (1) A person who is ordinarily resident at prescribed premises must ensure that the number of cats ordinarily kept at the premises is not more than the standard number of cats for the premises.

Penalty: a fine of \$5 000.

**13. Infringement notices**

- (1) An offence against regulation 6(1) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012* Schedule 1.
- (3) The form of withdrawal of an infringement notice is Form 7 in the *Cat Regulations 2012* Schedule 1







***Local Government Act 1995***

***Dog Act 1976***

**SHIRE OF WYALKATCHEM  
DOGS LOCAL LAW 2022**

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**Local Government Act 1995  
Dog Act 1976**

**SHIRE OF WYALKATCHEM  
DOGS LOCAL LAW 2022**

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**Note**

Most issues regulating dogs are dealt with by the Dog Act 1976 and Dog Regulations 2013. This includes:

- Registration of dogs;
- 'Dangerous dogs' as defined by the Act;
- Operation of dog management facilities (pounds), including:
  - Issues in relation to the impounding of dogs;
  - Attendance of a poundkeeper at the pound; and
  - Release of impounded dogs are dealt with by the Dog Act 1976, and in particular section 29.
- Registration fees (although fees for the seizure and impounding of a dog may be set by a local government in its annual budget under section 6.16 of the Local Government Act 1995);
- How off leash dog exercise areas are established;
- Dogs wandering at large;
- Dogs not under control;
- Dog attacks;
- Provisions about assistance animals such as guide dogs;
- Modified penalties applicable for minor offences.

The only matters that a local government may make local laws about are listed in section 51 of the Dog Act:

*A local government may so make local laws —*

*(a) providing for the registration of dogs;*

*[(b) deleted]*

*(c) specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;*

*(d) requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;*

*(e) providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;*

*(f) providing for the detention, maintenance, care and release or disposal of dogs seized;*

*(g) as to the destruction of dogs pursuant to the powers hereinbefore conferred;*

*[(h) deleted]*

*(i) providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.*

**Local Government Act 1995  
Dog Act 1976**

**SHIRE OF WYALKATCHEM**

**DOGS LOCAL LAW 2022**

Under the powers conferred by the *Local Government Act 1995*, the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Wyalkatchem resolved on dd mm 2022 to make the following local law.

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Wyalkatchem Dogs Local Law 2022*.

**1.2 Repeal**

The *Shire of Wyalkatchem Dogs By-Law 1986* published in the *Government Gazette* on 21 March 1986 and amended in the *Government Gazette* on 22 July 1988 is repealed.

**1.3 Definitions**

In this local law unless the context otherwise requires -

**Act** means the *Dog Act 1976*;

**authorised person** means a person authorised by the local government to perform all or any of the functions conferred on an authorised person under this local law;

**CEO** means the Chief Executive Officer of the local government;

**district** means the district of the local government;

**local government** means the Shire of Wyalkatchem;

**local planning scheme** means a local planning scheme made by the local government under the *Planning and Development Act 2005*;

“premises” shall, for the purpose of determining who is the occupier, be taken to refer to any land or building, or part of any land or building, that is or is intended to be occupied as a separate residence from any adjacent tenement, and includes a mobile home;

s3(1) Dog Act 1976

**Regulations** means the *Dog Regulations 2013*;

**Schedule** means a schedule in this local law; and

**thoroughfare** has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

**1.4 Application**

This local law applies throughout the district.

**1.5 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**PART 2 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS**

**2.1 Dogs to be confined**

(1) An occupier of premises on which a dog is kept must -

- (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
- (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined) and is fitted with a proper latch or other means of fastening it;
- (d) maintain the fence and all gates and doors in the fence in good order and condition; and
- (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

(3) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

**2.2 Limitation on the number of dogs**

(1) This clause does not apply to premises which have been -

- (a) licensed under Part 3 as an approved kennel establishment;
- (b) granted an exemption under section 26(3) of the Act; or
- (c) established as a veterinary hospital or a veterinary clinic.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act is:

- (a) Two (2) dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; and
- (b) Six (6) dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

## PART 3 - APPROVED KENNEL ESTABLISHMENTS

### 3.1 Interpretation

In this Part and in Schedule 2 -

**licence** means a licence to keep an approved kennel establishment on premises;

**licensee** means the holder of a licence;

**premises**, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

**transferee** means a person who applies for the transfer of a licence to her or him under clause 3.14.

### 3.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with –

- (a) evidence of any approvals required under the local planning scheme;
- (b) plans and specifications of the kennel establishment, including a site plan;
- (c) copies of the notices to be given under clause 3.3;
- (d) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- (e) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- (f) the fee for the application for a licence referred to in clause 3.10.

### 3.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged –

- (a) once in a newspaper circulating in the district; and
- (b) to the owners and occupiers of any premises adjoining the premises.

(2) The notices in subclause (1) must specify that -

- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
- (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where –

- (a) the notices given under subclause (1) do not clearly identify the premises; or
- (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

### **3.4 Exemption from notice requirements**

(1) Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a -

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a local planning scheme, then the requirements of clauses 3.2(c), 3.3 and 3.5(c) do not apply in respect of the application for a licence.

(2) The local government may require advertising of an application as part of the planning process.

### **3.5 When application can be determined**

An application for a licence is not to be determined by the local government until –

- (a) any approvals required under the local planning scheme have been obtained by the applicant;
- (b) the applicant has complied with clause 3.2;
- (c) the applicant submits proof that the notices referred to in clause 3.3(1) have been given in accordance with that clause; and
- (d) the local government has considered any written submissions received within the time specified in clause 3.3(2)(a) on the proposed use of the premises.

### **3.6 Determination of application**

In determining an application for a licence, the local government is to have regard to –

- (a) the matters referred to in clause 3.7;
- (b) any written submissions received within the time specified in clause 3.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the approved kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

### **3.7 Where application cannot be approved**

The local government cannot approve an application for a licence where -

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a local planning scheme unless prior valid planning approval has been issued by the local government and the application for a licence is consistent with that approval; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.



### 3.8 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

### 3.9 Compliance with conditions of approval

Penalties applicable where a licensee does not comply with the conditions of a licence are contained in the Act and Regulations.

Extract from *Dog Act 1976*:

#### 27. Licensing of approved kennel establishments

(1) Where, under section 26(1)(a) or (b), a limit is imposed on the number of dogs that can be kept in or at any premises situate in a local government's district area, and a person proposes to keep more than that number of dogs in or at premises in that area that are not exempt from the limitation, the person must apply for the premises in question to be licensed as an approved kennel establishment.

(2) A person who keeps, or permits or suffers to be kept, any dog over the age of 3 months of a breed or kind to which that licence applies at an approved kennel establishment otherwise than in accordance with the licence relating to that establishment commits an offence.

Penalty:

(a) a fine of \$5 000;

(b) for each separate and further offence committed by the person under the

Interpretation Act 1984 section 71, a fine of \$100.

Extract from *Dog Regulations 2013*:

#### 33. Modified penalties for offences under the principal Act

(1) For section 45A(1)(a), the offences under a provision of the Act specified in column 2 of the Table are offences in relation to which a modified penalty applies.

Item	Provision of Act	Nature of offence	Modified penalty for dogs other than dangerous dogs \$	Modified penalty for dangerous dogs \$	Modified penalty whether or not dog is a dangerous dog \$
13.	s. 27(2)	Breach of kennel establishment licence			200

### 3.10 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.
- (4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.15 to 6.19 of the *Local Government Act 1995*.

### 3.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

### 3.12 Period of licence

- (1) The period of effect of a licence is set out in section 27(5) of the Act.
- (2) A licence is to be renewed if the fee referred to in clause 3.10(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

Extract from s27 of the *Dog Act 1976*:

- (4) A licence to keep an approved kennel establishment may be granted by a local government on an application made in the prescribed manner and form, which may be required to be supported by evidence that due notice of the proposed use of the land has been given to persons in the locality, and where notice is required to be given the local government shall have regard to any objections raised.
- (5) A licence under this section has effect for a period of 12 months, and is renewable upon payment of the prescribed fee, but may be cancelled at any time by the local government if the local government is dissatisfied with the conduct of the establishment.

### 3.13 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence.
- (2) The local government may cancel a licence –
  - (a) on the request of the licensee;
  - (b) following a breach of the Act, the Regulations or this local law; or
  - (c) if the licensee is not a fit and proper person.
- (3) The date a licence is cancelled is to be, in the case of –
  - (a) paragraph (a) of subclause (2), the date requested by the licensee; or
  - (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.

Section 27(6) and (7) of the *Dog Act 1976* state -

- (6) The cancellation of a licence under this section shall be effected by the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months.
- (7) Where –
  - (a) the local government refuses the grant of a licence under this section; or
  - (b) notice of the cancellation of a licence under this section is given,the applicant or the licensee as the case may be may apply to the State Administrative Tribunal for a review of the decision.

### 3.14 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be-
  - (a) made in the form determined by the local government;
  - (b) made by the transferee;
  - (c) made with the written consent of the licensee; and
  - (d) lodged with the local government together with –
    - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
    - (ii) the fee for the application for the transfer of a licence referred to in clause 3.10(3).

- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 3.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

### **3.15 Notification**

The local government is to give written notice to -

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 3.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 3.13(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 3.13(2), which notice is to be given in accordance with section 27(6) of the Act.

### **3.16 Inspection of kennel**

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

Section 12A(2) and (3) of the Dog Act 1976 states –

- (2) With the authority of a warrant, an authorised person, and any other person named in the warrant, may enter and inspect any premises for any purpose relating to the enforcement of this Act.
- (3) If he is satisfied that there are reasonable grounds for doing so, a Justice of the Peace may issue a warrant for the purpose of subsection (2).

## **PART 4 - MISCELLANEOUS**

### **4.1 Offence to excrete**

- (1) A dog must not excrete on –
  - (a) any thoroughfare, any dog exercise area or other public place; or
  - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.
- (4) Notwithstanding clause 5.2, the unmodified penalty for an offence under this clause is \$1000.

## PART 5 - ENFORCEMENT

### 5.1 Interpretation

In this Part -

**infringement notice** means the notice referred to in clause 5.4; and

**notice of withdrawal** means the notice referred to in clause 5.7(1).

### 5.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

### 5.3 Modified penalties

The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

### 5.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 8 of the First Schedule of the Regulations.

### 5.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

### 5.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

### 5.7 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 9 of the First Schedule of the Regulations.
- (2) A person authorised to issue an infringement notice under clause 5.4 cannot sign or send a notice of withdrawal.

**SCHEDULE 1 - APPLICATION FOR A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**  
(clause 3.2)

**DOGS LOCAL LAW 2022**

I/we (full name) .....  
of (postal address) .....  
(telephone number) .....  
(facsimile number) .....  
(E-mail address) .....

Apply for a licence for an approved kennel establishment at (address of premises) .....  
.....

For (number and breed of dogs) .....

\* (insert name of person) ..... will be residing at the premises on and from (insert date) .....

\* (insert name of person) ..... will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at ..... (insert address of residence) on and from ..... (insert date).

Attached are -

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
- (b) plans and specifications of the kennel establishment;
- (c) copy of notice of proposed use to appear in newspaper;
- (d) copy of notice of proposed use to be given to adjoining premises;
- (e) written evidence that a person will reside -
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
- (f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as ....., in the keeping of dogs at the proposed kennel establishment.

Signature of applicant .....

Date .....

\* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the Dog Act.

**OFFICE USE ONLY**

Application fee paid on [insert date].

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**SCHEDULE 2 - CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**  
(clause 3.8(1))

An application for a licence for an approved kennel establishment may be approved subject to the following conditions -

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than -
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be –
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;

- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of
  - 
  - (i) 2m; or
  - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside -
  - (i) at the premises; or
  - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

**SCHEDULE 3 - OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY  
APPLIES  
(clause 5.3)**

<b>Offence</b>	<b>Nature of offence</b>	<b>Modified penalty \$</b>
2.1	Failing to provide means for effectively confining a dog	100
4.1(2)	Dog excreting in prohibited place	100

**Note:**

Regulation 33 of the Dog Regulations 2013 sets out a number of modified penalties for offences under the Act, including those applicable where a dangerous dog is involved.

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Dated

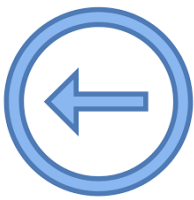
The Common Seal of the )  
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Cr Quentin Davies  
President

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Peter Klein  
Chief Executive Officer



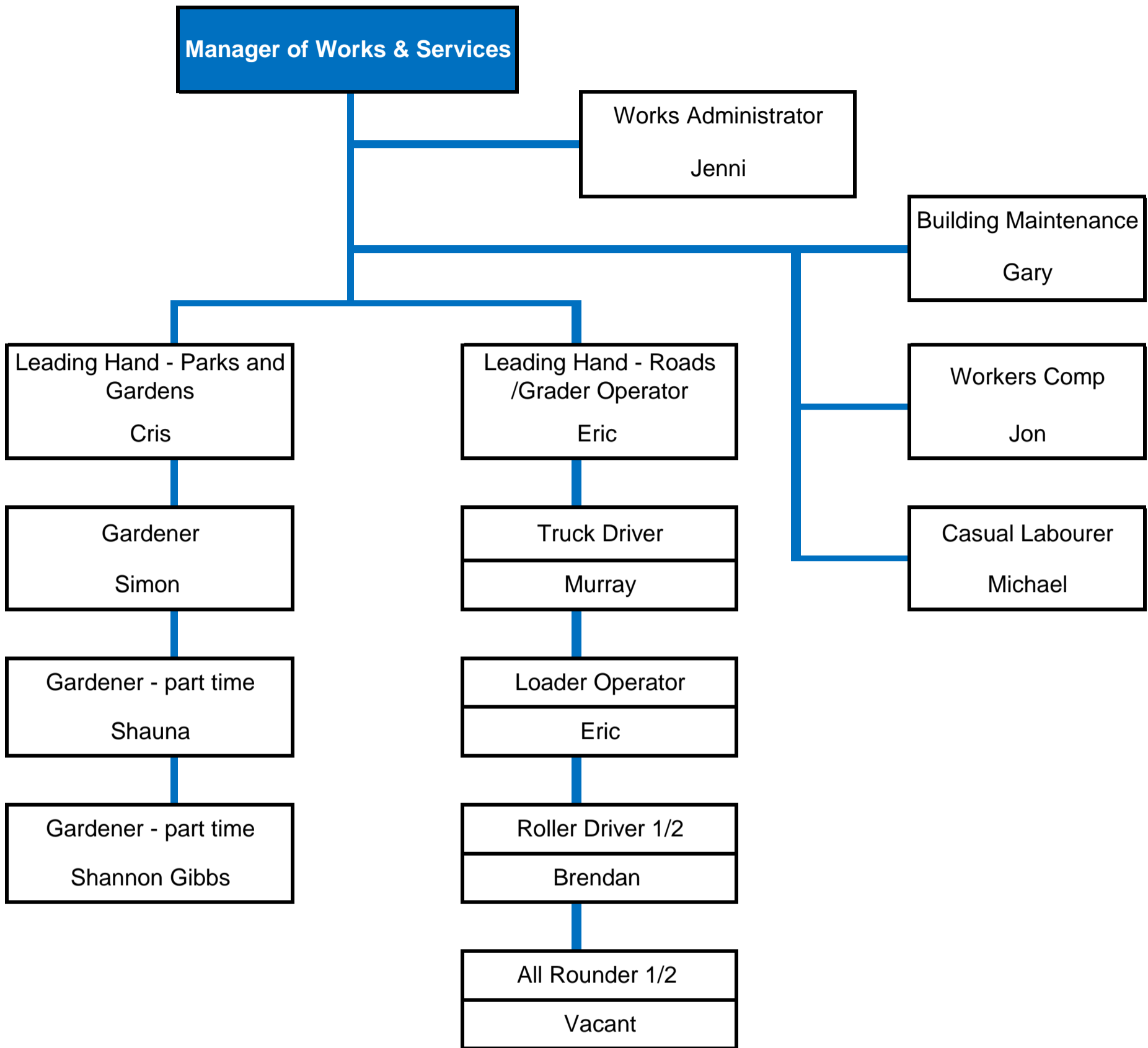




**Resourcing level budget v actual hours**

Employee No.	Employee First Name	Employee Last Name	Status	Work weeks	Days	Ave Hours	p.a.	Annual Leave Hours	Total costed hours	
<b>Roads</b>							<b>Total Budget hours &gt;&gt;&gt;&gt;&gt;</b>	<b>7296</b>	<b>576</b>	<b>7872</b>
	Eric	Anderson	Full Time	48	5	7.6	1824	152	1976	
	Steve	Venables	Full Time	48	5	7.6	1824	152	1976	
	Eric	Coulthard	Full Time	48	5	8.5	2040	161	2201	
	Truman	John	Shared	48	2	7.6	730	58	787	
	Eaton	Brendan	Part Time	48	2	8.5	816	64	880	
	Gibbs	Michael	Casual	48	0	8.5	0	0	0	
			<b>Total Actual Hours</b>				<b>7234</b>	<b>587</b>	<b>7821</b>	
<b>Cleaners</b>							<b>Total Budget hours &gt;&gt;&gt;&gt;&gt;</b>	<b>2808</b>	<b>0</b>	<b>2808</b>
20	Bloomfield	Allana	Casual	52	5	4	1040	0	1040	
31	Carter	Malcolm	Casual	52	5	4	1040	0	1040	
					4	2	0	0	0	
41	Gibbs	Shannon	Casual	52	4	3	624	0	624	
			<b>Total Actual Hours</b>				<b>2704</b>	<b>0</b>	<b>2704</b>	
<b>Gardeners</b>							<b>Total Budget hours &gt;&gt;&gt;&gt;&gt;</b>	<b>6672</b>	<b>490</b>	<b>7162</b>
42	Wilkes-Pavisc	Cris	Full Time	48	5	7.6	1824	152	1976	
	Ozanne	Simon	Full Time	48	5	7.6	1824	152	1976	
	Wells	Shauna	Part Time	48	5	4	960	152	1112	
35	Truman	John	Full Time	48	1	7.6	365	29	394	
41	Gibbs	Shannon	Casual	48	5	4	960	0	960	
			<b>Total Actual Hours</b>				<b>5933</b>	<b>485</b>	<b>6418</b>	
<b>Building Maintenance</b>							<b>Total Budget hours &gt;&gt;&gt;&gt;&gt;</b>	<b>2500</b>	<b>152</b>	<b>2652</b>
29	Thorpe	Gary	Full Time	48	5	7.6	1824	152	1976	
35	Truman	John	Full Time	48	2	7.6	730	58	787	
			<b>Total Actual Hours</b>				<b>2554</b>	<b>152</b>	<b>2763</b>	

66%





## 11.1. MOVEABLE BUILDINGS

Responsible Department	Corporate Services
Former policy Reference	PP3 – Moveable Buildings First adopted 17 April 2014
Resolution Number	2900
Resolution Date	17 April 2014
Last Amendment Date	17 April 2014
Shire Related Documents	Shire of Wyalkatchem Local Planning Scheme 4.
Related Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

### OBJECTIVE

- a) To maintain high amenity standards of buildings, especially within the residential areas in the Town sites of the Shire.
- b) To ensure that the visual aesthetics of residential areas are not compromised by the introduction of moveable buildings that are generally out of character with the predominant housing style in the locality.
- c) To ensure that the moveable buildings, established within the Shire, do not use materials considered by the Council to be unacceptable (e.g. asbestos).
- d) To avoid the erection and use of extensive areas of moveable structures for accommodating temporary workforces, or other business or company activities, in inappropriate areas.
- e) To prevent the introduction of housing, or other use structures, that are designed to be used on a temporary or short stay basis and that may detract from the standards already established in the residential areas of the Town sites.
- f) To protect the visual amenity of the urban environment by not permitting the establishment, storage or use of '**containers**' within the non-industrial areas of the town site.

### 1. DEFINITIONS

A PERMANENT building is generally not designed to be moved and includes the following;

- a) '**Site Built**' structures are built on location as new permanent structures. They are of traditional appearance with pitched roofs and typical house layout, designed to accommodate families.
- b) '**Relocated Dwellings**' are structures that have previously been constructed on its original site elsewhere within or outside the district. The structures that are then relocated from the original construction site are not necessarily designed to be again relocated.

A MOVEABLE building is generally any structure capable of being transported from one location to another. There are three basic types as follows;

- a) **'Transportable'** structures are those designed and constructed at a location other than where they are intended to be established. For example dwellings prefabricated in Perth, transported in sections to their building site, and assembled on location.
- b) **'Donga Type'** structures are those usually designed to provide for workforce accommodation in small individual units. The structures are generally those with skid mountings, metal sandwich panel and flat roof design. These portable modular structures are also used for other purposes.
- c) **'Containers'**. These structures, although considered 'buildings' by definition under the Building Code of Australia, are solely constructed to transport other goods. They are not in themselves designed, nor suitable, for storage of goods in an urban environment. A container includes 'sea containers' and other large vessels designed to carry, and be carried on specially designed vehicles or transporters.

## 2. BACKGROUND

Due to the historic uncertainty in the permanence of mining activities, and the mobility of mining operations, the establishment of permanent workforce accommodation in the region may not always be desirable or viable.

The use and reuse of moveable buildings is common. The downside of this trend is that the building stock may be second-hand, may contain undesirable materials like asbestos, and may be visually out of harmony with existing buildings in the locality. Many other Councils are not permitting buildings within their districts which contain asbestos. Without the appropriate controls Wyalkatchem could become a 'dumping ground' for such structures.

To ensure that the Council has the opportunity to consider such proposals, all applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence.

The Council has delegated authority to its Building Surveyor to determine applications for planning consent for all applications for **transportable** and **relocated** dwellings in zones of the Scheme (see Table 1 – Zoning Table of LPS No4) where dwellings are permitted. The Building Surveyor may impose appropriate conditions including the requirement for a bond or bank guarantee.

**Donga type** and **Containers** are subject to Council consideration.

## 3. POLICY

### 3.1. Council Policy on Moveable Buildings

- a) All applications for moveable buildings, as defined above, shall require the Council's Planning Consent prior to the issue of a Building Licence. Generally the Council is not in favour of the use of moveable buildings, especially in the town site areas; however the Council will consider each application on its merits.

- b) The Council shall not permit the establishment, occupation or erection of ***donga type*** structures for residential purposes within a Town site Boundary in Scheme Area, unless the site is set aside for Group Housing Accommodation and used as a camp site for accommodating a workforce. In these circumstances it may be argued that the development is not a permanent improvement, and may justify the use of such structures. In this case the Council must be satisfied that the development will not detract from the amenity of the surrounding area.
- c) The Council will only permit ***donga type*** structures for uses other than residential uses where it considers the use or establishment of the structure will not be in conflict with the objectives of this policy.
- d) The Council will only permit ***site built*** and ***relocated*** structures where it is satisfied that the standard and quality of building can satisfactorily be integrated into a residential area, and that the buildings do not contain unacceptable materials.
- e) The Council will not permit the storing or use of a '***container***', as defined above, within a townsite area, other than in the areas zoned 'Industrial'. The Council considers the appearance, scale, and materials of these structures to be inappropriate for use in an urban environment, and are therefore in conflict with the objectives of the Scheme.

### 3.2. Measures to ensure Compliance with Planning Consent

When an application for Planning Consent for a Moveable Building is considered by the Council, or the Building Surveyor, that Consent may be granted subject to conditions requiring the applicant, or owner, to:

- a) lodge a bond or bank guarantee with the Council. The bond or bank guarantee will provide the surety for the completion of the moveable building to a standard acceptable to the Council;
- b) specify matters which require attention and the manner in which work is required to be completed in order to satisfy standards acceptable to the Council.
- c) obtain a special building licence of a specified duration.





# SHIRE OF WYALKATCHEM



*Merry Christmas !*

December 2022

# INFORMATION BULLETIN

## SHIRE OF WYALKATCHEM COUNCIL MEETING ACTIONS STATUS REPORT AS AT 10 DECEMBER 2022

The purpose of this report is to provide an update on the implementation of Council resolutions.

Items that have been reported as completed will be removed in future reports.

MINUTE REFERENCE	DETAIL	RESPONSIBLE OFFICER	STATUS / COMMENTS	TARGET COMPLETION DATE
OMC 19/08/2021 339/2021	In recognition of Council's commitment to the relocation of the Tennis Club and in partnership with the Community Club; Bowling Club and Tennis Club, Council agrees to support the delivery of a shaded viewing platform at the Community Club by contributing \$60,000.	CEO	Construction progressing. First instalment of \$33,000 (GST inc.) was paid on 21 September '21 with final instalment due on completion and subject to invoicing.	In progress
OMC 21/10/2021 370/2021	That Council approves the positioning of two containers within the footprint shown as a 'Proposed New Extended Shed' on the application sketch for a period of 12 months (i.e. to 31 October 2022).	CEO	Extension of approval proposed to 28/02/23.	28/02/23
OMC 19/05/2022 49/2022	The Chief Executive Officer (CEO) reports back to Council in December 2022 confirming that the 'matters' identified for improvement in the 'Audit 17 and Financial Management, Risk Management Legislative Compliance and Internal Control Report', have been appropriately managed to comply with legislation.	CEO		15/12/22
OMC 18 August 22 10.2.2	Note that proposals to amend and/or repeal local laws of the Shire will be presented for consideration in due course pursuant to s3.12 of the Act.	CEO	Refer 15/12/22 OMC agenda.	15/12/22





<p>OMC 20 Oct 2022 10.2.2 115/2022</p>	<p>That Council, in accordance with Section 75 of the Planning and Development Act 2005, amend the Local Planning Scheme by amending Table 1 – Zoning Table to modify the permissibility of a ‘Grouped dwelling’ in a ‘Rural’ zone from an ‘X’ use to a ‘D’ use.</p> <p>That subject to the amendment being approved by the WA Planning Commission and Minister for Lands, that the Local Planning Policy No 1 “Group Dwellings in the Rural Zone”, be adopted (refer to Attachment A).</p>	<p>CEO</p>	<p><b>Proposal issued to the Planning Commission &amp; Minister whose comments are both yet to be received.</b></p>	
<p>OMC 20 Oct 2022 10.2.4 117/2022</p>	<p>That Council approves the execution of the White Dam site lease with the sole applicant to the EOI, under Common Seal in accordance with the Local Government Act, section 9.49A subject to the White Dam site being transferred to the Shire under a Management Order, there being no material amendment to the terms of the attached agreement and the receipt of Ministerial approval.</p>	<p>CEO</p>	<p><b>Department of Lands is yet to confirm the transfer of this land to Management Order.</b></p>	
<p>OMC 20 Oct 2022 10.2.5 118/2022</p>	<p>That Council approves the execution of the Airport Block Cropping Lease, under common seal in accordance with the Local Government Act, section 9.49A subject to there being no material amendment and the receipt of Ministerial approval, and the CEO be delegated authority to amend the lease drawing to illustrate the cropping area only.</p>	<p>CEO</p>	<p><b>Subject to approval</b></p>	
<p>OMC 17 Nov 2022 7.2.1 126/2022</p>	<p>That the LEMC Terms of Reference be amended to reflect the change in meeting frequency from quarterly to a minimum of 2 meetings per year and endorsed by Council.</p>	<p><b>GEO</b></p>	<p><b>TERMS OF REFERENCE AMENDED</b></p>	<p><b>COMPLETE</b></p>
<p>OMC 17 Nov 2022 10.1.4 131/2022</p>	<p>For Council to consider granting a rate exemption to Roman Catholic Church – Wyalkatchem Parish for 13 Railway Terrace, Wyalkatchem.</p> <p>That Council lays this item on the table and seeks further</p>	<p>CEO</p>	<p><b>Progress subject to consultation with the church.</b></p>	

<p>OMC 17 Nov 2022 10.4.1 134/2022</p>	<p>That the Council approves the proposed communications facility subject to the guy wires being well clear of the property perimeter firebreak area and appropriate safe access available for emergency situations. In addition, standard footnotes should be added to address approval times, appeal rights, the potential need for a building permit and the on-going obligations to maintain firebreaks.</p>	<p><b>GEO</b></p>	<p><b>PLANNING APPROVAL COMPLETE WITH CONDITIONS AND FOOTNOTES AS PRESCRIBED.</b></p>	<p><b>COMPLETE</b></p>
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## **Wheatbelt Way**

Bright skies. Big horizons.

December 2022 Newsletter

**All things tourism in the Shires of Dowerin, Koorda, Mt Marshall,  
Mukinbudin, Nungarin, Trayning, Westonia and Wyalkatchem.**



**The Open Road by Day, The Milky Way  
Highway by Night.**

December has seen us launch our next e-guidebook (version 1)! The Milky Way Highway by Night. It is the Wheatbelt Ways' local guide to discovering the best places and experiences for star gazing. Stargazing in Western Australia is a world-class experience and the Wheatbelt is home to an awe-inspiring dark night sky. Our welcoming towns have low levels of artificial light pollution and in the surrounding areas on the Wheatbelt Way the nights are perfect for astrophotography and the air is clean and pure for crystal-clear stargazing. We are hoping to target amateur star gazers and astrophotographers into our region in our off-peak period. As this is an e-guidebook it can be updated at any time and I welcome any feedback, changes, or further input.

This campaign will lead us into our 2023 marketing which planning and implementing is well underway. Wheatbelt Weekends is going to be a regional marketing campaign focused on the Wheatbelt and we have been working with Australia's Golden Outback and our partnering LTOs. This aims to be a fresh and fun campaign series that will target a slightly younger market and families, we have been working on the creative to be tied to the campaigns. Watch this space next year.

The 2021-2022 Wheatbelt Way Visitor Statistic report has been collated and is included in this update below. A total of 14,274 visitors stayed an average of 1.4 nights in Wheatbelt Way caravan parks bringing with it approximately \$1.77 million dollars of visitor spending in our communities over the 12-month period.

The next NEWTRAVEL Meeting will be held on Thursday 23rd February 2023 10 am in Koorda. I look forward to seeing many of you there.

Thank you for all your support through out 2022.

Linda Vernon

Tourism Officer, Wheatbelt Way

**[Check Out the Wheatbelt Way E-Guide to  
Star Gazing.](#)**



## Wheatbelt Way

Bright skies. Big horizons.

*An open road adventure big days*

# THE MILKY WAY HIGHWAY BY NIGHT

Your Star Gazing Guide to the Wheatbelt Way

DISCOVERING  
WHEATBELT WAY

STARGAZING  
SITES

OUR  
RECOMMENDATIONS



2021-2022 Visitor Statistics Summary		
14,274 VISITORS	1.4 AVERAGE NIGHTS	\$1.77M APPROX. SPEND

[October 2022 Visitor Snapshot Report](#)

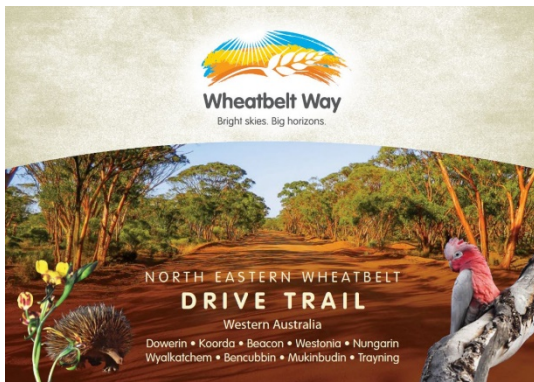
## Wheatbelt Way News & Updates



22-26 March 2023, Claremont Showgrounds

## 2023 Perth Caravan & Camping Expo

Wheatbelt Way will be attending as a part of Australia's Gold Outback stand in the Tourism Pavilion. We are asking for assistance from members over the 5 days to consider helping out with 1/2 or full day shifts. Please [email Linda](#) if you can help out.



Feedback/Changes by the 15 December 2022

## Wheatbelt Way Guidebook Re-print

**Extended deadline due to minimal feedback!!** We are re-printing the [A5 Wheatbelt Way 55-page Guidebook](#). Please provide any changes by **Friday 15 December 2022** by [email](#) to Linda.

WHEATBELT WAY

# Membership

JOIN OR RENEW TODAY

[Join or Renew Now!](#)

## 2023 Wheatbelt Way Membership

NEWTRAVEL's primary purpose is to market and promote the Wheatbelt Way self-drive route and the tourism assets in the NEWTRAVEL area. We also engage with visitors and tourists through our promotional activities. Automatic renewals will be sent out to existing members for 2023. But we want more members to join, we have a range of membership options!

[Learn More here](#)

## Please share your events?

We want to help you promote your event to visitors to Wheatbelt Way. Please forward your event information and posters to us so that we can include them on our website and in our marketing campaigns.

[See 2023 Wheatbelt Way Events](#)

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**Wheatbelt Way**

North Eastern Wheatbelt Travel Association Inc

Western Australia

[contact@wheatbeltway.com.au](mailto:contact@wheatbeltway.com.au)

You received this email because you signed up on our website  
or gave us permission to email you.

[Unsubscribe](#)



## Harvest Vehicle Movement Bans – Siobhan Bishop - dfes

I have had some questions from a couple of Local Governments Recently in regards to Harvest Vehicle Movements Bans, as such I thought I would share the information I have prepared with all of you.

There are 2 types of Harvest Vehicle Movement Bans, both types of bans are issued by Local Government.

HVMB Type1: During a total fire ban. Bushfire regulations 1954 r.24C

- A TFB has been issued and the Bushfire Control Officer is satisfied the use or operation of any engine, vehicle, plant, equipment or machinery operated by an internal combustion engine being operated off-road is likely to cause or contribute to the spread of a bushfire
- When a TFB is declared the BFCO *must* impose a ban under r.24c when the fire behaviour index exceeds 40
- During the hottest highest risk period of the day and/or while the FBI is above 40. The period of the ban must be specified in the notice (both radio broadcast and/or written notice).

HVMB Type 2: Banning the use of engines, vehicles, plant or machinery during the limited burning times r.38A

- This can be implemented during the restricted and prohibited burning times (RPBT) an **no** TFB has been declared
- The BFCO wants to regulate the use of engines, vehicles, plant or machinery because they are of the opinion there is a risk their use may cause a bushfire or be conducive to the spread of a bushfire
- The ban is usually issued for the hottest/highest risk part of the day. The time-frame for the ban must be specified in the notice and in any radio announcement and/or written publication of the ban.

TFB's are published on the [Emergency WA](#) Website daily around 4pm, however they can sometimes be published earlier or later in the day. The link for the harvest and vehicle movement ban calculator is <https://aurora.landgate.wa.gov.au/fbc#!/harvestAndVehicleBan>, the chief should be reviewing this at least daily once in the restricted burning period and may even need to review this multiple times a day depending on the weather situation. This link can be saved to a smart device and used off line.

I have attached a few examples of what the written notice may look like, these local governments post this on their Facebook page, this is also usually accompanied by a SMS if your LG has this system set up and broadcast on the local ABC Radio. If you don't already have a procedure in place, the attached information can be used to develop a procedure within the Local Government to outline who will undertake this in the absence of the Chief, i.e the Deputy Chief, then FCO's in both of their absence. One example of how this is conducted within the Wheatbelt is, the Chief for the Shire of Yilgarn does a scheduled radio call at 0800 every morning with all of the FCO's and each FCO reports the weather conditions for their area of the Local Government. This also allows them to test their radios each day. This Chief has also made up a book in which he records all of his weather readings for each day, this allows him to keep a formal record of the weather and what actions he took.

A lot of this information is publicly available, the DFES website also has a lot of information and publication on it <https://www.dfes.wa.gov.au/hazard-information/bushfire/total-fire-ban/>.

### Siobhan Bishop

Acting Area Officer Upper Wheatbelt  
Northam District Office  
Department of Fire & Emergency Services

52 Hesse Street WAROONA WA 6215

Tel: 08 9733 7800 | Fax: 08 9733 1883

Email: [warshire@waroona.wa.gov.au](mailto:warshire@waroona.wa.gov.au)

## **URGENT MESSAGE**

### **BUSH FIRES ACT 1954**

Regulation 38A – Restricted and Prohibited Burning Times

Regulation 24C – Total Fire Ban

**Use of engines, vehicles, plant or machinery likely to cause a bush fire.**

*(commonly referred to as a Harvest and Vehicle Movement Ban)*

I, Steve Thomas an authorised Bush Fire Control Officer of the Shire of Waroona hereby declare a ban on the use or operation of engines, vehicles, plant or machinery on Wednesday 30<sup>th</sup> November 22 between the hours of **09:00am and 02:00pm** for the whole of the district at the direction of the Chief Bushfire Control Officer. The Ban will be reviewed at 3:00pm daily and further advice will be issued if required.

#### **ACTIVITIES NOT PERMITTED DURING THE PERIOD OF THIS BAN**

- Harvesting operations are not permitted,
- Any "hot works" (e.g. welding, grinding, cutting, heating etc) in the "open air" are not permitted, (note—these activities are not permitted during the term of any Total Fire Ban),
- Use or operation of any engine, vehicle, plant, equipment or machinery in the district likely to cause a bush fire or contribute to the spread of a bush fire.
- Use of recreational "off road" vehicles (e.g. motorbikes, quad bikes, etc), and chainsaws, are not permitted in bushland/grassed paddocks.

#### **ACTIVITIES PERMITTED DURING THE PERIOD OF THIS BAN**

- Movement of Vehicles on "gazetted roads" (as described in r.24A(1) of the *Bush Fires Regulations 1954* and s.5.1 of the *Road Traffic Act 1974*)
- Movement of vehicles on a lane, driveway, yard or other area that provides access to, or a parking facility at, any residential, farming or business premises, if the area has been sufficiently cleared of inflammable material to prevent the escape of fire,
- Use or operation of a vehicle if it is for the prevention of an immediate and serious risk to the health or safety of a person or livestock, and only if all reasonable precautions have been taken to prevent the activity from creating a bush fire danger,
- Use or operations of vehicles and undertaking of "hot works" by those persons holding a current exemption under s.22C of the *Bush Fires Act 1954* (Exemption from Total Fire Bans).
- Prescribed activities excepted under "Part VA – Total fire ban" of the *Bush Fire Regulations 1954* provided the activity is carried out in accordance with the prescribed limitations and conditions therein.

## SHIRE OF AUGUSTA MARGARET RIVER

### BUSH FIRES REGULATIONS 1954

#### **REGULATION 38A – NOTICE TO BAN THE USE OF ENGINES, VEHICLES, PLANT OR MACHINERY LIKELY TO CAUSE A BUSH FIRE DURING THE RESTRICTED AND PROHIBITED BURNING TIMES**

(commonly referred to as Harvest and Vehicle Movement Bans)

I, **David Holland**, authorised Chief Bush Fire Control Officer of the **Shire of Augusta Margaret River**, hereby declare a ban on the use or operation of engines, vehicles, plant or machinery for **Saturday 25 December 2021** between the hours of **0900** and **1700** for the whole of the **Shire of Augusta Margaret River**.

This Ban will be reviewed at **1700hrs** at which time further advice will be issued.

#### **ACTIVITIES NOT PERMITTED DURING THE PERIOD OF THE BAN.**

- Harvesting operations are not permitted.
- Any off-road activity is banned, regardless of whether it is for agricultural purposes or work being conducted by business, industry and public authorities.
- Off-road includes areas such as paddocks, bushland, uncleared land and land with stubble or long grass.
- Off-road activity includes the use of anything activated by an internal combustion engine used off-road e.g. motor bikes, quad bikes, excavators, chain saws, ride on lawn mowers and generators.

#### **ACTIVITIES PERMITTED DURING THE PERIOD OF THE BAN**

1. Use or operation of any vehicle on "gazetted roads", lanes, driveways, yards or other areas that provide access to, or a parking facility at, any residential, farming or business premises, if the area has been sufficiently cleared of inflammable material to prevent the escape of fire (regulation 24A(3) *Bush Fires Regulations 1954*).
2. Use or operation of a vehicle for the prevention of an immediate and serious risk to the health or safety of a person or livestock, and only if all reasonable precautions have been taken to prevent the activity from creating a bush fire danger. (regulation 24(4) *Bush Fires Regulations 1954*).
3. Urgent work on infrastructure carried out by an essential service can continue, but only when the prescribed conditions in Division 9 of the *Bush Fires Regulations 1954* are complied with. Urgent works, in relation to infrastructure used in the provision of an essential service is defined as repairs or maintenance necessary for the continued provision, or restoration, of the service. **Essential services:** *water supply, sewerage or drainage services; electricity or gas services; telecommunications services; public transport services.*
4. Off-road use or operation of vehicles, engines, plant or machinery for agricultural purposes or **by business, industry or by or on behalf of a public authority** in accordance with Regulations 24ZH - 24ZL *Bush Fires Regulations 1954*.



David Holland  
Chief Bush Fire Control Officer  
Shire of Augusta Margaret River

Dated Thursday, 23 December 2021

## City of WANNEROO

### BUSH FIRES REGULATIONS 1954

#### **REGULATION 24C – NOTICE TO BAN THE USE OF ENGINES, VEHICLES, PLANT OR MACHINERY LIKELY TO CAUSE A BUSH FIRE WHEN A TOTAL FIRE BAN IS DECLARED**

*(commonly referred to as Harvest and Vehicle Movement Bans)*

I, **Tyron McMahon** an authorised Chief Bush Fire Control Officer of the **City of Wanneroo** hereby declare a ban on the use or operation of engines, vehicles, plant or machinery for Saturday 5<sup>th</sup> February 2022 between the hours of **0900** and **1900** for the whole of, The CITY OF WANNEROO

This Ban will be reviewed at **1900 05/02/2022** at which time further advice will be issued.

#### **ACTIVITIES NOT PERMITTED DURING THE PERIOD OF THIS BAN**

- Harvesting operations are not permitted.
- All off-road activity is banned, regardless of whether it is for agricultural purposes or work being conducted by business, industry and public authorities.
- Off-road includes areas such as paddocks, bushland, uncleared land and land with stubble or long grass refer to regulation 24ZH(2)(b) of the *Bush Fires Regulations 1954*.
- Off-road activity includes the use of anything activated by an **internal combustion engine** being used off-road e.g. motor bikes, quad bikes, excavators, chain saws, ride on lawn mowers and generators.

#### **ACTIVITIES PERMITTED DURING THE PERIOD OF THIS BAN**

1. Use or operation of any vehicle on "gazetted roads", lanes, driveways, yards or other areas that provide access to, or a parking facility at, any residential, farming or business premises, if the area has been sufficiently cleared of inflammable material to prevent the escape of fire (regulation 24A(3) *Bush Fires Regulations 1954*).
2. Use or operation of a vehicle for the prevention of an immediate and serious risk to the health or safety of a person or livestock, and only if all reasonable precautions have been taken to prevent the activity from creating a bush fire danger. (regulation 24A(4) *Bush Fires Regulations 1954*).
3. Urgent work on infrastructure carried out by an essential service can continue, but only when the prescribed conditions in Division 9 of the *Bush Fires Regulations 1954* are complied with. Urgent works, in relation to infrastructure used in the provision of an essential service means repairs or maintenance necessary for the continued provision, or restoration, of the service. **Essential services:** *water supply, sewerage or drainage services; electricity or gas services; telecommunications services; public transport services.*



Tyron McMahon  
Chief Bush Fire Control Officer  
City of Wanneroo



# Total Fire Bans & Harvest and Vehicle Movement Bans 2022

Legal Policy and Compliance Directorate  
Regulation and Compliance Branch





DFES incident photographer  
Sean Blocksidge

## Total Fire Bans

- Total Fire Bans (TFB) are declared **on days when fires are most likely to threaten lives and property.**
- TFBs may be declared when there is extreme fire weather predicted or when there are already widespread fires and firefighting resources are stretched.
- DFES State Operations declare TFBs based on current situation and weather conditions.
- **The new trigger for a TFB across WA is now an FBI of 50**

# Total Fire Bans - the law



Declared under section 22C of the *Bush Fires Act 1954*



Prohibit the use of fire or carrying out an activity that causes fire or is likely to cause a fire



There are difference rules for business, industry, public authorities and agriculture, allowing them to continue to operate during a TBF subject to certain conditions





## Penalties, breaching a Total Fire Ban

### Section 22B(2) *Bush Fires Act 1954*

- For serious - \$25,000 fine and/or a jail term of 12 months.
- Penalties apply to anyone who breaches a TFB, - a member of the public, or as a result of business activities.
- \$1,000 infringement introduced in 2018 which can be issued on the spot or at a later date .
- Legal action can be undertaken by DFES, Local Government, DBCA (Parks and Wildlife) or WA Police.



# What the public can't do during a TFB.

- **General Public Cannot:**

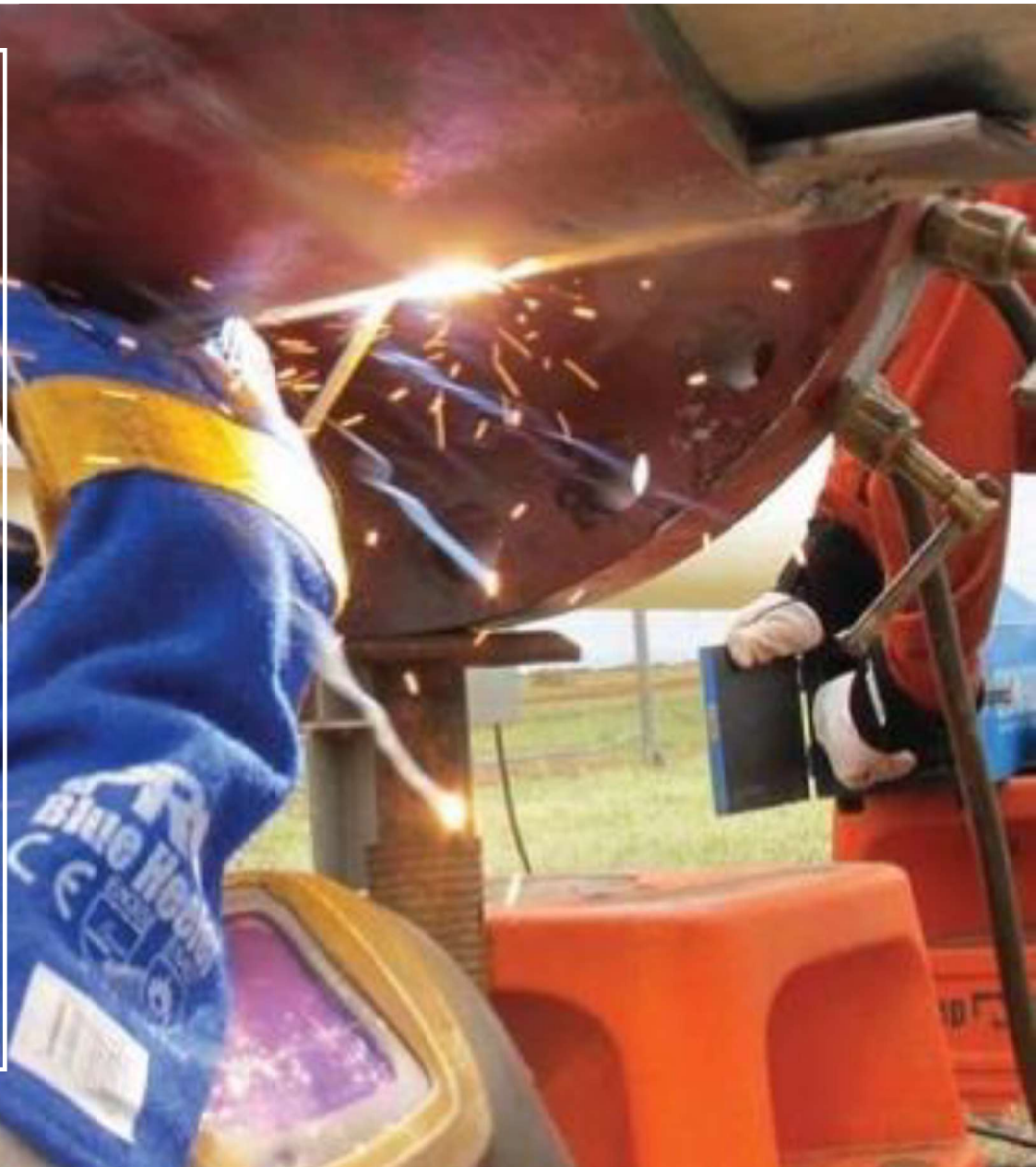
- Light a fire including a campfire, wood fueled BBQ, pizza oven.
- Burn garden waste/rubbish etc.
- Drive a vehicle off-road over paddocks or bushland or anywhere where there is vegetation
- Conduct hot work (grinding and welding) in an area that is *not fully enclosed by a building or structure*
- Mow the lawn or use a slasher, whipper snipper etc. where it is operated by an *internal combustion engine*.
- Road work, or clearing i.e., grading private driveways or clearing land on their property.



# What can business, industry & public authorities do?

*Subject to compliance with Regulations*

- Hot work (welding & grinding)
- Road work (grading and bituminising)
- Drive off-road over vegetation (mining exploration, western power fault finding, land clearing etc.)
- Mow lawns as part of a business (off-road activity)
- Use wood fueled cooking appliances or cook with an open flame as part of a catering business, including pizza ovens (catering activity)
- Blasting
- Gas flaring
- Use fireworks (exemption required)
- Rail grinding and welding activities (exemption required)
- Power restoration (exemption required)
- Programmed hot fire training (exemption required)
- Hold Religious or Cultural (Smoking) Ceremonies (exemption required)





## What agricultural activities can continue during a TFB?

- **Agricultural activities** in relation to *off-road activity* i.e. harvesting, slashing, using a generator, clearing land, driving over paddocks etc. can continue during a total fire ban.
- Once a HVMB is declared under regulation 24C during a TFB, ***off-road agricultural activity*** is banned for the period specified within the notice.
- **\*\*NOTE:** work occurring on land cleared of vegetation is not impacted by a HVMB or TFB (ie generators being used in bituminised or gravel car parks)



DFES  
Department of Fire & Emergency Services

Accessibility  
Contact Us

Fire or life threatening emergencies: **000**    Emergency Information: **13 3337**    SES Emergency Assistance: **132 500**



# TOTAL FIRE BAN

Current Fire Bans

TFB Prescribed Activity  
Notification Form

Bushfire overview

Prepare for a bushfire

During a bushfire

Recovering from a bushfire

Bushfire Centre of Excellence

Bushfire prone areas

Total fire ban

Planned burning

Rural and farm fire

At Risk Communities Program

What is a TFB?

Penalties

FAQs

Exemptions

Notification form

Has a ban been declared?

Resources

## Where can I find out more about TFBs?

DFES Total Fire Ban web page  
[www.dfes.wa.gov.au/site/bushfire/totalfirebans.html](http://www.dfes.wa.gov.au/site/bushfire/totalfirebans.html)



Link to  
Emergency WA



Link to TFB  
online  
notification  
form for  
business &  
industry



TFB frequently  
asked  
questions



TFB exemption  
information



Information on  
how to check if  
a TFB has been  
declared



TFB fact sheets  
(business and  
industry)

EmergencyWA

PREPARE WARNINGS & INCIDENTS RECOVER

List Both Map Filter

Locate Me kalamunda

TYPE

UPDATED Today

Central Pilbara High

North West Moderate

Gascoyne High

Gascoyne Moderate

Yalgoo High

West Interior High

Central Interior Moderate

Fire Danger Rating view and filter for next days rating (available after 4pm)

EmergencyWA

PREPARE WARNINGS & INCIDENTS RECOVER

List Both Map Filter

Locate Me Search address...

TYPE

UPDATED Today

Total Fire Bans TODAY

Armadale Total Fire Bans are declared for today 38 minutes ago

Bassendean Total Fire Bans are declared for today

Bayswater Total Fire Bans are declared for today

Belmont Total Fire Bans are declared for today 38 minutes ago

Cambridge Total Fire Bans are declared for today 38 minutes ago

Total Fire Ban View and Filter for next days rating (available after 5.00pm)

How to find out if a total fire ban has been declared.

- [www.emergency.wa.gov.au/#totalfirebans](http://www.emergency.wa.gov.au/#totalfirebans)
- [www.emergency.wa.gov.au/#cap-rss](http://www.emergency.wa.gov.au/#cap-rss)

A photograph showing a tractor engulfed in a large fire. Thick black smoke is rising from the fire, filling the upper right portion of the frame. The tractor is on the left side, and the fire is in the center. The background is a clear blue sky.

# Harvest and Vehicle Movement Bans (HVMB)

*Bush Fires Regulations 1954*

r.24C and r.38A

A solid orange horizontal bar located at the bottom of the slide.

There are two types of HVMBs and they have different rules and different penalties.

Both types of bans are issued by Local Government.

**HVMB Type 1:** During a total fire ban  
*Bush Fires Regulations 1954*  
r.24C





## When can a ban be issued by the local government under r.24C

- *A TFB has been declared* and the BFCO is satisfied the use or operation of any engine, vehicle, plant, equipment or machinery operated by an internal combustion engine being operated *off-road* is likely to cause or contribute to the spread of a bush fire.
- When a TFB is declared the BFCO *must* impose a ban under r.24C when the Fire Behaviour Index (FBI) exceeds 40.
- During the hottest/highest risk period for the day and/or while the FBI is above 40. The period of the ban must be specified in the notice (both radio broadcast and/or written notice).

A yellow tracked vehicle, likely a forestry machine, is shown in a forest setting. The vehicle is positioned in the center-right of the frame, with its tracks and mechanical components visible. The background consists of dense green trees and foliage, suggesting a wooded area. The lighting is somewhat dim, possibly due to the canopy overhead.

*“Does a HVMB  
issued during a  
TFB impact  
business &  
industry?”*

YES!

*A HVMB issued during a TFB also bans business, industry and public authorities from **off-road activity**; exceptions apply for urgent works by an essential service provider i.e. electricity services*

*This includes all local government off-road operations (ie mowing or slashing public parks and/or ovals)*

# What is considered *off-road* under r.24C?

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**ACTIVITY:** Using anything operated by an internal combustion engine on land on which there is *bush, crop pasture or stubble.*

**OFF-ROAD:** Land which contains vegetation (alive or dead)

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# Examples of *off-road activities* **BANNED** where a r.24C HVMB is issued

- Harvesting
- Western Power / Horizon Power *non-urgent work* which involves *off-road activity* such as fault finding.
- Mining exploration on uncleared land
- Drill rigs operated on uncleared land
- Generators operated on uncleared land
- Land clearing including clearing as part of road work activities (where there is vegetation)
- Driving over paddocks (unless cleared i.e. sand)
- Tree lopping services including clearing trees from power lines (if non-urgent work)
- Slashing road verges
- Lawn mowing businesses



# Examples of *off-road activities* that CANNOT be banned under r.24C HVMB – Essential Services



Urgent off-road work by essential services.



Telstra, off-road activity required for the urgent deployment of generators for communication services.



Western Power, off-road activity required for urgent power restoration activities.



Water Corporation, off-road activity required for urgent repairs.

# What is not included in a ban under r.24C

r.24C ban does not apply to a road as defined in the *Road Traffic (Administration) Act 2008* section 4.

r.24C ban does not apply to a private road, yard or other area that provides access or parking for any residential, farming or business premises – *as long as the area is sufficiently cleared of flammable material.*

r.24C ban does not apply to road work activity (grading and bituminising) as prescribed under Division 8 of the *Bush Fires Regulations 1954*

Ban does not apply where *off-road activity* is to prevent the immediate and serious risk to the health or safety of a person or livestock.

Land clearing / earthworks where there is *no vegetation*

# Summary of key points for a ban under r.24C

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A HVMB issued during a Total Fire Ban is done so using r.24C.

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r.24C bans *off-road activity* during a Total Fire Ban.

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*Off-road activity* means the use of an internal combustion engine on land where there is bush, crop, pasture or stubble (vegetation).

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The ban does not apply to cleared land.

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Private citizens are already banned from *off-road activity during a* Total Fire Ban.

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Ban applies to business, industry, public authorities and agricultural activity

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Activities carried out for the provision, restoration or maintenance of an essential service are permitted



# What is NOT considered off-road?

- Operating equipment with an internal combustion engine on land where there is **no vegetation** is NOT considered *off-road* under the total fire ban rules or under r.24C HVMBs.
- If machinery such as the road roller in this image is being used, this *is* allowed on land with no vegetation, this activity is **not impacted by a total fire ban** as it does not fall under the *road work* definition of *grading or bituminising* and is not considered *off-road* under the TFB legislation.
- *This is not considered an activity likely to cause a fire.*







## Quick Note on *Road Work*

- While road work (*grading and bituminising*) is allowed during a total fire ban and cannot be banned when a HVMB is issued during a TFB, the *grading and bituminising equipment* must have a 5m radius clear from flammable material to operate.
- If the road work site/activity does not allow for a 5m radius, the work *cannot* be carried out during a TFB.
- The grading activity depicted here would not be allowed during a TFB.
- Clearing of land (vegetation) as part of road construction would fall under *off-road activity* and *would be banned* by a HVMB.



Penalties, breaching a HVMB under r.24C

*If someone breaches a HVMB under r.24C, the  
Total Fire Ban penalties apply.*

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HVMB Type 2: Banning the use of engines, vehicles, plant or machinery during the *limited burning times* r.38A



## When to issue a ban under r.38A

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- During the restricted and prohibited burning times (RPBT) and **no** Total Fire Ban has been declared.
- The BFCO wants to regulate the use of engines, vehicles, plant or machinery *because they are of the opinion there is a risk their use may cause a bushfire or be conducive to the spread of a bushfire.*
- The ban is usually issued for the hottest/highest risk part of the day. The time-frame for the ban must be specified in the notice and in any radio announcement and/or written publication of the ban.





## Key points for a ban under r.38A

A HVMB issued during *restricted and prohibited burning times* (RPBT) where no TFB has been declared *must be issued* under regulation 38A.

The r.38A notice must detail what is being banned and for what period.

The activity can be banned completely, or allowed to continue with conditions, as outlined in the notice.

Who and what is banned should be clearly stipulated in the notice.

The activity being banned must involve the use of an engine; vehicle; plant or machinery.

The Local Government BFCO for the region determines when to issue a ban.

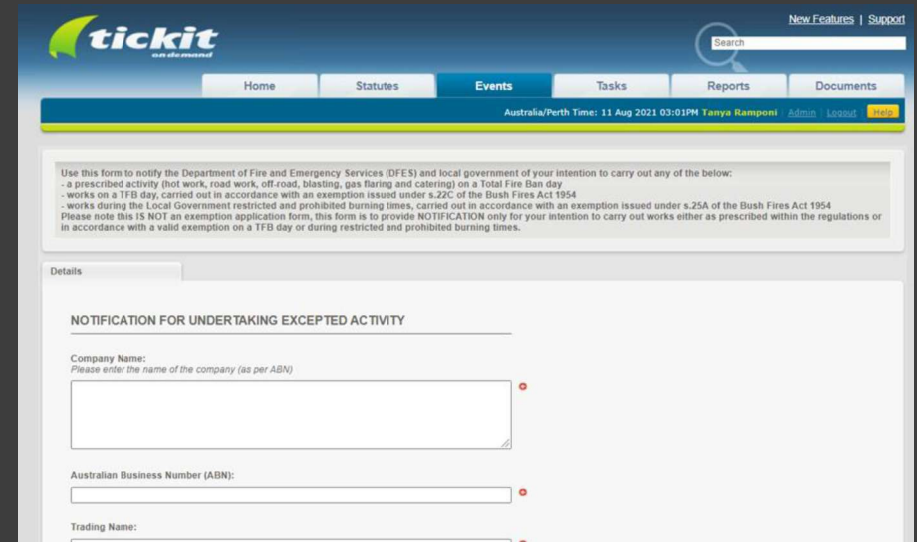
A photograph of a rural landscape. In the foreground, there is a dark, textured ground, possibly a field or a road. In the middle ground, there are several large, leafy trees with thick trunks. Behind the trees, a wooden fence runs across the frame. In the background, there is a large, light-colored structure, possibly a tent or a covered area, and a body of water or a field. The lighting suggests it might be late afternoon or early morning, with long shadows and a warm glow.

## Penalties, breaching a HVMB under r.38A

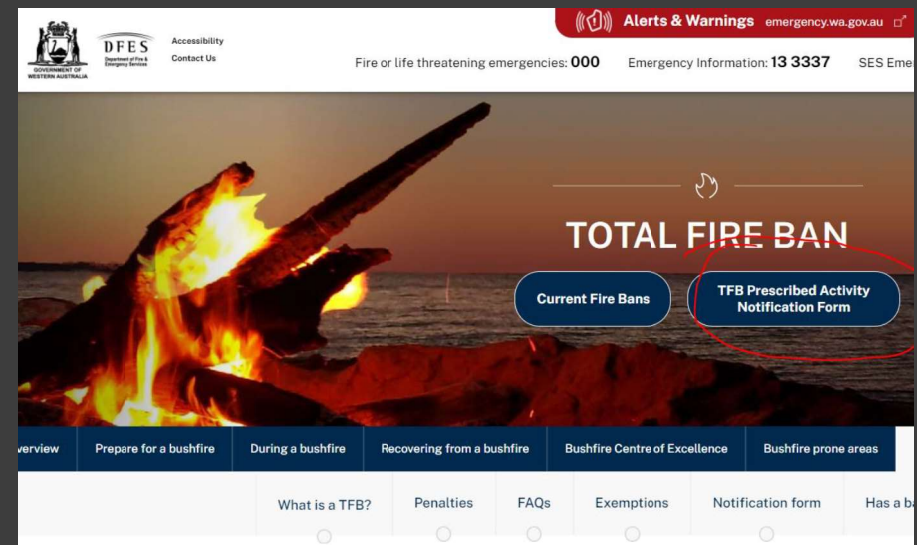
- *Court process \$5,000 fine*
- *Infringement \$250*

# Notification during a Total Fire Ban

- It is a regulatory requirement for business, industry and public authorities to notify DFES and the local government during a TFB, if the work activity *uses fire or is at risk of causing a fire*.
- Notification must be submitted at least 30 minutes before work starts.
- DFES introduced the *online notification form* to enable stakeholders to meet their regulatory requirements.
- Both DFES and the local government authority are notified via email when the online notification form is submitted.
- This form is required when carrying out a prescribed activity (hot work, road work, off-road etc) or working under a section 22C exemption when a TFB has been declared.
- Submitters can save a PDF copy for their reference once submitted, submitters **DO NOT** receive a confirmation email.



The screenshot shows the 'tickit' website interface. At the top, there is a navigation menu with 'Home', 'Statutes', 'Events', 'Tasks', 'Reports', and 'Documents'. A search bar is located in the top right corner. Below the navigation, a user profile bar displays 'Australia/Perth Time: 11 Aug 2021 03:01PM Tanya Ramponi' with links for 'Admin', 'Logout', and 'My Profile'. The main content area contains a text box with instructions: 'Use this form to notify the Department of Fire and Emergency Services (DFES) and local government of your intention to carry out any of the below: - a prescribed activity (hot work, road work, off-road, blasting, gas flaring and catering) on a Total Fire Ban day - works on a TFB day, carried out in accordance with an exemption issued under s.22C of the Bush Fires Act 1954 - works during the Local Government restricted and prohibited burning times, carried out in accordance with an exemption issued under s.25A of the Bush Fires Act 1954 Please note this IS NOT an exemption application form, this form is to provide NOTIFICATION only for your intention to carry out works either as prescribed within the regulations or in accordance with a valid exemption on a TFB day or during restricted and prohibited burning times.' Below this is a 'Details' section with the title 'NOTIFICATION FOR UNDERTAKING EXCEPTED ACTIVITY'. It includes three input fields: 'Company Name' (with a note 'Please enter the name of the company (as per ABN)'), 'Australian Business Number (ABN):', and 'Trading Name:'.



The screenshot shows the DFES website homepage. At the top, there is a header with the DFES logo, 'Accessability Contact Us', and 'Alerts & Warnings emergency.wa.gov.au'. Below the header, there is a navigation bar with 'Fire or life threatening emergencies: 000', 'Emergency Information: 13 3337', and 'SES Emergency'. The main content area features a large image of a bushfire with the text 'TOTAL FIRE BAN' overlaid. Two buttons are visible: 'Current Fire Bans' and 'TFB Prescribed Activity Notification Form', with the latter button circled in red. At the bottom, there is a footer with a navigation menu containing 'Overview', 'Prepare for a bushfire', 'During a bushfire', 'Recovering from a bushfire', 'Bushfire Centre of Excellence', and 'Bushfire prone areas'. Below the footer, there is a secondary navigation bar with links for 'What is a TFB?', 'Penalties', 'FAQs', 'Exemptions', 'Notification form', and 'Has a bushfire'.



Thank you for  
your time

Questions?





FOR A SAFER STATE

## Team Contact Details:

### Tanya Ramponi

A/Manager Regulation and Compliance

Email: [tanya.ramponi@dfes.wa.gov.au](mailto:tanya.ramponi@dfes.wa.gov.au) | Phone: 9395 9359

### Melissa Klasztorny

A/Senior Regulation and Compliance Officer

Email: [melissa.klasztorny@dfes.wa.gov.au](mailto:melissa.klasztorny@dfes.wa.gov.au) | Phone: 9395 9948

### Lisa Wilde

A/Senior Regulation and Compliance Officer

Email: [lisa.wilde@dfes.wa.gov.au](mailto:lisa.wilde@dfes.wa.gov.au) | Phone: 9395 9392

Regulation and Compliance Email: [regulation.compliance@dfes.wa.gov.au](mailto:regulation.compliance@dfes.wa.gov.au)

Exemption Applications Email: [exemptions@dfes.wa.gov.au](mailto:exemptions@dfes.wa.gov.au)

Regulation and Compliance Team Line: 08 9395 9911

