



Shire of  
**Bruce Rock**

*Where friends become family*



# Agenda Attachments

Thursday 21 November 2019

**SHIRE OF BRUCE ROCK**  
**AGENDA ATTACHMENTS 21 November 2019**

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SHIRE OF BRUCE ROCK

MINUTES – ORDINARY MEETING 17 OCTOBER 2019

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**SHIRE OF BRUCE ROCK**

**MINUTES – ORDINARY MEETING 17 OCTOBER 2019**

**1. Declaration of Opening**

The Shire President Cr SA Strange declared the meeting open at 2.21pm.

**2. Record of Attendance/Apologies/Leave of Absence (Previously Approved)**

President	Cr SA Strange
Deputy President	Cr R Rajagopalan
Councillors	Cr AR Crooks
	Cr IS Dolton
	Cr KP Foss
	Cr NC Kilminster
	Cr PG Negri
	Cr MK Thornton
	Cr BJ Waight
Chief Executive Officer	Mr DRS Mollenoyux
Deputy Chief Executive Officer	Mr A O’Toole
Executive Assistant	Mrs MJ Schilling
Environmental Health Officer	Mr J Goldacre (2.21pm to 2.43pm)
Manager of Finance	Mrs JL Bow (2.35pm to 3.06pm)

Leave of Absence

**3. Declarations of Interest**

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **financial** interest were made at the Council meeting.

Date	Name	Item No	Reason

In accordance with Section 5.65 of the Local Government Act 1995 the following disclosures of **Closely Association Person and Impartiality** interest were made at the Council meeting.

Date	Name	Item No	Reason
17.10.19	Cr MK Thornton	12.5	Co-owner of lease

In accordance with Section 5.60B and 5.65 of the Local Government Act 1995 the following disclosures of **Proximity** interest were made at the Council meeting.

Date	Name	Item No	Reason
17.10.19	Mr J Goldacre	11.1.2	Resides in a neighbouring property

**4. Response to Previous Public Questions Taken on Notice**

**5. Public Question Time**

**6. Petitions/Deputations/Presentations/Submissions**

Helen Creed and Tania Darby-Gethin - Presentation outlining new Regional Early Education and Development Inc model

Janine Dayman and Karen Strange – Overview and Update on True Blue Dreaming Mentoring Program

**7. Applications for Leave of Absence**

**8. Announcements by Presiding Member**

**9. Confirmation of Minutes**

Ordinary Meeting of Council held on Thursday 19 September 2019.

**COUNCIL DECISION**

**Resolution OCM Oct 19 – 9.1**

**Moved: Cr Rajagopalan**

**Seconded: Cr Foss**

**That the minutes of the Ordinary Meeting of Council held Thursday 19 September 2019 be confirmed as a true and correct record.**

**Carried 9/0**

**10. Regional Reports**

No Report

## 11. Officers' Reports

### 11.1 Environmental Health Officer

<b>Agenda Reference and Subject:</b>	<b>11.1.1</b> Planning Development Approval request for an internet-based company with machinery storage on Rural Zone Land Ardath area
<b>File Reference:</b>	A735 Bruce Rock Corrigin Road, Bruce Rock
<b>Reporting Officer:</b>	Julian Goldacre, Environmental Health Officer
<b>Author:</b>	Julian Goldacre, Environmental Health Officer
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<i>Item 11.1.1 - Attachment A Development Application Rural office and farm machinery set down area</i>

#### Summary

Council approves the Development Application for an internet-based company with machinery storage ability on Rural Zoned Land Ardath area with one condition and one advice note.

#### Background

On the 19 August 2019 the Shire of Bruce Rock received an Application for Development Approval which was received in as 'AATARDATH14515' (Development Application).

#### Comment

The Development Application as presented in Attachment 11.1.1 describes an internet-based business in an office, and from time to time to facilitate the storage of farm machinery purchased/consigned on a transient basis (temporary storage explained in an email from Applicant dated 27 August 2019) in an area set aside of 8,185m<sup>2</sup>. The location of the Development Proposal as seen in Attachment 11.1.1 is East-South East of the townsite of Ardath on Lot 14515 adjoining the Bruce Rock – Corrigin Road.

A review of the Shire of Bruce Rock Local Planning Scheme No 3 (Scheme) and the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulation) shows the proposal does not reasonably fit a definition in the Scheme or Regulation therefore is a use not listed. There is a Statutory instrument within the Scheme within Clause 4.5 to be able to facilitate a use not listed for Council consideration.

A review of the Scheme in the context of Clause 1.6 'The aims of the scheme' reveals the proposal is in accordance with the applicable provisions set out for:

- '...providing opportunities...';
- '...promote sustainable use of rural land...';
- '...whilst accommodating other rural activities'; and
- 'To safeguard...' and '...the character and amenity of the built and natural environment...'

A further review regarding the 'Objectives of the Zones' within Clause 3.2 relevant to 'Rural Zoned' land finds that the Development Proposal to be in accordance:

- Provides for compatible rural pursuits conducive to rural character and amenity; and
- Will not affect the viability of a holding.



As a use not listed then advertising of the Development Application is a requirement, unless:

- In the opinion of the local government, the variation is likely to not affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation.

In this regard the Applicant has submitted a document showing the immediate neighbours, who are some distance away, have endorsed support for this Development Application. Furthermore, the activity proposed in the Development Application is Rural in nature, and does not reasonably have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality. The Environmental Health Officer considers, in this instance, that advertising is not required.

Conditions proposed for this Development Application in the event of Council approval are as follows:

1. This development approval is for an internet-based business in an office, and from time to time to facilitate the storage of farm machinery purchased/consigned on a temporary basis in an area set aside of 8,185m<sup>2</sup> as presented to Council in Attachment 11.1.1 on Lot 14515 adjoining the Bruce Rock – Corrigin Road with application reference number ‘AATARDATH14515’ only;

An advice note will be provided detailing that this development approval decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

**Consultation**

Mr T Reed, Senior Planner, Department of Planning, Lands and Heritage.

**Statutory Implications**

*Planning and Development Act 2005;*  
*Planning and Development (Local Planning Schemes) Regulations 2015;* and  
*Shire of Bruce Rock Local Planning Scheme N° 3.*

**Policy Implications**

Nil.

**Risk Implications**

<b>Risk:</b> Development proceeds outside of the scope approved by Council.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Minor	Low
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure, and is unlikely to need specific application of resources.		

**Financial Implications**

Development application fee of \$147.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

- Goal 3 Assist the local economy to grow
- Goal 3.7 Leverage economic opportunities and developments from successful local businesses

**Voting Requirements**

Simple majority.

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Oct 19 – 11.1.1**

**Moved: Cr Foss**

**Seconded: Cr Thornton**

**That Council resolves to:**

**1. Grant development approval for the internet-based business in an office, and from time to time to facilitate the storage of farm machinery purchased/consigned on a temporary basis in an area set aside of 8,185m<sup>2</sup> on Lot 14515 adjoining the Bruce Rock – Corrigin Road as presented in Attachment 11.1.1, and subject to the following condition:**

**a. This development approval is for an internet-based business in an office, and from time to time to facilitate the storage of farm machinery purchased/consigned on a temporary basis in an area set aside of 8,185m<sup>2</sup> as presented to Council in Attachment 11.1.1 on Lot 14515 adjoining the Bruce Rock – Corrigin Road with application reference number ‘AATARDATH14515’ only;**

**2. Council provides the following Advice Note that this development approval decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

**Carried 9/0**

**Agenda Reference and Subject:**

**11.1.2** Request by Mr W Boes to keep two roosters on property located at 53-55 Westral Street, Bruce Rock

**File Reference:** A515 53-55 Westral Street, Bruce Rock

**Reporting Officer:** Julian Goldacre, Environmental Health Officer

**Author:** Julian Goldacre, Environmental Health Officer

**Disclosure of Interest:** Julian Goldacre, Environmental Health Officer - Proximity

**Attachments:** *Item 11.1.2 – Attachment A Request to Keep Roosters*

**Summary**

Permission is given to Mr W Boes to keep two roosters on 53-55 Westral Street with conditions and an advice note.

**Background**

Mr W Boes made a written application to the Shire of Bruce Rock dated 10 September 2019 regarding approval to keep roosters on his property at 53-55 Westral Street, Bruce Rock. The Ranger and then the Environmental Health Officer (EHO) advised that Council needs to consider this approval and that conditions will apply.

**Comment**

Mr W Boes had discussions with the EHO regarding keeping roosters on his property as presented in Attachment 11.1.2 giving assurances that he will keep the roosters, confirmed verbally as two roosters, contained in a manner to stop crowing during the evening, night and morning hours. The EHO advised that Council in order to give conditional approval will need to be assured that the roosters will be kept quiet and not become a nuisance to Mr W Boes' neighbours. Mr W Boes consulted his immediate neighbours on the perimeter of this property, and all were in agreement and signed documents to that effect; some signed on the condition that compliance with rules and regulations was adhered to. The EHO lives in a Shire property within the neighbour perimeter of Mr W Boes' property and has given verbal approval to keep roosters conditional that crowing is effectively managed to not be a nuisance.

The *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016* (Local law) under Clause 2.7 permits the keeping of a rooster only with the written permission of the local government. As roosters are notorious for nuisance complaints it is important that should permission be given that the rooster/s do not become or create a nuisance. Mr W Boes has given repeated assurances that all reasonable undertakings will be endeavoured to prevent the rooster/s, becoming a nuisance. As with any consideration for permission to keep rooster/s conditions will be listed to be adhered to as well as compliance with the Local Law requirements for keeping poultry.

Conditions recommended for keeping roosters will be:

- The rooster/s kept shall not exceed more than two roosters not including chicks up to an age of three months;
- All reasonable measures are to be undertaken to ensure the crowing of roosters is limited to not cause a nuisance to the neighbouring properties or beyond during the hours of evening, night and morning hours;
- Council can revoke the permission to keep roosters at 53-55 Westral Street should, after all reasonable efforts to deal with complaints about the keeping of roosters fail.

The following advice notes will be provided to advise Mr W Boes of the obligations required to be undertaken for keeping poultry being:

- Compliance with Clause 2.6 ‘Conditions for keeping poultry’ of the *Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016*.

**Consultation**

Mr A O’Toole Acting Chief Executive Officer.

**Statutory Implications**

*Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016*

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> Failure to prevent the keeping of roosters from becoming a nuisance.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Insignificant	Low
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure, and is unlikely to need specific application of resources.		

**Financial Implications**

Nil

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

Goal 4: Workers and their families can work and reside in the Shire  
Workers and their families reside in and contribute to the local economy

**Voting Requirements**

Simple majority.

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Oct 19 – 11.1.2**

**Moved: Cr Thornton**

**Seconded: Cr Waight**

**That Council resolves:**

**1. To give Mr W Boes permission to keep two roosters on his property located at 53-55 Westral Street, Bruce Rock with the following conditions:**

**a) The rooster/s kept shall not exceed more than two roosters not including chicks up to an age of three months;**

**b) All reasonable measures are to be undertaken to ensure the crowing of roosters is limited to not cause a nuisance to the neighbouring properties or beyond during the hours of evening, night and morning hours; and**

**c) Council can revoke the permission to keep roosters at 53-55 Westral Street should, after all reasonable efforts to deal with complaints about the keeping of roosters, fail.**

**The following advice note is provided to advise Mr W Boes of the obligations required to be undertaken for keeping poultry being:**

- Compliance with Clause 2.6 'Conditions for keeping poultry' of the Shire of Bruce Rock Animals, Environment and Nuisance Local Law 2016.**

**Carried 9/0**

**Agenda Reference and Subject:**

**11.1.3** Planning Development Approval request for the construction of a carport at the St Johns building (DFES) Lot 21 Dunstall Street Bruce Rock

**File Reference:**

Lot 21 Dunstall Street, Bruce Rock

**Reporting Officer:**

Julian Goldacre, Environmental Health Officer

**Author:**

Julian Goldacre, Environmental Health Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Item 11.1.3 – Attachment A Development Application carport St Johns DFES building*

*Item 11.1.3 – Attachment B Details of amenity-colours to be used for St Johns carport*

*Item 11.1.3 Attachment C - Drawings of proposed carport*

**Summary**

Council gives planning approval for the construction of a carport of 89.6 meters square footprint and 2518mm minimum height with sunscreen mesh retractable outdoor blinds with a condition and advice notes.

**Background**

The Shire of Bruce Rock has received a Development Application (DA) with supporting material (Attachments A, B and C) from the St Johns Bruce Rock branch for the construction of a carport onto the new St Johns building.

**Comment**

The DA as presented in Attachments A, B and C shows a carport of 89.6 meters square footprint and 2518mm minimum height with sunscreen mesh retractable outdoor blinds. The carport is a steel structure and it is proposed to be painted in colours to match the existing St Johns building to blend in with the amenity of the existing building. The width of the carport is 8.5 meters and will allow for a 1.5-meter setback from the west boundary although the fence line is built further away from the actual boundary. The proposed construction is of new building materials.

The land being Lot 21 Dunstall Street is occupied by the Department of Fire and Emergency Services (DFES) emergency services building and the appurtenant St Johns building. The land is designated a Local Reserve within the *Shire of Bruce Rock Local Planning Scheme No 3*. Any development on a Local Reserve requires Council consent as well as consultation with the relevant public authority, in this case being DFES, before determining an application for development approval. DFES were notified by email on the 9 October 2019 and by email dated 9 October 2019 3:24 PM advised ‘...that there is no problems with STJ building carport on their side of the building’, thus no concern raised with this DA.

Given Council’s previous interest in how the emergency services building is presented it is deemed prudent as a condition of approval that the final colour scheme to be initiated for the proposed carport is presented to the Council for consideration as follows:

1. Before the carport is to be painted and/or materials prepared in a supplied colour, the sample colour sheets proposed are to be presented to Council for consideration of suitability before being implemented.

Also, Advice Notes are recommended as follows:

1. This development approval decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect; and
2. A Building Permit is required for the approved development, prior to works commencing, in accordance with the *Building Act 2011*. Fees apply

**Consultation**

Mr A O’Toole Acting Chief Executive Officer;  
DFES Regional Co-Ordinator;

**Statutory Implications**

*Shire of Bruce Rock Local Planning Scheme No 3.*

**Policy Implications**

Nil.

**Risk Implications**

<b>Risk:</b> Development proceeds outside of the scope approved by Council.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Unlikely	Minor	Low
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and can be managed by routine procedure, and is unlikely to need specific application of resources.		

**Financial Implications**

Development application fee of \$147.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

- Goal 7 Our community are engaged and have a healthy lifestyle
- 7.8 Shire supports emergency services such as St Johns Ambulance

**Voting Requirements**

Simple majority

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Oct 19 – 11.1.3**

**Moved: Cr Kilminster**

**Seconded: Cr Foss**

**That Council resolves to:**

**1. Give planning approval for the construction of a carport of 89.6 meters square footprint and 2518mm minimum height with sunscreen mesh retractable outdoor blinds as presented in Attachment C with the following condition being –**

**a) Before the carport is to be painted and/or materials prepared in a supplied colour the sample colour sheets proposed are to be presented to Council for consideration of suitability before being implemented.**

**Council also provide the following Advice Notes in good faith, and is not limited to, the applicant as follows:**

**1. This development approval decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect; and**

**2. A Building Permit is required for the approved development, prior to works commencing, in accordance with the Building Act 2011. Fees apply.**

**Carried 9/0**

*Mrs JL Bow entered the Council Chambers at 2.35pm.*



**Agenda Reference and Subject:**

**11.1.4** Environmental Health Officer Information Bulletin

**File Reference:**

**Reporting Officer:**

Julian Goldacre, Environmental Health Officer

**Author:**

Julian Goldacre, Environmental Health Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Nil*

**Summary**

To accept the Environmental Health Officer Information Bulletin for the month of October 2019 for activities undertaken.

**Background**

The Environmental Health Officer will provide a report of activities undertaken during the preceding two months inclusive of Deputised and Delegated functions. This Information Bulletin will cover the month of August 2019.

**Comment**

As part of the role of EHO in asset management the following major items have been undertaken:

- 1) Investigation into power supply issues at the Johnson Street Industrial units where use of equipment is causing power fluctuations. The Matter initially addressed to upgrade cables proved ineffective and the matter is now in the hands of Western Power to identify cause of issue from the supply end;
- 2) Continued works ongoing to facilitate the second point of supply to the Hocky Turf requiring follow-ups with Western Power and E Consulting to resolve matter and receive a get a quotation advice;
- 3) requests for quotations issued for the upgrade of the café on Johnson Street building for flooring, painting and doors have been undertaken;
- 4) co-ordinating contractor tree removal service to remove damaging trees from Shire property and assessing future tree removal works on site;
- 5) assisting in the Bruce Rock Ag. Show Statutory Approvals processes and trader permit requirements;
- 6) working on a response to the proposed changes to the governance to pesticide safety initiated by the Dept of Health WA;
- 7) assisting potential applicants for planning applications and researching planning legislation factors;
- 8) organising the septic system and electrical works and variation to storm water plumbing works for Lot 118 Curlew Drive new house;
- 9) finalising the waste, recycling and landfill management tenders and initiating advertising and responding to tender requests and questions;
- 10) joined a video conference to learn more about Waste Plans and its requirement if at all for Bruce Rock. At this stage it's 'voluntary' which is the best place for it to be; and
- 11) prepared advertising to support with information the container deposit scheme for public and business consideration;

**Consultation**

Mr D Mollenoyux Chief Executive Officer; and

Mr A O'Toole Deputy Chief Executive Officer;

**Statutory Implications**

*Health (Miscellaneous Provisions) Act 1911;*  
*Waste Avoidance and Resource Recovery Act 2007;* and  
*Local Government Act 1995;*

**Policy Implications**

Nil.

**Risk Implications**

Nil.

**Financial Implications**

Nil.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

Goal 7 Our community are engaged and have a healthy lifestyle  
7.7 Environmental Health services -Create a community health plan incorporating community life, local planning, parks and facilities, transport, social support and community participation to embed preventative health measures and health promotion locally.

**Voting Requirements**

Simple Majority.

**OFFICER RECOMMENDATION AND COUNCIL DECISION**

**Resolution OCM Oct 19 – 11.1.4**

**Moved: Cr Crooks**

**Seconded: Cr Waight**

**To accept the Environmental Health Officer Information Bulletin for the month of October 2019.**

**Carried 9/0**

*Mr J Goldacre left the Council Chambers at 2.43pm and did not return.*

## 11.2 Manager of Works & Services

### Agenda Reference and Subject:

**11.2.1** Works & Services Information Report

### File Reference:

### Reporting Officer:

Glenn Casley, Manager of Works & Services

### Author:

Glenn Casley, Manager of Works & Services

### Disclosure of Interest:

Nil

### Attachments:

*Nil*

### Town & Gardening Crew

- Main Street tidied
- Street sweeping completed in Bruce Rock, Babakin, Ardath and Shackleton
- Amphitheatre lawns top dressed
- Memorial Park lawns top dressed
- Aquatic Centre mowed and tidied ready for opening
- Spraying around town completed
- Reserves and Shire blocks slashed
- New signage for Kokerbin Rock erected
- Oval clean up after the Agriculture Show
- Landscaping at the new house completed
- Caravan Park mowed
- Curlew Drive tidied up
- Retic turned back on and programmed for once a week on all gardens
- Skate Park cleaned up

### Construction Crew

- Bruce Rock Narembeen Rd progressing
- Lawrie Rd R2R project underway - gravel sheeting for 1.5 kms.
- Vacancy for a casual employee to assist in road maintenance has been advertised

### Workshop

Paul Clark was the only applicant for the Workshop Mechanic position. Paul was interviewed and has been appointed. Paul's full-time employment will commence on the 17<sup>th</sup> of October 2019.

### Workshop Report

- BK 9816 Side Tipper Hydraulics tipping to half capacity, rectified fault with new 2-way control valve, Purchase order: 31082 BK Engineering, Part: HYV-2S-2A \$810.68
- BK 650 Prime mover suspected with faulty hydraulic pump, pump dismantled all components excellent condition, pump reassembled. Hydraulics pressure good.
- BK 025 Rear connection for trailer brakes faulty, replaced air fitting on truck and trailer.  
Purchase order: 31082 BK Engineering, Part: HA-452804 \$83.20 & Part; HA-452803 \$37.08
- BK 9353 Dolly picked up from BK engineering, brakes slow to release, emergency low pressure application valve serviced, brakes good.
- BK 9355 Side tipper Brakes slow release and brake drag on rear axle, emergency trailer park valve faulty, serviced main control valve.
- BK 377 Faults with operation to wheelchair lift, future repairs to be completed.
- BK 06 Hydraulic pressure light intermittent, replace low hydraulic pressure switch.

- BK 1018 repair faulty trailer light wiring harness. Future repairs required: Front head light, left rear brake light, wheel alignment & two front tires.
- John Deere ride on mower, repairs to wheels & body work.
- Kubota ride on mower- replace mower blades & Purchase order: 31079 Blades for stock.

**Rec Centre**

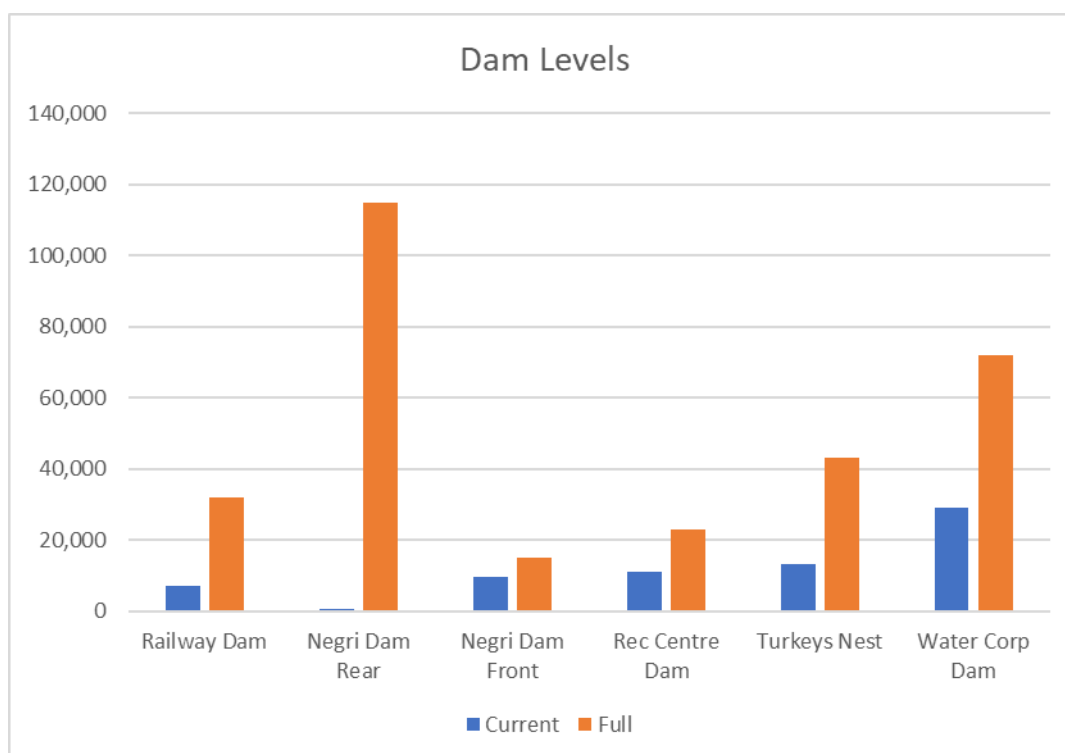
- Oval mowed
- Retic turned back on to watering once a week
- Rec Centre entrance watered
- Cricket wicket grooming commenced
- Oval sprayed with wetter soil
- Electrical work carried out on inside court

**Vehicles/Machinery Changeover**

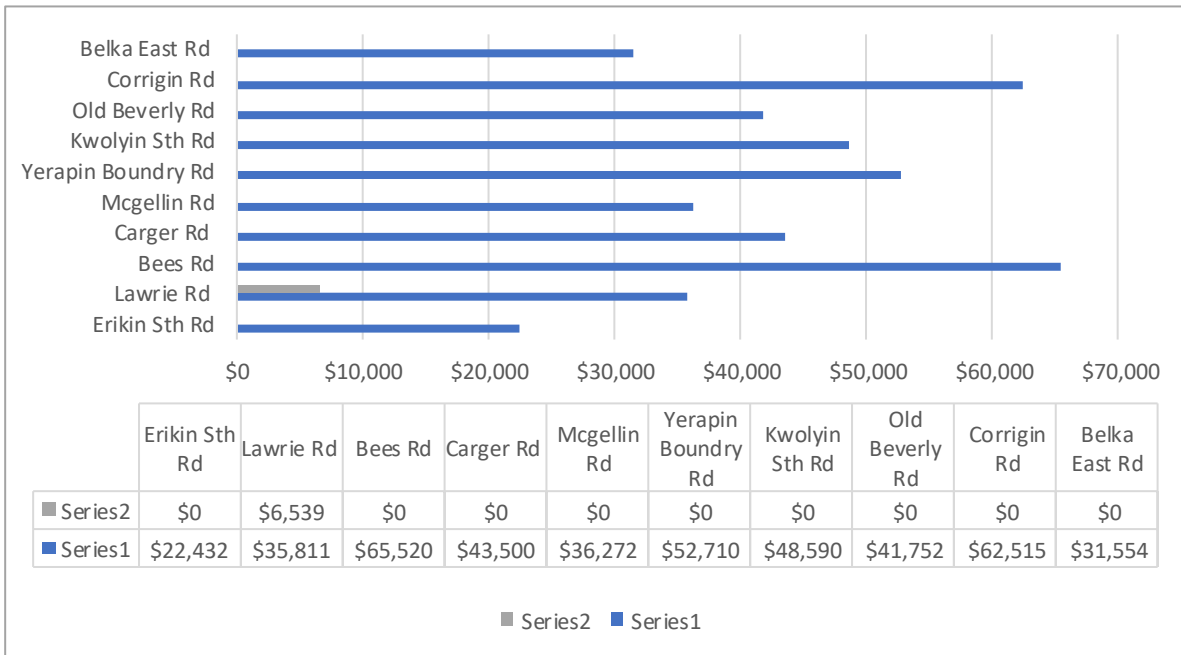
A new second-hand water truck has been purchased from Smith Broughton for \$97,500ex GST  
The budgeted amount for this item was \$105,000ex GST through the three-quote process.

**Dams**

• Dam	• Current	• Capacity
• Railway Dam	• 7,000kl	• 32,000kl full
• Negri Dam Rear	• 500kl	• 115000kl full
• Negri Dam Front	• 9,500kl	• 15000kl full
• Rec Centre Dam	• 11,000kl	• 23000kl full
• Turkeys Nest	• 13,000kl	• 43000kl full
• Water Corp Dam	• 29,000kl	• 71808kl full

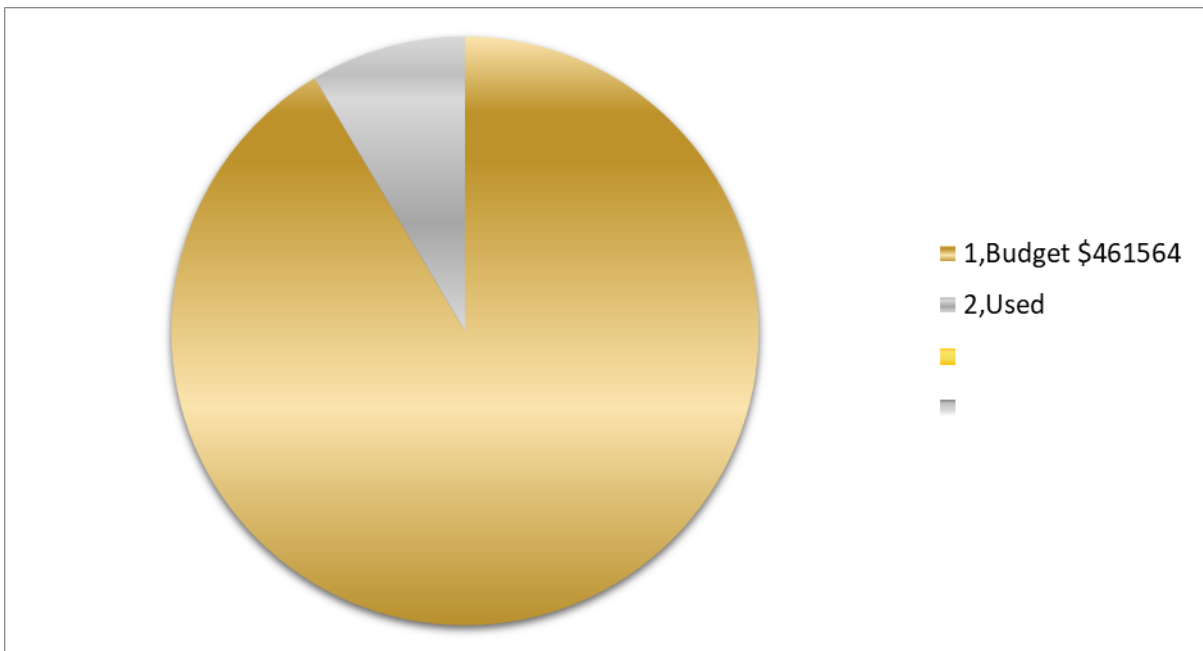


**Roads to Recovery 2019/20**



This chart is to show the program we have this financial year for Roads to Recovery. It will be updated each month so Council can see the progress through the year. Next month I will have a chart for the Regional Road Group project also.

**Regional Road Group Funding Bruce Rock- Naremben Rd**



This chart is to allow Council to see how the road project is moving along financially. The clearing and drainage works are complete and gravel carting has begun to prepare for stabilising.

**Kokerbin Rock Sign**

The sign has now been moved from the corner to take away the distraction for drivers.

**Road Maintenance Crew**

Advertising for a Casual employee has commenced to assist with the road maintenance crew. Once appointed, this extra person will help Clint focus on the roads needed to be patched for re-seal and the rest of the sealed road network.

**Yarding- Ardath Pothole Issue**

At the September Council meeting it was brought up about the severe potholing on the Yarding Ardath Rd. After doing costings on three ways to fix this section of road (re-seal, rip off bitumen and seal or full reconstruction) and consulting with the Shire President and CEO, it was decided to patch the road for this year and install signage to alert drivers. This section of road will be a priority for next year's road programme which will coincide with works from Smith Road, down past Barbers for 3 kms.

**WBS RRG Meeting 03/10/19**

A meeting was held in Wickepin to discuss the Wheatbelt Secondary Freight Route Funding which Councillor Foss and myself attended. Councillor Crute from Brookton was attempting to gain support from the Group to go into an agreement for the life of the programme due to concerns that once Shires have had their roads repaired, the support would disappear resulting in a possible withdrawal of funding. There will be an MOU or Deed that will be drawn up and brought to the RRG meeting in November which has been brought forward from February to get this issue finalised.

**COUNCIL DECISION**

**Resolution OCM Oct 19 – 11.2.1**

**Moved: Cr Kilminster**

**Seconded: Cr Rajagopalan**

**That the Manager of Works and Services Information Report be received.**

**Carried 9/0**

### 11.3 Manager of Finance

<b>Agenda Reference and Subject:</b>	<b>11.3.1</b> Statement of Financial Activity
<b>File Reference:</b>	8.2.6.2 Financial Reporting
<b>Reporting Officer:</b>	Jennifer Bow, Manager of Finance
<b>Author:</b>	Jennifer Bow, Manager of Finance
<b>Disclosure of Interest</b>	Nil
<b>Attachment:</b>	<i>Nil</i>

#### Summary

A statement of financial activity must be produced monthly and presented to Council.

#### Background

In accordance with the Local Government Act 1995, a Statement of Financial Activity must be presented to each Council meeting, including a comparison of actual year to date to the budget year to date and variances from it. It must also include explanations of any variances and any other associated information that would be useful for readers of the report.

#### Comment

The financial statements for the month ending 30<sup>th</sup> September 2019 will be presented at the meeting.

#### Consultation

Chief Executive Officer  
 Deputy Chief Executive Officer  
 Manager of Finance  
 Manager of Works and Services  
 Senior Finance Officer and other staff

#### Statutory Implications

r. 34 Local Government (Financial Management) Regulations 1996

#### Policy Implications

Nil

#### Risk Implications

<b>Risk:</b> Financial performance is not monitored against approved budget		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Moderate
<b>Action / Strategy</b>		
The monthly financial report tracks the Shire's actual financial performance against its budgeted financial performance to ensure that the Council is able to monitor to Shire's financial performance throughout the year.		

**Financial Implications**

Comparison of actual year to date to the 2018/19 Budget

**Strategic Implications**

Shire of Bruce Rock – Strategic Community Plan 2017-2027

**Governance**

Goal 12 Council leads the organisation in a strategic and flexible manner

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION COUNCIL DECISION**

**Resolution OCM Oct 19 – 11.3.1**

**Moved: Cr Negri**

**Seconded: Cr Dolton**

**That the Statements of Financial Activity for the month ending 30th September 2019 as presented be received.**

**Carried 9/0**



<b>Agenda Reference and Subject:</b>	<b>11.3.2</b> List of Payments
<b>File Reference:</b>	8.2.3.3 Accounts Payable (Creditors)
<b>Reporting Officer:</b>	Jennifer Bow, Manager of Finance Officer
<b>Author:</b>	Mike Darby, Senior Finance Officer
<b>Disclosure of Interest:</b>	Nil
<b>Attachments:</b>	<i>Item 11.3.2 – List of Payments September 2019</i>

**Summary**

List of payments made since the last Ordinary Council Meeting.

**Background**

As the Chief Executive Officer has been delegated the authority to make payments from the municipal and trust funds, a list of payments made is to be presented to Council each month. Also, in accordance with Finance Policy Number 2.3, included is a list of payments made with the CEO’s credit card.

**Comment**

Following is a list of payments made from Council’s Municipal and Trust Accounts and also payments made with the CEO’s credit card for the month of September 2019.

If you have any queries regarding the list of payments, please advise prior to the meeting to enable staff to seek relevant information.

**Consultation**

Nil

**Statutory Implications**

s.6.10 Local Government Act 1995

r.13(1) Local Government (Financial Management) Regulations 1996

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> Payments are not monitored against approved budget and delegation.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Minor	Moderate
<b>Action / Strategy</b>		
The monthly list of payments provides an open and transparent record of payments made under the appropriate approved delegations.		

**Financial Implications**

Payments must be made in accordance with 2019/20 Budget

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

Goal 12 Council leads the organisation in a strategic and flexible manner

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION COUNCIL DECISION**

**Resolution OCM Oct 19 – 11.3.2**

**Moved: Cr Thornton**

**Seconded: Cr Rajagopalan**

**That Council endorse the list of payments from the:**

- 1. Municipal Account consisting of:**
    - a. EFT voucher numbers EFT14719 to EFT14829 totalling \$400,737.14**
    - b. Cheque number 23947 to 23954 totalling \$12,068.10**
    - c. Trust Cheques Nil**
    - d. Wages and Superannuation payments totalling \$195,030.40 and**
    - e. Credit Card payments \$555.64**
- With all payments totalling \$607,835.64 for the month of September 2019.**

**Carried 9/0**

*Mrs JL Bow left the Council Chambers at 3.06pm and did not return.*

#### 11.4 Deputy Chief Executive Officer

**Agenda Reference and Subject:**

**11.4.1** Shire Seal

**File Reference:**

**Reporting Officer:**

Alan O’Toole, Deputy Chief Executive Officer

**Author:**

Melissa Schilling, Executive Assistant

**Disclosure of Interest:**

Nil

**Attachments:**

*Nil*

**Summary**

Use of Shire President Stamp in September 2019.

**Background**

Nil

**Comment**

As per Council’s policy, the Shire Seal has been used during the month of September 2019 as follows:

- Sale of Land Dunning to Kovac
- Sale of Land Drazkowski to Sedgwick
- Sale of Land Joro to Weir

**Consultation**

Nil

**Statutory Implications**

Council Policy

**Policy Implications**

Nil

**Financial Implications**

Nil

**Strategic Implications**

Shire of Bruce Rock Strategic Community Plan 2017-2027

**Governance**

Goal 12 Council leads the organisation in a strategic and flexible manner

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION COUNCIL DECISION**

**Resolution OCM Oct 19 – 11.4.1**

**Moved: Cr Thornton**

**Seconded: Cr Waight**

**That Council endorse the use of the Shire Seal during September 2019.**

**Carried 9/0**

**11.5 Chief Executive Officer**

No Report

**12. New Business of an urgent nature introduced by discussion of the meeting**

**Agenda Reference and Subject:**

**12.1** WEROC Executive Meeting Minutes September 19

**File Reference:**

1.6.9.1 Minutes and Agendas WEROC

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Attachment A – WEROC Executive Meeting Minutes*

*Attachment B – Draft Revised WEROC Constitution*

*Attachment C – Accingo Report*

*Attachment D – Accingo Recommendations*

**Summary**

Council is asked to receive the minutes from the previous WEROC Executive Meeting.

**Background**

The last WEROC Executive Meeting was held on the 25<sup>th</sup> September 2019 at the Shire of Merredin Council Chambers.

**Comment**

To encourage the WEROC partnership and promote a better understanding by all Councillors it is recommended that WEROC minutes be read and received by Council.

The following items are highlighted for Councils attention;

**5.1 Future WEROC Projects – Asset management Project (Accingo)**

Discussion was held in relation to the Accingo report with varying views and opinions on some components and suggested recommendations, however no formal directions were made and the following was resolved by the meeting

*That the:*

- 1. WEROC Executive be requested to table Accingo's report and recommendations on the review of mobile assets and plant across each Member Council for discussion at either their October or November round of Council meetings; and*
- 2. Executive Officer be provided with comments from these discussions to enable a report to be prepared for the WEROC Executive Meeting scheduled to be held Wednesday 27 November 2019.*

**5.2 Future Governance for WEROC – Development of WEROC Constitution**

Over recent meetings discussion and consideration to forming one entity has been addressed and proposed that WEROC consider a new constitution. The Executive Meeting discussed the proposed constitution and resolved for the following changes to be made and that it then be presented to individual Council's for consideration and feedback.

The WEROC Executive Meeting resolved as follows;

---

*That the draft WEROC Constitution be accepted, subject to the changes detailed below, as presented and referred to Member Councils for comment.*

*Clause 6.4 to read:*

*6.4 Representatives qualifications*

*Representatives of Local Governments must be sitting Councillors or the Chief Executive Officer and must be approved by WEROC Board.*

*A new clause be added to cover the financial contribution to be made by new members on their joining WEROC:*

*10.2 Financial Contributions by New Members*

*Where a new member is admitted to WEROC, a financial contribution to be made by the new member, in addition to the annual financial contribution, will be as determined by the Board.*

*Clause 14.2 to be simplified:*

*14.2 Where a vacancy on the Board occurs after 31 March in any year:*

*(a) the position can remain vacant until the next Annual General Meeting or;*

*(b) an election to fill the vacancy is to take place at a Special meeting called for that purpose.*

*Clause 15.2 to read:*

*15.2 Notice of Meeting*

*Notice of a meeting of the Board, stating the business of the meeting and including reports and supporting documentation must be given by the Executive Officer to each representative at least 5 business days prior to the meeting.*

*Clause 16.1 to read:*

*16.1 Executive Officer Appointed*

*The Board is empowered to appoint an Executive Officer for a contract period not exceeding five years or to remove an Executive Officer from WEROC and to decide upon his or her remuneration and duties. The contract of an Executive Officer so appointed may be renewed from time to time at the discretion of the Board.*

**5.6 Ongoing Development of WEROC App**

Discussion was held on the future direction of the ongoing development of the WEROC App and website with the meeting making the following resolution;

1. WEROC terminates its contract with go2Guides
2. WEROC examine alternative ways to manage the WEROC website.

A full copy of the minutes are provided as Attachment A for this agenda item.

<b>Consultation</b>	Nil
<b>Statutory Implications</b>	Nil
<b>Policy Implications</b>	Nil

**Risk Implications**

<b>Risk:</b> That Council does not receive the minutes or object to decisions of the WEROC Council meeting.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Insignificant	Low
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

**Financial Implications**

Nil

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

- Goal 12 Council leads the organisation in a strategic and flexible manner
- 12.2 Continue to build our voice and strategic projects within our regional groupings

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION COUNCIL DECISION**

**Resolution OCM Oct 19 – 12.1**

**Moved: Cr Rajagopalan**

**Seconded: Cr Foss**

1. That Council receives the minutes of the WEROC Executive Meeting held on the 25th September 2019 at the Shire of Merredin Council Chambers.
2. That Council considers the Draft Constitution (dated 9th October 2019) for the Wheatbelt East Regional Organisation of Councils Inc and provides any feedback for the WEROC Council meeting.
3. To enable adequate time for staff to review and Council consider the Accingo Report, Council defer any discussion or consideration of the recommendations until the November 2019 Ordinary Council Meeting.

**Carried 9/0**

**Agenda Reference and Subject:**

**12.2** WALGA State Council & Zone Structure Review

**File Reference:**

1.6.5.1 Surveys WALGA

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Attachment A – WALGA Report State Council and Zone Structure Review*

**Summary**

Council is asked to consider the Final Report from WALGA on State Council and Zone Structure and Process Working Group.

**Background**

The following email has been received from WALGA;

*“WALGA’s State Council has released for consultation the Final Report prepared by the Working Group charged with reviewing WALGA’s governance structures and processes.*

*The Working Group has made a number of recommendations, four of which have been endorsed for immediate implementation by State Council, with the balance endorsed in principle pending sector consultation.*

*The recommendations endorsed by State Council for implementation relate to the provision of information about WALGA to Elected Members, State Council’s committee structure, and the process for considering submissions to Government.*

*Your Council’s consideration and feedback is sought on the balance of the recommendations, which relate to the composition of State Council, the continuing role of Deputy State Councillors, no term limits for State Councillors, the Member Advisor program, services to Zones, and the State Council agenda, including the cessation of the production of printed agendas.*

*Following feedback from the Local Government sector, which should be provided to Tim Lane by 5:00pm, Friday, 25 October 2019, an item will be included in the December State Council agenda for consideration at the November round of Zone meetings.”*

**Comment**

The report has been provided to Councillors for consideration and the Shire President will provide his views as a State Councillor on this report and its recommendations.

The following recommendations are listed for direction from Council;

**Recommendation 1**

That the existing composition and representational arrangements of State Council be retained.

**Recommendation 2**

That the role of Deputy State Councillor be retained.



**Recommendation 3**

That no term limits be introduced for the role of State Councillor.

**Recommendation 8**

That information regarding the role of Zones, and Zone delegates, and the process for submission of Zone motions, be prepared and circulated to Zones, and included in the WALGA Elected Member Prospectus and the Corporate Governance Charter.

**Recommendation 9**

That:

1. The secretariat engage with Zones regarding the services and support that WALGA provides to Zones; and,
2. The secretariat continues to offer baseline Zone secretariat services to Zones as appropriate.

**Recommendation 10**

That:

1. The secretariat develop templates and processes to reduce the length of State Council agenda items;
2. Following consultation with the sector, production of hard copy agendas cease beginning with the March 2020 meeting of State Council; and,
3. A process be implemented, in consultation with the Local Government sector, to enable Councils to consider items for decision in the State Council agenda to raise awareness of contemporary strategic advocacy and policy issues and to enable Councils to provide guidance and direction to their Zone representatives.

**Consultation**

Nil

**Statutory Implications**

Nil

**Policy Implications**

Nil

**Risk Implications**

<b>Risk:</b> That Council does not receive the minutes or object to decisions of the WALGA Great Eastern Zone meeting.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Rare	Insignificant	Low
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Low” risk and will be managed by routine procedure and is unlikely to need specific application of resources.		

**Financial Implications**

Nil

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

- Goal 12 Council leads the organisation in a strategic and flexible manner  
12.2 Continue to build our voice and strategic projects within our regional groupings

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION COUNCIL DECISION**

**Resolution OCM Oct 19 – 12.2**

**Moved: Cr Rajagopalan**

**Seconded: Cr Crooks**

**That Council receives WALGA’s Final Report on State Council and Zone Structure and Process Working Group 2019 and endorses the recommendations as presented.**

**Carried 9/0**

*Council Meeting adjourned for Afternoon Tea at 3.35pm.*

*Council Meeting resumed at 3.55pm with all staff and Councillors present.*

*Mrs K Strange and Mrs J Dayman entered the Council Chambers at 3.55pm to give a presentation to Council regarding the True-Blue Dreaming Mentoring Program.*

*Mrs K Strange and Mrs J Dayman left the Council Chambers at 4.22pm and did not return.*

**Agenda Reference and Subject:**

**12.3** Department of Local Government’s Proposed Code of Conduct and CEO Standards

**File Reference:**

2.3.3.1 Local Government Act 1995

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Attachment A – WALGA Draft Submission – Code of Conduct*

*Attachment B – WALGA Draft Submission – CEO Standards*

*Attachment C – Proposed Code of Conduct*

*Attachment D – Proposed CEO Standards*

**Summary**

Council is asked to consider making a submission to the Department of Local Government in relation to their proposed Code of Conduct and CEO Standards and to provide comment on the WA Local Government Association’s proposed submission on both documents.

**Background**

The Department of Local Government has issued a circular in relation to their consultation on proposed Code of Conduct and CEO Standards. The circular states;

*“On 27 June 2019, the Local Government Legislation Amendment Act 2019 was passed in Parliament.*

*The Act includes a requirement for the introduction of:*

- a mandatory code of conduct for council members, committee members and candidates (Code of Conduct); and*
- mandatory minimum standards covering the recruitment, selection, performance review and early termination of local government Chief Executive Officers (CEO Standards).*

*The Department of Local Government, Sport and Cultural Industries (department) is seeking feedback on the draft Code of Conduct and draft CEO Standards (and accompanying guidelines).*

*These documents and the online survey for each topic are available on the department’s website.”*

The Department has advised that submissions are being called and close on 6<sup>th</sup> December 2019.

WALGA has provided Council with their Draft Submission on both the proposed Code of Conduct and the CEO Standards, of which a copy has been provided for Councillors’ reference. To enable WALGA to obtain a sector position it is seeking a response from individual Councils on its proposed submissions by the 25<sup>th</sup> October 2019.

**Comment**

Whilst the WA Local Government Association will make this submission on behalf of the sector it is encouraged that Council also makes a submission to reinforce key points and highlight any concerns.

Individuals are also able and are encouraged to make their own submission and therefore Councillors may wish to also make their own submission via the online survey available at the Department of Local Government’s website.

The Chief Executive Officer is reviewing the proposed documents and is preparing a submission on Council’s behalf, including a response to the survey. Council’s submission will be presented for consideration at the November 2019 Ordinary Council Meeting for endorsement.

**Consultation**

Tim Lane, WALGA  
 Shire President, Stephen Strange  
 Members of Senior Management Team  
 Brief discussion held following the recent WEROC Executive Meeting, where it was agreed that WEROC would not be making a submission and it would be left for individual Councils.

**Statutory Implications**

The Local Government Legislation Amendment Act 2019

**Policy Implications**

Any Policies relating to Council’s current Code of Conduct  
 Any Policies relating to employment matters affecting the Chief Executive Officer

**Risk Implications**

<p><b>Risk:</b> Compliance may be increased from legislative changes that could occur and costs and administrative burden would increase should the CEO Standards be adopted by the Department of Local Government as they are currently proposed.</p>		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Likely	Moderate	Moderate
<b>Action / Strategy</b>		
<p>This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.</p>		

**Financial Implications**

Should some of the proposed changes be implemented by the Department of Local Government, Council would incur higher costs associated with proposed processes for employment, recruitment and performance reviews of CEOs.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

**Governance**

Goal 10 – Our organisation is well positioned and has capacity for the future  
 Goal 12 – Council leads the organisation in a strategic and flexible manner

**Voting Requirements**

Simple Majority

**OFFICER RECOMMENDATION COUNCIL DECISION**

**Resolution OCM Oct 19 – 12.3**

**Moved: Cr Crooks**

**Seconded: Cr Rajagopalan**

**That Council;**

- 1. Endorses WALGA's proposed submissions on the Department of Local Governments proposed new Code of Conduct and CEO Standards, as presented.**
- 2. That the Chief Executive Officer prepare a submission and survey response, on behalf of Council for the Department of Local Government's proposed new Code of Conduct and CEO Standards. This submission is to be in line with views from Council and be presented for endorsement at the November 2019 Ordinary Council Meeting.**

**Carried 9/0**

**Agenda Reference and Subject:**

**12.4** Bruce Rock Hockey Club

**File Reference:**

1.3.8.7 Bruce Rock Hockey Club

**Reporting Officer:**

Darren Mollenoyux, Chief Executive Officer

**Author:**

Darren Mollenoyux, Chief Executive Officer

**Disclosure of Interest:**

Nil

**Attachments:**

*Attachment A – Letter from Bruce Rock Hockey Club*

*Attachment B – CONFIDENTIAL – Briefing Notes*

**Summary**

Council is requested to consider and endorse the proposed actions in relation to the Bruce Rock Synthetic Hockey Turf “Ripple Effect”.

**Background**

Over the past 18 months Council and staff have been working towards seeking an acceptable resolution to the “ripple effect” that was identified in the newly installed Bruce Rock Synthetic Hockey Turf.

Staff have provided Council and the Bruce Rock Hockey Club with regular updates on the progress and actions taken throughout the process and an overall outline of these were presented at the August 2019 Ordinary Council Meeting. It was agreed to hold a meeting and have this open to all Bruce Rock Hockey Club members to provide them a first-hand update on the process to date and Council’s proposed direction.

A copy of the update and briefing notes has been provided to Councillors under separate cover, as a Confidential Document due to the legal ramifications and Without Prejudice statements referenced.

From that meeting a letter was sent to the Bruce Rock Hockey Club seeking their comment and agreement on Council’s proposed direction.

**Comment**

A letter has now been received from the Bruce Rock Hockey Club (Attachment A) advising that *“The Bruce Rock Hockey Club supports the Bruce Rock Council’s recommended direction, as presented to members on the 25<sup>th</sup> September 2019 and correspondence received thereafter.”*

Council needs to take into consideration the response from the Bruce Rock Hockey Club and additionally provide any comment on the highlighted additional points of action that the hockey Club is proposing.

There are obviously risks in proceeding down the legal avenue. The potential timeframe for the legal process, starting with mediation, civic trial and then appeals would likely take years, not only financially impacting Council but other resources and time over that period.

The ongoing and future financial impacts of pursuing this legally and the various options and stages of any further legal approach, once started and committed to the process would be significant. The risk versus outcome may not be in the best interests of Council or the ratepayers.

**Consultation**

- Council has been addressing this matter over the past 18 months
- The Senior Management Team and CDO have been heavily involved throughout this process
- Bruce Rock Hockey Club President

- Bruce Rock Hockey Club Members (a meeting was held and open to all hockey club members, where Council outlined the background and proposed future direction that Council was considering)
- Clyde and Co Lawyers
- Local Government Insurance Services
- Tiger Turf
- Porter Consulting
- Department of Sport and Recreation
- Hockey WA
- Acoustoscan

**Statutory Implications** Nil

**Policy Implications** Nil

**Risk Implications**

<b>Risk:</b> Council proceeding with legal action to seek to rectify the hockey turf “ripple effect”.		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Major	High
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “High”. As a high-risk matter, the Chief Executive Officer will be monitoring progress.		

**Financial Implications**

Rather than risking ratepayers’ money on legal process, Council is considering not pursuing the legal approach and to opt instead to invest around \$15,000 to \$20,000 in Reserve per year for next 5 - 6 years to funds towards installing an asphalt base or in situ pad when due for turf replacement, therefore negating future issues and providing a higher quality surface.

It should be noted that ordinarily Council is not obliged to pay this amount in future replacement as it would normally be expected to pay a 1/3rd contribution to the current standard (construction type).

**Strategic Implications**

Shire of Bruce Rock Strategic Community Plan 2017-2027

Infrastructure

Goal 2 Maintain Shire owned facilities in a strategic manner and meet community needs

Economy

6.1 Promote our attractions, amenities and activities in a coordinated approach

Governance

12.5 Lead the organisation in a financially responsible and viable manner

**Voting Requirements** Absolute Majority

Officer Recommendation

1. Council resolves to not proceed with any further actions or pursue the matter legally due to the risk versus outcome, and the associated financial risk to Council and subsequently to ratepayers and the associated costs and impact on resources.
2. Rather than Council risking funds on legal processes, Council resolves to invest \$15,000 to \$20,000 in Reserve per year for next 5 - 6 years to fund towards installing an asphalt base or in situ pad when due for turf replacement, therefore negating future issues and providing a higher quality surface.
3. That Council writes to Tiger Turf and Porter Consulting expressing extreme disappointment in the outcomes of the Bruce Rock Synthetic Hockey Turf project and seek a response to request in line with the actions outlined in Council's Confidential Briefing Notes dated 15<sup>th</sup> August 2019.
4. That Council holds the official opening of the official opening of the Bruce Rock Hockey Turf and lighting project during the Great Southern Hockey Carnival to be held in Bruce Rock in July 2020.

*Council decision varied to officer recommendation to determine the amount of funds to invest in a reserve and the timeframe of this investment.*

**COUNCIL DECISION**

**Resolution OCM Oct 19 – 12.4**

**Moved: Cr Rajagopalan**

**Seconded: Cr Kilminster**

1. Council resolves to not proceed with any further actions or pursue the matter legally due to the risk versus outcome, and the associated financial risk to Council and subsequently to ratepayers and the associated costs and impact on resources.
2. Rather than Council risking funds on legal processes, Council resolves to invest \$15,000 in Reserve per year for next 6 years to fund towards installing an asphalt base or in situ pad when due for turf replacement, therefore negating future issues and providing a higher quality surface.
3. That Council writes to Tiger Turf and Porter Consulting expressing extreme disappointment in the outcomes of the Bruce Rock Synthetic Hockey Turf project and seek a response to request in line with the actions outlined in Council's Confidential Briefing Notes dated 15<sup>th</sup> August 2019.
4. That Council holds the official opening of the official opening of the Bruce Rock Hockey Turf and lighting project during the Great Southern Hockey Carnival to be held in Bruce Rock in July 2020.

**CARRIED BY ABSOLUTE MAJORITY 8/1**

*Cr MK Thornton left the Council Chambers at 4.53pm.*



**Agenda Reference and Subject:**

**12.5** Lease Variation for Café (48 Johnson Street Bruce Rock)

**File Reference:** A73 48 Johnson Street, Bruce Rock

**Reporting Officer:** Alan O’Toole, Deputy Chief Executive Officer

**Author:** Alan O’Toole, Deputy Chief Executive Officer

**Disclosure of Interest:** Cr MK Thornton

**Attachments:** Nil

**Summary**

Council is asked to consider a variation to the Lease for the Café building at 48 Johnson Street, Bruce Rock to incorporate some works necessary for the effective operation of the business, so that the cost of these works be incorporated into the monthly rental charge.

**Background**

Following a Tender process, the Lease for operating a Café business at 48 Johnson Street Bruce Rock was awarded to K McKenzie and M Thornton at the September 2019 Ordinary Meeting of Council. Subsequent meetings on site between the new tenants and Shire Officers have identified that there are some works which would need to be undertaken on the arrangement of the internal supply arrangement of utilities (gas, electricity and water) to enable effective use of the property. In addition, some kitchen and plumbing items e.g. sinks, hand-basins will need to be installed. Finally, to improve access to the rear of the property the tenants are proposing that the rear doors (which currently open inwards) are replaced with a sliding door, which, it should be noted, would also increase the safety aspect in the event of emergency. It was raised at this time whether the cost of these changes could be added as a component of the monthly lease fee, which the tenants would then pay back over the first 3-year lease term.

**Comment**

The EHO, Mr Julian Goldacre, has undertaken an inspection with regard to the proposals and believes that the changes are acceptable with the correct safety measures put in place. The proposed arrangement of the internal furniture and equipment will need to be done in such a way as to ensure that there is a clear separation and physical barrier between the cooking and food preparation areas and the public areas, including the access route to the rear of the property.

**Consultation**

Kim McKenzie and Merredith Thornton, Bruce Rock Café – Love That Food  
 Darren Mollenoyux, Chief Executive Officer  
 Melissa Schilling, Executive Assistant  
 Julian Goldacre, Environmental Health Officer

**Statutory Implications**

*Local Government Act 1995 s.6.16 & s.6.19*

*6.16. Imposition of fees and charges*

- (1) *A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.  
 \* Absolute majority required.*
- (3) *Fees and charges are to be imposed when adopting the annual budget but may be -*
  - (a) *imposed\* during a financial year; and*
  - (b) *amended\* from time to time during a financial year.**\* Absolute majority required.*

6.19. *Local government to give notice of fees and charges*

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of*

- (a) its intention to do so; and*
- (b) the date from which it is proposed the fees or charges will be imposed.*

**Policy Implications** Nil

**Risk Implications**

<b>Risk:</b> That Council not approve the Variation to the Lease for 48 Johnson Street, Bruce Rock		
<b>Likelihood</b>	<b>Consequence</b>	<b>Rating</b>
Possible	Moderate	Moderate
<b>Action / Strategy</b>		
This item has been evaluated against the Shire of Bruce Rock’s Risk Management Procedure’s Risk Matrix. The perceived level of risk is considered to be “Medium” risk and will be managed by specific monitoring and response procedures.		

**Financial Implications**

Council will need to vary the 2019/20 budget to incorporate some additional expenditure for 48 Johnson St, Bruce Rock.

Quotes have been sought from respective trades people on the cost of undertaking the changes and these total \$6309. If approved it is recommended that Council recoup the costs of these necessary improvement works by increasing the current lease to meet the expenditure occurred over the first 36 months of the tenancy. At present the monthly rental fee for the property is \$561, and these costs if approved would increase the payment to \$736.25 per month over the first 3-year lease term.

As per all Council rentals and tenancy agreement the fee and charge will be reviewed annually and further rental increases may occur.

**Strategic Implications**

*Shire of Bruce Rock – Strategic Community Plan 2017-2027*

Infrastructure

- Goal 3 Assist the local economy to grow
  - 3.7 Leverage economic opportunities and development from successful local businesses
- Goal 4 Workers and their families can work and reside in the Shire
  - 4.3 Promote existing residential land and plan for future commercial and residential land developments to meet current and future needs

**Voting Requirements**

Absolute Majority

**OFFICER RECOMMENDATION COUNCIL DECISION**

**Resolution OCM Oct 19 – 12.5**

**Moved: Cr Dolton**

**Seconded: Cr Rajagopalan**

- 1. That Council approve the additional expenditure of \$6309 in the 2019/20 budget to adapt the internal arrangement of utilities supply (gas, electricity, water) and some plumbing fittings, and install a sliding rear door at 48 Johnson St, Bruce Rock.**
- 2. That Council adopt a new monthly rental fee (inclusive of recoup costs associated with utility supply and improvement works) of \$736.25 (inc.GST) for the Café building located at 48 Johnson Street, Bruce Rock for 36 months;**
- 3. The new monthly rental fee of \$736.25 (inc. GST) is to be charged from 1st November 2019;**
- 4. Give public notice of 7 days of the intent to vary the fee and charge.**

**CARRIED BY ABSOLUTE MAJORITY 8/0**

*Cr MK Thornton returned to the Council Chambers at 4.56pm.*

**COUNCIL DECISION**

**Resolution OCM Oct 19 – 12.6**

**Moved: Cr Rajagopalan**

**Seconded: Cr Kilminster**

**That business of an urgent nature be accepted by the meeting.**

**Carried 9/0**

**COUNCIL DECISION**

**Resolution OCM Oct 19 – 12.7**

**Moved: Cr Dolton**

**Seconded: Cr Foss**

**That Council request that Main Roads change the prioritisation of traffic flow by removing the Stop sign from the Totagin Hall Road and placing it onto the Belka East Road.**

**Carried 9/0**

**13. Confidential Items**

**14. Closure of Meeting**

The Shire President, Stephen Strange thanked everyone for their attendance and declared the meeting closed at 5.09pm.

These minutes were confirmed at a meeting on 21 November 2019.

---

Cr Stephen Strange  
Shire President  
21 November 2019

# WHEATBELT COMMUNITIES INC

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## Meeting of Wheatbelt Communities Inc

Wednesday 30 October 2019

Council Chambers, Shire of Westonia,  
commencing at 10.14am

## MINUTES



Shire of Bruce Rock



Shire of Kellerberrin



Shire of Merredin



Shire of Westonia



Shire of Yilgarn

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# Wheatbelt Communities Inc

An In-person Meeting of Wheatbelt Communities Inc to be held in the Shire of Westonia's Council Chambers, commencing at 10.14am

## MINUTES

### 1. OPENING AND ANNOUNCEMENTS

The Chair, Ram Rajagopalan, opened the meeting at 10.14am welcoming all in attendance with a special welcome to new members.

### 2. RECORD OF ATTENDANCE AND APOLOGIES

#### 2.1 Attendance

Mr Ram Rajagopalan, Chair  
Mr Darren Mollenoyux, Secretary  
Mr Raymond Griffiths, Treasurer  
Mr Peter Clarke, Member  
Ms Karin Day, Member  
Mr Wayne Della Bosca, Member  
Ms Julie Flockart, Member  
Mr Rod Forsyth, Member

Mr Bill Huxtable, Deputy Member and voting member in Jamie Criddle's absence  
Mr Stephen Strange, Deputy Member

Ms Helen Westcott, Joint Executive Officer

#### 2.2 Apologies

Mr Jamie Criddle, Member  
Mr Greg Powell, Member

Mr Bruce Wittber Joint Executive Officer

#### 2.3 Guests

Nil

### 3. DECLARATION OF INTEREST

Pursuant to Clause 18 of the Wheatbelt Communities Inc Constitution, Members must declare to the Chairman any potential conflict of interest they may have in a matter before Wheatbelt Communities Inc as soon as they become aware of it. Members and Deputies may be directly or indirectly associated with some recommendations of Wheatbelt Communities Inc. If you are affected by these recommendations, please excuse yourself from the meeting and do not participate in deliberations.

This is in accordance with Clause 18.4 of the Constitution which states:

**18.4** *When a member or employee discloses a pecuniary interest he or she may neither participate in discussions nor take any part in the decision making process in respect to that matter nor be present when the matter is being discussed or voted upon.*



Nil

#### **4. PRESENTATIONS/MEETINGS**

Nil

#### **5. MINUTES OF MEETINGS**

##### **5.1 Minutes from the Wheatbelt Communities Inc Meeting held Tuesday 27 August 2019 (Attachment)**

Minutes of the Wheatbelt Communities Inc Meeting held Tuesday 27 August 2019 have previously been circulated.

##### **RECOMMENDATION:**

That the Minutes of the Meeting of Wheatbelt Communities Inc held Tuesday 27 August 2019 be confirmed as a true and accurate record of the meeting.

##### **RESOLUTION:**

**Moved: Karin Day**

**Seconded: Rod Forsyth**

**That the Minutes of the Meeting of Wheatbelt Communities Inc held Tuesday 27 August 2019 be confirmed as a true and accurate record of the meeting.**

**CARRIED**

##### **5.2 Business Arising from Meeting of Wheatbelt Communities Inc held Tuesday 27 August 2019**

Nil

#### **6. MATTERS FOR NOTING**

##### **6.1 Complying with the Associations Incorporation Act 1987 – Self-Check (Attachment)**

The Department of Commerce publishes a self-check for incorporated bodies such as Wheatbelt Communities Inc (Wheatbelt Communities). The purpose of the self-check is to assist in determining whether a group such as Wheatbelt Communities Inc (WCI) is complying with each section of the *Associations Incorporation Act 2015*.

A copy of the self-check forms an attachment to the meeting agenda.

In relation to record keeping, the Executive Officer will have available for inspection at each in-person meeting of Wheatbelt Communities Inc the following records:

- A copy of the certificate of incorporation;
- A copy of the Wheatbelt Communities Inc Constitution;
- The Members Register; and
- The Record of Office Bearers.

These records are available for inspection at this meeting of WCI.

The Executive Officer has also contacted all WCI's members to confirm their preferred contact details. All members have responded to the request for confirmation.

No action is required.

**Noted**

## **7. MATTERS FOR DECISION**

### **7.1 Wheatbelt Communities Inc (WCI) Financial Statement to 30 September 2019**

**Author:** Helen Westcott, Executive Officer

**Disclosure of Interest:** No interest to disclose

**Date:** 14 October 2019

**Attachments:** Nil

**Background:**

As Wheatbelt Communities Inc (WCI) did not adopt a separate budget for 2019/2020 having preferred to adopt a combined WEROC/WCI the below statement is a statement of income and expenditure for the period to 30 September 2019.

**Executive Officer Comment:**

No comment.

**Voting Requirement:** Simple majority

**RECOMMENDATION:**

That the Wheatbelt Communities Inc Financial Report for the period ending 30 September 2019 be received.

**RESOLUTION:**      **Moved: Raymond Griffiths**                      **Seconded: Darren Mollenoyux**

**That the Wheatbelt Communities Inc Financial Report for the period ending 30 September 2019 be received.**

**CARRIED**

**Wheatbelt Communities Inc**  
**ABN 28 416 957 824**  
**1 July 2019 to 30 September 2019**

	Budget 2019/2020	Actual to Date	Notes
<b>Committee Income</b>			
500	General Subscriptions		
0575	Wheatbelt Community Interest	\$ 7.01	
<b>Project Income</b>			
519	Project and Consultancy Fund		
	GST Output Tax		
	GST Refunds	\$ 50.00	
	<b>Total Receipts</b>	<b>\$ 57.01</b>	
<b>Committee Expenses</b>			
1724	Bank Fees & Charges	\$ -	
	Executive Services	\$ -	
	Meeting Expenses	\$ -	
	Chair Expenses	\$ -	
1723	Financial Services	\$ 312.00	
1725	Audit Fees		
	Insurance		
	Committee Training Expenses		
<b>Project Expenses</b>			
1842	Consultancy General		
	Sundry		
	GST Input Tax	\$ 31.20	
	Ato Payments		
	<b>Total Expenses</b>	<b>\$ -</b>	
	<b>Net Position</b>	<b>-\$ 286.19</b>	
	OPENING CASH 1 July	\$ 27,386.55	
	<b>CASH BALANCE</b>	<b>\$ 27,100.36</b>	

**7.2 List of Accounts Paid****Author:** Helen Westcott, Executive Officer**Disclosure of Interest:** No interest to disclose**Date:** 14 October 2019**Attachments:** Nil**Executive Officer Comment:**

Accounts paid during the period 15 August 2019 to 14 October 2019

**Accounts Paid:**

Cheque/EFT	Date	Payee	For	Amount incl GST
EFT	260819	Up to Date Accounting	Accounting Services July 2019	224.40
EFT	160919	Up to Date Accounting	Accounting Services August 2019	92.40
EFT	111019	Up to Date Accounting	Accounting Services September 2019	79.20
<b>Total</b>				<b>\$396.00</b>

**RECOMMENDATION:**

That the list of accounts paid for the period 15 August 2019 to 14 October 2019 totalling \$396.00 be endorsed.

**RESOLUTION:** Moved: Karin Day Seconded: Rod Forsyth**That the list of accounts paid for the period 15 August 2019 to 14 October 2019 totalling \$396.00 be endorsed.****CARRIED**

**8. OTHER MATTERS**

Nil

**9. FUTURE MEETINGS**

To be advised

**10. CLOSURE**

There being no further business the Chair closed the meeting at 10.17am.

DECLARATION

These minutes were confirmed by the Wheatbelt Communities Inc at the meeting held \_\_\_\_\_

Signed \_\_\_\_\_  
Person presiding at the meeting at which these minutes were confirmed



# Council Meeting

Wednesday 30 October 2019

Council Chambers, Shire of Westonia, commencing at 10.18am

## MINUTES

**WEROC | Wheatbelt East Regional Organisation of Councils**

Incorporating the Shires of Bruce Rock, Kellerberrin, Merredin, Westonia and Yilgarn

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# WEROC

## Wheatbelt East Regional Organisation of Councils

Shires of Bruce Rock, Kellerberrin, Merredin, Westonia, Yilgarn

An In-person Council Meeting held in the Shire of Westonia's Council Chamber, commencing at 10.18am

# MINUTES

## 1. OPENING AND ANNOUNCEMENTS

The Executive Officer opened the meeting at 10.18am

## 2. RECORD OF ATTENDANCE AND APOLOGIES

### 2.1 Attendance

Cr Stephen Strange  
Cr Ram Rajagopalan  
Mr Darren Mollenoyux  
Cr Rod Forsyth  
Mr Raymond Griffiths  
Cr Julie Flockart  
Cr Karin Day  
Cr Bill Huxtable  
Cr Wayne Della Bosca  
Mr Peter Clarke

President Shire of Bruce Rock  
Deputy President, Shire of Bruce Rock  
CEO, Shire of Bruce Rock  
President, Shire of Kellerberrin  
CEO, Shire of Kellerberrin  
President, Shire of Merredin  
President, Shire of Westonia  
Deputy President, Shire of Westonia  
President, Shire of Yilgarn  
CEO, Shire of Yilgarn

Helen Westcott

Joint Executive Officer

### 2.2 Apologies

Mr Greg Powell, CEO, Shire of Merredin  
Mr Jamie Criddle, CEO, Shire of Westonia

Mr Bruce Wittber, Joint Executive Officer

### 2.3 Guests

Nil

### RESOLUTION:

Moved: Cr Forsyth

Seconded: Cr Della Bosca

That WEROC acknowledge the appointment of the following Council representatives to WEROC:

Shire of Bruce Rock: Cr Ram Rajagopalan, Member  
Mr Darren Mollenoyux, Member  
Cr Stephen Strange, Deputy Member  
Mr Alan O'Toole, Deputy Member



Shire of Kellerberrin:	<b>Cr Rod Forsyth, Member</b> <b>Mr Raymond Griffiths, Member</b> <b>Cr Matt Steber, Deputy Member</b>
Shire of Merredin	<b>Cr Julie Flockart, Member</b> <b>Mr Greg Powell, Member</b>
Shire of Westonia	<b>Cr Karin Day, Member</b> <b>Mr Jamie Criddle, Member</b> <b>Cr Bill Huxtable, Deputy Member</b>
Shire of Yilgarn	<b>Cr Wayne Della Bosca, Member</b> <b>Mr Peter Clarke, Member</b> <b>Cr Linda Rose, Deputy Member</b>

CARRIED

### **3. EXTENSION OF THE CURRENT WEROC MOU**

With the reform of Wheatbelt Communities Inc through the development of a new constitution, including its renaming to WEROC Inc, not yet finalised it is necessary to extend the WEROC Memorandum of Understanding, which expired on 30 June 2019, for a short time. This extension would only be until such time as approval from the of Department of Mines Industry and Regulation has been received for the new constitution and the group's name change (refer to Agenda Item 8.1).

The extension will allow for various tasks to be undertaken relating to the transfer of funds etc to the renamed incorporated body (refer to Agenda Item 8.1).

#### **RECOMMENDATION:**

That the current WEROC Memorandum of Understanding be extended until such time as the Department of Mines Industry and Regulation has approved the new constitution for Wheatbelt Communities Inc, which includes the renaming of the organisation to WEROC Inc.

**RESOLUTION:**                      **Moved: Cr Day**                      **Seconded: Cr Huxtable**

**That the current WEROC Memorandum of Understanding be extended until such time as the Department of Mines Industry and Regulation has approved the new constitution for Wheatbelt Communities Inc, which includes the renaming of the organisation to WEROC Inc.**

CARRIED

### **4. ELECTION OF WEROC OFFICE BEARERS**

Clause 5.3 of the current WEROC Memorandum of Understanding reads as follows:

#### **5.3 Election of Chairman and Deputy Chairman**

- (1) *The members of the WE-ROC shall elect a President from a Participant as Chairman and another Participant as Deputy Chairman following the biennial local government election, with each appointment being on a rotational alphabetical basis.*
- (2) *If the office of Chairman or Deputy Chairman becomes vacant then the members of WE-ROC shall elect a new Chairman or Deputy Chairman, as the case requires.*

It should be noted that the CEO of the Shire from which the Chairman, is elected, automatically assumes the role of CEO of WEROC.

#### **4.1 Election of Chair**

Cr Day nominated Cr Rajagopalan for the position of WEROC Chair.

Cr Rajagopalan accepted the nomination.

**There being no other nominations, Cr Rajagopalan was elected unopposed as the WEROC Chair.**

Cr Rajagopalan assumed the Chair.

#### **4.2 Election of Deputy Chair**

Cr Day nominated Cr Forsyth for the position of WEROC Deputy Chair.

Cr Forsyth accepted the nomination.

**There being no other nominations, Cr Forsyth was elected unopposed as the WEROC Deputy Chair.**

### **5. PRESENTATIONS/MEETINGS**

Nil

### **6. MINUTES OF MEETINGS**

#### **6.1 Minutes from the Council Meeting held Tuesday 27 August 2019 (Attachment)**

Minutes of the Council Meeting held Tuesday 27 August 2019 have previously been circulated to Member Councils.

##### **RECOMMENDATION:**

That the Minutes of the Executive Meeting held Tuesday 27 August 2019 be confirmed as a true and correct record.

**RESOLUTION:** **Moved: Cr Della Bosca** **Seconded: Mr Mollenoyux**

**That the Minutes of the Executive Meeting held Tuesday 27 August 2019 be confirmed as a true and correct record.**

**CARRIED**

#### **6.2 Minutes from the Executive Meeting held Wednesday 25 September 2019 (Attachment)**

Minutes of the Council Meeting held Wednesday 25 September 2019 have previously been circulated to Member Councils.

##### **RECOMMENDATION:**

That the Minutes of the Executive Meeting held Wednesday 25 September 2019 be received.

**RESOLUTION:** **Moved: Mr Clarke** **Seconded: Mr Griffiths**

**That the Minutes of the Executive Meeting held Wednesday 25 September 2019 be received.**

**CARRIED**

### 6.3 Business Arising – Status Report as at 21 October 2019

#### Executive Meeting Wednesday 29 May 2019

##### 7.1 LGIS Co-Ordinator

RESOLUTION: *Moved: Darren Mollenoyux* *Seconded: Greg Powell*

*That:*

1. *Mr Ben Galvin from LGIS be invited to attend the next meeting of the WEROC Executive to discuss concerns Member Councils have with their region's current LGIS coordinator; and*
2. *That should Mr Galvin be available to meet with the WEROC Executive on 24 July, Member Councils' Works Supervisors also be invited to attend the meeting.*

*CARRIED*

Ben Galvin and Jordan Reid from LGIS accepted an invitation to meet with the WEROC Executive on Wednesday 24 July 2019 but with the cancellation of the meeting the presentation did not take place.

Whilst LGIS accepted an invitation to attend the September meeting of the WEROC Executive it was not possible for either Ben Galvin or Jordan Reid to attend the meeting.

It is hoped they will be able to attend the November meeting of the WEROC Executive.

**It was agreed that no further action on this matter was required.**

#### Council Meeting Tuesday 27 August 2019

##### 6.7 Support for NEWTravel and Roe Tourism Application for a QANTAS Regional Grant

RESOLUTION: *Moved: Cr Forsyth* *Seconded: Cr Day*

*That the WEROC Council provide a letter of support for the NEWTravel and Roe Tourism Application for a QANTAS Regional Grant.*

*CARRIED*

A letter of support has been provided.

Support from WEROC was also sought by NEWTravel and Roe Tourism for their application for a Regional Economic Development Grant. The proposal was for funding towards a Joint Wheatbelt Tourism Branding project between NEWTRAVEL, RoeTourism, WEROC and the Shire of Merredin (through the Central Wheatbelt Visitor Centre). The request for support was one that would have seen WEROC provide for financial assistance as part of its support for the funding application.

Following discussions with the WEROC CEO, the Executive Officer advised that such support at this point was not possible as the request would have to be considered and approved by WEROC Council.

A request for updated information on NEWTravel and Roe Tourism's funding efforts for discussion at the Executive Meeting was requested but nothing was received for discussion at that meeting.

The Executive Officer again emailed NEWTravel on Thursday 10 October 2019 but at the time of preparing for the WEROC Council Meeting had not received any further information.

**Cr Flockart declared an impartiality interest with respect to this item as the Wheatbelt Development Commission, of which she is Board Member, has oversight for the Regional Economic Development Grants Scheme.**

Darren Mollenoyux advised the meeting that the group had been unsuccessful in obtaining the Qantas grant and now was looking to obtain funding through the State Government's Regional Economic Development Grants Scheme. No further action was required by WEROC at this time.

**Executive Meeting Wednesday 25 September 2019**

**5.1 Future WEROC Projects – Asset Management Project**

*RESOLUTION: Moved: Greg Powell Seconded: Jamie Criddle*

*That the:*

- 1. WEROC Executive be requested to table Accingo's report and recommendations on the review of mobile assets and plant across each Member Council for discussion at either their October or November round of Council meetings; and*
- 2. Executive Officer be provided with comments from these discussions to enable a report to be prepared for the WEROC Executive Meeting scheduled to be held Wednesday 27 November 2019.*

*CARRIED*

Once all responses have been received the Executive Officer will prepare report for the Executive Meeting scheduled for Wednesday 27 November 2019.

At the time of preparing the WEROC meeting agenda the Executive Officer had received the following advice from Member Councils:

**Shire of Bruce Rock**

The CEO Shire of Bruce Rock advised the WEROC Executive Meeting held Wednesday 25 September 2019 that the Accingo Report would be considered at Council's November 2019 meeting.

**Shire of Kellerberrin**

The CEO Shire of Kellerberrin advised by email on Thursday 24 October 2019 that at its October meeting, held the previous day, Council voted to support Recommendations 1,2,3 and 4 contained with the Accingo Report.

**Shire of Merredin**

The CEO Shire of Merredin advised by email on 23 October 2019 that that the Accingo Report would be considered at Council's November 2019 meeting.

**Shire of Westonia**

Information not available prior to the completion of the meeting agenda.

The CEO Shire of Yilgarn advised by email on Friday 18 October 2019 that at its October meeting, held the previous day, Council resolved as shown below:

*Moved Cr Della Bosca/Seconded Cr Guerini*

*That Council advises WEROC's Executive Officer that in respect to the Accingo Asset Management Report and associated recommendations, Council supports the implementation of recommendations 1 to 4 but does not see value in recommendations 5 and 6 due to the significant cost implications for all WEROC Member Councils if they were implemented.*

*CARRIED (7/0)*

As per part 2 of the WEROC Executive resolution a report will be prepared for the WEROC Executive Meeting scheduled for Wednesday 27 November 2019.

**The Executive Officer reported that the Shire of Westonia had also considered the report, with the CEO Shire of advising that at its October meeting Council voted to support Recommendations 1,2,3 and 4 contained with the Accingo Report.**

#### 5.4 Participation by WEROC in Renewable Energy Projects

Following its meeting with Steve Mason, CEO Innovation Central Midlands WA Inc (ICM), on ICM's involvement with BSC Energy, Power Ledger and others in developing sources of renewable energy on Tuesday 27 August 2019, WEROC Council resolved as shown below:

**RESOLUTION:** *Moved: Cr Rajagopalan* *Seconded: Mr Criddle*

---

*That WEROC:*

- 1. Initiate discussions with BSC Energy and Power Ledger seeking the conduct of a pre-feasibility study in respect to developing a micro-grid system across the WEROC geographic area; and*
- 2. Extend an invitation to Steve Mason to meet with WEROC Council in 2020 to provide an update on Innovation Central Midlands WA Inc's renewable energy project.*

**CARRIED**

Work on preparing a pre-feasibility study is underway, with the WEROC Executive discussing the project at its September meeting. BSC have requested information on power consumption from each Member Council.

At the time of preparing the meeting agenda the Executive Officer had received power usage information from all Member Councils. The information has been provided to BSC Energy.

The Executive Officer has also extended an invitation to Steve Mason to meet with WEROC Council next year.

Since the September meeting of the WEROC Executive the Executive Officer has also met with a representative from Synergy.

Synergy had become aware of a number of Councils, including those within WEROC, looking to investigate ways of working with groups such as BSC Solar and Power Ledger in an attempt to cut costs associated with power usage and potentially to develop revenue from projects such as those WEROC has been investigating.

Synergy requested a meeting with WEROC to discuss ways in which it could work with Member Councils to reduce their power costs. Following discussions with the WEROC CEO, Peter Clarke, the Executive Officer has extended an invitation to Ms Ana Farla, Broker Channel Specialist (Electricity Generation) at Synergy to meet with the WEROC Executive at the meeting scheduled for Wednesday 27 November 2019. Because Synergy is a WALGA preferred supplier an invitation has also been extended for WALGA to attend the meeting.

**RESOLUTION:** *Moved: Cr Day* *Seconded: Cr Della Bosca*

---

*That:*

- 1. The WEROC Executive Meeting scheduled for Wednesday 27 November 2019 be cancelled and a WEROC Council Meeting be held in Merredin on Thursday 28 November 2019, with the meeting commencing at 1.00pm; and**
- 2. Synergy be advised of the meeting changes and invited to meet with the WEROC Council on Thursday 28 November 2019.**

**CARRIED**

#### 5.7 Funding to Support and Mentor Local Governments to Assist in the Development of Public Health Plans

**RESOLUTION:** *Moved: Darren Mollenoyux* *Seconded: Greg Powell*

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*That the WEROC Executive recommend to the WEROC Council that:*

- 1. WEROC write to the WA Local Government Association (WALGA) requesting that it prepare a local health plan template based on the Salaries and Allowances Tribunal four band classification model to assist in the preparation of local health plans that meet the needs of small rural and remote local governments; and*
- 2. If WALGA is unable to assist in preparing a template to assist in the preparation of local health plans WEROC look to creating its own template from which Member Councils can prepare individual local health plans.*

**CARRIED**

Part 1 of the above resolution has recently been actioned.

#### 6.4 Size and Scale Compliance Regime – Local Government Act Review

*It was agreed that the Executive Officer should provide WALGA with a copy of the submission it submitted to the Department of Local Government, Sport and Cultural Industries on the review of the Local Government Act.*

*It was also agreed that Member Councils should also provide WALGA with any examples they believe should be included in the work being undertaken by WALGA.*

A copy of WEROC's submission to the Department of Local Government, Sport and Cultural Industries on the review of the Local Government Act has been provided to WALGA as per the WEROC Executive's request.

**The Executive Officer advised that WALGA had acknowledged receipt of the WEROC submission.**

#### **RECOMMENDATION:**

That the Status Report for October 2019 be received.

**RESOLUTION:**                      **Moved: Cr Forsyth**                      **Seconded: Cr Day**

---

**That the Status Report for October 2019 be received.**

**CARRIED**

#### 6.4 **Matters for Noting (Attachments)**

The following matters are presented for noting:

- 2019 Western Australian Regional Achievement and Community Awards - as Member Councils may be aware, WEROC was nominated as part of this year's Western Australian Regional Achievement and Community Awards. WEROC was a finalist in the Local Government, Sport and Cultural Industries - Making a Difference Award. Its nomination results from its involvement in the Wheatbelt Medical Student Immersion Program. Other finalists in this category include:
  1. 42 Wheatbelt LGA's, WBSFR Working Group; and
  2. Laverton Shire.

The winners of the various awards covered in this awards event were announced at a gala dinner held at the Hyatt Regency Hotel in Perth on Friday 18 October 2019. Cr Stephen Strange, accompanied by his wife Karen, represented WEROC at the awards function. Sadly, WEROC was unsuccessful.

Cr Strange may wish to provide further comment on the awards evening.

**Cr Strange provided a brief report on the awards evening.**

**The evening was very enjoyable, with over 500 in attendance. All finalists were invited to the stage and given time to speak on their project.**

- 5G will widen city and rural digital divide – a recent article from the ALGA Newsletter highlights the problems facing rural and remote communities as they endeavour to remain digitally connected. To quote from the article published on Friday 27 September 2019:

*"The fifth generation of mobile technology, which works alongside 4G infrastructure, will take a decade to deploy and its challenges for carriers will mean a bigger digital divide between city and rural communities, technology consultants have said.*

*Given previous experiences, it's unlikely Australia's telecommunications companies will agree to share fixtures as they roll out 5G small cells and towers, they added.*

*"Sharing infrastructure [such as towers and power poles] would help but by no means solve this problem," Geof Heydon of Astrolabe Group told ALGA News.*

*"The business case for 5G is challenged and the carriers will probably struggle to afford widespread 5G. There is little new revenue from 5G."*

*While technically sharing 5G small cells was easy to do, at this stage this seems unlikely, Mr Heydon said.*

*"This means that if we get three carriers deploying very small cells in city areas, then we will see very large numbers of small cells.*

*"Most of these will also require a fibre [backbone] to connect to.*

*The business case for small cells will be limited to very dense population areas – CBD only.*

*"A bigger digital divide than we have today will emerge."*

*Mr Heydon is working with several city councils to see if small cells could be concentrated.*

*They are pushing carriers to design antennae's that blend into the environment," he said.*

*"They also want sharing to happen and are pushing that too.*

*"ALGA has also been advocating similar views from councils and has conveyed this directly to the Australian Mobile Telecommunications Association and Telstra representatives.*

*Mr Heydon, who with colleague Nam Nguyen of Infyra outlined the impact on 5G on network infrastructure for Infrastructure Magazine, said governments had a role to play in the new technology, but were not yet focusing on "all the right issues" such as infrastructure sharing and reducing the digital divide.*

*"5G will not provide all the answers for the Internet of Things [in which tens of billions of devices and sensors are connected], despite the carrier rhetoric," Mr Heydon said.*

*Because 5G radio signals use a lower radio frequency range than 4G, they don't travel as far and will need additional infrastructure to deliver the same coverage at higher bandwidth speeds and latency, the consultants' Infrastructure article said.*

*This will include more mobile towers with new antennae, lots of small cells for density coverage, and in-building coverage because it will be difficult for signals to penetrate buildings. Rain and trees also hinder 5G signals, Mr Heydon added.*

*"Despite early network deployment from operators in Australia, it will be a while before 5G becomes widely available, due to network infrastructure requirements," the consultants wrote.*

*"For regional Australia, it would take even longer as operators would target high population density areas first.*

*"Any talk of 5G for agriculture will be unrealistic in the short term."*

*Meanwhile, there is no evidence that radio waves from 5G technology has short or long-term health effects, the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) said.*

*“This network currently runs on radio waves similar to those used in the current 4G network, and in the future will use radio waves with higher frequencies,” said the Commonwealth agency, which monitors the effects of radiation on humans and the wider environment.*

*“It is important to note that higher frequencies does not mean higher or more intense exposure.” A Federal Parliamentary committee is inquiring into the rollout, adoption and application of 5G mobile technology and seeks submissions by 1 November.*

Whilst it is too late for WEROC to consider lodging a submission, a review of the Government’s response to the report once published may require reading and possible action by Member Councils. The further disconnection of non-metropolitan Councils is one that WEROC should work to prevent.

- Media statement from Hon Bill Johnston MLA on Thursday 3 October 2019 regarding Horizon Power’s removal of parts of its overhead with an off-grid renewable energy power solution

The statement can also be accessed by following the link shown below:

<https://www.mediastatements.wa.gov.au/Pages/McGowan/2019/10/Energy-transformation-delivers-renewable-solution-to-regions.aspx>

- ABC news article dated Tuesday 8 October 2019 regarding recent financial losses by Synergy. The news article can also be accessed by following the link shown below:

<https://www.abc.net.au/news/2019-10-08/synergy-failure-may-lead-to-bill-hikes-or-taxpayer-bailouts/11579864>

**RECOMMENDATION:**

That the matters listed for noting be received.

**RESOLUTION:**                      **Moved: Cr Flockart**

**Seconded: Mr Clarke**

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**That the matters listed for noting be received.**

**CARRIED**



## 7. WEROC FINANCE

### 7.1 WEROC Finance Report as at 30 September 2019

**File Reference:** 042-2  
**Author:** Helen Westcott, Executive Officer  
**Disclosure of Interest:** Nil  
**Date:** 20 October 2019  
**Attachments:** Nil

**RECOMMENDATION:**

**That the WEROC Financial Report for the period ending 30 September 2019 be received.**

**Executive Officer's Report:**

Presenting the WEROC Statement of Receipts and Payments for the period ending 30 September 2019.

An explanation for each of the notes is provided below.

<b>Note 1</b>	Four 2019/2020 annual subscriptions have been paid up until 30 September 2019. The fifth annual subscription was paid in early October 2019
<b>Note 2</b>	WEROC interest to date
<b>Note 3</b>	This allocation covers the expenditure on Executive Services
<b>Note 4</b>	This allocation covers the expenditure on travel and accommodation
<b>Note 5</b>	This allocation covers the expenditure on Financial Services
<b>Note 6</b>	This allocation includes part payment to Accingo for the Asset Management project and the costs associated with Dr Andrew Harper for Curtin Wheatbelt Medical Project
<b>Note 7</b>	Food expenses for WEROC Meeting in Kellerberrin on 27 August 2019
<b>Note 8</b>	This allocation covers the costs incurred this financial year in respect to the WEROC app and website

**Consultation:** Nil  
**Financial Implications:** WEROC adopted Budget for 2019/2020  
**Voting Requirement:** Simple Majority

**RESOLUTION:** Moved: Cr Flockart Seconded: Cr Della Bosca

**That the WEROC Financial Report for the period ending 30 September 2019 be received.**

**CARRIED**

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Wheatbelt East Regional Organisation of Councils (WEROC)				
ABN 28 416 957 824				
1 July 2019 to 30 September 2019				
		Budget 2019/2020	Actual to	Notes
<b>Income</b>				
0501	General Subscriptions WEROC	\$ 60,000	\$ 48,000.00	1
504.01	Consultancy & Project Reserve			
0575	WE-ROC Interest received	\$ 900	\$ 74.06	2
584	Other Income			
	GST Output Tax		\$ 4,800.00	
	GST Refunds		\$ 2,514.00	
	<b>Total Receipts</b>	<b>\$ 60,900</b>	<b>\$ 55,388.06</b>	
<b>Expenses</b>				
1545	WEROC Bank Fees & Charges	\$ 100		
1661.01	WEROC Executive Services Professional Services	\$ 55,000	\$ 11,307.29	3
1661.02	WEROC Executive Officer Travel and Accommodation	\$ 8,000	\$ 764.31	4
1687	WEROC Financial Services Accounting	\$ 7,000	\$ 1,027.89	5
1687.03	WEROC Financial Services Audit	\$ 3,750	\$ 17.85	
1585	WEROC Consultant Expenses	\$ 30,000	\$ 10,637.35	6
1850	WEROC Management of WE-ROC App	\$ 5,000	\$ 1,021.92	7
1801	WEROC Meeting Expenses	\$ 500	\$ 212.73	8
1851	WEROC Insurance	\$ 5,000	\$ -	
1852	WEROC Legal Expenses	\$ 2,000	\$ -	
1853	WEROC Incorporation Expenses (including legal fees)	\$ 15,000	\$ -	
1930	WEROC Sundry	\$ 500	\$ -	
3384	GST Input Tax		\$ 2,285.25	
	Ato Payments		\$ -	
	Suspense Account		\$ -	
	<b>Total Payments</b>	<b>\$ 131,850</b>	<b>\$ 27,274.59</b>	
	<b>Net Position</b>	<b>-\$ 70,950</b>	<b>\$ 28,113.47</b>	
	<b>OPENING CASH 1 July</b>	<b>\$ 160,927</b>	<b>\$ 150,919.05</b>	
	<b>CASH BALANCE 30 September 2019</b>	<b>\$ 89,977</b>	<b>\$ 179,032.52</b>	
	Westpac One		\$ 9,160.23	
	Westpac Reserve		\$ 169,872.29	
			<b>\$ 179,032.52</b>	

**7.2 List of Accounts**

**File Reference:** 042-2  
**Author:** Helen Westcott, Executive Officer  
**Disclosure of Interest:** Nil  
**Date:** 20 October 2019  
**Attachments:** Nil

**RECOMMENDATION:**

**That the Accounts Paid for the period 1 August 2019 to 30 September 2019 totalling \$13,266.68 be approved.**

**Executive Officer’s Report:**

Accounts paid during the period 1 August 2019 to 30 September 2019.

The list of accounts paid is submitted to each WEROC Council Meeting.

**Accounts Paid:**

Cheque/EFT	Date	Payee	For	Amount incl GST
EFT	050819	BHW Consulting	Professional Services, Accommodation and Travel July 2019	4,203.60
EFT	260819	Up to Date Accounting	Accounting Services July 2019	633.60
EFT	050919	BHW Consulting	Professional Services, Accommodation and Travel August 2019	4,667.73
EFT	050919	Succulent Foods	Catering WEROC Council Meeting 27 August 2019	234.00
EFT	090919	Dr Andrew Harper	Reimbursement Curtin Wheatbelt Medical Project	1,685.13
EFT	090919	Kahla Edwards	Reimbursement Curtin Wheatbelt Medical Project	452.22
EFT	160919	Up to Date Accounting	Accounting Services August 2019	290.40
007	040619	Go 2 Guides	Costs WEROC website and app	1,100.00
<b>Total</b>				<b>\$13,266.68</b>

**Consultation:** Nil  
**Financial Implications:** WEROC adopted Budget for 2019/2020  
**Voting Requirement:** Simple Majority

**RESOLUTION:** **Moved: Mr Mollenoyux** **Seconded: Mr Clarke**

**That the Accounts Paid for the period 1 August 2019 to 30 September 2019 totalling \$13,266.68 be approved.**

**CARRIED**

### 7.3 Draft Audited Financial Statement for the year ending 30 June 2019 (Attachments)

**Reporting Officer:** Helen Westcott, Executive Officer

**Disclosure of Interest:** Nil

**Date:** 20 October 2019

**Attachments:** Draft Audited Financial Statement, Representation Letter and Management Letter for 2018/2019

**RECOMMENDATION:**

**That WEROC:**

1. **Approve the Draft Financial Report and Representation Letter and authorise the WEROC Chair and Executive Officer, as appropriate, to sign the documents; and**
2. **Note the Management Letter.**

**Background:**

Presenting the draft Audited Financial Statement, Representation Letter and Management Letter for the period 1 July 2018 to 30 June 2019

**Executive Officer Comment:**

WEROC's Auditors, AMD Chartered Accountants, have provided the Executive Officer with the following documents for consideration:

- Draft Financial Report;
- Representation Letter; and
- Draft Management Letter.

The Auditors have requested that the Financial Report be reviewed, the "Statement by Members of the Committee" within the Draft Financial Report be signed by the WEROC Chair and Executive Officer and the Representation Letter reviewed and signed by the Executive Officer.

The draft Management Letter has not identified any matters that require consideration by the WEROC Council.

It should be noted that once the draft reports have been signed and returned to the Auditors the final Audit Report will be provided to WEROC.

The final Audit Report will be presented to the next meeting of WEROC Council.

**RESOLUTION:** Moved: Cr Della Bosca                      Seconded: Mr Clarke

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**That WEROC:**

1. **Approve the Draft Financial Report and Representation Letter and authorise the WEROC Chair and Executive Officer, as appropriate, to sign the documents; and**
2. **Note the Management Letter.**

**CARRIED**

## 8. MATTERS FOR DECISION

### 8.1 The Future Governance for WEROC – Development of the WEROC Constitution

<b>File Reference:</b>	031-4 Intergovernment Relations
<b>Author:</b>	Helen Westcott, Executive Officer
<b>Portfolio:</b>	CEO/Governances (Governance Shire of Yilgarn) Advocacy (Shared Portfolio)
<b>Disclosure of Interest:</b>	No interest to disclose
<b>Date:</b>	25 October 2019
<b>Attachments:</b>	Nil

#### RECOMMENDATION:

##### That:

1. The WEROC Executive Officer prepare and arrange the audit of the final statements of account for WEROC in order that all funds can be transferred from WEROC to the revised entity WEROC Inc once established;
2. WEROC determine how all projects currently being undertaken by WEROC will be continued/completed under WEROC Inc once established; and
3. A Special General Meeting of Wheatbelt Communities Inc be held, via teleconference, prior to Christmas for the purpose of adopting the new constitution.

#### Executive Officer's Report:

The development of a new constitution was considered at the WEROC Council Meeting held Wednesday 26 June 2019 at which time it was resolved as shown below:

*RESOLUTION: Moved: Mr Griffiths Secoded: Cr Forsyth*

*That the Shire of Tammin be approached to ascertain whether the Shire may wish to join/rejoin WEROC.*

*CARRIED*

*RESOLUTION: Moved: Cr Strange Secoded: Mr Criddle*

##### *That:*

1. *The Executive Officer's Report be received;*
2. *Two members from each local government be appointed by the individual Member Councils to the WEROC Committee and the draft constitution be amended to reflect that arrangement in regard to membership;*
3. *A draft constitution be developed and referred to Member Councils for comment prior to the WEROC Council Meeting on 21 August 2019; and*
4. *The WEROC Executive Committee only meet on an as needs basis.*

*CARRIED*

The Shire of Tammin accepted WEROC's invitation to attend the August WEROC Council Meeting.

A draft constitution was prepared as per the above resolution and forwarded to Member Councils on Wednesday 31 July 2019, with a request that the draft be considered by Member Councils at their August meetings.

Following discussions with the WEROC CEO during the 2019 WALGA Convention it was determined that further work on the constitution was required, specifically to include wording from the Warren Blackwood Alliance of Councils (WBAC)

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Constitution. Work on redrafting the constitution was not completed sufficiently for consideration at the August WEROC Council Meeting.

A draft based on the WEROC CEO's requirements was prepared and presented at the WEROC Executive Meeting held Wednesday 25 September 2019.

In preparing the draft the Executive Officer also included wording took into account WEROC's decision with respect to membership of WEROC once incorporated, WEROC Council Meeting resolving as shown below on Wednesday 26 June 2019:

*RESOLUTION: Moved: Cr Strange Seconded: Mr Criddle*

---

*That:*

- 1. The Executive Officer's Report be received;*
- 2. Two members from each local government be appointed by the individual Member Councils to the WEROC Committee and the draft constitution be amended to reflect that arrangement in regard to membership;*
- 3. A draft constitution be developed and referred to Member Councils for comment prior to the WEROC Council Meeting on 21 August 2019; and*
- 4. The WEROC Executive Committee only meet on an as needs basis.*

*CARRIED*

Following its review of the draft presented, the WEROC Executive resolved as follows on Wednesday 25 September 2019:

*RESOLUTION: Moved: Raymond Griffiths Seconded: Jamie Criddle*

---

*That the draft WEROC Constitution be accepted, subject to the changes detailed below, as presented and referred to Member Councils for comment.*

*Clause 6.4 to read:*

- 6.4 Representatives qualifications*  
*Representatives of Local Governments must be sitting Councilors or the Chief Executive Officer and must be approved by WEROC Board.*

*A new clause be added to cover the financial contribution to be made by new members on their joining WEROC:*

- 10.2 Financial Contributions by New Members*  
*Where a new member is admitted to WEROC, a financial contribution to be made by the new member, in addition to the annual financial contribution, will be as determined by the Board.*

*Clause 14.2 to be simplified:*

- 14.2 Where a vacancy on the Board occurs after 31 March in any year:*  
*(a) the position can remain vacant until the next Annual General Meeting or;*  
*(b) an election to fill the vacancy is to take place at a Special meeting called for that purpose.*

*Clause 15.2 to read:*

- 15.2 Notice of Meeting*  
*Notice of a meeting of the Board, stating the business of the meeting and including reports and supporting documentation must be given by the Executive Officer to each representative at least 5 business days prior to the meeting.*

Clause 16.1 to read:

**16.1 Executive Officer Appointed**

*The Board is empowered to appoint an Executive Officer for a contract period not exceeding five years or to remove an Executive Officer from WEROC and to decide upon his or her remuneration and duties. The contract of an Executive Officer so appointed may be renewed from time to time at the discretion of the Board.*

CARRIED

Member Councils all received a word copy of the revised draft of the proposed WEROC Constitution for consideration and comment back to the WEROC Executive Officer.

At the time of finalising the meeting agenda the Executive Officer had received responses from all Member Councils.

Each is provided below:

**Shire of Bruce Rock**

The CEO Shire of Bruce Rock advised by email on 23 October 2019 that Council had accepted the Draft Constitution as presented, inclusive of the proposed changes from the WEROC Executive.

**Shire of Kellerberrin**

The CEO Shire of Kellerberrin advised by email on 24 October 2019 that Council had accepted the Draft Constitution as presented, inclusive of the proposed changes from the WEROC Executive.

**Shire of Merredin**

The CEO Shire of Merredin advised by email on 23 October 2019 that Council had accepted the Draft Constitution as presented, inclusive of the proposed changes from the WEROC Executive.

**Shire of Westonia**

Information not available prior to the completion of the meeting agenda.

**Shire of Yilgarn**

The CEO Shire of Yilgarn advised by email on 18 October 2019 that Council had resolved as follows on 17 October with respect to the Draft Constitution:

*Moved Cr Della Bosca/Seconded Cr Shaw*

*That Council advises WEROC's Executive Officer that it supports the proposed Draft Constitution as presented which enables WEROC to become the Incorporated body under the Associations Incorporation Act 2015 as opposed to the current Wheatbelt Communities Inc.*

CARRIED (7/0)

The above confirms Member Councils belief that a single body established under the *Associations Incorporation Act 2015* is the most appropriate way in which to work collaboratively.

Work must now proceed to achieve the following:

1. Prepare and arrange the audit of the final statements of account for WEROC in order that all funds can be transferred from WEROC to the revised entity WEROC Inc once established.
2. Determine how all projects currently being undertaken by WEROC will be continued/completed under WEROC Inc once established.
3. Prepare a final version of the new constitution for lodgement with the Department of Mines Industry and Regulation (the Department).

In adopting the new constitution Member Councils need also to be aware of the responsibilities required under the *Associations Incorporation Act 2015* (the Act).

S30 of the Act outlines the process for alteration of the rules (Constitution).

S33 of the Act outlines the process for alteration of the objects or purpose of the Association.

The Act also outlines how a resolution can be passed.

S51 of the Act outlines that a Special Resolution is as follows:

*For the purposes of this Act, a resolution is a special resolution if it is passed —*

- a) at a general meeting of an incorporated association; and*
- b) by the votes of not less than three-fourths of the members of the association who cast a vote at the meeting.*

Given that the draft constitution was only presented to Member Councils for review and adoption at the October round of Council meetings it was not possible to have everything ready to allow for a special general meeting of Wheatbelt Communities Inc to approve the final draft of the constitution, with associated name change and changes in objects and purpose to be held with this round of meetings.

It is proposed that a Special General Meeting of Wheatbelt Communities Inc be called prior to Christmas for the purpose of adopting the new constitution. The meeting will be held via teleconference.

Following its adoption, the new constitution will be lodged with the Department for approval and registration.

**It should be noted that all notices for the adoption of the new constitution will come via Wheatbelt Communities Inc and not WEROC.**

**Additional Meeting Comment:**

Mr Griffiths asked whether the Shire of Tammin had provided any feedback to WEROC following their attendance at the August meeting of the WEROC Council. The Executive Officer advised that the Shire had not.

Mr Griffiths suggested that WEROC should write to the Shire of Tammin to seek feedback on whether or not the Shire was interested in re-joining WEROC following its incorporation.

<b>Consultation:</b>	Nil
<b>Financial Implications:</b>	As yet unknown
<b>Voting Requirement:</b>	Simple Majority

**RESOLUTION:**                      **Moved: Mr Griffiths**                      **Seconded: Cr Della Bosca**

---

**That:**

- 1. The WEROC Executive Officer prepare and arrange the audit of the final statements of account for WEROC in order that all funds can be transferred from WEROC to the revised entity WEROC Inc once established;**
- 2. WEROC determine how all projects currently being undertaken by WEROC will be continued/completed under WEROC Inc once established;**
- 3. A Special General Meeting of Wheatbelt Communities Inc be held, via teleconference, prior to Christmas for the purpose of adopting the new constitution; and**
- 4. WEROC write to the Shire of Tammin to seek feedback on whether or not the Shire was interested in re-joining WEROC following its incorporation.**

**CARRIED**



## 8.2 Records Management in Local Government

<b>File Reference:</b>	013-2 Strategic and Future Planning 042-2 Finance, Audit and Compliance
<b>Author:</b>	Bruce Wittber, Executive Officer
<b>Portfolio:</b>	CEO/Governance (Shire of Yilgarn)
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	25 October 2019
<b>Attachments:</b>	Nil

### RECOMMENDATION:

That the decision made by flying email on Thursday 10 October 2019 and detailed below be endorsed by the WEROC Council. That:

1. WEROC meet the costs associated with Enterprises Australia Pty Ltd undertaking the work detailed in Option 1 of its proposal to undertake a review of the record keeping policies for the Shires of Kellerberrin, Merredin, Westonia and Yilgarn, with travel and other costs associated with any onsite visits if required or requested to be covered by the Council being visited; and
2. The Shire of Bruce Rock be given the opportunity to participate in any future records management projects should they be considered following the conclusion of the IAE's review of record keeping policies across the Shires of Kellerberrin, Merredin, Westonia and Yilgarn.

### Executive Officer's Report:

Following its review of the Western Australia's Auditor General report on the topic of records management in Local Government, the WEROC Executive resolved as shown when it met on Wednesday 29 May 2019:

*RESOLUTION: Moved: Greg Powell Seconded: Jamie Criddle*

*That the WEROC Executive recommend to the WEROC Council that WEROC seek quotations from suitably qualified records management consultants to undertake a review of Member Councils' recordkeeping policies and procedures to ensure they adequately support their respective Record Keeping Policies.*

*CARRIED*

WEROC Council approved this recommendation at a meeting held Wednesday 26 June 2019.

A request for quotation (RFQ) for quotation was prepared as per the resolution and sent to the following organisations:

- Compu-Stor (contact details provided by the Shire of Yilgarn);
- Information Enterprises Australia Pty Ltd (the Executive Officer has worked with Information Enterprises Australia Pty Ltd on similar projects to the one currently being undertaken by WEROC); and
- Kim Boulter (contact details provided by the Shire of Kellerberrin).

The closing date for submissions was Friday 23 August 2019.

A report on the work undertaken to date in appointing a consultant was provided to the WEROC Council when it met on Tuesday 27 August 2019, with WEROC Council resolving as shown below:

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RESOLUTION: *Moved: Cr Forsyth* *Seconded: Cr Day*

*That the WEROC Executive be given delegated authority to finalise the appointment of a qualified records management consultant to undertake a review of Member Councils' recordkeeping policies and procedures to ensure they adequately support their respective Record Keeping Policies.*

CARRIED

Darren Mollenoyux also advised the meeting advised that the Shire of Bruce Rock would not be part of the record management project.

On Thursday 5 September 2019 the Executive Officer emailed all members of the WEROC Executive in relating to progressing the appointment of a consultant to undertake the records management review, with the email detailed below.

*Hello everyone*

*At the WEROC Council Meeting held Tuesday 27 August 2019 it was resolved as follows with respect to progressing a review of Member Councils' records management policies:*

RESOLUTION: *Moved: Cr Forsyth* *Seconded: Cr Day*

*That the WEROC Executive be given delegated authority to finalise the appointment of a qualified records management consultant to undertake a review of Member Councils' recordkeeping policies and procedures to ensure they adequately support their respective Record Keeping Policies.*

CARRIED

*Notwithstanding the above decision, the Shire of Bruce Rock advised that it would not be part of the record management project.*

*As you are all aware, a request for quotation (RFQ) was requested from three (3) organisations:*

- 1. Compu-Stor (contact details provided by the Shire of Yilgarn);*
- 2. Information Enterprises Australia Pty Ltd (the Executive Officer has worked with Information Enterprises Australia Pty Ltd on similar projects to the one currently being undertaken by WEROC); and*
- 3. Kim Boulter (contact details provided by the Shire of Kellerberrin).*

*A copy of the RFQ, whilst previously provided to Member Councils, forms an attachment to my email.*

*Please note these costings should be treated as commercial in confidence documents and not distributed beyond the WEROC membership.*

*All 3 organisations indicated they would submit a costing.*

*Only Compu-Stor and Information Enterprises Australia Pty Ltd (IEA) responded to WEROC's RFQ by the closing date for lodgement – Friday 23 August 2019.*

*Only IEA provided evidence that it carries appropriate levels of Professional Indemnity and Public Liability Insurances as requested in the RFQ.*

*Copies of IEA's certificates of insurance will be provided upon request.*

*Both Compu-Stor and IEA provided capacity statements within their proposals which demonstrated their ability to undertake the work required by WEROC's Member Councils.*

*Comment on each of the proposals submitted is provided below.*

*Page 5 of Compu-Stor's proposal details the methodology it will use to undertake the record review at each Member Council. The proposal includes site visits.*

## WEROC Council Meeting Wednesday 30 October 2019 - Minutes

Page 7 of the costing details the timeframe over which the review will be completed.

Pages 8 and 9 of the proposal detail the costing developed by Compu-Stor to undertake the work requested, with "consulting services" calculated to cost \$17,595.00 (GST excl). An estimate for travel and accommodation has been set at \$5,950.00.

IEA has provided WEROC with two (2) costing options, being covered in pages 5-10 of its proposal. The proposal provides a detailed explanation for both Options 1 and 2.

The methodology for the review remains essentially the same across both options, the difference in Option 2 is that onsite visits have been included to all Member Councils, whereas in Option 1 onsite visits will occur only if they are deemed necessary by the project's Senior Consultant and agreed to by the Member Council.

The cost to WEROC should Option 1 be accepted would be \$21,240.00 (excl GST).

IEA has noted that an additional 6 hours of consulting costs at \$180.00 ex GST per hour (\$1,080.00 ex GST) should be placed in the project budget for each Member Council, should the findings of Phase 3a identify that the Senior Consultant needs to complete an onsite visit.

The following travel and accommodation costs will also apply to Option 1 should a visit(s) be required to a Member Council, with:

- Mileage charged at 68 cents per kilometre as per ATO directive;
- Accommodation and meal costs of \$237.60 per day as per ATO Tax Determination TD 2019/11; and
- Travel time @ \$90.00 per hour (excl GST).

Option 2 includes onsite visits to all Member Councils. This option allows for onsite visits to all Member Councils over a 3 – 4 day period.

The visits will occur after a review of all documentation provided by Member Councils has been completed.

The cost to WEROC should Option 2 be accepted would be \$22,680.00 (excl GST) for the conduct of the review and preparation of the report.

The following travel and accommodation costs will apply to Option 2, with:

- Mileage charged at 68 cents per kilometre as per ATO directive - estimated 826 Km @ .68 cents per km is \$561.68 ex GST;
- Accommodation and meal costs of \$237.60 per day as per ATO Tax Determination TD 2019/11 - estimated 5 days is \$1,188.00; and
- Travel time @ \$90.00 per hour (excl GST) - estimated 10.50 hours is \$945.00 (ex GST).

Adding both cost components, the total cost to WEROC should Option 2 be accepted would be \$25,374.58 (excl GST).

IEA has noted in its proposal that where it is not possible to schedule all site visits into one trip then additional costs will be applied, based on the rates provided at 3.2.1 Estimated Costings For Option 2.

The costings provided by IEA are far more detailed than those provided by Compu-Stor, with both options extensively detailing the work to be undertaken and the timeframes over which the work will be undertaken. IEA's costings clearly articulate what the deliverables are and how the outcomes will be achieved.

The proposal also highlights the additional costs that may be necessary as preliminary results from the review become known.

In terms of Local Government experience, IEA demonstrated greater evidence of working within the Local Government sector. Importantly from WEROC's perspective, a considerable amount of this work has been with small Councils outside the metropolitan area (refer to pages 12 and 13 of IEA's proposal).

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*Compu-Stor's proposal notes that it has experience in "Government" but does not list any specific examples of project work within the Local Government sector.*

*Whilst IEA's costing for Option 1 is more expensive than the costing provided by Compu-Stor the Executive Officer believes that this proposal should be further investigated by WEROC as it more clearly defines the work to be undertaken, how this work will be carried out and the timeframe over which the work will be conducted. Given that much of the information to be reviewed is available electronically, there is no specific reason for site visits to be undertaken. Similarly, the conduct of telephone interviews also negates the need for travel.*

*Onsite visits would only be required should an issue or area of non-compliance need further investigation.*

*IEA also has more clearly identified the experience it has within the Local Government sector and more particularly its experience with small Councils outside the metropolitan area.*

*In addition to choosing a consultant, WEROC must also consider how the project is to be funded. When the Executive Officer presented the recommendation to Member Councils that a review of record keeping policies be undertaken it was done with a view to WEROC's project funds providing the funds for the work to be undertaken, in much the same way as the assets review by Accingo is being funded by WEROC.*

*With the Shire of Bruce Rock advising that it did not wish to participate in the records keeping review project this matter must be resolved by WEROC Council.*

*The Executive Officer believes that at least a portion of the project's cost should be met by WEROC.*

*Additionally, whatever consultant is chosen, there will be a need to discuss with the successful consultant whether or not there will be any changes to the costings associated with the conduct of the review itself given that there will only be four Councils participating in the project.*

*On the basis of the above information the following recommendation is presented for consideration by way of flying email.*

### **RECOMMENDATION:**

*That:*

- 1. Subject to further discussions with Information Enterprises Australia Pty Ltd around costings for the review to include only four of WEROC's five Member Councils, Information Enterprises Australia Pty Ltd be engaged to undertake a review of WEROC Member Councils' record keeping policies using the methodology "Option 1" as detailed within the proposal provided by Information Enterprises Australia Pty Ltd; and*
- 2. The WEROC Executive give consideration at the Executive Meeting to be held Wednesday 25 September 2019 as to how the project will be funded, with a recommendation prepared for consideration by the WEROC Council by way of flying email in order that work on the review of participating Member Councils records management policies can commence as soon as possible.*

*If you could please have your responses to me no later than close of business on Wednesday 11 September 2019 that would be greatly appreciated as this will allow a report (with accompanying recommendations to allow the project to be funded) to be prepared for WEROC Council's consideration as proposed in Part 2 of the above recommendation.*

*Should you have any questions regarding the proposal provided by either Compu-Stor or IEA please call/email me.*

*Take care*

*HW*

*With the WEROC Executive in favour of appointing Information Enterprises Australia Pty Ltd (IEA) the Executive Officer advised IEA of WEROC's decision. The Executive Officer also advised Compu-Stor it was unsuccessful in gaining the contract.*

## WEROC Council Meeting Wednesday 30 October 2019 - Minutes

The WEROC Executive when it met on Wednesday 25 September 2019 considered how the project is to be funded, resolving as shown below:

**RESOLUTION:** *Moved: Jamie Criddle* *Seconded: Greg Powell*

---

1. *That the decision made by flying email on Thursday 5 September 2019 and detailed below be endorsed by the WEROC Executive. That:*
  - a) *Subject to further discussions with Information Enterprises Australia Pty Ltd around costings for the review to include only four of WEROC's five Member Councils, Information Enterprises Australia Pty Ltd be engaged to undertake a review of WEROC Member Councils' record keeping policies using the methodology "Option 1" as detailed within the proposal provided by Information Enterprises Australia Pty Ltd; and*
  - b) *The WEROC Executive give consideration at the Executive Meeting to be held Wednesday 25 September 2019 as to how the project will be funded, with a recommendation prepared for consideration by the WEROC Council by way of flying email in order that work on the review of participating Member Councils records management policies can commence as soon as possible.*
  
2. *That the WEROC Executive recommend to the WEROC Council that:*
  - a) *WEROC meet the costs associated with Enterprises Australia Pty Ltd undertaking the work detailed in Option 1 of its proposal to undertake a review of the record keeping policies for the Shires of Kellerberrin, Merredin, Westonia and Yilgarn, with travel and other costs associated with any onsite visits if required or requested to be covered by the Council being visited; and*
  - b) *The Shire of Bruce Rock be given the opportunity to participate in any future records management projects should they be considered following the conclusion of the IAE's review of record keeping policies across the Shires of Kellerberrin, Merredin, Westonia and Yilgarn.*

**CARRIED**

An email to effect Part 2 of the WEROC Executive resolution was prepared and sent to all members of WEROC Council on 10 October 2019. Approval from WEROC's Member Councils for Part 2 of the Executive recommendation has been received.

To ensure a record of the above is retained, endorsement of the flying email is sought.

IEA has commenced work, with the Shires of Kellerberrin, Merredin, Westonia and Yilgarn all providing information as requested by IEA.

To date IEA has reviewed the Record Keeping Policies (RKP) and associated documents from all the four Shires, developing a further series of follow up questions to further aid in the review.

IEA has advised that the results obtained to date show that the areas of concern (risk) are in protection and storage of records, training, monitoring compliance i.e. are staff actually complying to the policies/procedures in place and review/reporting on the RKP.

### **Additional Executive Officer Comment:**

The Executive Officer advised that a further series of questions had been sent participating Councils on 9 October 2019. IEA were looking to provide a first report to WEROC in late November.

**Consultation:** Nil

**Financial Implications:** As yet unknown

**Voting Requirement:** Simple Majority

**RESOLUTION:**                      **Moved: Mr Clarke**                      **Seconded: Mr Mollenoyux**

**That the decision made by flying email on Thursday 10 October 2019 and detailed below be endorsed by the WEROC Council. That:**

- 1. WEROC meet the costs associated with Enterprises Australia Pty Ltd undertaking the work detailed in Option 1 of its proposal to undertake a review of the record keeping policies for the Shires of Kellerberrin, Merredin, Westonia and Yilgarn, with travel and other costs associated with any onsite visits if required or requested to be covered by the Council being visited; and**
- 2. The Shire of Bruce Rock be given the opportunity to participate in any future records management projects should they be considered following the conclusion of the IAE's review of record keeping policies across the Shires of Kellerberrin, Merredin, Westonia and Yilgarn.**

**CARRIED**

### 8.3 **Public Consultation- Pesticides Regulation Review in Western Australia**

<b>File Reference:</b>	013-2 Strategic and Future Planning 013-4 Intergovernmental Relations
<b>Author:</b>	Helen Westcott, Executive Officer
<b>Portfolio:</b>	Environment (Shire of Merredin) Advocacy (Shared Function)
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	10 October 2019
<b>Attachments:</b>	WEROC's submission on the Department of Health's Discussion Paper "Managing public health risks with pesticides in Western Australia"

#### **RECOMMENDATION:**

**That WEROC's submission to the Department of Health, highlighting the potential difficulties small rural and remote local governments may face if the State Government as an outcome of its review of the Health (Pesticides) Regulations 2011, be endorsed.**

#### **Executive Officer's Report:**

As reported to WEROC Council at a meeting held Tuesday 27 August 2019, a review of the *Health (Pesticides) Regulations 2011* is currently underway. Following a discussion of the review at that meeting WEROC Council resolved as shown below:

**RESOLUTION:** *Moved: Cr Day* *Seconded: Cr Rajagopalan*

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*That WEROC:*

- 1. Encourages Member Councils to complete the online survey developed by the Department of Health as part of its review of the Health (Pesticides) Regulations 2011;*
- 2. Member Councils share the information provided in the online survey with WALGA as it works on a sector wide submission around the review of the Health (Pesticides) Regulations 2011; and*
- 3. WEROC prepare a submission that highlights the potential difficulties small rural and remote local governments may face if Option C is adopted by the State Government as an outcome of its review of the Health (Pesticides) Regulations 2011.*

**CARRIED**

The Executive Officer prepared a submission as per the resolution.

Prior to its lodgement the submission was reviewed by the WEROC CEO.

A copy of the submission forms an attachment to the meeting agenda.

The submission is presented for endorsement.

<b>Consultation:</b>	Nil
<b>Financial Implications:</b>	Nil
<b>Voting Requirement:</b>	Simple Majority

**RESOLUTION:**                      **Moved: Mr Mollenoyux**                      **Seconded: Mr Clarke**

---

**That WEROC's submission to the Department of Health, highlighting the potential difficulties small rural and remote local governments may face if the State Government as an outcome of its review of the Health (Pesticides) Regulations 2011, be endorsed.**

**CARRIED**



## 8.4 Ongoing Development of the WEROC App and Website

<b>File Reference:</b>	013-2 Strategic and Future Planning 132-1 WEROC Tourism 132-3 Central Wheatbelt Visitor Centre 135-5 Economic Sustainability
<b>Author:</b>	Helen Westcott, Executive Officer
<b>Portfolio:</b>	Shared Function (Economic Development currently through Wheatbelt Communities Inc)
<b>Disclosure of Interest:</b>	No interest to disclose
<b>Date:</b>	21 October 2019
<b>Attachments:</b>	Nil

### RECOMMENDATION:

#### That WEROC:

1. Terminate its contract with go2GUIDES; and
2. Examine alternative ways to manage the WEROC website.

#### Executive Officer's Report:

The ongoing development of the WEROC App and website was considered at the WEROC Council Meeting held in Kellerberrin on Tuesday 27 August 2019, at which time it was resolved as follows:

*RESOLUTION: Moved: Cr Hooper Secoded: Cr Rajagopalan*

---

*That prior to the Executive Officer applying for funding for further work on either the WEROC App or website:*

1. The WEROC Executive determine what areas should be targeted, with a report and recommendation to be presented at the WEROC Council Meeting scheduled to be held Wednesday 30 October 2019; and
2. Any applications for funding be based only upon decisions arising from WEROC Council's consideration at the meeting scheduled for Wednesday 30 October 2019.

*CARRIED 6/4*

The future of both the WEROC App and website were considered by the WEROC Executive when it met on Wednesday 25 September 2019, with the meeting resolving as shown below:

*RESOLUTION: Moved: Jamie Criddle Secoded: Raymond Griffiths*

---

*That the WEROC Executive recommend to the WEROC Council that:*

1. WEROC terminate its contract with go2GUIDES; and
2. WEROC examine alternative ways to manage the WEROC website.

*CARRIED*

Member Councils need to consider alternative ways in which the WEROC website can be managed.

#### Additional Executive Officer Comment:

The Executive Officer advised that, following discussions with go2GUIDES regarding the future of the WEROC App and website, go2GUIDES had submitted a proposal that would see WEROC and go2GUIDES share any revenue generated from the WEROC App.

Information on the proposal was circulated ahead of the meeting, with copies available to Member Councils at the meeting.

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Copies of the information provided by go2GUIDES also form attachments to the minutes from the meeting.

**Consultation:** Nil

**Financial Implications:** As yet unknown

**Voting Requirement:** Simple Majority

**RESOLUTION:** **Moved: Mr Mollenoyux** **Seconded: Cr Forsyth**

---

**That WEROC:**

- 1. Terminate its contract with go2GUIDES and in doing so seek clarification on ownership for both the WEROC App and website (including content and intellectual property); and**
- 2. Seek quotations from suitably qualified organisations for the further development and management of the WEROC website.**

**CARRIED**

**8.5 Proposed alternative to the CA07 Restricted Access Vehicle Operating Condition**

**File Reference:** 013-2 Strategic and Future Planning  
**Author:** Helen Westcott, Executive Officer  
**Portfolio:** Social (Kellerberrin) and Environment (Merredin)  
Shared Function (Advocacy)  
**Disclosure of Interest:** Nil  
**Date:** 17 October 2019  
**Attachments:** Nil

**RECOMMENDATION:**

**That WEROC take no further action on the issue of CA07 and restricted access vehicle operating condition.**

**Executive Officer’s Report:**

At the WEROC Executive Meeting held Wednesday 25 September 2019 the Shire of Westonia raised the matter of the email received from Main Roads WA on Monday 23 September 2019 regarding the removal of CA07 condition. It was agreed that in light of the email received just prior to the WEROC Executive Meeting from Nick Sloan, CEO WALGA, that the matter be left for further review at the WEROC Council Meeting scheduled for Wednesday 30 October 2019.

The Executive Officer has recently been advised that the matter is now to be considered at the next meeting of the Great Eastern Country Zone scheduled to be held Thursday 28 November 2019.

Unless the meeting determines otherwise the Executive Officer recommends that WEROC take no further action on the issue of CA07 and restricted access vehicle operating condition, with the matter being left with WALGA and the Great Eastern Country Zone to resolve.

**Consultation:** Nil  
**Financial Implications:** Nil  
**Voting Requirement:** Simple Majority

**RESOLUTION:** **Moved: Mr Griffiths** **Seconded: Mr Mollenoyux**

**That WEROC take no further action on the issue of CA07 and restricted access vehicle operating condition.**

**CARRIED**

## 8.6 Wheatbelt Medical Students Immersion Project (WMSIP)

<b>File Reference:</b>	013-2 Strategic and Future Planning
<b>Author:</b>	Helen Westcott, Executive Officer
<b>Portfolio:</b>	Social (Kellerberrin) and Environment (Merredin) Shared Function (Advocacy)
<b>Disclosure of Interest:</b>	Nil
<b>Date:</b>	21 October 2019
<b>Attachments:</b>	Actions Notes from a Wheatbelt Medical Students Immersion Project Meeting held Thursday 26 September 2019 Draft 2020 Wheatbelt Medical Students Immersion Project Budget 2020 Student and Academic/Administration Staff Allocations

### RECOMMENDATION:

**That the Executive Officer's report be received.**

### Executive Officer's Report:

At the WEROC Executive Meeting held Wednesday 13 April 2016 the Shire of Kellerberrin raised the issue of the cessation of visits to the Wheatbelt by first year medical students from the University of Notre Dame Australia's Fremantle Campus. At that time the Executive resolved as shown below:

*RESOLUTION: Moved: Raymond Griffiths                      Seconded: Greg Powell*

*That the Executive Officer prepare a report on the cessation of visits to the Wheatbelt by first year medical students from the University of Notre Dame Australia's Fremantle Campus.*

*CARRIED*

Following considerable effort, the program was introduced across all of WEROC's communities in March 2018, with medical students from Notre Dame and Curtin Universities participating in what has become known as the "Wheatbelt Medical Student Immersion Program" (WMSIP).

Agencies involved in re-establishing the WMSIP include:

- Rural Health West;
- WA Primary Health Network (WAPHA);
- Notre Dame University Australia;
- Curtin University; and
- WEROC.

A second group of students visited the region during the week commencing Monday 12 March 2019.

The Executive Officer attended a meeting of the WMSIP Planning Group on Thursday 26 September 2019, with a copy of the action sheet prepared following the meeting forming an attachment to the meeting agenda.

At the WEROC Council Meeting held Tuesday 27 August 2019 the Executive Officer advised that the 2020 visit by students from both Curtin and Notre Dame would commence on Monday 9 March 2019 and conclude on Friday 13 March 2020. Unfortunately, the visit will not commence until Tuesday 10 March because academic commitments for the Notre Dame students prevent them leaving Perth on Monday.

## WEROC Council Meeting Wednesday 30 October 2019 - Minutes

A draft budget for 2020 was tabled at the Planning Group meeting. A copy forms an attachment to the meeting agenda and is presented for Member Councils information only.

A billet matrix has also been prepared for the 2020 visits program, a copy which forms an attachment to the meeting agenda.

At the WEROC Executive Meeting held Wednesday 25 September 2019 the Shire of Kellerberrin advised that at a recent Local Emergency Management Committee Meeting it had been suggested that students coming out to Kellerberrin as part of the WMSIP in 2020 could participate in a training exercise. The participation in such an activity would see the students as casualties in any exercise planned and could be seen as their community activity for the time in Kellerberrin.

The meeting agreed that this was an idea that should be pursued, with the Executive Officer asked to raise the matter at the next meeting of the WMSIP Planning Group. The matter was raised as requested.

Whilst both Curtin Notre Dame and Curtin have requested further information on what would be required, they have given in principle support to the students helping out. A provision of them helping in the exercise would be that they are casualties and not doctors, nurses etc.

An email explaining the above was sent to the WEROC Executive on 27 September. The Executive Officer believes it would be helpful in progressing this matter if Member Councils could provide further information as to how they see the students participating in any training exercise that might be arranged to coincide with the 2020 visit.

The WMSIP Planning Group's next meeting is scheduled for Thursday 7 November 2019.

A team building exercise for academic and administrative staff is also being planned for December. The Executive Officer attended a similar activity in December last year.

### **Additional Meeting Comment:**

Member Councils expressed concern that with the shortening of the visit from 5 to 4 days could mean that the time in which the students will have with their host families will be reduced still further if there are delays in arrival and departure time for the return trip to Perth had to be brought forward.

The Executive Officer undertook to raise this concern at the next Planning Group meeting.

She also advised that the team building exercise would be held on Monday 2 December 2019.

<b>Consultation:</b>	Nil
<b>Financial Implications:</b>	As yet unknown
<b>Voting Requirement:</b>	Simple Majority

**RESOLUTION:**                      **Moved: Cr Forsyth**                      **Seconded: Mr Mollenoyux**  
**That the Executive Officer's report be received.**

**CARRIED**

## 9. EMERGING ISSUES

### 9.1 Public Consultation - Managing Housing Health Risks in Western Australia (Attachment)

As Member Councils are aware, with the introduction of the *Public Health Act 2016*, the State Government is reviewing all regulations from the previous Health Act 1911.

As part of this review process, the Department of Health (the Department) recently released a discussion paper entitled "Managing Housing Health Risks in WA". The purpose of the discussion is to seek comment on the following pieces of legislation:

- *Health (Miscellaneous Provisions) Act 1911* Part V, Division 1 (Houses unfit for occupation);
- *Health (Laundries and Bathrooms) Regulations 1971*, and
- *Sewerage (Lighting, Ventilation and Construction) Regulations 1971*.

As with its discussion paper on a review of pesticides regulations the Department is looking to ensure that these regulations are contemporary and in keeping with the new Act. In doing this it provides three options how to manage these housing risks to health into the future, and the discussion paper details the options of:

- option A retaining the status quo;
- option B repealing the regulations without replacement, and
- option C developing new regulations.

A copy of the discussion paper can also be accessed by following the link shown below:

[https://consultation.health.wa.gov.au/environmental-health-directorate/housing-survey/supporting\\_documents/Attachment%20A%20%20Housing%20discussion%20paper\\_Final.pdf](https://consultation.health.wa.gov.au/environmental-health-directorate/housing-survey/supporting_documents/Attachment%20A%20%20Housing%20discussion%20paper_Final.pdf)

A copy of the discussion papers also forms an attachment to the meeting agenda.

Councils can also provide comment by responding to a survey developed by the Department. The survey can be accessed by following the link shown below:

<https://consultation.health.wa.gov.au/environmental-health-directorate/housing-survey/>

WALGA is preparing a sector wide submission and has requested comment from Councils by Friday **29 November 2019** to assist in developing a representative submission.

The Executive Officer has scanned the discussion paper and can see no obvious problems for Member Councils. She however has listed the matter for discussion to:

1. Raise awareness of the review that is now underway; and
2. Determine whether WEROC would like the issue reviewed as was done for the review of the pesticides regulations (refer to Agenda Item 7.3), noting that **written submissions must be lodged by 5.00pm (WST) on Thursday 12 December 2019**.

Noted

### 9.2 2020-21 Federal Budget Submissions

In a recent Australian Local Government Association (ALGA) Newsletter, notice was given of the Commonwealth Government's announcement regarding priorities for the 2020-21 Budget.

The Commonwealth Treasury is inviting submissions from Councils for their views on what should be considered priorities in the 2020-21 Federal Budget.

ALGA will be putting forward a submission based on the key priorities it advocated for during the recent federal election, with its highest priority issue being an increase in Financial Assistance Grants. It will also highlight that the local government sector is willing and able to deliver projects on the ground as part of any stimulus package that may be released.

**The pre-budget submission process for the 2020-21 Budget closes on 20 December 2019.**

More information can be found by following the link shown below:

<https://alga.asn.au/2020-21-federal-budget-submissions/>

During the last Federal election campaign WEROC wrote to all Western Australia's Federal representatives on the key issues identified by ALGA.

The Executive Officer seeks directions from Member Councils as to whether it wishes to continue this advocacy by making a submission to Treasury.

**Noted**

### **9.3 Departmental Circular 9 2019 – Consultation of Proposed Code of Conduct and CEO Standards**

Raymond Griffiths raised the issue of CEO selection and standards for CEOs, noting that both WALGA and LGPro were working on the issue.

**It was agreed that this matter was best left with WALGA and LGPro.**

### **9.4 Cost of Local Government Elections**

Raymond Griffiths raised the issue of the high cost of conducting an in-person election, particularly with the requirement to hold the election on a Saturday. Given the ability to make use of early voting arrangements he believed the need to have a polling booth available on Saturday is outdated and costly.

Cr Strange suggested that the matter be raised at a meeting of the Great Eastern Country Zone.

**Noted**

### **9.5 SuperNet Project**

Cr Strange raised the topic of internet speeds and the work being done by CBH through the SuperNet Project. Key partners in the project include the CBH Group and Arc Infrastructure.

The project's aim is to facilitate fast broadband across the grain regions of the State by building a "backhaul" network that includes 4,000 km of optic fibre cable laid primarily in the rail easements and allowing "last mile providers" (retailers) to access wholesale prices at a cheaper rate than they are currently paying.

Cr Strange expressed concern that current technology is not doing what it should and whilst a project such as SuperNet will help it is still possible that the Wheatbelt will continue to struggle with digital connectivity. He noted that the question that needs discussion is "what technology do we need now and what will be required into the future"?

Noted

**10. OTHER MATTERS**

Nil

**11. FUTURE MEETINGS**

WEROC Council            Thursday 28 November 2019 (Shire of Shire of Merredin)  
WEROC Executive        TBA

**12. CLOSURE**

There being no further business the Chair closed the meeting at 11.45am

DECLARATION

These minutes were confirmed by the WE-ROC Council at the meeting held Thursday 28 November 2019

Signed \_\_\_\_\_  
Person presiding at the meeting at which these minutes were confirmed



CEO	DCEO	WORKS
<del>EHO</del>	BS	NRM
MOF	SFO	FO
CDO	EXO	ADMIN
5 NOV 2019		
FILE	2616	
RECORD		



**Planning and Development (Local Planning Schemes) Regulations 2015  
Schedule 2 Deemed provisions for local planning schemes Part 11 Forms referred  
to in this Scheme cl. 86**

The form of an application for development approval referred to in clause 62(1)(a) is as follows —

**Application for development approval**

<b>Owner details</b>		
Name: SPIKE WARNER AND ALLISON ISZLAUB		
ABN (if applicable): _____		
Address: 19 CUMBERLAND STREET ..... ARDATH WA Postcode: 6419		
<b>Phone:</b>	<b>Fax:</b>	<b>Email:</b>
Work: .....	.....	SPIKEWARNER@YAHOO.COM.AU
Home: .....		
Mobile: 0447 078780		
Contact person for correspondence: SPIKE WARNER		
Signature:	Date: 04/11/2019	
Signature:	Date: 4/11/2019	
<p><i>The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).</i></p>		

Applicant details (if different from owner)		
Name: TRANSTRUCT		
Address: 85 JOHNSON STREET BRUCE ROCK WA Postcode: 6418		
<b>Phone:</b> Work: 08 90611172 Home: / Mobile: 0428611172	<b>Fax:</b> /	<b>Email:</b> transtruct@westnet.com.au
Contact person for correspondence: BLETI NELSON		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input type="checkbox"/> Yes <input type="checkbox"/> No		
Signature: 	Date: 4-11-19.	
Property details		
Lot N°:	House/Street N°: 19	Location N°: LUMBERLAND STREET
Diagram or Plan N°: 88027	Certificate of Title Vol. N°:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		

Street name:	Suburb: <i>ARDAITH</i>
Nearest street intersection:	<i>YORK &amp; CUMBERLAND.</i>

**Proposed development**

Nature of development:     Works  
     Use  
     Works and use

Is an exemption from development claimed for part of the development?  Yes  No  
 If yes, is the exemption for:     Works     Use

Description of proposed works and/or land use:  
*FREE STANDING STEEL CARPORT.*

Description of exemption claimed (if relevant):  
 \_\_\_\_\_

Nature of any existing buildings and/or land use:  
*HOUSE, SHED GARDENS.*

Approximate cost of proposed development: *\$18 000.00.*

Estimated time of completion: *30-11-19.*

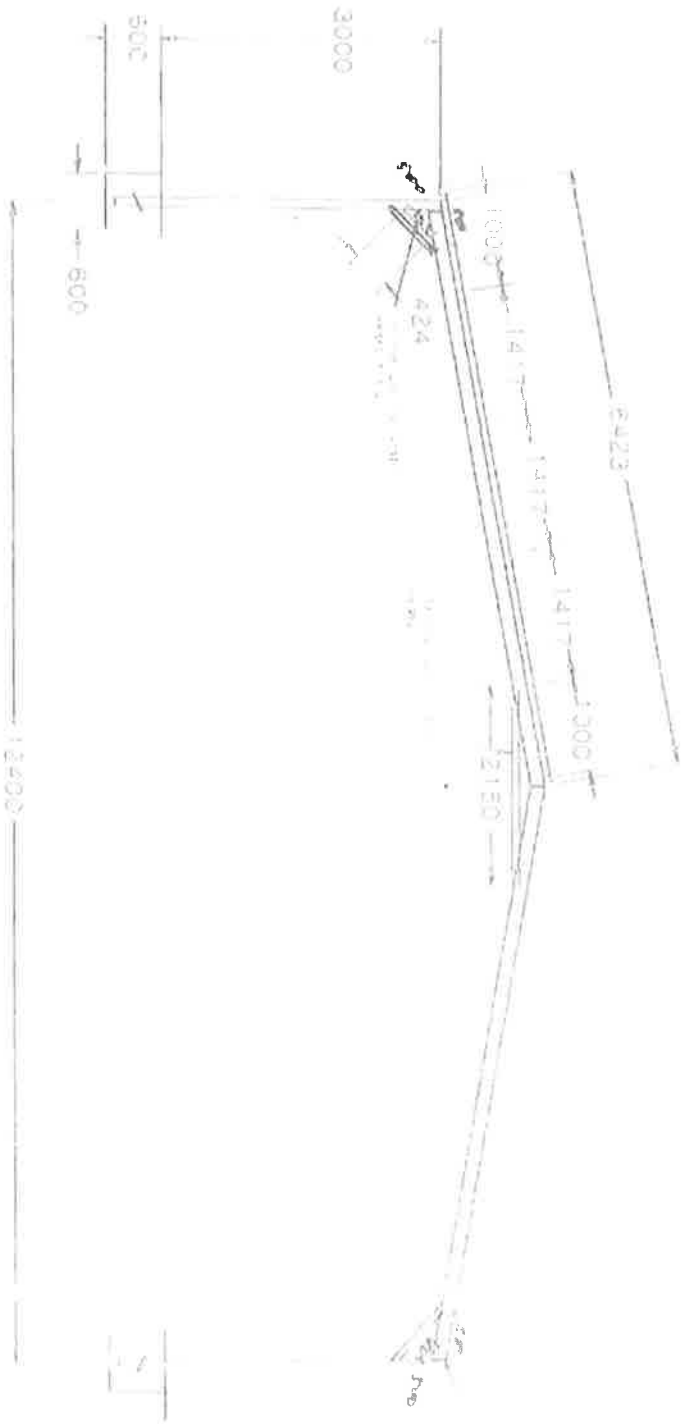
**OFFICE USE ONLY**

Acceptance Officer's initials: JRG

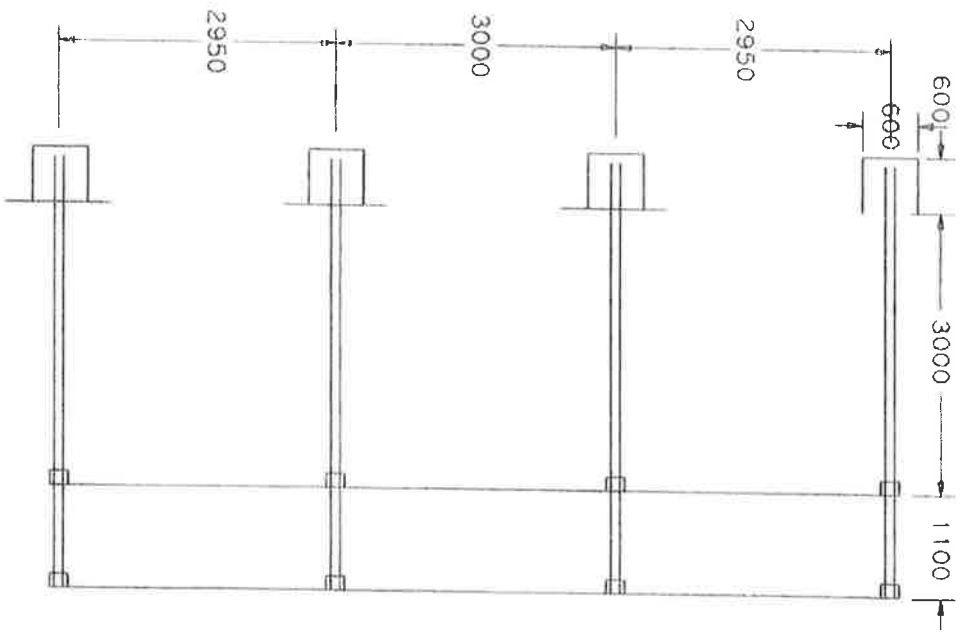
Date received: 5 NOVEMBER 2019

Local government reference N°: BKDP-ARDCP-NOV-2019

Wydosad Coroot Spike Wagon  
 von General August W. Galtz  
 Eng. 1/21

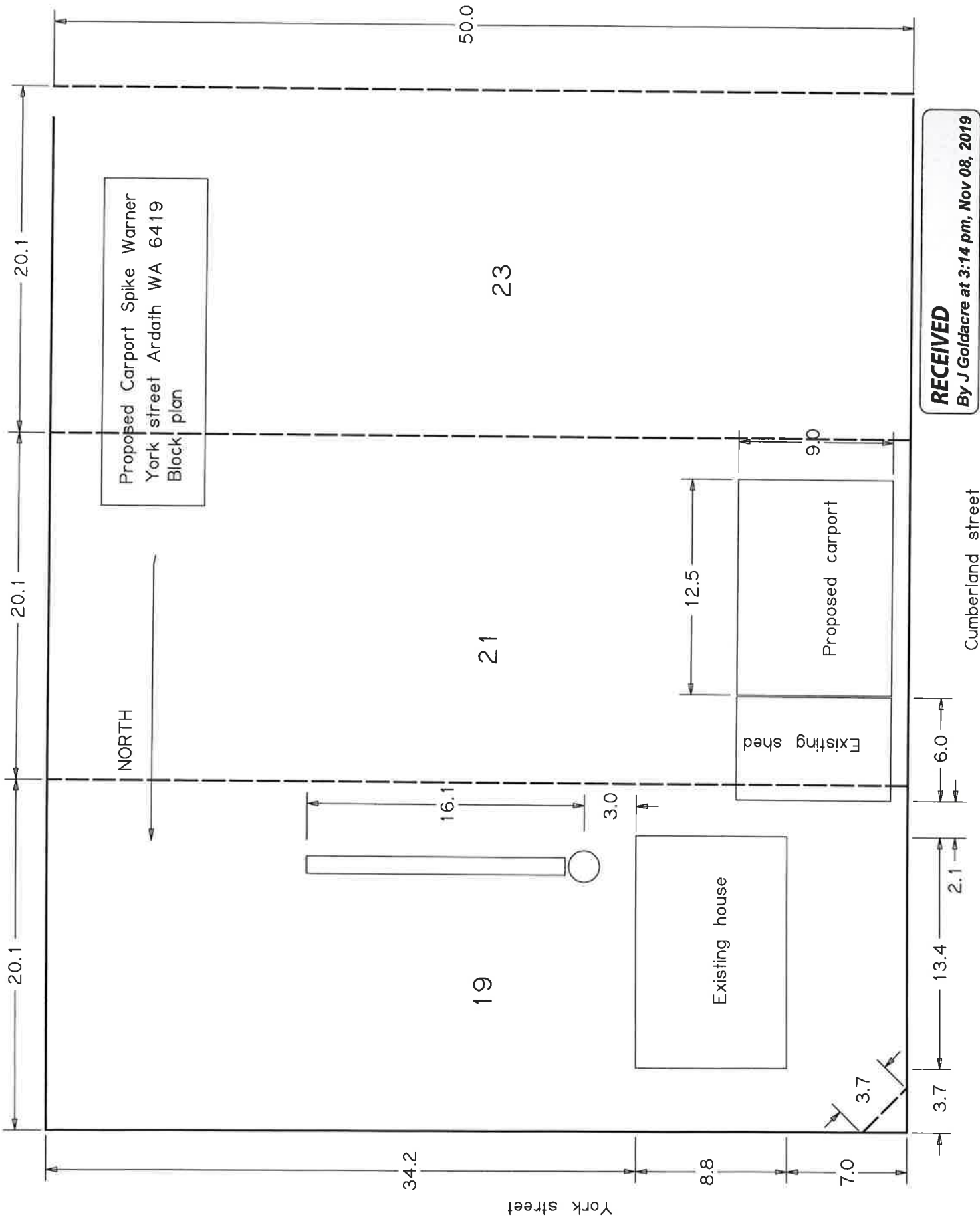


W. J. Galtz  
 30/10/2019



Proposed Carport, Spoken Airport  
 York Street Airport, WA 98148  
 Side View

*Handwritten signature and date:*  
 J. H. [unclear]  
 3/14/2012



Proposed Carport Spike Warner  
York street Ardath WA 6419  
Block plan

**RECEIVED**  
By J Goldacre at 3:14 pm, Nov 08, 2019

Cumberland street

York street

**Planning and Development (Local Planning Schemes) Regulations 2015  
Schedule 2 Deemed provisions for local planning schemes Part 11 Forms referred  
to in this Scheme cl. 86**

The form of an application for development approval referred to in clause 62(1)(a) is as follows —

**Application for development approval**

<b>Owner details</b>		
Name: Geoff Negri • Phillip Negri		
ABN (if applicable):		
Address: Box 150 (geoff) • Box 160 (phillip) Bruce Rock Postcode: 6418		
<b>Phone:</b>	<b>Fax:</b>	<b>Email:</b>
Work:		gmanegri@gmail.com (geoff) psnegri@westnet.com.au (phillip)
Home: 0828 611 228 (Phillip)		
Mobile: 0427 611180 (Geoff)		
Contact person for correspondence: Matthew Negri		
Signature: <i>G. Negri</i>		Date: 13/8/19
Signature: <i>P. Negri</i>		Date: 15/8/19
The signature of the owner(s) is required on all applications. This application will not proceed without that signature. For the purposes of signing this application an owner includes the persons referred to in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 clause 62(2).		

<b>Applicant details (if different from owner)</b>		
Name: <u>Matthew Negri</u>		
Address: <u>140 Wogarl Rd</u> <u>Bruce Rock WA</u> Postcode: <u>6418</u>		
Phone:	Fax:	Email:
Work:		<u>wadnegri@gmail.com</u>
Home:		
Mobile: <u>0419 963 953</u>		
Contact person for correspondence: <u>Matt Negri</u>		
The information and plans provided with this application may be made available by the local government for public viewing in connection with the application. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Signature: <u>Matt Negri</u>		Date: <u>12/8/19</u>
<b>Property details</b>		
Lot N°: <u>140</u> <u>Wogarl West Rd</u>	House/Street N°: <u>140</u>	Location N°:
Diagram or Plan N°:	Certificate of Title Vol. N°:	Folio:
Title encumbrances (e.g. easements, restrictive covenants):		



Street name: <u>Wogarl West</u>	Suburb: <u>Bruce Rock</u>
Nearest street intersection: <u>Bruce Rock / Narembaen Rd</u>	

<b>Proposed development</b>	
Nature of development:	<input type="checkbox"/> Works <input type="checkbox"/> Use <input checked="" type="checkbox"/> Works and use
Is an exemption from development claimed for part of the development? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, is the exemption for: <input type="checkbox"/> Works <input type="checkbox"/> Use	
Description of proposed works and/or land use: <u>Transient workers Accom</u>	
Description of exemption claimed (if relevant): <u>-</u>	
Nature of any existing buildings and/or land use: <u>Farm &amp; Machinery Sheds plus house</u>	
Approximate cost of proposed development: <u>\$15 000</u>	
Estimated time of completion: <u>Jan 2020</u>	

**OFFICE USE ONLY**

Acceptance Officer's initials: JG

Date received: 16/8/2019

Local government reference N<sup>o</sup>: AZ477-DACR-AUG-2019



**Item 11.1.3 – ATTACHMENT B – Accommodation on site**



**Item 11.1.4 - Attachment A - Lot 49 Number 12 Venemore Street House pictures**



## Works

**From:** Alport, Wesley <Wesley.Alport@coffey.com>  
**Sent:** Thursday, 31 October 2019 12:30 PM  
**To:** Works; Brian Dayman  
**Subject:** Planned Works - 1 Johnson Street - Bruce Rock

**Importance:** High

Hi Peter & Glen

As you might be aware Coffey Services Australia Pty Ltd (Coffey) have recently been engaged by BP to undertake hydrocarbon contaminated soil remediation works at the former BP Depot site, located at 1 Johnson Street, Bruce Rock. I wanted to provide some information to the Shire regarding the project:

- The project is being undertaken to remediate hydrocarbon impacted soils which are currently present within the footprint of the former Depot Area. The remediation of soil will be managed via ex-situ bioremediation which involves the excavation of the contaminated soils followed by aboveground treatment (via tilling and the addition of nutrients) of soils in biopiles until such a time that contamination has attenuated to within acceptable levels. We are expecting to remediate up to 1,000m<sup>3</sup> of soil which will be excavated from up depth of up to 3.5-4m bgl.
- The project is scheduled for commencement on 11 November 2019.
- The total project duration is expected to take 4-6 months and include the following stages:

Stage	Duration (expected)	Works
1	10 days (11/11/2019 – 21/11/2019)	<ol style="list-style-type: none"> <li>1. Clean 'overburden' material will be excavated and stockpiled along the western boundary of the site.</li> <li>2. Excavation of impacted soil to target depth and placement of soil onto an impermeable base such as High-Density Polyethylene (HDPE) sheeting. Where possible low and high impacted soils will be stockpiled separately.</li> <li>3. Excavated soil will be spread evenly across the sheeting in shallow, loosely packed 'biopiles'.</li> <li>4. Nutrients will be added and mechanically mixed through the biopiles to stimulate the growth of contaminant utilising bacteria.</li> </ol>
2	4-6 months 21/11/2019 – 21/05/2020)	<ol style="list-style-type: none"> <li>5. Biopiles will be tilled on a monthly basis with an excavator to oxygenate the soil.</li> <li>6. Water will be periodically be applied to the biopiles as required to keep them moist, but negate the potential for any runoff. This will additionally serve to reduce the potential for dust generation during tilling.</li> <li>7. Leachate generated will be captured and directed towards a sump.</li> </ol>

		<p>8. Each biopile will be covered by a HDPE membrane between turning events to prevent water ingress from rainfall and minimise the potential for dust and odour generation.</p> <p>9. Each biopile will be subject to routine testing and will be considered 'remediated' once target criteria outlined in the Remediation Action Plan (RAP) (Coffey, 2019b) have been achieved.</p>
3	1 week 21/05/2020 – 26/05/2020	10. The remediated soils will be returned to ground and compacted to the required specification.

- All works are being undertaken in accordance a RAP and Bioremediation Management Plan (BMP) which have been developed by Coffey in accordance with the NEPM (2013) and DWER (2014) documents. Furthermore the works (including technical reports) are being subject to 3<sup>rd</sup> party review which is being completed by an accredited Contaminated Sites Auditor (Jeremy Hogben of Servensa).
- The works will be undertaken in accordance with a Health, Safety and Environmental Plan.
- Prior to the commencement of works, we will be providing contact details to the near-by land owners (i.e. residential land-owners on the western side of Johnson Street) in case of any queries and/or complaints are received. Contact details will also be included on signage erected on the site gate for the duration of the project.
- The works will not impeded the operation of the existing unmanned fuel station which is present on the corner of Johnson Street and Dunstal Street.
- All works will be undertaken between the hour of 7am and 5pm, Monday – Saturday.
- Although the generation of unwanted noise, dust and odours is considered unlikely, controls will be implement throughout the project to reduce level to as low as reasonable practicable.
- Relevant contact details are as follows:

Role	Name	Contact
Coffey Project Manager	Wesley Alport	0413 414 371
Coffey Site Manager	Geri Pethebridge	0420 637 804

To assist me with delivering this project it would be appreciated if you could confirm if any Shire permits are required or if the Shire has any requirements for implementation during the project?

If you could please provide any comments ASAP that would be greatly appreciated.

If you could please also send this email to the Shires Environmental Manager for notification.

Should you have any queries regarding the project, please do not hesitate to contact me by replying to this email or calling 0413 414 371.

Kind Regards

Wesley Alport  
Associate  
Site Assessment and Remediation Services

Perth - Level 1, Bishops See, 235 St Georges Tce, Perth WA 6000  
Brisbane - Level 5, 12 Creek Street, Brisbane Queensland 4000

**List of Accounts For October 2019**

<b>Chq/EFT</b>	<b>Date</b>			<b>Amount</b>
<b>Municipal Account EFTs</b>				
EFT14830	03/10/2019	PETER MICHAEL FUCHSBICHLER	RUBBISH COLLECTION FNE 02/10/2019	\$2,830.35
EFT14831	03/10/2019	AUSTRALIAN GOVERNMENT CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$195.71
EFT14832	03/10/2019	SAMANTHA LEE BOYD	PAYROLL DEDUCTIONS	\$141.74
EFT14833	03/10/2019	SHIRE OF BRUCE ROCK	PAYROLL DEDUCTIONS	\$1,902.00
EFT14834	07/10/2019	TURBO SETTLEMENTS	SETTLEMENT COSTS FOR A698, SALE DUE TO UNPAID RATES	\$1,419.25
EFT14835	08/10/2019	COLESTAN ELECTRICS	RCD TESTING SHIRE PROPERTIES	\$3,439.48
EFT14836	08/10/2019	JOHN PHILLIPS CONSULTING	PROFESSIONAL SERVICES - CEO ANNUAL REVIEW 2019	\$2,750.00
EFT14837	08/10/2019	NARROGIN CARPETS AND CURTAINS	SUPPLY AND INSTALL FLOORING TO SHIRE PROPERTY	\$8,415.00
EFT14838	08/10/2019	PETER ELLIOT	REIMBURSEMENT - SHED FOR NEW RESIDENCE CURLEW DRIVE	\$549.00
EFT14839	14/10/2019	SHIRE OF BRUCE ROCK - CREDIT CARD	CREDIT CARD FOR OCTOBER 2019, HEALTHENGINE, CARD FEE & INTERNET	\$511.54
EFT14840	14/10/2019	2C2U IT PTY LTD	MEDICAL CENTRE IT SUPPORT	\$704.20
EFT14841	14/10/2019	A P CONCRETING PTY LTD	SET UP, POUR & FINISH CROSSOVER AT COLLIER STREET BRUCE ROCK	\$715.00
EFT14842	14/10/2019	ALL-WAYS FOODS	BULK CLEANING PRODUCTS	\$198.11
EFT14843	14/10/2019	AUSTRALIA POST	POSTAGE SEPTEMBER 2019	\$70.29
EFT14844	14/10/2019	AVON WASTE	RECYCLING FOR THE MONTH OF SEPTEMBER 2019	\$3,453.93
EFT14845	14/10/2019	AUSTRALIAN COMMUNITY MEDIA RURAL PRESS PTY LIMITED	2019 WHEATBELT COMMUNITY DIRECTORY - SOBR 1/2 PAGE ADVERTISING	\$400.00
EFT14846	14/10/2019	BEING THERE SOLUTIONS PTY LTD	VIDEO CONFERENCING OCTOBER 2019	\$275.00
EFT14847	14/10/2019	BOC LIMITED	GAS FOR SEPTEMBER 2019	\$102.21
EFT14848	14/10/2019	BP MEDICAL	MEDICAL SUPPLIES	\$48.14
EFT14849	14/10/2019	BROWNLEY'S PLUMBING & GAS	UNBLOCK DRAINS AT SHIRE PROPERTY	\$437.25
EFT14850	14/10/2019	BRUCE ROCK ENGINEERING	PARTS FOR BK9810	\$1,024.06
EFT14851	14/10/2019	BRUCE ROCK LPO	STATIONERY	\$116.40

EFT14852	14/10/2019	BRUCE ROCK MEATS	MEDICAL CENTRE REFRESHMENTS FOR ACCREDITATION VISIT	\$86.05
EFT14853	14/10/2019	BRUCE ROCK TYRES	NEW TYRES BK51	\$563.30
EFT14854	14/10/2019	CALEB CHOW	REIMBURSE DOCTOR FOR TYRO TAKINGS SEPTEMBER 2019	\$440.00
EFT14855	14/10/2019	CIVIC LEGAL	PROJECT AWARE - STREAMS - SEPTEMBER 2019	\$2,255.00
EFT14856	14/10/2019	COLESTAN ELECTRICS	REC CENTRE AND AQUATIC CENTRE LIGHTS AND POWER POINT REPAIRS	\$2,942.28
EFT14857	14/10/2019	CONWAY HIGHBURY	CONSULTANCY SERVICES TO UNDERTAKE THE DEVELOPMENT OF AMENDMENT /NEW LOCAL LAWS FOR SHIRE OF BRUCE ROCK	\$792.00
EFT14858	14/10/2019	CROWN PERTH	ACCOMMODATION AND PARKING FOR 2 OFFICERS (1 NIGHT TO BE REIMBURSED BY 1 OFFICER)	\$2,350.00
EFT14859	14/10/2019	DECOR BLINDS & CURTAINS	FINAL PAYMENT FOR CURTAINS IN CHAMBERS	\$1,525.07
EFT14860	14/10/2019	DEPARTMENT OF FIRE AND EMERGENCY SERVICES	2019/20 EMERGENCY SERVICES LEVY FOR SHIRE PROPERTIES	\$5,682.90
EFT14861	14/10/2019	E & MJ ROSHER PTY LTD	BLADES FOR RIDE ON MOWER	\$210.00
EFT14862	14/10/2019	ELDERS RURAL SERVICES AUSTRALIA LIMITED	POOL CHEMICALS	\$97.40
EFT14863	14/10/2019	ELEC TECH DIESEL SERVICES	PARTS FOR BK238	\$488.40
EFT14864	14/10/2019	ENVIRONMENTAL HEALTH PROFESSIONALS AUSTRALIA	EHPA CONFERENCE	\$795.00
EFT14865	14/10/2019	GREAT SOUTHERN FUEL SUPPLIES	FUEL FOR SEPTEMBER 2019	\$1,139.17
EFT14866	14/10/2019	GREENLITE ELECTRICAL CONTRACTORS PTY LTD	SUPPLY AND INSTALL HOCKEY FIELD LIGHTING - PROGRESS CLAIM 2	\$179,678.09
EFT14867	14/10/2019	JR & A HERSEY PTY LTD	WORK SHOP EQUIPMENT	\$501.49
EFT14868	14/10/2019	JULIAN GOLDACRE	REIMBURSEMENT - BATTERY FOR BK51 AND UBER RIDE TO PURCHASE BATTERY	\$199.59
EFT14869	14/10/2019	LANDMARK	MATERIALS FOR VARIOUS JOBS	\$511.48
EFT14870	14/10/2019	LGIS INSURANCE BROKING	MEDICAL MALPRACTICE INSURANCE	\$2,750.00



EFT14871	14/10/2019	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	ANNUAL STATE CONFERENCE 2019 FOR 3 OFFICERS	\$5,310.00
EFT14872	14/10/2019	MARKETFORCE	RECRUITMENT ADVERTISING	\$1,288.14
EFT14873	14/10/2019	MASONS SHOPPING CENTRE	SEPTEMBER 2019 PURCHASES	\$1,638.83
EFT14874	14/10/2019	MCCALL MOTORS PTY LTD	SEPTEMBER 2019 PURCHASES	\$1,265.62
EFT14875	14/10/2019	MERREDIN TELEPHONE SERVICES	SECURITY MONITORING FOR SEPTEMBER 2019	\$35.20
EFT14876	14/10/2019	MIDLAND CEMENT MATERIALS	CONCRETE SEPTIC TANKS FOR NEW RESIDENCE ON CURLEW DRIVE	\$1,906.99
EFT14877	14/10/2019	ROE TOURISM ASSOCIATION	MEMBERSHIP AND CONTRIBUTION 2019-2020	\$5,000.00
EFT14878	14/10/2019	RMD AUSTRALIA	FORM WORK PLY FOR BRIDGE	\$3,256.00
EFT14879	14/10/2019	SHERRIN RENTALS	HIRE OF FRONT END LOADER	\$1,425.60
EFT14880	14/10/2019	SIGMA CHEMICALS	POOL CHEMICALS AND OTHER ITEMS FOR POOL	\$2,939.70
EFT14881	14/10/2019	STAR TRACK EXPRESS PTY LTD	FREIGHT CHARGES - PARTS FOR BK 117	\$51.89
EFT14882	14/10/2019	SYNERGY	ELECTRICITY CHARGES	\$5,722.94
EFT14883	14/10/2019	T-QUIP	ATHLETICS MARKING BOOM & PITCH MAKER PAINT	\$1,001.00
EFT14884	14/10/2019	TRANSTRUCT	REINFORCING MESH	\$160.38
EFT14885	14/10/2019	TWO DOGS HOME HARDWARE	PLANTS NEW RESIDENCE, REC CENTRE ENTRY AND CURLEW DRIVE	\$1,889.60
EFT14886	14/10/2019	TOLL TRANSPORT PTY LTD	FREIGHT CHARGES - MED CENTRE	\$60.85
EFT14887	14/10/2019	WESFARMERS KLEENHEAT GAS PTY LTD	YEARLY FACILITY FEES	\$1,778.70
EFT14888	14/10/2019	WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA)	TRAINING FOR COUNCILLOR	\$525.00
EFT14889	14/10/2019	WESTERN DIAGNOSTIC PATHOLOGY	DRUG TEST KITS	\$467.50
EFT14890	14/10/2019	WESTRAC PTY LTD	PART FOR BK510	\$246.58
EFT14891	14/10/2019	WILSONS SIGN SOLUTIONS	LETTERING FOR CARAVAN PARK ENTRY	\$1,248.50
EFT14892	15/10/2019	CENTRAL EAST AGED CARE ALLIANCE (INC)	ANNUAL CONTRIBUTION 2019/2020	\$22,000.00
EFT14893	15/10/2019	TURBO SETTLEMENTS	SETTLEMENT COSTS FOR A580 SALE DUE TO UNPAID RATES	\$1,662.47
EFT14894	17/10/2019	PETER MICHAEL FUCHSBICHLER	RUBBISH COLLECTION FNE 16/10/19	\$2,830.35

EFT14895	17/10/2019	AUSTRALIAN GOVERNMENT CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$195.71
EFT14896	17/10/2019	SAMANTHA LEE BOYD	PAYROLL DEDUCTIONS	\$141.74
EFT14897	17/10/2019	SHIRE OF BRUCE ROCK	PAYROLL DEDUCTIONS	\$1,917.00
EFT14898	22/10/2019	AUSTRALIAN TAXATION OFFICE	BAS FOR SEPTEMBER 2019	\$26,024.00
EFT14899	21/10/2019	WESTERN AUSTRALIAN TREASURY CORPORATION	CARAVAN PARK AND SOLAR PANEL LOANS CAPITAL REPAYMENT AND INTEREST	\$35,999.74
EFT14900	23/10/2019	BRUCE ROCK AG SUPPLIES T/A N & J BUEGGE FAMILY TRUST	RATES REFUND	\$345.99
EFT14901	23/10/2019	HENDO'S HANDYMAN & PLUMBING SERVICES	INSTALLATIONS AT CAFÉ	\$2,937.00
EFT14902	23/10/2019	KAREN LEE MCDUGALL	RATES REFUND	\$1,266.43
EFT14903	24/10/2019	2C2U IT PTY LTD	MEDICAL CENTRE IT SUPPORT	\$1,510.00
EFT14904	24/10/2019	ADVANCED AUTOLOGIC PTY LTD	WORK SHOP SUPPLIES	\$1,027.00
EFT14905	24/10/2019	BROWNLEY'S PLUMBING & GAS	SERVICE ALL BACKFLOW DEVICES ON SHIRE STANDPIPES AND WORKS AT 2 SHIRE PROPERTIES	\$2,481.60
EFT14906	24/10/2019	BRUCE ROCK DISTRICT CLUB	REFRESHMENTS FOR CHAMBERS AND LUNCH AND REFRESHMENTS FOR SEPTEMBER OCM	\$645.80
EFT14907	24/10/2019	BRUCE ROCK DISTRICT HIGH SCHOOL	CONTRIBUTION TOWARDS BRUCE ROCK TRUE BLUE DREAMING MENTORING PROGRAM	\$1,600.00
EFT14908	24/10/2019	BRUCE ROCK TYRES	TYRES FOR BK792	\$324.79
EFT14909	24/10/2019	BUNNINGS WAREHOUSE	COOKTOP AND CISTERNS FOR SHIRE PROPERTIES	\$845.50
EFT14910	24/10/2019	BURGESS RAWSON PTY LTD	RENT & MANAGEMENT FEES 01/11/2019 - 30/11/2019	\$336.90
EFT14911	24/10/2019	CHRIS MITCHELL EARTHWORKS (HILLS LANDSCAPING)	PEA GRAVEL AND BLACK MULCH	\$3,669.00
EFT14912	24/10/2019	COLESTAN ELECTRICS	ELECTRICAL WORKS AT CAFÉ	\$533.94
EFT14913	24/10/2019	DUXTON HOTEL	ACCOMMODATION FOR OFFICER ATTENDING CONFERENCE	\$476.00
EFT14914	24/10/2019	ELDERS RURAL SERVICES AUSTRALIA LIMITED	FOAM MARKER COMPRESSOR	\$785.95
EFT14915	24/10/2019	GREAT EASTERN FREIGHTLINES	FREIGHT FROM SIGMA CHEMICALS	\$514.36

EFT14916	24/10/2019	IRVINE TRANSPORT	CONCRETE SAND, METAL DUST AND METAL FOR BATCHING PLANT	\$6,714.33
EFT14917	24/10/2019	JASON SIGNMAKERS	SIGNS FOR VARIOUS ROADS	\$1,217.08
EFT14918	24/10/2019	JH COMPUTER SERVICES	CONTRACT CHARGES FOR SEPTEMBER 2019	\$2,046.31
EFT14919	24/10/2019	JR & A HERSEY PTY LTD	UNIFORM AND BOOTS FOR STAFF MEMBER	\$287.69
EFT14920	24/10/2019	KELLERBERRIN CRC PIPELINE NEWSLETTER	ADVERTISING - SKELETON WEED	\$13.00
EFT14921	24/10/2019	KUNUNOPPIN MEDICAL PRACTICE	PRE EMPLOYMENT MEDICAL	\$143.00
EFT14922	24/10/2019	LANDMARK	GALVANISED FENCE DROPPERS	\$531.16
EFT14923	24/10/2019	LIBERTY OIL RURAL PTY LTD	BULK DIESEL	\$34,222.50
EFT14924	24/10/2019	MASONS SHOPPING CENTRE	SEPTEMBER 2019 PURCHASES	\$192.05
EFT14925	24/10/2019	MCCALL MOTORS PTY LTD	SEPTEMBER 2019 PURCHASES	\$12.32
EFT14926	24/10/2019	MERREDIN OLYMPIC MOTEL	ACCOMMODATION FOR STAFF MEMBER ATTENDING TRAINING	\$650.00
EFT14927	24/10/2019	OFFICEWORKS BUSINESS DIRECT	STATIONARY	\$189.56
EFT14928	24/10/2019	R2K CONTRACTING	HYDRAULIC HOSE FOR BK6556	\$60.50
EFT14929	24/10/2019	RENEE PURSELL	REIMBURSEMENT - CATERING FOR SKELETON WEED MEETINGS	\$107.00
EFT14930	24/10/2019	RON BATEMAN & CO	PARTS AND FITTINGS FOR NEW WATER TRUCK	\$609.96
EFT14931	24/10/2019	REDCAT MEDIA PTY LTD	BRUCE ROCK PROMOTIONAL VIDEO SHOOT	\$1,614.22
EFT14932	24/10/2019	ROSS'S DIESEL SERVICE	REPLACE CLUTCH AND GEAR BOX INPUT SHAFT BK6519, PARTS FOR NEW WATER TRUCK	\$10,804.66
EFT14933	24/10/2019	SHIRE OF MERREDIN	ENVIRONMENTAL HEALTH OFFICER SERVICES - SEPTEMBER 2019 (EHO ON LONG SERVICE LEAVE)	\$280.50
EFT14934	24/10/2019	SOUTHERN CROSS AUSTEREO PTY LTD	ADVERTISING FOR BBVR 2019	\$767.80
EFT14935	24/10/2019	STAR TRACK EXPRESS PTY LTD	FREIGHT CHARGES	\$38.99

EFT14936	24/10/2019	STEWART & HEATON CLOTHING CO. PTY LTD	UNIFORMS FOR BABAKIN AND SHACKLETON BFB	\$2,335.98
EFT14937	24/10/2019	SYNERGY	ELECTRICITY AQUATIC CENTRE AND NEW RESIDENCE	\$770.42
EFT14938	24/10/2019	TRANSTRUCT	SCISSOR LIFT HIRE FOR REC CENTRE AND MATERIALS FOR NEW RESIDENCE	\$410.85
EFT14939	24/10/2019	TRANSBEAM INDUSTRIES	SHIRE OF BR LOGO ART PIECE FOR REC CENTRE ENTRY STATEMENT	\$8,176.19
EFT14940	24/10/2019	WA CONTRACT RANGER SERVICES	RANGER SERVICES	\$561.00
EFT14941	24/10/2019	WHEATBELT REFRIGERATION AND AIR CONDITIONING	REPLACEMENT ICE MACHINE FOR DEPOT	\$3,960.00
EFT14942	31/10/2019	PETER MICHAEL FUCHSBICHLER	RUBBISH COLLECTION FNE 30/10/2019	\$2,830.35
EFT14943	31/10/2019	AUSTRALIAN GOVERNMENT CHILD SUPPORT AGENCY	PAYROLL DEDUCTIONS	\$195.71
EFT14944	31/10/2019	SAMANTHA LEE BOYD	PAYROLL DEDUCTIONS	\$141.74
EFT14945	31/10/2019	SHIRE OF BRUCE ROCK	PAYROLL DEDUCTIONS	\$1,826.00
<b>Total EFTs</b>				<b>\$461,707.04</b>
<b>Municipal Account Cheques</b>				
23955	08/10/2019	SHIRE OF BRUCE ROCK	FLOAT FOR AQUATIC CENTRE FOR 2019/20 SEASON	\$200.00
23956	08/10/2019	SMITH BROUGHTON PTY LTD	PURCHASE 2007 HINO FM500 2627 6X4 WATER TRUCK	\$107,250.00
23957	14/10/2019	SHIRE OF BRUCE ROCK	PETTY CASH RECOUP SEPTEMBER 2019, CAKE FOR COUNCIL AFTERNOON TEA	\$9.00
23958	23/10/2019	BOND ADMINISTRATOR	BOND LODGED WITH BOND ADMINISTRATOR	\$448.00
23959	23/10/2019	SHIRE OF BRUCE ROCK	FLOAT FOR VETS WEEK CAMPING ON OVAL FEES	\$300.00
23960	23/10/2019	DEPARTMENT OF TRANSPORT	PLATE CHANGE WATER TRUCK	\$43.30
23961	24/10/2019	TELSTRA	TELEPHONE CHARGES OCTOBER 2019	\$2,370.49
<b>Total Cheques</b>				<b>\$110,620.79</b>

<b>Trust Cheques</b>				
1931	07/10/2019	TURBO SETTLEMENTS	PURCHASER'S SETTLEMENT BALANCE PAID TO SHIRE TO SEND TO TURBO SETTLEMENTS	\$1,769.10
1932	23/10/2019	SHIRE OF BRUCE ROCK	RATES MISTAKENLY DEPOSITED TO TRUST BY SETTLEMENT AGENT, 3 ASSESSMENTS	\$1,205.73
1933	25/10/2019	ANTHONY ROSS CROOKS	REFUND OF NOMINATION DEPOSIT	\$80.00
1934	25/10/2019	KEVIN PAUL FOSS	REFUND OF NOMINATION DEPOSIT	\$80.00
1935	25/10/2019	MERREDITH KYM THORNTON	REFUND OF NOMINATION DEPOSIT	\$80.00
1936	25/10/2019	PHILLIP GERARD NEGRI	REFUND OF NOMINATION DEPOSIT	\$80.00
1937	25/10/2019	REBECCA ANNE WAYE	REFUND OF NOMINATION DEPOSIT	\$80.00
1938	25/10/2019	SHIRE OF BRUCE ROCK	STAFF FOOTY TIPPING - FUNDS REDRAWN TO GIVE OUT PRIZES	\$300.00
1939	25/10/2019	STEPHEN ARTHUR STRANGE	REFUND OF NOMINATION DEPOSIT	\$80.00
<b>Total Trust Cheques</b>				<b>\$3,754.83</b>
<b>Wages and Salaries</b>				
	02/10/2019	PAYROLL DIRECT DEBIT OF NET PAYS	WAGES FOR THE FORTNIGHT ENDING 02/10/2019	\$76,978.04
	16/10/2019	PAYROLL DIRECT DEBIT OF NET PAYS	WAGES FOR THE FORTNIGHT ENDING 16/10/2019	\$75,243.97
	30/10/2019	PAYROLL DIRECT DEBIT OF NET PAYS	WAGES FOR THE FORTNIGHT ENDING 30/10/2019	\$76,110.86
<b>Total Wages and Salaries</b>				<b>\$228,332.87</b>
<b>Municipal Account Direct Debits</b>				
DD6179.1	02/10/2019	WALGS PLAN	PAYROLL DEDUCTIONS	\$10,464.11
DD6179.2	02/10/2019	HOST PLUS SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$360.21
DD6179.3	02/10/2019	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	\$179.90
DD6179.4	02/10/2019	SUPERWRAP PERSONAL SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	\$367.73
DD6179.5	02/10/2019	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	\$109.13
DD6179.6	02/10/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$1,186.34
DD6179.7	02/10/2019	BENDIGO SUPER EASY	SUPERANNUATION CONTRIBUTIONS	\$355.91

DD6179.8	02/10/2019	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$247.23
DD6179.9	02/10/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$163.81
DD6210.1	16/10/2019	WALGS PLAN	PAYROLL DEDUCTIONS	\$10,923.86
DD6210.2	16/10/2019	HOST PLUS SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$360.21
DD6210.3	16/10/2019	MTAA SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	\$49.21
DD6210.4	16/10/2019	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	\$142.18
DD6210.5	16/10/2019	SUPERWRAP PERSONAL SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	\$401.15
DD6210.6	16/10/2019	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	\$72.08
DD6210.7	16/10/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$1,166.77
DD6210.8	16/10/2019	BENDIGO SUPER EASY	SUPERANNUATION CONTRIBUTIONS	\$380.96
DD6210.9	16/10/2019	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$248.16
DD6241.1	30/10/2019	WALGS PLAN	PAYROLL DEDUCTIONS	\$10,903.45
DD6241.2	30/10/2019	REST INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	\$187.23
DD6241.3	30/10/2019	HOST PLUS SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$360.21
DD6241.4	30/10/2019	MTAA SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	\$66.50
DD6241.5	30/10/2019	SUN SUPERANNUATION FUND	SUPERANNUATION CONTRIBUTIONS	\$707.50
DD6241.6	30/10/2019	AMP FLEXIBLE LIFETIME SUPERANNUATION	SUPERANNUATION CONTRIBUTIONS	\$931.36
DD6241.7	30/10/2019	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	\$177.05
DD6241.8	30/10/2019	SUPERWRAP PERSONAL SUPER PLAN	SUPERANNUATION CONTRIBUTIONS	\$404.16
DD6241.9	30/10/2019	MACQUARIE SUPER ACCUMULATOR	SUPERANNUATION CONTRIBUTIONS	\$92.39
DD6179.10	02/10/2019	REST INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	\$208.91
DD6210.10	16/10/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$134.09
DD6210.11	16/10/2019	REST INDUSTRY SUPER	SUPERANNUATION CONTRIBUTIONS	\$208.66
DD6241.10	30/10/2019	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$1,207.02
DD6241.11	30/10/2019	BENDIGO SUPER EASY	SUPERANNUATION CONTRIBUTIONS	\$390.20
DD6241.12	30/10/2019	PRIME SUPER	SUPERANNUATION CONTRIBUTIONS	\$246.94

DD6241.13	30/10/2019	AMP LIFE LIMITED	SUPERANNUATION CONTRIBUTIONS	\$46.68
DD6241.14	30/10/2019	BT SUPER FOR LIFE	SUPERANNUATION CONTRIBUTIONS	\$134.77
<b>Total Direct Debits</b>				<b>\$43,586.07</b>
<b>Credit Card Payments</b>				
EFT14839	14/10/2019	HEALTHENGINE	HEALTHENGINE APP, SMS RECALLS & NEW PATIENT	\$102.30
		BENDIGO BANK	CARD FEE	\$4.00
		ACTIV8ME	INTERNET FOR SEPTEMBER - OCTOBER 2019	\$45.40
		WESTNET	INTERNET FOR OCTOBER 2019	\$109.95
		WESTNET	INTERNET FOR OCTOBER 2019	\$89.95
		WESTNET	INTERNET FOR OCTOBER 2019	\$69.99
		WESTNET	INTERNET FOR OCTOBER 2019	\$89.95
<b>Total Credit Card Payments</b>				<b>\$511.54</b>
<b>Total Municipal Account EFT Payments</b>				<b>\$461,707.04</b>
<b>Total Municipal Account Cheque Payments</b>				<b>\$110,620.79</b>
<b>Total Trust Cheque Payments</b>				<b>\$3,754.83</b>
<b>Total Wages</b>				<b>\$271,918.94</b>
<b>TOTAL</b>				<b>\$848,001.60</b>

**DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER  
Shire of Bruce Rock  
2018/19**

As at Council Meeting 21 November 2019

<b>No</b>	<b>Delegation Subject</b>	<b>Delegation</b>	<b>Legislation Delegation Made From</b>	<b>Section Delegation Made From</b>	<b>Legislation</b>	<b>Sub-Delegations to Officers</b>
1	<b>Payments of Accounts</b>	Authority to make payments from the Municipal or Trust Fund to satisfy provision of Financial Management Regulation 12 (1)(a).	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996</i>	Fin Man Reg 12	<b>12. Payments from municipal fund or trust fund</b>	MOF DCEO SFO
2	<b>List of accounts</b>	Provide Council with a list of accounts at the next Ordinary Meeting of Council.	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996</i>	Fin Man Reg 13	<b>13. Lists of accounts</b>	MOF SFO
3	<b>Budgeted Expenditure</b>	Authority to incur expenditure on all items of budgeted expenditure items.	<i>Local Government Act 1995</i>	s.5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	As per Policy A1.4 (Signing Purchase Orders)
4	<b>Invest Surplus Funds</b>	Authority to invest surplus funds after ensuring that sufficient working capital is to be retained at all times.	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996 Policy regarding Investments</i>	Fin Man Reg 19	<b>19. Management of investments</b>	
5	<b>Nominate Order Book</b>	Authority to nominate Authorised Order Book Signatories.	<i>Local Government Act 1995 Policy regarding Purchase Order Books</i>	s.5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	
6	<b>Approval for staff training</b>	Authority to approve staff attendances at training courses, conferences and seminars.	<i>Local Government Act 1995</i>	s.5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	DCEO
7	<b>Calling tenders</b>	Authority to call tenders for budgeted items.	<i>Local Government Act 1995</i>	s.3.57(1)	<b>3.57. Tenders for providing goods or services</b>	
8	<b>Credit Card</b>	Authority to use the Shire of Bruce Rock allocated Credit Card within the constraints of approved budget allocations, in accordance with policy adopted by Council and/or as otherwise directed by Council.	<i>Local Government Act 1995 Local Government (Financial Management) Regulations 1996</i>	Fin Man Reg 11 (1) (a)	<b>11. Payment of accounts</b>	
9	<b>Write off Debts less than \$200</b>	Authority to write off unrecoverable debtors amounts of up to \$200 on the provision that details are provided to Council in information bulletins.	<i>Local Government Act 1995</i>	s.5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	
9A	<b>Write off Debts less than \$50</b>	Authority to write off debtor amounts of up to \$50 if deemed reasonable, on the provision that details are provided to Council in information bulletins.	<i>Local Government Act 1995</i>	s.5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	



10	<b>Legal Action</b>	Authority to take legal action necessary to recover unpaid infringement notices, rates and debtor accounts.	<i>Local Government Act 1995</i>	s.6.56(1)	<b>6.56. Rates or service charges recoverable in court</b> (1) If a rate or service charge remains unpaid after it becomes due and payable, the local government may recover it, as well as the costs of proceedings, if any, for that recovery, in a court of competent jurisdiction.	
11	<b>Appoint Authorised Persons</b>	Authority to appoint authorised persons to perform particular functions to perform duties under local laws	<i>Local Government Act 1995</i>	s.9.10 - Authorised Person, s5.42	<b>9.10. Appointment of authorised persons</b> (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.	
12	<b>Road Closures</b>	Authority to approve road closures for minor events on roads and issue Road Train and Extra Mass permits as provided for under the Traffic Act 1974/Police Act 1982.	<i>Road Traffic Act 1974</i>	s. 92(2)	<b>92 Roads may be closed</b> (2) A local government for a period of one month may exercise a similar power with regard to any road under its control, but the exercise of such power shall not extend beyond such period, except with the approval in writing of the Minister.	DCEO, MOWS
13	<b>Issue Road Train &amp; Extra Mass Permits</b>	Authority to issue Road Train and Extra Mass permits as provided for under the Traffic Act 1974.	<i>Road Traffic (Vehicle Standard) Regulations 2002</i> <i>Local Government Act 1995</i>	s.5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	
14	<b>Permits for Street Stalls &amp; liquor Licenses</b>	Authority to issue permits for street stalls and the sale of liquor on Council property.	<i>Local Law - ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW</i>	s.9.10 - Authorised Person	<b>9.10. Appointment of authorised persons</b> (1) The local government may, in writing, appoint persons or classes of persons to be authorised for the purposes of performing particular functions.	EHO
15	<b>Firebreaks</b>	Authority to have firebreaks installed on private property where the owner has failed to comply with the statutory requirements under the Bush Fires Act.	<i>Bush Fire Act 1954</i>	s.33	<b>33. Local government may require occupier of land to plough or clear fire break.</b>	DCEO, WA Contract Ranger Services
16	<b>Harvest Bans</b>	Authority to impose harvest bans.	<i>Bush Fire Act 1954</i>	s.27 (harvest bans)	<b>27. Prohibition on use of tractors or engines except under certain conditions</b>	DCEO or MOF in absence of CEO
17	<b>Extend or Restrict burning period</b>	Authority to extend or suspend restricted burning periods.	<i>Bush Fire Act 1954</i>	s. 17(10) & s. 18(5)(c)	<b>18. Restricted burning times may be declared by Authority</b>	
18	<b>Deal with WALGA</b>	Authority to deal with the Western Australian Local Government Association on behalf of Council (mainly pertaining to industrial matters).	<i>Local Government Act 1995</i>	s.5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	

19 A	<b>Grant of Building Permit</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Grant a building permit [s.20(1)].</li> <li>2. Refuse a building permit [s.20(2)].</li> <li>3. impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)];</li> <li>4. Determine approval / refusal of battery powered smoke alarm and determine application form [Reg.61]</li> </ol>	<i>Building Act 2011</i>	Section 20. Section 27 (1) and (3). Regulation 55. Regulation 61.	Grant of Building Permit. Impose Conditions on Permit. (Smoke Alarms) Terms used. Local Government approval of battery powered smoke alarms.	Environment al Health Officer- Authorised Officer and Deputy Chief Executive Officer
19 B	<b>Grant of Demolition Permit</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Grant a demolition permit [s.21(1)].</li> <li>2. Refuse a demolition permit [s.21(2)].</li> <li>3. Impose, vary or revoke conditions on a demolition permit [s.27(1) and (3)].</li> </ol>	<i>Building Act 2011</i>	Section 21. Section 27 (1) and (3).	Grant of Demolition Permit. Impose Conditions on Permit.	Environment al Health Officer- Authorised Officer and Deputy Chief Executive Officer
19 C	<b>Grant Occupancy Permit or Building Approval Certificate</b> Authority to:	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Require an applicant to provide any document or information required in order to determine an application [s.55].</li> <li>2. Grant or modify an occupancy permit or building approval certificate [s58].</li> <li>3. Impose, add, vary or revoke conditions on an occupancy permit or building approval certificate [s.62(1) and (3)].</li> <li>4. Extend the period in which an occupancy permit or modification, or building approval certificate has effect [s.65(4)].</li> </ol>	<i>Building Act 2011</i> <i>Building Regulations 2012</i>	Section 55 Section 58 Section 62(1) and (3) Section 65(4)	Further Information. Grant of Occupancy Permit, Building Approval Certificate. Conditions Imposed by Permit Authority. Extension of Period of Duration.	Environment al Health Officer- Authorised Officer and Deputy Chief Executive Officer
19 D	<b>Designate and Prescribe Authorised Persons</b>	<ol style="list-style-type: none"> <li>1. Authority to designate an employee as an authorised person [s.96(3)].</li> <li>2. Authority to prescribe an authorised person for the purposes of section 93(2)(d) and in a manner prescribed for the purposes of section 93(2)(d).</li> </ol>	<i>Building Act 2011</i>	Section 96(3). Section 93(2)(d)	hanging building standards, requirements, as to existing buildings.	Nil.

19 E	<b>Building Orders</b>	<p>Authority to:</p> <ol style="list-style-type: none"> <li>1. Make Building Orders [s.110] in relation to: <ol style="list-style-type: none"> <li>a. Building work,</li> <li>b. Demolition Work,</li> <li>c. An existing building or incidental structure.</li> </ol> </li> <li>2. Give notice of a proposed building order and consider submissions received in response and determine actions [s.111(1)(c)]</li> <li>3. Revoke a Building Order [s.117].</li> <li>4. If there is non-compliance with a building order, cause an authorised person to: <ol style="list-style-type: none"> <li>a. take any action specified in the order; or</li> <li>b. commence or complete any work specified in the order; or</li> <li>c. if any specified action was required by the order to cease, to take such steps as are reasonable to cause the action to cease [s.118(2)].</li> </ol> </li> <li>5. Take court action to recover as a debt, reasonable costs and expenses incurred in doing anything in regard to non-</li> </ol>	<i>Building Act 2011</i>	<p>Section 110(1) Section 111(1) Section 117(1) and (2) Section 118(2) and (3) Section 133(1)</p>	<p>A Permit Authority (Local Government) may make a Building Order. Notice of proposed building order other than building order (emergency) . A Permit Authority (Local Government) may revoke a Building Order or notify that it remains in effect. Permit authority may give effect to building order if non-compliance. A Permit Authority (Local Government) may commence a prosecution for an offence against this Act.</p>	<p>Environmental Health Officer- Authorised Officer and Deputy Chief Executive Officer</p>
20A	<b>Enforcement Agency Functions</b>	<p>Administration of the functions of the Shire of Bruce Rock as "enforcement agency", pursuant to the Food Act 2008 and the Food Regulations 2009. These functions include, but are not limited to, the authorising of environmental health officers as authorised persons, the issuing of food business registrations and the enforcement of the Food Act 2008 and the Food Regulations 2009.</p> <p>Administration of the functions of the Shire of Bruce Rock, pursuant to Clause 26 of the Health Act 1911. These functions include, but are not limited to, the authorising of environmental health officers as authorised persons, for the enforcement and compliance with public health standards, Health Act and local laws made pursuant to the Health Act 1911 and to expedite the approval of applications and the reporting requirements described in the Act</p>	<p><i>Food Act 2008 and the Food Regulations 2009</i></p> <p><i>Health Act 1911</i></p>	<p>Section 26</p>	<p>Part 10 - Administration (s. 116 - s.123) of Food Act 2008 and Part 1 - Preliminary (r. 4 - r.5) of Food Regulations 2009</p> <p>s. 26 Powers of Local Government</p>	<p>EHO</p> <p>EHO</p>
21	<b>Planning Issues</b>	<p>Authority to issue planning consents, vary setbacks and where minor adjustments to building setbacks in accordance with Councils policies, town planning scheme or planning codes.</p>	<i>Local Government Act 1995</i>	s.5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	Principal Building Surveyor

22	<b>Use of Caravan at Private Property</b>	Authority in accordance with s5.42 of the Local Government Act 1995 to approve applications made pursuant to regulation 11 of the Caravan Parks and Camping Grounds Regulations 1997 for a maximum period of five (5) days with conditions relevant to the application to camp a caravan at a private property.	<i>Local Government Act 1995 Caravan Parks and Camping Grounds Regulations 1997</i>	s.5.42 r.11	<b>11. Camping other than at a caravan park or camping ground</b>	EHO
23	<b>Staff with Second Jobs</b>	Authority to determine applications from staff wishing to engage in outside employment in their own time, on the conditions that details are provided to Council in information bulletins.	<i>Local Government Act 1995</i>	s.5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	DCEO
24	<b>Delegations of Power - Cat Act 2011</b>	Delegation of all the powers and duties of the local government.	<i>Cat Act 2011</i>	s.44	<b>44 Delegation of powers and duties to CEO</b>	DCEO, WA Contract Ranger Services
25	<b>Delegations of Power - Dog Act 1976</b>	Delegation of all the powers and duties of the local government.	<i>Dog Act 1976</i>	S10AA	<b>10AA Delegation of powers and duties to CEO</b>	DCEO, WA Contract Ranger Services
26	<b>Local Planning Scheme No3.</b>	Part III, IV, V, VII, VIII	<i>Local Government Act 1995</i>	s5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	
27	<b>Food Act 2008</b>	s65- prohibition order, s66 - certificate of clearance to be given in certain circumstances, s67 - request for re-inspection	<i>Food Act 2008 and the Food Regulations 2009</i>	s118, s119, s120	<b>s118 Functions of enforcement agencies and delegations</b>	EHO
28	<b>Food Act 2008</b>	s110 - registration of food business, s112 - variation of conditions or cancellation of registration of food business	<i>Food Act 2008 and the Food Regulations 2009</i>	s118, s119, s120	<b>s118 Functions of enforcement agencies and delegations</b>	EHO
29	<b>Food Act 2008</b>	s125 Institution of proceedings	<i>Food Act 2008 and the Food Regulations 2009</i>	s118, s119, s120	<b>s118 Functions of enforcement agencies and delegations</b>	EHO
30	<b>Liquor Control Act 1988</b>	s39 - Certificate of local government as to whether premises comply with laws	<i>Local Government Act 1995</i>	s5.42	<b>5.42 Delegation of some powers and duties to CEO</b>	
31	<b>Liquor Control Act 1988</b>	s40 - Certificate of planning authority as to whether use of premises complies with planning laws	<i>Local Government Act 1996</i>	s5.43	<b>5.42 Delegation of some powers and duties to CEO</b>	



Prepared for: **Shire of Bruce Rock**  
Attention: **Alan O'Toole**  
Quote Date: **29/10/2019**  
Location: **Shire of Bruce Rock**  
Title: **Telecommunications/Internet Solution**

Commercial in Confidence



## Vision Statement

To be the first choice for broadband internet in regional Western Australia by providing first class infrastructure with a consistent focus on excellent customer service and ongoing regional community consultation to ensure our program meets the needs of country WA.



## Background

CRISP Wireless is a Network owner/operator licensee for Wireless Broadband services in Western Australia.

We provide a unique telecommunications solution that utilises Point to Point secured wireless connectivity between sites as well as community wireless services and subscriber broadband. This unique approach allows us to treat our customers as members of a Local Area Network (we call it Localnet), which significantly reduces operating costs which we pass on to Clients.



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## Quality Information

**Prepared for:**

BRUCE ROCK SHIRE

**Prepared by:**

**CRISP WIRELESS**

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**Document number:** 10017A

**Revision History:**

Revision	Revision Date	Details	Authorisation		
			Prepared By	Reviewed By	Authorised By
A	29-OCT-19	Proposal 10017A	Jeremy Devenish	Leigh Ballard	Jeremy Devenish





## Proposal

CRISP Wireless propose to supply, install, maintain and offer subscription of a 50/50 Enterprise Grade Internet Service for the Shire of Bruce Rock.

We would propose Bruce Rock to have access to a central technology centre on optical fibre at Merredin and interconnect through to the Bruce Rock Shire with a High Speed Wireless network.

Our technology centre can operate as a full data centre allowing Bruce Rock Shire to gain access to a High Speed Synchronous Internet Service and also operate a high level of computer services through CRISP Wireless or use the data centre as a conduit to the cloud.

## Benefits

- **Speed:** The internet service offered by Crisp Wireless (being a 50/50 Enterprise Grade Service) is a synchronous (same upload as download speed) service. For business, upload speed is as important if not more important than download speed to function well. The NBN satellite service or ADSL does not provide this. Cloud computing, offsite backup storage, Cloud Accounting etc etc rely heavily on a synchronous service to provide the required upload capability.
- **Contention:** For business this is a hidden handbrake for a good user experience. This refers to how many people have access to the bandwidth offered. On our enterprise connection plans we keep contention to a maximum of 4:1 (ie only 4 users will have access to the bandwidth incoming). To give a comparison the NBN will at times run with Contention ratios of up to 1000:1.
- **Latency:** Meaning delay. This condition is often rated by IT professionals as the number one priority as it alleviates the need for lightning speeds because it eliminates delay of the service. Essential for good video conferencing, VOIP communications and many other remote type applications. The lower the latency the better the user experience. NBN satellite currently runs at around 600-700ms. Our fixed wireless service operates at around 30-50ms. That provides a 10 x better and more “snappy” internet connection.
- **Proven Network:** However our best benefit is a combination of the above factors. The following clients are customers of Crisp Wireless including Merredin Shire, Nungarin Shire, Trayning Shire, Koorda Shire, Wyalkatchem Shire, Muckinbudin High School and many many large farming and similar type corporate clients.



## Timing

If Crisp Wireless was to be successful with the below proposal – the service would be available within around 8 weeks from Purchase Order

## Proposal

CRISP Wireless propose to supply, install, maintain and offer subscription of a 50/50 Enterprise Grade Internet Service for the Shire of Bruce Rock.

## Inclusions

### ***Wireless Link***

- 2 x Full Operational Repeater Stations inclusive of Solar Power Generation system and Backup UPS Power System to complete the wireless link to Bruce Rock
- All networking and associated cabling with installation of the repeater stations
- All mast work including installation of new equipment/mast if required to standard at Bruce Rock Shire
- All internal wiring at Bruce Rock Shire and a handoff to IT services via a POE device

Note 1 : The actual infrastructure at the Shire is very unobtrusive and consists of a 450mm dish mounted on a single mast or an existing mast.

Note 2 : The 2 Wireless Repeater Sites on the route to Bruce Rock remain the property of Crisp Wireless and will be maintained in accordance with this. These sites may be utilized in future for Crisp Wireless to extend services to the Bruce Rock Community and beyond. The installation price is a cost for ongoing access and for Crisp Wireless to be able to provide Bruce Rock Shire with the proposed Fixed Wireless Internet Solution.



## Price Schedule

<b>Item #</b>	<b>Description</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Total Price</b>
1	Detailed Site Survey (Non-refundable)	1	\$2,400.00	\$2,400.00
2.	Installation Cost	1	\$27,300.00	\$27,300.00

**Total Cost Excl GST \$29,700.00**

### Notes:

1. Requires two repeaters between Merredin Network and Bruce Rock – fully inclusive of site builds, towers, power supply and wireless backhaul
2. Subject to successful Land Access Agreements and Shire Approvals (never had an issue with this before)
3. Shire DA Approval fees have not been included and would be an extra cost unless waived by the Shire
4. \$599.00 + GST per month 50/50 Enterprise Grade Internet Plan based on a 3 Year Contract Plan
5. Item 2 is 100% verified once item 1 is complete. We would not expect any changes as software surveys have been completed – but sometimes the detailed site survey can throw up hidden unknowns.



## General Terms & Conditions

- Payment Term 1 – 50% of quoted amount due prior to commencement of work
  - Payment Term 2 – 30% of quoted amount due 14 days from Invoice on completion of equipment installation
  - Payment Term 3 – 20% of quoted amount due 14 days from Invoice on full operational and available network energisation
  - Assumes Free Access
  - Price valid for 60 days from Quote
  - CRISP Wireless Standard Terms & Conditions apply
  - All pricing Excl GST and Ex-works unless stated otherwise
- 

## Contact List

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### CEO

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M: 0428 832 095



## Local Government Act 1995

### Shire of Bruce Rock Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2019

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Bruce Rock resolved on dd mm 2019 to make the following local law:

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#### 1. Citation

This local law is cited as the *Shire of Bruce Rock Activities on Thoroughfares and Public Places and Trading Amendment Local Law 2019*.

#### 2. Commencement

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

#### 3. Principal Local Law

This local law amends the *Shire of Bruce Rock Activities on Thoroughfares and Public Places and Trading Local Law 2004* as published in the *Government Gazette* on 27 July 2005 and as amended in the *Government Gazette* on 29 August 2006.

#### 4. Change 'authorized' to 'authorised'

Wherever they appear in the principale local law, 'authorized' is replaced with 'authorised' and 'authorize' is replaced with 'authorise'.

#### 5. Clause 1.2 amended

Clause 1.2 is amended as follows:

(a) Replace the definition of 'liquor' with:

"liquor" has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

(b) Add the following definitions in alphabetical order:

"food business" has the meaning given to it in section 10 of the *Food Act 2008*;

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

(c) Delete the definition of "lot" and replace it with:

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

(d) Delete the definition of "town planning scheme".

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#### 6. Clause 2.1 amended

~~Subclause~~ Clause 2.1(a) is deleted and replaced with:

(a) plant any plant (except grasses or a similar plant) on a thoroughfare within 10 metres of an intersection;

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#### 7. Clause 2.3 amended

In ~~sub~~clause 2.3(1)(a) replace '*Liquor Licensing Act 1988*' with '*Liquor Control Act 1988*'.

#### 8. Clause 2.4 amended

In clause 2.4(2) replace both instances of '*Local Government (Miscellaneous Provisions) Act 1960*' with '*Building Control Act 2011*'.

#### 9. Part 4 amended

In Part 4:

(a) The heading of is amended so that it reads "PART 4—OBSTRUCTING ANIMALS AND VEHICLES"; and

(b) Division 2 – Shopping Trolleys is deleted.

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#### 10. Clause 5.1 amended

Replace the definition of '**Roadside Conservation Committee**' with:  
 "Roadside Conservation Committee" means the Roadside Conservation Committee appointed by the responsible Minister; and

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**11. Clause 6.5 amended**

Clause 6.5(2)(d) is deleted.

**12. Clauses 6.8 amended**

- (a) In ~~sub~~clause 6.8(1)(c), replace *Weights and Measures Act 1915* with *National Measurement Act 1960 (Cth)*; and
- (b) ~~C~~Subclause 6.8(2)(a) is deleted.

**13. Clause 6.12 deleted**

Clause 6.12 is deleted.

**14. Clause 6.17 amended**

- (a) ~~In clause 6.17 delete Replace~~ subclauses (a) and (b) ~~and replace~~ with:
  - (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 premises is permitted under the local planning scheme.
- (b) Delete clause (c) and renumber the clause accordingly.

**15. Clause 7.6 amended**

Clause 7.6 is replaced with:

**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.

**16. Clause 7.7 amended**

In ~~sub~~clause 7.7(2) delete *mutatis mutandis*.

**17. Clause 8.1 replaced**

Clause 8.1 is deleted and replaced with:

**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 the Regulations apply to that decision.

**18. Schedule 1 replaced**

Schedule 1 is replaced with:

**Schedule 1**

**(Clause 10.4)**

**PRESCRIBED OFFENCES**

No	Clause	Description	Modified Penalty \$
1	2.1(a)	Plant any plant (except grasses or a similar plant) within 10 metres of an intersection	125
2	2.1(b)	Damaging lawn or garden	125

No	Clause	Description	Modified Penalty \$
3	2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	125
4	2.1(d)	Placing hazardous substance on footpath	125
5	2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	400
6	2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	125
7	2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	125
8	2.2(a)	Digging a trench through a kerb or footpath without a permit	125
9	2.2(b)	Throwing or placing anything on a verge without a permit	125
10	2.2(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	125
11	2.2(d)	Causing obstruction to water channel on thoroughfare without a permit	250
12	2.2(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
13	2.2(g)	Lighting a fire on a thoroughfare without a permit	400
14	2.2(h)	Felling tree onto thoroughfare without a permit	125
15	2.2(i)	Installing pipes or stone on thoroughfare without a permit	125
16	2.2(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	400
17	2.2(k)	Creating a nuisance on a thoroughfare without a permit	125
18	2.2(l)	Placing a bulk rubbish container on a thoroughfare without a permit	125
19	2.2(m)	Interfering with anything on a thoroughfare without a permit	125
20	2.3(1)	Consumption or possession of liquor on thoroughfare	125
21	2.4(1)	Failure to obtain permit for temporary crossing	250
22	2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	400
23	2.9(1)	Installation of verge treatment other than permissible verge treatment	250
24	2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	125
25	2.11	Failure to comply with notice to rectify default	125
26	2.17(2)	Failure to comply with sign on public place	125
27	2.19(1)	Driving or taking a vehicle on a closed thoroughfare	400
28	3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	125
29	3.2(3)	Erecting or placing of advertising sign in a prohibited area	125
30	4.1(1)	Animal or vehicle obstructing a public place or local government property	125
31	4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	125
32	4.2(2)(b)	Animal on public place with infectious disease	125
33	4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	125
34	4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	125
<del>35</del>	<del>4.5</del>	<del>Person leaving shopping trolley in public place other than trolley bay</del>	<del>125</del>
<del>36</del>	<del>4.6(2)</del>	<del>Failure to remove shopping trolley upon being advised of location</del>	<del>125</del>
<del>3735</del>	5.6(1)	Driving a vehicle on other than the carriageway of a flora road	250
<del>3836</del>	5.9	Planting in thoroughfare without a permit	250
<del>3937</del>	5.11	Failure to obtain permit to clear a thoroughfare	500
<del>3840</del>	5.13	Burning of thoroughfare without a permit	500
<del>4439</del>	5.17	Construction of firebreak on thoroughfare without a permit	500
<del>4240</del>	5.19	Commercial harvesting of native flora on thoroughfare	500
<del>4341</del>	5.20(1)	Collecting seed from native flora on thoroughfare without a permit	400

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No	Clause	Description	Modified Penalty \$
<del>4442</del>	6.2(1)	Conducting of stall in public place without a permit	400
<del>4543</del>	6.3(1)	Trading without a permit	400
<del>4644</del>	6.8(1)(a)	Failure of stallholder or trader to display or carry permit	125
<del>4745</del>	6.8(1)(b)	Stallholder or trader not displaying valid permit	125
<del>4846</del>	6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	125
<del>4947</del>	6.8(2)	Stallholder or trader engaged in prohibited conduct	125
<del>5048</del>	6.10	Performing in a public place without a permit	125
<del>5149</del>	6.11(2)	Failure of performer to move onto another area when directed	125
<del>5250</del>	6.14	Failure of performer to comply with obligations	125
<del>5351</del>	6.16	Establishment or conduct of outdoor eating facility without a permit	400
<del>5452</del>	6.18	Failure of permit holder of outdoor eating facility to comply with obligations	125
<del>5553</del>	6.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	75
<del>5654</del>	6.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	75
<del>5755</del>	7.5	Failure to comply with a condition of a permit	125
<del>5856</del>	7.9	Failure to produce permit on request of authorized person	125
<del>5957</del>	10.1	Failure to comply with notice given under local law	125

Dated dd mm 2019

The Common Seal of the Shire of Bruce Rock was affixed by authority of a resolution of the Council in the presence of –

.....  
Cr Stephen Strange, President

.....  
Darren Mollenoyux, Chief Executive Officer

Commented [Chris2]: Date signed by Shire President and CEO



LOCAL GOVERNMENT ACT 1995

**Commented [Chris1]:** This document looks like it was created by converting the PDF of a GG to a Word doc by the Shire; it still has some formatting issues, mainly around line/ page breaks and margins I think

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## SHIRE OF BRUCE ROCK

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# ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2004

Published in the Government Gazette on 27 July 2005, No 144.

Amended:  
Government Gazette 29 August 2006, No 151.

Disclaimer:

This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

**Commented [Chris2]:** Suggest you add this to 'admin' versions of the local law. That way you can refer to a consolidated and updated version in one place.

**LOCAL GOVERNMENT ACT 1995**

**SHIRE OF BRUCE ROCK**

**ACTIVITIES ON THOROUGHFARES AND TRADING IN  
THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2004**

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**Commented [Chris3]:** I don't think this index is linked to headings in the document; it would be worthwhile doing so as it will make amendments to the index easier in future

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**LOCAL GOVERNMENT ACT 1995**

SHIRE OF BRUCE ROCK

**ACTIVITIES ON THOROUGHFARES AND TRADING IN  
THOROUGHFARES AND PUBLIC PLACES LOCAL LAW 2004**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the *Shire of Bruce Rock* resolved on 9th December 2004 to make the following local law.

**PART 1—PRELIMINARY**

**1.1 Citation and Commencement**

1.1.1. This local law may be cited as the Shire of Bruce Rock Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2004.

1.1.2. This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

**1.2 Definitions**

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;

“**authorized 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;

“**food business**” has the meaning given to it in section 10 of the *Food Act 2008*;

“**footpath**” means the paved or made portion of a thoroughfare used or intended for use by pedestrians and cyclists;

“**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 Licensing Act 1988*;

“**local government**” means the Shire of Bruce Rock;

“**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;

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“local planning scheme” means a local planning scheme made by the local government under the Planning and Development Act 2005;

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“lot” has the meaning given to it in the *Town Planning and Development Act 2006*;

“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;

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“town planning scheme” means a town planning scheme of the local government made under the *Town Planning and Development Act 1928*;

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“townsite” means the townsite of Ardat and Bruce Rock 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; and
  - (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

This local law applies throughout the district.

## PART 2—ACTIVITIES ON 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 on a thoroughfare of an intersection; plant any plant which exceeds or which may exceed 0.75m in height on a thoroughfare so that the plant is within 6m 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 skateboard, rollerblades or similar device.

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**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 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 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 Licensing Act 1988* *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 builder named on the building licence issued under the *Building Act 2011* ~~*Local Government (Miscellaneous Provisions) Act 1960*~~, if one has been issued in relation to the works; or
  - (b) the registered proprietor of the lot, if no building licence has been issued under the *Building Act 2011* ~~*Local Government (Miscellaneous Provisions) Act 1960*~~ 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.

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##### 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, and which appears on a list of acceptable materials maintained by the local government.

**2.7 Application**

This Division only applies to the 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; 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; and

“**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;
- (j) 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, ~~AND 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~~~~authorised~~ 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.~~

#### ~~4.7 Retailer taken to own trolley~~

~~In the absence of any proof to the contrary, a shopping trolley is to be taken to belong to a retailer whose name is marked on the trolley.~~

### PART 5—ROADSIDE CONSERVATION

#### *Division 1—Preliminary*

##### 5.1 Interpretation

In this Part—

“MRWA” means Main Roads Western Australia;

“protected flora” has the meaning given to it in section 6(1) of the *Wildlife Conservation Act 1950*;

“rare flora” has the meaning given to it in section 23F of the *Wildlife Conservation Act 1950*;

~~“Roadside Conservation Committee” means the Roadside Conservation Committee appointed by the responsible Minister; “Roadside Conservation Committee” means the Roadside Conservation Committee established under the Land Resource Policy Council within the Office of Premier and Cabinet; and~~

“special environmental area” means an area designated as such under clause 5.7.

##### 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 “Code of Practice for Roadside Conservation and Road Maintenance” prepared by the Roadside Conservation Committee.

##### 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) as protected flora or rare 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.

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*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; and
- (c) the going from place to place, whether or not public places, and—
  - (i) offering goods or services for sale or hire;
  - (ii) inviting offers or soliciting orders for the sale or the hire of goods or services; or
  - (iii) carrying out any other transaction in relation to goods or services,

but does not include—

- (d) the setting up of a stall or the conducting of a business at a stall under the authority of a stallholder’s permit;
- (e) 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;
- (f) 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
- (g) 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 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.
- (3) The conditions subject to which the local government may approve an application for a trader's permit include that the permit holder is permitted to remain at a particular location for as long as there is a customer making a purchase, but if there is no customer making a purchase the permit holder must move on from that location within a reasonable time of the last purchase having been made.

### 6.4 No permit required to sell newspaper

Notwithstanding any other provision of this local law, a person who sells, or offers for sale, a newspaper 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;
  - (b) that the applicant is not a desirable or suitable person to hold a permit;
  - (c) 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;
  - ~~(d) such other grounds as the local government may consider to be relevant in the circumstances of the case.~~

### 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~~ ~~authorise~~ 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 (Cth)~~ ~~Weights and Measures Act 1915~~.

(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 reasonably close to the place of trading.

#### 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 local government 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~~ 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 premises is permitted under the local planning scheme.~~
- ~~(a) the Facility is conducted in conjunction with and as an extension of food premises which abut on the Facility, and whether the applicant is the person conducting such food premises;~~
- ~~(b) any abutting food premises are registered in accordance with the Health Act 1911 and whether the use of the premises is permitted under the town planning scheme;~~
- ~~(c) the Facility will comply with any local law made under section 172 of the Health Act 1911;~~
- ~~(d)(c) users of the Facility will have access to proper and sufficient sanitary and ablutionary conveniences;~~
- ~~(e)(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
- ~~(f)(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

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Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law 2004

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local law and any local law made under section 172 of the *Health Act 1911*;

- (b) ensure that the eating area is kept in a clean and tidy condition at alltimes;

- (c) maintain the chairs, tables and other structures in the eating area in a good, clean and serviceable condition at all times;
  - (d) 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; and
  - (e) be solely responsible for all rates and taxes levied upon the land occupied by the Facility.
- (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~~authorised 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~~authorised person or a member of the Police Service or an emergency service in the event of an emergency.
- (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 ~~mutatis mutandis~~.

#### 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~~~~authorised~~ person her or his permit immediately upon being required to do so by that ~~authorized~~~~authorised~~ person.

### 7.10 Cancellation of permit

(1) Subject to clause 8.1, a permit may be cancelled by the local government on any one or more of the following grounds—

- (a) 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; or
- (b) if it is relevant to the activity regulated by the permit—
  - (i) the permit holder has become bankrupt, or gone into liquidation;
  - (ii) the permit holder has entered into any composition or arrangement with creditors; or
  - (iii) a manager, an administrator, a trustee, a receiver, or a receiver and manager is appointed in relation to any part of the permit holder's undertakings or property.

(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 regulations ~~33 and 34~~ 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.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an ~~authorized~~ 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.

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

Clause 10.4  
PRESCRIBED OFFENCES

No	Clause	Description	Modified Penalty
<u>1</u>	2.1(a)	<del>Plant any plant (except grasses or a similar plant) on a thoroughfare within 10 metres of an intersection</del> Plant of 0.75m in height on thoroughfare within 6m of intersection	<del>100</del> 125
<u>2</u>	2.1(b)	Damaging lawn or garden	<del>100</del>
<u>3</u>	2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	<del>100</del>
<u>4</u>	2.1(d)	Placing hazardous substance on footpath	<del>100</del>
<u>5</u>	2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	<del>300</del>
<u>6</u>	2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	<del>100</del>
<u>7</u>	2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	<del>100</del> 125
<u>8</u>	2.2(a)	Digging a trench through a kerb or footpath without a permit	<del>100</del>
<u>9</u>	2.2(b)	Throwing or placing anything on a verge without a permit	<del>100</del>
<u>10</u>	2.2(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	<del>100</del> 125
<u>11</u>	2.2(d)	Causing obstruction to water channel on thoroughfare without a permit	<del>200</del> 250
<u>12</u>	2.2(e)	Placing or draining offensive fluid on thoroughfare without a permit	<del>200</del>
<u>13</u>	2.2(g)	Lighting a fire on a thoroughfare without a permit	<del>300</del>
<u>14</u>	2.2(h)	Felling tree onto thoroughfare without a permit	<del>100</del>
<u>15</u>	2.2(i)	Installing pipes or stone on thoroughfare without a permit	<del>100</del>
<u>16</u>	2.2(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	<del>300</del> 400
<u>17</u>	2.2(k)	Creating a nuisance on a thoroughfare without a permit	<del>100</del>
<u>18</u>	2.2(l)	Placing a bulk rubbish container on a thoroughfare without a permit	<del>100</del>
<u>19</u>	2.2(m)	Interfering with anything on a thoroughfare without a permit	<del>100</del>
<u>20</u>	2.3(1)	Consumption or possession of liquor on thoroughfare	<del>100</del>

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Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law 2004

<del>21</del>	2.4(1)	Failure to obtain permit for temporary crossing	
<del>22</del>	2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	

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Activities On Thoroughfares And Trading In Thoroughfares And Public Places Local Law 2004

	Clause	Description	Modified Penalty \$	Formatted Table
<a href="#">23</a>	2.9(1)	Installation of verge treatment other than permissible verge treatment	<del>200</del> 250	Formatted: Centered
<a href="#">24</a>	2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	<del>100</del> 125	Formatted: Centered
<a href="#">25</a>	2.11	Failure to comply with notice to rectify default	<del>100</del>	Formatted: Centered
<a href="#">26</a>	2.17(2)	Failure to comply with sign on public place	<del>100</del>	Formatted: Centered
<a href="#">27</a>	2.19(1)	Driving or taking a vehicle on a closed thoroughfare	<del>100</del>	Formatted: Centered
<a href="#">28</a>	3.2(1)	Placing advertising sign or affixing any advertisement on a thoroughfare without a permit	<del>100</del> 125	Formatted: Centered
<a href="#">29</a>	3.2(3)	Erecting or placing of advertising sign in a prohibited area	<del>100</del>	Formatted: Centered
<a href="#">30</a>	4.1(1)	Animal or vehicle obstructing a public place or local government property	<del>100</del> 125	Formatted: Centered
<a href="#">31</a>	4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	<del>100</del>	Formatted: Centered
<a href="#">32</a>	4.2(2)(b)	Animal on public place with infectious disease	<del>100</del>	Formatted: Centered
<a href="#">33</a>	4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	<del>100</del>	Formatted: Centered
<a href="#">34</a>	4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	<del>100</del>	Formatted: Centered
	<del>4.5</del>	<del>Person leaving shopping trolley in public place other than trolley bay</del>	<del>100</del> 125	Formatted: Centered
	<del>4.6(2)</del>	<del>Failure to remove shopping trolley upon being advised of location</del>	<del>100</del>	Formatted: Centered
<a href="#">35</a>	5.6(1)	Driving a vehicle on other than the carriageway of a flora road	<del>200</del>	Formatted: Centered
<a href="#">36</a>	5.9	Planting in thoroughfare without a permit	<del>200</del>	Formatted: Centered
<a href="#">37</a>	5.11	Failure to obtain permit to clear a thoroughfare	500	Formatted: Centered
<a href="#">38</a>	5.13	Burning of thoroughfare without a permit	500	Formatted: Centered
<a href="#">39</a>	5.17	Construction of firebreak on thoroughfare without a permit	500	Formatted: Centered
<a href="#">40</a>	5.19	Commercial harvesting of native flora on thoroughfare	500	Formatted: Centered
<a href="#">41</a>	5.20(1)	Collecting seed from native flora on thoroughfare without a permit	<del>100</del>	Formatted: Centered
<a href="#">42</a>	6.2(1)	Conducting of stall in public place without a permit	<del>100</del>	Formatted: Centered
<a href="#">43</a>	6.3(1)	Trading without a permit	<del>100</del>	Formatted: Centered
<a href="#">44</a>	6.8(1)(a)	Failure of stallholder or trader to display or carry permit	<del>100</del>	Formatted: Centered
<a href="#">45</a>	6.8(1)(b)	Stallholder or trader not displaying valid permit	<del>100</del>	Formatted: Centered
<a href="#">46</a>	6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	<del>100</del> 125	Formatted: Centered
<a href="#">47</a>	6.8(2)	Stallholder or trader engaged in prohibited conduct	<del>100</del>	Formatted: Centered
<a href="#">48</a>	6.10	Performing in a public place without a permit	<del>100</del>	Formatted: Centered
<a href="#">49</a>	6.11(2)	Failure of performer to move onto another area when directed	<del>100</del>	Formatted: Centered
<a href="#">50</a>	6.14	Failure of performer to comply with obligations	<del>100</del>	Formatted: Centered
<a href="#">51</a>	6.16	Establishment or conduct of outdoor eating facility without a permit	<del>100</del>	Formatted: Centered
<a href="#">52</a>	6.18	Failure of permit holder of outdoor eating facility to comply with obligations	<del>100</del> 125	Formatted: Centered
<a href="#">53</a>	6.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	<del>50</del>	Formatted: Centered
<a href="#">54</a>	6.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	<del>50</del>	Formatted: Centered
<a href="#">55</a>	7.5	Failure to comply with a condition of a permit	<del>100</del>	Formatted: Centered
<a href="#">56</a>	7.9	Failure to produce permit on request of <del>authorized</del> authorised person	<del>100</del>	Formatted: Centered
<a href="#">57</a>	10.1	Failure to comply with notice given under local law	<del>100</del>	Formatted: Centered
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Dated 17th of March 2005.

The Common Seal of the Shire of Bruce Rock was affixed by authority of a resolution of the Council in the presence of—

S. STRANGE, Mayor/President.  
S. O'HALLORAN, Chief Executive Officer.

**Dog Act 1976  
Local Government Act 1995**

**Shire of Bruce Rock Dogs Amendment Local Law 2019**

Under the powers conferred by the *Local Government Act 1995*, ~~the *Dog Act 1976*~~ and all other powers enabling it, the Council of the Shire of Bruce Rock resolved on dd mm 2019 to make the following local law:

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**Commented [Chris1]:** Date of final council decision to 'make' the local law under s3.12(4)

**1. Citation**

This local law is cited as the *Shire of Bruce Rock Dogs Amendment Local Law 2019*.

**2. Commencement**

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

**3. Dogs Local Law amended**

The *Shire of Bruce Rock Dogs Local Law* published in the *Government Gazette* on 2 December 2005 is amended as follows:

(a) In clause 1.3 the following definitions are deleted:

“pound keeper”  
“Regulations”  
“town planning scheme”

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(b) In clause 1.3 the following definitions are inserted in alphabetic order:

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

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“Regulations” means the *Dog Regulations 2013*;

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(c) Part 2 is deleted.

(d) In clause 3.1 ~~after subclause (2), (3) is insert~~ ~~theed as~~ followingins:

~~(3):~~ Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

(e) The following is deleted from clause 3.1:

~~**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.~~

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(f) In clauses 4.4 and 4.7(a), ~~all instances of~~ ‘town planning scheme’ ~~areis~~ replaced with ‘local planning scheme’.

(g) Clause 4.9 is deleted and replaced with:

**4.9 Compliance with conditions of approval**

Penalties applicable where a licensee does not comply with the conditions of a licence are contained in the Dog Act and Regulations.

(h) Part 5 is deleted.

(i) In clause 6.1(2) the words ‘~~Penalty:~~ \$200’ are deleted.

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(j) Clause 7.2A is added as follows:

**7.2A Offences and general penalty**

(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

~~(k)~~ In clause 7.3 '8' is replaced with '7'.

~~(l)~~ Clauses 7.3, 7.4 and 7.5 are renumbered 7.4, 7.5 and 7.6 respectively.

~~(m)~~(k) Schedule 3 is deleted and replaced with the following:

**Schedule 3**  
(clause 7.32)

OFFENCES IN RESPECT OF WHICH A MODIFIED PENALTY APPLIES

Offence	Nature of offence	Modified penalty \$
3.1	Failing to provide means for effectively confining a dog	100
6.1(2)	Dog excreting in prohibited place	100

Dated dd mm 2019

The Common Seal of the Shire of Bruce Rock was affixed by authority of a resolution of the Council in the presence of –

.....  
Cr Stephen Strange, President

.....  
Darren Mollenoyux, Chief Executive Officer

**Commented [Chris2]:** Date signed by Shire President and CEO

DOG ACT 1976

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**SHIRE OF BRUCE ROCK**

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**DOGS LOCAL LAW 2005**

Published in the Government Gazette on 2  
December 2005, No 144.

Amended:

Disclaimer:

This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

**Commented [Chris1]:** Suggest you add this to 'admin' versions of the local law. That way you can refer to a consolidated and updated version in one place.

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Dogs Local Law 2005

**DOG ACT 1976**

SHIRE OF BRUCE ROCK

**DOGS LOCAL LAW 2005**

**Commented [Chris2]:** This index is not linked to headings within the document; it will need re-doing...

**PART 1—PRELIMINARY**

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- 1.2 Definitions
- 1.3 Application

**PART 2—IMPOUNDING OF DOGS**

- 2.1 Charges and costs
- 2.2 Attendance of pound keeper at pound
- 2.3 Release of impounded dog
- 2.4 No breaking into or destruction of pound

**PART 3—REQUIREMENTS AND LIMITATIONS ON  
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**PART 5—DOGS IN PUBLIC PLACES**

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- 7.3 Issue of infringement notice
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- 7.5 Payment of modified penalty
- 7.6 Withdrawal of infringement notice
- 7.7 Service

**SCHEDULE 1**

**SCHEDULE 2**

**SCHEDULE 3**

## Dogs Local Law 2005

### Note

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Most issues regulating dogs are dealt with by the Dog Act 1976 and Dog Regulations 2013. This includes:

- Registration of dogs;
- 'Dangerous dogs' as defined by the Act;
- Operation of dog management facilities (pounds), including:
  - Issues in relation to the impounding of dogs;
  - Attendance of a poundkeeper at the pound; and
  - Release of impounded dogs are dealt with by the Dog Act 1976, and in particular section 29.
- Registration fees (although fees for the seizure and impounding of a dog may be set by a local government in its annual budget under section 6.16 of the Local Government Act 1995);
- How off leash dog exercise areas are established;
- Dogs wandering at large;
- Dogs not under control;
- Dog attacks;
- Provisions about assistance animals such as guide dogs;
- Modified penalties applicable for minor offences.

The only matters that a local government may make local laws about are listed in section 51 of the Dog Act:

#### 51. Local law making powers

*A local government may so make local laws —*

*(a) providing for the registration of dogs;*

*[(b) deleted]*

*(c) specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;*

*(d) requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;*

*(e) providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;*

*(f) providing for the detention, maintenance, care and release or disposal of dogs seized;*

*(g) as to the destruction of dogs pursuant to the powers hereinbefore conferred;*

*[(h) deleted]*

*(i) providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.*

# Dogs Local Law 2005

## DOG ACT 1976

SHIRE OF BRUCE ROCK

## DOGS LOCAL LAW 2005

Under the powers conferred by the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Bruce Rock resolved on 10th November 2005 to make the following local law.

### PART 1—PRELIMINARY

#### 1.1 Citation

This local law may be cited as the *Shire of Bruce Rock Dogs Local Law 2005*.

#### 1.2 Definitions

In this local law unless the context otherwise requires—

“Act” means the *Dog Act 1976*;

“authorized person” means a person authorized by the local government to perform all or any of the functions conferred on an authorized person under this local law;

“CEO” means the Chief Executive Officer of the local government;

“local government” means the Shire of Bruce Rock;

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

“premises” shall, for the purpose of determining who is the occupier, be taken to refer to any land or building, or part of any land or building, that is or is intended to be occupied as a separate residence from any adjacent tenement, and includes a mobile home;

s3(1) Dog Act 1976

“pound keeper” means a person authorized by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;

“Regulations” means the *Dog Regulations 2013-1976*;

“thoroughfare” has the meaning given to it in section 1.4 of the *Local Government Act 1995*; and  
“town planning scheme” means a town planning scheme made by the local government under the *Town Planning and Development Act 1928* which applies throughout the whole or a part of the district.

#### 1.3 Application

This local law applies throughout the district.

### PART 2—IMPOUNDING OF DOGS

#### 2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16-6.19 of the *Local Government Act 1995*—

(a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;

(b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and

(c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act;

#### 2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO;

#### 2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—

(a) of her or his ownership of the dog or of her or his authority to take delivery of it; or

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Commented [Chris4]: There is no need to make a local law about this; the Shire's power to set fees and charges is set in sections 6.16-6.19 of the Local Govt Act

Commented [Chris5]: No need to set this by a local law. Pound opening hours can simply be decided by the local govt. See also s29(7) of Dog Act

Commented [Chris6]: This is all dealt with under sections 29-31A of Dog Act



Dogs Local Law 2005

~~(b) that he or she is the person identified as the owner on a microchip implanted in the dog.~~

~~2.4 No breaking into or destruction of pound~~

~~A person who—~~

~~(a) unless he or she is the pound keeper or a person authorized to do so, releases or attempts to release a dog from a pound; or~~

**Commented [Chris7]:** This all dealt with under Criminal Code and existing Local Govt Property LL

## Dogs Local Law 2005

- ~~(b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—  
(i) any pound; or  
(ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog;~~

commits an offence.

**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

### PART 3—REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

#### 3.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
- cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
  - ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
  - ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
  - maintain the fence and all gates and doors in the fence in good order and condition; and
  - where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

~~(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.~~

~~(2)(3) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.~~

**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

#### 3.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
- licensed under Part 4 as an approved kennel establishment; or
  - granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act—
- 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite; or
  - 4 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated outside a townsite.

### PART 4—APPROVED KENNEL ESTABLISHMENTS

#### 4.1 Interpretation

In this Part and in Schedule 2—

“licence” means a licence to keep an approved kennel establishment on premises;

“licensee” means the holder of a licence;

“premises”, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

“transferee” means a person who applies for the transfer of a licence to her or him under clause 4.14.

#### 4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- plans and specifications of the kennel establishment, including a site plan;
- copies of the notices to be given under clause 4.3;
- written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;
- a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government; and
- the fee for the application for a licence referred to in clause 4.10(1).

#### 4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged—

- once in a newspaper circulating in the district; and
- to the owners and occupiers of any premises adjoining the premises.

## Dogs Local Law 2005

- (2) The notices in subclause (1) must specify that—
- (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and
  - (b) the application and plans and specifications may be inspected at the offices of the local government.
- (3) Where—
- (a) the notices given under subclause (1) do not clearly identify the premises; or
  - (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

### 4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a—

- (a) permitted use; or
- (b) use which the local government may approve subject to compliance with specified notice requirements,

under a ~~town~~-local planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

### 4.5 When application can be determined

An application for a licence is not to be determined by the local government until—

- (a) the applicant has complied with clause 4.2;
- (b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and
- (c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

### 4.6 Determination of application

In determining an application for a licence, the local government is to have regard to—

- (a) the matters referred to in clause 4.7;
- (b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;
- (c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;
- (d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;
- (e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and
- (f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

### 4.7 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) an approved kennel establishment cannot be permitted by the local government on the premises under a ~~local~~-town planning scheme; or
- (b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

### 4.8 Conditions of approval

- (1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

### 4.9 Compliance with conditions of approval

~~A licensee who does not comply with the conditions of a licence commits an offence.~~

~~Penalty: Where a dog involved in the contravention is a dangerous dog, \$2,000 and a daily penalty of \$200; otherwise \$1,000 and a daily penalty of \$100.~~

~~Penalties that apply when a licensee does not comply with the conditions of a license are dealt with in the Dog Act and Regulations.~~

Extract from Dog Act 1976:

27. Licensing of approved kennel establishments

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**Dogs Local Law 2005**

(1) Where, under section 26(1)(a) or (b), a limit is imposed on the number of dogs that can be kept in or at any premises situate in a local government's district area, and a person proposes to keep more than that number of dogs in or at premises in that area that are not exempt from the limitation, the person must apply for the premises in question to be licensed as an approved kennel establishment.

(2) A person who keeps, or permits or suffers to be kept, any dog over the age of 3 months of a breed or kind to which that licence applies at an approved kennel establishment otherwise than in accordance with the licence relating to that establishment commits an offence.

**Penalty:**

(a) a fine of \$5 000;

(b) for each separate and further offence committed by the person under the Interpretation Act 1984 section 71, a fine of \$100.

Extract from Dog Regulations 2013:

**33. Modified penalties for offences under the principal Act**

(1) For section 45A(1)(a), the offences under a provision of the Act specified in column 2 of the Table are offences in relation to which a modified penalty applies.

<u>Item</u>	<u>Provisio n of Act</u>	<u>Nature of offence</u>	<u>Modified penalty for dogs other than dangerous dogs</u> \$	<u>Modified penalty for dangerous dogs</u> \$	<u>Modified penalty whether or not dog is a dangerous dog</u> \$
13.	s. 27(2)	Breach of kennel establishment licence			200

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**4.10 Fees**

- (1) On lodging an application for a licence, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.

## Dogs Local Law 2005

(3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.

(4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

### 4.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

### 4.12 Period of licence

(1) The period of effect of a licence is set out in section 27(5) of the Act.

(2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.

(3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

### 4.13 Variation or cancellation of licence

(1) The local government may vary the conditions of a licence.

(2) The local government may cancel a licence—

- (a) on the request of the licensee;
- (b) following a breach of the Act, the Regulations or this local law; or
- (c) if the licensee is not a fit and proper person.

(3) The date a licence is cancelled is to be, in the case of—

- (a) paragraph (a) of subclause (2), the date requested by the licensee; or
- (b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.

(4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

Section 27(6) and (7) of the Dog Act 1976 states -

(6) The cancellation of a licence under this section shall be effected by the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months.

(7) Where —

- (a) the local government refuses the grant of a licence under this section; or
  - (b) notice of the cancellation of a licence under this section is given,
- the applicant or the licensee as the case may be may apply to the State Administrative Tribunal for a review of the decision.

(4)

### 4.14 Transfer

(1) An application for the transfer of a valid licence from the licensee to another person must be—

- (a) made in the form determined by the local government;
- (b) made by the transferee;
- (c) made with the written consent of the licensee; and
- (d) lodged with the local government together with—
  - (i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and
  - (ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).

(2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

(3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

(4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

### 4.15 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.13(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and

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## Dogs Local Law 2005

- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

### 4.16 Inspection of kennel

With the consent of the occupier, an authorized person may inspect an -approved kennel establishment at any time.

Section 12A(2) and (3) of the Dog Act 1976 states –

(2) With the authority of a warrant, an authorised person, and any other person named in the warrant, may enter and inspect any premises for any purpose relating to the enforcement of this Act.

(3) If he is satisfied that there are reasonable grounds for doing so, a Justice of the Peace may issue a warrant for the purpose of subsection (2).

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### **PART 5—DOGS IN PUBLIC PLACES**

#### **5.1 Places where dogs are prohibited absolutely**

- (1) Dogs are prohibited absolutely from entering or being in any of the following places –  
(a) a public building, unless permitted by a sign;

Commented [Chris8]: Areas where dogs prohibited and exercise areas are now dealt with by Council resolution and the giving of local public notice under s31(3A) of the Dog Act 1976 – see covering report.

## Dogs Local Law 2005

- ~~(b) a theatre or picture gardens;~~
- ~~(c) all premises or vehicles classified as food premises or food vehicles under the *Health (Food Hygiene) Regulations 1993*;~~
- ~~(d) a public swimming pool; and~~
- ~~(e) the following reserves—~~
  - ~~(i) Reserve 24757, swimming pool land, Railway Parade, Bruce Rock;~~
  - ~~(ii) Reserve 24758, childrens playground, Railway Parade, Bruce Rock;~~
  - ~~(iii) Reserve 38064, school site, Dunstall Street, Bruce Rock; and~~

~~(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.~~

~~Penalty: Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.~~

### 5.2 Places which are dog exercise areas

~~(1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas—~~

- ~~(a) Reserve 26240, Bruce Rock Merredin Road, Bruce Rock.~~

~~(2) Subclause (1) does not apply to—~~

- ~~(a) land which has been set apart as a children's playground;~~
- ~~(b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or~~
- ~~(c) a car park.~~

## PART 6—MISCELLANEOUS

### 6.1 Offence to excrete

(1) A dog must not excrete on—

- (a) any thoroughfare or other public place; or
- (b) any land which is not a public place without the consent of the occupier.

(2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.

~~Penalty: \$200.~~

(3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

**Commented [Chris9]:** See Schedule 3 and penalty for prosecution in new clause 7.2

## PART 7—ENFORCEMENT

### 7.1 Interpretation

In this Part—

“infringement notice” means the notice referred to in clause 7.34;

and “notice of withdrawal” means the notice referred to in clause 7.67(1).

### 7.2A Offences and general penalty

~~(1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.~~

~~(2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.~~

### 7.2 Modified penalties

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if—

- (a) the dog is not a dangerous dog; or
- (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

### 7.3 Issue of infringement notice

Where an authorized person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

### 7.4 Failure to pay modified penalty

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### Dogs Local Law 2005

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Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

#### **7.5 Payment of modified penalty**

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving



Dogs Local Law 2005

rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.6 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorized person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.
(2) A person authorized to issue an infringement notice under clause 7.3 cannot sign or send a notice of withdrawal.

7.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

Commented [Chris10]: Service of Notices is dealt with under the Interpretation Act

Schedule 1
(clause 4.2)

LOCAL LAWS RELATING TO DOGS
APPLICATION FOR A LICENCE FOR AN APPROVED
KENNEL ESTABLISHMENT

I/we (full name)
of (postal address)
(telphone number)
(facsimile number)
(E-mail address)
Apply for a licence for an approved kennel establishment at (address of premises)
For (number and breed of dogs)
\* (insert name of person) will be residing at the premises on and from (insert date)
\* (insert name of person) will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at (insert address of residence) on and from (insert date).

Attached are—

- (a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
(b) plans and specifications of the kennel establishment;
(c) copy of notice of proposed use to appear in newspaper;
(d) copy of notice of proposed use to be given to adjoining premises;
(e) written evidence that a person will reside—
(i) at the premises; or
(ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
(f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as ... in the keeping of dogs at the proposed kennel establishment.

Signature of applicant
Date

\* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months—section 27.5 of the Dog Act.

OFFICE USE ONLY

Application fee paid on [insert date].

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**Schedule 2**

(clause 4.8(1))

**CONDITIONS OF A LICENCE FOR AN APPROVED KENNEL ESTABLISHMENT**

An application for a licence for an approved kennel establishment may be approved subject to the following conditions—

- (a) each kennel, unless it is fully enclosed, must have a yard attached to it;
- (b) each kennel and each yard must be at a distance of not less than—
  - (i) 25m from the front boundary of the premises and 5m from any other boundary of the premises;
  - (ii) 10m from any dwelling; and
  - (iii) 25m from any church, school room, hall, factory, dairy or premises where food is manufactured, prepared, packed or stored for human consumption;
- (c) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
- (d) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
- (e) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
- (f) the upper surface of the kennel floor must be—
  - (i) at least 100mm above the surface of the surrounding ground;
  - (ii) smooth so as to facilitate cleaning;
  - (iii) rigid;
  - (iv) durable;
  - (v) slip resistant;
  - (vi) resistant to corrosion;
  - (vii) non-toxic;
  - (viii) impervious;
  - (ix) free from cracks, crevices and other defects; and
  - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated and trapped in accordance with the health requirements of the local government;
- (g) all kennel floor washings must pass through the drain in item (f)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;
- (h) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
- (i) where a yard is to be floored, the floor must be constructed in the same manner as the floor of any kennel;
- (j) from the floor, the lowest internal height of a kennel must be, whichever is the lesser of—
  - (i) 2m; or
  - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
- (k) the walls of each kennel must be constructed of concrete, brick, stone or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
- (l) all external surfaces of each kennel must be kept in good condition;
- (m) the roof of each kennel must be constructed of impervious material;
- (n) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorized person;
- (o) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
- (p) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (q) suitable water must be available at the kennel via a properly supported standpipe and tap; and
- (r) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
  - (i) at the premises; or
  - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the dogs, and to ensure their health and welfare.

Dogs Local Law 2005

Schedule 3  
(clause 7.23)

OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Offence	Nature of offence	Modified penalty \$	Dangerous Dog-Modified Penalty \$
2.4(a)	Attempting to or causing the unauthorized release of a dog from a pound	200	400
2.4(b)&(c)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	200	
3.1	Failing to provide means for effectively confining a dog	<del>50</del> 100	200
4.9	Failing to comply with the conditions of a licence	100	200
5.1(2)	Dog in place from which prohibited absolutely	200	400
6.1(2)	Dog excreting in prohibited place	<del>40</del> 100	

Note:

Regulation 33 of the Dog Regulations 2013 sets out a number of modified penalties for offences under the Act, including those applicable where a dangerous dog is involved.

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Dated this 16th day of November 2005.

The Common Seal of the Shire of Bruce Rock was affixed by authority of a resolution of the Council in the presence of—

STEPHEN STRANGE, President.  
STEVEN O'HALLORAN, Chief Executive Officer.

**Local Government Act 1995  
Cemeteries Act 1986**

**Shire of Bruce Rock Cemeteries Amendment Local Law 2019**

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Bruce Rock resolved on dd mm 2019 to make the following local law:

**Commented [Chris1]:** Date of final council resolution to 'make' the local law under s3.12(4)

**1. Citation**

This local law is cited as the *Shire of Bruce Rock Cemeteries Amendment Local Law 2019*.

**2. Commencement**

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

**3. Principal Local Law**

This local law amends the *Shire of Bruce Rock Local Law Relating to the Management and Control of the Bruce Rock Cemetery* as published in the *Government Gazette* on 2 June 2005.

**4. Clause 1.3 amended**

In clause 1.3 insert the following definition in alphabetical order:  
"local government" means the Shire of Bruce Rock;

**5. Clause 3.4 amended**

The words 'twenty four hours' are replaced with 'two working days'.

**6. Clause 5.4 and 5.5 replaced**

Clauses 5.4 and 5.5 are deleted and replaced with:

**5.4 Vehicle Access and Speed Limitations**

(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 Expelled**

(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.

**7. Clause 7.8 amended**

**Clause 7.8(3) is deleted.**

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**7.8. Clauses 8.1 and 8.2 replaced**

(a) Clauses 8.1 and 8.2 are deleted and replaced with:

**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;

(b) ~~And e~~ Clauses 8.3-8.6 are renumbered 8.2-8.5 respectively.

**8.9 First Schedule amended**

In the second column replace 8.5, 8.6 and 8.7 with 8.4, 8.5 and 8.6.

**9.10. Fourth Schedule deleted**  
The Fourth Schedule is deleted.

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The Common Seal of the Shire of Bruce Rock was affixed by authority of a resolution of the Council in the presence of –

Dated dd mm 2019

**Commented [Chris2]:** Date signed by Shire President and CEO

.....  
Cr Stephen Strange, President

.....  
Darren Mollenoyux, Chief Executive Officer

# SHIRE OF BRUCE ROCK

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## CEMETERIES ACT 1986 LOCAL GOVERNMENT ACT 1995

### LOCAL LAW RELATING TO THE MANAGEMENT AND CONTROL OF BRUCE ROCK CEMETERY 2004

Published in the Government Gazette on 2 June 2005, No [102](#)

Amended:

Government Gazette 19 May 2006, No 86.

Disclaimer:

This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

**Commented [Chris1]:** Suggest you add this to 'admin' versions of the local law. That way you can refer to a consolidated and updated version in one place.



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CEMETERIES ACT 1986  
LOCAL GOVERNMENT ACT 1995

SHIRE OF BRUCE ROCK

LOCAL LAW RELATING TO THE MANAGEMENT AND CONTROL  
OF BRUCE ROCK CEMETERY 2004

ARRANGEMENT

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- 1.1 Citation
- 1.2 Interpretation
- 1.3 Repeal

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- 2.1 Powers and Functions of CEO

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- 4.2 Single Funeral Permits
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- 5.2 Funeral Processions
- 5.3 Vehicle Entry Restricted
- 5.4 Vehicle Access and Speed Limitations
- 5.5 Offenders may be Expelled
- 5.6 Conduct of Funeral by Board

*Division 2—Placement of Ashes*

- 5.7 Disposal of Ashes

PART 6—BURIALS

- 6.1 Depth of Graves
- 6.2 Mausoleum, etc

PART 7—MEMORIALS AND OTHER WORK

*Division 1—General*

- 7.1 Application for Monumental Work
- 7.2 Placement of Monumental Work
- 7.3 Removal of Rubbish
- 7.4 Operation of Work
- 7.5 Removal of Sand, Soil or Loam
- 7.6 Hours of Work
- 7.7 Unfinished Work

**Commented [Chris2]:** I don't think this index is linked to headings in the document; it would be worthwhile doing so as it will make amendments to the index easier in future



Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

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- 7.8 Use of Wood
- 7.9 Plants and Trees
- 7.10 Supervision
- 7.11 Australian War Graves
- 7.12 Placing of Glass Domes and Vases

*Division 2—Memorial Plaque Section*

- 7.13 Requirements of a Memorial Plaque

*Division 3—Licensing of Monumental Masons*

- 7.14 Monumental Mason's Licence
- 7.15 Expiry Date, Non-Transferability
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**PART 8—GENERAL**

- 8.1 Animals
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- 8.3 Damaging and Removing of Objects
- 8.4 Withered Flowers
- 8.5 Littering and Vandalism
- 8.6 Advertising
- 8.7 Obeying Signs and Directions
- 8.8 Removal from the Cemetery

**Commented [Chris3]:** Clause numbers changed; see suggestion above

**PART 9—OFFENCES AND MODIFIED PENALTY**

- 9.1 General
- 9.2 Modified Penalties

**First Schedule—Modified Penalties**

**Second Schedule—Infringement Notice**

**Third Schedule—Withdrawal of Infringement Notice**

**Fourth Schedule—Fees and Charges**

CEMETERIES ACT 1986  
LOCAL GOVERNMENT ACT 1995

SHIRE OF BRUCE ROCK

LOCAL LAW RELATING TO THE MANAGEMENT AND CONTROL  
OF BRUCE ROCK CEMETERY 2004

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and by all other powers enabling it, the Council of the Shire of Bruce Rock resolved on 9th December 2004 to make the following local law as set out below.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Management and Control of Bruce Rock Cemetery 2004*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Interpretation

In this local law unless the context otherwise requires—

“Act” means the *Cemeteries Act 1986*;

“ashes” means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

“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;

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

“Funeral Director” means a person holding a current funeral director’s licence;

“Board” means the Shire of Bruce Rock;

“local government” means the Shire of Bruce Rock;

“monumental mason” means a person holding a current monumental mason’s licence;

“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;

Note – s53 of the Cemeteries Act 1986 provides that:

53. Fees and charges

- (1) A Board may by resolution set fees and charges for any of the following purposes —
- (a) issuing a funeral director’s licence;
  - (b) issuing a single funeral permit;
  - (c) digging or opening a grave;
  - (d) a grant or renewal of a grant of a right of burial;
  - (e) permission to erect new or additional memorials and for supervising such work;
  - (f) cremation;
  - (g) conducting a funeral;
  - (h) inspection of registers and issue of extracts or certified copies therefrom;
  - (i) registration of the assignment or bequest of a right of burial;
  - (j) exhumation;
  - (k) maintenance of graves;
  - (l) extraordinary services provided for funerals;
  - (m) disposal of ashes;
  - (n) the provision of memorials; and

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Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

- (o) any other purpose necessary for the effective administration of this Act.
- (2) A fee or charge set by a resolution under subsection (1) shall not come into effect until not less than 14 days' notice of the fee or charge has been given in the Gazette.
- (3) Fees and charges set under this section shall be payable to the Board and recoverable as a debt in a court of competent jurisdiction.
- (4) The Minister may, by order published in the Gazette, amend or revoke a fee or charge set by a Board under this section if the Minister considers the fee or charge to be unreasonable.

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“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.

**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 cemetery.

**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 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.

(2) 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,

then the Funeral Director shall complete a certificate in the form determined by the Board from time to time.

### 3.4 Minimum Notice Required

All bookings to hold a funeral shall be made with the Board at least ~~two working days twenty-four 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 the 30th day of June in 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.
- (2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.

### 5.4 Vehicle Access and Speed Limitations

~~(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. Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed of 25km per hour.~~

### 5.5 Offenders may be Expelled

~~(1) A person committing an offence under clause 5.4 may be ordered to leave the cemetery by the CEO or an authorised officer.~~

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

~~(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. A person committing an offence under clause 5.4 may be expelled from the cemetery by the CEO or an authorised officer.~~

**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; in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (b) 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;
- (c) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (d) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this Local Law;
- (e) 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—

- Niche Wall
- Memorial Wall
- Garden of Remembrance
- Ground Niche
- Memorial Rose, Tree or Shrub
- Family Shrub
- Memorial Desk
- Granite Seat
- Family Grave
- Book of Remembrance
- Scattering to the Winds
- Memorial Gardens

Other memorials approved by the Board

- (2) Subject to sub-clauses (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 not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is—

- (a) subject to paragraph (b), less than 750mm, unless that person has the permission of an authorised officer; or
- (b) in any circumstances less than 600mm.

(2) The permission of the authorised officer in sub-clause (1) (a) 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.

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

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- (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 sub-clause (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 6pm 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**

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**

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 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 380mm x 280mm, nor more than 560mm x 305mm; and

(2) All memorial plaques made of admiralty bronze shall—

- (a) not exceed 20mm 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 50mm in thickness placed upon a base mounting approved by the Board; or
- (b) not be less than 100mm 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 sub-clause (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**

A monumental mason's licence—

- (a) shall be valid from the date specified therein until the 30th day of June next following; and
- (b) is not transferable.

**7.16 Carrying out Monumental Work**

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 does so as the employee of a person who holds such a licence; or
- (b) 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 any of the following grounds—

- (a) 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;
- (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
- (c) that the holder of the licence has purported to transfer the licence issued to that holder.

(2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

~~(3) An aggrieved person whose licence has been terminated under subclause (1) may appeal to the State Administrative Tribunal against a decision of the Board under this clause in the manner stated in section 19 (3) of the Act.~~

**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. Subject to clause 8.2, a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.~~

**8.2 Guide Dogs**

~~Clause 8.1 shall not apply to a hearing impaired person or a person who is blind or partially blind and is accompanied by a hearing or guide dog.~~

**8.38.2 Damaging and Removing of Objects**

Subject to clause 8.4, 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.

**8.48.3 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.

**8.58.4 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.

**8.68.5 Advertising**

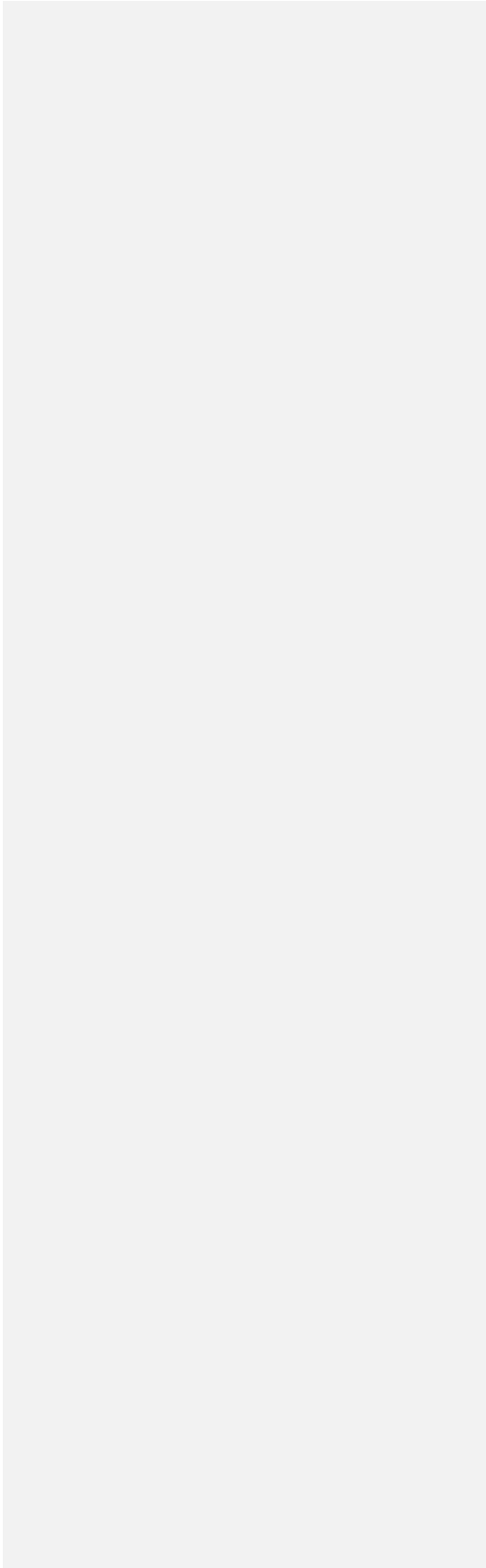
A person shall not carry on or advertise any trade, business or profession within the cemetery without the prior written approval of the Board which consent may be granted subject to such conditions as the



Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

Board thinks fit.

---



**8.78.6 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.

**8.88.7 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 the First Schedule 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 the First Schedule is set out in the fourth column of the First Schedule.
- (3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Second Schedule.
- (4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in the Third Schedule.

—————  
**First Schedule**  
Cemeteries Act 1986  
*Shire of Bruce Rock*  
Management and Control of Bruce Rock Cemetery  
**MODIFIED PENALTIES**

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.4	Excessive speed	\$50.00
2	5.4	Unauthorised use—driving of vehicles	\$50.00
3	7.3	Placing and removal of rubbish and surplus materials	\$50.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
5	8.1	Animal at large	\$50.00
6	8.54	Dumping of Rubbish	\$50.00
7	8.65	Unauthorised advertising, and/or trading	\$50.00
8	8.76	Disobeying sign or lawful direction	\$50.00

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

**Second Schedule**

Cemeteries Act 1986

*Shire of Bruce Rock*

Management and Control of Bruce Rock Cemetery

**INFRINGEMENT NOTICE**

TO: .....  
(Name)

.....  
(Address)

It is alleged that at ..... : .....hours on.....day  
of.....20.....at.....

you committed the offence indicated below by an (x) in breach of clause ..... of the Management  
and Control of Bruce Rock Cemetery.

.....  
(Authorised Person)

Offence

Animal at large

Dumping rubbish

Excessive speed in vehicle

Leaving uncompleted works in an untidy or unsafe condition

Non removal of rubbish

Unauthorised advertising or trading

Unauthorised vehicle use

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 Bruce Rock at 54  
Johnson Street Bruce Rock, between the hours of 9am to 4.30pm Monday to Friday.

Please make cheques payable to Shire of Bruce Rock. Payments by mail should be addressed to—

The Chief Executive Officer

Shire of Bruce Rock

PO Box 113

BRUCE ROCK WA 6418

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.

\_\_\_\_\_

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

**Third Schedule**  
Cemeteries Act 1986  
*Shire of Bruce Rock*

Management and Control of Bruce Rock Cemetery  
**WITHDRAWAL OF INFRINGEMENT NOTICE**

No. ....  
Date...../...../.....  
To (1) .....  
Infringement Notice No. ....dated...../...../.....for the alleged offence of (2)  
Penalty (3) \$......is withdrawn.  
(Delete whichever does not apply)  
\*No further action will be taken.  
\*It is proposed to institute court proceedings for the alleged offence.

- 
- (1) Insert name and address of alleged offender.
  - (2) Insert short particulars of offence alleged.
  - (3) Insert amount of penalty prescribed.
- .....  
(Authorised Person)

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

**Fourth Schedule-**  
Cemeteries Act, 1986  
*Shire of Bruce Rock*  
Management and Control of Bruce Rock Cemetery

**FEEES AND CHARGES**

On application for an Order for Burial the following fees should be payable in advance—

<b>1. Burial Fees</b>	
<b>a. Interment</b>	
Adult .....	\$150
Child under age of seven years .....	\$100
Fee inclusive of Grave Number Plate	
<b>b. Grant of Right of Burial (Reservation)</b>	
Ordinary Land (2400mm x 1200mm) .....	\$25
Special Land (2400mm x 1200mm) .....	\$30
Interments are same fees as 1(a)	
Fee for copy of Right of Burial .....	\$25
<b>2. Exhumation Fees</b>	
Exhumation .....	\$150
Re-interment after exhumation .....	\$150
<b>3. Monumental Permit Fees</b>	
Permission to erect a headstone .....	\$25
Permission to erect a monument .....	\$25
<b>4. Disposal of Ashes</b>	
Interment of ashes in family grave .....	\$35
Niche Wall—	
— Single Niche (including plaque and standard inscription) .....	\$100
— Double Niche (including plaque and first standard inscription) .....	\$200
— Double Niche (second standard inscription) .....	\$100
Reservations .....	\$ 25
<b>5. Penalty Fees (Chargeable in Addition to Scheduled Fees)</b>	
For each interment in open ground without due notice (By-law 3) .....	\$40
For each interment outside usual hours (By-law 9) .....	\$40
Late arrivals (By-law 10) .....	\$40
<b>6. Extra Charges When Applicable</b>	
Interment on Saturday, Sunday or Public Holiday .....	\$60
Re-openings for multiple interments—	
— Ordinary Grave .....	\$25
— Monumented Grave .....	\$35
<b>7. Funeral Directors License</b>	
Annual Fee .....	\$25

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

Form 1

CEMETERIES ACT 1986

GRANT OF RIGHT OF BURIAL

(cl 3.1)

By virtue of the ~~Cemeteries Act 1986~~, the Shire of Bruce Rock, in consideration of the sum shown hereunder paid by the Payer indicated on behalf of the Grantee named in the Schedule, hereby grants to the said Grantee the ~~RIGHT of BURYING BODIES~~ in that piece of ground within the Compartment, Section and Number on the plan of the Cemetery as shown hereunder.

TO HOLD the same to the said Grantee for the period of twenty five (25) years from the date hereof, for purposes of burial only.

This Grant is issued subject to all Local Laws and Regulations now or hereafter in force, made, or to be made under the above Act, or any future Act or Acts.

**SCHEDULE**

GRANT NO:.....

GRANTEE:

Name .....

Address.....

.....

.....

.....

**PAYER**

Name .....

Address.....

.....

.....

SUM IN CONSIDERATION..... Dollars

.....

.....

**OFFICE RECORDS**

**GRAVE SITE**

Compartment..... Deceased.....

Section..... Application Number.....

Number..... Register Folio.....

.....

Signature of Issuing Officer Designation Date

NB: This grant is an important document and **MUST BE PRODUCED** before the grave can be re-opened and to an authorised monumental mason for the establishment of any headstone.

\_\_\_\_\_

Management and Control of Bruce Rock Cemetery  
Form 2

CEMETERIES ACT 1986

**DECLARATION OF OWNERSHIP OF MISSING "GRANT OF RIGHT OF BURIAL"**

I, (a)  
of (b)

do solemnly and sincerely declare as follows —

1. I am the person described as (c)  
in the Grant of Right of Burial numbered .....  
issued by the Shire of Bruce Rock on the ..... day  
of ..... One thousand nine hundred  
and ninety .....

2. (d)

3. I have not transferred any of my rights under the said Grant to any person.

And I make this solemn declaration by virtue of Section 106 of the *Evidence Act 1906*.

Declared at ..... in the State of Western Australia  
this ..... day of ..... 20..... before me —

Signature of Declarant.....

Witnessed by.....

(Print Name)

Signature of Witness.....

Address of Witness.....

(a) Full name of Declarant

(b) Address and Occupation of Declarant

(c) State whether Grantee or Assignee

(d) Set out circumstances leading to loss or destruction of Grant, and if lost, action taken by Declarant to ascertain whereabouts of Grant.

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

Management and Control of Bruce Rock Cemetery  
Form 3  
CEMETERIES ACT 1986  
**ASSIGNMENT OF GRANT OF RIGHT OF BURIAL**

(e1-3.4)

To the Shire of Bruce Rock

I, .....  
of .....  
being the holder of a grant of right of burial numbered .....  
and issued by the *[insert name of local government]* on .....  
in respect of the ..... Cemetery for good and  
valuable consideration assign all my rights under that grant  
to .....

(Full name)

of .....  
(address)

Dated this ..... day of ..... 20 .....

Signature of person assigning grant  
.....

Signature of person to whom grant is assigned  
.....

Signature of witness

Registered by the Shire of Bruce Rock on the ..... day of  
..... 20 .....

.....  
Authorised Officer



Management and Control of Bruce Rock Cemetery Form 4  
CEMETERIES ACT 1986  
**APPLICATION FOR BURIAL AND INSTRUCTION FOR GRAVE**

(cl 3.1)

APPLICATION No: .....  
SURNAME OF DECEASED: .....  
OTHER NAMES: .....  
OCCUPATION: .....  
ADDRESS: .....  
AGE: ..... DATE OF DEATH: ...../...../20.....  
DATE & TIME OF BURIAL: ...../...../20..... RELIGIOUS AFFILIATION: .....  
AREA: ..... SECTION: ..... GRAVE NO: .....  
LENGTH & WIDTH OF COFFIN: ..... DEPTH OF GRAVE: .....  
SIZE OF GROUND: ..... GRANT NO: .....

GRAVE TYPE:

PLACE "X" IN BOX IF:

FIRST INTERMENT:

MALE:

FEMALE:

IS A GRANT REQUIRED: No:

Yes:

OTHER INTERMENT APPLICATION NUMBERS:

.....  
.....  
.....

NAME AND ADDRESS OF APPLICANT FOR/OR CURRENT HOLDER OF GRANT OF RIGHT OF BURIAL:

SIGNATURE: ..... DATE: ...../...../20.....

NAME OF MINISTER OR PERSON ..... NAME OF FUNERAL

OFFICIATING: ..... DIRECTOR: .....

SIGNATURE: ..... SIGNATURE: .....

DATE: ...../...../20..... DATE: ...../...../20.....

NAME AND ADDRESS OF PERSON MAKING APPLICATION FOR BURIAL:

.....

SIGNATURE: ..... DATE: ...../...../20.....

DOCTOR'S CERT. REQ'D:  CORONER'S ORDER REC'D:

GRANT OF BURIAL SENT: ...../...../20..... RECEIPT No. ISSUED: .....

MONUMENTAL MASON: ..... DATE WORKS APPROVED: ...../...../20.....

\_\_\_\_\_

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

Management and Control of Bruce Rock Cemetery  
Form 5

CEMETERIES ACT 1986

APPLICATION FOR CREMATION AND INSTRUCTION FOR ASHES

(e1-3.2)

APPLICATION No: .....

SURNAME OF DECEASED: .....

OTHER NAMES: .....

OCCUPATION: .....

ADDRESS: .....

AGE: ..... DATE OF DEATH: ...../...../20.....

DATE & TIME OF BURIAL: ...../...../20..... RELIGIOUS AFFILIATION—

AREA: ..... SECTION: ..... GRAVE NO: .....

GRANT NUMBER: .....

GRAVE TYPE—

PLACE "X" IN BOX IF:

MALE:

FEMALE:

OTHER INTERMENT APPLICATION NUMBERS:

.....

.....

.....

NAME AND ADDRESS OF ADMINISTRATOR:

.....

SIGNATURE .....

DATE: .....

DISPOSAL DETAILS:

.....

.....

NAME OF MINISTER OR PERSON ..... NAME OF FUNERAL

OFFICIATING: ..... DIRECTOR:

.....

SIGNATURE..... SIGNATURE.....

DATE: ...../...../20..... DATE: ...../...../20.....

DATE CREMATION PERMIT ISSUED: ...../...../20.....

No. OF CREMATION PERMIT: .....

RECEIPT No: .....

TELEPHONE No: .....

CERT. OF CREMATION PREPARED: ...../...../20.....

LETTERS RE DISPOSAL OF ASHES SENT: ...../...../20.....

ORDERED: ...../...../20.....

COMPLETED: ...../...../20.....

*Management and Control of Bruce Rock Cemetery*

Form G

CEMETERIES ACT

**CERTIFICATE OF IDENTIFICATION**

(el 3.4(1))

I, ..... of  
..... hereby  
certify that on the ..... day of ..... 20 ..... at .....  
I identified the body of a deceased person as that of .....  
The body was in a coffin bearing the name plate/inscription marked  
.....

SIGNED: .....

WITNESS: .....

\_\_\_\_\_

Management and Control of Bruce Rock Cemetery  
Form 7  
CEMETERIES ACT 1986  
CERTIFICATE DISPENSING WITH IDENTIFICATION

(el 3.4(2))

I, ..... of  
..... the  
funeral director engaged to arrange the funeral of the body of  
..... certify  
that —

- (a) the body has not been identified because —  
\* in my opinion, the body is not in a fit state to be viewed  
\* after reasonable effort I have been unable to have an identification made;

and

- (b) the body is in a coffin bearing the name plate/inscription marked: .....

Dated this ..... day of ..... 20.....

Signed: .....

Endorsed by the applicant for the funeral: .....  
(Full name)

Signed: .....  
(Signature)

(\* delete if inapplicable)

\_\_\_\_\_

Management and Control of Bruce Rock Cemetery  
Form 8  
CEMETERIES ACT 1986  
APPLICATION FOR FUNERAL DIRECTOR'S LICENCE

(S 17 (1))

(i).....  
hereby applies for the issue of a licence for the period beginning ..... day of ..... 20...  
and ending the 30th day of June 20.... (ii) to undertake funerals within the Cemetery and in support  
of such application supplies the following particulars—

1. To be completed by all Applicants—

(a) Trading name of business  
.....

(b) Address from which business will be carried out  
.....

Telephone No: .....

(c) Number of years for which Applicant has previously held a Funeral Director's Licence .....

(d) Details of offences under the Cemeteries Act, Cremation Act or the Local Law of any  
Cemetery for which the Applicant or persons employed by the applicant have been convicted  
.....

(e) Full name, address and capacity of person completing this application  
(iii) .....

2. To be completed if Applicant is a Company—

(a) Full names and address of—

Director/s .....

Manager/s .....

Secretary .....

(b) Registered Office .....

3. To be completed if Applicant is A Partner—

Full name and address of partner/s  
.....  
.....

4. To be completed if Applicant is neither Company nor Partnership—

Full name (iv) .....

Address .....

Signature of person completing application  
.....

DIRECTIONS FOR COMPLETION

(i) Name of Applicant or Company or business name

(ii) The maximum period is one year

(iii) State whether applying in person or own behalf, or  
as a partner of a firm or a manager of a Company

(iv) If this information has already been given under  
item 1(e) write "as in item 1(e)"

OFFICE USE ONLY

Received .....

Referred to Council .....

Approved .....

Licence issued .....

Management and Control of Bruce Rock Cemetery  
Form 9

CEMETERIES ACT 1986

**FUNERAL DIRECTOR'S LICENCE**

(S17 (2))

..... of  
..... is hereby  
licensed to undertake funerals within the ..... Cemetery from the .....  
day of ..... 20 ..... until the 30th day of June 20 .....

Place of business.....

Conditions.....

.....

.....

.....

Given this ..... day of ..... 20 .....

by authority of the Shire of Bruce Rock.

.....  
CEO

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

Management and Control of Bruce Rock Cemetery  
Form 10  
CEMETERIES ACT 1986  
**APPLICATION FOR SINGLE FUNERAL PERMIT**

(el 4.2)

I, (name) .....  
of (address) .....  
hereby make application for a SINGLE FUNERAL PERMIT for the Late .....  
to take  
place on (day) ..... (month) ..... 20 at (time)  
..... and in support of this application I hereby submit —

~~1. Medical Certificate~~

~~Coroner's Certificate~~

~~Permit to Cremate~~

~~Application for Burial~~

~~Application for Cremation~~

~~2. I have permission to re-open the grave if required.~~

~~3. The deceased will be enclosed in a substantial casket having the following dimensions-~~

~~Length ..... Width ..... Depth .....~~

~~4. The casket will be obtained from .....~~

~~5. There will be legible name stamped on a lead plate under the name plate on the top of the coffin.~~

~~6. The vehicle used to transport the coffin within the cemetery is a suitable vehicle of the following description —~~

~~Vehicle Make ..... Type ..... Year .....~~

~~7. If a permit is issued I will comply with the Cemetery Local Law and conditions prescribed by the local government and pay the required fees.~~

(Signature) .....

Office Use Only

Application No

Approval of Vehicle and Casket

Refer to Council:

Licence issued:

\_\_\_\_\_

Application No. ....

(el-5.12)

Management and Control of Bruce Rock Cemetery  
Form 11  
CEMETERIES ACT 1986

**AUTHORITY FOR PLACEMENT OF ASHES**

Of the Late .....

Died ..... Aged .....

Instructions for placement of ashes: -

Total amount payable ..... \$.....

If second interment state name of first interment .....

Location (if known) .....

Name of personal representative: .....

Address .....

Telephone ..... Home ..... Work .....

Signature ..... Date .....



Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

Management and Control of Bruce Rock Cemetery Form 12  
CEMETERIES ACT 1986  
**APPLICATION FOR MONUMENTAL WORK**

Application No. .... Grant No. ....

(cl 5.30)

Name of Deceased .....

Area ..... Section ..... Grave No. ....

Name of Applicant .....

Address of Applicant .....

~~I HEREBY CERTIFY THAT I AM AUTHORISED AS/BY THE HOLDER OF THE GRANT OF RIGHT OF BURIAL FOR THE ABOVEMENTIONED GRAVE TO APPROVE ERECTION OF THE MEMORIAL DETAILED HEREIN AND I ACCEPT THAT THE APPROVAL ISSUED WILL BE SUBJECT TO CONDITIONS STIPULATED IN THE CEMETERIES ACT, THE GRANT OF RIGHT OF BURIAL AND THE LOCAL LAW AND REGULATIONS NOW OR HEREAFTER IN FORCE.~~

Signature ..... Date .....

~~NOTE: THE SHIRE OF BRUCE ROCK IS INDEMNIFIED AGAINST ANY LIABILITY ATTRIBUTED TO ANY INCORRECT STATEMENTS OR INFORMATION CONTAINED IN THIS FORM.~~

~~DETAILS OF MASON~~

~~THIS SECTION TO BE COMPLETED BY THE MONUMENTAL MASON~~

Name of Firm .....

Quoted Cost ..... Date .....

Address .....

Signature of Mason .....

Do You Wish To: (Please Tick)

Add Further Inscription  Renovate Or Add Further

Install A New Memorial

~~PLAN AND SPECIFICATIONS~~

~~NOTE: ALL PLANS AND SPECIFICATIONS OF MEMORIALS SUBMITTED MUST BE CAREFULLY DRAWN AND FULLY DIMENSIONED AND ALL MATERIALS SPECIFIED. ALL DESCRIPTION TO BE IN BLOCK LETTERS. ALL ORNAMENTS ETC. TO BE SHOWN AND DIMENSIONED. SIZE OF DOWELS AND DOWEL HOLES TO BE SPECIFIED.~~

Local Law Relating To The Management And Control Of Bruce Rock Cemetery 2004

Management and Control of Bruce Rock Cemetery-

Form 13

CEMETERIES ACT 1986

APPLICATION FOR MONUMENTAL MASON'S LICENCE

(cl 7.16)

I/We the undersigned hereby apply for the issue of a licence for the period beginning the ..... day of ..... 20 ..... and ending the ..... day of ..... 20 ..... to undertake and complete monumental work within the cemetery and in support of this application enclose a fee of \$ ..... and provide the following particulars -

1. To be completed by all Applicants -

(a) Address from which business will be carried on: .....

Telephone No: .....

(b) Number of years for which Applicant has previously held a Monumental Mason's Licence: .....

(c) Full name, address and capacity of person completing this application: .....

2. To be completed if the Applicant is a Company -

(a) Full names and addresses of -

Director/s .....

Manager/s .....

Secretary .....

(b) Registered Office

3. To be completed if Applicant is a Partner -

(a) Full name and address of partner/s .....

4. To be completed if Applicant is neither a Company nor Partnership -

Full name: .....

Address: .....

Dated at ..... this ..... day of ..... 20 .....

Signature: .....

Shire of Bruce Rock

MONUMENTAL MASON'S LICENCE

Date Received .....

Date Approved .....

Conditions: .....

Signature of Issuing Officer: ..... Designation: .....

Date: .....

Dated this 14th day of March 2005.

The Common Seal of the Shire of Bruce Rock was affixed by authority of a resolution of the Council.

In the presence of-

S. STRANGE, President.  
S. O'HALLORAN, Chief Executive Officer.



## Local Government Act 1995

### Shire of Bruce Rock Fencing Amendment Local Law 2019

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Bruce Rock resolved on dd mm 2019 to make the following local law:

Commented [Chris1]: Date of final council resolution to 'make' the local law under s3.12(4)

#### 1. Citation

This local law is cited as the *Shire of Bruce Rock Fencing Local Law 2019*.

#### 2. Commencement

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

#### 3. Principal Local Law

This local law amends the *Shire of Bruce Rock Local Laws Relating to Fencing 2004* as published in the *Government Gazette* on 2 June 2005 and amended on 19 May 2006.

#### 4. Clause 4 amended

(1) Add the following definitions in alphabetic order:

“AS/NZS” means an Australian Standard published by the Standards Association of Australia and as amended from time to time;

“authorised person” means a person so designated by the local government under section 96 of the *Building Act 2011* to perform all or any of the functions conferred on an authorised person under this local law;

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

(2) Delete the definitions of “town planning scheme” and “Building Surveyor”; and

(3) Replace ‘town planning scheme’ with ‘local planning scheme’ wherever it occurs.

#### 5. Clause 5 amended

Replace ‘section 6.16’ with ‘sections 6.16 ~~to~~ and 6.19’.

#### 6. Clauses 6, 7, 8, 11 and 12 amended

Replace ‘Building Surveyor’ with ‘authorised person’ in subclauses 6(3), 6(4)(b), 7(1), 7(2), 8, 11(1), 11(2) and 12(2)4.

#### 7. Clause 10 amended

Delete clause 10(1) and replace it with:

(1) Notwithstanding the provisions of clause 6, 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.

#### 8. Clause 13 amended

In clause 13(1) change ‘complies’ to ‘will comply’

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#### 8.9. Clause 14 amended

Delete clause 14 and replace it with:

Unless cancelled under clause 15, a licence referred to in clause 13 shall transfer with the land to any new occupier or owner of the lot.

#### 9.10. Clause 16 amended

Add:

(3) 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.

**11. Clause 19 amended**

In clause 19 in paragraphs (a) and (b) 'or substantially' is deleted.

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**12. Third Schedule amended**

In Schedule 3 in clause 1(b) the bullet points are changed to Roman numerals (i), (ii) and (iii) respectively.

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**~~10-13.~~ Delete Forms 1 and 2.**

Forms 1 and 2 are deleted.

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Dated dd mm 2019

Commented [Chris2]: Date signed by Shire President and CEO

The Common Seal of the Shire of Bruce Rock was affixed by authority of a resolution of the Council in the presence of –

.....  
Cr Stephen Strange, President

.....  
Darren Mollenoyux, Chief Executive Officer

# SHIRE OF BRUCE ROCK

## LOCAL GOVERNMENT ACT 1995

### LOCAL LAWS RELATING TO FENCING

~~Advertised in the Government Gazette on 2 June 2005~~

Published in the Government Gazette on 2 June 2005, No ~~102~~  
Amended:  
Government Gazette 19 May 2006, No ~~86~~  
Disclaimer:  
This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

**Commented [Chris1]:** Suggest you add this to 'admin' versions of the local law. That way you can refer to a consolidated and updated version in one place.

**Commented [Chris2]:** Have added these amendments to this version of the LL

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Local Laws Relating To Fencing

LOCAL GOVERNMENT ACT 1995

SHIRE OF BRUCE ROCK

LOCAL LAWS RELATING TO FENCING

Under the powers conferred by the Local Government Act 1995 and by all other powers the Council of the Shire of Bruce Rock resolved on the 9th day of December 2004 to make the following local law.

PART 1—PRELIMINARY

1. Citation

These Local Laws may be cited as the Shire of Bruce Rock Local Laws Relating to Fencing.

2. Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the Government Gazette.

3. Application of Local Laws

These Local Laws apply throughout the district.

4. Interpretation

In these Local Laws, unless the context requires otherwise—

“Act” means the Dividing Fences Act 1961;

“AS/NZS” means an Australian Standard published by the Standards Association of Australia and as amended from time to time;

“AS” means an Australian Standard published by the Standards Association of Australia;

“boundary fence” has the meaning given to it for the purposes of the Act;

“authorised person” means a person so designated by the local government under section 96 of the Building Act 2011 to perform all or any of the functions conferred on an authorised person under this local law;

96. Authorised persons

...

(3) A local government may, by instrument in writing, designate a person employed by the local government under the Local Government Act 1995 section 5.36, as an authorised person for the purposes of this Act in relation to buildings and incidental structures located, or proposed to be located, in the district of the local government.

Extract from s96 of the Building Act 2011

“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 where a commercial use—

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

“dangerous” in relation to any fence means—

- (a) an electrified fence other than a fence in respect of which a licence under Part 6 of these Local Laws has been issued and is current;
(b) a fence containing barbed wire other than a fence erected and maintained in accordance with these Local Laws;
(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 in and for the purposes of the Act;

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## Local Laws Relating To Fencing

Section 5 of the *Dividing Fences Act 1961* defines "dividing fence" to mean "a fence that separates the land of different owners whether the fence is on the common boundary of adjoining lands or on a line other than the common boundary".

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

"fence" means any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate;

"frontage" means the boundary line between a lot and the thoroughfare upon which that lot abuts;

"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 ~~town~~local planning scheme; and
- (b) is or will be the predominant use of the lot;



## Local Laws Relating To Fencing

“local government” means the Shire of Bruce Rock;

“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 and for the purposes of the Town-Planning and Development Act 2005;

“notice of breach” means a notice referred to in clause 16(1);

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

occupier where used in relation to land means the person by whom or on whose behalf the land is actually occupied or, if there is no occupier, the person entitled to possession of the land, and includes a person in unauthorised occupation of Crown land and where under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right;

Extract from s1.4 Local Government Act 1995

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

owner, where used in relation to land —

(a) means a person who is in possession as —

(i) the holder of an estate of freehold in possession in the land, including an estate or interest under a contract or an arrangement with the Crown or a person, by virtue of which contract or arrangement the land is held or occupied with a right to acquire by purchase or otherwise the fee simple; or

(ii) a Crown lessee or a lessee or tenant under a lease or tenancy agreement of the land which in the hands of the lessor is not rateable land under this Act, but which in the hands of the lessee or tenant is by reason of the lease or tenancy rateable land under this or another Act for the purposes of this Act; or

(iii) a mortgagee of the land; or

(iv) a trustee, executor, administrator, attorney, or agent of a holder, lessee, tenant, or mortgagee, mentioned in this paragraph;

or

(b) where there is not a person in possession, means the person who is entitled to possession of the land in any of the capacities mentioned in paragraph (a), except that of mortgagee; or

(c) where, under a licence or concession there is a right to take profit of Crown land specified in the licence or concession, means the person having that right; or

(d) where a person is lawfully entitled to occupy land which is vested in the Crown, and which has no other owner according to paragraph (a), (b), or (c), means the person so entitled; or

(e) means a person who —

(i) under the Mining Act 1978, holds in respect of the land a mining tenement within the meaning given to that expression by that Act; or

(ii) in accordance with the Mining Act 1978 holds, occupies, uses, or enjoys in respect of the land a mining tenement within the meaning given to that expression by the Mining Act 1904; or

(iii) under the Petroleum and Geothermal Energy Resources Act 1967 holds in respect of the land a permit, drilling reservation, lease or licence within the meaning given to each of those expressions by that Act;

or

(f) where a person is in the unauthorised occupation of Crown land, means the person so in occupation;

Extract from s1.4 Local Government Act 1995

“Residential Lot” means a lot where a residential use—

(a) is or may be permitted under the ~~town~~local 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 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 ~~town~~local planning scheme; and

(b) is or will be the predominant use of the lot;

“Schedule” means a Schedule to these Local Laws;

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## Local Laws Relating To Fencing

“setback area” has the meaning given to it for the purposes of the ~~town~~local planning scheme; “Special Rural Lot” means a lot where a special rural use—

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

“sufficient fence” means a fence described in clause 6; and

~~“town planning scheme” means a town planning scheme of the local government made under the Town Planning and Development Act 1928.~~

### 5. Licence Fees and Charges

All licence fees and charges applicable under these Local Laws shall be as determined by the local government from time to time in accordance with sections 6.16 ~~to 6.19~~ of the *Local Government Act 1993*.

## PART 2—SUFFICIENT FENCES

### 6. Sufficient Fences

(1) Subject to sub-clauses (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 the First Schedule.
- (b) on a Commercial Lot and on an Industrial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Second Schedule;
- (c) on a Rural Lot and on a Special Rural Lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the Third Schedule;

(2) 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 the First Schedule;
- (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 the Second Schedule;
- (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 the Third Schedule;
- (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 the First Schedule; 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 the Third Schedule.

(3) Unless ~~an the Building Surveyor~~an authorised person specifies 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 the Second Schedule.

(4) Notwithstanding any other provisions in these Local Laws, a fence constructed of stone or concrete shall be a sufficient fence only if it is designed by a structural engineer where—

- (a) it is greater than 1800mm in height; or
- (b) ~~the Building Surveyor~~an authorised person so requires.

## PART 3—GENERAL

### 7. Fences Within Front Setback Areas

(1) A person shall not, without the written consent of ~~the Building Surveyor~~an authorised person, erect a free-standing fence greater than 1200mm in height, within the front set-back area of a Residential Lot within the district.

(2) ~~An authorised person~~The Building Surveyor may approve the erection of a fence of a height greater than 1200mm 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 1500mm along the frontage to a distance of not less than 1500mm from the frontage in order to provide appropriate splayed lines of vision for a motorist using the driveway for access to a thoroughfare.

## Local Laws Relating To Fencing

- (3) The provision of sub-clause (2) shall not apply to a fence—
- of open construction that does not obscure the lines of vision of a motorist using the driveway for access to a thoroughfare; or
  - that does not adjoin a footpath.

### 8. Fences on a Rural Lot

A person shall not without the written consent of the Building Surveyor or an authorised person, erect a fence on a Rural Lot, within 7.5m of a thoroughfare of a height exceeding 1500mm.

### 9. Maintenance of Fences

An owner and occupier of a lot on which a fence is erected shall maintain the fence in good condition and so as to prevent it from becoming dangerous, dilapidated, or unsightly.

### 10. General Discretion of the Local Government

- (1) ~~Notwithstanding clause 6, the local government may consent to the erection or repair of a fence which does not comply with the requirements of these Local Laws. Notwithstanding the provisions of clause 6, 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 consent to the erection or repair of any fence, the local government may consider, in addition to any other matter that it is authorized to consider, whether the erection or retention of the fence would have an adverse effect on—
- the safe or convenient use of any land; or
  - the safety or convenience of any person.

## PART 4—FENCING MATERIALS

### 11. Fencing Materials

- (1) A person shall construct a fence on a Residential Lot, a Commercial Lot or an Industrial Lot from only brick, stone, concrete, wrought iron, tubular steel framed, link mesh, timber, plastic coated or galvanised link mesh, corrugated fibre reinforced cement sheeting, colour bonded metal or a material approved by the Building Surveyor or an authorised person.
- (2) Where the Building Surveyor or an authorised person approves the use of pre-used materials in the construction of a fence under subclause (1), that approval shall be conditional on the applicant for approval painting or treating the pre-used material as directed by the Building Surveyor or an authorised person.

### 12. Barbed Wire and Broken Glass Fences

- (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 or affix to any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the prior written approval of the Building Surveyor or an authorised person has been obtained.
- (3) An owner or occupier of an Industrial Lot shall not erect or affix on any fence bounding that Lot any barbed wire or other materials with spiked or jagged projections unless the wire or materials are carried on posts at an angle of 45 degrees, and unless the bottom row of wire or other materials is set back 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 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 place or affix 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 side of the fence posts furthest from the thoroughfare or other public place.

## PART 5—ELECTRIFIED AND RAZOR WIRE FENCES

### 13. Requirements for a Licence

- (1) An owner or occupier of a lot, other than a Rural Lot, shall not—
- have and use an electrified fence on that lot without first obtaining a licence under subclause (2); or
  - construct a fence wholly or partly of razor wire on that lot without first obtaining a licence under subclause (3).
- (2) A licence to have and use an electrified fence shall not be issued—
- in respect of a lot which is or which abuts a Residential Lot;
  - unless the fence will comply ~~complies~~ with AS/NZS 3016:2002: Electrical installations- Electric security fences; and
  - 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) A licence to have a fence constructed wholly or partly of razor wire shall not be issued—
- if the fence is within 3m of the boundary of the lot;

### Local Laws Relating To Fencing

- (b) where any razor wire used in the construction of the fence is less than 2000mm or more than 2400mm above the ground level.

**Note:**

A copy of AS/NZS 3016:2002 can be obtained here:

[https://infostore.saiglobal.com/en-au/Standards/AS-NZS-3016-2002-117110\\_SAIG\\_AS\\_AS\\_245002/](https://infostore.saiglobal.com/en-au/Standards/AS-NZS-3016-2002-117110_SAIG_AS_AS_245002/)

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## Local Laws Relating To Fencing

(4) An application for a licence referred to in subclauses (2) or (3) 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.

- (5) An application for a licence referred to in subclauses (2) or (3) may be—
- approved by the local government;
  - approved by the local government subject to such conditions as it thinks fit; or
  - refused by the local government.

### 14. Transfer of a Licence

~~Unless cancelled under clause 15, a~~ licence referred to in clause 13 shall transfer with the land to any new occupier or owner of the lot.

### 15. Cancellation of a Licence

Subject to Division 1 Part 9 of the *Local Government Act 1995*, the local government may cancel a licence issued under this Part if—

- the fence no longer satisfies the requirements specified in clause 13(2) or 13(3) as the case may be; or
- the licence holder breaches any condition upon which the licence has been issued.

## PART 6—NOTICES OF BREACH

### 16. Notices of Breach

(1) Where a breach of any provision of these Local Laws has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner or occupier of that lot ("notice of breach").

(2) A notice of breach shall—

- specify the provision of these Local Laws which has been breached;
- specify the particulars of the breach; and
- state that the owner or occupier of the lot is required to remedy the breach within 28 days from the giving of the notice.

~~(e)(3) 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.~~

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## PART 7—OFFENCES

### 17. Offences and Penalties

(1) An owner or occupier who fails to comply with a notice of breach commits an offence and is liable upon conviction to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of these Local Laws commits an offence and is liable to a maximum penalty of \$5000 and, if the offence is a continuing offence, a maximum daily penalty of \$500.

### 18. Modified Penalties

(1) An offence against any provision of these Local Laws is a prescribed offence for the purposes of section 9.16 (1) of the *Local Government Act 1995*.

(2) Unless otherwise specified, the amount of the modified penalty for an offence against any provision of these Local Laws is \$125.

### 19. Form of Notices

For the purposes of these Local Laws—

- the form of the infringement notice referred to in section 9.17 of the *Local Government Act 1995* is to be in ~~or substantially~~ in the form of Form 2 of Schedule 1 of the Local Government (Functions and General) Regulations 1996;
- the form of the notice referred to in section 9.20 of the *Local Government Act 1995* is to be in ~~or substantially~~ in the form of Form 3 in Schedule 1 of the Local Government (Functions and General) Regulations 1996.

Clause 6(2)(a)

## First Schedule

### SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

Each of the following is a "sufficient fence" on a Residential Lot—

- A picket timber fence which satisfies the followingspecifications—
  - corner posts to be 125mm x 125mm x 2400mm and intermediate posts to be 125mm x 75mm x 2400mm spaced at 2400mm centres;

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Local Laws Relating To Fencing

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- (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 two 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 7.
- B. A fence constructed of corrugated fibre reinforced pressed cement or steel sheeting 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 7.
- C. A fence constructed of brick, stone or concrete, which satisfies the following specifications—
- (a) footings of minimum 225mm x 150mm concrete 15MPA or 300mm x 175mm brick laid in cement mortar;
  - (b) 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;
  - (c) expansion joints in accordance with the manufacturer’s 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 7.
- D. A composite fence having a minimum overall height of 1800mm except with respect to the front set back area for which there is no minimum height but which is subject to clause 7, 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 be 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 all; and
- (b) each pier shall be reinforced with two R10 galvanised starting rods as previously specified;

Clause 6(2)(b)

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Second Schedule

**SPECIFICATIONS FOR A SUFFICIENT FENCE ON A  
COMMERCIAL LOT AND AN INDUSTRIAL LOT**

Each of the following is a “sufficient fence” on a Commercial Lot and an Industrial Lot—

- A. A fence constructed of galvanised or PVC coated rail-less link mesh, chain mesh or steel mesh which satisfies the following specifications—
- (a) corner posts to be minimum 50mm normal 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 two 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 two or more 3.15mm wires twisted together or single 4mm wire;

- (e) rail-less link, chain or steel mesh is to be to a height of 2000mm on top of which are to be three strands of barbed wire carrying the fence to a height of 2400mm in accordance with clause 12(3) of these Local Laws; 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 one horizontal and one 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.
- B. A fence of fibre reinforced cement sheet or steel sheeting constructed to the minimum specifications referred to in Item B of the First Schedule.
- C. 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.
- D. Fences of timber, brick, stone or concrete constructed to the minimum specifications referred to in the First Schedule.

Clause 6(2)(c)

Third Schedule

**SPECIFICATIONS FOR A SUFFICIENT FENCE  
ON A RURAL LOT**

- (1) In the case of a non-electrified fence, a sufficient fence on a Rural Lot is a fence of posts and wire construction, the minimum specifications for which are—
- (a) wire shall be high tensile wire and not less than 2.5mm. A minimum of five 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;
 cut not less than 1800mm long x 50mm diameter at small end if round or 125mm x 60mm if split or sawn. Posts to be set minimum 600mm in the ground and 1200mm above the ground; and
  - (c) strainer posts shall be not less than 2250mm long and 50mm 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.
- (2) An electrified fence having four wires only is a sufficient fence if constructed generally in accordance with (1).

Dated this 14th day of March 2005.

The Common Seal of the Shire of Bruce Rock was affixed in the presence of—

S. STRANGE, President.  
S. O'HALLORAN, CEO.

**Form 1**

*Shire of Bruce Rock*

**LICENCE TO HAVE AND USE AN ELECTRIFIED FENCE  
IN ACCORDANCE WITH AS/NZS 3016:2002:—  
ELECTRICAL INSTALLATIONS-ELECTRIC SECURITY  
FENCES**

This is to certify that .....  
of .....  
is licensed, subject to the conditions set out below, to have and use an electrified fence on  
.....  
(address)  
from .....20..... and until this licence is transferred or cancelled.  
Dated this ..... day of ..... 20.....

.....  
Chief Executive Officer  
Shire of Bruce Rock.

This licence is issued upon and subject to the following conditions, namely that the holder of the licence shall:  
Display the licence in a prominent position on the land or premises on which the electrified fence has been erected.  
Upon the request of a Building Surveyor produce to him or her the licence.

Local Laws Relating To Fencing

Within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes.

Obtain the written consent of the Local Government prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence.

Comply with AS/NZS 3016:2002: Electrical installations Electric security fences.

Following erection of the fence, lodge with Western Power a certificate of installation from a qualified electrician and comply with any requirements of Western Power regarding the erection of the fence.

Transfer by Endorsement

This licence is transferred to .....

of .....

from and including the date of this endorsement. Dated this
day of 20

Chief Executive Officer Shire of
Bruce Rock.

Form 2

Shire of Bruce Rock

LICENCE TO HAVE A FENCE CONSTRUCTED WHOLLY OR
PARTIALLY OF RAZOR WIRE

This is to certify that .....

of .....

is licensed, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire on

(address)

from 20 and until this licence is transferred or cancelled. Dated this
day of 20

Chief Executive Officer Shire of
Bruce Rock.

This licence is issued upon and subject to the following conditions, namely that the holder of the licence shall:

Display the licence in a prominent position on the land or premises on which the fence has been erected.

Upon the request of a Building Surveyor produce to him or her the licence.

Within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes.

Obtain the written consent of the Local Government prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

Transfer by Endorsement

This licence is transferred to .....

of .....

from and including the date of this endorsement. Dated this
day of 20

Chief
Executive Officer Shire of Bruce
Rock.

Dated this 4th March 2005.

The Common Seal of the Shire of Bruce Rock was affixed in the presence of -

S. STRANGE, President.
S. O'HALLORAN, Chief Executive Officer.



## Local Government Act 1995

### Shire of Bruce Rock Local Government Property Amendment Local Law 2019

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Bruce Rock resolved on dd mm 2019 to make the following local law:

Commented [Chris1]: Date of final council resolution to 'make' the local law under s3.12(4)

#### 1. Citation

This local law is cited as the *Shire of Bruce Rock Local Government Property Amendment Local Law 2019*.

#### 2. Commencement

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

#### 3. Principal Local Law

This local law amends the *Shire of Bruce Rock Local Government Property Local Law* as published in the *Government Gazette* on 2 June 2005.

#### 4. Title of local law amended

The title of the local law is amended to the *Shire of Bruce Rock Local Government Property 2005* on the title page and in clause 1.1.

#### 5. Clause 1.2 amended

Clause 1.2 is amended as follows:

- (1) Add in alphabetic order:  
"aircraft" has the meaning given to it in the *Civil Aviation Act 1988* (Cth)
- (2) Replace the definition of 'liquor' with:  
"liquor" has the meaning given to it in section 3 of the *Liquor Control Act 1988*;

#### 6. Replace Liquor Licensing Control Act 1988 with Liquor Control Act 1988

In clauses 3.4(2)(h), 3.15(1)(a) and 3.16(d), replace '*Liquor Licensing Act 1988*' with '*Liquor Control Act 1988*'.

#### 7. Clause 2.7 amended

In subclause (1)(c) replace 'aeroplane' with 'aircraft'.

#### 8. Clause 2.8 amended

Subclause (1)(c) is deleted and replaced with:

- (c) taking, riding or driving a vehicle or a particular class of vehicle on the property or a particular class of vehicle;

#### 9. Clause 3.6 amended

Subclause (2) is deleted and replaced with:

- (2) The local government may vary permit conditions by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given.

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#### ~~9,10.~~ Clause 3.9 amended

In subclause (2), replace '*mutatis mutandis*' with 'as though it were an application for a permit'.

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#### ~~10,11.~~ Clause 5.3 replaced

Clause 5.3 is deleted and replaced with:

##### Only specified gender to use entry of toilet block or change room

- 5.3 (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—

- (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
- (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

(2) Subclause (1) does not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –

- (a) under the age of 8 years; or
- (b) otherwise permitted by an authorised person to use the relevant entry.

**11.12. Clause 7.1 amended**

In clause 7.1, ‘regulations 33 and 34 of the Regulations apply to that decision’ is replaced with ‘regulation 33 of the Regulations applies to that decision’.

**12.13. Schedule 1 amended**

Schedule 1 is replaced with:

*Schedule 1*  
**PRESCRIBED OFFENCES**

Item	Clause	Description	Modified Penalty \$
1	2.4	Failure to comply with determination	150
2	3.6	Failure to comply with conditions of permit	150
3	3.13(1)	Failure to obtain a permit	150
4	3.14(3)	Failure to obtain permit to camp outside a facility	150
5	3.15(1)	Failure to obtain permit for liquor	150
6	3.16	Failure of permit holder to comply with responsibilities	150
7	4.2(1)	Behaviour detrimental to property	150
8	4.4	Under influence of liquor or prohibited drug	150
9	4.6(2)	Failure to comply with sign on local government property	150
10	5.2	Unauthorized entry to fenced or closed local government property	150
11	5.3	Gender not specified using entry of toilet block or change room	150
12	5.4(1)	Unauthorized presence of animal on aerodrome	300
13	5.4(2)	Animal wandering at large on aerodrome—person in charge	300
14	5.4(3)	Animal wandering at large on aerodrome—owner	300
16	6.1(1)	Unauthorized entry to function on local government property	150
16	9.1	Failure to comply with notice	200

**13.14. Forms deleted**

Forms 1, 2, 3 and 4 are deleted.

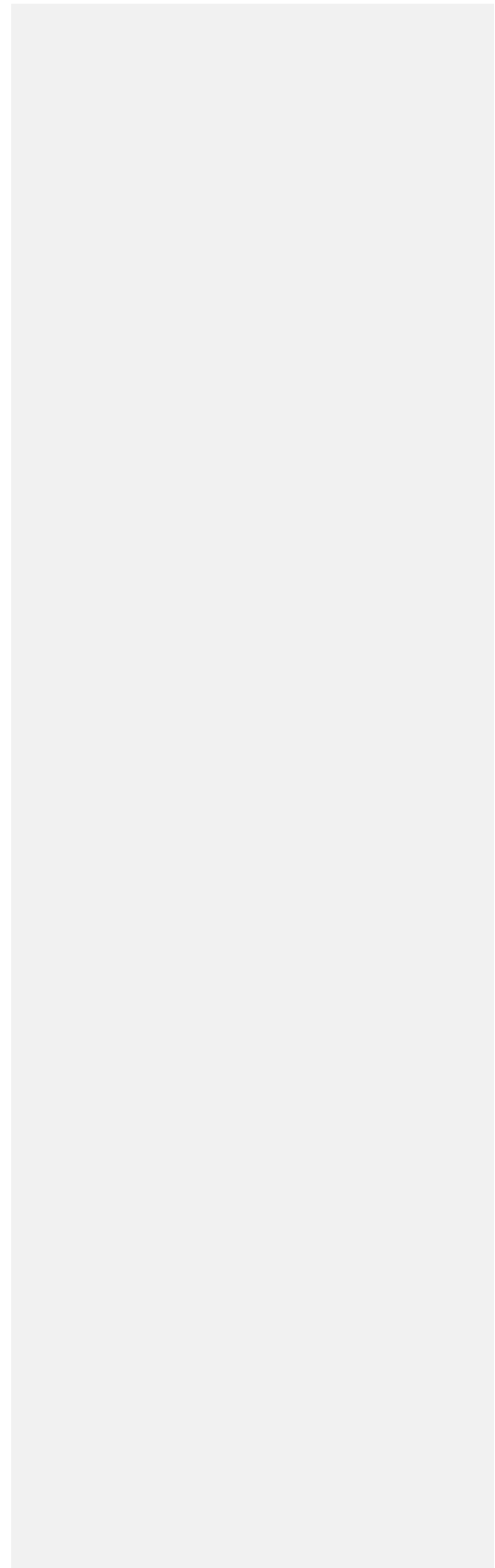
Dated dd mm 2019

The Common Seal of the Shire of Bruce Rock was affixed by authority of a resolution of the Council in the presence of –

Commented [Chris2]: Date signed by Shire President and CEO

.....  
Cr Stephen Strange, President

.....  
Darren Mollenoyux, Chief Executive Officer



# SHIRE OF BRUCE ROCK

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## LOCAL GOVERNMENT ACT 1995

### LOCAL GOVERNMENT PROPERTY LOCAL LAW 2005

Published in the Government Gazette on 2 June 2005, No 102.

Amended:

Disclaimer:

This version is an administrative version and while every attempt to ensure it is correct, only the Gazetted version as amended should be relied on. In particular, text boxes and notes in this version do not form part of the local law.

**Commented [Chris1]:** Suggest you add this to 'admin' versions of the local law. That way you can refer to a consolidated and updated version in one place.

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~~Advertised in the Government Gazette on 2 June 2005~~

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LOCAL GOVERNMENT PROPERTY LOCAL LAW

LOCAL GOVERNMENT ACT 1995

SHIRE OF BRUCE ROCK

**LOCAL GOVERNMENT PROPERTY LOCAL LAW 2005**

Commented [Chris2]: See earlier comments re index and Word headings

ARRANGEMENT

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Commented [Chris3]: I think this should be 'Animal'?

LOCAL GOVERNMENT PROPERTY LOCAL LAW

LOCAL GOVERNMENT ACT 1995

SHIRE OF BRUCE ROCK

LOCAL GOVERNMENT PROPERTY LOCAL LAW 2005

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Bruce Rock resolved on 9th December 2004 to make the following local law.

PART 1—PRELIMINARY

**Citation**

**1.1 Citation**

This local law may be cited as the *Shire of Bruce Rock Local Government Property Local Law 2005*.

**1.1.1.2 Commencement**

**1.1.2** This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

**1.3 Definitions**

In this local law unless the context otherwise requires—

“Act” means the *Local Government Act 1995*;

**1.2** “aircraft” has the meaning given to it in the *Civil Aviation Act 1988 (Cth)*

“applicant” means a person who applies for a permit under clause 3.2;

“authorized 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;

“boat” means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

“building” means any building which is local government property and includes a—

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

“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;

“date of publication” means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

“determination” means a determination made under clause 2.1;

“district” means the district of the local government;

“function” means an event or activity characterised by all or any of the following—

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

“liquor” has the same meaning as is given to it in section 3 of the *Liquor Licensing Control Act 1988*; “local government” means the Shire of Bruce Rock;

“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;

“Manager” means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the

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person's assistant or deputy;



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“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;

“pool area” means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

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

“sign” includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

“trading” means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of—

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

“vehicle” includes—

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes—

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

### Interpretation

- 1.3 In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

### Application

- 1.4 (1) This local law applies throughout the district.
- (2) Notwithstanding anything to the contrary in this local law, the local government may—
  - (a) hire local government property to any person; or
  - (b) enter into an agreement with any person regarding the use of any local government property.

## PART 2—DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY

### Division 1—Determinations

#### Determinations as to use of local government property

- 2.1 (1) The local government may make a determination in accordance with clause 2.2—
  - (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
  - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
  - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
  - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 2—
  - (a) are to be taken to have been made in accordance with clause 2.2;
  - (b) may be amended or revoked in accordance with clause 2.6; and
  - (c) have effect on the commencement day.

#### Procedure for making a determination

- 2.2 (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that—
  - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
  - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
  - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to—
  - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;

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- (b) amend the proposed determination, in which case subclause (5) will apply; or
  - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to—
- (a) consider those submissions; and
  - (b) decide—
    - (i) whether or not to amend the proposed determination; or
    - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice—
- (a) of the effect of the amendments; and
  - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

### **Discretion to erect sign**

2.3 The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

### **Determination to be complied with**

2.4 A person shall comply with a determination.

### **Register of determinations**

2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

### **Amendment or revocation of a determination**

2.6 (1) The Council may amend or revoke a determination.

(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.

### *Division 2—Activities which may be pursued or prohibited under a determination*

#### **Activities which may be pursued on specified local government property**

2.7 (1) A determination may provide that specified local government property is set aside as an area on which a person may—

- (a) bring, ride or drive an animal;
  - (b) take, ride or drive a vehicle, or a particular class of vehicle;
  - (c) fly or use a motorised model ~~aeroplane~~ ~~aircraft~~;
  - (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
  - (e) launch, beach or leave a boat;
  - (f) take or use a boat, or a particular class of boat;
  - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
  - (h) play or practice—
    - (i) golf or archery;
    - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
    - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
  - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
  - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular—
- (a) the days and times during which the activity may be pursued;
  - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;

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- (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
- (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
- (e) may specify that the activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of the activity.

### Activities which may be prohibited on specified local government property

2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property—

- (a) smoking on premises;
- (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (c) taking, riding or driving a vehicle ~~or a particular class of vehicle~~ on the property ~~or a particular class of vehicle~~;
- (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
- (e) taking or using a boat, or a particular class of boat;
- (f) the playing or practice of—
  - (i) golf, archery, pistol shooting or rifle shooting; or
  - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (g) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
- (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular—

- (a) the days and times during which the activity is prohibited;
- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and
- (e) may distinguish between different classes of the activity.

(3) In this clause—

“premises” means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

### Division 3—Transitional

#### Signs taken to be determinations

2.9 (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

## PART 3—PERMITS

### Division 1—Preliminary

#### Application of Part

31 ~~This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.~~

Commented [Chris4]: It's really hard to read clause numbers from here – I think this is 3.1 but looks like 31...

### Division 2—Applying for a permit

#### Application for permit

32 (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.

## LOCAL GOVERNMENT PROPERTY LOCAL LAW

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- (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).

### **Decision on application for permit**

- 33 (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.

### *Division 3—Conditions*

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

- 34 (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to—
- (a) the payment of a fee;
  - (b) compliance with a standard or a policy of the local government adopted by the local government;
  - (c) the duration and commencement of the permit;
  - (d) the commencement of the permit being contingent on the happening of an event;
  - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
  - (f) the approval of another application for a permit which may be required by the local government under any written law;
  - (g) the area of the district to which the permit applies;
  - (h) where a permit is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
  - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the local government.
- (2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued—
- (a) when fees and charges are to be paid;
  - (b) payment of a bond against possible damage or cleaning expenses or both;
  - (c) restrictions on the erection of material or external decorations;
  - (d) rules about the use of furniture, plant and effects;
  - (e) limitations on the number of persons who may attend any function in or on local government property;
  - (f) the duration of the hire;
  - (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
  - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Control Act 1988*;
  - (i) whether or not the hire is for the exclusive use of the local government property;
  - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
  - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

#### **Imposing conditions under a policy**

- 35 (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 3.3(1)(a).
- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government shall 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 3.3(2).

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(4) An application for a permit shall be deemed 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 shall be deemed to be information within section 5.94(u)(i) of the Act.

### Compliance with and variation of conditions

36 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

~~(2) The local government may vary permit conditions by giving written notice to the permit holder and the varied condition takes effect 7 days after that notice is given. (2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.~~

### Division 4—General

#### Agreement for building

37 Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

#### Duration of permit

38 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 3.12.

#### Renewal of permit

39 (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 this Part shall apply to an application for the renewal of a permit as though it were an application for a permit *mutatis mutandis*.~~

#### Transfer of permit

310 (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 an endorsement on the permit signed by the CEO.

(4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

#### Production of permit

311 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.

#### Cancellation of permit

312 (1) Subject to clause 7.1, a permit may be cancelled by the local government if the permit holder has not complied with a—

- (a) condition of the permit; or
- (b) determination or a 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 CEO; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

### Division 5—When a permit is required

#### Activities needing a permit

313 (1) A person shall not without a permit—

- (a) subject to subclause 3, hire local government property;
- (b) advertise anything by any means on local government property;
- (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
- (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;

## LOCAL GOVERNMENT PROPERTY LOCAL LAW

- (e) plant any plant or sow any seeds on local government property;
  - (f) carry on any trading on local government property unless the trading is conducted—
    - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
    - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
  - (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose—
    - (i) drive or ride or take any vehicle on to local government property; or
    - (ii) park or stand any vehicle on local government property;
  - (h) conduct a function on local government property;
  - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
  - (j) light a fire on local government property except in a facility provided for that purpose;
  - (k) parachute, hang glide, abseil or base jump from or on to local government property;
  - (l) erect a building or a refuelling site on local government property;
  - (m) make any excavation on or erect or remove any fence on local government property;
  - (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person; or
  - (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

### Permit required to camp outside a facility

- 314 (1) In this clause—  
“facility” has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.
- (2) This clause does not apply to a facility operated by the local government.
- (3) A person shall not without a permit—
  - (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
  - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

### Permit required for possession and consumption of liquor

- 315 (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless—
  - (a) that is permitted under the *Liquor Licensing Control Act 1988*; and
  - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

#### *Division 6—Responsibilities of permit holder*

### Responsibilities of permit holder

- 316 A holder of a permit shall in respect of local government property to which the permit relates—
  - (a) ensure that an authorized person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
  - (b) leave the local government property in a clean and tidy condition after its use;
  - (c) report any damage or defacement of the local government property to the local government; and
  - (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Licensing Control Act 1988* for that purpose.

## PART 4—BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY

### *Division 1—Behaviour on and interference with local government property*

#### Behaviour which interferes with others

- 4.1 A person shall not in or on any local government property behave in a manner which—
  - (a) is likely to interfere with the enjoyment of a person who might use the property; or
  - (b) interferes with the enjoyment of a person using the property.

## LOCAL GOVERNMENT PROPERTY LOCAL LAW

### Behaviour detrimental to property

4.2 (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property.

(2) In subclause (1)—

“detrimental to the property” includes—

- (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
- (b) destroying, defacing or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

### Taking or injuring any fauna

4.3 (1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorized under a written law to do so.

(2) In this clause—

“animal” means any living thing that is not a human being or plant; and

“fauna” means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal—

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

### Intoxicated persons not to enter local government property

4.4 A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

### No prohibited drugs

4.5 A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

#### *Division 2—Signs*

### Signs

4.6 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(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—

- (a) not to be inconsistent with any provision of this local law or any determination; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

## PART 5—MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY

### *Division 1—Swimming pool areas*

### When entry must be refused

5.1 A Manager or an authorized person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who—

- (a) in her or his opinion is—
  - (i) under the age of 6 years and who is unaccompanied by a responsible person over the age of 14 years;
  - (ii) suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
  - (iii) under the influence of liquor or a prohibited drug; or
- (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

### *Division 2—Fenced or closed property*

### No entry to fenced or closed local government property

5.2 A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorized to do so by the local government.

### *Division 3—Toilet blocks and change rooms*

### Only specified gender to use entry of toilet block or change room

5.3 (1) Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by—

- (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
- (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

(2) Subclause (1) does not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is —

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**LOCAL GOVERNMENT PROPERTY LOCAL LAW**

- i. under the age of 8 years; or
- ii. otherwise permitted by an authorised person to use the relevant entry.

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## LOCAL GOVERNMENT PROPERTY LOCAL LAW

### *Division 4—Aerodrome (airport)*

#### **Access of animals restricted**

- 5.4 (1) A person shall not bring an animal on to an aerodrome unless—
- the person is a person referred to in section 8 of the *Dog Act 1976* acting in accordance with that provision;
  - the animal is being air freighted from the aerodrome;
  - the animal has been air freighted to the aerodrome; or
  - the person is authorized to do so by the local government.
- (2) A person in charge of an animal shall keep the animal under control and shall not allow it to wander at large on the aerodrome.
- (3) If an animal is at any time on an aerodrome in contravention of subclause (2), in addition to the person specified in that subclause, the owner of the animal at that time commits an offence against subclause (2).

### **PART 6—FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY**

#### **No unauthorized entry to function**

- 6.1 (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorized, except—
- through the proper entrance for that purpose; and
  - on payment of the fee chargeable for admission at the time.
- (2) The local government may exempt a person from compliance with subclause (1)(b).

### **PART 7—OBJECTIONS AND APPEALS**

#### **Application of Division 1, Part 9 of the Act**

- 7.1 When the local government makes a decision as to whether it will—
- grant a person a permit or consent under this local law; or
  - renew, vary, or cancel a permit or consent that a person has under this local law,
- the provisions of Division 1 of Part 9 of the Act and regulations ~~33 and 34~~ of the Regulations ~~applies~~ to that decision.

### **PART 8—MISCELLANEOUS**

#### **Authorised person to be obeyed**

8.1 A person on local government property shall obey any lawful direction of an authorized person and shall not in any way obstruct or hinder an authorized person in the execution of her or his duties.

#### **Persons may be directed to leave local government property**

8.2 An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

#### **Disposal of lost property**

8.3 An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

#### **Liability for damage to local government property**

8.4 (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of—

- reinstating the property to the state it was in prior to the occurrence of the damage; or
- replacing that property.

(2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

### **PART 9—ENFORCEMENT**

#### *Division 1—Notices given under this local law*

#### **Offence to fail to comply with notice**

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

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

9.2 Where a person fails to comply with a notice referred to in clause 9.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

## LOCAL GOVERNMENT PROPERTY LOCAL LAW

### *Division 2—Offences and penalties*

#### Subdivision 1—General

##### **Offences and general penalty**

9.3 (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

##### **Prescribed offences**

9.4 (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.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized 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.

##### **Form of notices**

9.5 (1) For the purposes of this local law—

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

### *Division 3—Evidence in legal proceedings*

##### **Evidence of a determination**

9.6 (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.

(2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.

(3) Subclause (2) does not make valid a determination that has not been properly made.

#### *Schedule 1*

##### **PRESCRIBED OFFENCES**

Clause	Description	Modified Penalty \$
2.4	Failure to comply with determination	<del>100</del> 150
3.6	Failure to comply with conditions of permit	<del>100</del> 150
3.13(1)	Failure to obtain a permit	<del>100</del> 150
3.14(3)	Failure to obtain permit to camp outside a facility	<del>100</del> 150
3.15(1)	Failure to obtain permit for liquor	<del>100</del> 150
3.16	Failure of permit holder to comply with responsibilities	<del>100</del> 150
4.2(1)	Behaviour detrimental to property	<del>100</del> 150
4.4	Under influence of liquor or prohibited drug	<del>100</del> 150
4.6(2)	Failure to comply with sign on local government property	<del>100</del> 150
5.2	Unauthorized entry to fenced or closed local government property	<del>100</del> 150
5.3	Gender not specified using entry of toilet block or change room	<del>100</del> 150
5.4(1)	Unauthorized presence of animal on aerodrome	300
5.4(2)	Animal wandering at large on aerodrome—person in charge	300
5.4(3)	Animal wandering at large on aerodrome—owner	300
6.1(1)	Unauthorized entry to function on local government property	<del>100</del> 150
9.1	Failure to comply with notice	200

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LOCAL GOVERNMENT PROPERTY LOCAL LAW

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*Schedule 2*  
**DETERMINATIONS**

The following determinations are to be taken to have been made by the local government under clause 2.1.

**PART 1—PRELIMINARY**

**Definitions**

1.1 In these determinations unless the context otherwise requires—

“local law” means the *Shire of Bruce Rock Local Government Property Local Law* made by the local government.

**Interpretation**

1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

**PART 2—ANIMAL EXERCISE AREA**

**Interpretation**

2.1 In this determination—

“animal” includes a dog; and

“animal exercise area” means the portion of land within Reserve 20855, Lot 248 Dunstal Street Bruce Rock comprising the eastern portion of the reserve directly behind the grassed oval where signs are erected.

**Animals restricted to animal exercise areas**

2.2 A person shall not bring, ride or drive an animal on local government property that is not an animal exercise area.

**Animals to be controlled**

2.3 A person shall not ride or drive an animal on an animal exercise area in a manner which—

- (a) endangers any person or animal; or
- (b) unreasonably disturbs or interrupts the reasonable use of the animal exercise area by any person or animal.

2.4 A person bringing an animal on to an animal exercise area shall keep that animal under control so that it does not—

- (a) endanger any person or animal; or
- (b) unreasonably disturb or interrupt the reasonable use of the animal exercise area by any other person or animal.

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LOCAL GOVERNMENT PROPERTY LOCAL LAW

Form 1

*Shire of Bruce Rock*

~~LOCAL GOVERNMENT PROPERTY LOCAL LAW~~  
APPLICATION FOR HIRE OF LOCAL GOVERNMENT PROPERTY

Applicant .....

For and on behalf of .....

Personal Address of Applicant .....

Phone(H) ..... (W) .....

Property to be hired .....

on (insert date) .....

During the hours ..... to .....

Purpose of Hire .....

And I agree to comply with all provisions of the Shire of Bruce Rock Local Government Property Local Law and other written laws pertaining to the proposed use, including any condition which may be imposed on the permit of hire requiring me to indemnify the local government in respect of any injury to any person or any damages to any property which may occur in connection with the hire of local government property.

Signed .....

Date .....

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Form 2

Shire of Bruce Rock  
LOCAL GOVERNMENT PROPERTY LOCAL LAW  
APPLICATION FOR A PERMIT TO HOLD A FUNCTION

I/We .....  
(Full Name(s))

Of .....  
(Address)

hereby apply for a permit to hold a function namely (describe the function)  
.....  
.....

on the Reserve or part thereof known as  
.....  
.....

situated at  
.....  
.....

for the hours of: Start ..... AM/PM Finish ..... AM/PM  
on the following date(s) .....

And I agree to comply with all provisions of the Shire of Bruce Rock Local Government Property Local Law and other written laws pertaining to the holding of the function, the subject of this application, including any condition which may be imposed on the permit to indemnify the local government in respect of any injury to any person or any damage to any property which may occur in connection with the holding of the function the subject of this application.

Signature .....

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Form 3

*Shire of Bruce Rock*

LOCAL GOVERNMENT PROPERTY LOCAL LAW  
PERMIT TO HOLD A FUNCTION

To .....  
(name)

of .....  
(address)

you are hereby authorised to organise and hold a function namely —  
.....  
.....  
on the Reserve or part thereof known as

.....  
situated at .....

for the hours of: Start ..... AM/PM — Finish ..... AM/PM

on the following date(s) .....  
under the following conditions —

.....  
.....  
.....

This permit is issued subject to a condition requiring the permit holder to indemnify the local government in respect of any injury to any person or any damage to any property which may occur in connection with the holding of the function the subject of this permit.

Hire Charges Applicable \$.....

Signature .....

Chief Executive Officer

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Form 4

Shire of Bruce Rock  
LOCAL GOVERNMENT PROPERTY LOCAL  
LAW RESERVE FUNCTION PERMIT  
APPLICATION

Name of Organisation .....

Please provide names and addresses of two (2) persons as representatives: Please print clearly

1. Name: ..... Phone (H) ..... (W) .....

Address: .....

2. Name: ..... Phone (H) ..... (W) .....

Address: .....

Reserve Required .....

\*Social Booking—

Activity ..... Date .....

From a.m. / p.m. .... to a.m. / p.m. .... Ground Hire Charge \$ .....

\*Seasonal Booking

Activity .....

Day/s ..... Purpose: From: To  
(Training/Competition) am/pm am/pm

Monday- .....

Tuesday- .....

Wednesday- .....

Thursday- .....

Friday- .....

Saturday- .....

Sunday .....

Number of Teams/Players: ..... Jnr: .....

..... Snr: Number of .....

Playing Fields: .....

Ground Required From: ..... To: .....

Ground Hire Charge \$ .....

Liquor Permit: ..... Yes/No ..... Charge: .....

\$ Quantity of Alcohol: ..... Litres/B.Y.O. ....

Number in Party: ..... Adults ..... Children .....

I accept responsibility for ensuring compliance with the Local Government Property Local Law on behalf of the abovenamed organisation, and with the authority of the organisation I agree on behalf of the organisation that the organisation will indemnify the local government in respect of any injury to any person or any damage to any property which may occur in connection with the activity on the Reserve which is the subject of this application.

Applicant's Signature ..... Date .....

Office Use Only—

Shire of Bruce Rock Received .....

Authorised Officer .....

Permit: Approved / Not Approved ..... Date .....

CEO

LOCAL GOVERNMENT PROPERTY LOCAL LAW

Form 5

*Shire of Bruce Rock*  
LOCAL GOVERNMENT PROPERTY LOCAL  
LAW PERMIT TO HIRE OR SELL

To: .....  
(full name)

of: .....  
(address)

You are authorised to \*hire or sell—  
.....  
(describe goods, merchandise, equipment, etc.)

in the public reserve known as .....  
and more particularly described as Reserve No .....  
..... OF  
which part is shown on the plan attached to this permit for a period of — months from the date of this  
permit and under the following conditions:—

.....  
.....  
.....

Fee payable \$ .....

\*Strike out whichever is not applicable.

.....  
CEO

Dated this 4th March 2005.

The Common Seal of the Shire of Bruce Rock was affixed in the presence of—

S. STRANGE, President.  
S. O'HALLORAN, Chief Executive Officer.

\_\_\_\_\_



LOCAL GOVERNMENT PROPERTY LOCAL LAW

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**Local Government Act 1995**

**Shire of Bruce Rock Repeal Local Law 2019**

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the Shire of Bruce Rock resolved on dd mm 2019 to make the following local law:

**Commented [Chris1]:** Date of final council resolution to 'make' the local law under s3.12(4)

**1. Citation**

This local law is cited as the *Shire of Bruce Rock Repeal Local Law 2019*.

**2. Commencement**

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

**3. Local Law Repealed**

The *Municipality of the Shire of Bruce Rock Local Government Model By-laws (Removal and Disposal of Obstructing Animals or Vehicles) No.7* as ~~adopted by the Shire on 8 November 1979~~ and published in the *Government Gazette* on 29 August 1980 are repealed.

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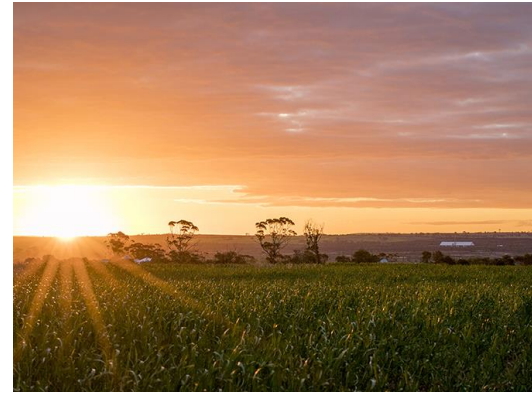
Dated dd mm 2019

The Common Seal of the Shire of Bruce Rock was affixed by authority of a resolution of the Council in the presence of –

**Commented [Chris2]:** Date signed by Shire President and CEO

.....  
Cr Stephen Strange, President

.....  
Darren Mollenoyux, Chief Executive Officer



# Wheatbelt Secondary Freight Network

## Project Manager Information Package 2019



## **Wheatbelt Secondary Freight Network Project Manager**

An exciting opportunity has arisen for a professional with civil engineering qualifications to join our team on behalf of the Wheatbelt Secondary Freight Network (WSFN), as a Project Manager co-ordinating the delivery of jointly funded road improvement programs across the Wheatbelt Region, extending from the Shire of Dandaragan in the North West to the Shire of Lake Grace in the South East.

The Project Manager will form part of the Program Technical Team (PTT) and work with the member organisations of the WSFN to ensure efficient delivery and optimal prioritisation of road improvement networks. The Project Manager will be integral to successful project delivery. The Project Manager must have the skills and expertise required to work with the PTT, relevant Local Government officers as well as technical consultants to ensure a cohesive and collaborative environment is established for optimum outputs. The Project Manager will direct the work of the external technical consultants and will be the main contact for communication between the PTT and external consultants.

The position will be based in Bruce Rock Shire which is ideally located just 245km east of Perth in the Eastern Wheatbelt region. Bruce Rock has a district hospital, doctor, dentist and chemist. Other facilities include excellent educational and shopping amenities and its sporting and recreational facilities are second to none. All of these facilities help make living in Bruce Rock, as part of a great community, very comfortable.

The position will be offered a fixed term contract (initially two years) with a remuneration package offered from \$115,000 to \$135,000 per annum. The package includes superannuation, negotiated private use of vehicle subsidised Council housing will be available as other benefits.

To obtain the application package either visit Council's website [www.brucerock.wa.gov.au](http://www.brucerock.wa.gov.au) or contact Darren Mollenoyux on 08 9061 1377 or email [ceo@brucerock.wa.gov.au](mailto:ceo@brucerock.wa.gov.au).

Applications, addressing the selection criteria, marked "Confidential – WSFN Project Manager", will be received until 4.00 pm on Thursday 28 November 2019.

Shire of Bruce Rock  
Private and Confidential  
WSFN Project Manager  
PO Box 113  
BRUCE ROCK WA 6418

**Darren Mollenoyux**  
**Chief Executive Officer**  
**Shire of Bruce Rock**  
**Po Box 113, Bruce Rock WA 6418**



## **WHEATBELT SECONDARY FREIGHT NETWORK PROJECT OVERVIEW**

The Wheatbelt Secondary Freight Network (WSFN) in the Main Roads WA Wheatbelt region comprises some 4,400km of Local Government managed roads that connect with State and National highways to provide access for heavy vehicles into the region. These roads are intended to enable large, high productivity trucks safe and cost-effective access to business.

The efficiency of supply chains serving industries in the Wheatbelt region is determined by the performance of the weakest link. Failure to maintain and improve productivity of the secondary freight network will reduce the international competitiveness of the Wheatbelt agricultural sector, which underpins employment and economic activity in the region. Transport links need to be addressed if the production of this sector is to be supported.

The 4,400km of roads included in the Wheatbelt Secondary Freight Network are spread across 42 Local Governments. These 42 Local Governments of the Wheatbelt region have worked collaboratively for over 4 years to identify and now secure funding to improve secondary freight network routes on Local Government Roads in the Wheatbelt.

The Local Governments have worked collaboratively with State and Federal Government departments and agencies and industry stakeholders to develop this plan and secure the Federal funding. This level and scale of collaboration is unprecedented. In order to ensure ongoing success, it is imperative that governance to deliver this program be established to administer the available funds and deliver the agreed outcomes in a transparent, reportable manner to the satisfaction of Federal, State and Local Governments.

The Federal Government has allocated \$70 million to this project through the Roads of Strategic Importance initiative (ROSI), the State Government has committed \$11.7 million and a further \$5.8 will be provided by Local Governments. This funding will be applied to development of the highest priority routes. While formally budgeted over nine years, the Federal Government has clearly indicated that it is keen to accelerate the delivery.

The available \$87.5 million will not be sufficient to upgrade all of the identified 80 routes and good governance of this program, and ongoing collaboration between all parties, will be critical to the success of future applications for additional funding.

The WSFN project have been successful in obtaining funding for a Project Manager to progress and under operational management of this project.

## POSITION DESCRIPTION

<b>Position Title</b>	Project Manager
<b>Award/Agreement</b>	Local Government Industry Award 2010
<b>Classification</b>	Level to Level
<b>Status/Hours</b>	Full-time 76 hours per fortnight

### Position Summary

The Project Coordinator will form part of the Program Technical Team (PTT) and work with the member organisations of the WSFN. The Project Manager will be an integral key to successful project delivery. The complexity and scale of this project is significant and well beyond the technical and financial capabilities of the Wheatbelt Shires on an individual basis. Engaging an external Project Manager with the skills and expertise required to work with the PTT, relevant LG officers as well as technical consultants will ensure a cohesive and collaborative environment is established for optimum outputs.

The Project Manager will direct the work of the external technical consultants and will be the main contact for communication between the PTT and external consultants.

### Position Acknowledgement and Acceptance

The details contained in this document are an accurate statement of the position's responsibilities and requirements.

**Signature:** \_\_\_\_\_

**Darren Mollenoyux**  
**Chief Executive Officer**  
**Shire of Bruce Rock**

**DATE** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Employee Name** \_\_\_\_\_ **DATE** \_\_\_\_\_

## Knowledge and Skills

Statement of Outcome - The Wheatbelt Secondary Freight Network employ suitably qualified personnel.

Selection Criteria	
<b>Essential</b>	<ul style="list-style-type: none"> <li>• Formal Qualifications within a relevant Civil Engineering discipline to a minimum Diploma level (OR <u>extensive</u> experience in managing large scale civil engineering operations), with possession of, or progress towards qualifications in project management.</li> <li>• A minimum of 5 years' experience in the management of multiple simultaneous road construction projects comprising both staff and/or contractors within budget and on time.</li> <li>• Effectively provide leadership and support to a large workforce and/or number of contractors.</li> <li>• Sound time management and self-organisational skills.</li> <li>• Developed knowledge of tender and contract administration procedures.</li> <li>• Extensive road making experience with varying materials across different landscapes and soil types.</li> <li>• Exercise developed interpersonal and communication skills to a broad audience including road construction staff and/or contractors, LG Managers, Shire Councillors and external Government (State and Federal) agencies.</li> <li>• Developed written, literacy and numeracy skills (including the use of spreadsheets and word processing) to provide information, advice and direction to other employees, contractors, government departments and members of the public.</li> <li>• Sound knowledge of municipal infrastructure asset maintenance and construction techniques.</li> <li>• Knowledge and ability to implement Local Government Safety Policies as they relate to the job being undertaken and the effect on the public.</li> <li>• A proven understanding and experience of traffic management requirements for civil works.</li> <li>• Knowledge of Occupational Health and Safety requirements.</li> <li>• Minimum (current) 'C' class licence.</li> </ul>
<b>Desirable</b>	<ul style="list-style-type: none"> <li>• Degree in Civil Engineering discipline</li> <li>• Progress towards Managerial Certificate</li> <li>• Experience in managing the Local Government funding arrangements relating to Wheatbelt North and/or South Regional Road Groups (especially relating to completing Multi-Criteria Assessments for these Group/s).</li> <li>• Proven knowledge and understanding in accessing information from the Asset Management software, RAMM.</li> <li>• Extensive knowledge of the operation/use of road making and road maintenance plant and machinery.</li> <li>• Current Basic Worksite Traffic Management certificate</li> <li>• White Construction Safety Awareness Card</li> <li>• Knowledge of MS project software</li> <li>• Senior First Aid certificate</li> </ul>

## Operational

Statement of Outcome – Issues relevant to the construction and maintenance are managed in an efficient manner.

### Key Duties

Key roles of the Project Manager will be to undertake streamlined planning and coordination of activities associated with finalising the assessment, prioritisation and delivery of Stage 1 priority projects of the WSN with relevant LGs. The activities will include:

- Refine design criteria and develop preliminary standards and designs
- Consolidate existing data to gain an understanding of road user requirements, the physical site, and environmental context and constraints
- Undertake a study of quantified issues and opportunities, for input into route prioritisation.
- Collation and review of existing road condition and traffic data and project scopes.
- Identify priority projects and the proposed scope and timing for staged implementation of planned network
- Refine a route prioritisation MCA tool and conduct analysis of selected routes.
- Develop a route staging plan.
- Collection of additional, more detailed road condition and traffic data and project scope refinement.
- Site visits including cursory visual inspections would be undertaken to support desktop activities and to inform gap assessment.
- Development of detailed investigation and survey of Stage 1 priority projects. Supporting investigations that may be required which would include feature survey, environmental surveys, traffic surveys, utility services investigations (such as potholing), geotechnical and hydrological investigation.
- Monitor works financial expenditure against budget provisions and report variances.
- Development of “approved” and funded shovel ready projects
- Allocation for specific design or engineering investigations for immediate priority works (environmental, geotechnical, survey, detailed design).
- Ensure performance targets are met as determined by audits and/or the Project Manager.
- Provide executive support to the Project Technical Team including compiling agendas, minute taking, writing and sending out correspondence as directed by the Program Technical Team.

## General Responsibilities

### Personal Attributes

- Ability to work cohesively, efficiently and effectively in a team environment, with consideration, respect, honesty integrity and accountability.
- Good interpersonal and presentation skills.
- Ability to lead staff and promote a positive workplace culture.
- Ability to communicate with people of diverse ages and backgrounds.
- Innovative and strategic thinker who can deliver organisational and corporate priorities.
- Political awareness.
- Ability to use initiative and judgement to resolve complex issues

## Extend of Authority

Authority to act within established practices and to make decisions within clearly established guidelines



## **Organisational Relationships**

Position reports to: Chief Executive Officer (Shire of Bruce Rock)  
Program Technical Team Chair (Program Director)

Supervision of: Nil

Internal Liaison: WSFN Steering Committee  
Program Technical Team

External Liaison: Includes but not limited to:  
Affected Local Governments (Council and Staff)  
State and Federal Government Agencies  
Contractors relevant to the delivery of engineering services

## **PROPOSED SALARY PACKAGE**

A negotiable salary package with a cash component of \$82,083 to \$100,348 per annum will be negotiated.

### **Salary (Cash Component)**

The Employee's salary shall be payable fortnightly, in arrears to a bank account(s) nominated by the Employee.

### **Award**

Employee conditions are in accordance with the Local Government Industry Award 2010.

### **Hours of Employment**

Normal working hours are 8:00am to 5:00pm with a 1-hour lunch break.  
The position accrues 1 Rostered Day off Per Month.

### **Annual Leave**

Employee will be entitled to four (4) weeks Annual Leave with 17 ½% Loading on Entitled Annual Leave.

### **Housing**

Council may provide an executive residence for the Officer. Council will provide a "Water Allowance" of 500KL per annum.

Officer to be responsible for all other utilities consumed.

### **Motor Vehicle**

The Council shall provide negotiated private use of a Motor Vehicle, equivalent to a 4WD Dual Cab for the use of the Employee, as per Council policy.

The Council shall be responsible for all running costs of the Motor Vehicle including but not limited to all registration, insurance, fuel and repair costs of the Motor Vehicle except where petrol is to be paid by Officer whilst on annual leave or extended travel in accordance with the fuel usage policy.

The vehicle shall be made available to other staff when required for attendance to training or at meetings.

### **Long Service Leave**

The Officer is entitled to long service leave in accordance with the Regulations.

### **Telephone**

The Council provides the employee with a mobile telephone and will pay for line rental and all reasonable charges.

### **Uniform**

An annual allowance of \$400 will be made for the provision of approved uniform expenses.

## **Superannuation**

- (a) The Local Government shall pay any superannuation guarantee charge (as defined in the Superannuation Guarantee Administration Act 1992 and the Superannuation Guarantee Charge Act 1992) payable by the Local Government in respect of the Officer ("**Statutory Superannuation entitlement**")
- (b) All contributions by way of superannuation must be paid by the Local Government in accordance with the Act and any other law but the Officer shall be permitted to have superannuation contributions paid by the Local Government into a superannuation fund of the Officer's choice if permitted under the Trust Deed of the Western Australia Local Government Superannuation Fund.
- (c) At the request of the Officer, the Local Government may from time to time vary the amount of the Officer's contributions towards superannuation by way of salary sacrifice.

## **Fringe Benefit Tax**

The Council must pay any liability with respect to fringe benefits tax incurred as a result of the benefits provided in this Contract, or the ordinary carrying out of Council business by way of functions or travelling.

## **Medical Examination**

The Officer will be required as a condition of appointment to have a Pre-Employment Medical Examination by a Medical Practitioner prior to appointment being offered. Council will bear the full cost of Pre-Employment Medical Examination. A copy will be retained in the employee's personal file and made available for the employee.

## **Police Clearance**

The Officer may be required as a condition of employment, to provide a current "Police Clearance" at Council's expense.

## **Relocation**

If necessary, Council will negotiate the reimbursement of relocation expenses with the successful applicant.

## **Professional Development**

Provision is available for the officer to participate in relevant training and attend relevant conferences, as approved by the Chief Executive Officer.

## **Remuneration Details**

Employment is offered under a contract period of two years with a remuneration package between \$115,000 and \$135,000 per annum, dependant on skills and experience. The package comprises of:

### Remuneration Package

• Salary	\$82,083	\$100,348
• Motor Vehicle (WALGA Valuation)	\$17,369	\$17,369
• Superannuation Guarantee 9.5%	\$7,798	\$9,533
• Rental Subsidy \$100 p/w	\$5,200	\$5,200
• Telephone Landline & Mobile	\$1,500	\$1,500
• Water Charges	\$600	\$600
• Uniform	\$450	\$450
	<hr/>	<hr/>
	\$115,000	\$135,000

## **SUBMITTING YOUR APPLICATION**

### **Statement of Claims against the Selection Criteria**

Your selection for an interview will depend on you demonstrating that you meet the Essential Criteria.

#### **When preparing your statement of claims**

- Treat each selection criterion separately. Use each criterion as a heading and provide your statement underneath that heading.
- Provide a brief statement, which relates your experience, skills and knowledge to the particular criterion. The length of your statement for each criterion is dependent on the position you are applying for and your discretion. As a guideline, a quarter to half a page is generally acceptable. You should provide specific examples in your statement to back up your claims.
- Provide details of any activities you have undertaken outside of work which are relevant to the application.

#### **Referees**

- Applicants are required to nominate two work referees in support of their application. These referees should be able to comment on your work experience, skills and knowledge in relation to the selection criteria.
- Provide names, relationship to you (i.e. Supervisor), work addresses and daytime telephone numbers.
- We understand you may not wish us to contact current work referees initially, if this is the case please let us know.

#### **General Application Information**

- Applicants should submit typed applications.
- When lodging your application, submit a covering letter, Resume, Statement of claims responding to the selection criteria and written references.
- Please only include photocopies of your attachments as the application will not be returned.
- Canvassing of elected members is prohibited and any applicant known to have done so may be disqualified.

#### **Delivery of Application**

You may post, deliver or email your application. Applications must arrive by **4.00pm on Friday 29<sup>th</sup> November 2019.**

#### **Mark your application:**

##### **Post:**

**"Confidential"**

Shire of Bruce Rock  
WSFN Project Manager  
PO Box 113  
Bruce Rock WA 6418

**Email:**        [ea@brucerock.wa.gov.au](mailto:ea@brucerock.wa.gov.au)

Should you require any further information or assistance please contact:

Melissa Schilling  
Tel: 08 9061 1377  
Email: [ea@brucerock.wa.gov.au](mailto:ea@brucerock.wa.gov.au)

## THE INTERVIEW

### **Preparing for the Interview**

An interview will be conducted by the CEO and Members of the WSN Executive.

The interview questions will relate to the Selection Criteria for the position and the same questions will be asked of each person interviewed for the position.

To prepare yourself for the questions which may be asked:

- Be aware of what the job involves. This information can be established from the position description
- Focus on the selection criteria and think of examples of situations where you have applied the relevant skills and abilities.
- Focus on the duties and responsibilities of the position and how you would carry them out. Think of any problems you would encounter and how you would resolve them.
- If you have any relevant reports or other work you have which will provide examples of your skills and abilities, you should prepare it for presentation at the interview
- Prepare a few questions that you may wish to ask Council.

### **The Selection Interview**

There is no need to hire or buy special clothes for the interview. Dress as you would usually do for work.

During the interview:

- Do not assume that your interviewer knows about your suitability for the position even though you may have worked with them or have had previous experience in the position for which you have applied.
- Take time to answer each question.
- If you do not understand a question, ask for clarification or for the interviewer to repeat the question before providing a reply.
- Give direct answers to questions. Be honest if you do not know the answer to a factual question. Where possible relate your answers to direct experience you have had.
- When the opportunity is presented, feel free to ask any questions you may have, relevant to the position. Avoid asking questions "just for the sake of it". If you do not have any questions do not hesitate to say so.

The interview panel will record your replies to the questions to assist them in accurately recalling your details when they are making their final decision.

### **After the Interview**

You will be notified of the outcome of your application. When you have been advised of the result of your application, you are encouraged to seek feedback.

## THE ORGANISATION

The Shire of Bruce Rock is a Local Government organisation governed by an elected Council, consisting of 9 Councillors including the Shire President. The Council currently meets on the third Thursday of every month, with meetings commencing at 2.00pm. Council does not meet in January.

The Shire of Bruce Rock currently employs 43 staff, including administrative and external officers as shown in the table below. Additional external contractors and services include rubbish collection and Ranger Services.



## THE STAFF

Chief Executive Officer (CEO)	1
Deputy Chief Executive Officer (DCEO)	1
Manager of Finance	1
Manager of Works & Services	1
Environmental Health Officer	1
Community Development Officer	1
Natural Resources Management Officer	1
Senior Finance Officer	1
Administration Staff	3
Supervisors	2
Plant Mechanic	2
Town Maintenance	5
Outside Workforce	9
Gardeners	3
Cleaning Staff	4
Aquatic Centre Manager	1
Recreation Manager	1
Building Staff	2
Medical Centre Staff	3
	<b>43</b>

## PHYSICAL CHARACTERISTICS

### **Location**

The Shire of Bruce Rock is situated in the Western Australian Central Wheatbelt 245km east of Perth, and includes 3 satellite town sites: Shackleton, Babakin & Ardath, and the Kwolyin locality.

### **Population**

The permanent population of Bruce Rock townsite is approximately 700.  
The permanent population of the Shire of Bruce Rock is approximately 1100.

### **Area**

The Shire has a total area of 2,772 km<sup>2</sup> consisting of agricultural land and some nature reserves.

### **Soil Types**

Good fertile soil suitable for agriculture.

## HISTORY

### **The First Settlers**

The first settlers were sandalwood cutters who set up camps in the 1860's, and were closely followed by pastoralists. The land's potential for agriculture was realised and was surveyed for selection in the early 1900's.

### **Railway**

The official opening of the railway from Quairading to Nunagin (later renamed Bruce Rock) was on 29 March 1913 and was linked to Merredin on the 22 December 1913.

### **Townsite**

The town was gazetted as Bruce Rock in June 1913.

## PHYSICAL INFRASTRUCTURE

Roads	
Total Length in the district	1258
Main roads	72
Sealed local	425
Unsealed local roads	761

## PUBLIC UTILITIES

### **Water**

Water Corporation

### **Sewerage**

Leach & Septic Individual Systems.

### **Electricity**

Electricity is supplied by the Western Power electricity grid

### **Telephone**

Telstra services the entire Shire district. The Shire has a good 4G mobile telephone service operated by Telstra with a base station at Yarding and a repeater in Bruce Rock.



## BUSINESS AND INDUSTRY

### **Rural**

Mixed farming - wheat and other cereals, wool, sheep, cattle and pigs.  
Expanding pulses, lupins, course grains, eucalyptus oil mallees and sandalwood.

### **Support Industries**

Metal Fabrication, Light industrial, agricultural agencies and transport operations.

## COMMUNITY SERVICES

### **Health**

20 bed hospital servicing by a resident local GP  
Dentist

### **Emergency Services**

St Johns Ambulance  
Volunteer Emergency Services



### **Education and Training**

Bruce Rock District High School caters for students from Kindergarten through to Year 10. A daily school bus takes students to Merredin for years 11 and 12. Daycare is conveniently located close to the school and operates weekdays, 8:30am to 5:30pm.

### **The Town and District Halls**

Halls have been built at Bruce Rock, Babakin & Shackleton.

### **Recreation Centre and Facilities**

Completed in April 2012, the new recreation centre includes a synthetic bowling green, ovals, tennis and netball courts, providing facilities for cricket, football, hockey, netball, tennis and squash. A modern Aquatic Centre is located adjacent to the Recreation Grounds and Caravan Park. The shire also consists of 2 golf clubs, one 2km's from Bruce Rock and the other at Ardath as well as a tennis club at Ardath and a bowling club in Shackleton.



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modation for workshops, exhibitions and an artist in residence. A recently constructed Men's Shed provides a great place for local men to meet and carry out hobbies.

### **Bruce Rock Federation Amphitheatre & Sculpture Park**

The Bruce Rock Federation Amphitheatre was officially opened in October 2001, the Amphitheatre seats up to 1200 people. Designed and built by the local community, it is host for many get-togethers, community events including the annual Vietnam Veterans Reunion.

The adjoining Sculpture Park has contributions of artwork from all around the region and is a unique place for a family picnic or a stroll through the picturesque gardens that also become a popular venue for weddings.



## **TOURISM**

### **Granite Way**

Tourist drive including free camping at Kwolyin and day facilities at Kokerbin Rock.

### **Museums**

Bruce Rock Museum, which depicts the development of the Shire and incorporates a settler's cottage, blacksmith shop and a one-teacher school. A machinery museum across the road also houses vintage vehicles and machinery used in the Shire.

### **Wildflowers**

During the months of July, August & September there is an abundance of wildflowers on the rural roadsides and nature reserves throughout the Shire. A wildflower drive is also sign posted from Bruce Rock.

### **Other Places of Interest**

- Mosaic Pathway & Centenary Path in Bruce Rock
- Museums
- Shackleton Smallest Bank

### **Accommodation**

Bruce Rock Hotel Motel, Bruce Rock B & B, Bruce Rock Roadhouse, Ardath Hotel.

### **Other Information**

Should you wish to obtain additional information on the Shire and services available you may contact the CEO, Darren Mollenoyux on 08 9061 1377 or 0428 611 377.

### **Canvassing of Councillors**

*Canvassing of elected members is prohibited and any applicant known to have done so may be disqualified.*





Department of  
Local Government, Sport  
and Cultural Industries



*Local Government  
Act 1995 Review*  
agile • smart • inclusive



LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# **Mandatory Code of Conduct for Council Members, Committee Members and Candidates**

## **Draft for Consultation**

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## Preface

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces a mandatory code of conduct for council members, committee members and candidates. These reforms are intended to ensure that standards of behaviour are consistent between local governments and address community expectations.

This document outlines the proposed Code which will inform the drafting of regulations. This is contained in the grey boxes. The accompanying guidelines provide clarification and guidance in relation to compliance and enforcement of the Code and would be available on the Department's website.

The proposed Code and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LG Pro). The Department gratefully acknowledges the participation of these representatives.

The Department notes that the content of the Code does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Feedback is sought on the proposed Code and guidelines and associated matters.

A survey is available at [www.dlgsc.wa.gov.au/lgareview](http://www.dlgsc.wa.gov.au/lgareview) or you can provide your feedback to [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au) by **22 November 2019**.

# Mandatory Code of Conduct

## Preamble

The purpose of this Code of Conduct (Code) is to guide the decisions, actions and behaviours of council members, committee members and candidates running for election.

As an elected representative, council members govern the affairs and are responsible for the performance of their local government. To do this, council members must demonstrate professional and ethical behaviour to build and strengthen trust in their communities.

A person who has nominated to be a council member is also required to demonstrate professional and ethical behaviour during the election campaign.

In addition to carrying out the duties outlined in the *Local Government Act 1995*, council members and committee members must comply with the provisions in this Code of Conduct in carrying out their functions as public officials. It is the responsibility of council members, committee members and candidates to ensure that they are familiar with, and comply with, this Code at all times.

## Guidelines

The Local Government Act requires that local governments adopt the Code within three months of the amendments taking effect. Until the Code is adopted, the model Code applies.

While local governments are not able to amend Part A or Part C, additional behaviours can be included in Part B that are not inconsistent with the Code.

In considering additional behaviours, the council may give consideration to behaviours that are not currently represented in the Code that it considers are important. This may include introducing a dress standard for members or use of technology, for example.

To adopt the Code, a resolution passed by an absolute majority is required. Once the Code is adopted, it must be published on the local government's official website.

## Part A – Principles

Council members and candidates are expected to adhere to and promote and support the following principles by example. Adhering to these principles will ensure that council members and candidates can comply with the behaviours outlined in Part B or conduct as outlined in Part C. All behaviour should be considered against these principles, whether or not it is covered specifically in Part B or Part C.

### Personal integrity

- 1.1 Act with care and diligence and participate in decision making in an honest, fair, impartial and timely manner, considering all relevant information.
- 1.2 Act with honesty, integrity and uphold the concept of natural justice.

- 1.3 Identify, declare and appropriately manage any conflicts of interest in the public interest and the interests of the Council including not accepting gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour.
- 1.4 Uphold the law, and, on all occasions, act in accordance with the trust placed in council members.
- 1.5 Avoid damage to the reputation of the local government.
- 1.6 Not be impaired by mind affecting substances while performing official duties.

### **Relationships with others**

- 1.7 Treat others with respect, courtesy and fairness.
- 1.8 Maintain and contribute to a harmonious, safe and productive work environment for all.
- 1.9 Respect and value diversity in the workplace and in the community.

### **Accountability**

- 1.10 Base decisions on relevant and factually correct information and make decisions on merit and in accordance with statutory obligations and good governance.
- 1.11 Be open and accountable to the public, represent all constituents and make decisions in the public interest.

## **Guidelines**

The principles outlined in Part A are overarching behaviours that council members, committee members and candidates must take into consideration in their role as public representatives, or potential public representatives.

All council members, committee members and candidates must familiarise themselves with the Code and Guidelines and any relevant policies the local governments have in place.

Council members are generally very active in their communities which may lead to conflicts of interests. To comply with this Code, those conflicts, or perceived conflicts, need to be managed appropriately. While a member may be confident of the integrity of their actions, how the relationship and actions may appear to others must be thought through.

There are many situations that council members, committee members and candidates might find themselves in that could lead to a breach of the Code. Members should seek further guidance and advice on specific situations whenever necessary.



## Part B – Behaviour

Part B sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.

Failure to comply with this Part may give rise to a complaint against a council member's conduct, followed by a subsequent investigation and possible corrective action by the local government. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.

### Personal integrity

- 2.1 Act in line with the principles outlined in this Code when performing official duties.
- 2.2 Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.
- 2.3 Respect and comply with all council policies, procedures and resolutions.
- 2.4 Ensure professional behaviour is not compromised by the use of alcohol or drugs.
- 2.5 Use all forms of media, including social media, in a way that complies with this Code.

### Relationships with others

- 2.6 Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.
- 2.7 Do not bully or harass council staff, other council members or members of the public in any form, including social media.
- 2.8 Deal with the media in a positive, informative and appropriate manner in accordance with the Local Government Act 1995 and relevant local government policies.
- 2.9 While acting as a council member, do not:
  - i. use offensive or pejorative language in reference to another council member, council employee or member of the public; or
  - ii. disparage the character of any council member or employee, or impute dishonest or unethical motives to them in the performance of their duties.
- 2.10 When attending a council or committee meeting, do not:
  - i. behave in an abusive or threatening manner towards another council member or other person attending the meeting;
  - ii. make statements that the person knows, or could be reasonably expected to know, that are false or misleading; or
  - iii. repeatedly disrupt the meeting.
- 2.11 When attending a council or committee meeting:
  - i. comply with the local law that relates to conduct of people at council or committee meetings;

- ii. promptly comply with any direction given by the presiding member at that meeting; and
- iii. immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.

**2.12** Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.

### **Accountability**

**2.13** Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.

**2.14** Take responsibility for decisions and actions.

**2.15** Abide by the decisions of council and publicly support the decisions even if of an alternative view.

**2.16** Adhere to the principles in the:

- i. Occupational Safety and Health Act 1984 (WA);
- ii. Equal Opportunity Act 1984 (WA);
- iii. Racial Discrimination Act 1975 (Cth); and
- iv. Sex Discrimination Act 1984 (Cth).

### **Complaint management**

**2.17** Any person may make a complaint about a council member under this Part within three months of the alleged breach occurring.

**2.18** A breach of this part does not include a matter:

- i. that is resolved by the Presiding Member during a meeting, or
- ii. where a council member complies with a request for remedial action in accordance with the relevant local law.

**2.19** Complaints about an alleged breach should be made to the Mayor or President or the CEO of the local government or nominated delegate.

**2.20** Complaints about an alleged breach by the Mayor or President should be made to the Deputy Mayor or President or a nominated delegate.

**2.21** A complaint may be handled or managed in any manner that council deems appropriate for handling an alleged breach of this section. This includes investigation or dismissal of the complaint. This must be laid out in a council endorsed policy.

**2.22** A complaint may be dismissed as trivial, vexatious or frivolous and accordingly not investigated.

### **Findings**

**2.23** Following an investigation in accordance with rule 2.21, the Council may, by resolution, make a finding of breach or no breach.

**2.24** In accordance with rule 2.23, if a breach is found, the Council may, by resolution:

- i. take no action, or
- ii. prepare an action plan, developed in conjunction with the council member, to address future behaviour.

<b>2.25</b>	An action plan may include the requirement for the council member to undertake training, mediation or counselling or any other actions deemed appropriate by the Council.
<b>2.26</b>	The Council to which the member is elected, may decide, via resolution, to make an allegation of a rule of conduct breach under Part C: <ul style="list-style-type: none"> <li>i. after the third finding of a breach of this Part by the same council member, or</li> <li>ii. where the council member fails to comply with the action plan in accordance with sub-rule 2.24(ii).</li> </ul>
<b>2.27</b>	A matter under sub-rule 2.26(i) cannot be alleged as a Part C breach unless an action plan has been developed in accordance with sub-rule 2.24(ii) for the previous two breaches.
<b>2.28</b>	Written notification of the outcome of an alleged breach under this section must be given to the council member and complainant.
<b>2.29</b>	A written record must be kept of all complaints made under this Part and how they were dealt with.

## **Guidelines**

Local governments are responsible for taking action against alleged breaches under Part B.

Local governments are to have a policy on how complaints are going to be handled or managed.

Australian/New Zealand Standards for complaints resolution AS/NZs 10002:2018 provides a tool and framework to assist local governments with developing a policy.

Whether or not local governments choose to adopt the Standard is optional, however, the policy must provide a clear outline of the steps that will be taken once a complaint is submitted. The complaint process must also uphold the principles of natural justice.

There are a number of resources for effective complaints handling available on the Ombudsman WA's website [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

In developing a policy, the following key matters should be considered.

### **The complaints process**

- The role of the council in the process.
- The extent to which independent persons are involved and their role in the process (complaint lodgement, investigation, findings). Local governments may decide to establish a regional or shared committee to deal with these complaints, for example.
- What types of remedial action are appropriate.
- The form of the action plan.

### **Process for making a complaint**

- The process for a person to make a complaint needs to be clearly outlined in the policy, including whether complaints are required to be in a specific form.
- Complaints should be submitted in writing, with consideration given to a variety of methods, including email, letter or fax.
- The policy should also outline how the complaint is lodged, whether this is via a specific code of conduct complaint email address or a letter addressed to the Mayor or President (or alternative).
- The process should be simple and not act as a barrier to the raising of concerns about elected member behaviour.

### **Acknowledgement of the complaint**

- The policy should include that complaints will be acknowledged and the timeframe for this.
- Complaints should be acknowledged in a timely manner. As part of the acknowledgement process, consideration may be given to providing information on how the complaint will be progressed. This may include providing the complainant with a copy of the complaint handling policy.

### **Responsiveness**

- The policy should outline whether complaints are going to be addressed based on seriousness or impact of the allegation or on order of submission.
- Inclusion of an expected timeframe for the matter to be reviewed is also encouraged.

### **Action**

- Complaints must be dealt with in an equitable, objective, timely and unbiased manner. The principle of natural justice should be applied.
- The policy needs to outline who will make the initial assessment of the complaint. This includes who will make the determination that the complaint is trivial, vexatious or frivolous or worthy of further investigation.
- The policy also needs to address the process for the investigation including:
  - giving adequate opportunity for a right of reply from both parties
  - if a breach is found, what are the actions that could be imposed by council.
- Attachment 1 provides further guidance on possible actions for breaches found against Part B.

### **Action plans**

- Action plans are designed to provide council members with the opportunity to remedy their behaviour.
- The measures to stop the behaviour from continuing are not intended to be a punishment, rather a mechanism to prevent the behaviour from reoccurring.
- The Code requires that the action plan is prepared in conjunction with the relevant council member. This is designed to provide the council member with

the opportunity to be involved in matters such as the timing of meetings or training.

- While Council is required to give the council members the opportunity, not all council members will actively participate in the process.

### **What happens if agreement cannot be reached**

- Circumstances may arise when a Council cannot agree on the outcome of an investigation, or whether an investigation is required to an alleged breach.
- In these situations, Council may decide to engage an independent person to:
  - review the complaint
  - investigate the complaint, or
  - make recommendations on appropriate actions
- The policy should address who will be engaged as an independent person. Local governments may consider sharing the services of an independent person.

## Attachment 1 – possible actions for Part B breaches

Personal integrity		Possible actions
2.1	Act in line with the principles outlined in this Code when performing official duties.	Training
2.2	Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.	Training Mediation
2.3	Respect and comply with all council policies, procedures and resolutions.	Training
2.4	Ensure professional behaviour is not compromised by the use of alcohol or drugs.	Counselling
2.5	Use all forms of media, including social media, in a way that complies with this Code.	Training
Relationships with others		
2.6	Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.	Training Mediation Apology
2.7	Do not bully or harass council staff, other council members or members of the public in any form, including social media	Training Mediation Apology
2.8	Deal with the media in a positive, informative and appropriate manner in accordance with the <i>Local Government Act 1995</i> and relevant local government policies.	Training
2.9	While acting as a council member, do not: <ul style="list-style-type: none"> <li>i. use offensive or pejorative language in reference to another council member, council employee or member of the public; or</li> <li>ii. disparage the character of any council member or impute dishonest or unethical motives to them in the performance of their duties.</li> </ul>	Training Mediation Counselling Apology
2.10	When attending a council or committee meeting, do not: <ul style="list-style-type: none"> <li>i. behave in an abusive or threatening manner towards another council member or other person attending the meeting;</li> <li>ii. make statements that the person knows, or could be reasonably expected to know, that are false or misleading; or</li> </ul>	Training Mediation Counselling Apology

	iii. repeatedly disrupt the meeting.	
<b>2.11</b>	When attending a council or committee meeting: i. comply with the local law that relates to conduct of people at council or committee meetings; ii. promptly comply with any direction given by the presiding member at that meeting; and iii. immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.	Training Mediation Counselling
<b>2.12</b>	Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.	Training
<b>Accountability</b>		
<b>2.13</b>	Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.	Training
<b>2.14</b>	Take responsibility for decisions and actions.	Training Counselling
<b>2.15</b>	Abide by the decisions of council and publicly support the decisions even if of an alternative view.	Training
<b>2.16</b>	Adhere to the principles in the: i. <i>Occupational Safety and Health Act 1984 (WA)</i> ; ii. <i>Equal Opportunity Act 1984 (WA)</i> ; iii. <i>Racial Discrimination Act 1975 (Cth)</i> ; and iv. <i>Sex Discrimination Act 1984 (Cth)</i> .	Training Mediation

## Part C – Rules of Conduct

Rules of conduct breaches are matters that:

- negatively affect the honest or impartial performance of a council member;
- involve a breach of trust placed in the council member; or
- involve the misuse of information or material.

Alleged breaches of this part can be referred to the Local Government Standards Panel (Standards Panel) in accordance with the *Local Government Act 1995* (the Act). A breach of this Part is a “minor breach”. In the event the Standards Panel makes a finding of breach against a council member, sanctions will be imposed in accordance with the Part 5 Division 9 of the Act.

Nothing in this part removes the obligations placed upon council members and employees (including the CEO) of the local government under the *Corruption, Crime and Misconduct Act 2003*.

### Guidelines

A breach of Part C is considered by the Standards Panel in accordance with the Act. The Standards Panel, which was established in 2007, has the authority to make binding decisions to resolve allegations of minor misconduct. The Standards Panel is independent of the Minister for Local Government and the department.

The process for complaints under Part C is outlined in the Act. Complaints in the first instance are directed to the complaints officer at the local government. The Act provides that the complaints officer is the CEO or another officer with delegated responsibility.

As the Panel does not have investigative powers, findings and decisions are made on the basis of the information it receives. To assist with understanding each Part C rule of conduct, the elements are outlined alongside each. For a finding of breach, the Standards Panel needs to be satisfied that it is more likely than not, (on the balance of probabilities) that a breach of each element has occurred.



## Personal Integrity

<i>Misuse of local government resources</i>	Elements of Rule of Conduct
<p>a. <b>resource</b> is defined to mean tangible and intangible assets, services or other means of supporting the functions of local government, which are owned or paid for by the local government from public money.</p> <p>b. A person who is a council member must not either directly or indirectly use the resources of a local government —</p> <p>i. for the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the <i>Electoral Act 1907</i> or the <i>Commonwealth Electoral Act 1918</i>; or</p> <p>ii. for any purpose other than fulfilling the legal obligations and duties of the council member's office,</p> <p>unless authorised under the Act, by the council or the CEO to use the resources for that purpose.</p>	<p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) the council member directly or indirectly used;</p> <p>(c) resources that belonged to the local government;</p> <p>(d) for the identified electoral purpose or any other purpose other than in their legal role as a council member;</p> <p>(e) without such purpose being authorised under the Act, by the council or the local government's CEO.</p>

<i>Securing personal advantage or disadvantaging others</i>	Elements of Rule of Conduct
<p>c. A person who is a council member must not make improper use of the person's office as a council member —</p> <p>i. to gain directly or indirectly an advantage for the person or any other person; or</p>	<p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) by engaging in the conduct, the person the subject of the complaint made use of the office of a council member (in</p>

<p>ii. to cause detriment to the local government or any other person.</p> <p>d. Rule 3.3 does not apply to conduct that contravenes section 5.93 of the Act or <i>The Criminal Code</i> section 83.</p>	<p>the sense that he or she acted in their capacity as a council member, rather than in some other capacity);</p> <p>(c) when viewed objectively, such use was an improper use of the person's office as council member in that it:</p> <ul style="list-style-type: none"> <li>i. involved a breach of the standards of conduct that would be expected of a person in the position of a council member by reasonable persons with knowledge of the duties, powers and authority of the councillor and the circumstances of the case (by for example, an abuse of power or the doing of an act which the councillor knows or ought to have known that he or she had no authority to do); and</li> <li>ii. was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty; and</li> </ul> <p>(d) the person engaged in the conduct in the belief that:</p> <ul style="list-style-type: none"> <li>i. <i>[in the case of rule 3.3(i)]</i> an advantage (pecuniary or otherwise) would be gained directly or indirectly for the person or any other person; <u>or</u></li> <li>ii. <i>[in the case of rule 3.3(ii)]</i> detriment (pecuniary or otherwise) would be suffered by the local government or another person;</li> </ul> <p>(e) It is irrelevant whether advantage was actually gained or detriment suffered;</p> <p>(f) The conduct does not fall under section 5.93 of the Act: improper use of information (which would be a serious breach), or section 83 of the Criminal Code (which would be a crime).</p>
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<b><i>Repeated breaches of Part B</i></b>	<b>Elements of Rule of Conduct</b>
<p>e. A breach of Part B of the Code of Conduct is a minor breach if:</p> <ul style="list-style-type: none"> <li>i. it occurs after the council member has been found to have committed 3 or more other breaches of Part B; or</li> <li>ii. the council member fails to comply with the action plan developed after a finding of inappropriate behaviour under Part B;</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>iii. the Council to which the member is elected, decides, via resolution, to make an allegation of a rule of conduct breach under this Part.</li> </ul>	<ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Standards Panel makes its determination;</li> <li>(b) the council has passed a resolution referring the matter to the Standards Panel;</li> <li>(c) in the case of (i) – <ul style="list-style-type: none"> <li>i. the person has been found to have breached Part B of the code of conduct on at least three occasions;</li> <li>ii. the behaviour the subject of this complaint occurred after a finding of inappropriate behaviour;</li> <li>iii. the person has engaged in behaviour that is a breach of Part B of the code of conduct;</li> <li>iv. an action plan is in place; or</li> </ul> </li> <li>(d) In the case of (ii) – <ul style="list-style-type: none"> <li>i. there was an action plan in place;</li> <li>ii. the action plan resulted from a previous finding of a breach of Part B;</li> <li>iii. the person has not complied with the action plan.</li> </ul> </li> </ul>

## Relationships with employees

<b><i>Prohibition against involvement in administration</i></b>	<b>Elements of Rule of Conduct</b>
<p>3.7 A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the CEO to undertake that task.</p>	<ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) the council member took on or was involved or participated in the performance, attempted performance, or part-performance, of a function or responsibility which under the</li> </ul>

<p>3.8 Rule 3.7 does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.</p>	<p>Act or by delegation it is for the local government’s CEO to perform or direct; and</p> <p>(c) such taking on, involvement or participation:</p> <ul style="list-style-type: none"> <li>i. contributed (for example, played a part in achieving) something; and</li> <li>ii. did not occur as anything the council member did as part of the deliberations at a council or committee meeting (which may include something the member did as part of their preparation for any such deliberation); and</li> </ul> <p>(d) the local government’s CEO did not authorise such taking on, involvement or participation.</p>
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<i>Relations with local government employees</i>	<b>Elements of Rule of Conduct</b>
<p>3.9 In this rule —</p> <p><b>employee</b> means a person as defined in section 5.36 of the Act and any person contracted to provide a service to the local government.</p> <p>3.10 A person who is a council member or candidate must not —</p> <ul style="list-style-type: none"> <li>i. direct or attempt to direct a person who is a local government employee to do or not to do anything in the person’s capacity as a local government employee; or</li> <li>ii. attempt to influence, by means of a threat or the promise of a reward, the conduct of a person who is a local government employee in the person’s capacity as a local government employee; or</li> </ul>	<p><b>Rule 3.10(i)</b></p> <ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) the council member or candidate gave or tried or made an effort to give a direction or an order or command;</li> <li>(c) to another person, who is an employee of the relevant local government;</li> <li>(d) to do or not to do something in the other person’s capacity as a local government employee; and</li> <li>(e) the direction or attempted direction was not part of anything that the person did as part of the deliberations at a council or committee meeting (which may include something he or she did as part of their preparation for any such deliberation).</li> </ul>

<p>iii. behave in an abusive or threatening manner towards any local government employee.</p> <p>3.11 Rule 3.10(i) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.</p> <p>3.12 If a person, in their capacity as a council member, is attending a council meeting, committee meeting or other organised event, other than at a meeting or part of a meeting that is closed to the public, the person must not, either orally, in writing or by any other means —</p> <ul style="list-style-type: none"> <li>i. make a statement that a local government employee is incompetent or dishonest; or</li> <li>ii. use offensive or objectionable expressions in reference to a local government employee.</li> </ul> <p>3.13 Rule 3.12(i) does not apply to conduct that is unlawful under <i>The Criminal Code</i> Chapter XXXV.</p>	<p><b>Rule 3.10(ii)</b></p> <ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) a council member or candidate tried or made an effort to affect, sway or produce an effect on;</li> <li>(c) the conduct of another person, who is an employee of the relevant local government, in that person's capacity as a local government employee; and</li> <li>(d) the council member or candidate's effort to affect, sway or produce an effect was carried out by means of — <ul style="list-style-type: none"> <li>(i) a threat by the person (for example, the council member's declaration of an intention to inflict punishment, pain or loss on, or to take any action detrimental or unpleasant to, the employee — or on someone, or to something, that the employee cares about — in retaliation for, or conditionally upon, some action or course), or</li> <li>(ii) a promise or undertaking by the person to give the employee something having a value, or to do or not do something where the act or omission concerned has some value or advantage for or to the employee.</li> </ul> </li> </ul> <p><b>Rule 3.10(iii)</b></p> <ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member or candidate both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) the person behaved in a manner which was: <ul style="list-style-type: none"> <li>(i) abusive (for example, the council member uses insulting, disparaging belittling or derogatory language about or to the employee); or</li> </ul> </li> </ul>
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	<p>(ii) threatening (for example, the council member’s declaration of an intention to inflict punishment, pain or loss on, or to take any action detrimental or unpleasant to, the employee — or on someone, or to something, that the employee cares about — in retaliation for, or conditionally upon, some action or course);</p> <p>(c) the behaviour is directed towards a local government employee.</p> <p><b>Rule 3.12(i)</b></p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p> <p>(b) the council member attended a council meeting, committee meeting or other organised event in their capacity as a council member;</p> <p>(c) the council member either verbally, in writing or by some other means, made a statement (for example, a communication or declaration in speech or writing setting forth facts, particulars; etc.); and</p> <p>(d) viewed objectively, the council member’s statement (or a sufficiently clear inference from the words used) was that an employee of the council member’s local government was incompetent or dishonest.</p> <p>(e) Chapter XXXV of <i>The Criminal Code</i> does not apply.</p> <p><b>Rule 3.12(ii)</b></p> <p>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</p>
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	<ul style="list-style-type: none"> <li>(b) the council member attended a council meeting, committee meeting or other organised event in their capacity as a council member;</li> <li>(b) the council member either verbally, in writing or by some other means, used an expression (for example, any word, phrase or form of speech) which it is more likely than not that a member or members of the public present heard or otherwise became aware of;</li> <li>(c) the expression was an offensive or objectionable expression (for example, an expression that is likely to cause offence or displeasure and is insulting); and</li> <li>(d) the expression was an offensive or objectionable expression in reference to an identified employee of the council member's local government.</li> </ul>
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## Accountability

<i>Unauthorised disclosure of information</i>	Elements of Rule of Conduct
<p>3.14 In this rule —</p> <p><b>closed meeting</b> means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;</p> <p><b>confidential document</b> means a document, or that part of a document, marked by the CEO or a nominated delegate to clearly show that the information is not to be disclosed;</p>	<p><b>Rule 3.15(i)</b></p> <ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) the council member disclosed information to someone who at the time was not also a council member of the same local government; and</li> <li>(c) the disclosed information was information the disclosing council member derived from a document that was marked by the relevant local government's CEO, or at the CEO's direction, to clearly show that the information in the document was not to be disclosed; and</li> </ul>

<p><b><i>non-confidential document</i></b> means a document that is not a confidential document or is not marked confidential.</p> <p>3.15 A person who is a council member must not disclose —</p> <ul style="list-style-type: none"> <li>i. information that the council member derived from a confidential document; or</li> <li>ii. information that the council member acquired at a closed meeting other than information derived from a non-confidential document; or</li> <li>iii. personal information as defined in the <i>Freedom of Information Act 1992</i>.</li> </ul> <p>3.16 Sub-rule (3.15) does not prevent a person who is a council member from disclosing information —</p> <ul style="list-style-type: none"> <li>i. at a closed meeting; or</li> <li>ii. to the extent specified by the council and subject to such other conditions as the council determines; or</li> <li>iii. that is already in the public domain; or</li> <li>iv. to an officer of the Department; or</li> <li>v. to the Minister; or</li> <li>vi. to a legal practitioner for the purpose of obtaining legal advice; or</li> <li>vii. if the disclosure is required or permitted by law.</li> </ul>	<ul style="list-style-type: none"> <li>(d) the disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16.</li> </ul> <p><b>Rule 3.15(ii)</b></p> <ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) a council member disclosed information to someone who at the time was not also a council member of the same local government; and</li> <li>(c) the disclosed information was information the disclosing council member acquired at a council or committee meeting, or a part of a council or committee meeting, that was closed to members of the public under section 5.23(2) of the Act; and</li> <li>(d) the disclosing council member did not derive the disclosed information from a non-confidential document (that is, a document that was <i>not</i> marked by the local government's CEO, or at the CEO's direction, to clearly show that the information in it was not to be disclosed); and</li> <li>(e) the disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16.</li> </ul>
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**Rule 3.15(iii)**

- (a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;
- (b) the council member disclosed information to someone who at the time was not also a council member of the same local government; and
- (c) the disclosed information was personal information as defined in the *Freedom of Information Act 1992* (for example, name, date of birth, address, or a reference to an identification number or other identifying particular such as a fingerprint or body sample).
- (d) the disclosed information was not information already in the public domain (for example, it was not generally available to all persons) at the time of the disclosure by the disclosing council member, and the disclosure did not occur in any of the ways identified in rule 3.16.

*Freedom of Information Act 1992* defines personal information as:

information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead —

- (a) whose identity is apparent or can reasonably be ascertained from the information or opinion; or
- (b) who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.

<b>Disclosure of interest</b>	<b>Elements of Rule of Conduct</b>
<p>3.17 In this rule —</p> <p><b>interest</b> means a material interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest.</p> <p>3.18 A person who is a council member and who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose the nature of the interest —</p> <ul style="list-style-type: none"> <li>i. in a written notice given to the CEO before the meeting; or</li> <li>ii. at the meeting immediately before the matter is discussed.</li> </ul> <p>3.19 Rule 3.18 does not apply to an interest referred to in section 5.60 of the Act.</p> <p>3.20 Rule 3.18 does not apply if —</p> <ul style="list-style-type: none"> <li>i. a person who is a council member fails to disclose an interest because the person did not know he or she had an interest in the matter; or</li> <li>ii. a person who is a council member fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.</li> </ul> <p>3.21 If, under sub-rule (3.18)(i), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then —</p>	<ul style="list-style-type: none"> <li>(a) the person the subject of the complaint was a council member both at the time of the conduct and the time when the Panel makes its determination;</li> <li>(b) subject to rule 3.19, the person had a private or personal interest in a matter that is more likely than not a conflict of interest or a bias (apparent or real) that does adversely affect, or might adversely affect the council member’s impartiality in considering the matter, and includes an interest arising from kinship, friendship, membership of an association, or another circumstance;</li> <li>(c) the member attended the council or committee meeting concerned and was present when the matter under consideration came before the meeting and was discussed;</li> <li>(d) the member did not disclose the nature of the relevant interest in the matter in either of the two ways required by Rule 3.18(i) or 3.18(ii);</li> <li>(e) Rule 3.20 does not apply.</li> </ul>

<ul style="list-style-type: none"><li>i. before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and</li><li>ii. at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.</li></ul> <p>3.22 If —</p> <ul style="list-style-type: none"><li>i. under sub-rule (3.18)(ii) or (3.20)(ii) a person's interest in a matter is disclosed at a meeting; or</li><li>ii. under sub-rule (3.21)(ii) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,</li></ul> <p>the nature of the interest is to be recorded in the minutes of the meeting.</p>	
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## **Code of Conduct survey**

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces a mandatory code of conduct (Code) for all council members, committee members and candidates in local government elections.

These reforms are intended to ensure that standards of behaviour are consistent between local governments and address community expectations.

The proposed Code will inform the drafting of regulations. This will be accompanied by guidelines that provides clarification and guidance in relation to compliance and enforcement with the Code.

This survey is intended to provide the Government with feedback regarding the proposed the content of the Code.

Thank you for taking the time to complete this survey.

1. Who are you completing this survey on behalf of?
  - a. Yourself
  - b. An organisation, including a local government, peak body, community organisation or a business
2. What is the name of that organisation?
3. What is your name?
4. What best describes your relationship to local government?
  - a. Resident or ratepayer
  - b. Staff member
  - c. Council member (includes Mayor or President)
  - d. Survey responses are provided on behalf of a local government (council endorsed)
  - e. Peak body
  - f. State Government agency
  - g. Community body
  - h. Other (please specify)
5. What best describes your gender?
  - a. Male
  - b. Female
  - c. Other
  - d. Not applicable/the survey responses are provided on behalf of an organisation
6. What is your age?
  - a. Under 18
  - b. 18-24
  - c. 25-34
  - d. 35-44
  - e. 45-54
  - f. 55-64
  - g. 65+
  - h. Not applicable/the survey responses are provided on behalf of an organisation
7. Which local government do you interact with most?

8. Do you wish for your response to this survey to be confidential?
  - a. Yes
  - b. No
9. What is your email address?
10. Have you previously completed a survey or provided a submission regarding the review of the *Local Government Act 1995*?
  - a. Yes
  - b. No
  - c. Unsure
11. If no, what were your reasons for not previously providing your views to inform the Local Government Act review?
  - a. I was not aware of the Local Government Act review
  - b. I was not interested in providing my views
  - c. I did not have time to provide my views
  - d. Other (please specify)

## Part A - Principles

**Council members, committee members and candidates are expected to adhere to and promote and support the following principles by example.**

**Adhering to these principles will ensure that council members and candidates can comply with the behaviours outlined in Part B or conduct as outlined in Part C. all behaviour should be considered against these principles, whether or not it is covered specifically in Part B or Part C.**

12. Please indicate your support of the following ***Personal Integrity Principles***

1.1 Act with care and diligence and participate in decision making in an honest, fair, impartial and timely manner, considering all relevant information.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.2 Act with honesty, integrity and uphold the concept of natural justice.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.3 Identify, declare and appropriately manage any conflicts of interest in the public interest and interests of the Council including not accepting gifts that may give the appearance of a conflict of interest or an attempt to corruptly influence behaviour.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.4 Uphold the law, and, on all occasions, act in accordance with the trust placed in council members.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.5 Avoid damage to the reputation of the local government.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.6 Not be impaired by mind effecting substances while performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

--

13. Please indicate your support of the following **Relationships With Others Principles**

1.7 Treat others with respect, courtesy and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.8 Maintain and contribute to a harmonious, safe and productive work environment for all.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.9 Respect and value diversity in the workplace and in the community.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

--

14. Please indicate your support of the following **Accountability Principles**

1.10 Base decisions on relevant and factually correct information and make decisions on merit and in accordance with statutory obligations and good governance.



Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

1.11 Be open and accountable to the public, represent all constituents and make decisions in the public.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these principles?

15. Should any additional principles be incorporated in Part A?

## Part B – Behaviour

**Part B sets out the standards of behaviour which enable and empower council members to meet the principles outlined in Part A. Behaviour is expected to be managed at the local level by the local government, so Part B also deals with how complaints are to be managed.**

**Failure to comply with this Part may give rise to a complaint against a council member’s conduct, followed by a subsequent investigation and possible corrective action by the local government. The emphasis should be on an educative role to establish sound working relationships and avoid repeated breaches, rather than punishment.**

16. Please indicate your support for the following *Personal Integrity Behaviours*.

2.1 Act in line with the principles outlined in this Code when performing official duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.2 Attend and participate constructively in council meetings, briefings, relevant workshops and training opportunities.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.3 Respect and comply with all council policies, procedures and resolutions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.4 Ensure professional behaviour is not compromised by the use of alcohol or drugs.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.5 Use all forms of media, including social media, in a way that complies with this Code.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

--

17. Please indicate your support for the following ***Relationships with Others Behaviours***.

2.6 Treat other council members, council employees and members of the public with courtesy, respect, honesty and fairness.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.7 Do not bully or harass council staff, other council members or members of the public in any form, including social media.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.8 Deal with the media in a positive, informative and appropriate manner in accordance with the Local Government Act 1995 and relevant local government policies.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.9 While acting as a council member, do not:

- (i) Use offensive or pejorative language in reference to another council member, council employee or member of the public;  
or
- (ii) Disparage the character of any council member or council employee or impute dishonest or unethical motives to them in the performance of their duties.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.10 When attending a council or committee meeting, do not:

- (i) Behave in an abusive or threatening manner towards another council member or other person attending the meeting;

- (ii) Make statements that the person knows, or could be reasonably expected to know, that are false or misleading;
- Or
- (iii) Repeatedly disrupt the meeting

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.11 When attending a council or committee meeting:

- (i) Comply with the local law that relates to conduct of people at council or committee meetings;
- (ii) Promptly comply with any direction given by the presiding member at that meeting; and
- (iii) Immediately cease any conduct that has been ruled out of order by the presiding member in accordance with the local government's local law.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.12 Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

18. Please indicate your support for the following **Accountability Behaviours**.

2.13 Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.14 Take responsibility for decisions and actions.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.15 Abide by the decisions of council and publicly support the decisions even if of an alternative view.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

2.16 Adhere to the principles in the:

- (i) *Occupational Safety and Health Act 1984(WA)*;
- (ii) *Equal Opportunity Act 1984(WA)*;
- (iii) *Racial Discrimination Act 1975(Cth)*; and
- (iv) *Sex Discrimination Act 1984 (Cth)*.

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

Do you have any comments on these behaviours?

19. Should any additional behaviours be incorporated in Part B?

20. Part B of the Code includes a complaint management process. Should this part include a time period in which complaints must be lodged after the alleged breach occurred?

- No time period
- 1 month
- 3 months
- 6 months
- Other (please specify)

21. Who is the best person for Part B complaints to be directed to?

- Mayor or President
- Deputy Mayor or President
- Presiding member
- Chief Executive Officer
- Nominated local government employee

- Other (please specify)

22. What actions are appropriate for councils to impose if a Part B breach is found?

- Apology
- Training
- Mediation
- Counselling
- Other (please specify)

23. Do you have any suggestions for specific actions that could be incorporated into the guidelines?

24. Should recurrent breaches of behaviour be referred to the Local Government Standards Panel?

- Yes
- No

Please provide a reason(s) for your answer

25. Should Council be required to develop an action plan and give the council member an opportunity to resolve their behaviour before a third complaint is referred to the Standards Panel under Part C?

- Yes
- No
- Other (please specify)

26. How beneficial would it be for local governments to engage an independent person to assist with the review of complaints?

- Extremely useful
- Very useful
- Somewhat useful
- Not so useful
- Not at all useful
- Other (please specify)

27. What should happen if a council cannot agree on an investigation or course of action following an alleged breach of Part B?



- An independent person should be engaged to conduct a review
- The complaint should be dismissed
- The Mayor or President makes the decision
- The CEO makes the decision
- Other (please specify)

## Part C – Rules of Conduct

**Rules of conduct breaches are matters that:**

- **Negatively affect the honest or impartial performance of a council member;**
- **Involve a breach of trust placed in the council member; or**
- **Involve the misuse of information or material.**

**Alleged breaches of this part can be referred to the Local Government Standards Panel (Standards Panel) in accordance with the *Local Government Act 1995* (the Act). A breach of this Part is a “minor breach”.**

36. Do you have any comments or feedback on Part C?

## Guidelines

**Guidelines have been prepared to accompany the Code the Conduct. The guidelines are intended to provide clarification and guidance in relation to complain and enforcement.**

37.Are the guidelines a useful tool to accompany the Code?

- Extremely useful
- Very useful
- Somewhat useful
- Not so useful
- Not at all useful

Please specify why

38.Do you have any suggestions for additional inclusions in the guidelines?



Department of  
Local Government, Sport  
and Cultural Industries



*Local Government  
Act 1995 Review*  
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LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

# **Standards and Guidelines For Local Government CEO Recruitment and Selection, Performance Review and Termination**

## **Draft for Consultation**

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# Preface

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* includes a requirement for model standards covering the recruitment and selection, performance review and early termination of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes among local governments.

This document outlines proposed mandatory minimum standards, shown in boxes. These standards will inform the drafting of regulations.

The accompanying guidelines outline the recommended practice for local governments in undertaking these processes. The guidelines will assist local governments in meeting the proposed standards and will not form part of the legislative framework.

The standards and guidelines have been developed by the Department of Local Government, Sport and Cultural Industries (Department) in consultation with representatives from the Public Sector Commission, the Ombudsman, the Western Australian Local Government Association (WALGA) and Local Government Professionals WA (LGPro). The Department gratefully acknowledges the participation and contribution of these representatives.

The Department notes that the content of these does not necessarily reflect the views or policies of the organisations or individuals that have been consulted.

Feedback is sought on the proposed standards and guidelines. A survey is available at [www.dlgsc.wa.gov.au/lgareview](http://www.dlgsc.wa.gov.au/lgareview) or you can provide your feedback to [actreview@dlgsc.wa.gov.au](mailto:actreview@dlgsc.wa.gov.au) by 8 November 2019.

# Part 1 – Recruitment and Selection

One of the fundamental roles of the council is the employment of the local government's CEO. The CEO is responsible for implementing the council's strategic vision and leading the local government administration.

## Principles

A local government must select a CEO in accordance with the principles of merit, equity and transparency. A local government must not exercise nepotism, bias or patronage in exercising its powers. Additionally, a local government must not unlawfully discriminate against applicants. Section 5.40 of the *Local Government Act 1995* (Act) lists a number of general principles of employment that apply to local governments.

### Recruitment and Selection Standard

The minimum standard for recruitment and selection will be met if:

- S1.1** The council has identified and agreed to the qualifications and selection criteria necessary to effectively undertake the role and duties of the CEO within that particular local government context.
- S1.2** The council has approved, by absolute majority, the Job Description Form which clearly outlines the qualifications, selection criteria and responsibilities of the position, and which is made available to all applicants.
- S1.3** The local government has established a selection panel to conduct the recruitment and selection process. The panel must include at least one independent person who is not a current elected member or staff member of the local government.
- S1.4** The local government attracts applicants through a transparent, open and competitive process (this is not necessary for vacancies of less than one year).
- S1.5** The local government has assessed the knowledge, experience, qualifications and skills of all applicants against the selection criteria.
- S1.6** The local government has thoroughly verified the recommended applicant's work history, qualifications, referees and claims made in his or her job application.
- S1.7** The appointment is merit-based, with the successful applicant assessed as clearly demonstrating how his or her knowledge, skills and experience meet the selection criteria.

## **Recruitment and Selection Standard cont.**

**S1.8** The appointment is made impartially and free from nepotism, bias or unlawful discrimination.

**S1.9** The council has endorsed by absolute majority the final appointment.

**S1.10** The council has approved the employment contract by absolute majority.

**S1.11** The local government must re-advertise the CEO position after each instance where a person has occupied the CEO position for ten (10) consecutive years.

## **Guidelines**

### **Recruitment and selection process**

Regulation 18C of the *Local Government (Administration) Regulations 1996* (Administration Regulations) requires a local government to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

The council of the local government should act collectively throughout the recruitment and selection process. To uphold the integrity of the process, the council must resist any attempt to influence the outcome through canvassing or lobbying.

The local government should carefully consider the role of the CEO. This includes the CEO's legislated powers and functions and their role as the head of the administrative arm of the local government. In determining the selection criteria for the position of CEO, it will be important for a local government to consider the needs of the district and the specific skills and experience that will be required of the CEO in that particular local government. The competencies the council looks for in its CEO should reflect the council's strategic community plan.

Once the essential skills and experience which form the selection criteria for the position have been identified, the local government must set out the selection criteria (essential and desirable) and the responsibilities of the position in a Job Description Form (JDF). If emphasis is placed on certain selection criteria, this should be highlighted in the JDF so that applicants are aware of this. For example, some level of project management experience will usually be an important criterion, but if the local government is undertaking a major development such as a new recreation centre, added emphasis may need to be given to this criterion.

The JDF must be approved by an absolute majority of the council.



## **Advertising**

The local government should ensure that applicants are clearly informed about the application process, such as the application requirements, the closing date for applications and how applications are to be submitted. It is essential that this process is transparent and that each step in the process is documented and the records kept in a manner consistent with the *State Records Act 2000 (WA)*.

In order to attract the best possible pool of applicants for the CEO position, it is recommended that local governments use a diverse range of advertising methods, mediums and platforms (in addition to the advertising requirement under section 5.36(4) of the Act). For example:

- advertising on the local government's website;
- posting on online jobs boards (e.g. SEEK);
- sharing the advertisement via professional networks; and
- undertaking an executive search (also known as headhunting).

A local government must publicly advertise the CEO position if one person has remained in the job for 10 consecutive years. This does not prevent the incumbent individual from being employed as CEO for another term, provided they are selected following a transparent selection and recruitment process.

## **Selection panel and independent person**

Local governments are to appoint a selection panel to conduct and facilitate the recruitment and selection process. The selection panel should be made up of elected members (the number to be determined by the council) and must include at least one independent person. The independent person cannot be a current elected member or staff member of the local government. Examples of who the independent person could be include:

- former elected members or staff members of the local government;
- former or current elected members (such as a Mayor or Shire President) or staff members of *another* local government;
- a prominent or highly regarded member of the community; or
- a person with experience in the recruitment and selection of CEOs and senior executives.

The independent person would be on the committee on an unpaid basis (except for reasonable travel and accommodation costs which should be covered by the local government) to provide objectivity to the selection and recruitment process.

The independent person and elected members on the panel are responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant.

## **Independent human resources consultant**

A local government should seek independent advice from a human resources consultant where the council lacks the capacity or expertise to facilitate the recruitment

and selection process (or any aspect of it). A member of the human resources team within a local government should not be involved in the recruitment of a new CEO because if the CEO is employed, he or she would be their employer.

The consultant should not be associated with the local government or any of its council members and can be an independent human resources professional, recruitment consultant, or recruitment agency.

An independent human resources consultant can provide advice to the selection panel on how to conduct the recruitment process or a local government may engage a consultant to support it in undertaking certain aspects of the recruitment process, such as one or more of the following:

- development or review of the JDF;
- development of selection criteria;
- sourcing and development of assessment methods in relation to the selection criteria;
- drafting of the advertisement;
- executive search;
- preliminary assessment of the applications;
- final shortlisting;
- drafting of the questions for interview;
- coordinating interviews;
- writing the selection report;
- arranging for an integrity check and/or police clearance; and
- assisting the council in preparing the employment contract.

The consultant is not to be directly involved in determining which applicant should be recommended for the position.

It is recommended that rigorous checks be conducted on any independent consultants before they are engaged to ensure they have the necessary skills and experience to effectively assist the council. Local government recruitment experience may be beneficial but is not necessary.

The independent human resources consultant must be able to validate their experience in senior executive recruitment and appointments. It is important to note that if the local government uses a consultant or agency to assist in finding applicants, that consultant or agency will require an employment agent licence under the *Employment Agents Act 1976 (WA)*.

A good independent human resources consultant will bring expertise, an objective perspective and additional human resources to what is a complex and time-consuming process. Given the time and effort involved in finding a competent CEO, and the cost of recruiting an unsuitable CEO, there can be a good business case for spending money on an independent consultant.

There is no requirement for local governments to engage an independent human resources consultant to assist with the recruitment of a CEO. If a decision is made to outsource the recruitment process, it is imperative that the council maintains a high

level of involvement in the process and enters into a formal agreement (contract) with the consultant. In order to manage the contract efficiently, and ensure an effective outcome, regular contact with the consultant is required during the recruitment process. As with any contractor engagement, the local government must ensure their procurement and tender processes comply with the Act and the procurement policy of the local government.

### **Council's responsibilities**

A human resources consultant cannot undertake the tasks for which the council is solely responsible. An independent consultant cannot and should not be asked to:

- Conduct interviews with short-listed applicants: This should be done by the council (this may involve the establishment of a committee consisting of only council members under section 5.8 of the Act). A council may decide that a human resources consultant undertakes the initial shortlisting of candidates, for example, conducting initial interviews and compiling a short-list of applicants for the council to review. Following shortlisting, a consultant can participate by sitting in on the interviews, providing advice on the recruitment and selection process and writing up the recommendations. The consultant may also arrange the written referee reports of applicants.
- Make the decision about who to recruit: Only the council can make this decision, drawing upon advice from the selection panel.
- Negotiate the terms and conditions of employment: The council should conduct the final negotiations (noting that the consultant should be able to provide advice on remuneration constraints and other terms and conditions).

### **Creating Diversity**

In order to ensure all applicants are given an equal opportunity for success, selection methods need to be consistent and objective. In a structured interview, each applicant should have the opportunity to answer the same primary questions with follow-up questions used to illicit further detail or clarification. Behavioural-based interview questions are objective and gauge the applicants' hard and soft skills, reducing biases in assessment (see examples below).

Basing a selection decision on the results of a number of selection methods can help to reduce procedural shortcomings and ensure the best applicant is chosen. Psychometric, ability and aptitude testing are considered to be valid, reliable and objective. While applicants with extensive experience and reputable education may appear to be more qualified, an objective assessment of each person's ability and personal traits can provide a clearer picture of the applicant.

Where possible, it is recommended that local governments ensure diversity on the selection panel. This may be achieved by ensuring gender, ethnic, age and experiential diversity on the panel. Diversity is also a consideration when selecting an independent person for the selection panel, particularly where there is a lack of diversity on the council. A diverse selection panel will aid in making quality decisions regarding suitable applicants.

Individuals are often unaware of biases they may have. For this reason, it is helpful for the selection panel to undertake training about unconscious biases. Awareness of unconscious biases assists individuals in preventing those biases from interfering in their decision making. For example, if there are considerable discrepancies in the assessment scores between two panel members, discussion will be required to ensure bias has not influenced these scores. Allowing team members to acknowledge and recognise prejudices is essential to managing those biases. The following biases should be addressed:

- “Similar-to-me” effect - if interviewers share the same characteristics with the applicants or view those characteristics positively, they are more likely to score them highly;
- “Halo” effect – interviewers may let one quality (such as race, gender, looks, accent, experience, etc.) positively or negatively affect the assessment of the applicant’s other characteristics.

### **Due Diligence**

It is essential that the local government ensures that the necessary due diligence is undertaken to verify an applicant’s qualifications, experience and demonstrated performance. This includes:

- verifying an applicant’s qualifications such as university degrees and training courses;
- verifying the applicant’s claims (in relation to the applicant’s character, details of work experience, skills and performance) by contacting the applicant’s referees. Referee reports should be in writing in the form of a written report or recorded and verified by the referee;
- requesting that an applicant obtains a national police clearance as part of the application process; and
- ensuring no conflicts of interests arise by looking to outside interests such as board membership and secondary employment.

A council may wish to contact a person who is not listed as an applicant’s referee, such as a previous employer. This may be useful in obtaining further information regarding an applicant’s character and work experience, and verifying related claims. The applicant should be advised of this and be able to provide written comments to the council.

A search of a media material and whether an applicant has an online presence may also assist in identifying potential issues. For example, an applicant may have expressed views which are in conflict with the local government’s values. This should be made clear in the application information.

To ensure the integrity of the recruitment process, a council must act collectively when performing due diligence.

## **Selection**

Once the application period closes, the council, selection panel or consultant assesses each application and identifies a shortlist of applicants to be interviewed.

In shortlisting applicants for the interview phase, the selection panel should consider the transferable skills of applicants and how these would be of value in the role of CEO. The selection panel should not overlook applicants who do not have experience working in the local government sector.

It is important that the assessment process is consistent for all applicants. For example, each applicant being asked the same interview questions which are related to the selection criteria and being provided with the same information and completing the same assessments.

Elected members should declare any previous association with an applicant or any potential conflict of interest at the time of shortlisting if they are part of the selection panel. Similarly, if the interviews involve the full council, the elected member should make an appropriate declaration before the interviews commence. If the potential conflict of interest is significant or a member's relationship with an applicant may result in claims of nepotism, patronage or bias, the council may need to consider whether to exclude the elected member from the process. The decision should be documented and recorded for future reference.

Selecting an applicant should be based on merit; that is, choosing an applicant that is best suited to the requirements of the position and the needs of the local government. This involves the consideration and assessment of applicants' skills, knowledge, qualifications and experience against the selection criteria required for the role. As part of the selection process, a council may consider it appropriate for each of the preferred candidates to do a presentation to council.

The appointment decision by the council should be based on the assessment of all measures used, including:

- assessment technique(s) used (e.g. interview performance);
- quality of application;
- referee reports;
- verification and sighting of formal qualifications and other claims provided by the applicant; and
- other vetting assessments used (e.g. police checks, integrity checks, etc.).

## **Employment contract**

In preparing the CEO's employment contract, the council must ensure the contract includes the necessary provisions required under section 5.39 of the Act and associated regulations, that it meets the requirements set out in relevant employment law and that it is legally binding and valid.

Section 5.39 of the Act provides that a CEO's employment contract must not be for a term exceeding five years. The term of a contract for an acting or temporary position cannot exceed one year.

Further, the employment contract is of no effect unless it contains:

- the expiry date of the contract;
- the performance review criteria; and
- as prescribed under regulation 18B of the Administration Regulations, the maximum amount of money (or a method of calculating such an amount) to which the CEO is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of:
  - the value of one year's remuneration under the contract; or
  - the value of the remuneration that the CEO would have been entitled to had the contract not been terminated.

It is recommended that the council seeks independent legal advice to ensure that the contract is lawful and able to be enforced. In particular, advice should be sought if there is any (even slight) doubt as to the meaning of the provisions of the contract.

Councils should be aware that CEO remuneration is determined by the Salaries and Allowances Tribunal and the remuneration package may not fall outside the band applicable to the particular local government.

The CEO's employment contract should clearly outline grounds for termination and the termination process (refer to the termination guidelines in this document for information on the process of termination). The notice periods outlined in the employment contract should be consistent with Australian employment law.

The council of the local government must approve, by absolute majority, the employment contract and the person they appoint as CEO.

## **Appointment**

Following the decision of council to approve an offer to appoint, with the contract negotiations finalised and the preferred applicant accepting the offer of appointment, council is required to make the formal and final appointment of the CEO. The council is required to endorse the appointment and approve the CEO's employment contract by absolute majority. The employment contract must be signed by both parties.

The council should notify both the successful individual and the remaining unsuccessful applicants as soon as possible before publicly announcing the CEO appointment.

The successful applicant should not commence duties with the local government as CEO until the employment contract has been signed.

The unsuccessful applicants (including those not interviewed) should be notified of the outcome of their application. It is recommended that the local government creates a template letter for unsuccessful applicants that can be easily personalised with the applicants' details and sent out quickly.

The council should keep a record of their assessment of the unsuccessful applicant(s) and provide the unsuccessful applicant(s) with the opportunity to receive feedback on their application, or interview performance if they were granted an interview. Should

an unsuccessful applicant request feedback, it is recommended that a member of the selection panel provides this. If a recruitment consultant is used, they may undertake this task.

### **Confidentiality**

The local government should ensure that all information produced or obtained during the recruitment and selection process is kept confidential. This includes applicants and their personal details, assessment, the selection report and outcome of the process. This ensures privacy requirements are met and maintains the integrity of the process.

### **CEO induction**

Local governments should ensure that they provide the CEO with all of the necessary information on the local government's processes, policies, procedures and systems at the commencement of the CEO's employment.

New CEOs are eligible to participate in the Local Government CEO Support Program which is a joint initiative of the Department and LGPro to provide mentoring and general support to those appointed to the position of CEO in a local government for the first time. The program runs for six to nine months from the time a CEO is appointed and involves the CEO being matched with a mentor that best meets the needs of the CEO.

The program provides the CEO with an opportunity (through meetings and on-going regular communications) to discuss a wide range of issues with their appointed mentor in the strictest confidence. The program is aimed at addressing the individual needs of the CEO. Examples of issues that may be covered include the following:

- Role of the CEO
- Governance
- Strategic and long-term planning
- Legislative framework
- Relationships and dealing with council members
- Risk management
- Resource management
- Managing the business of Council
- Family considerations

## Part 2 – Performance Review

### Principles

The standards regarding CEO performance review are based on the principles of fairness, integrity and impartiality.

#### **Performance Review Standard**

The minimum standard for performance review will be met if:

- S2.1** Key result areas are specific, relevant, measurable, achievable and time-based.
- S2.2** The key result areas and the performance process are recorded in a written document, negotiated with and agreed upon by the CEO and council.
- S2.3** The CEO is informed about how their performance will be managed and the results of their performance assessment.
- S2.4** The collection of evidence regarding key result areas is thorough and comprehensive.
- S2.5** Assessment is made free from bias and based on the CEO's achievement against key result areas and decisions and actions are impartial, transparent and capable of review.
- S2.6** The council has endorsed the performance review assessment by absolute majority.

### Guidelines

Section 5.38 of the Act provides that, for a CEO who is employed for a term of more than one year, the performance of a CEO is to be reviewed formally at least once in every year of their employment.

In addition to this minimum requirement, it is recommended that the council engages in regular discussions with the CEO regarding their performance about key result areas, progress and ways that the CEO can be supported. Any changes to the CEO's performance agreement such as changes to key result areas should also be discussed, and agreed to, between the council and the CEO, as the matter arises.

#### **Employment contract and performance agreement**

Section 5.39, of the Act requires the employment contract to specify the performance criteria for the purpose of reviewing the CEO's performance. This will include ongoing permanent performance criteria. A local government may wish to have a separate additional document called a "performance agreement" which includes the



performance review criteria in the employment contract, additional criteria (e.g. the performance indicators in relation to specific projects) and how the criteria will be assessed. The performance agreement should be negotiated and agreed upon by the CEO and the council. The performance agreement may also set out the CEO's professional development goals and outline a plan to achieve these goals.

### **Key result areas, performance indicators and goals**

Setting the performance criteria is an important step. As one of the CEO's key responsibilities is to oversee the implementation of council's strategic direction, it is important to align the CEO's performance criteria to the goals contained in the council's Strategic Community Plan and Corporate Business Plan. Accordingly, as these plans are updated, the CEO's performance criteria should be updated to reflect the changes.

In leading the administrative arm of a local government, the CEO is responsible for undertaking core tasks, the achievement of which will contribute to the effectiveness of the council. These tasks are called key result areas. Key result areas should be set for each critical aspect of the CEO's role. It is important that each key result area is measurable and clearly defined. These could be in relation to:

- service delivery targets from the council's Strategic Community Plan;
- budget compliance;
- organisational capability;
- operational and project management;
- financial performance and asset management;
- timeliness and accuracy of information and advice to councillors;
- implementation of council resolutions;
- management of organisational risks;
- leadership (including conduct and behaviour) and human resource management; and
- stakeholder management and satisfaction.

Key result areas should focus on the priorities of the council and, if appropriate, could be assigned priority weighting in percentages. The council and CEO should set goals as to the target outcome for future achievement in the key result areas. Goals should be specific, measurable, achievable, relevant and time-based.

Following the determination of the key result areas and goals, the council will need to determine how to measure the outcomes in each key result area. Key performance indicators measure the achievement of the key result areas. It is important to relate performance indicators to the selection criteria used in selecting the CEO. For example, if the CEO has been selected due to their financial experience and ability to improve the local government's finances, indicators regarding improved revenue and reduced expenses are obvious starting points.

Considering the context within which the local government is operating is important. For example, if a significant financial event occurs, such a downturn in the economy, financial performance indicators will likely need to be adjusted. It is important that

such contextual factors are given weight and that goals are flexible to allow regular adjustment. Adjustments may be initiated by either the CEO or the council.

Councils need to be realistic in terms of their expectations of a CEO's performance and provide appropriate resources and support to facilitate the achievement of performance criteria.

### **Performance review panel**

It is recommended that the council delegates the CEO performance review to a panel (e.g. comprising certain council members and an independent observer). The panel has a duty to gather as much evidence as possible upon which to base their assessments. The role of the review panel includes developing the performance agreement in the first instance, conducting the performance review and reporting on the findings and recommendations of the review to council.

### **Independent consultant**

If a council lacks the resources and expertise to meet the expected standard of performance review, the council should engage an external facilitator to assist with the process of performance appraisal and the development of the performance agreement. The local government should ensure that the consultant has experience in performance management and, if possible, experience in local government or dealing with the performance management of senior executives. The consultant should not have any interest in, or relationship with, the council or the CEO.

With guidance from the performance review panel, a consultant can facilitate the following tasks:

- setting performance goals;
- setting key result areas;
- preparing the performance agreement;
- collecting performance evidence;
- writing the performance appraisal report;
- facilitating meetings between the performance review panel;
- assisting with the provision of feedback to the CEO;
- formulating plans to support improvement (if necessary); and
- providing an objective view regarding any performance management-related matters between the concerned parties.

### **Assessing performance**

The process of assessing performance should be agreed to by both parties and documented in the employment contract or performance agreement.

It is essential that CEO performance is measured in an objective manner against the performance criteria alone. It is important that reviews are impartial and not skewed by personal relationships between the review panel and the CEO. Close personal relationships between the panel members and the CEO can be just as problematic as extremely poor relationships.

The council should consider any evidence of CEO performance from two perspectives, namely, current CEO performance and future performance if the CEO's current behaviours continue. Evidence of CEO performance may come from an array of sources, many of which the CEO themselves can and should provide to the council as part of regular reporting. These sources include:

- achievement of key business outcomes;
- interactions with the council and progress that has been made towards implementing the council's strategic vision;
- audit and risk committee reports;
- workforce metrics (e.g. the average time to fill vacancies, retention rate, information about why people leave the organisation and staff absence rate);
- incident reports (e.g. results of occupational health and safety assessments, the number and nature of occupational health and safety incident reports, and the number and nature of staff grievances);
- organisational survey results;
- relationships (e.g. with relevant organisations, stakeholder groups, professional networks and the relevant unions); and
- insights from key stakeholders (this could be done by way of a survey to obtain stakeholder input).

It is important that, in addition to looking at the achievement of KPIs, the council considers the following:

- How the CEO has achieved the outcomes. In particular, whether or not their methods are acceptable and sustainable.
- The extent to which current performance is contingent upon current circumstances. Has the CEO demonstrated skills and behaviours to address and manage changes in circumstances which have affected his or her performance?
- What the CEO has done to ensure the wellbeing of staff and to maintain trust in the local government.

The council should consider the attention the CEO has given to ensuring equal employment opportunity, occupational health and safety, privacy, managing potential conflicts of interest, and complying with procurement process requirements.

### **Addressing performance issues**

Once the CEO's performance has been assessed, it is essential that any areas requiring attention or improvement are identified, discussed with the CEO and a plan is agreed and put in place to address these. The plan should outline the actions to be taken, who is responsible for the actions and an agreed timeframe.

The performance review panel must decide on an appropriate course of action that will address the performance issue. This may include professional development courses, training, counselling, mediation, mentoring or developing new work routines to ensure specific areas are not neglected. The performance review panel should then arrange for regular discussion and ongoing feedback on the identified performance issues, ensuring improvements are being made.

It is important to keep in mind that a local government falling short of its goals is not always attributable to the CEO. External factors may have resulted in initial performance expectations becoming unrealistic. Failure to meet key result areas does not necessarily mean the CEO has performed poorly and, for this reason, performance and outcome should be considered separately. Where ongoing issues have been identified, the council will need to take a constructive approach and seek to develop the CEO's competency in that area (for example, through an agreed improvement plan).

### **Confidentiality**

The council should ensure that accurate and comprehensive records of the performance management process are created. Any information produced should be kept confidential.

# Part 3 – Termination

## Principles

The standards for the termination of a local government CEO (other than for reasons such as voluntary resignation or retirement) are based on the principles of fairness and clarity. Procedural fairness is a principle of common law regarding the proper and fair procedure that should apply when a decision is made that may adversely impact upon a person's rights or interests.

### Termination Standard

The minimum standard for the early termination of a CEO's contract will be met if:

- S3.1** Decisions are based on the assessment of the local government's requirements (such as the documented key result areas) and the CEO's performance is measured against these.
- S3.2** Performance issues have been identified and the CEO informed. The council has given the CEO a reasonable opportunity to improve and implement a plan to remedy the performance issues, but the CEO has not subsequently remedied these issues.
- S3.3** Procedural fairness and the principles of natural justice are applied. The CEO is informed of their rights, entitlements and responsibilities in the termination process. This includes the CEO being provided with notice of any allegations against them, given a reasonable opportunity to respond to those allegations or decision affecting them, and their response is genuinely considered.
- S3.4** Decisions are impartial, transparent and capable of review.
- S3.5** The council of the local government has endorsed the termination by absolute majority.
- S3.6** The required notice of termination (which outlines the reason for termination) is provided in writing.

## Guidelines

### Reason for termination

The early termination of a CEO's employment may end due to:

- poor performance;
- misconduct; or
- non-performance or repudiation of contract terms.

There is a difference between poor performance and serious misconduct. Poor performance is defined as an employee not meeting the required performance criteria or demonstrating unacceptable conduct and behaviour at work. It includes:

- not carrying out their work to the required standard or not doing their job at all;
- not following workplace policies, rules or procedures;
- unacceptable conduct and behaviour at work, e.g. speaking to people in a disrespectful manner, not attending required work meetings and telling inappropriate jokes;
- disruptive or negative behaviour at work, e.g. constantly speaking negatively about the organisation;
- not meeting the performance criteria set in the employment contract and/or performance agreement unless these are outside the CEO's control;
- not complying with an agreed plan to address performance issues (a plan for improvement);
- failing to comply with the provisions of the *Local Government Act 1995* and other relevant legislation;
- failing to follow council endorsed policies.

Serious misconduct can include when an employee:

- causes serious and imminent risk to the health and safety of another person or to the reputation or revenue of the local government; or
- behaving unlawfully or corruptly; or
- deliberately behaves in a way that's inconsistent with continuing their employment.

Examples of serious misconduct can include:

- matters arising under section 4(a), (b) and (c) of the *Corruption, Crime and Misconduct Act 2003*;
- theft;
- fraud;
- assault;
- falsification of records;
- being under the influence of drugs or alcohol at work; or
- refusing to carry out appropriate and lawful resolutions of council.

Misconduct is also defined in section 4 of the *Corruption, Crime and Misconduct Act 2003* (WA). Under this Act, misconduct can be either serious or minor and the obligation to notify the Public Sector Commission or the Corruption and Crime Commission is paramount.

Termination on the basis of misconduct is covered by employment law. A local government should take all reasonable steps to consider misconduct allegations including ensuring procedural fairness is applied. It should also seek independent legal, employment or industrial relations advice prior to a termination. A council should seek independent advice generally during the termination process including the relevant employment legislation affecting CEO employment and the application of that legislation in the circumstances. This will ensure that a council complies with employment law during the entire termination process.

To meet the termination standard, the local government is required to endorse the decision to terminate the CEO's employment by way of an absolute majority resolution.

## **Opportunity to improve and mediation**

If a CEO is deemed to have been performing poorly, the council must be transparent and inform the CEO of this. It is important that the CEO is given an opportunity to remedy the issues within a reasonable timeframe as agreed between the CEO and the council. The council should clearly outline the areas in need of improvement, and with the CEO's input, determine a plan to help the CEO improve. If a plan for improvement is put in place and the CEO's performance remains poor, then termination may be necessary.

Where the concerns or issues relate to problematic working relationships or dysfunctional behaviour, it is recommended that a council engages an independent accredited mediator to conduct a mediation between the parties. A mediation session may be useful in assisting parties to understand and address issues before the situation escalates to a breakdown in the working relationship (which affects the ability of the CEO to effectively perform his or her duties) and the subsequent termination of the CEO's employment.

## **Independent review of termination report**

The council should prepare a termination report which outlines the reasons for termination, the opportunities and assistance provided to the CEO to remedy the issues, and an explanation of the CEO's failure to remedy the issues. It is recommended that the council arranges for the termination report to be reviewed by an independent person (e.g. a person with legal expertise, local government experience or a human resources consultant) to ensure the council has complied with procedural fairness, and provided adequate opportunities and support to the CEO to assist him or her in remedying the issues which form the basis of the termination. In the interests of fairness, the review should take place promptly and before the termination of the CEO's employment.

## **Confidentiality**

Local governments should ensure that the termination process is kept confidential. The CEO is to be informed of the grounds for termination and avenues for review of the decision. Notice of termination of employment is required to be given in writing. In addition, where possible, the news of termination of employment should be delivered in person. The CEO should be provided with a letter outlining the reasons for, and date of, the termination of the employment.

Before making any public announcements on the termination of the CEO, a council should ensure that the entire termination process is complete, including that the CEO has been informed in person of the termination.

## **Disclaimer**

It is outside the scope of these guidelines to provide legal advice, and local governments should seek their own legal advice where necessary. Guidance as to legal requirements and compliance in relation to the termination of employment is provided by the Fair Work Commission at [www.fwc.gov.au](http://www.fwc.gov.au), the Fair Work

Ombudsman at [www.fairwork.gov.au](http://www.fairwork.gov.au) and the Western Australian Industrial Relations Commission at [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au).



## **Part 4 – Monitoring and enforcement**

To ensure that councils are complying with the standards and to address any alleged non-compliance, a process will need to be established to monitor and enforce the standards.

Feedback is sought on potential models and processes for monitoring and enforcement.

One potential model is for the establishment of an independent Local Government Commissioner. This position would provide a quality assurance role over CEO recruitment and selection, performance review and terminations by ensuring that the minimum standards were met.

In relation to performance review, either the CEO or council could approach the Local Government Commissioner who would have the power to order that a third party be involved in the performance management process if the Commissioner deemed it necessary.

## CEO standards consultation survey

As part of the McGowan Government's commitment to transforming local government in WA, the *Local Government Legislation Amendment Act 2019* introduces model standards covering the recruitment and selection, performance review and early termination of local government Chief Executive Officers (CEOs). These reforms are intended to ensure best practice and greater consistency in these processes among local governments.

It is intended that the standards will be mandatory and inform the drafting of regulations. These will be accompanied by guidelines outlining the recommended practice for local governments undertaking these processes.

This survey is intended to provide the Government with feedback regarding the proposed content of the standards and the guidelines.

Thank you for taking the time to complete this survey.

1. Who are you completing this survey on behalf of?
  - a. Yourself
  - b. An organisation, including a local government, peak body, community organisation or a business
2. What is the name of that organisation?
3. What is your name?
4. What best describes your relationship to local government?
  - a. Resident or ratepayer
  - b. Staff member
  - c. Council member (includes Mayor or President)
  - d. Survey responses are provided on behalf of a local government (council endorsed)
  - e. Peak body
  - f. State Government agency
  - g. Community body
  - h. Other (please specify)
5. What best describes your gender?
  - a. Male
  - b. Female
  - c. Other
  - d. Not applicable/the survey responses are provided on behalf of an organisation
6. What is your age?
  - a. Under 18
  - b. 18-24
  - c. 25-34
  - d. 35-44
  - e. 45-54

- f. 55-64
  - g. 65+
  - h. Not applicable/the survey responses are provided on behalf of an organisation
7. Which local government do you interact with most?
  8. Do you wish for your response to this survey to be confidential?
    - a. Yes
    - b. No
  9. What is your email address?
  10. Have you previously completed a survey or provided a submission regarding the review of the *Local Government Act 1995*?
    - a. Yes
    - b. No
    - c. Unsure
  11. If no, what were your reasons for not previously providing your views to inform the Local Government Act review?
    - a. I was not aware of the Local Government Act review
    - b. I was not interested in providing my views
    - c. I did not have time to provide my views
    - d. Other (please specify)

**Recruitment and selection**

12. How frequently should a council be required to re-advertise the CEO position?
  - a. At the conclusion of the term of the CEO’s contract
  - b. Where a person has occupied the CEO position for two (2) consecutive terms
  - c. Where a person has occupied the CEO position for ten (10) consecutive years
  - d. When council determines
  - e. Unsure
  - f. Other (please specify)

13. To what extent do you support the following statement?

“A local government should be required to undertake ‘blind CV recruitment’ (i.e. redacting personal details and any diversity specific information from curriculum vitae) to avoid bias in the early stages of the recruitment process.”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

It is proposed that a council will be required to appoint a selection panel made up of council members to conduct and facilitate the CEO recruitment and selection process.

The selection panel would be responsible for assessing applicants and making a recommendation to council regarding the most suitable applicant.

14. To what extent do you support the following statement?

“The selection panel must include at least one person who is independent of the council to assist the council in selecting the CEO”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

15. If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, who should the independent person be? (please choose one or more of the following options)

<input type="checkbox"/>	A recruitment/human resources consultant
<input type="checkbox"/>	A community member
<input type="checkbox"/>	A person with experience in local government
<input type="checkbox"/>	A person with experience in appointing senior executives
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

16. To what extent do you support the following statement?

“If a council is required to have an independent person on the selection panel to assist them in selecting a CEO, the independent person must not be a current council member or staff member of any local government”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

17. Should there be any other restrictions on who the independent person on a selection panel should be?

- a. Yes
- b. No
- c. If yes, please specify

### Performance review

The *Local Government Act 1995* currently requires a council to review the performance of the CEO annually.

18. How frequently should a council review the performance of the CEO?

- a. Annually
- b. Twice annually

- c. Quarterly
- d. Every two years
- e. When council determines a performance review is required

19. To what extent do you support the following statement?

“A local government should be required to establish a performance review panel, which must include at least one person who is independent of the council, to assist the council in assessing the performance of a CEO”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

20. If a council is required to have an independent person assist them in assessing the performance of a CEO as part of a performance review panel, who should the independent person be? (please choose one or more of the following options)

<input type="checkbox"/>	A recruitment/human resources consultant
<input type="checkbox"/>	A community member
<input type="checkbox"/>	A person with experience in local government
<input type="checkbox"/>	A person with experience in appointing senior executives
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

21. Should there be any restrictions on who the independent person should be?

- a. Yes
- b. No
- c. If yes, please specify

### Termination

22. To what extent do you support the following statement:

“The legislation should provide a minimum notice period that the council provides to the CEO if the council terminates the CEO’s employment before the expiry date of the employment contact”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

23. If the legislation required council to provide the CEO with a minimum notice period of the early termination of the CEO’s employment, what should the minimum notice period be?

- a. Two (2) weeks
- b. Four (4) weeks
- c. Other (please specify)

## Monitoring and enforcement

To ensure that councils are complying with the standards and to address any alleged non-compliance, a process will need to be established to monitor and enforce the standards.

Feedback is sought on potential models and processes for monitoring and enforcement.

24. Who should be responsible for monitoring and enforcing the CEO standards?

- a. Public Sector Commission or other integrity agency
- b. Department of Local Government, Sport and Cultural Industries
- c. Independent office of Local Government Commissioner
- d. Joint Panel consisting of nominees from the WA Local Government Association (WALGA) and the Local Government Professionals WA (LGPro WA)
- e. Local Government Standards Panel (expanded role)
- f. Other (please specify)

25. To what extent do you support the following statement?

“If a Local Government Commissioner were to be established, local governments should be required to pay a levy to fund its establishment and operation”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

26. What powers should the body responsible for monitoring and enforcing the standards have? (please choose one or more of the following options)

<input type="checkbox"/>	To order a local government to restart a process (recruitment, selection, performance review or termination) or remedy a defect
<input type="checkbox"/>	To order that a third party be involved in the performance review process
<input type="checkbox"/>	To order that a local government engages in mediation or arbitration to resolve a dispute (this could be disputes between council members or between council members and the CEO)
<input type="checkbox"/>	To arbitrate or make a ruling on a matter
<input type="checkbox"/>	To prepare a report on contract termination (for potential referral for industrial relations action)
<input type="checkbox"/>	To provide a report to the Minister for Local Government or the Director General of the Department of Local Government, Sport and Cultural Industries for consideration in relation to powers to suspend, dismiss or order remedial action whether in regards to the entire council or individual council members

<input type="checkbox"/>	To order that a local government seeks professional advice or assistance from an independent person
<input type="checkbox"/>	Unsure
<input type="checkbox"/>	Other (please specify)

27. To what extent do you support the following statement?

“If the body responsible for monitoring and enforcing the CEO standards directed a local government to undertake mediation or arbitration to resolve a dispute, the costs of the dispute resolution should be borne by the local government.”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

28. To what extent do you support the following statement?

“If a council has not complied with the standard for a particular process, they should be required to recommence the process”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

29. To what extent do you support the following statement?

“Local governments should be subject to penalties if they do not comply with the CEO standards”

Very unsupportive	Unsupportive	Neutral	Supportive	Very supportive

30. Do you have any additional comments in relation to the CEO standards?

### **Guidelines accompanying the CEO standards**

The mandatory CEO standards will be accompanied by guidelines outlining the recommended practice for local governments undertaking the processes of recruitment and selection, performance review and early termination of CEOs.

31. How useful are the proposed guidelines?

Extremely useful	Very useful	Moderately useful	Slightly useful	Not at all useful

Please specify why:

32. Do you have any suggestions regarding any changes that need to be made to the proposed guidelines or is there anything else you think should be included in the guidelines? (please specify)
33. Do you have any additional comments in relation to the guidelines?