

# MINUTES

**Ordinary Council Meeting** 

Held in Council Chambers 13 Cottrell Street, Dowerin WA 6461 Tuesday 15 February 2022



ABN: 35 939 977 194

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## Shire of Dowerin Ordinary Council Meeting Tuesday 15 February 2022



#### 1. Official Opening / Obituaries

The President welcomes those in attendance and declares the Meeting open at 2.02pm.

#### 2. Record of Attendance / Apologies / Leave of Absence

#### **Councillors:**

Cr RI Trepp President

Ms BA Ward Deputy President

Mr W Allsopp Mr DP Hudson Cr JC Sewell Cr AJ Metcalf Mr LG Hagboom Ms N McMorran

#### Staff:

Ms R McCall Chief Executive Officer

Mr L Vidovich Manager Works and Assets

Mr A Wooldridge Manager Corporate and Community Services,

Ms L Dreghorn Executive and Governance Officer

Members of the Public: Nil

Apologies: Nil

**Approved Leave of Absence:** 

## 3. Public Question Time

Nil

#### 4. Disclosure of Interest

Nil

#### 5. Applications for Leave of Absence

5.1 Cr Metcalf - April

#### **Voting Requirements**

Simple Majority Absolute Majority

#### Councillor's Recommendation/Resolution

**Moved:** Cr Trepp **Seconded:** Cr Hudson

556 That, by Simple Majority pursuant to Section 2.25(1) of the Local Government Act 1995,

Councillor Metcalf be granted Leave of Absence for April.

6.	Petitions and Presentations		
	Nil		
7.	Confirmation of Minutes of the Previous Meeting(s)		
7.1	Ordinary Council Meeting held on 18 January 2022  Attachment 7.1A		
	Voting Requirements		
	Simple Majority Absolute Majority		
Officer	s Recommendation/Resolution		
Moved:	: Cr Ward Seconded: Cr Allsopp		
557	That, by Simple Majority pursuant to Sections 5.22(2) and 3.18 of the <i>Local Government Act 1995</i> , the Minutes of the Ordinary Council Meeting held 18 January 2022, as presented in Attachment 7.1A, be confirmed as a true and correct record of proceedings.		
	CARRIED 8/0		
8.	Minutes of Committee Meeting(s) to be Received		
	Nil		
9.	Recommendations from Committee Meetings for Council Consideration		
	Nil		
10.	Announcements by the President Without Discussion		

Good Australia Day breakfast. Congratulations to all staff involved for their organisation. The event was well attended.

11.

#### OFFICER'S REPORTS - CORPORATE AND COMMUNITY SERVICES

#### 11.1 Financial Activity Statements

## Corporate and Community Services



		TIN DOG TERRITORT
Date:	8 February 2022	
Location:	Not Applicable	
Responsible Officer:	Aaron Wooldridge, Manager Corporate and Community Services	
Author:	As above	
Legislation:	Local Government Act 1995; Local Gove Management) Regulations 1996	ernment (Financial
SharePoint Reference:	Organisation / Financial Management / Reporting / Financial Statements / 2021-2022 Monthly Financial Statements	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.1A - January Financial Activity Stat	tement

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This item presents the Statement of Financial Activity to Council for the period ending January 2022.

#### **Background**

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports, which have been prepared and are presented to Council.

#### Comment

In order to fulfil statutory reporting requirements and provide Council with a synopsis of the Shire of Dowerin's overall financial performance on a year-to-date basis, the following financial information is included in the Attachment.

Statements of Financial Activity - Statutory Reports by Program and Nature or Type

The Statements of Financial Activity provide details of the Shire's operating revenues and expenditures on a year-to-date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position.

#### Note 1 - Statement of Financial Activity

Notes supporting the Statement of Financial Activity by Program and by Nature and Type.

#### Note 2 - Cash and Financial Assets

This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

Note 3 - Receivables

This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

#### Note 4 - Other Current Assets

This note provides details of other current assets that the Shire may hold.

#### Note 5 - Payables

This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

#### Note 6- Rate Revenue

This note provides details of rates levied during the year.

#### Note 7 - Disposal of Assets

This note gives details of the capital asset disposals during the year.

#### Note 8- Capital Acquisitions

This note details the capital expenditure program for the year.

#### Note 9 -Borrowings

This note shows the Shire's current debt position and lists all borrowings.

#### Note 10 - Cash Backed Reserves

This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year-to-date basis.

#### Note 11 - Other Current Liabilities

This note outlines any provisions the Shire has on hand relative to other current liabilities.

#### Note 12 - Operating Grants and Contributions Received

This note provides information on operating grants received.

#### Note 13 - Non-Operating Grants and Contributions Received

This note provides information on non-operating grants received.

#### Note 14 - Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% or \$10,000, whichever is the greater. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

#### Consultation

Rebecca McCall, Chief Executive Officer

Megan Shirt, Consultant

Aaron Wooldridge, Manager Corporate and Community Services

#### **Policy Implications**

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies.

#### **Strategic Implications**

#### **Strategic Community Plan**

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3

Reference: 5.3.2

#### **Asset Management Plan**

Nil

#### **Long Term Financial Plan**

Nil

#### **Statutory Implications**

Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

#### **Risk Implications**

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar, Financial Management Framework and Legislation
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Timely preparation of the monthly financial statements within statutory guidelines is vital to good financial management. Failure to submit compliant reports within statutory time limits will lead to non-compliance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

#### **Financial Implications**

Nil

#### Officers Recommendation/Resolution

**Moved:** Cr Ward **Seconded:** Cr Hudson

That Council, by Simple Majority pursuant to Regulation 34 of the *Local Government* (Financial Management) Regulations 1996, receives the statutory Financial Activity Statement report for the period January 2022, as presented in Attachment 11.1A.

**CARRIED 8/0** 

#### 11.2 List of Accounts Paid

## Corporate & Community Services



Date	1 Fabruary 2022	
Date:	1 February 2022	
Location:	Not Applicable	
Responsible Officer:	Aaron Wooldridge, Manager Corporate & Community Services	
Author:	Jasmine Pietrocola, Accounts Finance Officer	
Legislation:	Local Government Act 1995; Local Government (Financial Management) Regulations 1996	
SharePoint Reference:	Organisation/Financial Management/Reporting/Financial Statements and Credit Cards	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.2A - List of Accounts Paid	

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This Item presents the List of Accounts Paid, paid under delegated authority, for January 2022.

**Background** 

Nil

Comment

The List of Accounts Paid as presented has been reviewed by the Manager Corporate & Community Services.

Consultation

Rebecca McCall, CEO

Aaron Wooldridge, Manager Corporate & Community Services

Jasmine Pietrocola, Finance Officer

#### **Policy Implications**

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies. Payments have been made under delegated authority.

**Strategic Implications** 

#### **Strategic Community Plan**

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3

Reference: 5.3.2

#### **Asset Management Plan**

Nil

#### **Long Term Financial Plan**

Nil

#### **Statutory Implications**

Regulation 12 and 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegated authority.

#### **Risk Implications**

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

#### **Financial Implications**

Funds expended are in accordance with Council's adopted 2021/22 Budget.

Voting Requirements

Simple Majority Absolute Majority

#### Officer's Recommendation/Resolution

**Moved:** Cr McMorran **Seconded:** Cr Hudson

That Council, by Simple Majority pursuant to Section 6.8(1)(a) of the Local Government Act 1995 and Regulation 12 & 13 of the Local Government (Financial Management) Regulations 1996, receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Dowerin Municipal Fund, as presented in Attachment 11.2A, and as detailed below:

List of Accounts Paid - January 2022			
EFT9446 to EFT9518	\$433,838.59		
Cheque 10957 to 10962	\$13,948.52		
Direct Debit 11556: Credit Card Payment: December 2021	\$4,532.48		
Direct Debit 11571: Puma Energy: Fuel: December 2021	\$260.24		

Direct Debit 11560 & 11574: Superannuation Payments	\$14,484.31
Direct Debit 11579: WATC Government Guarantee Fees	\$5,160.73
Direct Debit 130888: Bank Fees	\$166.58
Net Payroll; PPE 4 January 2022	\$45,608.85
Net Payroll; PPE 18 January 2022	\$47,461.55
Interim Pay Run - Termination Pay (PPE 18 January 2022)	\$2,185.33
TOTAL	\$567,647.18

**CARRIED 8/0** 

#### 12. OFFICER'S REPORTS - GOVERNANCE AND COMPLIANCE

#### 12.1 Integrated Strategic Plan Reporting - Quarterly Monitoring Review - January 2022

## Governance & Compliance



	TIN DOG TERRITORY
8 February 2022	
Not Applicable	
Rebecca McCall, CEO	
As Above	
Local Government Act 1995	
Corporate Management/Reporting/Integrated Pl Quarterly Monitoring Review	anning & Reporting
Nil	
<b>Attachment 12.1A</b> - Integrated Strategic Plan - C Review - January 2022	Quarterly Monitoring
	Not Applicable  Rebecca McCall, CEO  As Above  Local Government Act 1995  Corporate Management/Reporting/Integrated Pl Quarterly Monitoring Review  Nil  Attachment 12.1A - Integrated Strategic Plan - Co

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This Item presents the Integrated Strategic Plan & Reporting (ISP) Quarterly Monitoring Review for January 2022 to Council for consideration and, if satisfactory, adoption.

#### Background

The Shire of Dowerin has embedded an IPR into the "business as usual" of the organisation and have achieved a good standard of practice. This document sets out the key points of the IPR cycle.

A major Strategic Review is undertaken every four years and is aligned with electoral cycles. The Shire of Dowerin's second major Strategic Review was carried out in 2020/21 with the new year 1 being 2021/22. The major review integrated the Strategic Community Plan and Corporate Business Plan and these form the elements of the IPR Framework.

#### Comment

The Integrated Strategic Plan is reviewed in May each year, in conjunction with the annual budget deliberation process, with reporting on operational progress quarterly, ensuring that the Shire of Dowerin is working towards implementation and achievement.

It is important for the Shire to be able to measure and monitor success of initiatives to deliver on the strategies and aspirations detailed in the Integrated Strategic Plan. The Shire of Dowerin is committed to reviewing internal and external reporting mechanisms to ensure the organisation is aligning its priorities and delivering on its commitments.

Progress reporting is carried out quarterly utilising the traffic light system to identify progress against identified priorities detailed in the Integrated Strategic Plan. The quarterly report is to be shared via a Council Item and on the Shire website. In addition, results will be formerly communicated to the community annually via the legislated end of year financial year Annual Report.

The Integrated Strategic Plan Quarterly Monitoring Review - January 2022 is presented to Council for its perusal.

In this review a traffic light colour system has been implemented to indicate progress.

Red = not commenced, Amber = In progress and Green = completed.

The quarterly update comment has been updated. Council should refer to this for the up-to-date status.

Consultation

Nil

**Policy Implications** 

Nil

**Statutory Implications** 

Section 5.56(1) of the *Local Government Act 1995* requires all local governments to produce plans for the future. The IPR Framework was introduced in Western Australia as part of the State Government's Local Government Reform Program.

**Strategic Implications** 

#### **Strategic Community Plan**

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3 Reference: 5.3.1

#### **Asset Management Plan**

Identified strategies and key actions will impact on the Asset Management Plan. Annual reviews of the Asset Management Plan will accommodate aligned strategies and key actions.

#### Long Term Financial Plan

Identified strategies and key actions will impact on the Long-Term Financial Plan. Annual reviews of the Long-Term Financial Plan will accommodate aligned strategies and key actions.

#### **Risk Implications**

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Framework
Action (Treatment)	Document Governance Framework
Risk Rating (after treatment)	Adequate

#### **Financial Implications**

There are financial implications to Council in relation to this item as the IPR Suite of Plans recognise outcomes. Identified outcomes from the IPR Suite of Plans are factored into the Council's Strategic Resource Plan 2018-2028.

Resource Plan 2018-2028.		
Voting Requirements		
Simple Majority	Absolute Majority	
Officer's Recommendation/Resolution		
Moved: Cr Allsopp	Seconded: Cr Ward	

That, in accordance with Section 5.56(1) of the *Local Government Act 1995*, Council receives the Integrated Strategic Plan - Quarterly Monitoring Review - January 2022, as presented in Attachment 12.1A.

resented in Attachment 12.1A.

**CARRIED 8/0** 

#### 13. OFFICER'S REPORTS - WORKS AND ASSETS

Nil

#### 14. Urgent Business Approved by the Person Presiding or by Decision

- 14.1 Rural Water Council of WA Inc Appointment of Council Delegates
- 14.2 Dowerin Local Laws Project 2021

Voting Requirements

Simple Majority

Absolute Majority

#### Officer's Recommendation/Resolution

**Moved:** Cr Trepp **Seconded:** Cr Hudson

That, in accordance with Clauses 3.2 and 3.9 of the Shire of Dowerin Local Law (Standing Orders) 2001, Council accepts Late Item 14.1 Rural Water Council of WA Inc - Appointment of Council Delegates, and Late Item 14.2 Dowerin Local Laws Project

2021 for consideration.

**CARRIED 8/0** 

#### 14.1 Rural Water Council of WA Inc - Appointment of Council Delegates

## Governance & Compliance



		THE DOO TERRITORY
Date:	11 February 2022	
Location:	Not Applicable	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Vanessa Green, Executive & Governance Officer	
Legislation:	Local Government Act 1995	
Sharepoint Reference:	Organisation/Governance/Committees/Other Water Council of WA Inc.	Committees/Rural
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.1A - Terms of Reference (Rules)	

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This Item presents a proposal for Council to appoint delegates to the Rural Water Council of WA Inc (RWC).

#### **Background**

The RWC is a non-profit incorporated association formed in 1953 to promote water issues in rural areas including completion of the Comprehensive Water Scheme. Today the RWC's aims and objectives are focussed on:

- 1. Raising awareness of water supply issues relating to farmland and communities in rural and dryland agricultural areas;
- 2. Endeavouring to obtain equitable distribution state wide of funds for water supply improvements to minimise the difficulty caused by the inadequate domestic, spraying and stock water in dryland agricultural areas;
- 3. Working with all relevant Government agencies, water advisory groups and other stakeholders to encourage and support research and development to optimise alternative management and use of water supplies;
- 4. Raising awareness of the need to improve and maintain rural and town water supplies and infrastructure;
- 5. Contributing to regional planning and policies relating to the allocation and use of water resources in rural and dryland agricultural areas;
- 6. Representing the water needs of our member communities:
- 7. Raising awareness of the need to effectively manage water resources; and
- 8. Providing input to and seeking membership of appropriate water advisory groups and the like.

Membership is open to individual persons, associations, organisations, local government, etc. Current membership includes the Shires of Chittering, Dandaragan, Gingin, Goomalling, Koorda, Lake Grace, Merredin, Moora, Mount Marshall, Mukinbudin, Narembeen, Nungarin, Toodyay, Victoria Plains, Westonia, Wongan-Ballidu and York. The RWC is supported by the Water Corporation and the Department of Water and Environmental Regulation with representatives regularly attending meetings and providing updates on programs in the rural and dryland agricultural region. Local Members of Parliament also regularly attend meetings.

The RWC currently meets three times per year, in March, July and October. The March and October meetings are held at the Water Corporation in Northam and the July meetings are hosted by a member local government. Each member local government is entitled to two voting delegates, these can be Councillors, Officers or community members at the discretion of the local government. The RWC is well supported by member councils with long established functions and organisation, employing an Executive Officer.

#### Comment

Council considered the proposal to join the RWC at its March 2020 Workshop with the general consensus being in favour of the proposal. It was believed that for the small financial outlay, the Shire of Dowerin could realise some benefit in being part of the RWC particularly in terms of advocacy at a State level. Subsequently, the RWC were advised of the Shire of Dowerin's intent to join its membership, with the RWC considering the proposal at its March 2020 AGM and voting to approve the membership request.

As part of the Shire's membership, Council needs to appoint delegates to the RWC. As mentioned above, each member local government is entitled to two voting delegates, who can be Councillors, Officers or community members. It is suggested that Council consider appointing one Councillor as delegate and a second Councillor as their deputy (or proxy).

#### Consultation

Rebecca McCall, Chief Executive Officer

Linley Dreghorn, Executive & Governance Officer

**Policy Implications** 

Nil

**Strategic Implications** 

**Strategic Community Plan** 

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3, 5.4

Reference: 5.3.2, 5.4.2

Community Priority: Our Infrastructure

Objective: We have functional assets and infrastructure that supports the

community

Outcome: 3.1

Reference: 3.1.2

#### **Asset Management Plan**

Nil

#### Long Term Financial Plan

Nil

#### **Statutory Implications**

Section 5.10 of the *Local Government Act 1995* stipulates the manner for the appointment of Committee members to committees. An Absolute Majority decision of Council is required.

#### **Risk Implications**

Risk Profiling Theme	Asset Management Practices
Risk Category	Property (Plant, Equipment, Buildings)
Risk Description	Inconsequential damage
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Asset Management Plan
Action (Treatment)	Review Asset Management Plan
Risk Rating (after treatment)	Adequate

#### **Financial Implications**

As detailed in the AGM Minutes, the RWC membership fee for 2022 is \$300. Council will need to include this amount in its 2022/23 Budget.

As the RWC is not considered a Committee of Council delegates will not be eligible for payment of a meeting fee for attending any RWC meeting.

	Voting Requirements	
	Simple Majority	Absolute Majority
Offic	er's Recommendation/Resolution	

Moved: Cr Allsopp Seconded: Cr Hudson

#### 562 That:

- 1. In accordance with Section 5.10 of the *Local Government Act 1995*, Council appoints Councillor Hagboom and Councillor Hudson as its delegates to the Rural Water Council of WA Inc, with the appointments being valid until the 2023 Local Government Ordinary Elections; and
- 2. In accordance with Section 6.2 of the *Local Government Act 1995* considers the allocation of \$300 in its 2022/23 Budget deliberations for the membership fee to the Rural Water Council of WA Inc.

**CARRIED 8/0** 

#### 14.2 Shire of Dowerin Local Laws Project 2021

### Governance & Compliance



Date:	10 February 2022	
Location:	Shire of Dowerin	
Responsible Officer:	Rebecca McCall, Chief Executive Officer	
Author:	Helen Westcott, BHW Consulting Linley Dreghorn, Executive & Governance Officer	
Legislation:	Local Government Act 1995	
Sharepoint Reference:	Organisation/Governance/Local Laws	
Disclosure of Interest:	Nil	
Attachments:	Attachment 14.2A - Activities on Thoroughfares a Thoroughfares and Public Places Local Law 2022	
	Attachment 14.2B - Cemeteries Local Law 2022	
	Attachment 14.2C - Fencing Local Law 2022	
	Attachment 14.2D - Meeting Procedures Local La	w 2022
	Attachment 14.2E - Repeal Local Law 2022	

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

The purpose of this report is for the Council to consider the adoption of the attached suite of local laws, following the advertising of the local laws for public comment period which closed on Friday 20 December 2021.

#### **Background**

The Shire of Dowerin (the Shire) engaged BHW Consulting to assist with the development of new local laws for the Shire. This report relates to a proposal to commence, under s3.12 of the *Local Government Act 1995* (the Act), the adoption of new local laws.

Section 3.12 of the Act outlines the procedure for making local laws which is broadly as follows:

- the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law;
- the Shire is to give local public notice stating:
  - the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
  - a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
  - submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;

- give a copy of the proposed local law and a copy of the notice to the Minister for Local Government and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- provide a copy of the proposed local law to any person requesting it;
- at the close of submissions consider any submissions made and take into consideration any comments provided;
- adopt, by absolute majority, the local law as originally published or as amended, subject to the amendments not substantially altering the intent of the local law;
- publish the local law in the Government Gazette:
- give a copy of the local law to the Minister for Local Government and, if another Minister administers the legislation under which the local law is proposed to be made, to that other Minister;
- after the local law has been published in the Government Gazette the local government is to give local public notice:
  - o stating the title of the local law;
  - summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - advising that copies of the local law may be inspected or obtained from the local government's office; and
- within 10 days of the publication in the Government Gazette submit the local law to the Joint Standing Committee on Delegated Legislation.

#### Comment

The Draft Local Laws were presented to Council at its Ordinary Council Meeting on 28 September 2021 where it was resolved as follows:

That, by Absolute Majority in accordance with the Local Government Act 1995, Council

- 1. Approve the giving of local public notice of the following local laws in order to seek public comment:
  - Activities in Thoroughfares and Public Places and Trading Local Law 2021;
  - Cemeteries Local Law 2021;
  - Fencing Local Law 2021;
    - Subject to the inclusion of the following words in Section 2.10(6) An owner or occupier of a Rural Lot shall not erect, affix or allow to remain any barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the top or side of the fence posts furthest from the thoroughfare or other public place.
  - Meeting Procedures Local Law 2021; and
  - Repeal Local Law 2021.
- 2. Submit to the Minister for Local Government a copy of all proposed local laws

CARRIED BY ABSOLUTE MAJORITY 7/0

#### Reason:

Council expressed its want to include the words **the top of** into Section 2.10(6) of the Fencing Local Law 2021 for public notice.

#### Consultation

Following the above resolution the Shire of Dowerin (the Shire) advertised the suite of local laws in the Dowerin Despatch on Friday 5 November 2021. The Shire also advertised the local laws on its social media pages (Facebook and Instagram), with notices placed on the Shire's notice boards and website.

The closing date for submissions was Monday 20 December 2021.

At the close of the advertising period there were no comments received from the community.

The Department of Local Government, Sport and Cultural Industries (DLGSC) on behalf of the Minister for Local Government provided comments in respect to each of the proposed local laws. Following discussions with the CEO, the consultant has included changes requested by the DLGSC into the local laws presented for adoption. The changes made are detailed below.

Any typographical errors identified by the DLGSC, as well as requests for formatting changes, have also been addressed.

#### Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2022

The insertion of a new clause, clause 1.4, relates to assistance dogs (covered within clauses 4.1 and 4.2 of the Draft Local Law presented for adoption).

The change was made based on a comment from the DLGSC around assistance dogs and shown below:

Clause 4.1 and 4.2 impose restrictions on the use of animals on public and local government property.

The Delegated Legislation Committee has requested that any local law restricting the use of animals should include a clause accounting for federal assistance animal legislation.

The standard clause is as follows:

#### 1.4 Assistance animals

This local law 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).

The DLGSC made the following comments with respect to clause 2.6:

Clause 2.6 states that an "acceptable material" is any material that appears on a particular list maintained by the local government.

This means that part of the local law is now effectively contained on the local government's list. The Delegated Legislation Committee has previously determined that this is inappropriate, since the list can be amended at any time without parliamentary scrutiny.

It is suggested that the issue be dealt with by either of the following:

- amend clause 2.6 to include a defined list of acceptable materials; or
- create a new schedule containing a list of acceptable materials, then amend clause 2.6 to refer to that schedule; or
- Define an acceptable material to be "any material which will create a hard service or is approved by the local government".

This will ensure that the local law is self-contained and doesn't give direct legislative effect to local government policy.

Clause 2.6 has been amended as recommended, with wording used by the Shire of Broomehill-Tambellup (and accepted by the Delegated Legislation Committee). It provides a neater and less wordy solution to the problem.

The DLGSC made the following comment with respect to abandoned shopping trolleys and who owns them:

Clause 4.7 provides that in the absence of evidence to the contrary, it will be assumed that a shopping trolley is owned by whichever retailer is marked on that trolley.

As a rule, the plaintiff to a legal action is responsible for proving the elements of that legal action. This rule is presumed to apply except where enacting legislation has expressly stated otherwise.

Since the Local Government Act 1995 does not expressly state that local laws can reverse the onus of proof, it is debatable whether local governments have the power to make local laws which do this.

The Delegated Legislation Committee has previously explored this issue in the local laws of other local governments. In those cases, the Committee concluded that it would permit the clause, since the burden on retailers was not particularly onerous.

However, the Committee concluded that the clause may not be legally valid and its enforceability may be vulnerable to legal challenge if its ever relied upon in court. This conclusion is set out in item 4 of the Committee's 16th Report. The Shire should keep this in mind if it chooses to retain the clause and rely on it in the future.

Given that abandoned shopping trolleys within the Dowerin townsite do not pose the problems they do within the Perth metropolitan area, the clause has been removed as per the DLGSC's advice.

The DLGSC made the following comments with respect to clause 5.1 of the Draft Local Law:

Clause 5.1 currently refers to the Wildlife Conservation Act 1950. This reference is incorrect as the legislation has been repealed. The Biodiversity Conservation Act 2016 was passed as a replacement, though it uses different terminology.

It is suggested that the definition for **protected flora**, **rare flora** and **roadside conservation committee** be deleted. The following definitions should be inserted as a replacement:

**roadside conservation committee** means the Roadside Conservation Committee reporting to the Minister for Environment:

**specially protected flora** has the meaning given to it in section 5 of the Biodiversity Conservation Act 2016.

threatened flora has the meaning given to it in section 5 of the Biodiversity Conservation Act 2016.

The Shire should review the local law to ensure that all references to "protected flora" and "rare flora" are replaced accordingly.

All changes have been made.

The DLGSC made the following comment with respect to clauses 6.3 and 6.4:

Clause 6.3(4) states that a trader may be required to move on from a particular area within a "reasonable time" after the last purchase.

The Delegated Legislation Committee has concluded that this subclause is vague and may impose unreasonable conditions on street traders. It is suggested that subclause (3) be deleted. If this does not occur, the Committee is likely to request an undertaking that it be removed.

Changes to the two clauses have been made as per the DLGSC's suggestion.

The DLGSC made the following comment with respect to clause 6.8.2(d):

The terms "adequate parking" and "reasonably close" are vague terms and might be subject to multiple interpretations. The Shire might want to consider using more specific language or deleting the paragraph entirely.

Clause 6.8.2(d) has been amended to read as shown below:

(d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles.

Clause 6.18 (1)(d) in the draft local law reads as shown below:

(a) be solely responsible for all and any costs associated with the removal, alteration, repair, reinstatement or reconstruction of any part of the public place arising from the conduct of the Facility.

The DLGSC made the following comments in relation to this clause:

Clause 6.18(1)(d) provides that the permit holder is solely responsible for any costs arising from the conduct of the facility.

The Delegated Legislation Committee has previously requested the deletion of this paragraph. While the Committee didn't give any reasons, it is possible it relates to the paragraph making the permit holder responsible for costs arising from the actions of other parties (e.g. customers).

The clause has been deleted in line with the above advice.

#### **Cemeteries Local Law 2022**

The DLGSC were able to identify an earlier local law. The Department in its feedback to the consultant provided the following comments:

It appears that the cemetery by-law published in 1985 was an amendment of a by-law originally published on 9 February 1970.

For this reason, it is suggested that clause 1.4 be amended by changing "25 January 1985" to "9 February 1970".

Clause 1.4 has been amended accordingly.

In the Draft Cemeteries Local Law adopted by Council on 28 September 2021 clause 6.1 reads as follows:

- 6.1 Depth of graves
- (1) A person shall bury a coffin within the cemetery so that the distance between the top of the coffin and the original surface of the ground is -
  - (a) not less than 750 mm, or
  - (b) not less than 600 mm,

unless permission to vary the distance or depth of grave is granted by an authorised officer.

The DLGSC made the following comments with respect to clause 6.1:

Clause 6.1(1): Paragraph (a) and (b) clash, since they both set conflicting minimum burial depths. It's possible that paragraph (a) is supposed to set a maximum depth or alternatively that paragraph (b) is intended to be subject to the permission of an authorized officer. The Shire should review the subclause and ensure the wording reflects the Shire's intent.

In line with the DLGSC's advice, the clause has been simplified, reading as shown below:

- 6.1 Depth of graves
- (1) A person shall bury a coffin within the cemetery so that the distance between the top of the coffin and the original surface of the ground is not less than 750 mm unless permission to vary the distance or depth of grave is granted by an authorised officer.

#### Fencing Local Law 2022

Clause 1.5 makes reference to standards published by Standards Australia.

The DLGSC made the following comments with respect to standards:

The local law contains multiple references to Australian Standards. These documents are commercial in nature and not always publicly accessible. While the Delegated Legislation Committee has allowed the use of Australian Standards in local laws, this is on the condition that:

- (a) Up to date references are used;
- (b) The full title of each standard must be used at least once, either in the applicable clause or in the interpretation area; and

(c) The local government's website should specify where these standards can be freely viewed.

It is suggested that the Shire should ensure these matters are addressed. It is possible the Committee may make inquires on these issues when the final local law is scrutinised.

All standards referred to with the local law are s at this point all are current, with the full title of each standard referenced to being used.

The Shire should look implementing the suggestions made by the DLGSC's with respect to availability of standards.

#### **Meeting Local Law 2022**

Clause 8.8 (2) (a) (ii) of the draft local law included the word "decorum". The DLGSC made the following comment with respect to the use of this word.

It is suggested that the phrase "or decorum" be deleted. This term is vague and may be subject to various interpretations by councilors.

As the clause already prohibits irrelevant, repetitious, offensive or insulting language, this would already seem to cover most issues that would arise as a matter of "decorum".

The word "decorum" has been deleted as per the DLGSC's comment.

The DLGSC made comment with respect to clause 9.1:

Clause 9.1 addresses the presiding member's duty to preserve order.

It is suggested that the existing provision be numbered subclause (1) and the following WALGA template subclauses be inserted underneath.

- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

The wording in clause 9.1 has been changed as suggested, noting that the Shire's local law uses lower case "p" and "m" in the spelling of "presiding member".

Clause 9.5 has been reworded, based on the following comments made by the DLGSC:

In subclause (2), it is suggested that paragraph (a) be deleted and paragraph (b) merged with the rest of the subclause.

Paragraph (a) is problematic, since it says a presiding member's ruling cannot be the subject of debate or comment. By necessity, any attempt to move a motion under paragraph (b) will involve some kind of comment or debate.

Clause 11.11 deals deals with the council's process for dealing with matters raised under Code of Conduct, with the DLGSC providing the following comment:

Clause 11.11 deals with the council's process for dealing with matters raised under Code of Conduct.

The mandatory Code of Conduct provisions in the Local Government Act 1995 are relatively new and it is only recently that this issue is being addressed in meeting procedure local laws.

The Shire should prepare for the possibility that the Parliament's Delegated Legislation Committee may have questions when the local law is referred to them for scrutiny.

The Shire's meeting procedure local law is probably one of the first to be reviewed by the Delegated Legislation Committee since the introduction of the Mandatory Code of Conduct last year.

In working how best to advise on the issues raised by the DLGSC the consultant reviewed how other Councils managed the issue of the Code of Conduct. The Shire of Broomehill-Tambellup, for example, makes no reference to the Code within in its meeting procedures LL. This is a perfectly acceptable means of dealing with the issue, given that the Code of Conduct is dealt with in the Regulations.

Following discussions with the Shire's CEO it was agreed the clause be deleted in its entirety.

#### **Policy Implications**

There are no significant policy implications evident at this time.

#### **Statutory Implications**

There are no significant statutory implications evident at this time.

#### **Strategic Implications**

#### **Strategic Community Plan**

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3
Reference: 5.3.2

#### **Asset Management Plan**

Nil

#### **Long Term Financial Plan**

Nil

#### **Risk Implications**

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	Short term non-compliance but with significant regulatory requirements imposed
Consequence Rating	Moderate (3)
Likelihood Rating	Possible (3)
Risk Matrix Rating	Moderate (9)
Key Controls (in place)	Local Law Review, Compliance
Action (Treatment)	
Risk Rating (after treatment)	Adequate

#### **Financial Implications**

There are no significant financial implications evident at this time.

**Voting Requirements** 

Simple Majority Absolute Majority

Officer's Recommendation/Resolution - 14.2

**Moved:** Cr Ward **Seconded:** Cr Hudson

#### 563 That, by Absolute Majority in accordance with the Local Government Act 1995, Council

- 1. to note that no community submissions were received in relation to the following local laws:
  - Activities in Thoroughfares and Public Places and Trading Local Law 2022;
  - Cemeteries Local Law 2022;
  - Fencing Local Law 2022;
  - Meeting Procedures Meeting Local Law 2022; and
  - Repeal Local Law 2022.
- 2. to determine that the proposed changes outlined in the reports and included in the:
  - Activities in Thoroughfares and Public Places and Trading Local Law 2022;
  - Cemeteries Local Law 2022;
  - Fencing Local Law 2022;
  - Meeting Procedures Meeting Local Law 2022; and
  - Repeal Local Law 2022.

are not considered significantly different to that which was originally advertised.

- 3. to determine to accept all proposed changes and to adopt the:
  - Activities in Thoroughfares and Public Places and Trading Local Law 2022;
  - Cemeteries Local Law 2022;
  - Fencing Local Law 2022;
  - Meeting Procedures Meeting Local Law 2022; and
  - Repeal Local Law 2022.
- 4. to advertise the adopted local laws in the Government Gazette.
- 5. to submit to the Minister for Local Government, following advertising in the Government Gazette, a copy of the adopted local laws.
- 6. to advertise, as a local public notice, the adoption of the local laws.
- 7. to submit the Explanatory Memorandum and associated papers to the Joint Standing Committee on Delegated Legislation.

**CARRIED BY ABSOLUTE MAJORITY 8/0** 

15.	Elected Members' Motions
	Nil
16.	Matters Behind Closed Doors
	Nil
17.	Closure

The President thanked those in attendance and declared the Meeting closed at 2.37pm.



# MINUTES

**Ordinary Council Meeting** 

Held in Council Chambers 13 Cottrell Street, Dowerin WA 6461 Tuesday 21 December 2021



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16.	Matters Behind Closed Doors	
17.	Closure	

## Shire of Dowerin Ordinary Council Meeting Tuesday 18 January 2022



#### 1. Official Opening / Obituaries

The President welcomes those in attendance and declares the Meeting open at 2.00pm. In opening the meeting, the President and Councillors acknowledge the passing of Cr Wards father, Ian Smith and Dowerin Resident June Evans with a minute silence.

#### 2. Record of Attendance / Apologies / Leave of Absence

#### **Councillors:**

Cr RI Trepp President

Ms BA Ward Deputy President

Mr W Allsopp Mr DP Hudson Cr JC Sewell Cr AJ Metcalf Mr LG Hagboom

#### Staff:

Ms R McCall Chief Executive Officer

Mr L Vidovich Manager Works and Assets

Mr A Wooldridge Manager Corporate and Community Services,

Ms L Dreghorn Executive and Governance Officer

Members of the Public: Nil

Apologies: Nil

**Approved Leave of Absence:** Ms N McMorran

#### 3. Public Question Time

Nil

#### 4. Disclosure of Interest

Nil

#### 5. Applications for Leave of Absence

Nil

#### 6. Petitions and Presentations

Nil

#### 7. Confirmation of Minutes of the Previous Meeting(s)

7.1 Ordinary Council Meeting held on 21 December 2021

#### Attachment 7.1A

2.05pm L.Dreghorn Executive & Governance Officer enters the meeting

	Voting Requirements	
S	imple Majority	Absolute Majority
Officers	Recommendation/Resolution	
Moved:	Cr Allsopp	Seconded: Cr Ward
0550	Government Act 1995, the Minute	uant to Sections 5.22(2) and 3.18 of the <i>Local</i> s of the Ordinary Council Meeting held 23 December t 7.1A, be confirmed as a true and correct record of
	Minutes of Committee Masting/s) t	CARRIED 7/0
8.	Minutes of Committee Meeting(s) t	
8.1	NEWROC Minutes for meeting held Attachment 8.1A	14 December 2021
	NEWROC Annual Report 2021  Attachment 8.1B	
	Audit & Risk Committee Minutes for Attachment 8.1C	meeting held 21 December 2021
	Voting Requirements	
S	imple Majority	Absolute Majority
Officer's	s Recommendation/Resolution - 8.1	
Officer's	-	Seconded: Cr Hudson
	Cr Ward  That, in accordance with Section Council receives the Minutes of December 2021, as tabled in Attac	s 5.22(2) and 3.18 of the <i>Local Government Act 1995</i> , the NEWROC Meeting (unconfirmed) held on 14 chment 8.1A, NEWROC Annual Report 2021, as tabled Risk Committee Meeting (unconfirmed) held on 21
Moved:	Cr Ward  That, in accordance with Section Council receives the Minutes of December 2021, as tabled in Attachment 8.1B, and Audit &	s 5.22(2) and 3.18 of the <i>Local Government Act 1995</i> , the NEWROC Meeting (unconfirmed) held on 14 chment 8.1A, NEWROC Annual Report 2021, as tabled Risk Committee Meeting (unconfirmed) held on 21
Moved:	Cr Ward  That, in accordance with Section Council receives the Minutes of December 2021, as tabled in Attachment 8.1B, and Audit & December 2021, as tabled in Attachment 2021, as tabled	s 5.22(2) and 3.18 of the Local Government Act 1995, the NEWROC Meeting (unconfirmed) held on 14 chment 8.1A, NEWROC Annual Report 2021, as tabled Risk Committee Meeting (unconfirmed) held on 21 chment 8.1C.
Moved: 0551	Cr Ward  That, in accordance with Section Council receives the Minutes of December 2021, as tabled in Attachment 8.1B, and Audit & December 2021, as tabled in Attachment 2021, as tabled	s 5.22(2) and 3.18 of the Local Government Act 1995, the NEWROC Meeting (unconfirmed) held on 14 chment 8.1A, NEWROC Annual Report 2021, as tabled Risk Committee Meeting (unconfirmed) held on 21 chment 8.1C.  CARRIED 7/0  Meetings for Council Consideration
Moved: 0551	Cr Ward  That, in accordance with Section Council receives the Minutes of December 2021, as tabled in Attain Attachment 8.1B, and Audit & December 2021, as tabled in Attachment Recommendations from Committee	s 5.22(2) and 3.18 of the Local Government Act 1995, the NEWROC Meeting (unconfirmed) held on 14 chment 8.1A, NEWROC Annual Report 2021, as tabled Risk Committee Meeting (unconfirmed) held on 21 chment 8.1C.  CARRIED 7/0  Meetings for Council Consideration
Moved: 0551  9. 9.1	Cr Ward  That, in accordance with Section Council receives the Minutes of December 2021, as tabled in Attain Attachment 8.1B, and Audit & December 2021, as tabled in Attachment 2021, as	s 5.22(2) and 3.18 of the Local Government Act 1995, the NEWROC Meeting (unconfirmed) held on 14 chment 8.1A, NEWROC Annual Report 2021, as tabled Risk Committee Meeting (unconfirmed) held on 21 chment 8.1C.  CARRIED 7/0  Meetings for Council Consideration
Moved: 0551  9. 9.1	Cr Ward  That, in accordance with Section Council receives the Minutes of December 2021, as tabled in Attain Attachment 8.1B, and Audit & December 2021, as tabled in Attachment 2021, as tabled in Attachment 8.1B, and Audit & Commendations from Committee Audit & Risk Committee Meeting here.	s 5.22(2) and 3.18 of the Local Government Act 1995, the NEWROC Meeting (unconfirmed) held on 14 chment 8.1A, NEWROC Annual Report 2021, as tabled Risk Committee Meeting (unconfirmed) held on 21 ochment 8.1C.  CARRIED 7/0  Meetings for Council Consideration  Id on 21 December 2021  Absolute Majority
9. 9.1 S	Cr Ward  That, in accordance with Section Council receives the Minutes of December 2021, as tabled in Attain Attachment 8.1B, and Audit & December 2021, as tabled in Attachment 2021, as tabled in Attachment 8.1B, and Audit & Commendations from Committee Audit & Risk Committee Meeting her Voting Requirements	s 5.22(2) and 3.18 of the Local Government Act 1995, the NEWROC Meeting (unconfirmed) held on 14 chment 8.1A, NEWROC Annual Report 2021, as tabled Risk Committee Meeting (unconfirmed) held on 21 chment 8.1C.  CARRIED 7/0  Meetings for Council Consideration  Id on 21 December 2021  Absolute Majority  ecember 2021
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9. 9.1 S 7.1 F Audit &	Cr Ward  That, in accordance with Section Council receives the Minutes of December 2021, as tabled in Attain Attachment 8.1B, and Audit & December 2021, as tabled in Attain Attachment 8.1B, and Audit & December 2021, as tabled in Attain Attachment 8.1B, and Audit & Recommendations from Committee Audit & Risk Committee Meeting her Voting Requirements  Simple Majority Risk Dashboard Quarterly Report - December 2021, as tabled in Attain Attachment 8.1B, and Audit & Recommendations From Committee Recommendations Cr Hudson	s 5.22(2) and 3.18 of the Local Government Act 1995, if the NEWROC Meeting (unconfirmed) held on 14 chment 8.1A, NEWROC Annual Report 2021, as tabled Risk Committee Meeting (unconfirmed) held on 21 ochment 8.1C.  CARRIED 7/0  Meetings for Council Consideration  Id on 21 December 2021  Absolute Majority  ecember 2021  - 7.1  Seconded: Cr Allsopp  ations 16 and 17 of the Local Government (Audit)

**CARRIED 7/0** 

#### 10. Announcements by the President Without Discussion

President Trepp presented information on the COVID-Omicron variant to Councillors. This included a timeline and symptoms expected with contracting the Omicron variant. Urges everyone to present early if symptomatic as you have a greater chance of recovery.

Dowerin-Goomalling and Northam-Pithara roads have deteriorated significantly in the last month and only going to get worse with the commencement of out loading of grain.

11.

#### OFFICER'S REPORTS - CORPORATE AND COMMUNITY SERVICES

#### 11.1 Financial Activity Statements

## Corporate and Community Services



		TIN DOG TERRITORT
Date:	11 January 2022	
Location:	Not Applicable	
Responsible Officer:	Aaron Wooldridge, Manager Corporate and Community Services	
Author:	As above	
Legislation:	Local Government Act 1995; Local Gove Management) Regulations 1996	rnment (Financial
SharePoint Reference:	Organisation / Financial Management / Rep Statements / 2021-2022 Monthly Financial Statem	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.1A - December Financial Activity Statement	

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This item presents the Statement of Financial Activity to Council for the period ending December 2021.

#### **Background**

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare financial reports.

Regulations 34 and 35 of the *Local Government (Financial Management) Regulations 1996* set out the form and content of the financial reports, which have been prepared and are presented to Council.

#### Comment

In order to fulfil statutory reporting requirements and provide Council with a synopsis of the Shire of Dowerin's overall financial performance on a year-to-date basis, the following financial information is included in the Attachment.

Statements of Financial Activity - Statutory Reports by Program and Nature or Type

The Statements of Financial Activity provide details of the Shire's operating revenues and expenditures on a year-to-date basis. The reports further include details of non-cash adjustments and capital revenues and expenditures, to identify the Shire's net current position.

#### Note 1 - Statement of Financial Activity

Notes supporting the Statement of Financial Activity by Program and by Nature and Type.

#### Note 2 - Cash and Financial Assets

This note provides Council with the details of the actual amounts in the Shire's bank accounts and/or investment accounts as at the reporting date.

Note 3 - Receivables

This note provides Council with both Rates Receivables and General Receivables outstanding as at the reporting date. This report has been expanded to further break down the detail of General Receivables.

#### Note 4 - Other Current Assets

This note provides details of other current assets that the Shire may hold.

#### Note 5 - Payables

This note provides details of Shire payables unpaid as at the reporting date. This Note is new to the financial statements.

#### Note 6- Rate Revenue

This note provides details of rates levied during the year.

#### Note 7 - Disposal of Assets

This note gives details of the capital asset disposals during the year.

#### Note 8- Capital Acquisitions

This note details the capital expenditure program for the year.

#### Note 9 -Borrowings

This note shows the Shire's current debt position and lists all borrowings.

#### Note 10 - Cash Backed Reserves

This note provides summary details of transfers to and from reserve funds, and associated interest earnings on reserve funds, on a year-to-date basis.

#### Note 11 - Other Current Liabilities

This note outlines any provisions the Shire has on hand relative to other current liabilities.

#### Note 12 - Operating Grants and Contributions Received

This note provides information on operating grants received.

#### Note 13 - Non-Operating Grants and Contributions Received

This note provides information on non-operating grants received.

#### Note 14 - Explanation of Material Variances

Council adopted (in conjunction with the Annual Budget) a material reporting variance threshold of 10% or \$10,000, whichever is the greater. This note explains the reasons for any material variances identified in the Statements of Financial Activity at the end of the reporting period.

#### Consultation

Rebecca McCall, Chief Executive Officer

Megan Shirt, Consultant

Aaron Wooldridge, Manager Corporate and Community Services

#### **Policy Implications**

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies.

#### **Strategic Implications**

#### **Strategic Community Plan**

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3

Reference: 5.3.2

#### **Asset Management Plan**

Nil

#### **Long Term Financial Plan**

Nil

#### **Statutory Implications**

Council is required to adopt monthly statements of financial activity to comply with Regulation 34 of the Local Government (Financial Management) Regulations 1996.

#### **Risk Implications**

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar, Financial Management Framework and Legislation
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

Timely preparation of the monthly financial statements within statutory guidelines is vital to good financial management. Failure to submit compliant reports within statutory time limits will lead to non-compliance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

#### **Financial Implications**

Nil

#### Officers Recommendation/Resolution

**Moved:** Cr Ward **Seconded:** Cr Hudson

That Council, by Simple Majority pursuant to Regulation 34 of the *Local Government* (Financial Management) Regulations 1996, receives the statutory Financial Activity Statement report for the period December 2021, as presented in Attachment 11.1A.

**CARRIED 7/0** 

#### 11.2 List of Accounts Paid

## Corporate & Community Services



Date:	6 January 2022	
Location:	Not Applicable	
Responsible Officer:	Aaron Wooldridge, Manager Corporate & Community Services	
Author:	Jasmine Pietrocola, Accounts Finance Officer	
Legislation:	Local Government Act 1995; Local Government (Financial Management) Regulations 1996	
SharePoint Reference:	Organisation/Financial Management/Reporting/Financial Statements and Credit Cards	
Disclosure of Interest:	Nil	
Attachments:	Attachment 11.2A - List of Accounts Paid	

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This Item presents the List of Accounts Paid, paid under delegated authority, for December 2021.

**Background** 

Nil

Comment

The List of Accounts Paid as presented has been reviewed by the Manager Corporate & Community Services.

Consultation

Rebecca McCall, CEO

Aaron Wooldridge, Manager Corporate & Community Services

Jasmine Pietrocola, Finance Officer

**Policy Implications** 

The Shire of Dowerin has a comprehensive suite of financial management policies. Finances have been managed in accordance with these policies. Payments have been made under delegated authority.

**Strategic Implications** 

#### **Strategic Community Plan**

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3

Reference: 5.3.2

#### **Asset Management Plan**

Nil

#### **Long Term Financial Plan**

Nil

#### **Statutory Implications**

Regulation 12 and 13 of the *Local Government (Financial Management) Regulations 1996* requires that a separate list be prepared each month for adoption by Council showing creditors paid under delegated authority.

#### **Risk Implications**

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)
Key Controls (in place)	Governance Calendar
Action (Treatment)	Nil
Risk Rating (after treatment)	Adequate

#### **Financial Implications**

Funds expended are in accordance with Council's adopted 2021/22 Budget.

Voting Requirements

Simple Majority Absolute Majority

#### Officer's Recommendation/Resolution - 11.2

**Moved:** Cr Hudson **Seconded:** Cr Allsopp

That Council, by Simple Majority pursuant to Section 6.8(1)(a) of the Local Government Act 1995 and Regulation 12 & 13 of the Local Government (Financial Management) Regulations 1996, receives the report from the Chief Executive Officer on the exercise of delegated authority in relation to creditor payments from the Shire of Dowerin Municipal Fund, as presented in Attachment 11.2A, and as detailed below:

List of Accounts Paid – December 2021		
EFT9330 to EFT9445	\$753,148.32	
Cheque 10946 to 10956	\$37,529.67	
Direct Debit 11529: Credit Card Payment: November 2021	\$8,863.24	

Direct Debit 11544: Puma Energy: Fuel: November 2021	\$571.84
Direct Debit 11531 & 11552: Superannuation	\$14,547.57
Direct Debit 11533 & 11554: WATC Loan & Interest Repayments	\$50,098.01
130887: Bank Fees	\$343.61
Net Payroll; PPE 8 December 2021	\$60,390.07
Net Payroll; PPE 22 December 2021	\$54,067.25
TOTAL	\$979,559.58

CARRIED 7/0

#### 11.3 Rescinding of Motion CMRef 0460

#### Corporate and Community Services



		THE BOO TERRITORY
Date:	11 January 2022	
Location:	Not Applicable	
Responsible Officer:	Aaron Wooldridge, Manager Corporate and Comr	munity Services
Author:	Linley Dreghorn, Executive and Governance Offic	er
Legislation:	Local Government Act 1995; Local Government Management) Regulations 1996; Local Government Regulations 1996; WA Salaries and Allowar Determination for Local Government.	ent (Administration)
SharePoint Reference:	Organisation/Financial Management/Budgeting/2	2021-2022 Budget
Disclosure of Interest:	Nil	
Attachments:	Nil	

Purpose of Report	
Executive Decision	Legislative Requirement
Summary	

This Item presents to Council that Resolution (CMRef 0460) be rescinded, and a new motion be voted on by absolute majority.

#### Background

At its Special Council Meeting held 10 August 2021, Council resolved by Absolute Majority to adopt Elected Member annual fees and allowances for 2021/2022.

Prior to the payment run in December 2021 it was brought to the CEO's attention that the adopted Council meeting fees and allowances for 2021/22 did not comply with WA Salaries and Allowances determined by the Tribunal.

#### Comment

If Council agrees with this recommendation, Council will need to rescind the original resolution CMRef 01460 which states:

That, in accordance with Section 5.99 of the *Local Government Act 1995* and Regulation 34 of the *Local Government (Administration) Regulations 1996*, Council adopts the following annual fees and allowances for elected members:

Council Meetings; Per Councillors	\$300 per meeting
Council Meetings; President	\$350 per meeting
Allowance; Shire President	\$7,500 per annum
Allowance; Deputy Shire President	\$1,650 per annum

In consultation with Council at the December Workshop 2021, the proposed annual fees and allowances for Elected Members be set within the parameters of the WA Salaries and Allowances determined by the Tribunal.

#### Consultation

Rebecca McCall, Chief Executive Officer

Linley Dreghorn, Executive and Governance Officer

Aaron Wooldridge, Manager of Corporate and Community Services

Lyn Fogg, Governance Specialist, WALGA

Council Workshop December 2021

#### **Policy Implications**

Policy 1.1 - Councillor's Fees, Allowances, Reimbursements & Benefits Policy stipulates that the Shire of Dowerin will pay elected members fees and allowances in accordance with the State Government's Salaries and Allowances Tribunal under Section 7B of the *Salaries and Allowances Act* 1975.

#### **Statutory Implications**

Section 10 of the Local Government (Administration) Regulations 1996 is applicable and states:

#### "10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
- (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

#### **Strategic Implications**

#### **Strategic Community Plan**

Community Priority: Our Organisation

Objective: We are recognised as a transparent, well governed, and effectively

managed Local Government

Outcome: 5.3 Reference: 5.3.2

#### **Asset Management Plan**

Nil

#### **Long Term Financial Plan**

The LTFP will be reviewed to capture the 2021/22 Budget allocations.

#### **Risk Implications**

Risk Profiling Theme	Failure to fulfil statutory regulations or compliance requirements
Risk Category	Compliance
Risk Description	No noticeable regulatory or statutory impact
Consequence Rating	Insignificant (1)
Likelihood Rating	Rare (1)
Risk Matrix Rating	Low (1)

Key Controls (in place)	Governance Legislation	Calendar,	Financial	Management	Framework	&
Action (Treatment)	Nil					
Risk Rating (after treatment)	Adequate					

#### **Financial Implications**

As meeting fees and allowances are paid six monthly (December and June), no payments have been paid for the 2021/22 financial year. It was proposed to defer the six-month Councillor fee payment in December, present an item at the January Ordinary Meeting of Council and schedule payment for the end of January 2022.

	Voting Requirements			
S	imple Majority		Absol	ute Majority
Officer's	Recommendation/Resolution - 11.3			
Moved:	Cr Allsopp	Secor	ided:	Cr Hagboom

#### 0555 That Council:

1. Rescinds previous Council Resolution (*CMRef 0460*) as outlined in the Special Meeting of Council 10 August 2021 as Item 5.1:

That, in accordance with Section 5.99 of the Local Government Act 1995 and Regulation 34 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees and allowances for elected members:

Council Meetings; Per Councillors	\$300 per meeting
Council Meetings; President	\$350 per meeting
Allowance; Shire President	\$7,500 per annum
Allowance; Deputy Shire President	\$1,650 per annum

2. Adopts in accordance with Section 5.99 of the Local Government Act 1995 and Regulation 34 of the Local Government (Administration) Regulations 1996, Council adopts the following annual fees and allowances for elected members:

Council Meetings; Per Councillors	\$200 per meeting
Council Meetings; President	\$350 per meeting
Committee Meeting Fees (Attendance); Per Meeting	\$75.00 per meeting
Allowance; Shire President	\$7,500 per annum
Allowance; Deputy Shire President	\$1,875 per annum

**CARRIED BY ABSOLUTE MAJORITY 7/0** 

12.	OFFICER'S REPORTS - GOVERNANCE AND COMPLIANCE
	Nil
13.	OFFICER'S REPORTS - WORKS AND ASSETS
	Nil
14.	Urgent Business Approved by the Person Presiding or by Decision
	Nil
15.	Elected Members' Motions
	Nil
16.	Matters Behind Closed Doors
	Nil
17.	Closure

The President thanked those in attendance and declared the Meeting closed at 2.31pm.

#### **SHIRE OF DOWERIN**

## MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) FOR THE PERIOD ENDED 31 JANUARY 2022

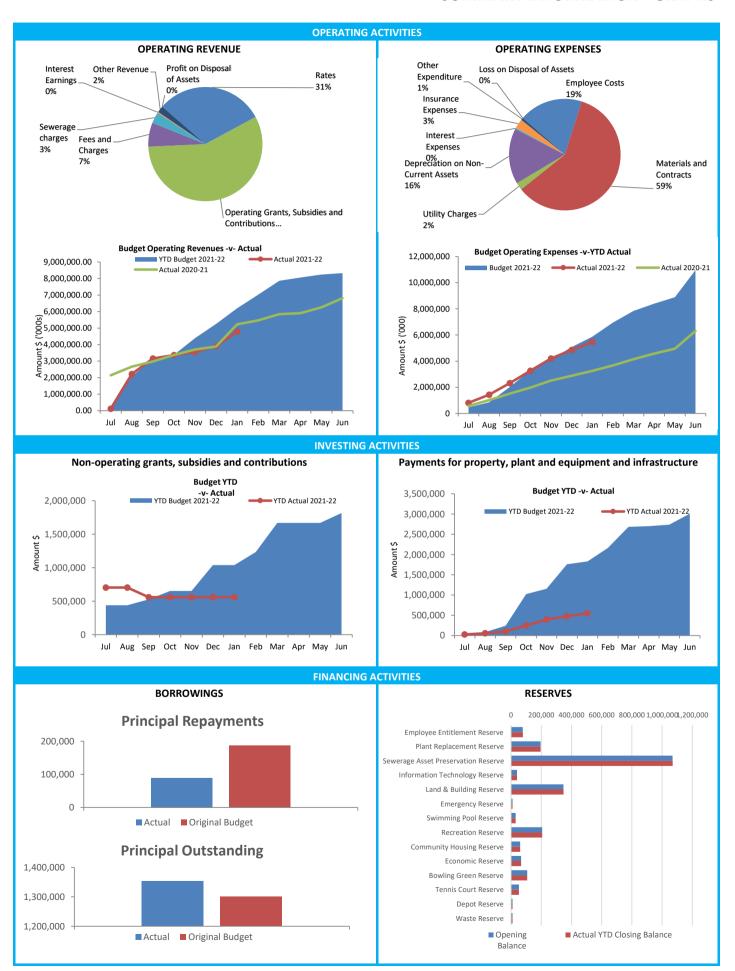
### LOCAL GOVERNMENT ACT 1995 LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

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Funding surplus / (d			1 1 1 1 00 0	. 1				
		Funding su	ırplus / (defici					
		Adopted	YTD Budget	YTD Actual	Var. \$			
		Budget	(a)	(b)	(b)-(a)			
Opening Closing		\$2.06 M \$0.00 M	\$2.06 M \$2.46 M	\$1.28 M \$1.39 M	(\$0.79 M) (\$1.07 M)			
efer to Statement of Fin	nancial Activity	\$0.00 IVI	72.40 W	71.35 W	(31.07 101)			
Cach and	l cach agu	ivalente		Payables			Receivables	
Cash and	l cash equ							
	\$3.58 M	% of total		\$0.27 M	% Outstanding		\$0.27 M	% Collecte
Unrestricted Cash	\$1.20 M	33.5%	Trade Payables	\$0.01 M		Rates Receivable	\$0.26 M	83.9%
Restricted Cash	\$2.38 M	66.5%	Over 30 Days		0.0%	Trade Receivable	\$0.27 M	
Restricted Casii	32.36 IVI	00.376					30.27 IVI	F F0/
			Over 90 Days		0%	Over 30 Days Over 90 Days		5.5% 3.4%
efer to Note 2 - Cash an	d Financial Asset	:s	Refer to Note 5 - Paya	bles		Refer to Note 3 - Receiv	vables .	5.1,5
ey Operating Activi	ities							
Amount attr	ibutable t	o operatir						
Adopted Budget	Budget	Actual	Var. \$ (b)-(a)					
(\$1.09 M)	(a) \$1.23 M	(b) \$0.12.M						
زعا.05 الاز efer to Statement of Fin	•	\$0.13 M	(\$1.09 M)					
Pod	tes Reven		Oneveting C	rants and C	ontributions	For	es and Char	~~~
Nat		ue	Operating G	rants and C	DITTIBUTIONS	ret	es and Char	
YTD Actual			YTD Actual	\$2.70 M		YTD Actual	\$0.32 M	% Variance
YTD Actual YTD Budget	\$1.45 M \$1.45 M	% Variance 0.2%	YTD Actual YTD Budget	<b>\$2.70 M</b> \$4.16 M	% Variance (35.0%)	YTD Actual YTD Budget	\$0.32 M \$0.33 M	% Variance (1.1%)
	\$1.45 M	% Variance		•	% Variance		•	
YTD Budget	\$1.45 M \$1.45 M	% Variance		\$4.16 M	% Variance (35.0%)		\$0.33 M	% Variance (1.1%)
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#### **SUMMARY INFORMATION - GRAPHS**



#### STATUTORY REPORTING PROGRAMS

	Ref Note	Adopted Budget	Current Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$		\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	2,063,716	2,063,716	2,063,716	1,275,417	(788,299)	(38.20%)	
Revenue from operating activities								
Governance		8,000	8,000	4,000	427	(3,573)	(89.33%)	
General purpose funding		2,404,226	2,404,226	2,059,768	1,867,021	(192,747)	(9.36%)	
Law, order and public safety		40,700	40,700	20,699	23,486	2,787	13.46%	
Health		1,600	1,600	924	3,594	2,670	288.96%	
Education and welfare		546,658	546,658	354,123	279,209	(74,914)	(21.15%)	
Housing		150,000	150,000	87,081	83,784	(3,297)	(3.79%)	
Community amenities		287,152	287,152	278,381	257,681	(20,700)	(7.44%)	
Recreation and culture		50,950	50,950	31,387	20,895	(10,492)	(33.43%)	
Transport		4,600,773	4,600,773	3,229,710	1,990,294	(1,239,416)	(38.38%)	
Economic services		182,300	182,300	104,587	125,851	21,264	20.33%	$\odot$
Other property and services		54,832	54,832	31,962	70,907	38,945	121.85%	$\odot$
		8,327,191	8,327,191	6,202,622	4,723,149	(1,479,473)		
Expenditure from operating activities								
Governance		(436,496)	(436,496)	(272,067)	(219,779)	52,288	19.22%	$\odot$
General purpose funding		(221,485)	(221,485)	(107,759)	(108,400)	(641)	(0.59%)	
Law, order and public safety		(131,300)	(131,300)	(79,698)	(80,630)	(932)	(1.17%)	
Health		(49,572)	(49,572)	(14,322)	(11,247)	3,075	21.47%	
Education and welfare		(602,795)	(602,795)	(332,708)	(248,312)	84,396	25.37%	$\odot$
Housing		(265,816)	(265,816)	(161,274)	(138,798)	22,476	13.94%	$\odot$
Community amenities		(471,723)	(471,723)	(246,593)	(216,031)	30,562	12.39%	<u></u>
Recreation and culture		(948,054)	(948,054)	(574,188)	(507,652)	66,536	11.59%	$\odot$
Transport		(7,312,861)	(7,312,861)	(3,714,897)	(3,307,974)	406,923	10.95%	$\odot$
Economic services		(514,251)	(514,251)	(303,154)	(293,265)	9,889	3.26%	
Other property and services		(8,268) (10,962,621)	(8,268) (10,962,621)	(63,911) ( <b>5,870,571</b> )	(340,971)	(277,060) 397,512	(433.51%)	
		(10,502,021)	(10,302,021)	(3,575,371)	(3,473,033)	531,7522		
Non-cash amounts excluded from operating activities	1(a)	1,544,497	1,544,497	896,198	884,527	(11,671)	(1.30%)	
Amount attributable to operating activities		(1,090,933)	(1,090,933)	1,228,249	134,617	(1,093,632)		
Investing Activities								
Non-operating grants, subsidies and contributions	13	1,815,757	1,815,757	1,038,582	559,531	(479,051)	(46.13%)	
Proceeds from disposal of assets	7	161,000	161,000	50,000	60,909	10,909	21.82%	$\odot$
Payments for property, plant and equipment and infrastructure	8	(3,008,912)	(3,008,912)	(1,829,666)	(548,338)	1,281,328	70.03%	$\odot$
Amount attributable to investing activities		(1,032,155)	(1,032,155)	(741,083)	72,102	813,185		
Financing Activities								
Transfer from reserves	10	459,521	459,521	0	0	0	0.00%	
Repayment of debentures	9	(187,187)	(187,187)	(88,255)	(88,255)	0	0.00%	
Transfer to reserves	10	(212,962)	(212,962)	(2,858)	(2,858)	0	0.00%	
Amount attributable to financing activities		59,372	59,372	(91,113)	(91,113)	0		
Closing funding surplus / (deficit)	1(c)	0	0	2,459,769	1,391,024	(1,068,746)		

#### 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.

threshold. Refer to Note 15 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2021-22 year is \$10,000 or 10.00% whichever is the greater.

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

#### KEY TERMS AND DESCRIPTIONS

#### FOR THE PERIOD ENDED 31 JANUARY 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 resources

#### **ACTIVITIES**

To include the activities of membes of Council and the administration support available to the Council for the provision of governance of the district. Other costs relat to 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, community crime prevention and other aspects of public safety including emergency services.

#### **HEALTH**

To provide an operational framework for environmental and community health.

Inspection of food premises and food control.

#### **EDUCATION AND WELFARE**

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

Maintenance and operational costs of the Dowerin Child Care Centre: Dowerin Home Care. Commonwealth Home Support Program (CHSP), community nursing and other support services.

#### HOUSING

To provide and maintain housing for staff, aged and community housing projects operated by Joint Venture with the Department of Housing.

Provision and maintenance of all Shire responsible housing.

#### **COMMUNITY AMENITIES**

To provide necessary services as required by the community.

Rubbish collection and recycling, operation of disposal sites, administration, maintenance & operation of the Dowerin Townsite Sewerage Scheme. Administration of the Shire of Dowerin Town Planning Scheme. Administration, maintenance & operation of the Dowerin & Minnivale public cemeteries, public toilets & the Dowerin Community Bus.

#### RECREATION AND CULTURE

To establish & effectively manage infrastructure and resources which will help the social wellbeing of the community.

Maintenance and operation of public halls, sporting pavilions, parks and gardens, recreation centre, sports playing surface areas and reserves including football oval, hockey oval, tennis courts, bowling greens and golf course. Contribution to the operation of the Dowerin Public Library.

#### **TRANSPORT**

To provide safe, effective and e3fficient transport services to the community.

Construction and maintenance of streets, roads, footpaths, drainage & signs. Maintenance and operation of street lights, works depot and aerodrome. Cleaning of streets and provision and maintenance of street trees. Purchase, maintenance and operation of plant.

#### **ECONOMIC SERVICES**

To help promote the Shire and its economic wellbeing.

Tourism and area promotion including the maintenance and operation of the Shire of Dowerin Short Stay Acommodation facilities. Provision of rural services including building control, standpipes, noxious weeds and vermin control. Assistance with the operations of the annual Dowerin Field Day. Maintenance costs associated with the Dowerin Community Resource Centre.

#### OTHER PROPERTY AND SERVICES

To monitor and control Council's overheads operating accounts.

Private works, plant repairs and operations. Works and administration overheads. Materials and stores.

#### BY NATURE OR TYPE

	Ref	Adopted Budget	Current Budget	YTD Budget	YTD Actual	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
	Note			(a)	(b)			
		\$		\$	\$	\$	%	
Opening funding surplus / (deficit)	1(c)	2,063,716	2,063,716	2,063,716	1,275,417	(788,299)	(38.20%)	
Revenue from operating activities								
Rates	6	1,447,970	1,447,970	1,447,970	1,451,259	3,289	0.23%	
Operating grants, subsidies and contributions	12	6,078,134	6,078,134	4,156,008	2,700,263	(1,455,745)	(35.03%)	
Fees and charges		485,700	485,700	325,368	321,667	(3,701)	(1.14%)	
Sewerage charges		167,928	167,928	167,928	149,526	(18,402)	(10.96%)	
Interest earnings		36,078	36,078	29,821	12,646	(17,175)	(57.59%)	
Other revenue		99,000	99,000	68,310	87,788	19,478	28.51%	$\odot$
Profit on disposal of assets		12,381	12,381	7,217	0	(7,217)	(100.00%)	
		8,327,191	8,327,191	6,202,622	4,723,149	(1,479,473)		
Expenditure from operating activities								
Employee costs		(1,586,612)	(1,586,612)	(892,186)	(1,012,919)	(120,733)	(13.53%)	8
Materials and contracts		(7,219,361)	(7,219,361)	(3,699,179)	(3,251,774)	447,405	12.09%	<u></u>
Utility charges		(152,050)	(152,050)	(88,494)	(117,747)	(29,253)	(33.06%)	
Depreciation on non-current assets		(1,516,549)	(1,516,549)	(884,527)	(884,527)	0	0.00%	
Interest expenses		(39,613)	(39,613)	(19,815)	(18,998)	817	4.12%	_
Insurance expenses		(129,540)	(129,540)	(123,792)	(151,255)	(27,463)	(22.18%)	8
Other expenditure		(299,150)	(299,150)	(143,690)	(35,839)	107,851	75.06%	<u></u>
Loss on disposal of assets		(19,746)	(19,746)	(18,888)	0	18,888	100.00%	<u> </u>
		(10,962,621)	(10,962,621)	(5,870,571)	(5,473,059)	397,512		
Non-cash amounts excluded from operating activities	1(a)	1,544,497	1,544,497	896,198	884,527	(11,671)	(1.30%)	
Amount attributable to operating activities		(1,090,933)	(1,090,933)	1,228,249	134,617	(1,093,632)		
Investing activities								
Non-operating grants, subsidies and contributions	13	1,815,757	1,815,757	1,038,582	559,531	(479,051)	(46.13%)	8
Proceeds from disposal of assets	7	161,000	161,000	50,000	60,909	10,909	21.82%	$\odot$
Payments for property, plant and equipment and infrastructure	8	(3,008,912)	(3,008,912)	(1,829,666)	(548,338)	1,281,328	70.03%	$\odot$
Amount attributable to investing activities		(1,032,155)	(1,032,155)	(741,083)	72,102	813,185		
Financing Activities								
Proceeds from new debentures	9	0	0	0	0	0	0.00%	
Transfer from reserves	10	459,521	459,521	0	0	0	0.00%	
Payments for principal portion of lease liabilities		0	,	0	0	0	0.00%	
Repayment of debentures	9	(187,187)	(187,187)	(88,255)	(88,255)	0	0.00%	
Transfer to reserves	10	(212,962)	(212,962)	(2,858)	(2,858)	0	0.00%	
Amount attributable to financing activities		59,372	59,372	(91,113)	(91,113)	0		
Closing funding surplus / (deficit)	1(c)	0	0	2,459,769	1,391,024	(1,068,746)		

#### KEY INFORMATION

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

Refer to Note 15 for an explanation of the reasons for the variance.

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

#### **KEY TERMS AND DESCRIPTIONS FOR THE PERIOD ENDED 31 JANUARY 2022**

#### **NATURE OR TYPE DESCRIPTIONS**

#### **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.

#### FFFS 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 FARNINGS

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.

#### **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.

#### (a) Non-cash items excluded from operating activities

The following non-cash revenue and expenditure has been excluded from operating activities within the Statement of Financial Activity in accordance with Financial Management Regulation 32.

	Notes	Adopted Budget			YTD Actual
	Notes	Adopted Budget			Actual
Non-cash items excluded from operating activities					
		\$			\$
Adjustments to operating activities					
Less: Profit on asset disposals	7	(12,381)			0
Movement in liabilities associated with restricted cash		20,583			97
Add: Loss on asset disposals	7	19,746			0
Add: Depreciation on assets		1,516,549			884,527
Total non-cash items excluded from operating activities	_	1,544,497			884,624
Total for each feeling excluded from operating activities		1,344,431			554,024
(b) Adjustments to net current assets in the Statement of Finan	ncial Activity				
The following current assets and liabilities have been excluded			Last	This Time	Year
from the net current assets used in the Statement of Financial			Year	Last	to
Activity in accordance with Financial Management Regulation			Unaudited Actual	Year	Date
32 to agree to the surplus/(deficit) after imposition of general rat	-29	Adopted Budget	30 June 2021	31 January 2021	31 January 2022
oz to agroo to the surplus/(across) and imposition of general tal		Adopted Budget	Jo June 2021	JI Junuary 2021	31 Junuary 2022
Adjustments to net current assets					
Less: Reserves - restricted cash	10	(2,280,140)	(2,280,140)	(2,277,071)	(2,282,998)
Add: Borrowings	9	187,187	187,197	72,598	98,942
Add: Provisions funded by Reserve		77,767	77,767	77,767	77,864
Total adjustments to net current assets		(2,015,186)	(2,015,176)	(2,126,706)	(2,106,192)
(c) Net current assets used in the Statement of Financial Activ	itv				
Current assets					
Cash and cash equivalents	2	4,229,066	4,240,541	5,347,513	3,548,855
Rates receivables	3	133,185	133,185	222,639	255,765
Receivables	3	358,730	395,906	64,102	270,937
Stock on Hand	4	11.455	14,605	(7,713)	13,728
Total Current Assets	_	4,732,436	4,784,237	5,626,541	4,089,285
Less: Current liabilities		.,	.,,	5,525,612	.,,
Payables	5	(184,245)	(430,589)	(44,905)	(268,635)
Borrowings	9	(187,187)	(187,197)	(72,598)	(98,942)
Contract liabilities	11	(90,000)	(704,013)	(: =,===,	(52,648)
Provisions	11	(192,102)	(171,845)	(192,102)	(171,845)
Total Current Liabilities		(653,534)	(1,493,644)	(309,605)	(592,070)
	_	(111)00 1/	(-,:,011)	(===)000)	(552)070)
	_	4,078,902	3,290,593	5,316,936	3,497,216
Less: Total adjustments to net current assets	1(b)	(2,015,186)	(2,015,176)	(2,126,706)	(2,106,192)
•	T(n)				
Closing funding surplus / (deficit)		2,063,716	1,275,417	3,190,230	1,391,024

#### 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.



				Total			Interest	Maturity
Description	Classification	Unrestricted	Restricted	Cash	Trust	Institution	Rate	Date
		\$	\$	\$	\$			
Cook on bond								
Cash on hand								
Floats	Cash and cash equivalents	400	0	400	0	On-hand		
Cash Deposits								
Municipal Bank Account	Cash and cash equivalents	1,199,033	0	1,199,033	0	NAB	0.05%	At Call
Cash Maximiser	Cash and cash equivalents	13	0	13	0	NAB	0.05%	At Call
DRFAWA Flood Damage Funding	Cash and cash equivalents		2	2	0	NAB	0.03%	At Call
LRCIP Phase 2 Funding	Cash and cash equivalents		100,441	100,441	0	NAB	0.03%	At Call
Term Deposits								
Reserve 95-525-1072	Financial assets at amortised cost		2,282,998	2,282,998	0	NAB	0.05%	25.06.22
Total		1,199,446	2,383,441	3,582,887				
Communitation								
Comprising								
Cash and cash equivalents		1,199,446	100,443	1,299,889	0			
Financial assets at amortised cost		0	2,282,998	2,282,998	0			
		1,199,446	2,383,441	3,582,887	0			

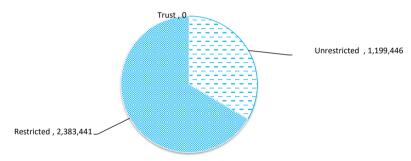
#### KEY INFORMATION

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.

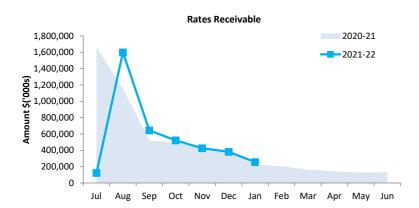


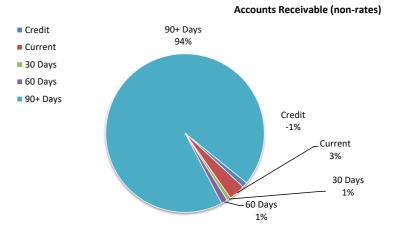
Rates receivable	30 June 2021	31 Jan 2022		
	\$	\$		
Opening arrears previous years	118,037	133,185		
Levied - Rates revenue	1,402,771	1,451,257		
Less - collections	(1,387,623)	(1,328,677)		
Equals current outstanding	133,185	255,765		
Net rates collectable	133,185	255,765		
% Collected	91.2%	83.9%		

Receivables - general	Credit	Current	Current 30 Days		90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - general	(2,547)	7,954	1,902	3,079	221,097	231,485
Percentage	(1.1%)	3.4%	0.8%	1.3%	95.5%	
Balance per trial balance						
Sundry receivable	(2,547)	7,954	1,902	3,079	221,097	231,485
Allowance for impairment of receivables	0	(59,920)	0	0	0	(59,920)
Accrued Income	0	31,368	0	0	0	31,368
Total receivables general outstanding						270,937
Amounts shown above include GST (where a	oplicable)					

#### **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 uncollectable are written off when identified. An allowance for impairment of receivables is raised when there is objective evidence that they will not be collectible.





#### **OPERATING ACTIVITIES** NOTE 4 **OTHER CURRENT ASSETS**

	Opening Balance	Asset Increase/(Decrease)	Closing Balance 31 January	
Other current assets	1 July 2021		2022	
	\$	\$	\$	
Inventory				
Stock On Hand	14,605	(877)	13,728	
Total other current assets	14,605	(877)	13,728	

Amounts shown above include GST (where applicable)

#### **KEY INFORMATION**

#### Inventory

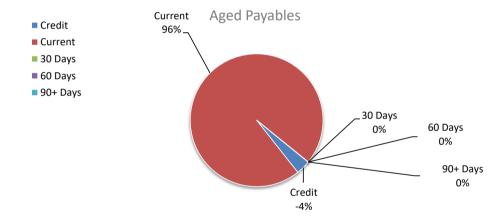
Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

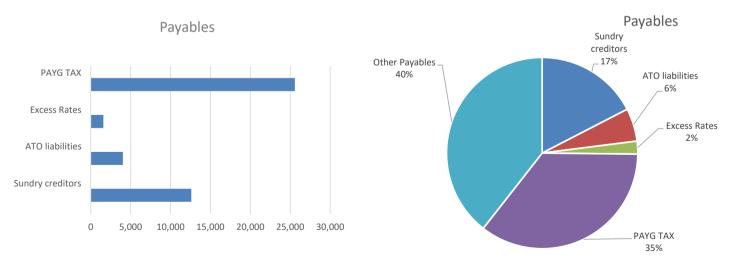
Payables - general	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - general	(10,200)	278,835	0	0	0	268,635
Percentage	0%	103.8%	0%	0%	0%	
Balance per trial balance						
Sundry creditors	0	12,590	0	0	0	12,590
ATO liabilities	0	4,022	0	0	0	4,022
Excess Rates	0	1,577	0	0	0	1,577
PAYG TAX	0	25,568	0	0	0	25,568
Other Payables	0	28,483	0	0	0	28,483
Payroll Creditors	(10,200)	0	0	0	0	(10,200)
Accrued Loan Interest	0	7,731	0	0	0	7,731
Total payables general outstanding						268,635

Amounts shown above include GST (where applicable)

#### **KEY INFORMATION**

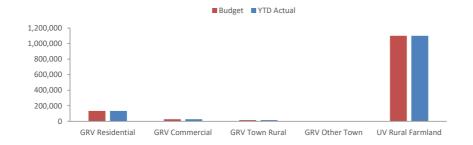
Trade and other payables represent liabilities for goods and services provided to the Shire that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are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

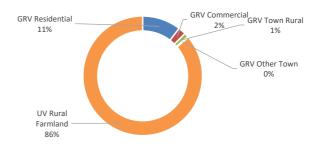




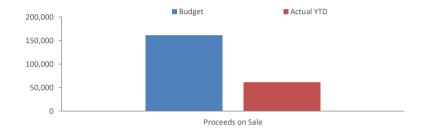
General rate revenue					Original	Budget			Y	D Actual	
	Rate in	Number of	Rateable	Rate	Interim	Back	Total	Rate	Interim	Back	Total
	\$ (cents)	Properties	Value	Revenue	Rate	Rate	Revenue	Revenue	Rates	Rates	Revenue
RATE TYPE				\$	\$	\$	\$	\$	\$	\$	\$
Gross rental value											
GRV Residential	0.10300	134	1,292,744	133,153	0	0	133,153	133,153	0	0	133,153
GRV Commercial	0.10300	15	256,479	26,417	0	0	26,417	26,417	0	0	26,417
GRV Town Rural	0.10300	12	138,888	14,305	0	0	14,305	14,305	0	0	14,305
GRV Other Town	0.10300	8	33,386	3,439	0	0	3,439	3,439	0	0	3,439
Unimproved value											
UV Rural Farmland	0.00780	221	141,021,718	1,099,969	0	0	1,099,969	1,100,393	0	0	1,100,393
Sub-Total		390	142,743,215	1,277,284	0	0	1,277,283	1,277,707	0	0	1,277,707
Minimum payment	Minimum \$										
Gross rental value											
GRV Residential	793	44	268,898	34,896	0	0	34,896	34,892	0	0	34,892
GRV Commercial	793	17	65,465	13,483	0	0	13,483	13,481	0	0	13,481
GRV Town Rural	793	15	36,979	11,897	0	0	11,897	11,895	0	0	11,895
GRV Other Town	232	19	7,807	4,404	0	0	4,404	4,408	0	0	4,408
Unimproved value											
UV Rural Farmland	793	66	3,733,182	52,345	0	0	52,345	52,338	0	0	52,338
UV Commercial	793	4	400	3,172	0	0	3,172	3,172	0	0	3,172
UV Town Rural	793	4	92,000	3,172	0	0	3,172	3,172	0	0	3,172
UV Mining	232	10	57,675	2,318	0	0	2,318	2,320	249	0	2,569
Sub-total		179	4,262,406	125,687	0	0	125,687	125,678	249	0	125,927
Amount from general rates							1,402,970	1,403,385	249	0	1,403,634
Ex-gratia rates							45,000				47,623
Total general rates							1,447,970				1,451,257

#### **KEY INFORMATION**





			YTD Actual						
Asset Ref.	Asset description	Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and equipment								
	Transport								
	Ride On Mower - Cox 9008E (P042)	0	1,000	1,000	0	0	0	0	0
	Dual Cab 4x2; D002; Team Leader	23,000	18,000	0	(5,000)	0	0	0	0
	Single Cab - Light Utility - 1GIL668	951	12,000	11,049	0	0	0	0	0
	Other property and services								
	Passenger Vehicle; MWA	41,100	40,000	0	(1,100)	0	0	0	0
	Passenger Vehicle; CEO	50,955	50,000		(955)	0	60,909	0	0
	Passenger Vehicle; MCCS	39,668	40,000	332	0	0	0	0	0
		155,674	161,000	12,381	(7,055)	0	60,909	0	0



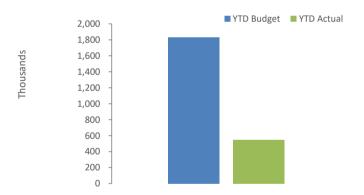
Processing of disposal of CEO (D0) vehicle transaction unable to occur until AFR for 2020/2021 is signed off

#### **INVESTING ACTIVITIES** NOTE 8 **CAPITAL ACQUISITIONS**

Buildings 267,000 Plant and equipment 396,500 Infrastructure - roads 1,978,412 Infrastructure - other 367,000 Payments for Capital Acquisitions 3,008,912  Total Capital Acquisitions 3,008,912  Capital Acquisitions Funded By:  \$ Capital grants and contributions 1,815,757 Other (disposals & C/Fwd) 161,000 Cash backed reserves Plant Replacement Reserve 120,000 Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000				YTD Actual
Buildings 267,000 Plant and equipment 396,500 Infrastructure - roads 1,978,412 Infrastructure - other 367,000 Payments for Capital Acquisitions 3,008,912 Total Capital Acquisitions 3,008,912  Capital Acquisitions Funded By:  \$ Capital grants and contributions 1,815,757 Other (disposals & C/Fwd) 161,000 Cash backed reserves Plant Replacement Reserve 120,000 Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000	urrent Budget	YTD Budget	YTD Actual	Variance
Plant and equipment 396,500 Infrastructure - roads 1,978,412 Infrastructure - other 367,000  Payments for Capital Acquisitions 3,008,912  Total Capital Acquisitions 3,008,912  Capital Acquisitions Funded By:  \$ Capital grants and contributions 1,815,757 Other (disposals & C/Fwd) 161,000 Cash backed reserves Plant Replacement Reserve 120,000 Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000		\$	\$	\$
Infrastructure - roads 1,978,412 Infrastructure - other 367,000 Payments for Capital Acquisitions 3,008,912 Total Capital Acquisitions 3,008,912  Capital Acquisitions Funded By:  \$ Capital grants and contributions 1,815,757 Other (disposals & C/Fwd) 161,000 Cash backed reserves Plant Replacement Reserve 120,000 Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000	267,000	80,331	73,396	(6,935)
Infrastructure - other 367,000  Payments for Capital Acquisitions 3,008,912  Total Capital Acquisitions 3,008,912  Capital Acquisitions Funded By:  \$ Capital grants and contributions 1,815,757 Other (disposals & C/Fwd) 161,000  Cash backed reserves  Plant Replacement Reserve 120,000  Sewerage Asset Preservation Reserve 47,000  Land & Building Reserve 150,000  Emergency Reserve 10,000  Swimming Pool Reserve 40,521  Recreation Reserve 92,000	396,500	124,000	67,383	(56,617)
Payments for Capital Acquisitions  3,008,912  Total Capital Acquisitions  3,008,912  Capital Acquisitions Funded By:  Capital grants and contributions  1,815,757  Other (disposals & C/Fwd)  Cash backed reserves  Plant Replacement Reserve  Plant Replacement Reserve  Sewerage Asset Preservation Reserve  Land & Building Reserve  Emergency Reserve  10,000  Swimming Pool Reserve  40,521  Recreation Reserve  92,000	1,978,412	1,277,335	373,471	(903,864)
Total Capital Acquisitions  Capital Acquisitions Funded By:  \$ Capital grants and contributions  Cash total Capital & C/Fwd)  Cash backed reserves  Plant Replacement Reserve  Plant Replacement Reserve  Sewerage Asset Preservation Reserve  Land & Building Reserve  Emergency Reserve  Swimming Pool Reserve  Recreation Reserve  92,000	367,000	348,000	34,087	(313,913)
Capital Acquisitions Funded By:  \$ Capital grants and contributions 1,815,757 Other (disposals & C/Fwd) 161,000 Cash backed reserves Plant Replacement Reserve 120,000 Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000	3,008,912	1,829,666	548,338	(1,281,328)
\$ Capital grants and contributions 1,815,757 Other (disposals & C/Fwd) 161,000 Cash backed reserves Plant Replacement Reserve 120,000 Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000	3,008,912	1,829,666	548,338	(1,281,328)
Capital grants and contributions 1,815,757 Other (disposals & C/Fwd) 161,000 Cash backed reserves Plant Replacement Reserve 120,000 Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000				
Other (disposals & C/Fwd)  Cash backed reserves  Plant Replacement Reserve  Sewerage Asset Preservation Reserve  Land & Building Reserve  Emergency Reserve  Swimming Pool Reserve  Recreation Reserve  92,000		\$	\$	\$
Cash backed reserves  Plant Replacement Reserve 120,000 Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000	1,815,757	1,038,582	559,531	(479,051)
Plant Replacement Reserve 120,000 Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000	161,000	50,000	60,909	10,909
Sewerage Asset Preservation Reserve 47,000 Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000				
Land & Building Reserve 150,000 Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000	120,000	0	0	0
Emergency Reserve 10,000 Swimming Pool Reserve 40,521 Recreation Reserve 92,000	47,000	0	0	0
Swimming Pool Reserve 40,521 Recreation Reserve 92,000	150,000	0	0	0
Recreation Reserve 92,000	10,000	0	0	0
•	40,521	0	0	0
	92,000	0	0	0
Contribution - operations 572,634	572,634	741,084	(72,102)	(813,186)
Capital funding total 3,008,912	3,008,912	1,829,666	548,338	(1,281,328)

#### 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.



	Account Description	Original Budget	Current Budget	YTD Budget	YTD Actual	Variance Comments Under/(Over)
Land and Buildings						
BC044	Sports Recreation Centre - Building (Capital)	72,000	72,000	37,500	22,412	15,088 In progress.
OC012	Short Stay Accommodation Caravan Bay Extension	0	0	0	(31)	31 Costing to be reviewed.
BC058	Building - Building (Capital)	150,000	150,000	0	0	O Project may be deferred to FY23. To be assessed with the Budget Review.
BC001	Administration Office - Building (Capital)	45,000	45,000	42,831	51,015	(8,184) Project Complete - Over budget.
	Tota	267,000	267,000	80,331	73,396	6,935
Plant & Equipment						
PE201	Cemetery Grave Shoring Box	10,000	10,000	0	0	0
PE109	Modifications to D004 Mitsubishi Truck	15,000	15,000	0	0	0
PE111	Side Tipper	103,000	103,000	0	0	O Quotes are currently being obtained.
PE206	Ride On Mower	5,000	5,000	0	0	0
PE207	Mower Digga - Refurbishment	5,000	5,000	5,000	5,000	0 Complete.
PE208	Fuel Tank Trailer - 2,000 Litre Size	6,500	6,500	6,500	0	6,500 In progress.
PE106	Light Vehicle CEO	60,000	60,000	60,000	62,383	(2,383) Complete - Over budget. Trade in \$11k highe
PE205	Light Vehicle - MCCS	52,500	52,500	0	0	0
PE100	Diesel Fuel Bowser - Shire Depot	10,000	10,000	0	0	0
PE104	Utility Tipper 4x2 Construction	35,000	35,000	0	0	0
PE105	Dual Cab 4x2 Team Leader	42,000	42,000	0	0	0
PE204	Light Plant Vehicle - Manager Works & Assets	52,500	52,500	52,500	0	52,500 Unlikely to occur in FY22 and to be carried forward to FY23.
	Tota	396,500	396,500	124,000	67,383	56,617
Infrastructure - Roa	ads					
R2R004	Hindmarsh Road (R2R)	141,724	141,724	94,724	153,803	(59,079) Project Complete - Final Invoices pending.
R2R025	Dowerin-Koorda Road (R2R)	85,505	85,505	48,743	1,889	46,854 Anticipated completion date Feb/March 22.
R2R046	Sanders Road (R2R)	119,700	119,700	59,000	141,793	(82,793) Project Complete - Over budget.
RRG183	Dowerin-Meckering Road (RRG) SLK11.36 to SLK13.44	82,535	82,535	48,125	4,567	43,558 In progress.
RRG183A	Dowerin-Meckering Road (RRG) SLK13.82 to SLK16.13	382,032	382,032	382,032	34,033	347,999 In progress.
WFN182A	WSFN Dowerin-Kalannie Road SLK27.28 to SL41.70 - Preliminary Works Including Geotechnical	50,314	50,314	25,258	0	Order issued, it is anticipated that project wil commence in Feb 22.
WFN182B	WSFN Dowerin-Kalannie Road SLK0.00 to SLK48.7 - Maintenance Clearing of Vegetation - \$212,150	212,150	212,150	106,325	716	105,609 Contract awarded and works to commence in Mar 22.
WFN182C	WSFN Dowerin-Kalannie Road SLK0.00 to SLK48.7 - Preliminary Works - Clearing Permit	126,802	126,802	124,302	34,070	90,232 Anticipated completion date May 22.
WFN182D	WSFN Dowerin-Kalannie Road SLK0.00 to SLK25.68 - Construction Works	777,650	777,650	388,826	2,600	386,226 Stabilisation quotes received. Expected commencement in Mar 22.
W114102D	Tota	1,978,412	1,978,412	1,277,335	373,471	903,864
				·		<del></del>
Infrastructure - Oth	ner					
OC002	Waste Facility Perimeter Fencing	0	0	0	2,226	(2,226) Costing to be reviewed.
OC014	Dowerin Waste Facility - CELL	10,000	10,000	6,000	409	5,591 Fencing for CELL still to be purchased and constructed.
OC102	Information Bays	0	0	0	235	(235) Costing to be reviewed.
OC043	Swimming Pool - Repair Leaks - Infrastructure Other	45,000	45,000	45,000	0	45,000 Anticipated commencement April/May 22.
OC003	Town Oval Reticulation Upgrade (Inc Dam)	285,000	285,000	270,000	6,661	263,339 Anticipated commencement Feb 22.
OC007	Main Street Improvements	0	0	0	155	(155) Costing to be reviewed.
OC010	Tin Dog Walk Stage 2	9,000	9,000	9,000	1,500	7,500 To be completed in Q4 2022.
OC004	Entrance/Streetscape Project - SSA & DCC	18,000	18,000	18,000	22,901	(4,901) Project Complete - Over budget.
	Tota	367,000	367,000	348,000	34,087	313,913
	TOTAL	3,008,912	3,008,912	1,829,666	548,338	1,281,328

#### FINANCING ACTIVITIES NOTE 9 **BORROWINGS**

Repayments - borrowings

					Principal			Principal			Interest	
Information on borrowings			New Loans		Repayments		Outstanding			Repayments		
Particulars	Loan No.	1 July 2021	Original Budget	Actual	Original Budget	Current Budget	Actual	Original Budget	Current Budget	Actual	Original Budget	Current Budget
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Housing												
Government Regional Officer Housing	100	254,839	0	5,305	10,704	10,704	249,534	244,135	244,135	4,549	9,003	9,003
Recreation and culture												
Dowerin Community Club	97	75,905	0	37,579	75,916	75,916	38,326	(11)	(11)	0	2,337	2,337
Dowerin Swimming Pool	101	162,815	0	9,506	18,497	18,497	153,309	144,318	144,318	0	4,801	4,801
DEM Interest Free Swimming Pool Loan		45,000	0	0	10,000	10,000	0	35,000	35,000	0	0	0
Transport												
Multi Tyre Roller	103	150,618		10,340	20,723	20,723	140,278	129,895	129,895	666	926	1,289
Smooth Drum Tyre Roller	104	150,000		9,123	18,284	18,284	140,877	131,716	131,716	588	793	1,137
Economic services												
Short Stay Accommodation	99	648,580	0	16,403	33,063	33,063	632,177	615,517	615,517	10,183	20,108	20,108
Total		1,487,757	0	88,255	187,187	187,187	1,354,502	1,300,570	1,300,570	15,985	37,968	38,675
Current borrowings		187,187					98,942					
Non-current borrowings		1,300,570					1,255,560					
		1,487,757					1,354,502					

All debenture repayments were financed by general purpose revenue.

Self supporting loans are financed by repayments from third parties.

The Budget did not provide for any new borrowing during the year.

#### **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.

#### **OPERATING ACTIVITIES** NOTE 10 **CASH RESERVES**

#### Cash backed reserve

Reserve name	Opening Balance	Original Budget Transfers In (+)	Current Budget Transfers In (+)	Actual Transfers In (+)	Original Budget Transfers Out (-)	Actual Transfers Out (-)	Original Budget Closing Balance	Actual YTD Closing Balance
	\$	\$		\$	\$	\$	\$	\$
Employee Entitlement Reserve	77,767	20,583	97	97	0	0	98,350	77,864.00
Plant Replacement Reserve	195,176	51,206	245	245	(120,000)	0	126,382	195,421.00
Sewerage Asset Preservation Reserve	1,069,074	88,235	1,339	1,339	(47,000)	0	1,110,309	1,070,413.00
Information Technology Reserve	39,307	295	49	49	0	0	39,602	39,356.00
Land & Building Reserve	346,803	2,578	435	435	(150,000)	0	199,381	347,238.00
Emergency Reserve	10,000	0	13	13	(10,000)	0	0	10,013.00
Swimming Pool Reserve	30,294	10,227	38	38	(40,521)	0	0	30,332.00
Recreation Reserve	205,800	1,544	258	258	(92,000)	0	115,344	206,058.00
Community Housing Reserve	59,915	449	75	75	0	0	60,364	59,990.00
Economic Reserve	66,870	502	84	84	0	0	67,372	66,954.00
Bowling Green Reserve	107,084	10,803	134	134	0	0	117,887	107,218.00
Tennis Court Reserve	52,050	6,390	65	65	0	0	58,440	52,115.00
Depot Reserve	10,000	10,075	13	13	0	0	20,075	10,013.00
Waste Reserve	10,000	10,075	13	13	0	0	20,075	10,013.00
	2,280,140	212,962	2,858	2,858	(459,521)	0	2,033,581	2,282,998

#### **KEY INFORMATION**

Interest of \$2.8k received in December 2021 will be added to Reserve Funds Equity in January 2022.

Other current liabilities	Note	Opening Balance 1 July 2021	Liability Increase	Liability Reduction	Closing Balance 31 January 2022
		\$	\$	\$	\$
Contract liabilities					
Unspent grants, contributions and reimbursements					
		704,013	0	(651,366)	52,648
Total unspent grants, contributions and reimbursements		704,013	0	(651,366)	52,648
Provisions					
Annual leave		124,616	0	0	124,616
Long service leave		47,229	0	0	47,229
Total Provisions		171,845	0	0	171,845
Total other current assets		875,858	0	(651,366)	224,493
Amounts shown above include GST (where applicable)					

Amounts shown above include GST (where applicable)

#### KEY INFORMATION

#### **Provisions**

Provisions are recognised when the Shire has a present legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result and that outflow can be reliably measured.

Provisions are measured using the best estimate of the amounts required to settle the obligation at the end of the reporting period.

#### **Employee benefits**

#### Short-term employee benefits

Provision is made for the Shire's obligations for short-term employee benefits. Short-term employee benefits are benefits (other than termination benefits) that are expected to be settled wholly before 12 months after the end of the annual reporting period in which the employees render the related service, including wages, salaries and sick leave. Short-term employee benefits are measured at the (undiscounted) amounts expected to be paid when the obligation is settled.

The Shire's obligations for short-term employee benefits such as wages, salaries and sick leave are recognised as a part of current trade and other payables in the calculation of net current assets.

#### Other long-term employee benefits

The Shire's obligations for employees' annual leave and long service leave entitlements are recognised as provisions in the statement of financial position.

Long-term employee benefits are measured at the present value of the expected future payments to be made to employees. Expected future payments incorporate anticipated future wage and salary levels, durations of service and employee departures and are discounted at rates determined by reference to market yields at the end of the reporting period on government bonds that have maturity dates that approximate the terms of the obligations. Any remeasurements for changes in assumptions of obligations for other long-term employee benefits are recognised in profit or loss in the periods in which the changes occur. The Shire's obligations for long-term employee benefits are presented as non-current provisions in its statement of financial position, except where the Shire does not have an unconditional right to defer settlement for at least 12 months after the end of the reporting period, in which case the obligations are presented as current provisions.

#### **Contract liabilities**

An entity's obligation to transfer goods or services to a customer for which the entity has received consideration (or the amount is due) from the customer. Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

Provider  General purpose funding GEN PUR - Financial Assistance Grant - General GEN PUR - Financial Assistance Grant - Roads GEN PUR - Grant Funding  Law, order, public safety ESL BFB - Operating Grant  Education and welfare AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants  Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements PWO - Other Reimbursements POC - Reimbursement - Parental Leave  Derating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding  Law, order, public safety	Original Budget Revenue  \$ 471,225 314,310 99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0 0 6,033,534	g grants, subsidies a YTD Budget  \$ 235,612 214,023 99,443  13,500  167,188 3,500  177,548  0  3,069,770 143,000 0 1,456 0 0 0 0 4,125,040	\$ 471,225 314,310 99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0 0 0 0 0 0 0 0 0 0 0	\$ 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	\$ 226,59 142,68 16,58 167,18 103,86 1,828,65 143,99 5,74 6 1,41 2,11 93 24,16
General purpose funding  GEN PUR - Financial Assistance Grant - General GEN PUR - Financial Assistance Grant - Roads GEN PUR - Grant Funding  Law, order, public safety ESL BFB - Operating Grant  Education and welfare  AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport  ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements PWO - Other Reimbursements POC - Reimbursement - Parental Leave  Derating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	471,225 314,310 99,443  31,200  222,917 8,000  304,365  7,850  4,428,724 143,000 0 2,500 0 0 0 0 0	235,612 214,023 99,443 13,500 167,188 3,500 177,548 0 3,069,770 143,000 0 1,456	471,225 314,310 99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500		226,59 142,68 16,58 167,18 103,86 1,828,65 143,99 5,74 16 1,41 2,11
General purpose funding  GEN PUR - Financial Assistance Grant - General GEN PUR - Financial Assistance Grant - Roads GEN PUR - Grant Funding  Law, order, public safety ESL BFB - Operating Grant  Education and welfare  AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport  ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements PWO - Other Reimbursements POC - Reimbursement - Parental Leave  Derating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	314,310 99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500	214,023 99,443 13,500 167,188 3,500 177,548 0 3,069,770 143,000 0 1,456	314,310 99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500		142,68 16,58 167,18 103,86 1,828,65 143,99 5,74 16 1,41 2,11 93
GEN PUR - Financial Assistance Grant - General GEN PUR - Financial Assistance Grant - Roads GEN PUR - Grant Funding  Law, order, public safety ESL BFB - Operating Grant  Education and welfare AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements PWO - Other Reimbursements POC - Reimbursement - Parental Leave  Derating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	314,310 99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500	214,023 99,443 13,500 167,188 3,500 177,548 0 3,069,770 143,000 0 1,456	314,310 99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500		142,68 16,58 167,18 103,86 1,828,65 143,99 5,74 16 1,41 2,11 93
GEN PUR - Financial Assistance Grant - Roads GEN PUR - Grant Funding  Law, order, public safety ESL BFB - Operating Grant  Education and welfare  AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport  ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants  Other property and services  UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements PWO - Other Reimbursements POC - Reimbursement - Parental Leave  Derating contributions and reimbursements Governance  MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	314,310 99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500	214,023 99,443 13,500 167,188 3,500 177,548 0 3,069,770 143,000 0 1,456	314,310 99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500		1,828,65 1,828,65 143,99 5,74 1,41 2,11
Law, order, public safety ESL BFB - Operating Grant  Education and welfare  AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport  ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements PWO - Other Reimbursements SAL - Reimbursement - Parental Leave  Derating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0 0	99,443  13,500  167,188 3,500  177,548  0  3,069,770 143,000 0  1,456  0 0 0 0 0	99,443 31,200 222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0		16,58 167,18 103,86 1,828,65 143,99 5,74 16 1,41 2,11 93
Law, order, public safety ESL BFB - Operating Grant  Education and welfare AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements PWO - Other Reimbursements POC - Reimbursement - Parental Leave  Derating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	31,200  222,917 8,000  304,365  7,850  4,428,724 143,000 0  2,500 0 0 0 0 0	13,500  167,188 3,500  177,548  0  3,069,770 143,000 0  1,456 0 0 0 0 0	31,200  222,917 8,000  304,365  7,850  4,428,724 143,000 0  2,500 0 0 0 0		1,828,65 143,95 5,74
Education and welfare  AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500	167,188 3,500 177,548 0 3,069,770 143,000 0 1,456	222,917 8,000 304,365 7,850 4,428,724 143,000 0 2,500		1,828,61 143,91 5,74
AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants  Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0 0	3,500 177,548  0 3,069,770 143,000 0 1,456  0 0 0 0	8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0	0 0 0 0 0 0 0	1,828,6. 143,9: 5,7. 1: 1,4 2,1
AGED OTHER - Grant Funding - CHSP WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants  Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0 0	3,500 177,548  0 3,069,770 143,000 0 1,456  0 0 0 0	8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0	0 0 0 0 0 0 0	1,828,6 143,9 5,7 1 1,4 2,1
WELFARE - Grants  AGED OTHER - Grant Funding - HCP  Recreation and culture OTH CUL - Grants - Other Culture  Transport ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants  Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0 0	3,500 177,548  0 3,069,770 143,000 0 1,456  0 0 0 0	8,000 304,365 7,850 4,428,724 143,000 0 2,500 0 0 0	0 0 0 0 0 0 0	1,828,6 143,9 5,7 1 1,4 2,1
Recreation and culture OTH CUL - Grants - Other Culture  Transport ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	304,365  7,850  4,428,724  143,000  0  2,500  0  0  0  0	177,548 0 3,069,770 143,000 0 1,456 0 0 0	304,365  7,850  4,428,724  143,000  0  2,500  0  0  0	0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	1,828,6 143,9 5,7 1 1,4 2,1
Recreation and culture OTH CUL - Grants - Other Culture  Transport ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	7,850 4,428,724 143,000 0 2,500 0 0 0 0 0	3,069,770 143,000 0 1,456 0 0 0	7,850 4,428,724 143,000 0 2,500 0 0 0 0	0 0 0 0 0	1,828,6 143,9 5,7 1 1,4 2,1
Transport  ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	4,428,724 143,000 0 2,500 0 0 0	3,069,770 143,000 0 1,456 0 0 0	4,428,724 143,000 0 2,500 0 0 0	0 0 0 0	143,9 5,7 1 1,4 2,1 9
Transport  ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	4,428,724 143,000 0 2,500 0 0 0	3,069,770 143,000 0 1,456 0 0 0	4,428,724 143,000 0 2,500 0 0 0	0 0 0 0	143,9 5,7 1 1,4 2,1 9
ROADC - Other Grants - Flood Damage ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	143,000 0 2,500 0 0 0 0	143,000 0 1,456 0 0 0 0	143,000 0 2,500 0 0 0	0 0 0 0 0 0	143,9 5,7 1 1,4 2,1 9
ROADM - Direct Road Grant (MRWA) ROADC - Other Grants - Roads/Streets  Economic services TOUR - Grants  Other property and services UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	143,000 0 2,500 0 0 0 0	143,000 0 1,456 0 0 0 0	143,000 0 2,500 0 0 0	0 0 0 0 0 0	143,9 5,7 1 1,4 2,1 9
ROADC - Other Grants - Roads/Streets  Economic services  TOUR - Grants  Other property and services  UNCLASS - Unclassified Income - GST Inclusive  ADMIN - Reimbursements  PWO - Other Reimbursements  POC - Reimbursements  SAL - Reimbursement - Parental Leave  rrating contributions and reimbursements  Governance  MEMBERS - Contributions & Donations  MEMBERS - Reimbursements  General purpose funding	2,500 0 0 0 0 0	1,456 0 0 0 0 0	0 2,500 0 0 0	0 0 0 0 0	5,7 1 1,4 2,1 9
TOUR - Grants  Other property and services  UNCLASS - Unclassified Income - GST Inclusive  ADMIN - Reimbursements  PWO - Other Reimbursements  POC - Reimbursements  SAL - Reimbursement - Parental Leave  Practing contributions and reimbursements  Governance  MEMBERS - Contributions & Donations  MEMBERS - Reimbursements  General purpose funding	2,500 0 0 0 0 0	1,456 0 0 0 0 0	2,500 0 0 0	0 0 0 0	1 1,4 2,1 9
TOUR - Grants  Other property and services  UNCLASS - Unclassified Income - GST Inclusive  ADMIN - Reimbursements  PWO - Other Reimbursements  POC - Reimbursements  SAL - Reimbursement - Parental Leave  Perating contributions and reimbursements  Governance  MEMBERS - Contributions & Donations  MEMBERS - Reimbursements  General purpose funding	0 0 0 0 0	0 0 0 0	0 0 0	0 0 0	1,4 2,1 9
Other property and services  UNCLASS - Unclassified Income - GST Inclusive  ADMIN - Reimbursements  PWO - Other Reimbursements  POC - Reimbursements  SAL - Reimbursement - Parental Leave  Practing contributions and reimbursements  Governance  MEMBERS - Contributions & Donations  MEMBERS - Reimbursements  General purpose funding	0 0 0 0 0	0 0 0 0	0 0 0	0 0 0	1,4 2,1 9
UNCLASS - Unclassified Income - GST Inclusive ADMIN - Reimbursements PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  rating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	0 0 0 0	0 0 0 0	0 0 0	0 0 0	1,4 2,1 9
PWO - Other Reimbursements POC - Reimbursements SAL - Reimbursement - Parental Leave  erating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	0 0 0	0 0 0	0	0	2,1 9
POC - Reimbursements SAL - Reimbursement - Parental Leave  rating contributions and reimbursements Governance MEMBERS - Contributions & Donations MEMBERS - Reimbursements General purpose funding	0	0 0	0	0	9
SAL - Reimbursement - Parental Leave  rating contributions and reimbursements  Governance  MEMBERS - Contributions & Donations  MEMBERS - Reimbursements  General purpose funding	0	0			
rating contributions and reimbursements  Governance  MEMBERS - Contributions & Donations  MEMBERS - Reimbursements  General purpose funding			0	0	24,1
Governance  MEMBERS - Contributions & Donations  MEMBERS - Reimbursements  General purpose funding	6,033,534	4 125 040			
· · ·	4,000 4,000	0 4,000	4,000 4,000	0	42
Law, order, public safety					
OLOPS - Contributions & Donations	4,000	4,000	4,000	0	4,0
Education and welfare	500	207	F00	0	
AGED OTHER - Contributions WELFARE - Contributions & Donations	500 1,000	287 581	500 1,000	0	1
Housing	1,000	361	1,000	o	
OTH HOUSE - Rental Reimbursements	5,000	2,500	5,000	0	20,6
Community amenities	3,000	2,500	3,000	ŭ	20,0
ENVIRON - Reimbursements	0	0	0	0	1,3
Recreation and culture					ŕ
REC - Contributions & Donations	8,000	8,000	8,000	0	3,1
REC - Reimbursements - Other Recreation	6,000	3,000	6,000	0	(86
HERITAGE - Contributions & Donations	1,000	0	1,000	0	
OTH CUL - Contributions & Donations - Other Culture	5,600	5,600	5,600	0	
Transport	2.22-	. ==-	2 222	_	
ROADM - Street Lighting Subsidy	3,000	1,750	3,000	0	
Economic services	3.500	4 350	2 500	2	
TOUR - Contributions & Donations TOUR - Reimbursements	2,500 0	1,250 0	2,500 0	0	1,3
Other property and services	O	U	U	U	1,3
POC - Fuel Tax Credits Grant Scheme	0	0	0	0	5,9
	U				36,17
TALS	44,600	30,968	44,600	0	

NOTE 13 NON-OPERATING GRANTS AND CONTRIBUTIONS

		Non o	Non operating grants, subsidies and contributions revenue					
		Original Budget Revenue	Current Budget Revenue	YTD Budget	YTD Revenue Actual			
		\$	\$	\$	\$			
on-operating g	grants and subsidies							
Recreation a	and culture							
	Rec - Contributions & Donations	70,000	70,000	0	0			
Transport Funding								
RRG	Roadc - Regional Road Group Grants (Mrwa)	309,711	309,711	125,000	123,884			
R2R	Roadc - Roads To Recovery Grant	346,928	346,928	173,464	0			
WSFN	Roadc - Other Grants - Roads/Streets	1,089,118	1,089,118	740,118	435,647			
OTALS		1,815,757	1,815,757	1,038,582	559,531			

#### NOTE 14 **BUDGET AMENDMENTS**

There have been no amendments to original budget since budget adoption.

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
0_000	Description			Ś	Ś	Ś	Ś
Buc	dget adoption			•	*	*	0
Bud	dgeted Closing surplus					0	0
							0

revenue varies from the year to date Actual materially.

The material variance adopted by Council for the 2021-22 year is \$10,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timin	g/ Permanent	Explanation of Variance
	\$	%			
Revenue from operating activities					
Governance	(3,573)	(89.33%)			Within Variance
General purpose funding	(192,747)	(9.36%)			Within Variance
Law, order and public safety  Health	2,787 2,670	13.46% 288.96%			Within Variance Within Variance
					HCP Grant Funding \$74k lower than YTD budget. Staff will review against
Education and welfare	(74,914)	(21.15%)			expenditure and assess with the budget review.
Housing	(3,297)	(3.79%)			Within Variance
Community amenities	(20,700)	(7.44%)			Within Variance
Recreation and culture	(10,492)	(33.43%)		Timing	Various less than \$5k lower than YTD budget revenue relating to hall hire, recreation facility use and reimbursements.
Transport	(1,239,416)	(38.38%)	8	Timing	Flood damage grant revenue \$1.24m lower than YTD budget. This is a timing issue with funds claimed as expenditure milestones are met. Staff will review these with the budget review
Economic services	21,264	20.33%	○ Pe		Standpipe Revenue \$11k and Caravan/STA revenue \$14k higher than YTD budget - will be considered as part of the budget review.
Other property and services	38,945	121.85%	○ Pe		Higher YTD budget to actual for parental leave receipts \$24k, Unclassified Income \$17k higher than YTD budget (including FBT refund and insurance reimbursements). These items will be addressed with the budget review, but in the main are offset by expenditure.
Expenditure from operating activities					
Governance	52,288	19.22%	<b>©</b>	Timing	Members costs are \$18k lower than YTD budget, these are expected to even out over the next few months. Audit fees are \$35k lower due to the audit not having been finalised for 20/21. Insurance expense are \$21k higher than YTD budget, being offset by generally lower expenditure to YTD budget in the Governance area. These will be re-assessed with the budget review.
General purpose funding	(641)	(0.59%)			Within Variance
Law, order and public safety	(932)	(1.17%)			Within Variance
Health	3,075	21.47%			Within Variance
Education and welfare	84,396	25.37%	<b></b>	Timing	Aged Care expenses are \$66k lower than YTD budget, Welfare programs are \$13k lower than YTD budget. Staff will review these costs with the budget review.
Housing	22,476	13.94%	<u></u>	Timing	Housing maintenance \$23k lower than YTD budget. These are anticipated to even out over the year.
Community amenities	30,562	12.39%	<b>©</b>	Timing	Sanitation, Sewerage and Community Amenities have general under expenditure of less than 55k at various line items. It is expected that these will even out over then year.
Recreation and culture	66,536	11.59%	©	Timing	Swimming Pool \$26k, Other Rec & Sport \$23k, Public Halls \$15k all lower expenditure than YTD budget. These may even out during the year.
Transport	406,923	10.95%	© ·	Timing	Flood Damage expenses are \$346k lower than YTD budget, General Roads maintenance and other costs are \$27k lower than YTD budget. Plant loss on sale \$18k lower as items have not been changed over and \$14k lower Licensing costs. These are all considered timing matters and are likely to even out during the year.
Economic services	9,889	3.26%			Within Variance
Other property and services	(277,060)	(433.51%)	<b>(3)</b>	Timing	Public Works & Plant Overheads under recovered to YTD budget by \$211k, Admin Overheads under-recovered \$35k to YTD budget. As recovery budgets in these areas are evenly spread over 12 months, it is anticipated that these are timing variances. Paid parental leave of \$23k was not budgeted but is offset by revenue. Staff will re-assess these costs and
Investing activities					recoveries as part of the budget review process.
Proceeds from non-operating grants, subsidies and contributions	(479,051)	(46.13%)	8	Timing	Refer Note 13 for details. Roads funding to be invoiced as milestones are met.
Proceeds from disposal of assets	10,909	21.82%	○ Pe	ermanent	Proceeds from trade on Prado higher than budget.
Payments for property, plant and equipment and infrastructure	1,281,328	70.03%	<b>(3)</b>	Timing	Capital projects & purchases still to occur. Refer to Note 8 for variance explanation.
Financing activities					
Proceeds from new debentures	0	0.00%			
Transfer from reserves	0	0.00%			
Repayment of debentures	0	0.00%			
Transfer to reserves	0	0.00%			
Brought Forward Surplus					The open funding position will not be confirmed until after Audit is
Opening funding surplus / (deficit)	(788,299)	(38.20%)	8	Timing	finalised for FY21. The reason for this change relates to Unspent grants being brought to account as at 30th June 2021 as a liability. This will be a matter addressed with the budget review.



## Shire of Dowerin List of Payments For The Period Ending 31 January 2022

#### Last EFT No: EFT9445

Chq/EFT	Date Name	Description	Amount
EFT9446	07/01/2022 Avon Waste	REFUSE; Waste Collection - Rubbish & Recycling to 31 December 2021	5177.27
EFT9447	07/01/2022 BriJarCass Security Pty Ltd	Contract Cleaning Services 15 November to 24 December 2021	11649.00
EFT9448	07/01/2022 Commercial Hotel Dowerin	Dowerin Home Care Christmas Lunch for Clients, Carers & Staff	500.00
EFT9449	07/01/2022 Dowerin Community Resource Centre	Libraries - Provision of Dowerin Public Library Services 1 January to 31 March 2022 as per MOU	1250.00
EFT9450	07/01/2022 Dowerin Community Club	2021 Shire of Dowerin Christmas Function - Staff and Elected Members and Christmas Festival - Dinner for Band Members & Santa	2222.50
EFT9451	07/01/2022 G & C Glass	Admin Office - Fit Glass to Office Partition	110.00
EFT9452	07/01/2022 Holberton Earthmoving	RRG Dowerin Meckering Rd - Mobilisation of Dozer for Pushing Up Gravel & Hindmarsh Road Construction - Dozer Hire to Push Up Gravel	10023.75
EFT9453	07/01/2022 Ralph Thaxter	D018 Depot Vehicle - Remove & Replace Gearbox With Reconditioned Unit, New Clutch and Skim Flywheel	3354.40
EFT9454	12/01/2022 Linley Dreghorn	Reimbursement - Farmshed Gift Voucher - Farewell Gift for A. Banks	60.00
EFT9455	12/01/2022 Ampac Debt Recovery (WA) Pty Ltd	Rates; Debt Collection Expenses December 2021	1215.50
EFT9456	12/01/2022 BOC Limited	Consumables - Oxygen & Acetylene Cylinder Rental 28 November to 28 December 2021	44.26
EFT9457	12/01/2022 Bunnings Group Limited	Consumables - Supply Rotary Tool & 160L Heavy Duty Storage Container	282.58
EFT9458	12/01/2022 Carey Dale Farms	AGRN903 Flood Damage Repairs - Supply 10,047m3 of Gravel	22103.40
EFT9459	12/01/2022 Complete Office Supplies	Stationary Order November & December 2022 - Ink Stamps, Stamp Ink, Chopping Board, Fineliner (Red and Blue), Blue Pens, Whiteboard Markers, Sticky Notes, A4 and A3 Laminating Pouches, Slide Clips, Clip folders, Permanent Markers & Notepads	376.82
EFT9460	12/01/2022 C & F Building Approvals	Provision of Building Services (as per SA01-2020) - December 2021	770.00
EFT9461	12/01/2022 Coterra Environment	WSFN Dowerin-Kalannie Road SLK 0-48.77; Flora and Vegetation Assessment 10% Claim	3162.50
EFT9462	12/01/2022 Dowerin Tyre & Exhaust	D004 and D003 Tipper - Supply & Fit 8x Haulmax AT312 Tyres and Fit Tyres in Best Condition to Spares, 1GIL668 - Repair Tyre, Shire Bus - Supply & Fit Tyres, D002 Ford - Supply and Fix 2x Tyres, Fire Truck - Remove off Vehicle and Check Tyre for Leaks & D013 Hilux - Repair Puncture	10168.00
EFT9463	12/01/2022 Dowerin Mens Shed	Refuse Site Maintenance - Management of Tip Site as per Agreement December 2021	750.00
EFT9464	12/01/2022 Frontline Fire & Rescue Equipment	Fire Brigade - Repair Water Leak on Dowerin 1.4 BFB Appliance	1462.97



#### **Shire of Dowerin**

#### List of Payments For The Period Ending 31 January 2022

EFT946	5 12/01/2022 Flat Out Fab	Hindmarsh Road R2R004 - Supply 2331m3 of Gravel For Works	5128.20
EFT9466	5 12/01/2022 Fielders	Town Hall - Flashing & Materials for Roof Renewal	2450.92
EFT9467	7 12/01/2022 Holberton Earthmoving	AGRN903 Flood Damage Repairs - Amery-Benjaberring & Old Koorda Road and R2R Hindmarsh Road -	286162.25
		Wet Hire for Grader and Semi as per Panel Tender	
EFT9468	3 12/01/2022 Johns Building Supplies	Basketball Shed - Materials to Fix Doors	3631.47
EFT9469	9 12/01/2022 Jason Signmakers	Road Maintenance - Supply 4x Signs & Posts	2012.03
EFT9470	12/01/2022 Major Motors Pty Ltd	Isuzu Jet Patcher D430 - Carry Out Major Service	5995.76
EFT947	1 12/01/2022 Marketforce	Recruitment - Community Development Officer Position Advertised in West Australian	594.03
EFT9472	2 12/01/2022 One Music Australia	One Music Annual Subscription - Quarter 3 Payment	86.31
EFT9473	3 12/01/2022 Petchell Mechanical	Dowerin Coaster Bus - Inspect Vehicle For Registration Purposes	195.40
EFT9474	12/01/2022 Rural Infrastructure Services	WSFN Dowerin-Kalannie Road - Engineering Consultancy Services for Stabilization & Bitumen Seal	330.00
		Procurement (SLKO-25.68)	
EFT9475	5 12/01/2022 Rural Ranger Services	Relief Ranger Services December 2021	910.80
EFT9476	5 12/01/2022 Resonline Pty Ltd	SSA - Room Manager Monthly Fee December 2021	220.00
EFT947	7 12/01/2022 Seek Limited	Recruitment - Final Trim Grader Operator/General Hand Position Advertised & CDO Position Re-	616.00
		advertised on Seek	
EFT9478	3 12/01/2022 Shred-X Pty Ltd	Admin - Collection & Shredding of 1x Red Document Bin	94.77
EFT9479	9 12/01/2022 Telstra	Telephone Usage & Service Charges December 2021 - MCCS Phone, iPad & Teltonika 4G Fail Over, CEO	520.92
		Mobile & iPad, Swimming Pool & SSA Mobiles, Dowerin Fire Shed Night Hawk and PWO Mobiles &	
		MWA iPad	
EFT9480	12/01/2022 Toll IPEC Pty Ltd	Library - Freight to Distribution State Library	24.93
EFT948:	12/01/2022 Telly's Auto Electrical & Air-Conditioning	D003 Mitsubishi Truck - Carry Out Repairs on Air Conditioning & Jet Patcher - Install and Fit Camera on	822.47
		Screen	
EFT9482	2 12/01/2022 Tin Dog General Store	Depot - Hydralyte	15.82
EFT9483	3 12/01/2022 Wesfarmers Kleenheat Gas	Town Hall, CRC, 4 O'Loghlen Street & Rec Centre - Annual Facility Fee	386.10
EFT9484	12/01/2022 WA Country Chemist	HCPL4 - 2 Boxes Molicare Pull Ups 8 Drop - Mr G. Begley (Covered by Funding)	407.50
EFT9485		Administration Office - Telephone Usage & Service Charges December 2021	454.25
EFT9486	5 25/01/2022 Child Support Agency	Payroll Deductions/Contributions	134.08
EFT948		Ram Shed & Lifestyle Pavilion- Supply Fiberglass Sheeting	5655.82
EFT9488		1GIL668 - Seatbelt Replacement	79.99
EFT9489	, ,	RRG Dowerin-Meckering Road - Repair To Hydraulic Ram On Hire Excavator	151.25
EFT9490	25/01/2022 Bitumen Distributors Pty Ltd	Road Maintenance - Supply 1800L CRS Emulsion	1782.00



#### **Shire of Dowerin**

#### List of Payments For The Period Ending 31 January 2022

EFT9491	25/01/2022 Mitchell Collard	Reimbursement - Electricity 4 October to 5 December 2021 for Emergency Tower	127.20
EFT9492	25/01/2022 Complete Office Supplies	Nov/Dec/Jan Stationery Order - Lever Arch File	14.44
EFT9493	25/01/2022 Corsign WA	Road Maintenance - Supply Curved Road, Winding Road & Cross Road Signage and Posts, Peters Road -	5113.68
		Supply Name Plate, No Through Road & Delivery and Football Oval - Supply 6x 'Caution Recycled	
		Water in Use' Signs	
EFT9494	25/01/2022 Cody Express Transport	Freight Services November 2021 to January 2022	1442.10
EFT9495	25/01/2022 Landgate	Rates - Rural UV's Minimum Charge	70.40
EFT9496	25/01/2022 Dowerin & Districts Farm Shed	Restock of Cleaning Supplies, Shire Bus - Supply Hydraulic Bootle Jack 4,000kg, PPE - Steel Cap Boots,	1788.90
		Consumables - 2x Heavy Duty Clamps and Reciprocating Saw Blades, Plants for Centenary Park &	
		Stewart Street Gardens and December Materials under \$50 per Transaction	
EFT9497	25/01/2022 Daimler Trucks Perth	Mitsubishi Truck Rego D004 - Carry Out 240,000km Service & Supply Multi Display Switch and D003 -	5823.84
		Carry out Repairs	
EFT9498	25/01/2022 Elders Limited	Sewerage Maintenance - 15kg Simazine	123.20
EFT9499	25/01/2022 Eastern Hills Chainsaws & Mowers	Whipper Snipper - 4x Autocut 25-2 Heads & PPE - 1x Chainsaw Pro-Chaps	462.00
EFT9500	25/01/2022 Fielders	Town Hall - Packaging for Flashing	34.34
EFT9501	25/01/2022 GHD Pty Ltd	AGRN903 Flood Damage Repairs - Project Management/Supervision and Technical/Administration	4902.84
		Support	
EFT9502	25/01/2022 Holberton Earthmoving	RRG183A Dowerin-Meckering Road - Mobilisation of Dozer for Gravel Push Up	715.00
EFT9503	25/01/2022 Kennards Hire Pty Ltd	RRG Dowerin-Meckering Road - Supply Towable Traffic Lights for 14 Day Hire Period	1026.00
EFT9504	25/01/2022 State Library of WA	Library Freight Recoup - Inter-library Loans Delivery Charges	482.63
EFT9505	25/01/2022 Lite N' Easy	HCPL4 - Fortnightly Lite n' Easy Packs - Mrs G. Buxton (Covered by Funding)	70.03
EFT9506	25/01/2022 L & T de Grussa	Dowerin Community Club - Inspect & Report Collapsed Ceiling and Travel	880.00
EFT9507	25/01/2022 Local Government Professional	LG Professionals Contract Management Workshop Attendance Rebecca McCall	765.00
EFT9508	25/01/2022 Kenneth Myers	RRG Dowerin-Meckering Road - Excavator Hire 9 Hours to Clean Out Culverts & Cemetery - Excavator	1320.00
		Hire 6 Hours to Dig Grave	
EFT9509	25/01/2022 Proform Civil Pty Ltd ATF The Dale Weerts Family	RRG Dowerin-Meckering Road - Carry Out Civil Road Design & Drawings Between SLK 13.82 to SLK	6083.00
	Trust	16.13 and Additional Survey SLK 13.8 - 16.3	
EFT9510	25/01/2022 Planmate Systems Pty Ltd	Admin Stationary - 100m Roll Adhesive Suspension Strips	111.40
EFT9511	25/01/2022 Premium Publishers	Advertising in the 2021 Australian Golden Outback Holiday Planner - Shire of Dowerin and Dowerin	2541.00
		Short Stay Accommodation	
EFT9512	25/01/2022 Perth Laundry Equipment	SSA - Washing Machine & Dryer Hire 22 January to 21 February 2022	419.46
EFT9513	25/01/2022 Telstra	Telephone Usage & Service Charges 10 December 2021 to 9 January 2022 - TIMS Fire Mobile	437.24



130888

31/01/2022 BF - Bank Fee

## Shire of Dowerin List of Payments For The Period Ending 31 January 2022

71.80

TIN DO	G TERRITORY		
EFT9514	25/01/2022 Toll IPEC Pty Ltd	Road Maintenance - Freight for Road Signs	127.02
EFT9515	25/01/2022 Telly's Auto Electrical & Air-Conditioning	Hino Water Cart - Replace Air Conditioning Compressor and Street Sweeper - Air Conditioning Service	1694.02
		& Re Gas	
EFT9516	25/01/2022 Tin Dog General Store	Council Shop January 2022, Admin - Milk & Coffee, Depot - Milk & Coffee and Gentle Gym - Milk	153.83
EFT9517	25/01/2022 WA Local Government Association	WALGA eLearning Modules for Elected Members Ward, Hudson, Allsopp, McMorran and Hagboom	3300.00
EFT9518	25/01/2022 Work of Art Picture Framing	Australia Day - 2 x Certificates for Citizen of the Year & Senior Citizen of the Year	264.00
			\$ 433,838.59
Last Cheque No:			
10957	20/01/2022 Shire of Dowerin	Petty Cash Reimbursement	161.00
10958	20/01/2022 LGRCEU	Payroll Deductions/Contributions	82.00
10959	20/01/2022 Synergy	Electricity Usage & Service Charges 25 November to 24 December 2022 - Street Lighting, A & B/11	3514.65
		Hilda Street, 4 O'Loghlen Street, 2/13 Stacy Street and Admin Office	
10960	20/01/2022 Water Corporation	Water Usage & Service Charges 9 November to 12 January 2022 - Dowerin-Kalannie Road Reserve	169.20
10961	25/01/2022 Synergy	Electricity Usage & Service Charges 13 November 2021 to 17 January 2022 - Swimming Pool, SSA, Pop	9946.67
		Up Shop, Lil Tigers, CRC, Park Lights, Men's Shed, Op Shop, CHP Security, 1/18 Memorial Avenue,	
		Sewerage, Stewart Street Public Toilets & Gardens, Town Hall, Rec Centre, Footy & Hockey Ovals,	
		Recycling Shed, Depot and Fire Shed	
10962	25/01/2022 Wyalkatchem Weekly Inc.	Dowerin Community Christmas Festival - 2 x Editions Wylie Weekly Advertising and Recruitment -	75.00
		Cleaner Job Advertising	4
Look Divock Dobik	No. 11554		\$ 13,948.52
Last Direct Debit DD11556.1		NAB Business Visa - December 2021	4532.48
	04/01/2022 Shire of Dowerin - Visa Card Payments		4532.48 260.24
DD11571.1	21/01/2022 Puma Energy	Petrol Usage December 2021	
DD11560.1	05/01/2022 Precision Administration Services Pty Ltd	Superannuation - PPE 4.01.2022	7679.91
DD11574.1	19/01/2022 Precision Administration Services Pty Ltd	Superannuation - PPE 18.01.2022	6804.40
DD11579.1	24/01/2022 Western Australian Treasury Corporation	Government Guarantee Fees December 2021 - Loans 103, 104, 97, 99, 100 & 101	5160.73
130888	04/01/2022 BF - Bank Fee	NAB Connect Fee	38.74
130888	31/01/2022 BF - Bank Fee	BPAY Charge	56.04

Bank Fee



## Shire of Dowerin List of Payments For The Period Ending 31 January 2022

\$ 24,604.34

\$ 472,391.45

433,838.59	EFT9446 to EFT9518
13,948.52	Cheque 10957 to 10962
4,532.48	Direct Debit 11556: Credit Card Payment: December 2021
260.24	Direct Debit 11571: Puma Energy: Fuel: December 2021
14,484.31	Direct Debit 11560 & 11574: Superannuation Payments
5,160.73	Direct Debit 11579: WATC Government Guarantee Fees
166.58	Direct Debit 130888: Bank Fees
472,391.45	
45,608.85	PPE 4 January 2022 - Wages of Dowerin Home Care Partially Funded
47,461.55	PPE 18 January 2022 - Wages of Dowerin Home Care Partially Funded
2,185.33	Interim Pay Run - Termination Pay (PPE 18 January 2022)
95,255.73	-
	13,948.52 4,532.48 260.24 14,484.31 5,160.73 166.58 <b>472,391.45</b> 45,608.85 47,461.55 2,185.33

**567,647.18** Total Payments for January 2022 Including Payroll x2

#### SHIRE OF DOWERIN

Date: Voucher: 3.02.2022

Chq:

678 DD

Amount in words: Two Thousand Nine Hundred and Seventy Four Dollars and Eighty One Cents

2,974.81

Dr to.

**D89 - Shire of Dowerin NAB Business Visa** 

**MUNICIPAL FUND** 

We hereby certify in accordance with "The Local Government Act 1995" and Local Government (Financial Management) Regulations that the work as specified below has been duly and faithfully performed and approved.

Recommended by the Finance Committee .....

Particulars be inserted in this Form.

		PAYMEN				
DATE OF SERVICE	PARTICULARS  GL (If progress payment, state total amount of contract and amount of previous payments, if any)		GST		AMOUNT	
5.01.2022	P021.266.2266	Shire of Dowerin; Plate Change D021 to D038 (Gifted to Men's Shed)	\$		\$	18.30
5.01.2022	2140220	Exetel; Corporate Internet - Recurring Monthly Charge	\$	70.45	\$	775.00
10.01.2022	2130241	Adobe Pro DC; Monthly Software Subscription - CDO	\$	2.00	\$	21.99
12.01.2022	2040287	Northam Florist; Governance - Flower Arrangement for Cr Ward	\$	7.55	\$	83.00
14.01.2022	2040287	West Australia; Governance - Death Notice for Cr Ward's Father	\$	5.50	\$	60.45
17.12.2021	2140241	Adobe Pro DC; Monthly Software Subscription - EGO	\$	2.00	\$	21.99
29.12.2021	2030211	NAB; Visa Card Fee - R. McCall	\$	187	\$	9.00
31.12.2021	P713.261.2261	Coles Express; Fuel - D02 MWA Vehicle	\$	9.06	\$	99.65
31.12.2021	2140303	Workwear Group; PWO - Corporate Uniform Order L. Vidovich	\$	41.03	\$	451.35
4.01.2022	P0007.298.2101	Groeneveld Australia; D007 12M Grader - Supply 6x Grease Elbows	\$	9.54	\$	104.94
10.01.2022	BM056.298.2101	Bunnings Clarkson; Depot - 2x Galvanised Springs for Toilet Door	\$	4.13	\$	45.3
10.01.2022	P714.261.2261	Shell High Wycombe; Fuel - D4 MCCS Vehicle	\$	3.29	\$	36.2
10.01.2022	BM050.298.2101	Bunnings Clarkson; Lil Tigers - 4L Dulux Wash & Wear	\$	7.42	\$	81.63
13.01.2022	P713.261.2261	Coles Express; Fuel - D02 MWA Vehicle	\$	8.28	\$	91.0
		Holcim Australia; RRG Dowerin-Meckering Road - 2x 375mm Headwalls	,	96.89	۲	1,065.8
13.01.2022		for Culvert Extension	\$		\$	9.00
28.01.2022	2030211	NAB; Visa Card Fee - L. Vidovich	\$			
			\$	(2)	\$	
			\$		\$	
			\$		\$	300
			\$		\$	
			\$	.9:	\$	72
			\$		\$	
			\$		\$	75
			\$	•	\$	7.41
			\$		\$	(€:
			\$		\$	1.6
			\$		\$	
		TOTAL \$	¢	267 14	Ġ	2 974 81

NOTE - It is Essential for Audit Purpose that Full

CERTIFIED SPECIAL EMERGENCY PAYMENT





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)

DOWERIN SHIRE PO BOX 111 DOWERIN WA 6461

Statement Period

30 December 2021 to 28 January 2022

Company Account No:

4557 0498 0002 7159

Facility Limit:

\$16,000

Your	Acc	ount	Summary	,
------	-----	------	---------	---

Balance from previous statement

\$4,532.48 DR

Payments and other credits

\$4,532.48 CR

Purchases, cash advances and other debits

\$2,956.81 DR

Interest and other charges

\$18.00 DR

**Closing Balance** 

\$2,974.81 DR

YOUR DIRECT DEBIT PAYMENT OF \$2,974.81 WILL BE CHARGED TO ACCOUNT 000086608- 0000480807363 ON 03/02/2022 AS PER OUR AGREEMENT.

# 028/04/17/M12150/S020526/I041052

#### Transaction record for: Billing account

Date	Amount A\$	Details	Reference
4 Jan 2022	\$4,532.48 CR	DIRECT DEBIT PAYMENT	74557041365
Total for this Period:	\$4,532.48 CR		



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



Biller 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)
4557-0455-3794-2934	MRS REBECCA LOUISE M	\$10,000	\$0.00	\$980.73	\$9.00	\$989.73
4557-0455-3810-8790	MR LES JOHN VIDOVICH	\$5,000	\$0.00	\$1,976.08	\$9.00	\$1,985.08
4557-0498-0002-7159	BILLING ACCOUNT	<b>\$0</b> _	\$4,532.48 CF	\$0.00	\$0.00	\$4,532.48 CR
			\$4,532.48 CF	\$2,956.81 DI	R \$18.00 DR	\$1,557,67 CR

Transaction typeAnnual percentage rateDaily percentage ratePurchase0.000%0.0000%

IMPORTANT: NAB LOANS NORMALLY REQUIRE YOU TO KEEP ADEQUATE INSURANCE OVER ANY PROPERTY THAT SECURES THE LOAN, AND OVER ANY ASSETS THAT NAB HAS FINANCED. SOME FACILITIES HAVE OTHER OBLIGATIONS. PLEASE CONFIRM WITH YOUR INSURER OR BROKER THAT YOU HAVE THE RIGHT COVER. MORE INFORMATION ON GENERAL INSURANCE IS AVAILABLE AT MONEYSMART.GOV.AU



#### **Cardholder Details**

Cardholder Name:

MRS REBECCA LOUISE MCCALL

Account No:

4557 0455 3794 2934

Statement Period:

30 December 2021 to 28 January 2022

Cardholder Limit:

\$10,000

Transaction record for: MRS REBECCA LOUISE MCCALL

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
5 Jan 2022	\$18.30	SHIRE DOWERIN DOWERIN	Plate Change DO21 to D	038		PO21-266-2266	03134398214
5 Jan 2022	\$775.00	EXETEL PTY LTD NORTH SYDNEY	Corporate internet - D		nthly charge	2140220	74564722004
10 Jan 2022	\$21.99	ADOBE ACROPRO SUBS ADOBE.LY/ENAU	Adobe Pro DC monthly soft	wave Subscrip	#02-CDO	2130241	74069882008
12 Jan 2022	\$83.00	BLOOMYS NURSERY AND FL NORTHAM	Members-Planer arrangem	ent Rx Crw	arol	2040287	74564562011
14 Jan 2022	\$60.45	WANEWSADV OSBORNE PARK	members - Death Notice for a			2040287	74564452013
17 Jan 2022	\$21.99	ADOBE ACROPRO SUBS ADOBE.LY/ENAU	Adobe Aro DC Monthly Softwar			2140241	74069882016
28 Jan 2022	\$9.00	CARD FEE	NAB VISA CARD FEE- R. McG	all		2050211	74557042028
Total for this period	\$989.73		Totals				

**Employee declaration** 

I verify that the above charges are a true and correct record in accordance with company policy

Cardholder signature: Luw Cau

RIEPP

CHARLINGIN IVI

**NAB Business Visa** 

AEDT Saturday and Sunday Fax 1300 363 658

NAB Commercial Cards Centre - GPO Box 9992 Melbourne Victoria 3001
Tel 1300 498 594 8am - 8pm AEST & AEDT Monday to Friday, 9am - 6pm AEST

Lost & Stolen Cards: 1800 033 103 (24 hours, 7 days a week)

Date: 4/2/22

3/2/22

# 028/04/17/M12151/S020528/I041055

OTHER POP

#### **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 LES JOHN VIDOVICH

Account No:

4557 0455 3810 8790

Statement Period:

30 December 2021 to 28 January 2022

Cardholder Limit:

\$5,000

Transaction record for: MR LES JOHN VIDOVICH

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
31 Dec 2021	\$99,65	COLES EXPRESS 6904 BERTRAM	Fuel-DOZMWA Venin	le		P113-261-2261	74363961365
31 Dec 2021	\$451.35	THE WORKWEAR GROUP PORT MELBOURN	PWO-Corporate Uniform Or	der L. Vido	vich	2140303	74564721364
4 Jan 2022	\$104.94	GRNEVLD AUSTRALIA WALSHPOOL	DOOT 12M Grader-Supply by	sease Elbow	<b>5</b>	P0007-298-2101	02170884981
10 Jan 2022	\$45.38	BUNNINGS 387000 CLARKSON	Depot-Supply 2x Galvarised s	rings foctoile	Door	Bm056.298.2101	74940522009
10 Jan 2022	\$36.23	HIGHWYCOMBE FUEL AND HIGH WYCOMBE	Fuel-DAMCCS vehicle			P714.261-2261	74564452007
10 Jan 2022	\$81.61	BUNNINGS 387000 CLARKSON	Lil Tigers- 4L Dulux Wash	wear		BM050-298-2101	74940522009
13 Jan 2022	\$91.08	COLES EXPRESS 6918 BICTON	Firel-DO2 mwo vehicle			P713-261-2261	74363962013
13 Jan 2022	\$1,065.84	HOLCIM (AUSTRALIA) PTY Milton	ERG bow-meckering Road - 2x 3	15mm Headwal	S for culvert 5	HUSION 1961884	74564452012
28 Jan 2022	\$9.00	CARD FEE	NAB visa cara Fee-L. Vido	vich		2080211	74557042028
Total for this period	\$1,985.08		Totals				

**Employee declaration** 

I verify that the above charges are a true and correct record in accordance with company policy

Cardholder signature:

National Australia Bank Limited ABN 12 004 044 937

## **Integrated Strategic Plan**

**Shire Priorities Quarterly Report - January 2022** 



Status Legend	
Not Commenced	•
In Progress	•
Completed	•

1 Our Community - "We live in a diverse, healthy, safe and connected community"

No	Community Priority	No	Actions	21 22	22 23	23 24	24 25	Status	Quarterly Update
		1.1.1	Continue to advocate, support and value service delivery to our community	<b>Ø</b>	<b>Ø</b>	<b>Ø</b>	<b>Ø</b>	•	No change to current levels of service delivery
1.1	Provide access to programs and services that connect residents and meet the needs of our community	1.1.2	Source funding and co-ordinate delivery on initiatives that support arts, culture, and learning	•	•	•	•	•	Lotterywest grant application approved for 2022 community event program; Implementation of Tin Dog Hub project commenced
		1.1.3	Actively work with our community to strengthen relations to enhance safety, wellbeing, and a sense of belonging	•	•	•	•	•	Community stakeholder relations continue
1.2	Support and maintain facilities that connect people, and	1.2.1	Review and action the Shire Disability Access and Inclusion Plan (DAIP)	•	•	•	•	•	Reported footpath trip hazards repaired
1.2	promote an active and healthy community	1.2.2	Establish service levels in line with community expectations, budget, and workforce capacity	•	•	•	•	•	Preliminary works progressing
.3	Encourage and support volunteers and community	1.3.1	Partner with community groups to develop and implement viable volunteer models	•	•	•	•	•	Working group establised to lead review of community structure in consultation with community groups
.5	groups to strengthen an active volunteer base		Advocate and support volunteer networks to expand the volunteer base across the region with a focus on continuous improvement	•				•	Advocacy and support ongoing

		1.3.3	Continue to share and provide resources to community groups to encourage the capability and capacity of volunteers	<b>②</b>	•	<b>Ø</b>	•	•	Support and assistance provided upon request
1.4	Boost and continue to support the youth of Dowerin through projects, workshops, funding opportunities and promotion of youth leadership	1.4.1	Implement actions from the Youth Plan	•	•	<b>Ø</b>	•	•	Planning underway to implement action 3.1.1
		1.4.2	Maintain a strong supportive relationship with the Dowerin District High School to encourage youth development	•	•	•	•	•	Supportive relationship in place

#### **2 Our Economy** - "We are an attractive location to invest, live, play, visit and work"

No	Community Priority	No	Actions	21 22	22 23	23 24	24 25	Status	Quarterly Update
		2.1.1	Proactively support the Dowerin Business Association and in partnership deliver identified initiatives	•	•	<b>Ø</b>	•	•	Continue as silent Administration of DBA and supporting the delivery of identified Town Team project
2.1	Attract investment, create jobs, and support small business growth	2.1.2	Identify opportunities and strategies for attracting new businesses and expanding existing businesses	•	•	•	•	•	Liaised with Dowerin Development Association to attract new business; Investment opportunities advertised on Shire website
		2.1.3	Identify and implement initiatives to attract and retain population	<b>Ø</b>	•	•	<b>Ø</b>	•	Campaigns to date broadly promote Dowerin, no population attraction specific promotions have occurred to date
		2.1.4	Implement a Marketing Plan that promotes the lifestyle and opportunities within Dowerin	•	•	•	•	•	Shire website promotes Dowerin's lifestyle opportunities; No lifestyle specific promotions have occurred to date
22	Encourage, promote, and deliver activities and events that promote our region	2.2.1	Promote and develop tourism and maintain local attractions	•	•			•	Refurbishment of Tin Dog Walk & Bird Hide progressing; Working with CRC to develop Dowerin brand for merchandise and future marketing campaigns
2.2		2.2.2	Investigate and implement opportunities to further develop Dowerin Short Stay Accommodation	•	•			•	Implementation of SSA marketing plan ongoing

		2.2.3	Partner with NEWTravel and Pioneer's Pathway to promote the region as a great place to visit	•	•	•	•	•	Continued liaison with Wheatbelt Way and Pioneers' Pathway to promote region
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#### **3 Our Infrastructure -** "We have functional infrastructure that meets the needs of the community"

No	Community Priority	No	Actions	21 22	22 23	23 24	24 25	Status	Quarterly Update
7.1	Work with regional partners to advocate for improved services, energy reliability and telecommunications coverage	3.1.1	Advocate for solutions to mobile blackspots and expansion of the NEWROC telecommunications network	•	•	<b>Ø</b>	<b>Ø</b>	•	Solution and priority blackspot area identified
3.1		3.1.2	Advocate and seek funding for renewable power, emergency back-up and a micro-grid that will complement current and sustainable power supplies within the region	•	•	•	•	•	Priority project through NEWROC
		3.2.1	Review and implement the Shire Strategic Resource Plan	•	•	•	•	•	Review progressing
3.2	Sustainably manage assets and infrastructure	3.2.2	Review Shire facilities and develop a Community Facilities and Property Plan	•				•	Draft in place
		3.2.3	Develop and implement a Masterplan for the upgrade of public spaces		•	•	•	•	Not due to commence until 22/23
3.3	Housing meets existing and future community need for families and workers	3.3.1	Investigate and implement opportunities for appropriate housing investment models for Dowerin		•	<b>⊘</b>	<b>⊘</b>	•	Not due to commence until 22/23

No	Community Priority	No	Actions	21 22	22 23	23 24	24 25	Status	Quarterly Update
		4.1.1	Develop and implement a Waste Management Strategy	•	•	•	•	•	Preliminaries commenced
4.1		4.1.2	Develop and implement a Shire Water Management Plan	•	•	•	•	•	Scheduled to complete by June 2022
4.1		4.1.3	Prepare management plans for Shire reserves		•			•	Not due to commence until 22/23
		4.1.4	Develop and implement a Sewage Management Plan		•	•	•	•	Not due to commence until 22/23

#### **5 Our Organisation -** "We are recognised as a transparent, well governed, and effectively managed Local Government"

No	Community Priority	No	Actions	21 22	22 23	23 24	24 25	Status	Quarterly Update
	Engage proactively with our community and provide quality community service	5.1.1	Review and improve processes and systems to be more responsive to community needs and customer relations	•	•	•	•	•	Ongoing reviews in place and identified improvements actioned
5.1		5.1.2	Continue to uphold our Customer Service Charter	•	•	•	•	•	Ongoing
		5.1.3	Undertake a community satisfaction survey every two years		•		•		Next survey due September 2022
5.2	Operate ethically professionally and in a transparent manner to our community and stakeholders	5.2.1	Continue to review and develop policy and frameworks that reflects our values and decision-making outcomes	•	•	•	•	•	Ongoing

		5.2.2	Improve communication to inform our community of decision-making criteria	•	<b>Ø</b>	<b>Ø</b>	•	•	Continue to implement Engagement Policy and Framework
		5.3.1	Continue to implement and monitor the Integrated Planning and Reporting milestones	•	•	•	•	•	Monitoring continues through quarterly reports
5.3	Ensure planning, reporting, and resourcing is in accordance with compliance and statutory requirements	5.3.2	Continue to improve compliance with statutory and regulatory requirements	•	•	•	•	•	Ongoing
		5.3.3	Continue to foster a respectful, strong and supportive organisational culture	•	•	•	•	•	Ongoing
5.4	Advocate and lobby effectively on behalf of our community	5.4.1	Maximise the ability to advocate with members of Great Eastern Country Zone, North Eastern Wheatbelt Regional Organisation of Councils (NEWROC), and the WA Local Government Association	•	•	<b>&gt;</b>	•	•	Ongoing
		5.4.2	Increase collaboration amongst stakeholders and surrounding local governments to identify opportunities that will improve local and regional service delivery	•	•	•	•	•	Ongoing



## RURAL WATER COUNCIL OF WA (INC)

# **RULES**

Adopted August 1955
Incorporated 6 January 1956

#### **Amendments**

Annual General Meeting - 12 March 1984
Annual General Meeting - 15 July 2011
(Approved as lodged by Department of Commerce with effect from 26 August 2011)
Annual General Meeting - 15 March 2019
(Approved as lodged by Consumer Protection with effect from 9 May 2019)

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#### **RULES**

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#### Rural Water Council of WA (Inc)

#### **RULES**

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#### 1 NAME, OBJECTS AND POWERS

#### 1.1 Name of Association

The name of the association is the Rural Water Council of WA (Inc).

#### 1.2 Objects of Association

The objects and purposes of the Association are -

- (a) To raise awareness of water supply issues relating to farmland and communities in rural and dryland agricultural areas.
- (b) To endeavour to obtain equitable distribution state wide of funds for water supply improvement to minimise the difficulty caused by the inadequate domestic, spraying and stock water in dryland agricultural areas.
- (c) To work with all relevant Government agencies, water advisory groups and other stakeholders to encourage and support research and development to optimise alternative management and use of water supplies.
- (d) To raise awareness of the need to improve and maintain rural and town water supplies and infrastructure.
- (e) To contribute to regional planning and policies relating to the allocation and use of water resources in rural and dryland agricultural areas.
- (f) To represent the water needs of our member communities.
- (g) To raise awareness of the need to effectively manage water resources.
- (h) To provide input to and seek membership of appropriate water advisory groups and the like.

#### 1.3 Not for Profit

- (1) The property and income of the Association shall be applied solely towards promoting the objects or purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in promoting those objects or purposes
- (2) A payment may be made to a member out of the funds of the Association only if it is authorised under Rule 1.3(3).
- (3) A payment to a member out of the funds of the Association is authorised if it is
  - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Association, or for goods supplied to the Association, in the ordinary course of business;
  - (b) the payment of interest, on money borrowed by the Association from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia;
  - (c) the payment of reasonable rent to the member for premises leased by the member to the Association; or
  - (d) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Association.

#### 1.4 Powers of Association

Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes in a lawful manner and in particular may –

- (a) acquire, hold, deal with, and dispose of any real or personal property;
- (b) open and operate bank accounts;
- (c) invest its money -
  - (i) in any security in which trust monies may lawfully be invested; or
  - (ii) in any other manner authorised by Association;
- (d) borrow money upon such terms and conditions as the Association thinks fit;
- (e) give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- (f) appoint agents to transact any business of the Association on its behalf;
- (g) enter into any other contract it considers necessary or desirable;
- (h) act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene the Act or these Rules.
- (i) engage or employ any person to administer, promote or further the objects of the Association;
- (j) join, partner, cooperate or liaise with any person, association, organisation, body of persons, public body, local government or government department or agency in any act, matter or thing, which may be conducive to the attainment or performance of the objects of the Association.

#### 2 INTERPRETATION

#### 2.1 Terms Used

In these Rules, unless the contrary intention appears:

Act means the Associations Incorporation Act 2015.

Association means the Rural Water Council of WA (Inc)

**Books of the Association** means all of the records, books, minute books, documents and securities of the Association.

**Delegate** means the persons elected or appointed from time to time by a Member Association to act for and on behalf of that Member Association and represent the Member Association at general meetings or otherwise.

**Executive Committee** means the body responsible for the management of the Association.

Financial Year means the period of 12 months commencing on 1 January in each year.

**General Meeting** means either the Annual General Meeting or a Special General Meeting of the Association.

**Individual Member** means a natural person who is recognised as a member of the Association in accordance with these rules.

Member means a delegate appointed by a member association or an individual member.

**Member Association** means an association, organisation or body of persons (incorporated or unincorporated), public body, local government or regional group of local governments recognised as a member of the Association in accordance with these rules.

**Poll** means voting conducted in written form (as opposed to general agreement or a show of hands).

Rules means these rules of the Association as amended from time to time.

**Special General Meeting** means a meeting of the Association that is not the Annual General Meeting.

**Special Resolution** means a resolution at a General Meeting passed in accordance with the Act and requiring a majority of not less than three-fourths of the members who are present and eligible to cast a vote at the meeting.

**Working Day** means a day that is not a Saturday, Sunday or a public holiday in Western Australia.

#### 2.2 Interpretation

- (1) In these Rules, unless the contrary intention appears:
  - (a) one gender includes the other;
  - (b) the singular includes the plural and the plural includes the singular;
  - (c) where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning;
  - (d) terms defined in the Act have the same meaning when used in these Rules;
  - (e) person includes a body corporate;
  - (f) writing includes typing, printing, lithography, photography and any other mode of representing or reproducing words or figures in a visible form including messages sent by electronic mail;
  - (g) a month is a reference to a calendar month.
  - (h) a reference to a statutory provision includes:
    - (i) the statutory provision as amended or re-enacted;
    - (ii) a statute, regulation or provision enacted in replacement of the statutory provision; and
    - (iii) another regulation or other statutory instrument made or issued under the statutory provision;
  - (i) including and similar expressions are not words of limitation.
- (2) The table of contents and any headings are for convenience only and do not affect the interpretation of these Rules.

#### 2.3 Notices

- (1) Subject to rule 2.3(2), a notice or other communication given under these Rules has no effect unless it is in writing and given as follows:
  - (a) delivered by hand to the nominated address of the addressee;
  - (b) sent by post to the nominated postal address of the addressee;
  - (c) sent by facsimile to the nominated facsimile number of the addressee; or
  - (d) sent by e-mail or any other method of electronic communication to the nominated electronic address of the addressee.
- (2) Any notice given under these Rules will be deemed to have been received:
  - (a) subject to rule 2.3(3), if transmitted by e-mail, facsimile or delivered by hand before 5.00 pm on a working day, at the time of transmission or on the day of delivery (as applicable), or otherwise, at 9.00 am on the next working day; or
  - (b) if sent by mail, on the second working day after posting.

- (3) A facsimile or e-mail is not given and received if:
  - (a) at the conclusion of the facsimile transmission the sender's facsimile machine issues an error transmission report which indicates that the relevant number of pages comprised in the notice has not been sent; or
  - (b) at the conclusion of the e-mail the sender receives an automated message stating that the e-mail was undeliverable.

#### 3 MEMBERS

#### 3.1 Eligibility for Membership

Membership of the Association is open to any natural person, association, organisation or body of persons (incorporated or unincorporated), public body, local government or regional group of local governments, subject to any requirements that the Association may decide from time to time.

#### 3.2 Category of Members

- (1) The Members of the Association shall consist of:
  - (a) Member Associations, which subject to these rules, shall be represented by their delegates who shall have the right to attend, debate and vote at general meetings; and
  - (b) Individual Members.
- (2) A Member Association may appoint two delegates for such term as is deemed appropriate by the Member Association. The delegates must:
  - (a) be appropriately empowered by the appointing Member Association to consider, make decisions and vote at general meetings;
  - (b) not be a delegate for more than one Member Association.
- (3) Each Member Association shall advise the Association in writing of its delegates, including the name, address and contact details of the delegates.
- (4) A delegate appointed under rule 3.2(2) to represent a Member Association is deemed for all purposes to be a member until the appointment is revoked by the Member Association and notice is given to the Secretary or, in the case of an appointment in respect of a particular general meeting, the conclusion of that general meeting.

#### 3.3 Application for Membership

An application for new membership must be:

- (a) in writing; and
- (b) accompanied by the appropriate fee.

#### 3.4 Deciding Applications for Membership

- (1) The Association may accept or reject an application for membership.
- (2) Where the Association accepts an application, the applicant shall become a member. Membership shall be deemed to commence upon acceptance of the application by the Association. The Secretary shall ensure that the register of members is amended accordingly as soon as practicable.
- (3) Where the Association rejects an application for membership the Association shall refund any fees forwarded with the application.

(4) As soon as is practicable after the Association has made a decision under rule 3.4(1), the Association shall notify the applicant of the outcome of their application for membership.

#### 3.5 Liability of Members

- (1) A member is only liable for their outstanding membership fess payable under these Rules.
- (2) A member is not liable, by reason of their membership, for the liabilities of the Association or the cost of winding up the Association.

#### 3.6 Register of Members

- (1) The Secretary shall keep and maintain in an up-to-date condition a register of the members of the Association and their postal or e-mail addresses.
- (2) Any member is able to inspect, without charge, the register of members at such time and place as is mutually convenient to the Association and the member, and the member may make a copy of or take an extract from the register of members but shall have no right to remove the register for that purpose.
- (3) The Secretary shall delete from the register of members the name of a person who ceases to be a member under rule 5.1.
- (4) A member may apply in writing for a copy of the register of members. The Executive Committee may charge a reasonable charge for providing a copy of the register.
- (5) The Executive Committee may require the member wishing to make a copy of, or take an extract from, the register of members or requesting a copy of the register of members to provide a statutory declaration setting out the purpose of the request and declaring that the purpose is connected with the affairs of the Association.

#### 3.7 Deeming Provisions

All persons who were members of the Association immediately prior to the approval of these Rules shall be deemed members and will be entitled to such benefits as are conferred on them by the Association.

#### 4 MEMBERSHIP FEES

- (1) The annual membership fee payable by members or each class of members shall be determined from time to time by the Annual General Meeting.
- (2) Each member must pay the annual membership fee determined under rule 4(1) to the Secretary, or such other person authorised by the Executive Committee, by such date as the Executive Committee from time to time determines.
- (3) If a member's annual membership fee is paid within 3 months after the date prescribed for payment under rule 4(2) the member may exercise all the rights and privileges of a member for the purposes of these rules.
- (4) If a member's annual membership fee is not paid within 3 months after the date prescribed for payment under rule 4(2), the member ceases to be a member, unless the Executive Committee decides otherwise.
- (5) If a member ceases to be a member under rule 4(4) and subsequently pays to the Association all the member's outstanding fees, the Executive Committee may, if it thinks fit, reinstate the member's rights and privileges including the right to vote.

#### 5 CEASING TO BE A MEMBER

#### 5.1 Ending Membership

A person's membership ends, if the person:

- (a) dies;
- (b) ceases to be a member under rule 4(4);
- (c) resigns as a member under rule 5.2; or
- (d) is expelled from the Association under rule 5.3.

#### 5.2 Resigning Membership

- (1) A member, who has paid all amounts payable to the Association in respect of their membership, may resign from membership by giving written notice of their resignation to the Secretary.
- (2) The member resigns:
  - (a) at the time the Secretary receives the notice; or
  - (b) if a later time is stated in the notice, at that time.
- (3) A member who resigns from the Association remains liable to pay to the Association any outstanding fees which may be recovered as a debt due to the Association by the member.

#### 5.3 Suspending or Expelling Members

- (1) The Executive Committee may, by resolution, suspend or expel a member from membership if:
  - (a) the member refuses or neglects to comply with these Rules; or
  - (b) the member's conduct or behaviour is detrimental to the interests of the Association.
- (2) The Executive Committee shall hold a meeting to decide whether to suspend or expel a member.
- (3) The Secretary shall, not less than 28 days before the Executive Committee meeting referred to in rule 5.3(2), give written notice to the member:
  - (a) of the proposed suspension or expulsion and the grounds on which it is based;
  - (b) of the date, place and time of the meeting;
  - (c) that the member, or their representative, may attend the meeting; and
  - (d) that the member, or the member's representative, may address the Executive Committee at the meeting and will be given a full and fair opportunity to state the member's case orally or in writing or both.
- (4) At the Executive Committee meeting referred to in rule 5.3(2) the Executive Committee must:
  - (a) give the member, or the member's representative, a full and fair opportunity to state the member's case orally;
  - (b) give due consideration to any written statement submitted by the member; and
  - (c) determine whether or not the member should be:
    - (i) expelled from the Association; or
    - (ii) suspended from membership, and if so, the period that the member should be suspended from membership.

- Once the Executive Committee has decided to suspend or expel a member under rule 5.3(4), the member is immediately suspended or expelled from membership.
- (6) The Secretary must inform the member in writing of the decision of the Executive Committee, within seven days of the Executive Committee meeting referred to in rule 5.3(2).

#### 5.4 Right of Appeal against Suspension or Expulsion

- (1) If a member is suspended or expelled under rule 5.3, the member may appeal the Executive Committee's decision by giving written notice to the Secretary within 14 days of receiving notice of the Executive Committee's decision under rule 5.3(6).
- (2) A statement of the reasons for the appeal must accompany the notice of appeal.
- (3) Subject to rule 14.1(3), within 28 days after the Secretary receives notice of an appeal under rule 5.4(1), the Secretary must convene a Special General Meeting to decide the appeal.
- (4) At the Special General Meeting to decide the appeal, both:
  - (a) the member who is suspended or expelled; and
  - (b) the Executive Committee members who made the decision to suspend or expel

must be given a full and fair opportunity to state their respective cases orally, or in writing, or both.

- (5) The members present and eligible to vote at the Special General Meeting must decide to confirm or revoke the Executive Committee's decision to suspend or expel by a majority vote.
- (6) If a Special General Meeting decides to revoke the Executive Committee's decision to suspend or expel a member, the person is to be reinstated as a member at the close of the Special General Meeting.

#### 5.5 Reinstatement of a Member

If the Executive Committee's decision to suspend or expel a member is revoked under these Rules, any act performed by the Executive Committee or members in General Meeting during the period that the member was suspended or expelled from membership under rule 5.3(5), is deemed to be valid, notwithstanding the member's inability to exercise his or her rights or benefits of membership, including voting rights, during that period.

#### 5.6 Consequences of Suspension

- (1) During the period in which a member's affiliation or membership is suspended, the member:
  - (i) loses any rights (including voting rights) arising as a result of membership; and
  - (ii) is not entitled to a refund, rebate, relief or credit for membership fee paid, or payable to the Association.
- (2) When a member's membership is suspended, the Association must record in the register of members:
  - (i) that the member's membership is suspended;
  - (ii) the date on which the suspension takes effect; and
  - (iii) the period of the suspension.

(3) When the period of the suspension ends, the register of members must be updated to reflect that the member is no longer suspended.

#### 6 DISPUTES

#### 6.1 Disputes Arising under the Rules

- (1) This rule applies to disputes under or relating to these Rules between:
  - (a) members;
  - (b) the Association and one or more members.
- (2) The parties to the dispute must attempt to resolve the dispute within 28 days after the dispute comes to the attention of all parties. In the event of a dispute involving the Association, the President or another Executive Committee member nominated by the President, will represent the Association.
- (3) If the parties are unable to resolve the dispute within the 28 day period specified in Rule 6.1(2), either party may give written notice to the Secretary identifying the parties to the dispute, the subject of the dispute and requesting a meeting of the Executive Committee to hear the dispute.
- (4) The Secretary must convene an Executive Committee meeting within 28 days after the Secretary receives notice of the dispute under rule 6.1(3) for the Executive Committee to determine the dispute.
- (5) At the Executive Committee meeting to determine the dispute, all parties to the dispute must be given a full and fair opportunity to state their respective cases orally, or in writing, or both.
- (6) The Secretary must inform the parties to the dispute of the Executive Committee's decision within seven days after the Executive Committee meeting referred to in rule 6.1(4).
- (7) If any party to the dispute is dissatisfied with the Executive Committee's decision they may appeal the decision by requesting in writing that the Executive Committee meet again to rehear the dispute. Such request to be made within seven days of the date of the notice advising of the Executive Committee's decision.
- (8) The Executive Committee must meet again within 14 days of the request to rehear the dispute. Subject to rule 6.2, at this second meeting the decision of the Executive Committee is final.

#### 6.2 Inability to Resolve Disputes

If a dispute cannot be resolved under the procedures set out in these Rules, any party to the dispute may apply to the State Administrative Tribunal to determine the dispute in accordance with the Act.

#### 7 OFFICE HOLDERS

The office holders of the Association are:

- (a) the President;
- (b) the Deputy President; and
- (c) the Secretary.

#### 8 COMMITTEE OF MANAGEMENT

#### 8.1 Powers of the Executive Committee

- (1) The affairs of the Association shall be managed by the Executive Committee.
- (2) Subject to the Act, these Rules and any resolution passed at a General Meeting, the Executive Committee:
  - (a) may exercise all the powers and functions of the Association, other than those powers and functions that are required by these Rules to be exercised by a General Meeting;
  - (b) has power to perform all acts and do all things as appear to the Executive Committee to be necessary or desirable for the proper management of the business and affairs of the Association; and
  - (c) may make, amend and repeal by-laws for the management of the Association provided that the by-laws are not inconsistent with these Rules or the Act.

#### 8.2 Composition of Executive Committee

- (1) The Executive Committee shall comprise:
  - (a) the office holders of the Association; and
  - (b) two members elected at the Annual General Meeting

or, in the event that the Secretary's role is undertaken by an Administrator:

- (a) the President;
- (b) the Deputy President; and
- (c) three other members elected at the Annual General Meeting.
- (2) An Executive Committee member must be a member of the Association.

#### 8.3 Obligations of Executive Committee

The Executive Committee shall take all reasonable steps to ensure the Association complies with its obligations under the Act and these Rules.

#### 8.4 Disclosure of Interest

- (1) Subject to the requirements of the Act, a member of the Executive Committee who has a material personal interest in a matter which is or will be considered at an Executive Committee meeting shall:
  - (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Executive Committee;
  - (b) disclose the nature and extent of the interest at the next General meeting; and
  - (c) not be present while the matter is being considered at the Executive Committee meeting or vote on the matter.
- (2) Rule 8.4(1) does not apply in respect to a material personal interest that:
  - (a) exists only because the member:
    - (i) is an employee of the Association; or
    - (ii) is a member of a class of persons for whose benefit the Association is established;

or

(b) the member has in common with all, or a substantial proportion of, the members.

(3) The Secretary shall record every disclosure made by an Executive Committee member under rule 8.4(1) in the minutes of the Executive Committee meeting at which the disclosure is made.

#### 8.5 Record of Office Holders

- (1) The Secretary shall keep and maintain in an up-to-date condition a record of the members of the Executive Committee, any other office holders of the Association and any person who is appointed or who acts as trustee on behalf of the Association and their postal or e-mail addresses.
- (2) Any member is able to inspect the record of office holders at such time and place as is mutually convenient to the Association and the member, and the member may make a copy of or take an extract from the register of office holders but shall have no right to remove the register for that purpose.

#### 9 APPOINTING EXECUTIVE COMMITTEE MEMBERS

#### 9.1 Appointment of Executive Committee

Executive Committee members are appointed to the Executive Committee by:

- (a) election at the Annual General Meeting held following the biennial Western Australian local government elections; or
- (b) appointment to fill a casual vacancy under rule 10.1(1).

#### 9.2 Nominations for Executive Committee

- (1) Nominations for election to the Executive Committee close at least 28 days before the date of the Annual General Meeting.
- (2) The Secretary shall send a notice calling for nominations for election to the Executive Committee to all members at least 14 days before the date for the close of nominations.
- (3) Nominations, other than nominations received under rule 9.3(3), must be:
  - (a) in writing;
  - (b) delivered to the Secretary on or before the date for the close of nominations; and
  - (c) signed by the nominee.
- (4) A member may nominate for more than one position on the Executive Committee prior to the Annual General Meeting.
- (5) In the case where a member nominates for more than one position on the Executive Committee:
  - (a) valid nominations for the successive offices shall be taken in the order the positions are listed in the notice calling for nominations; and
  - (b) once elected to a position all of the members remaining valid nominations (if any) shall be excluded from the elections for the remaining positions.
- (6) A member who is eligible for election or re-election may nominate himself of herself and may vote for himself or herself.

#### 9.3 Electing Executive Committee Members

- (1) If the number of valid nominations received is equal to the number of vacancies to be filled for the relevant positions on the Executive Committee, the members nominated shall be deemed to be elected at the Annual General Meeting.
- (2) If the number of valid nominations exceeds the number of vacancies to be filled for the relevant position on the Executive Committee, elections for the positions shall be conducted at the Annual General Meeting.
- (3) If there are not enough valid nominations to fill the number of vacancies for the relevant positions on the Executive Committee, the candidates nominated (if any) shall be deemed to be elected at the Annual General Meeting and further nominations may be received from the floor of the Annual General Meeting.
- (4) Where the number of nominations from the floor exceeds the remaining number of vacancies on the Executive Committee, elections for those positions shall be conducted.
- (5) If an insufficient number of nominations are received from the floor for the number of vacancies on the Executive Committee that remain, each relevant position on the Executive Committee shall be declared vacant by the person presiding at the Annual General Meeting and rule 10.1(2) applies.
- (6) The elections for members of the Executive Committee are to be conducted at the Annual General Meeting by secret ballot and in such manner as directed by the Executive Committee.

#### 9.4 Term of Office of Executive Committee Members

- (1) The term of office for Executive Committee members shall be two years.
- (2) An Executive Committee member's term of office shall be from the conclusion of the Annual General Meeting at which they were elected until the conclusion of the Annual General Meeting at which their term of office expires.
- (3) All retiring Executive Committee members are eligible for re-election.

#### 10 CEASING TO BE A MEMBER OF THE EXECUTIVE COMMITTEE

#### 10.1 Vacant Positions on Executive Committee

- (1) A casual vacancy occurs in the office of an Executive Committee member and that office becomes vacant if the Executive Committee member:
  - (a) dies
  - (b) ceases to be a member;
  - (c) resigns from office under rule 10.2;
  - (d) is removed from office under rule 10.3;
  - (e) becomes permanently incapacitated by mental or physical ill-health;
  - (f) is convicted of an offence under the Act; or

- (g) is absent from more than three consecutive Executive Committee meetings
  - (i) without a good reason; or
  - (ii) without tendering an apology to the person presiding at each of those Executive Committee Meetings,

of which meetings the member received notice, and the Executive Committee has resolved to declare the office vacant.

- (2) If a position on the Executive Committee is declared vacant under these Rules or there is a casual vacancy, the remaining Executive Committee members may:
  - (a) appoint a member to fill that vacancy for the remaining term of office; and
  - (b) subject to rule 10.1(3); act despite the vacant position on the Executive Committee.
- (3) If the number of Executive Committee members is not sufficient to constitute a quorum for Executive Committee meetings, the remaining Executive Committee members may act only to:
  - (a) increase the number of members on the Executive Committee to the number required for a quorum; or
  - (b) convene a General Meeting.

#### 10.2 Resigning from Executive Committee

- (1) An Executive Committee member may resign from the Executive Committee by giving written notice of resignation to the Secretary, or if the Executive Committee member is the Secretary, to the President.
- (2) The Executive Committee member resigns:
  - (a) at the time the notice is received by the Secretary or the President, as appropriate; or
  - (b) if a later time is stated in the notice, at the later time.

#### 10.3 Removal from Executive Committee

- (1) An Executive Committee member may be removed from his or her position on the Executive Committee by resolution at a General Meeting if a majority of the members present and eligible to vote at the meeting vote in favour of the removal.
- (2) The Executive Committee member who faces removal from the Executive Committee must be given a full and fair opportunity at the General Meeting to decide the proposed resolution to state his or her case as to why the member should not be removed from his or her position on the Executive Committee.

#### 11 EXECUTIVE COMMITTEE MEETINGS

#### 11.1 Meetings of Executive Committee

- (1) The Executive Committee shall meet as often as the Executive Committee deems necessary.
- (2) The Executive Committee shall determine the date, time and place of all Executive Committee meetings.

- (3) Special meetings of the Executive Committee may be convened by:
  - (a) the President; or
  - (b) any three Executive Committee members.
- (4) The Executive Committee may meet using electronic means that allows the active and equal participation of all Executive Committee members.

#### 11.2 Notice of Executive Committee Meetings

The Secretary shall give each Executive Committee member at least 48 hours notice of each Executive Committee meeting.

#### 11.3 Chairing of Executive Committee Meetings

- (1) The President or, in the President's absence, the Deputy President is to preside at each Executive Committee meeting.
- (2) If the President and the Deputy President are absent or unwilling to act, the remaining Executive Committee members shall choose one of their number to preside at the Executive Committee meeting.

#### 11.4 Quorum for Executive Committee Meetings

- (1) Any three Executive Committee members constitute a quorum for the conduct of the business at an Executive Committee meeting.
- (2) The Executive Committee cannot conduct business unless a quorum is present.
- (3) If a quorum is not present within half an hour of the time appointed for the commencement of a meeting, the meeting lapses.

#### 11.5 Procedure of Executive Committee Meetings

- (1) Executive Committee meetings may be held:
  - (a) where Executive Committee members are physically present together; or
  - (b) where one or more Executive Committee members are not physically present at a meeting provided:
    - all members participating in the meeting are able to effectively communicate with each other whether by means of telephone or other form of communication that reasonably allows the member to participate fully in discussions as they happen in the meeting and in making decisions; and
    - (ii) the participation in the meeting of an Executive Committee member not physically present is made known to all other Executive Committee members.
- (2) An Executive Committee member who participates in a meeting as set out in rule 11.5(1)(b):
  - (a) is deemed to be present at the Executive Committee Meeting; and
  - (b) continues to be present at the meeting for the purposes of establishing a quorum.

until the Executive Committee member notifies the other Executive Committee members that he or she is no longer taking part in the Executive Committee Meeting.

- (3) Subject to these Rules, the Executive Committee members present at an Executive Committee meeting are to determine the procedure and order of business to be followed at an Executive Committee meeting.
- (4) All Executive Committee members have the right to attend and vote at Executive Committee meetings.
- (5) All members, or other guests, may attend Executive Committee meetings but the person shall not have any right to comment without invitation, or any right to vote, or to be provided with copies of any agenda, minutes of meetings, or documents presented to such meetings.
- (6) The Executive Committee may provide for a time to be set aside at Executive Committee meetings to allow members to ask questions, make statements or present petitions. The time allowed at a meeting shall be determined by the presiding member. All questions are to be directed to the presiding member who may, at his or her discretion, accept the question, refuse to allow the question or invite other Executive Committee members or officers to respond.

#### 11.6 Voting at Executive Committee Meetings

- (1) Each Executive Committee member present at an Executive Committee meeting has a deliberate vote.
- (2) Except as otherwise provided by these Rules, all questions arising at an Executive Committee meeting are to be decided by a majority of votes. If there is an equality of votes, the question shall be decided in the negative.
- (3) Except as otherwise provided by these Rules, decisions may be made by general agreement or a show of hands.
- (4) The President or other person presiding at an Executive Committee Meeting shall have a deliberative vote only.

#### 11.7 Acts not Affected by Defects or Disqualifications

Any act performed by the Executive Committee, a Committee, or a person acting as an Executive Committee member is deemed to be valid even if the act was performed when:

- there was a defect in the appointment of an Executive Committee member or of a Committee; or
- (b) an Executive Committee member or a Committee member was disqualified from being a member.

#### 11.8 Resolutions without Executive Committee Meeting

- (1) A resolution in writing, signed or assented to by facsimile, e-mail or other form of visible or electronic communication by all Executive Committee members entitled to vote shall be as valid and effective as if it had been passed at a duly convened Executive Committee meeting.
- (2) Any such resolution may consist of one or more separate documents each signed or assented to by one of more Executive Committee members provided the wording of the resolution and statement is identical in each copy.
- (3) Any such resolution shall be entered in the minute book.

#### 12 COMMITTEES

#### 12.1 Appointment of Committees

- (1) The Executive Committee may appoint Committees as considered appropriate by the Executive Committee from time to time to assist with the conduct of the Association's operations.
- (2) Committees may comprise (in such numbers as the Executive Committee determines) members and non-members.
- (3) Subject to these Rules, the Committee members present at the Committee meeting are to determine the procedure and order of business to be followed at the Committee meeting.
- (4) The quorum for Committee meetings shall, unless varied by the Executive Committee at the time of appointment of the Committee, be at least 50% of Committee members.
- (5) Minutes of all Committee meetings shall be taken and kept in accordance with rule 16.

#### 12.2 Delegation to Committees

- (1) The Executive Committee may delegate, in writing, to any or all of the Committees, any authority, power or functions (other than the power of delegation) and may cancel any authority, powers or functions, as the Executive Committee sees fit from time to time.
- (2) Despite any delegation under this rule, the Executive Committee may continue to exercise all its functions, including any function that has been delegated to a Committee and remains responsible for the exercise of those functions at all times.

#### 13 ANNUAL GENERAL MEETINGS

#### 13.1 Annual General Meeting

An Annual General Meeting shall be held each year, within six months after the end of the Association's financial year, at a date, time and place determined by the Executive Committee.

#### 13.2 Business to be Conducted at Annual General Meetings

The business of the Annual General Meeting shall be:

- (a) to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting:
- (b) to receive and consider the Executive Committee's annual report on the Association's activities during the preceding financial year;
- (c) to receive and consider the financial statements of the Association for the preceding financial year;
- (d) if required, to receive and consider a copy of the report of the review or auditor's report on the financial statements;
- (e) to elect Executive Committee members;
- (f) if applicable, to appoint or remove a reviewer or auditor;
- (g) to determine annual membership fees;
- (h) to transact any other business.

#### 14 SPECIAL GENERAL MEETINGS

#### 14.1 Special General Meeting

- (1) The Executive Committee may at any time convene a Special General Meeting.
- (2) The Executive Committee must cause to be convened a Special General Meeting within 28 days after receiving a written request to do so from at least 20% members.
- (3) If a written request to convene a Special General Meeting is received within 60 days before the Annual General Meeting, the Association may deal with the matters set out in the request at the Annual General Meeting.

#### 14.2 Request for Special General Meeting

A request by members for a Special General Meeting must:

- (a) state the purpose of the meeting;
- (b) be signed by the required number of members; and
- (c) be lodged with the Secretary.

#### 14.3 Failure to Convene Special General Meeting

- (1) If the Executive Committee fails to cause a Special General Meeting to be held within 28 days after the request is received by the Association, the members who made the request may convene a Special General Meeting to be held not later than three months after the date the original request was given.
- (2) A Special General Meeting convened under rule 14.3(1) shall be convened in the same or substantially the same manner as General Meetings are convened by the Executive Committee and the Association shall pay the reasonable expenses of convening and holding the Special General Meeting.

#### 15 PROCEDURE FOR GENERAL MEETINGS

#### 15.1 Notice of General Meetings

- (1) All members of the Association shall be entitled to receive notice of and attend any General Meeting of the Association.
- (2) The Secretary shall give at least 21 days notice of each General Meeting.
- (3) The notice convening a General Meeting shall specify:
  - (a) the place, date and time of the meeting;
  - (b) indicate the general nature of each item of business to be considered.
  - (c) include particulars of any motions of which notice has been given;
  - (d) if any special resolution is proposed, the wording of the proposed resolution and that the resolution is intended to be proposed as a special resolution; and
  - (e) if the meeting is the Annual General Meeting, include the names of the members who have nominated for election to the Executive Committee.

#### 15.2 Quorum for General Meetings

(1) No business shall be conducted at any General Meeting unless a quorum of members entitled to vote under these Rules is present in person at the time when the meeting is considering that item.

- (2) A quorum for General Meetings shall be eight members entitled to vote at a General Meeting.
- (3) If, within half an hour of the time appointed for the commencement of a General Meeting, a quorum is not present:
  - (a) in the case of a Special General Meeting, the meeting lapses; or
  - (b) in the case of the Annual General Meeting, the meeting is adjourned to:
    - (i) the same time and day in the following week; and
    - (ii) the same place unless another place is specified by the presiding member at the time of the adjournment or by written notice to the members given before the day to which the meeting is adjourned.
  - (c) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the commencement of the meeting, the members personally present (being at least five) shall constitute a quorum.

#### 15.3 Presiding Member

- (1) The President or, in the President's absence, the Deputy President is to preside at each General Meeting.
- (2) If the President and the Deputy President are absent or unwilling to act, the members present shall choose one of their number to preside at the General Meeting.

#### 15.4 Adjournment of General Meetings

- (1) The person presiding at a General Meeting, at which a quorum is present, may adjourn the meeting from time to time and place to place with the consent of a majority of members present at the meeting.
- (2) No business may be conducted at an adjourned meeting other than the unfinished business from the meeting that was adjourned.
- (3) When a General Meeting is adjourned for 14 days or more, the Secretary shall give notice of the adjourned meeting in accordance with these Rules as if that General Meeting was a new General Meeting.

#### 15.5 Voting Procedure

- (1) Subject to these Rules, each member has only one vote at a General Meeting.
- (2) Except as otherwise provided by these Rules, all questions arising at a General Meeting are to be decided by a majority of votes.
- (3) Unless a Poll is demanded or as otherwise provided by these Rules, decisions at any General Meeting shall be made by a show of hands.
- (4) A member casts a vote at a General Meeting by voting at the meeting in person.
- (5) In the case of an equality of votes at a General Meeting the question shall be decided in the negative.
- (6) The President or other person presiding at a General Meeting shall have a deliberative vote only.

#### 15.6 Manner of Determining Whether Resolution Carried

- (1) Unless a Poll is demanded under rule 15.7, a declaration by the presiding member that a resolution has on a show of hands been:
  - (a) carried unanimously;
  - (b) carried by a particular majority; or
  - (c) lost

and an entry to that effect in the minute book of the Association shall be evidence of the fact that the resolution has been determined without proof of the number of the votes recorded in favour of or against that resolution.

(2) If the declaration relates to a Special Resolution the declaration shall state that a Special Resolution has been determined.

#### 15.7 Poll at General Meetings

- (1) At a General Meeting, a Poll on any question may be demanded by:
  - (a) the presiding member of the meeting; or
  - (b) at least three members present in person.
- (2) If a Poll is demanded at a General Meeting, the Poll shall be taken in such manner as the presiding member directs and a declaration by the presiding member of the result of the Poll is evidence of the matter so declared.
- (3) A Poll shall be taken:
  - (a) immediately in the case of a Poll that relates to electing a person to preside over the meeting or relates to adjourning the meeting; or
  - (b) in any other case at such time before the close of the meeting as the presiding member directs.

#### 16 MINUTES OF MEETINGS

#### 16.1 Minutes of Meetings

- (1) The Secretary shall ensure that minutes of the resolutions and proceedings of all General Meetings, Executive Committee meetings and Committee meetings are kept together with a record of the names of persons present at each meeting.
- (2) The minutes are to be taken and entered within 30 days after the holding of each meeting, into a minute book kept for that purpose.
- (3) The President shall ensure that the minutes of all General Meetings, Executive Committee meetings and Committee meetings are reviewed and signed as correct by:
  - (a) the presiding member of the meeting to which those minutes relate; or
  - (b) the presiding member of the next succeeding meeting.
- (4) When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that:
  - (a) the meeting to which they relate was duly convened and held;
  - (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
  - (c) all appointments or elections purporting to have been made at the meeting have been validly made.

#### 17 ADMINISTRATOR

- (1) An Administrator may be appointed by the Association for such term and on such conditions as it thinks fit.
- (2) The Administrator shall act as and carry out the duties of Secretary and shall administer the Association in accordance with the Act, these Rules and directions of the Executive Committee.
- (3) The Administrator shall be entitled to attend and participate in debate at all Executive Committee meetings and General Meetings but shall have no entitlement to vote.

#### 18 BY-LAWS

#### 18.1 Executive Committee may make By-laws

- (1) The Executive Committee may, by a three-fourths majority of members present at an Executive Committee meeting, make, amend or repeal by-laws for the management of the Association.
- (2) Notice of a proposal to make, amend or repeal a by-law shall be given to each Executive Committee member at least 14 days prior to the Executive Committee meeting at which the proposal is to be considered.

#### 18.2 General Meeting may set aside By-laws

By-laws made under rule 18.1 may be set aside by a majority vote of members at a General Meeting.

#### 18.3 By-laws Binding

By-laws made under these Rules shall be binding on the Association and its members.

#### 19 FUNDS AND ACCOUNTS

#### 19.1 Control of Funds

- (1) The funds of the Association shall be kept in an account in the name of the Association in a financial institution determined by the Executive Committee.
- (2) Subject to any resolution by a General Meeting, the funds of the Association shall be used in pursuance of the objects of the Association in a manner determined by the Executive Committee.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Association and all electronic payments by the Association must be signed, made or authorised (as applicable) by:
  - (i) any two Executive Committee members; or
  - (ii) one Executive Committee member and the Administrator.
- (4) All expenditure must be approved or ratified at a General Meeting or an Executive Committee meeting.
- (5) The Association shall, as soon as practicable:
  - (a) deposit all money received by the Association, to the credit of the Association's bank account, without deduction; and
  - (b) after receiving any money, issue an appropriate receipt.

#### 19.2 Source of Funds

The funds of the Association may be derived from annual membership fees payable by members, donations, grants and any other sources as the Executive Committee determines.

#### 19.3 Payments to Executive Committee Members

- (1) Any payments to members of the Executive Committee out of the funds of the Group must be authorised by resolution of the members at a General Meeting.
- (2) Rule 19.3(1) does not apply to payment to a member of the Executive Committee for out-of-pocket expenses for travel and accommodation in connection with the performance of the member's functions.

#### 19.4 Financial Year

The Association's financial year is the period of 12 months commencing on 1 January in each year.

#### 19.5 Accounting Records and Financial Statements

- (1) The Association shall keep and maintain accounting records which:
  - (a) correctly record the transactions, financial position and performance of the Association; and
  - (b) enable true and fair financial statements to be prepared.
- (2) The Executive Committee shall submit to the Annual General Meeting the annual financial statements of the Association.
- (3) The Secretary shall submit to each Executive Committee meeting, and at such other times as the Executive Committee may direct, a report or financial statement.
- (4) The Secretary shall ensure the safe custody of the accounting records and other books and documents of a financial nature of the Association.

#### 20 AUTHORITY REQUIRED TO BIND ASSOCIATION

#### 20.1 Executing Documents

The Association may execute a document without using a common seal if the document is signed by any two of the President or Deputy President and any one other Executive Committee member.

#### 20.2 Common Seal

The Association shall not have a common seal.

#### 21 THE ASSOCIATION'S BOOKS AND RECORDS

#### 21.1 Custody of the Books of the Association

Except as otherwise provided in these Rules, the Secretary shall keep in his or her custody or under his or her control all the books of the Association.

#### 21.2 Inspecting the Books of the Association

- (1) Subject to these Rules, a member is able to inspect the books of the Association free of charge at such time and place as is mutually convenient to the Association and the member.
- (2) A member must contact the Secretary to request to inspect the books of the Association.
- (3) The member may make a copy of or take an extract from the books of the Association but shall have no right to remove the books for that purpose.

#### 22 RULES OF ASSOCIATION

#### 22.1 Binding of Rules

These Rules bind every member to the same extent as if every member had signed and sealed these Rules and agreed to be bound by all their provisions.

#### 22.2 Alteration of Rules

- (1) The Association may alter, rescind or add to these Rules by Special Resolution at the Annual General Meeting or at a Special General Meeting called for that purpose and not otherwise.
- (2) Notice of the proposal to alter, rescind or add to these Rules shall be given to each member at least 21 days prior to the meeting at which the proposal is to be considered.
- (3) An alteration to the Rules does not take effect until the requirements of the Act have been complied with.

#### 22.3 Rules and By-laws Available to Members

- (1) The Secretary shall keep and maintain in an up-to-date condition the Rules and by-laws of the Association.
- (2) A member is able to inspect the Rules or by-laws of the Association free of charge at such time and place as is mutually convenient to the Association and the member.
- (3) The member may make a copy of or take an extract from the Rules or by-laws of the Association but shall have no right to remove the Rules or by-laws for that purpose.
- (4) The Association shall provide, free of charge, an up-to-date copy of the Rules and by-laws:
  - (a) to a member upon their request; and
  - (b) to each person who becomes a member of the Association.
- (5) A copy of the Rules or by-laws may be provided to a member by electronic transmission or by notifying the member of details of a website where the Rules or by-laws may be downloaded. If a member requests that the copy of the Rules or by-laws be provided in hard copy form the Rules or by-laws shall be provided in that manner.

#### 23 INDEMNITY

- (1) The Association shall, to the extent that the person is not otherwise indemnified, indemnify each Executive Committee member, Committee member and employee of the Association against any loss, cost (including legal costs), expense or liability incurred by reason of any act, deed or omission done in good faith as such Executive Committee member, Committee member or employee.
- (2) No payment may be made to indemnify any Executive Committee member, Committee member or employee of the Association against any loss, cost (including legal costs), expense or liability incurred as a result of conduct that is adjudged by a court to be criminal or fraudulent or involves a lack of good faith.

#### 24 WINDING UP AND DISTRIBUTION OF SURPLUS PROPERTY

#### 24.1 Winding Up of the Association

The Association may be wound up or cancel its incorporation by a Special Resolution passed at a Special General Meeting called for that purpose.

#### 24.2 Distribution of Surplus Property on Winding Up

- (1) In this Rule surplus property means property of the Association remaining after satisfaction of —
  - (a) the debts and liabilities of the Association; and
  - (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Association.

but does not include books relating to the management of the Association.

- (2) If on the winding-up of the Association or the cancellation of its incorporation there remains any surplus property, such property shall not be paid to or distributed among the members of the Association but shall be distributed to one or more organisations being -
  - (i) an incorporated association; or
  - (ii) other organisation listed in the Act

having objects similar to those of the Association.

(3) The incorporated association or other organisation referred to in Rule 24.2(2) shall be determined prior to winding up the Association by a special resolution approving a distribution plan for the distribution of the surplus property of the Association.

#### 25 REPEAL

- (1) The Constitution adopted on 12 March 1984 and subsequent amendments are repealed.
- (2) Any appointment or resolution made under the Constitution repealed by rule 25(1), if in force immediately prior to the approval of these Rules, shall continue in force as far as is practicable as if made or passed under these Rules.

## **LOCAL GOVERNMENT ACT 1995**

## **SHIRE OF DOWERIN**

## ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2022

#### **LOCAL GOVERNMENT ACT 1995**

#### SHIRE OF DOWERIN

#### ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2022

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#### SCHEDULE 1

PRESCRIBED OFFENCES

#### **LOCAL GOVERNMENT ACT 1995**

#### SHIRE OF DOWERIN

## ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES AND TRADING LOCAL LAW 2022

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dowerin resolved on *[insert date]* to make the following local law.

#### **PART 1 - PRELIMINARY**

#### 1.1 Citation

This local law may be cited as the *Shire of Dowerin Activities in Thoroughfares and Public Places and Trading Local Law* 2022.

#### 1.2 Interpretations

In this local law unless the context otherwise requires -

Act means the Local Government Act 1995;

applicant means a person who applies for a permit;

*authorised person* means a person authorized by the local government under section 9.10 of the Act to perform any of the functions of an authorized person under this local law;

built-up area has the meaning given to it in the Road Traffic Code 2000;

*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 in 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;

district means the district of the local government;

**footpath** has the meaning given to it in the Road Traffic Code 2000;

**garden** means any part of a thoroughfare planted, developed or treated, otherwise than as a lawn, with one or more plants;

*intersection* has the meaning given to it in the *Road Traffic Code 2000*;

kerb includes the edge of a carriageway;

*lawn* means any part of a thoroughfare 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 1988;

*local government* means the Shire of Dowerin;

local government property means anything except a thoroughfare –

- (a) which belongs to 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;

*local planning scheme* means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

lot has the meaning given to it in the Planning and Development Act 2005;

owner or occupier in relation to land does not include the local government;

*permissible verge treatment* means any one of the 4 treatments described in clause 2.8(2), and includes any reticulation pipes and sprinklers;

permit means a permit issued under this local law;

permit holder means a person who holds a valid permit;

*person* does not include the local government;

*premises* for the purpose of the definition of public place in both this clause and clause 6.1, means a building or similar structure, but does not include a carpark or a similar place;

*public place* includes any thoroughfare or place which the public are allowed to use, whether or not the thoroughfare or place is on private property, but does not include –

- (a) premises on private property from which trading is lawfully conducted under a written law; and
- (b) local government property;

Regulations means the Local Government (Functions and General) Regulations 1996;

*sign* includes a notice, flag, mark, structure or device on which may be shown words, numbers, expressions or symbols;

*thoroughfare* has the meaning given to it in the Act, but does not include a private thoroughfare which is not under the management control of the local government;

townsite means all the townsites within the district which are –

- (a) constituted under section 26(2) of the Land Administration Act 1997; or
- (b) referred to in clause 37 of Schedule 9.3 of the Act;

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 -

- (a) a wheel-chair or any device designed for use by a physically impaired person on a footpath;
- (b) a pram, a stroller or a similar device; and

*verge* means that part of a thoroughfare between the carriageway and the land which abuts the thoroughfare, but does not include any footpath.

#### 1.3 Application

- 1. This local law applies throughout the district.
- 2. This local law is subject to any written and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).

#### 1.4 Repeal

- 1. The Shire of Dowerin Activities on Thoroughfares and Trading in Thoroughfares and Public Places as published in the Government Gazette on 8 January 2002 is repealed.
- 2. Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- 3. The Council may resolve that notwithstanding subclause (2) specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

#### 1.5 Commencement

This local law comes into operation 14 days after the date of its commencement in the *Government Gazette*.

#### PART 2 – ACTIVITIES IN THOROUGHFARES AND PUBLIC PLACES

#### Division 1 - General

#### 2.1 General prohibitions

A person shall not -

- (a) plant any plant (except grasses or a similar plant) within 10 metres of an intersection;
- (b) damage a lawn or a garden or remove any plant or part of a plant from a lawn or a garden unless
  - (i) the person is the owner or the occupier of the lot abutting that portion of the thoroughfare 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) plant any plant (except grass or a similar plant) on a thoroughfare so that it is within 2m of a carriageway;
- (d) place on any footpath any fruit, fruit skins or other substance or fluid (whether vegetable or otherwise, but not water) which may create a hazard for any person using the footpath;
- (e) unless at the direction of the local government, damage, remove or interfere with any signpost, direction plate, guidepost, notice, shelter, shed, fence or any structure erected on a thoroughfare by the local government or a person acting under the authority of a written law:
- (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 thoroughfare; or
- (g) within a mall, arcade or verandah of a shopping centre, ride any bicycle, skateboard, rollerblades or similar device.

#### 2.2 Activities allowed with a permit - general

- (1) A person shall not, without a permit
  - (a) dig or otherwise create a trench through or under a kerb or footpath;
  - (b) subject to Division 3 of this Part, throw, place or deposit any thing on a verge 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 thoroughfare as a thoroughfare;
  - (d) cause any obstruction to a water channel or a water course in a thoroughfare;
  - (e) throw, place or drain offensive, noxious or dangerous fluid onto a thoroughfare;

- (f) damage a thoroughfare;
- (g) light any fire or burn any thing on a thoroughfare other than in a stove or fireplace provided for that purpose or under a permit issued under clause 5.13;
- (h) fell any tree onto a thoroughfare;
- (i) 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 any thing on any part of a thoroughfare, and without limiting the generality of the foregoing, any gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
- (j) provide, erect, install or use in or on any building, structure or land abutting on a thoroughfare any hoist or other thing for use over the thoroughfare;
- (k) on a public place use anything or do anything so as to create a nuisance;
- (l) place or cause to be placed on a thoroughfare a bulk rubbish container; or
- (m) interfere with the soil of, or anything in a thoroughfare or take anything from a thoroughfare.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

#### 2.3 No possession and consumption of liquor on thoroughfare

- (1) A person shall not consume any liquor or have in her or his possession or under her or his control any liquor on a thoroughfare unless
  - (a) that is permitted under the Liquor Control Act 1988 or under another written law; or
  - (b) the person is doing so in accordance with a permit.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

#### Division 2 - Vehicle crossing

#### Subdivision 1 - Temporary crossings

#### 2.4 Permit required

- (1) Where it is likely that works on a lot will involve vehicles leaving a thoroughfare and entering the lot, the person responsible for the works shall obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains and footpath, 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 person named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
  - (b) the registered proprietor of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If the local government approves an application for a permit for the purpose of subclause (1), the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the permit holder shall 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 thoroughfare.

#### Subdivision 2 - Redundant vehicle crossings

#### 2.5 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 thoroughfare affected by the removal are to be reinstated to the satisfaction of the local government.
- (2) The local government 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 thoroughfare, which may be affected by the removal,

within the period of time stated in the notice, and the owner or occupier of the lot shall comply with that notice.

#### Division 3 - Verge treatments

#### Subdivision 1 - Preliminary

#### 2.6 Interpretation

In this Division, unless the context otherwise requires -

acceptable material means any material which will create a hard surface or approved by the local government.

#### 2.7 Application

This Division only applies to a townsite.

#### Subdivision 2 - Permissible verge treatments

#### 2.8 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) The permissible verge treatments are
  - (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 thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and
    - (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;
  - (c) the installation of an acceptable material; or
  - (d) the installation over no more than one third of the area of the verge (excluding any vehicle crossing) of an acceptable material in accordance with paragraph (c), and the planting and maintenance of either a lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

#### 2.9 Only permissible verge treatments to be installed

- (1) A person shall not install or maintain a verge treatment which is not a permissible verge treatment.
- (2) 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 2.10.

#### 2.10 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment shall -

- (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 is not obstructed by the verge treatment;
- (b) not place any obstruction on or around the verge treatment; and
- (c) not disturb a footpath on the verge.

#### 2.11 Notice to owner or occupier

The local government 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 Division.

#### Subdivision 3 - Existing verge treatments

#### 2.12 Transitional provision

(1) In this clause –

*former provisions* means the local law of the local government which permitted certain types of verge treatments, whether with or without the consent of the local government, and which was repealed by this local law.

- (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.

#### Subdivision 4 - Public works

#### 2.13 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 4 - Property numbers

#### Subdivision 1 - Preliminary

#### 2.14 Interpretation

In this Division, unless the context requires otherwise -

*Number* means a number of a lot with or without an alphabetical suffix indicating the address of the lot by reference to a thoroughfare.

#### Subdivision 2 - Assignment and marking of numbers

#### 2.15 Assignment of numbers

The local government may assign a number to a lot in the district and may assign another Number to the lot instead of that previously assigned.

#### Division 5 - Fencing

#### 2.16 Public place – Item 4(1) of Division 1, Schedule 3.1 of Act

The following places are specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act –

- (a) a public place, as that term is defined in clause 1.2; and
- (b) local government property.

#### Division 6 - Signs erected by the local government

#### **2.17** Signs

- (1) A local government may erect a sign on a public place specifying any conditions of use which apply to that place.
- (2) A person shall 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.

#### 2.18 Transitional

Where a sign erected on a public place has been erected under a local law of the local government repealed by this local law, then on and from the commencement day, it is to be taken to be a sign erected under clause 2.17 if -

- (a) the sign specifies a condition of use relating to the public place 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 thoroughfare

#### 2.19 No driving on closed thoroughfare

- (1) A person shall not drive or take a vehicle on a closed thoroughfare unless
  - (a) that is in accordance with any limits or exceptions 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 thoroughfare* means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act

#### PART 3 – ADVERTISING SIGNS ON THOROUGHFARES

#### Division 1 - Preliminary

#### 3.1 Interpretation

In this Part, unless the context otherwise requires -

advertising sign means a sign used for the purpose of advertisement and includes an "election sign";

*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:

*election sign* means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election:

portable direction sign means a portable free standing direction sign; and

portable sign means a portable free standing advertising sign.

#### Division 2 - Permit

#### 3.2 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 500mm in height nor 0.5m<sup>2</sup> 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 2.5m:
  - (c) on or within 3m 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.

#### 3.3 Matters to be considered in determining application for permit

In determining an application for a permit for the purpose of clause 3.2(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.

#### Division 3 - Conditions on permit

#### 3.4 Conditions on portable sign

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 1m in height;
  - (ii) not exceed an area of 1m<sup>2</sup> on any side;
  - (iii) relate only to the business activity described on the permit;
  - (iv) contain letters not less than 200mm 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; and
- (b) no more than one portable sign shall be erected in relation to the one building or business.

#### 3.5 Conditions on election sign

If the local government approves an application for a permit for the erection or placement of an election sign on a thoroughfare, the application is to be taken to be approved subject to the sign –

(a) being erected at least 30m from any intersection;

- (b) being free standing and not being affixed to any existing sign, post, power or light pole, or similar structure:
- (c) being placed so as not to obstruct or impede the reasonable use of a thoroughfare, or access to a place by any person;
- (d) being placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- (e) being maintained in good condition;
- (f) not being erected until the election to which it relates has been officially announced;
- (g) being removed within 24 hours of the close of polls on voting day;
- (h) not being placed within 100m of any works on the thoroughfare;
- (i) being securely installed;
- (i) not being an illuminated sign;
- (k) not incorporating reflective or fluorescent materials; and
- (l) not displaying only part of a message which is to be read with other separate signs in order to obtain the whole message.

#### PART 4 – OBSTRUCTING ANIMALS, VEHICLES OR SHOPPING TROLLEYS

#### Division 1 - Animals and vehicles

#### 4.1 Leaving animal or vehicle in public place or on local government property

- (1) A person shall not leave an animal or a vehicle, or any part of a vehicle, in a public place or on local government property so that it obstructs the use of any part of that public place or local government property, unless that person has first obtained a permit or is authorized to do so under a written law.
- (2) A person will not contravene subclause (1) where the animal is secured or tethered for a period not exceeding 1 hour.
- (3) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

#### 4.2 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 shall not
  - (a) allow the animal to enter or remain for any time on any thoroughfare except for the use of the thoroughfare as a thoroughfare and unless it is led, ridden or driven;
  - (b) allow an animal which has a contagious or infectious disease to be led, ridden or driven in a public place; or
  - (c) train or race the animal on a thoroughfare.
- (3) An owner of a horse shall not lead, ride or drive a horse on a thoroughfare in a built-up area, unless that person does so under a permit or under the authority of a written law.

#### Division 2 - Shopping trolleys

#### 4.3 Interpretation

In this Division -

**retailer** means a proprietor of a shop in respect of which shopping trolleys are provided for the use of customers of the shop; and

*shopping trolley* means a wheeled container or receptacle supplied by a retailer to enable a person to transport goods.

#### 4.4 Shopping trolley to be marked

A retailer shall clearly mark its name or its trading name on any shopping trolley made available for the use of customers.

#### 4.5 Person not to leave trolley in public place

A person shall not leave a shopping trolley in a public place other than in an area set aside for the storage of shopping trolleys.

#### 4.6 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 local government 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 shall remove a shopping trolley within 24 hours of being so advised under subclause (1), unless the retailer -
  - (a) requests the local government to collect and deliver the shopping trolley to the retailer; and
  - (b) pays any fee for that collection and delivery (imposed and determined under and in accordance with sections 6.16 to 6.19 of the Act) within the period specified by the local government.

#### PART 5 - ROADSIDE CONSERVATION

#### Division 1 - Preliminary

#### 5.1 Interpretation

In this Part -

MRWA means Main Roads Western Australia;

*roadside conservation committee* means the Roadside Conservation Committee reporting to the Minister for Environment;

special environmental area means an area designated as such under clause 5.7;

specially protected flora has the meaning given to it in section 5 of the *Biodiversity Conversation* Act 2016; and

threatened flora has the meaning given to it in section 5 of the Biodiversity Conservation Act 2016.

#### 5.2 Application

This Part does not apply to the townsite.

#### Division 2 - Flora roads

#### 5.3 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.

#### 5.4 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.

#### 5.5 Signposting of flora roads

The local government may signpost flora roads with the standard MRWA flora road sign.

#### 5.6 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.

#### Division 3 - Special environmental areas

#### 5.7 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 specially protected flora or threatened flora; or
- (b) in the opinion of the local government, has environmental, aesthetic or cultural significance.

#### 5.8 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.

#### Division 4 - Planting in thoroughfares

#### 5.9 Permit to plant

A person shall not plant any plant or sow any seeds in a thoroughfare without first obtaining a permit.

#### 5.10 Relevant considerations in determining application

In determining an application for a permit for the purpose of clause 5.9, 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.

#### Division 5 - Clearance of vegetation

#### 5.11 Permit to clear

A person shall not clear and maintain in a cleared state, the surface of a thoroughfare within 1m of that person's land without first obtaining a permit and any other approvals which may be required under any written law.

#### 5.12 Application for permit

In addition to the requirements of clause 7.1(2), a person making an application for a permit for the purpose of clause 5.11 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.

#### Division 6 - Fire management

#### 5.13 Permit to burn thoroughfare

A person shall not burn part of a thoroughfare without first obtaining a permit or unless acting under the authority of any other written law.

#### 5.14 Application for permit

In addition to the requirements of clause 7.1(2), an application for a permit for the purposes of clause 5.13 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.

#### 5.15 When application for permit can be approved

The local government may approve an application for a permit for the purpose of clause 5.13 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.

#### 5.16 Prohibitions on burning

Notwithstanding anything to the contrary in this local law, an application for a permit for the purpose of clause 5.13 is not to be approved by the local government -

- (a) for burning between 31 August 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.

#### Division 7 - Firebreaks

#### 5.17 Permit for firebreaks on thoroughfares

A person shall not construct a firebreak on a thoroughfare without first obtaining a permit.

#### 5.18 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 5.17 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.

#### Division 8 - Commercial wildflower harvesting on thoroughfares

#### 5.19 General prohibition on commercial wildflower harvesting

Subject to clause 5.20, a person shall not commercially harvest native flora on a thoroughfare.

#### 5.20 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 6 - TRADING IN THOROUGHFARES AND PUBLIC PLACES

#### Division 1 - Stallholders and traders

Subdivision 1 - Preliminary

#### 6.1 Interpretation

In this Division, unless the context otherwise requires -

**Competition Principles Agreement** means the Competition Principles Agreement executed by each State and Territory of the Commonwealth and the Commonwealth of Australia on 11 April 1995:

#### public place includes -

- (a) any thoroughfare or place which the public are allowed to use whether or not the thoroughfare or place is on private property; and
- (b) local government property,

but does not include premises on private property from which trading is lawfully conducted under a written law.

*stall* means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold, hired or offered for sale or hire;

stallholder means a person in charge of a stall;

stallholder's permit means a permit issued to a stallholder;

trader means a person who carries on trading;

trader's permit means a permit issued to a trader; and

trading includes -

- (a) the selling or hiring of, the offering for sale or hire of or the soliciting of orders for goods or services in a public place;
- (b) displaying goods in any public place for the purpose of
  - (i) offering them for sale or hire;
  - (ii) inviting offers for their sale or hire;
  - (iii) soliciting orders for them; or
  - (iv) carrying out any other transaction in relation to them;
- (c) the going from place to place, whether or not public places, and
  - (i) offering goods or services for sale or hire; or
  - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services.

but does not include -

- (iii) the delivery of pre-ordered goods of services to the purchaser of those goods or services or to the person nominated by the purchaser of those goods or services whether or not payment for those goods or services is accepted on delivery; or
- (iv) the taking of further orders for goods or services from the purchaser of those preordered goods or services or from the person nominated by the purchaser of those pre-ordered goods or services when those orders are taken at the same time as a previous order is being delivered, whether or not payment is made for those goods or services at the time of taking the order;

- (v) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder's permit;
- (vi) the selling or the offering for sale of goods and services to, or the soliciting of orders for goods and services from a person who sells those goods or services;
- (vii) the selling or the offering for sale or hire by a person of goods of her or his own manufacture or services which he or she provides; and
- (viii) the selling or hiring or the offering for sale or hire of
  - (i) goods by a person who represents a manufacturer of the goods; or
  - (ii) services by a person who represents a provider of the services,

which are only sold directly to consumers and not through a shop.

#### Subdivision 2 - Permits

#### 6.2 Stallholder's permit

- (1) A person shall not conduct a stall on a public place unless that person is
  - (a) the holder of a valid stallholder's permit; or
  - (b) an assistant specified in a valid stallholder's permit.
- (2) Every application for a stallholder's permit shall
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants to be engaged by the applicant in conducting the stall, as well as their names and addresses if already engaged;
  - (c) specify the proposed location of the stall;
  - (d) specify the period of time for which the permit is sought, together with the proposed days and hours of operation;
  - (e) specify the proposed goods or services to be sold or hired or offered for sale or hire from the stall; and
  - (f) be accompanied by an accurate plan and description of the proposed stall.

#### 6.3 Trader's permit

- (1) A person shall not carry on trading unless that person is
  - (a) the holder of a valid trader's permit; or
  - (b) an assistant specified in a valid trader's permit.
- (2) Every application for a trader's permit shall
  - (a) state the full name and address of the applicant;
  - (b) specify the proposed number of assistants, if any, to be engaged by the applicant in trading, as well as their names and addresses if already engaged;
  - (c) specify the location or locations in which the applicant proposes to trade;

- (d) specify the period of time for which the permit is sought, together with the proposed days and hours of trading;
- (e) specify the proposed goods or services which will be traded; and
- (f) be accompanied by an accurate plan and description of any proposed structure or vehicle which may be used by the applicant in trading.

#### No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper only is not required to obtain a permit.

#### 6.5 Relevant considerations in determining application for permit

- (1) In determining an application for a permit for the purposes of this Division, the local government is to have regard to
  - (a) any relevant policies of the local government;
  - (b) the desirability of the proposed activity;
  - (c) the location of the proposed activity;
  - (d) the principles set out in the Competition Principles Agreement; and
  - (e) such other matters as the local government may consider to be relevant in the circumstances of the case.
- (2) The local government may refuse to approve an application for a permit under this Division on any one or more of the following grounds
  - (a) that the applicant has committed a breach of any provision of this local law or of any written law relevant to the activity in respect of which the permit is sought; or
  - (b) that -
    - (i) the applicant is an undischarged bankrupt or is in liquidation;
    - (ii) the applicant has entered into any composition or arrangement with creditors; or
    - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager has been appointed in relation to any part of the applicant's undertakings or property.

#### 6.6 Conditions of permit

- (1) If the local government approves an application for a permit under this Division subject to conditions, those conditions may include
  - (a) the place, the part of the district, or the thoroughfare to which the permit applies;
  - (b) the days and hours during which a permit holder may conduct a stall or trade;
  - (c) the number, type, form and construction, as the case may be, of any stand, table, structure or vehicle which may be used in conducting a stall or in trading;
  - (d) the goods or services in respect of which a permit holder may conduct a stall or trade;
  - (e) the number of persons and the names of persons permitted to conduct a stall or trade;

- (f) the requirement for personal attendance at the stall or the place of trading by the permit holder and the nomination of assistants, nominees or substitutes for the permit holder;
- (g) whether and under what terms the permit is transferable;
- (h) any prohibitions or restrictions concerning the -
  - (i) causing or making of any noise or disturbance which is likely to be a nuisance to persons in the vicinity of the permit holder;
  - (ii) the use of amplifiers, sound equipment and sound instruments;
  - (iii) the use of signs; and
  - (iv) the use of any lighting apparatus or device;
- (i) the manner in which the permit holder's name and other details of a valid permit are to be displayed;
- (j) the care, maintenance and cleansing of the stall or any structure used for trading and the place of the stall or any structure;
- (k) the vacating of the place of a stall or trading when the stall is not being conducted or trading is not being carried on;
- (l) the acquisition by the stallholder or trader of public risk insurance;
- (m) the period for which the permit is valid; and
- (n) the designation of any place or places where trading is wholly or from time to time prohibited by the local government.
- (2) Where a permit holder by reason of illness, accident or other sufficient cause is unable to comply with this local law, the local government may at the request of that permit holder authorize another person to be a nominee of the permit holder for a specified period, and this local law and the conditions of the permit shall apply to the nominee as if he or she was the permit holder.

#### 6.7 Exemptions from requirement to pay fee or to obtain a permit

(1) In this clause –

*charitable organisation* means an institution, association, club, society or body whether incorporated or not, the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature and from which any member does not receive any pecuniary profit except where the member is an employee or the profit is an honorarium; and

*commercial participant* means any person who is involved in operating a stall or in conducting any trading activity for personal gain or profit.

- (2) The local government may waive any fee required to be paid by an applicant for a stallholder's permit or a trader's permit on making an application for or on the issue of a permit, or may return any such fee which has been paid, if the stall is conducted or the trading is carried on
  - (a) on a portion of a public place adjoining the normal place of business of the applicant; or

- (b) by a charitable organisation that does not sublet space to, or involve commercial participants in the conduct of a stall or trading, and any assistants that may be specified in the permit are members of that charitable organisation.
- (3) The local government may exempt a person or a class of persons, whether or not in relation to a specified public place, from the requirements of this Division.

#### Subdivision 3 - Conduct of stallholders and traders

#### 6.8 Conduct of stallholders and traders

- (1) A stallholder while conducting a stall or a trader while trading shall—
  - (a) display her or his permit to do so in a conspicuous place on the stall, vehicle or temporary structure or if there is no stall, vehicle or temporary structure, carry the permit with her or him while conducting a stall or trading;
  - (b) not display a permit unless it is a valid permit; and
  - (c) when selling goods by weight, carry and use for that purpose, scales tested and certified in accordance with the provisions of the *National Measurement Act 1960* (*Commonwealth*).
- (2) A stallholder or trader shall not
  - (a) deposit or store any box or basket containing goods on any part of a thoroughfare so as to obstruct the movement of pedestrians or vehicles;
  - (b) act in an offensive manner;
  - (c) use or cause to be used any apparatus or device including any flap or shelf, whereby the dimensions of a stall, vehicle or structure are increased beyond those specified in the permit; or
  - (d) in the case of a trader, carry on trading from a public place, unless there is adequate parking for customers' vehicles.

#### Division 2 - Street entertainers

#### Subdivision 1 - Preliminary

#### 6.9 Interpretation

In this Division, unless the context otherwise requires –

**perform** includes to play a musical instrument, sing, mime, dance, give an acrobatic or aerobic display or entertain, but does not include public speaking;

*permit* means a permit issued for the purpose of clause 6.10;

*permitted area* means the area or areas, specified in a permit, in which the permit holder may perform; and

*permitted time* means the time or times, specified in a permit, during which the permit holder may perform.

#### Subdivision 2 - Permits

#### 6.10 Permit required to perform

A person shall not perform in a public place without a permit.

#### 6.11 Variation of permitted area and permitted time

- (1) The local government may by notice in writing to a permit holder vary
  - (a) the permitted area;
  - (b) the permitted time; or
  - (c) both the permitted area and the permitted time,

shown on a permit.

(2) The local government may direct a permit holder to move from one permitted area to another permitted area, if more than one area is specified in a permit.

#### **6.12 Duration of permit**

A permit is valid for a period of 3 months after the date on which it is issued unless it is sooner cancelled under this local law.

#### 6.13 Cancellation of permit

The CEO may cancel a permit if in her or his opinion the volume of sound caused by the permit holder in connection with the performance adversely affects the enjoyment, convenience or comfort of other persons in a public place, or if, in her or his opinion, or in the opinion of an authorized person, the performance otherwise constitutes a nuisance.

#### 6.14 Obligations of permit holder

A permit holder shall not in a public place –

- (a) perform wearing dirty, torn or ragged clothing;
- (b) act in an offensive manner; or
- (c) place, install, erect, play or use any musical instrument or any device which emits music, including a loud speaker or an amplifier -
  - (i) other than in the permitted area; and
  - (ii) unless the musical instrument or device is specified in the permit.

#### Division 3 - Outdoor eating facilities on public places

#### 6.15 Interpretation

In this Division -

*Facility* means an outdoor eating facility or establishment on any part of a public place, but does not include such a facility or establishment on private land;

*permit holder* means the person to whom a permit has been issued for the purpose of clause 6.16; and

public place has the meaning given to it in clause 6.1.

#### 6.16 Permit required to conduct Facility

A person shall not establish or conduct a Facility without a permit.

#### 6.17 Matters to be considered in determining application

In determining an application for a permit for the purpose of clause 6.16, the local government may consider in addition to any other matter it considers relevant, whether or not-

- (a) the Facility is conducted in conjunction with and as an extension of a food business which abut on the Facility, and whether the applicant is the person conducting such food business;
- (b) any abutting food business is registered in accordance with the *Food Act 2008* and whether the use of the business is permitted under the town planning scheme;
- (c) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences:
- (d) the Facility would -
  - (i) obstruct the visibility or clear sight lines at an intersection of thoroughfares of any person; or
  - (ii) impede pedestrian access; and
- (e) the tables, chairs and other equipment to be used may obstruct or impede the use of the public place for the purpose for which it was designed.

#### 6.18 Obligations of permit holder

- (1) The permit holder for a Facility shall
  - (a) ensure that the Facility is conducted at all times in accordance with the provisions of this local law;
  - (b) ensure that the eating area is kept in a clean and tidy condition at all times; and
  - (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times.
- (2) Whenever, in the opinion of the local government, any work is required to be carried out to a Facility, the local government may give a notice to the permit holder for the Facility to carry out that work within the time limited by the notice.

(3) In subclause (2), "work" includes the removal, alteration, repair, reinstatement or reconstruction of any part of a public place arising from or in connection with the setting up or conduct of a Facility.

#### 6.19 Removal of Facility unlawfully conducted

Where a Facility is conducted without a permit, or in contravention of a condition of a permit, any tables, chairs, umbrellas or other equipment may be removed by an authorized person and impounded in accordance with the Act.

#### 6.20 Use of Facility by public

- (1) A person shall not occupy a chair or otherwise use the equipment in a Facility the subject of a permit unless the person uses them for the purpose of consuming food or drinks provided by the Facility.
- (2) A person shall leave a Facility when requested to do so by the permit holder.

#### 6.21 Temporary removal of Facility may be requested

- (1) The permit holder for a Facility is to temporarily remove the Facility when requested to do so on reasonable grounds by an authorized person or a member of the Police Service or an emergency service.
- (2) The permit holder may replace the Facility removed under subclause (1) as soon as the person who directed her or him to remove it allows it to be replaced.

#### **PART 7 - PERMITS**

#### Division 1 – Applying for a permit

#### 7.1 Application for permit

- (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).
- (2) An application for a permit under this local law shall -
  - (a) be in the form determined by the local government;
  - (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 and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.
- (4) The local government may require an applicant to give local public notice of the application for a permit.

(5) The local government may refuse to consider an application for a permit which is not in accordance with subclause (2).

#### 7.2 Decision on application for permit

- (1) The local government may
  - (a) approve an application for a permit unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on a permit or which are to be taken to be imposed on a permit, the clause does not limit the power of the local government to impose other conditions on the permit under subclause (1)(a).
- (5) Where a clause of this local law refers to the grounds on which an application for a permit may be or is to be refused, the clause does not limit the power of the local government to refuse the application for a permit on other grounds under subclause (1)(b).

#### Division 2 - Conditions

#### 7.3 Conditions which may be imposed on a permit

The local government may approve an application for a permit subject to conditions relating to -

- (a) the payment of a fee;
- (b) the duration and commencement of the permit;
- (c) the commencement of the permit being contingent on the happening of an event;
- (d) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
- (e) the approval of another application for a permit which may be required by the local government under any written law;
- (f) the area of the district to which the permit applies;
- (g) where a permit is issued for an activity which will or may cause damage to a public place, the payment of a deposit or bond against such damage;
- (h) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government; and

(i) the provision of an indemnity from the permit holder 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 use of the public place by the permit holder.

#### 7.4 Imposing conditions under a policy

(1) In this clause –

**policy** means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 7.2(1)(a).

- (2) Under clause 7.2(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government is to give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 7.2(2).
- (4) An application for a permit is to be taken not to have been approved subject to the conditions contained in a policy until the local government 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 shall apply to a policy and for that purpose a policy is to be taken to be information within section 5.94(u)(i) of the Act.

#### 7.5 Compliance with and variation of conditions

- (1) Where an application for a permit has been approved subject to conditions, or where a permit is to be taken to be subject to conditions under this local law, the permit holder shall comply with each of those conditions.
- (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

#### Division 3 - General

#### 7.6 **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) cancelled under clause 7.10.

#### 7.7 Renewal of permit

- (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.
- (2) The provisions of
  - (a) this Part; and
  - (b) any other provision of this local law relevant to the permit which is to be renewed,

shall apply to an application for the renewal of a permit with all the necessary changes as required.

#### 7.8 Transfer of permit

- (1) An application for the transfer of a valid permit is to
  - (a) be made in writing;
  - (b) be signed by the permit holder and the proposed transferee of the permit;
  - (c) provide such information as the local government may require to enable the application to be determined; and
  - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by
  - (a) an endorsement on the permit signed by the CEO; or
  - (b) issuing to the transferee a permit in the form determined by the local government.
- (4) Where the local government approves an application for the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

#### 7.9 **Production of permit**

A permit holder is to produce to an authorized person her or his permit immediately upon being required to do so by that authorized person.

#### 7.10 Cancellation of permit

- (1) Subject to clause 8.1, a permit may be cancelled by the local government if the permit holder has not complied with a -
  - (i) condition of the permit; or
  - (ii) provision of any written law which may relate to the activity regulated by the permit.
- (2) On the cancellation of a permit the permit holder
  - (a) shall return the permit as soon as practicable to the local government; and
  - (b) is to be taken to have forfeited any fees paid in respect of the permit.

#### PART 8 - OBJECTIONS AND APPEALS

#### 8.1 Application of Part 9 Division 1 of Act

When the local government makes a decision -

- (a) under clause 7.2(1); or
- (b) as to whether it will renew, vary, or cancel a permit,

the provisions of Division 1 of Part 9 of the Act and regulation 33 of the Regulations apply to that decision.

#### PART 9 - MISCELLANEOUS NOTICES

#### 9.1 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 thoroughfare, the local government may give a notice to the owner or the occupier of the land abutting on 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.

#### 9.2 Hazardous plants

- (1) Where a plant in a garden creates or may create a hazard for any person using a thoroughfare, the local government may give a 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.

#### 9.3 Notice to repair damage to thoroughfare

Where any portion of a thoroughfare has been damaged, the local government may by notice to the person who caused the damage order the person to repair or replace that portion of the thoroughfare to the satisfaction of the local government.

#### 9.4 Notice to remove thing unlawfully placed on thoroughfare

Where any thing is placed on a thoroughfare in contravention of this local law, the local government may by notice in writing to the owner or the occupier of the property which abuts on that portion of the thoroughfare where the thing has been placed, or such other person who may be responsible for the thing being so placed, require the relevant person to remove the thing.

#### PART 10 - ENFORCEMENT

#### Division 1 - Notices given under this local law

#### 10.1 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do any thing, if the person fails to comply with the notice, the person commits an offence.

#### 10.2 Local government may undertake requirements of notice

Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from that person, as a debt, the costs incurred in so doing.

Division 2 - Offences and penalties

#### Subdivision 1 - General

#### 10.3 Offences

- (1) Any 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) Any person who commits an offence under this local law is liable, upon conviction, to a penalty 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.

#### Subdivision 2 - Infringement notices and modified penalties

#### 10.4 Prescribed offences

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

#### 10.5 Forms

Unless otherwise specified, 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.

#### Schedule 1

# PRESCRIBED OFFENCES (Clause 10.4)

CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 10m of intersection	125
2.1(b)	Damaging lawn or garden	125
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	125
2.1(d)	Placing hazardous substance on footpath	125
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	125
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	125
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	125
2.2(1)(b)	Throwing or placing anything on a verge without a permit	125
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	125
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	125
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	125
2.2(1)(1)	Placing a bulk rubbish container on a thoroughfare without a permit	125
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	125
2.3(1)	Consumption or possession of liquor on thoroughfare	125
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.9(1)	Installation of verge treatment other than permissible verge treatment	250
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
2.11	Failure to comply with notice to rectify a verge treatment	125
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2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350

3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
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5.13	Burning of thoroughfare without a permit	500
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5.19	Commercial harvesting of native flora on thoroughfare	500
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6.2(1)	Conducting of stall in public place without a permit	350
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Dated of		20	)
The Common Seal of the		}	
Shire of Dowerin		}	
was affixed by authority of a	}		
resolution of the Council in the	}		
presence of:		}	

**PRESIDENT** 

**CHIEF EXECUTIVE OFFICER** 

## **CEMETERIES ACT 1986**

### **LOCAL GOVERNMENT ACT 1995**

# SHIRE OF DOWERIN CEMETERIES LOCAL LAW 2022

# CEMETERIES ACT 1986 LOCAL GOVERNMENT ACT 1995

#### SHIRE OF DOWERIN

#### **CEMETERIES LOCAL LAW 2022**

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#### **CEMETERIES ACT 1986**

#### **LOCAL GOVERNMENT ACT 1995**

#### SHIRE OF DOWERIN

#### **CEMETERIES LOCAL LAW 2022**

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dowerin resolved on [insert date] to make the following local law.

#### **PART 1 – PRELIMINARY**

#### 1.1 Citation

This local law may be cited as the Shire of Dowerin Cemeteries Local Law 2022.

#### 1.2 Application

This local law applies to the Dowerin and Minnivale Cemeteries (Reserves 16736 and 14985) located in the district.

#### 1.3 Commencement

This local law comes into operation 14 days after the date of its publication in the Government Gazette.

#### 1.4 Repeal

The Shire of Dowerin and Minnivale Cemeteries (Reserves 16736 and 14985) By-laws published in the Government Gazette on 9 February 1970 is repealed.

#### 1.5 Interpretation

In this local law, unless the context otherwise requires –

Act means the Cemeteries Act 1986;

authorised officer means an employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this local law;

**Board** means the local government;

**CEO** means the chief executive officer, for the time being, of the Board;

**coffin** means a coffin or other receptacle used for the transportation of a dead body to the grave site, or the receptacle used for the burial of a dead body in a grave;

crypt has the same meaning as vault;

district means the district of the local government;

funeral director means a person holding a current funeral director's licence;

*local government* means the Shire of Dowerin;

**mausoleum** means a building or construction wholly above or partially above and below ground level, so constructed as to allow the deposition of dead bodies into a compartment in the wall or floor and being sealed from view;

*memorial* includes headstone, plaque, tombstone, monumental work, inscription, kerbing, enclosure and any other fixture or thing commemorating a grave or placement of ashes;

*monument* means a sculpture, statue, plaque, grave boundary marker, fence or cover, approved by the Board, commemorating a grave or placement of ashes;

monumental mason's licence means a licence issued under clause 7.14;

**monumental work** when the term is used as an abstract noun shall include the erection, alteration or removal of or other working upon a monument on a grave;

#### 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;

#### personal representative means—

- (a) The administrator or executor of an estate of a deceased person;
- (b) The person who, by law of practice, has the right to apply for administration of the estate of the deceased person; or
- (c) A person having lawful custody of a dead body;

set fee refers to fees and charges set by a resolution of the Board and published in the Government Gazette, under section 53 of the Act;

*single funeral permit* means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit;

*vault* means a below ground lined grave with one or more sealed compartments constructed to specifications approved from time to time by the Board; and

*vehicle* has the same meaning as is given to that word in the *Road Traffic (Administration) Act 2008* (as amended from time to time), and includes trail bikes, beach buggies and other recreational vehicles licenced or unlicensed, but excludes a wheelchair being used by a physically impaired person.

#### **PART 2 – ADMINISTRATION**

#### 2.1 Powers and functions of CEO

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemeteries.

#### PART 3 – APPLICATION FOR FUNERALS

#### 3.1 Application for burial

- (1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.
- (2) An application under subclause (1) is to be accompanied by the set fee.

# 3.2 Applications to be accompanied by certificates etc

All applications referred to in clause 3.1 shall be accompanied by either a medical certificate of death or a Coroner's order of burial, and a certificate issued under clause 3.3, in respect of the body.

#### 3.3 Certificate of identification

- (1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless
  - (a) in the opinion of a funeral director, the dead body is not in a fit state to be viewed; or
  - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.
- (2) A funeral director shall complete a certificate in the form determined by the Board from time to time, where
  - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
  - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

#### 3.4

# Minimum notice required

All bookings to hold a funeral shall be made with the Board at least 72 hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

#### **PART 4 - FUNERAL DIRECTORS**

#### 4.1 Funeral director's licence expiry

A funeral director's licence shall expire on 30 June of each year.

#### 4.2 Single funeral permits

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

#### 4.3 Application refusal

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

#### PART 5 – FUNERALS

Division 1 – General

#### 5.1 Requirements for funerals and coffins

A person shall not bring a dead body into the cemetery unless –

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this local law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

#### 5.2 Funeral processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

#### 5.3 Vehicle entry restricted

- (1) Subject to clause 5.3(2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the cemetery, unless prior approval is granted by the CEO or an authorised officer.
- (2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.

#### 5.4 Vehicle access and speed limitation

- (1) A person shall drive a vehicle on a vehicular access way or the constructed roadway or other areas designated for the use of vehicles within the cemetery, unless otherwise authorised by the CEO.
- (2) A person driving a vehicle, within a cemetery, shall not exceed the speed limit of 25 km per hour, and shall comply with the signs and directions in the cemetery.

#### 5.5 Offenders may be ordered to leave

- (1) A person committing an offence under clause 5.4 may be ordered to leave the cemetery by the CEO or an authorised officer.
- (2) A person who has been ordered to leave the cemetery by the CEO or an authorised officer is to leave immediately in a peaceful manner and not cause a disruption or be a nuisance to the funeral congregation or ceremony or procession.

#### 5.6 Conduct of funeral by Board

When conducting a funeral under section 22 of the Act the Board may –

(a) require a written request for it to conduct a funeral to be lodged with it;

- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) specify an area in the cemetery where the dead body is to be buried;
- (e) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this local law;
- (f) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

#### Division 2 – Placement of ashes

#### 5.7 Disposal of ashes

- (1) The personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee, the Board may grant permission for the ashes to be disposed of by one of the following methods—
  - (a) Niche wall
  - (b) Memorial wall
  - (c) Garden of remembrance
  - (d) Ground niche
  - (e) Memorial rose, tree or shrub
  - (f) Family shrub
  - (g) Memorial desk
  - (h) Granite seat
  - (i) Family grave
  - (j) Book of remembrance
  - (k) Scattering to the winds
  - (1) Memorial gardens
  - (m) Other memorials approved by the Board.
- (2) Subject to subclauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.
- (3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board approval provided
  - (a) the person requesting the placement of the ashes has the permission of the Board; and
  - (b) the ashes are placed within an area set aside for that purpose by the Board.
- (4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

#### **PART 6 – BURIALS**

#### 6.1 Depth of graves

- (1) A person shall bury a coffin within the cemetery so that the distance between the top of the coffin and the original surface of the ground is not less than 750 mm unless permission to vary the distance or depth of grave is granted by an authorised officer.
- (2) The permission of the authorised officer will only be granted where, in the opinion of the authorised officer, exceptional circumstances require granting of that permission.

#### 6.2 Mausoleum, etc

- (1) A person other than the Board shall not construct a brick grave, crypt, vault or mausoleum within the cemetery.
- (2) A person may request the Board to construct a vault or mausoleum within the cemetery which vault or mausoleum shall at all times remain the property of the Board.
- (3) An application under subclause (2) shall be in writing and shall be accompanied by payment of the set fee.
- (4) A person shall not place a dead body in a mausoleum except
  - (a) in a closed coffin; and
  - (b) in a soundly constructed chamber; and
  - (c) in accordance with subclause (5).
- (5) The number of burials in a chamber must not exceed the number for which the chamber was designed.

#### PART 7 – MEMORIALS AND OTHER WORK

Division 1 – General

#### 7.1 Application for monumental work

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

#### 7.2 Placement of monumental work

Every memorial shall be placed on proper and substantial foundations.

#### 7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

#### 7.4 Operation of work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

#### 7.5 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

#### 7.6 Hours of work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00am and 6.00pm on weekdays, and 8.00am and noon on Saturdays, without the written permission of the Board.

#### 7.7 Unfinished work

Should any work by masons or others be not completed before 6.00pm on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

#### 7.8 Use of wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave, other than as a temporary marker and with the prior approval of the Board.

#### 7.9 Plants and Trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

#### 7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

#### 7.11 Australian War Graves

- (1) Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves
  - (a) may place a memorial on a military grave; and
  - (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

#### 7.12 Placing of glass domes and vases

- (1) A person shall not place glass domes, vases or other grave ornaments
  - (a) outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act; or
  - (b) in an area set aside by the Board as a memorial plaque, or natural earth burials section.

Division 2 – Memorial plaque section

#### 7.13 Requirements of a memorial plaque

- (1) All memorial plaques placed in a memorial plaque section of the cemetery shall
  - (a) be made of admiralty bronze or any other material approved by the Board; and
  - (b) not be less than the dimensions Single 140 mm x 60mm or Double 280mm x 120mm.
- (2) All memorial plaques made of admiralty bronze shall
  - (a) not exceed 20 mm in thickness; and

- (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall
  - (a) not exceed 50 mm in thickness placed upon a base mounting approved by the Board; or
  - (b) not be less than 100 mm in thickness if it is not to be placed upon a base mounting.

#### Division 3 – Licensing of Monumental Masons

#### 7.14 Monumental mason's licence

- (1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.
- (2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this local law and such conditions as the Board shall specify upon the issue of that licence.

#### 7.15 Expiry date, non-transferability

- (1) A monumental mason's licence
  - (a) shall be valid from the date specified therein until 30 June next following; and
  - (b) is not transferable.

#### 7.16 Carrying out monumental work

- (1) A person shall not carry out monumental work within the cemetery unless that person
  - (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.14; or
  - (b) is an employee of a person who holds such a licence; or
  - (c) is authorised by the Board to do so.

## 7.17 Responsibilities of the holder of a monumental mason's licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this local law, the Act and any other written law which may affect the carrying out of monumental works.

#### 7.18 Cancellation of a monumental mason's licence

- (1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on the grounds that the holder of the licence has committed a breach of the requirements and conditions of the licence, this local law, the Act or any other written law which may affect the carrying out of monumental works.
- (2) Upon the termination of a monumental mason's license under this clause no part of any fee paid for the issue of that license is refundable by the Board.

#### PART 8 – GENERAL

#### 8.1 Animals

A person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than an *assistance animal* as defined in section 9(2) of the *Disability Discrimination Act* 1992 (Cth) or with the approval of the CEO or an authorised officer.

#### 8.2 Damaging and removing of objects

Subject to clause 8.3, a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

#### 8.3 Withered flowers

A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

#### 8.4 Littering and vandalism

A person shall not –

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

#### 8.5 Advertising

- (1) A person shall not advertise or carry on any trade, business or profession within the cemetery without the prior written approval of the Board.
- (2) The Board may consider and grant approval subject to such conditions as the Board thinks fit.

#### 8.6 Obeying signs and directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

#### 8.7 Removal from the cemetery

Any person failing to comply with any provisions of this local law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in addition to any penalty provided by this local law be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

#### PART 9 – OFFENCES AND MODIFIED PENALTIES

#### 9.1 General

A person who commits a breach of any provisions of this local law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

#### 9.2 Modified penalties

(1) The offences specified in Schedule 1 are offences which may be dealt with under section 63 of the Act.

- (2) The modified penalty payable in respect of an offence specified in Schedule 1 is set out in the fourth column of Schedule 1.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Schedule 2.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in Schedule 3.

# Schedule 1 – Modified penalties

[cl. 9.2]

# Offences and Modified Penalties

Item No.	Clause	Nature of offence	Modified penalty
1	5.4(1)	Not driving vehicle on vehicular access way or constructed roadways or within designated areas	\$50.00
2	5.4(2)	Exceeding speed limit	\$50.00
3	7.3	Not removing rubbish and surplus materials	\$50.00
4	7.5	Unauthorised use of sand, earth or other material taken from another part of the cemetery	\$50.00
5	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
6	8.1	Unauthorised bringing in of animal into cemetery or permitting animal to remain in cemetery	\$50.00
7	8. <u>2</u> 3	Damaging and removing of objects	\$50.00
8	8. <u>4</u> 5	Littering and vandalism	\$50.00
9	8. <u>5</u> 6	Unauthorised advertising and/or trading	\$50.00
10	8. <u>6</u> 7	Disobeying sign or lawful direction	\$50.00

# Schedule 2 – Infringement notice

[cl. 9.2(3)]

# **Infringement Notice**

То:					
(Name	<del>?</del> )				
(Addres	ss)				
It is alleged that at:hours onday of_	20				
at					
you committed the offence indicated below by an (x) in <i>Cemeteries Local Law 2022</i> .	n breach of clause of the Shire of Dowerin				
	(Authorised Person)				
Offence  Not driving vehicle on vehicular access way or designated areas  Exceeding speed limit  Not removing rubbish and surplus materials  Unauthorised use of materials taken from another part of the cemetery  Leaving uncompleted works in an untidy or unsafe condition  Unauthorised animal in cemetery  Damaging and removing of objects  Littering and vandalism  Unauthorised advertising and/or trading  Disobeying sign or lawful direction  Other Offence:  You may dispose of this matter by payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Shire of Dowerin at 13 Cottrell Street, Dowerin WA 6461 during business hours.  Please make cheques payable to Shire of Dowerin. Payments by mail should be addressed to −  The Chief Executive Officer Shire of Dowerin, 13 Cottrell Street DOWERIN WA 6461  If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.					

# Schedule 3 – Infringement withdrawal notice

[cl. 9.2(4)]

# Withdrawal of Infringement Notice

No				Date	//
To: [1]					
Infringement Notice	Nodate	d//	for the alleged	offence of [2]	1
Penalty [3] \$	is withdrawn.				
(Delete whichever does not a * No further action					
* It is proposed to in		edings for the alle	eged offence.		
(Authorised Person)					
[1] Insert name and address of [2] Insert short particulars of [3] Insert amount of penalty	offence alleged.				
Dated:	20				
The Common Seal o the presence of –	f the Shire of Dowe	erin was affixed	by authority of a	resolution of	the Council in
					President
				Chief Ex	ecutive Officer

# **LOCAL GOVERNMENT ACT 1995**

# **SHIRE OF DOWERIN**

# **FENCING LOCAL LAW 2022**

#### SHIRE OF DOWERIN

#### **FENCING LOCAL LAW 2022**

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#### LOCAL GOVERNMENT ACT 1995

#### SHIRE OF DOWERIN

#### **FENCING LOCAL LAW 2022**

Under the powers conferred by the *Local Government Act 1995* and all other powers enabling it, the Shire of Dowerin resolved on *[insert date]* to make the following local law.

#### PART 1—PRELIMINARY

#### 1.1 Citation

This local law is the Shire of Dowerin Fencing 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

The *Shire of Dowerin Fencing Local Law 2008* published in the Government Gazette on 30 September 2008 is repealed.

#### 1.5 Interpretations

In this local law —

*Act* means the *Dividing Fences Act 1961*;

applicant means a person who makes an application for approval under this local law;

AS or AS/NZS means an Australian or Australian/New Zealand Standard as published by Standards Australia and as amended from time to time.

*authorised person* means a person appointed by the local government to perform any of the functions under this local law;

**barbed wire fence** means a wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals:

boundary fence has the meaning given to it by the Act;

**Building Code** has the meaning given in section 3 of the Building Regulations 2012;

**Building Surveyor** means a Building Surveyor of the local government;

**CEO** means the Chief Executive Officer of the local government;

Commercial Lot means a lot zoned as commercial under the local planning scheme;

dangerous in relation to any fence means—

(a) an electrified fence other than a fence approved by the local government under this local law;

- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;
- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

district means the district of the local government;

dividing fence has the meaning given to it by the Act;

electrified fence means a fence carrying or designed to carry an electric charge;

*fence* means any structure, not including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

*front boundary* means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare, the boundary line between the lot and the primary thoroughfare;

*front fence* means a fence erected on the front boundary of a lot or on a line adjacent to the front boundary;

*front setback area means* the area between the building line of a lot and the front boundary of that lot;

height in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

**Industrial Lot means** a lot where an industrial use—

- (a) is or may be permitted under the district planning scheme; and
- (b) is or will be the predominant use of the lot;

*licence means* an electrified fence licence or a razor wire fence licence:

local government means the Shire of Dowerin;

local government property means anything except a thoroughfare—

- (a) which belongs to 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" under section 3.53 of the *Local Government Act 1995*:

*local planning scheme means* a local planning scheme and includes any structure plan adopted or approved by the local government made under the *Planning and Development Act* 2005;

lot has the meaning given to it in the Planning and Development Act 2005;

notice of breach means a notice referred to in clause 5.1;

occupier has the meaning given to it in the Local Government Act 1995;

owner has the meaning given to it in the Local Government Act 1995;

*razor wire fence* means a coiled strong wire with pieces of sharp cutting edges set across it at close intervals; *Residential Lot* means a lot where a residential use —

- (a) is or may be permitted under the district planning scheme; and
- (b) is or will be the predominant use of the lot;

**retaining wall means** any structure which prevents the movement of soil or retains soil or structures in order to allow ground levels of different elevations to exist adjacent to one another;

**Rural Lot means** a lot where a rural use—

- (a) is or may be permitted under the district planning scheme; and
- (b) is or will be the predominant use of the lot;

Schedule means a Schedule to this local law:

Special Rural Lot means a lot where a special rural use—

- (a) is or may be permitted under the district planning scheme; and
- (b) is or will be the predominant use of the lot;

sufficient fence means a fence described in clause 2.1; and

thoroughfare has the meaning given to it by the Local Government Act 1995, but does not include a private thoroughfare which is not under the management or control of the local government.

#### 1.6 Licence fees and charges

All licence fees and charges applicable under this local law shall be determined by the local government from time to time in accordance with section 6.16 to 6.19 of the *Local Government Act* 1995.

#### PART 2—FENCES

#### Division 1—Sufficient fences

#### 2.1 Sufficient fences

- (1) A person shall not erect a dividing fence or a boundary fence that is not a sufficient fence.
- (2) Subject to subclauses (3) and (4), a sufficient fence—
  - (a) on a Residential Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
  - (b) on a Commercial Lot or an Industrial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 3; and
  - (c) on a Rural Lot or a Special Rural Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of Schedule 4.
- (3) Where a fence is erected on or near the boundary between—
  - (a) a Residential Lot and an Industrial Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 2;
  - (b) a Residential Lot and a Commercial Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 3;
  - (c) a Residential Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 4;
  - (d) a Residential Lot and a Special Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 4; and
  - (e) a Special Rural Lot and a Rural Lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of Schedule 4.
- (4) An application must be made to the local government for grant of consent to any variation to the specifications in Schedules 2, 3 and 4.
- (5) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with the specifications and requirements of Schedule 2.
- (6) Notwithstanding any other provision in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design where—
  - (a) it is greater than 1800 millimetres in height; or
  - (b) the Building Surveyor requires.
- (7) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained for such a fence.

#### 2.2 Fences within front setback areas

- (1) A person shall not, without the written consent of the Building Surveyor, erect a free-standing fence greater than 1200 millimetres in height, within the front set-back area of a Residential Lot within the district.
- (2) The Building Surveyor may approve the erection of a fence of a height greater than 1200 millimetres in the front setback area of a Residential Lot only if the fence on each side of the driveway into the lot across the front boundary is to be angled into the lot for a distance of not less than 1500 millimetres along the frontage to a distance of not less than 1500 millimetres from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.
- (3) The provision of subclause (2) shall not apply to a fence—
  - (a) of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
  - (b) that does not adjoin a footpath.

#### 2.3 Gates in fences

A person shall not erect a gate in a fence which does not—

- (a) open into the lot; or
- (b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.

## 2.4 Depositing fencing material on public place

A person shall not deposit or permit the deposit of any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property unless the approval of the local government has been obtained.

#### 2.5 Fences on a Rural Lot

A person shall not, without the written consent of the Building Surveyor, erect a fence on a Rural Lot of a height exceeding 1500 millimetres.

#### 2.6 Maintenance of fences

An owner of a lot on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated, or unsightly to the amenity of the locality.

#### 2.7 Fences across rights-of-way, public access ways or thoroughfares

A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.

#### 2.8 General discretion of the local government

(1) Notwithstanding the provisions of clause 2.1, the local government may approve the erection or repair of a dividing fence which is not a sufficient fence where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose.

- (2) In determining whether to grant its approval under subclause (1), the local government may consider whether the erection or retention of the fence would have an adverse effect on—
  - (a) the safe or convenient use of any land;
  - (b) the safety or convenience of any person; or
  - (c) the visual amenity of the locality.

#### Division 3—Fencing materials

#### 2.9 Fencing design certification

Where required by the Building Surveyor, fencing designs are to be certified by a practicing structural engineer as being suitable for wind loadings found in Region D Category 2 areas in accordance with the current edition of AS/NZS 1170.0:2002 Structural design actions - General principles.

#### 2.10 Pre-used fencing materials

- (1) Notwithstanding clause 2.1, a person shall not construct a fence on a Residential Lot, a Commercial Lot or an Industrial Lot from pre-used materials without the approval of the local government.
- (2) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1), that approval shall be conditional on the applicant painting or treating the pre-used material as directed by the Building Surveyor.

# 2.11 Barbed wire fences and spiked or jagged materials

- (1) This clause does not apply to a fence constructed wholly or partly of razor wire.
- (2) An owner or occupier of a Residential Lot or a Commercial Lot shall not erect, affix or allow to remain on any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the local government has been obtained.
- (3) An owner or occupier of an Industrial Lot shall not erect, affix or allow to remain on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless the wire or other materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is setback 150mm from the face of the fence and is not nearer than 2000mm from the ground level.
- (4) If the posts which carry the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the lot boundary a sufficient distance to ensure that the angled posts, barbed wire or other materials do not encroach on adjoining land.
- (5) An owner or occupier of a lot shall not erect, affix or allow to remain as part of any fence or wall, whether internal or external on that lot, any broken glass.
- (6) An owner or occupier of a Rural Lot shall not erect, affix or allow to remain any barbed wire upon a fence on that lot where the fence is adjacent to a thoroughfare or other public place unless the barbed wire is fixed to the top or to the side of the fence posts furthest from the thoroughfare or other public place.

#### 2.12 Electrified and razor wire fences

- (1) An owner or occupier of a lot shall not—
  - (a) construct or use an electrified fence on that lot without obtaining the approval of the local government in the form prescribed in Schedule 5; or

- (b) construct a fence wholly or partly of razor wire on that lot without obtaining the approval of the local government in the form prescribed in Schedule 6.
- (2) The local government shall not approve an application for the purpose of subclause (1)(a)—
  - (a) in respect of a lot which is or which abuts a Residential Lot;
  - (b) unless the prohibited fence complies with AS/NZS 3016:2002 Electrical installations—Electric security fences; and
  - (c) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.
- (3) The local government shall not approve an application for the purpose of subclause (1)(b)—
  - (a) if the fence is within 3000 millimetres of the boundary of the lot; or
  - (b) where any razor wire used in the construction of the fence is less than 2000 millimetres or more than 2400 millimetres above the ground level.
- (4) An application for approval for the purpose of subclauses (1)(a) or (1)(b) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.

## 2.13 Prohibited fencing materials

A person shall not affix or use broken glass in the construction of any fence.

#### PART 3—APPROVALS

#### 3.1 Application for approval

- (1) Where a person is required to obtain the approval of the local government under this local law, that person shall apply for approval in accordance with subclause (2).
- (2) An application for approval under this local law shall—
  - (a) be in the form determined by the local government;
  - (b) be signed by the applicant and the owner of the lot;
  - (c) provide the information required by the form; and
  - (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for approval.
- (4) The local government may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

# 3.2 Decision on application for approval

- (1) The local government may—
  - (a) approve an application for approval unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for approval.

- (2) If the local government approves an application for approval, it is to issue to the applicant an approval in the form determined by the local government.
- (3) If the local government refuses to approve an application for approval, it is to give written notice of that refusal to the applicant.
- (4) Where a clause of this local law refers to conditions which may be imposed on an approval or which are to be taken to be imposed on an approval, the clause does not limit the power of the local government to impose other conditions on the approval under subclause (1)(a).

#### 3.3 Compliance with approval

Where an application for approval has been approved, the applicant and the owner or occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

#### 3.4 Duration of approval

Unless otherwise stated in the form of approval, an approval granted under this local law—

- (a) runs with the lot to which it relates;
- (b) may be relied upon by any subsequent occupier or owner of the lot; and
- (c) may be enforced by the local government against a subsequent occupier or owner of the lot.

#### PART 4—MISCELLANEOUS

#### 4.1 False or misleading statement

A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.

#### PART 5—NOTICES OF BREACH

#### 5.1 Notices of breach

- (1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner of that lot.
- (2) A notice of breach shall—
  - (a) specify the provision of this local law which has been breached;
  - (b) specify the particulars of the breach; and
  - (c) state that the owner is required to remedy the breach within the time specified in the notice.
- (3) Should an owner fail to comply with a notice of breach, the local government may, by its employees, agents or contractors enter upon the lot to which the notice relates and remedy the breach, and may recover the expenses of so doing from the owner of the lot in a court of competent jurisdiction.
- (4) The provisions of this clause are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the *Local Government Act 1995* and any entry on to land will be in accordance with Part 3, Division 3 of that Act.

#### PART 6—OFFENCES

#### **6.1 Offences and penalties**

- (1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.
- (2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable on conviction to a penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

#### **6.2** Modified penalties

- (1) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the *Local Government Act 1995*.
- (2) The amount appearing in the final column of Schedule 1, directly opposite a prescribed offence in that Schedule, is the modified penalty for that prescribed offence.
- (3) Before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person 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.

#### 6.3 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice referred to in sections 9.16 and 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement notice referred to in section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

#### PART 7—OBJECTIONS AND REVIEW

# 7.1 Objections and review

When the local government makes a decision under clause 3.2, the provisions of Part 9 Division 1 of the *Local Government Act 1995*, and regulation 33 of the *Local Government (Functions and General) Regulations 1996*, apply to that decision.

# Schedule 1 OFFENCES AND MODIFIED PENALTIES

[clause 6.2(2)]

Item No	Clause No.	Nature of offence	Modified penalties \$
1	2.1(1)	Erect a fence which is not a sufficient fence	250
2	2.2	Erect a fence greater than 1 200mm in height within a front setback area of a residential lot without the written consent of the Building Surveyor	250
3	2.3(a)	Erect a gate in a fence not opening into the lot	200
4	2.3(b)	Erect a gate in a fence not sliding parallel and inside a fence	200
5	2.6	Failure to maintain a fence in good condition to prevent the fence becoming dangerous, dilapidated or unsightly	250
6	2.7	Erect or maintain a fence or obstruction of temporary or permanent nature across a right-of way, public access way or thoroughfare without approval	250
7	2. <u>10</u> 9(1)	Construct a fence on a Residential, Commercial or Industrial Lot from pre- used materials without written approval	250
8	2.1 <u>1</u> <del>0</del> (2)	Erect a fence using barbed wire or material with spiked or jagged projections in the fence construction without approval	250
9	2.1 <u>2</u> 1(1)	Construct, erect or use razor wire in a fence or electrify a fence without approval	250
10	2.1 <u>3</u> 2	Affix, or use, any broken glass in a fence	250
11	3.3	Failure to comply with terms or conditions of approval	250
12	6.1	Failure to comply with notice of breach	250

#### SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

[clause 2.1(2)(a)]

Each of the identified categories in this Schedule is a sufficient fence on a Residential Lot and the fence design being certified by a practicing structural engineer as being suitable for wind loadings found in Region D Category 2 areas in accordance with the current edition of AS/NZS 1170.0:2002 Structural design actions - General principles.

#### Timber fence

- (a) corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;
- (b) corner posts to be strutted two ways with 100mm x 50mm x 450mm sole plates and 75mm x 50mm struts;
- (c) intermediate posts to be doubled yankee strutted with 150mm x 25mm x 450mm struts;
- (d) all posts to have tops with a 60mm weather cut and to be sunk at least 600mm into the ground;
- (e) rails to be 75mm x 50mm with each rail spanning 2 bays of fencing double railed or bolted to each post with joints staggered;
- (f) the fence to be covered with 75mm x 20mm sawn pickets, 1800mm in height placed 75mm apart and affixed securely to each rail; and
- (g) the height of the fence to be 1800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.2.

#### **Corrugated fence**

A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting constructed to manufacturer's specifications or which satisfies the following specifications—

- (a) a minimum in-ground length of 25 per cent of the total length of the sheet, but in any case shall have a minimum in-ground depth of 600mm;
- (b) the total height and depth of the fence to consist of a single continuous fibre reinforced cement or steel sheet;
- (c) the sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturers written instructions; and
- (d) the height of the fence to be 1800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.2.

#### Brick, stone or concrete fence

A fence constructed of brick, stone or concrete, which satisfies the following requirements and specifications—

- (a) a site classification is to be provided by a professional engineer in accordance with AS 2870-2011 Residential slabs and footings as amended;
- (b) the footing is to be designed in accordance with AS 2870-2011 Residential slabs and footings as amended;
- (c) footings of minimum 225mm x 150mm concrete 15MPa or 300mm x 175mm brick laid in cement mortar;
- (d) fences to be offset a minimum of 200mm at maximum 3000mm centres or 225mm x 100mm engaged piers to be provided at maximum 3000mm centres;
- (e) expansion joints in accordance with the manufacturer's written instructions; and
- (f) the height of the fence to be 1800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 2.2.

#### **Composite fence**

A composite fence which satisfies the following specifications for the brick construction—

- (1) (a) brick piers of minimum 345mm x 345mm at 1800mm centres bonded to a minimum height base wall of 514mm;
  - (b) each pier shall be reinforced with one R10 galvanised starting rod 1500mm high with a 250mm horizontal leg bedded into a 500mm x 200mm concrete footing and set 65mm above the base of the footing. The top of the footing shall be 1 course (85mm) below ground level;
  - (c) the minimum ultimate strength of brickwork shall by 20MPa. Mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
  - (d) the ground under the footings is to be compacted to 6 blows per 300mm and checked with a standard falling weight penetrometer; and
  - (e) control joints in brickwork shall be provided with double piers at a maximum of 6-metre centres:

or

- (2) (a) brick piers of a minimum 345mm x 345mm x 2700mm centres bonded to the base wall: and
  - (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified.

# SPECIFICATIONS FOR A SUFFICIENT FENCE ON A COMMERCIAL LOT OR AN INDUSTRIAL LOT

[clause 2.1(2)(b)]

Each of the identified categories in this Schedule, with minimum and maximum specifications where stated, is a sufficient fence on a Commercial Lot or an Industrial Lot and the fence design being certified by a practicing structural engineer as being suitable for wind loadings found in Region D Category 2 areas in accordance with the current edition of AS/NZS 1170.0:2002 Structural design actions - General principles.

#### Galvanised or PVC fence and gate

A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh which satisfies the following specifications—

- (a) corner posts to be minimum 50mm nominal bore x 3.5mm and with footings of a 225mm diameter x 900mm:
- (b) intermediate posts to be minimum 37mm nominal bore x 3.15mm at maximum 3.5m centres and with footings of a 225mm diameter x 600mm;
- (c) struts to be minimum 30mm nominal bore x 3.15mm fitted at each gate and 2 at each corner post and with footings 225mm x 600mm;
- (d) cables to be affixed to the top, centre and bottom of all posts and to consist of 2 or more 3.15mm wires twisted together or single 4mm wire;
- (e) non-rail link, chain or steel mesh is to be to a height of 2000mm on top of which are to be 3 strands of barbed wire carrying the fence to a height of 2400mm in accordance with the requirements and standards of the local planning schemes; and
- (f) galvanised link mesh wire to be 2000mm in height and constructed of 50mm mesh 2.5mm galvanised iron wire and to be strained, neatly secured and laced to the posts and affixed to cables. Vehicle entry gates shall provide an opening of not less than 3.6m and shall be constructed of 25mm tubular framework with 1 horizontal and 1 vertical stay constructed of 20mm piping and shall be covered with 50mm x 2.5mm galvanised link mesh strained to framework. Gates shall be fixed with a drop bolt and locking attachment.

#### Other fences

- (a) a fence of cement sheet or steel sheeting constructed to the minimum specifications referred to in Schedule 2;
- (b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800mm but no greater than 2400mm; or
- (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2.

# SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RURAL LOT OR SPECIAL RURAL LOT

[clause 2.1(2)(c)]

Each of the identified categories in this Schedule, with minimum and maximum specifications where stated is a sufficient fence on a Rural Lot or a Special Rural Lot and the fence design being certified by a practicing structural engineer as being suitable for wind loadings found in Region D Category 2 areas in accordance with the current edition of AS/NZS 1170.0:2002 Structural design actions - General principles.

#### Non-electrified fence

- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of 5 wires shall be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases.
- (b) posts shall be of indigenous timber or other suitable material including—
  - (i) timber impregnated with a termite and fungicidal preservative;
  - (ii) standard iron star pickets; or
  - (iii) concrete;
- (c) posts shall be cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn timber.
- (d) posts to be set minimum 600mm in the ground and 1 200mm above the ground; and
- (e) strainer posts shall be not less than 2250mm long and 150mm diameter at the small end (tubular steel to be 50mm in diameter) and shall be cut from indigenous timber or other suitable material. These shall be placed a minimum of 1000mm in the ground.

#### **Electrified fence**

An electrified fence having 4 wires is a sufficient fence if constructed generally in accordance with a non-electrified fence.

# LICENCE FOR APPROVED ELECTRIFIED FENCE

[clause 2.11(1)(a)]

This is to certify the (1)	at			
of (2)				
is licensed, subjec	t to the conditions set out	below, to have	and use an el	lectrified fence on
(address) from	20 ar	nd until this lice	ence is transfe	erred or cancelled.
Dated this	day of		20	_
			_	Chief Executive Officer, Shire of Dowerin
has been erected; (b) upon the reques (c) within 14 days which the licence he change or those ch (d) obtain the writt addition or other w	st of a Building Surveyor portion of a change in the ownershas been granted, notify the langes; en consent of the local govern relating to or affecting S/NZS 3016:2002 Electric presement	produce to him hip or occupation the Chief Execut vernment prior g the electrified	or her the lic on of the land ive Officer in to the comment I fence; and	d or premises in respect of a writing of the details of that encement of any alteration,
from and including	the data of this andersom	oont		
	the date of this endorsem		20	
	auy or		20	_
			_	Chief Executive Officer, Shire of Dowerin
(1) Name (2) Address (3) Name (4) Address				

# LICENCE FOR APPROVED RAZOR WIRE FENCE

[clause 2.11(1)(b)]

This is to certify that	(1)		
of (2)			
is licensed, subject to razor wire at	o the conditions set out below,	to have a fence con	structed wholly or partially of
(address) From	20 and until this licence	is transferred or car	acelled.
Dated this Chief Executive Office insert name of local	•	20	
erected; (b) upon the request of (c) within 14 days of which the licence has change or those chan (d) obtain the written	e in a prominent position on the of a Building Surveyor produce a change in the ownership or of been granted, notify the Chief ges; and consent of the local government k relating to or affecting the feement	e to him or her the liccupation of the lar Executive Officer in	icence; and or premises in respect of in writing of the details of that
from and including th	ne date of this endorsement.		
Dated this	day of	20	_
			Chief Executive Officer, Shire of Dowerin
(1) Name (2) Address (3) Name (4) Address			

Dated	of 20
The Common Seal of the	}
Shire of Dowerin	}
was affixed by authority of a	}
resolution of the Council in t	the }
presence of:	}

**PRESIDENT** 

**CHIEF EXECUTIVE OFFICER** 

# **LOCAL GOVERNMENT ACT 1995**

# **SHIRE OF DOWERIN**

# **MEETING PROCEDURES LOCAL LAW 2022**

#### **LOCAL GOVERNMENT ACT 1995**

#### **MEETING PROCEDURES LOCAL LAW 2022**

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#### **LOCAL GOVERNMENT ACT 1995**

#### SHIRE OF DOWERIN

#### **MEETING PROCEDURES LOCAL LAW 2022**

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Dowerin resolved on *[insert date]* to make the following local law.

## Part 1 - Preliminary

#### 1.1 Citation

This local law may be cited as the *Shire of Dowerin Meetings Procedures 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

All meetings are to be conducted in accordance with the Act, the Regulations and this local law.

#### 1.4 Interpretation

(1) In this local law unless the context otherwise requires -

absolute majority has the meaning given to it in the Act;

**Act** means the Local Government Act 1995;

**CEO** means the chief executive officer of the local government;

**committee** means a committee of the council established under section 5.8 of the Act;

**committee meeting** means a meeting of a committee;

**council** means the council of the local government;

district means the district of the local government;

*local government* means the Shire of Dowerin;

*meeting* means a meeting of the council or a committee, as the context requires;

**member** has the meaning given to it in the Act;

**president** means the president of the local government or other presiding member at a council meeting under section 5.6 of the Act;

## presiding member means -

- (a) in respect of the council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

**Regulations** means the Local Government (Administration) Regulations 1996:

**simple majority** means more than 50% of the members present and voting; and

**substantive motion** means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

(2) Unless otherwise defined in this local law, the terms and expressions used in this local law is to have the meaning given to them in the Act and Regulations.

# 1.5 Repeal

The Shire of Dowerin Standing Orders Local Law 2001 published in the Government Gazette on 8 January 2002 is repealed.

#### Part 2 – Establishment and membership of committees

## 2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.
- (2) A council resolution to establish a committee under section 5.8 of the Act is to include -
  - (a) the terms of reference of the committee;
  - (b) the number of council members, employees and other persons to be appointed to the committee;
  - (c) the names or titles of the council members and employees to be appointed to the committee;
  - the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
  - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) This local law is to apply to the conduct of committee meetings.

#### 2.2 Types of committees

The types of committees are dealt with in the Act.

### 2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

# 2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

## 2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

#### 2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

# 2.7 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

#### 2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

#### 2.9 Committees to report

A committee -

- (a) is answerable to the council; and
- (b) is to report on its activities when, and to the extent, required by the council.

#### Part 3 - Calling and convening meetings

# 3.1 Ordinary and special council meetings

- (1) Ordinary and special council meetings are dealt with in the Act.
- (2) An ordinary meeting of the council, held on a monthly basis or otherwise as determined by the council, is for the purpose of considering and dealing with the ordinary business of the council.
- (3) A special meeting of the council is held for the purpose of considering and dealing with council business that is urgent, complex in nature, for a particular purpose or confidential.

# 3.2 Calling council meetings

The calling of council meetings is dealt with in the Act.

# 3.3 Convening council meetings

- (1) The convening of a council meeting is dealt with in the Act.
- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5, in convening a special meeting of the council.
- (3) Where, in the opinion of the president or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special council meeting.

## 3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the president, the presiding member of a committee or any two members of that committee.

#### 3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

#### Part 4 – Presiding member and quorum

# 4.1 Who presides

Who presides at a council meeting is dealt with in the Act.

#### 4.2 When the deputy president can act

When the deputy president can act is dealt with in the Act.

#### 4.3 Who acts if no president

Who acts if there is no president is dealt with in the Act.

#### 4.4 Election of presiding member of a committee

The election of a presiding member of a committee is dealt with in the Act.

#### 4.5 Election of deputy presiding member of a committee

The election of deputy presiding member of a committee is dealt with in the Act.

## 4.6 Functions of deputy presiding member

The functions of deputy presiding member are dealt with in the Act.

## 4.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

## 4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

## 4.9 Reduction of quorum for council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

## 4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

### 4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

#### 4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the presiding member is:

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.

#### 4.13 Names to be recorded

At any meeting -

- (a) at which there is not a quorum present; or
- (b) which is adjourned for want of a quorum,

the names of the members then present are to be recorded in the minutes.

#### Part 5 - Business of a meeting

#### 5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the council other than that specified in the agenda, without the approval of the presiding member or the council.
- (2) No business is to be transacted at a special meeting of the council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the council other than that -
  - (a) specified in the notice of the meeting which had been adjourned; and
  - (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the council then, unless the council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering employee reports (Clause 5.2(1), Item 10) at that ordinary meeting.

#### 5.2 Order of business

- (1) Unless otherwise decided by the council the order of business at any ordinary meeting of the council is to be as follows -
  - 1. Official Opening/Obituaries
  - 2. Record of Attendance/Apologies/Leave of Absence
  - 3. Public Question Time
  - 4. Disclosure of Interest
  - 5. Applications for Leave of Absence
  - 6. Petitions and Presentations
  - 7. Confirmation of Minutes of the Previous Meetings
  - 8. Minutes of Committee Meetings to be Received
  - 9. Recommendations from Committee Meetings for Council Consideration
  - 10. Announcements without Discussion
  - 11. Reports Corporate and Community Services
  - 12. Reports Governance and Compliance
  - 13. Reports Works and Assets
  - 14. Urgent Business Approved by the Person Presiding or by Decision
  - 15. Elected Members' Motions
  - 16. Matters Behind Closed Doors
  - 17. Closure
- (2) Unless otherwise decided by the council, the order of business at any special meeting of the council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

#### 5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or this local laws otherwise provides, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 7 working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO -
  - (a) with the concurrence of the president or presiding member, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of these meeting procedures or any other written law;
  - (b) will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
  - (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
  - (d) may provide to the council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless -
  - the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
  - (b) the council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

# 5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the presiding member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the presiding member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the council before the next meeting.

#### 5.5 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means a resolution of the council that has the effect of adopting, for a number of specifically identified reports, the employee recommendation as the council resolution.
- (2) Subject to subclause (3), the local government may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter -
  - (a) that requires an absolute majority;
  - (b) in which an interest has been disclosed;
  - (c) that has been the subject of a petition or deputation;
  - (d) that is a matter on which a member wishes to make a statement; or
  - (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

#### Part 6 - Public participation

## 6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

#### 6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried -
  - (a) the presiding member is to direct everyone to leave the meeting except -
    - (i) the members;
    - (ii) the CEO; and
    - (iii) any employee or person specified by the presiding member; and
  - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the council or the committee, by resolution, decides otherwise.

- (6) A resolution under this clause may be made without notice.
- (7) Once the meeting is reopened to members of the public, the presiding member is to ensure that any resolution of the council made while the meeting was closed is to be read out including a vote of a member to be included in the minutes.

#### 6.3 Question time for the public

Question time for the public is dealt with in the Act.

## 6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

#### 6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

#### 6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

# 6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the council for later response.
- (3) When a question is taken on notice the CEO is to ensure that -
  - (a) a response is given to the member of the public in writing; and
  - (b) a summary of the response is included in the agenda of the next meeting of the council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to -
  - (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the presiding member may elect for the questions to be responded to as normal business correspondence.
- (7) The presiding member may decide that a public question shall not be responded to where -

- (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
- (b) the member of the public uses public question time to make a statement, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
- (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
- (9) The council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

## 6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the council, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

## 6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the council is to either -
  - (a) apply, before the meeting, to the CEO for approval; or
  - (b) with the approval of the presiding member, at the meeting, address the council.
- (2) The CEO may either-
  - (a) approve the request and invite the deputation to attend a meeting of the council; or
  - (b) refer the request to the council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a council meeting -
  - (a) is not to exceed 5 persons, only 2 of whom may address the council, although others may respond to specific questions from members;
  - (b) is not to address the council for a period exceeding 10 minutes without the agreement of the council; and
  - (c) additional members of the deputation may be allowed to speak with the leave of the presiding member.

(4) Any matter which is the subject of a deputation to the council is not to be decided by the council until the deputation has completed its presentation.

#### 6.10 Petitions

- (1) A petition is to -
  - (a) be addressed to the president;
  - (b) be made by electors of the district;
  - (c) state the request on each page of the petition;
  - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
  - (e) contain a summary of the reasons for the request; and
  - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the local government is to submit the petition to the CEO to be included in his or her deliberations and report on the matter that is the subject of the petition.
- (3) At any meeting, the council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
  - (a) the matter is the subject of a report included in the agenda; and
  - (b) the council has considered the issues raised in the petition.

#### **6.11 Presentations**

- (1) In this clause, a *presentation* means the acceptance of a gift or an award by the Council on behalf of the local government or the community.
- (2) A presentation may be made to the council at a meeting only with the prior approval of the CEO.

## 6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who -
  - (a) is entitled to attend a committee meeting;
  - (b) attends a committee meeting; and
  - (c) is not a member of that committee.

A member of the public is entitled to attend a committee meeting only where a local government power or duty has been delegated to that committee: see section 5.23(1)(b) of the Act.

(2) Without the consent of the presiding member, no person is to address a committee meeting.

- (3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.
- (5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.
- (6) The council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

## 6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a council meeting is contentious and is likely be the subject of a number of deputations, the council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the president shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the council resolves to meet to provide the opportunity to be heard under subclause (1), the presiding member shall -
  - (a) instruct the CEO to provide local public notice of the time and date when the council will meet to provide an opportunity to be heard;
  - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
  - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the presiding member.
- (7) Once every member of the public has had the opportunity to make a submission the presiding member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next council meeting summarising each submission made at the meeting.
- (9) The council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

#### 6.14 Public inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations, may be exercised at 13 Cottrell Street Dowerin WA 6461 and on the local government's website.

### 6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be -
  - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
  - (b) marked "Confidential" in the agenda; and
  - (c) kept confidential by members and employees until the council resolves otherwise.
- (2) A member or an employee in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or employee discloses the information to his or her lawyer or a government employee for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

#### 6.16 Recording of proceedings

A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the council without the permission of the presiding member.

#### 6.17 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the council shall extend due courtesy and respect to the council and the processes under which it operates and shall comply with any direction by the presiding member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the council.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

#### Part 7— Questions by members

#### 7.1 With due notice

- (1) A question on notice is to be given by a member in writing to the CEO at least four
- (4) business days before the meeting at which it is raised.
- (2) If the question referred to in subclause (1) is in order, the answer is, so far as practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
- (3) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the presiding member.

#### 7.2 Without due notice

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A member requesting general information from an employee at a Council or committee meeting may ask a question without notice and with the consent of the presiding member, may ask one or more further questions of that employee or another employee present at the meeting.
- (3) Where possible the employee must endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the employee may ask that—
  - (a) the question be placed on notice for the next meeting of Council; or committee; and
  - (b) the answer to the question be given to the member who asked it within 14 days.
- (4) Every question and answer—
  - (a) is to be brief and concise; and
  - (b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
- (5) In answering any question, an employee may qualify his or her answer and may at a later time in meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

#### Part 8 – Conduct of members

#### 8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, or at any other time considered necessary, each member is to be allocated a seat at the Council Table by the CEO.
- (2) Each member is to occupy his or her allocated position at each Council meeting.

#### 8.2 Respect to the presiding member

After the business of a council has commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

#### 8.3 Titles to be used

A speaker, when referring to the president, deputy president or presiding member, or a member or employee, is to use the title of that person's office.

### 8.4 Advice of entry or departure

During the course of a meeting of the council, a member is not to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

#### 8.5 Members to indicate their intention to speak

A member of the council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the council.

## 8.6 Priority of speaking

- (1) Where two or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.
- (2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.
- (3) A member is to cease speaking immediately after being asked to do so by the presiding member.

#### 8.7 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the council, subject to compliance with this local law.

# 8.8 Relevance

- (1) A member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The presiding member, at any time, may -
  - (a) call the attention of the meeting to:

- (i) any irrelevant, repetitious, offensive or insulting language by a member; or
- (ii) any breach of order by a member; and
- (b) direct that member, if speaking, to discontinue his or her speech.
- (3) A member is to comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

## 8.9 Speaking twice

A member is not to address the council more than once on any motion or amendment except -

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

# 8.10 Duration of speeches

- (1) A member is not to speak on any matter for more than 5 minutes without the consent of the council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 10 minutes.

# 8.11 No speaking after conclusion of debate

A member is not to speak on any motion or amendment -

- (a) after the mover has replied; or
- (b) after the motion has been put.

## 8.12 No interruption

A member is not to interrupt another member who is speaking unless -

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the member be no longer heard (see clause 11.1(e)).

#### 8.13 Personal explanations

- (1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking is to indicate to the presiding member his or her intention to make a personal explanation.
- (2) The presiding member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.
- (3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

#### 8.14 No reopening of discussion

A member is not to reopen discussion on any council decision, except to move that the decision be revoked or changed (see Part 16).

#### 8.15 Adverse reflection

- A member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed.
- (2) A member is not -
  - (a) to reflect adversely on the character or actions of another member or employee; or
  - (b) to impute any motive to a member or employee
  - unless the meeting resolves, without debate, that the motion then before the meeting cannot otherwise be adequately considered.
- (3) A member is not to use offensive or insulting expressions in reference to any member, employee or other person.
- (4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes -
  - (a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and
  - (b) the council may, by resolution, decide to record those words in the minutes.

#### 8.16 Withdrawal of offensive language

- (1) A member who, in the opinion of the presiding member, uses an expression which -
  - (a) in the absence of a resolution under clause 8.15—
    - (i) reflects adversely on the character or actions of another member or employee; or
    - (ii) imputes any motive to a member or employee; or

- (b) is offensive or insulting,
- must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.
- (2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

# Part 9 - Preserving order

#### 9.1 Presiding member to preserve order

- (1) The presiding member is to preserve order and, whenever considered necessary, may call any member or other person to order.
- (2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every member present is to preserve strict silence so that the presiding member may be heard without interruption.
- (3) Subclause (2) is not used to by the presiding member to exercise the right provided in clause in clause 8.7, but not to preserve order.

#### 9.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of -
  - (a) any of this local law; or
  - (b) any other written law.
- (2) Despite anything in this local law to the contrary, a point of order -
  - (a) takes precedence over any discussion; and
  - (b) until determined, suspends the consideration or discussion of any other matter.

#### 9.3 Procedures on a point of order

- (1) A member who is addressing the presiding member is not to be interrupted except on a point of order.
- (2) A member interrupted on a point of order is to immediately cease speaking until -
  - (a) the member raising the point of order has been heard; and
  - (b) the presiding member has ruled on the point of order,
  - and, if permitted, the member who has been interrupted may then proceed.

#### 9.4 Calling attention to breach

A member may, at any time, draw the attention of the presiding member to any breach of this local law.

## 9.5 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
  - (2) A ruling by the presiding member on a point of order is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that -
  - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
  - (b) a statement made or act done by a member is out of order, the presiding member may require the member to make an explanation, retraction or apology.

#### 9.6 Continued breach of order

If a member -

- (a) persists in any conduct that the presiding member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 9.5(3),

the presiding member may direct the member to refrain from taking any further part in the debate of that item, other than by voting, and the member is to comply with that direction.

## 9.7 Right of presiding member to adjourn

- (1) For the purpose of preserving or regaining order, the presiding member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the presiding member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

## Part 10 - Debate of substantive motions

## 10.1 Motions to be stated

Any member who wishes to move a substantive motion or an amendment to a substantive motion -

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the presiding member, is to put the motion or amendment in writing.

# 10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

## 10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the presiding member may ask the meeting if any member opposes it.
- (2) If no member opposes the motion, the presiding member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the council.
- (4) If a member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a council meeting (see Part 16).

#### 10.4 Only one substantive motion at a time

- (1) When a substantive motion is under debate at a meeting of the council, no further substantive motion is to be accepted.
- (2) The council is not to consider more than one substantive motion at any time.

#### 10.5 Order of call in debate

The presiding member is to call speakers to a substantive motion in the following order -

- (a) the mover to state the motion;
- (b) a seconder to the motion:
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion:

- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

# 10.6 Member may require motion to be read

A member may require the motion or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

#### 10.7 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

#### 10.8 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

#### 10.9 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

# 10.10 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

#### 10.11 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

## 10.12 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

#### 10.13 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

#### 10.14 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

## 10.15 Right of reply

- The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised -
  - (a) where no amendment is moved to the substantive motion at the conclusion of the discussion on the motion; or
  - (b) where one or more amendments have been moved to the substantive motion at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply -
  - (a) no other member is to speak on the motion;
  - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

# Part 11 - Procedural motions and motions concerning behaviour under the Code of Conduct

# 11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a member may move the following procedural motions -

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the motion be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the presiding member be disagreed with:
- (g) that the meeting be closed to the public (see clause 6.2).

#### 11.2 No debate

(1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

## 11.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

#### 11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

#### 11.5 Meeting to proceed to the next business

The motion "that the meeting proceed to the next business", if carried, has the effect that—

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

## 11.6 Debate to be adjourned

A motion "that the debate be adjourned" -

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

#### 11.7 Meeting now adjourn

- (1) A member is not to move or second more than one motion of adjournment during the same sitting of the council.
- (2) Before putting the motion for the adjournment of the council, the presiding member may seek leave of the council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.5).
- (3) A motion "that the meeting now adjourn" -
  - (a) is to state the time and date to which the meeting is to be adjourned; and

- (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the council determines otherwise.

#### 11.8 Motion to be put

- (1) If the motion "that the motion be now put", is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the motion be now put" is carried during discussion of an amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

#### 11.9 Member to be no longer heard

If the motion "that the member be no longer heard", is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

#### 11.10 Ruling of the presiding member to be disagreed with

If the motion "that the ruling of the presiding member be disagreed with", is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

#### Part 12 - Disclosure of interests

#### 12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

## Part 13 - Voting

## 13.1 Motion - when put

- (1) Immediately after the debate on any motion is concluded and the right of reply has been exercised, the presiding member
  - (a) is to put the motion to the council; and
  - (b) if requested by any member, is to again state the terms of the motion.
- (2) A member is not to leave the meeting when the presiding member is putting any motion.

#### 13.2 Voting

Voting is dealt with in the Act and the Regulations.

#### 13.3 Majorities required for decisions

The majorities required for decisions of the council and committees are dealt with in the Act.

## 13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the presiding member -
  - (a) is to put the motion, first in the affirmative, and then in the negative;
  - (b) may put the motion in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
  - (c) may accept a vote on the voices or may require a show of hands; and,
  - (d) is, subject to this clause, to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded
  - (a) his or her vote; or,
  - (b) the vote of all members present,

on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.

- (4) If a member calls for a division—
  - (a) those voting in the affirmative are to pass to the right of the Chair; and
  - (b) those voting in the negative are to pass to the left of the Chair.
- (5) For every division, the CEO is to record—
  - (a) the name of each member who voted; and
  - (b) whether he or she voted in the affirmative or negative.

# Part 14 - Minutes of meetings

#### 14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

#### 14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11 of the Regulations, the minutes of a council meeting is to include, where an application for approval

is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

### 14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

#### 14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the council are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member may provide the local government with a written copy of the alternative wording to amend the minutes no later than 7 working days before the next ordinary meeting of the council.
- (2) At the next ordinary meeting of the council, the member who provided the alternative wording shall, at the time for confirmation of minutes
  - (a) state the item or items with which he or she is dissatisfied; and
  - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

# Part 15 - Adjournment of meeting

#### 15.1 Meeting may be adjourned

The council may adjourn any meeting -

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

#### 15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law -

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 [speaking twice] apply when the debate is resumed.

## Part 16 – Revoking or changing decisions

## 16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

# 16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the council or a committee is not to consider a motion to revoke or change a decision -
  - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
  - (b) where the decision is procedural in its form or effect.
- (2) The council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

# 16.3 Implementing a decision

- (1) In this clause -
  - (a) authorisation means a licence, permit, approval or other means of authorising a person to do anything;
  - (b) *implement*, in relation to a decision, includes -
    - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
    - (ii) take any other action to give effect to the decision; and
  - (c) valid notice of revocation motion means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and this local law and may be considered, but has not yet been considered, by the council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person -
  - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
  - (b) unless and until the valid notice of revocation motion has been determined by the council or the committee as the case may be.

- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation
  - (a) is to take effect only in accordance with this clause; and
  - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

# Part 17 - Suspension of Local Law

#### 17.1 Suspension of local law

- (1) A member may at any time move that the operation of one or more of the provisions of this local law be suspended.
- (2) A member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is -
  - (a) seconded; and
  - (b) carried by an absolute majority,

is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

# 17.2 Where local laws do not apply

- (1) In situations where -
  - (a) one or more provisions of this local law have been suspended; or
  - (b) a matter is not regulated by the Act, the Regulations or this local law, the presiding member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the presiding member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

#### 17.3 Cases not provided for in local laws

- (1) The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent.
- (2) The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

## Part 18 - Meetings of electors

#### 18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

## 18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

# 18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

# 18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

## 18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

#### 18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

# 18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

## 18.8 Participation of non-electors

A person who is not an elector of the local government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

#### 18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

#### 18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

# 18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

#### Part 19 - Enforcement

## 19.1 Penalty for breach

A person who breaches a provision of this local law commits an offence.

Penalty: \$1,000.00 and a daily penalty of \$100.00.

## 19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

#### PART 20—Common Seal

# 20.1 Local government common seal

- (1) The use of the Common Seal is dealt with in the Act.
- (2) The CEO is to have charge of the common seal of the local government and is responsible for its safe custody and proper use.

Dated: [insert date]		
The Common Seal of the Shire of Dowerin was affixed by authority of a resolution of the Council in the presence of:	<pre>} } } } </pre>	
President		Chief Executive Officer

#### **LOCAL GOVERNMENT ACT 1995**

#### SHIRE OF DOWERIN

#### **REPEAL LOCAL LAW 2022**

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Dowerin resolved on *[insert date of resolution]* to make the following local law.

#### 1. Citation

This local law may be cited as the Shire of Dowerin Repeal Local Law 2022.

#### 2. Commencement

This local law commences 14 days after the date on which it is published in the Government Gazette.

#### 3. Application

This local law applies throughout the district.

#### 4. Repeal

The following local laws are repealed —

- (a) Shire of Dowerin Local Government Model By-law (Prevention of Damage to Streets), No 1 published in the Government Gazette on 18 February 1965; and
- (b) *Shire of Dowerin Local Government Model By-laws No 7 Removal and Disposal of Obstructing Animals or Vehicles* published in the *Government Gazette* on 30 November 1973.

The Common Seal of the Shire of Dowerin was	)			
hereunto affixed by authority	)			
of its Council in the presence	)			
of —	)			

President

Chief Executive Officer

Shire of Dowerin Repeal Local Law 2022 Final for Adoption (100222)