



SHIRE OF COOLGARDIE

ATTACHMENTS

OF THE

SPECIAL MEETING OF COUNCIL

12 November 2019

6.00pm

Kambalda

Special Council Meeting 12 November 2019 Attachments

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Shire of Coolgardie
Payments by Delegated Authority
1 September 2019 to 30 September 2019

Chq	Date	Name	Description	Amount
52250	11-September-2019	Betty Furge	Reimbursement Of \$950.00 As Per Request And Building Invoice 2333	\$950.00
52251	19-September-2019	Anthony Charles Maddern	Rates Refund For Assessment A17455 Lot P15/06111 Prospecting Licence Coolgardie	\$139.19
52252	19-September-2019	Cemeteries & Crematoria Association Of	Annual Membership Renewal For CCAWA 19/20	\$125.00
52253	19-September-2019	Coolgardie Youth Club Inc	Blue Light Disco Lolly Bags X 80	\$80.00
52254	19-September-2019	Dennis Radisich	Rates Refund For Assessment A6099 Lot PI 16/2356 Prospecting Licence Coolgardie	\$418.22
52255	19-September-2019	Phoenix Gold Limited	Rates Refund For Assessment A16119 Lot PI 16/2599 Prospecting Licence Coolgardie	\$395.10
52256	19-September-2019	Robert Frederic Mellor	Rates Refund For Assessment A17100 Lot P15/05943 Prospecting Licence Coolgardie	\$118.49
52257	19-September-2019	Sammy Resources Pty Ltd	Rates Refund For Assessment A17544 Lot P15/06020 Prospecting Licence Coolgardie	\$13.85
52258	19-September-2019	Shire Of Coolgardie	Petty Cash	\$300.90
52259	19-September-2019	Synergy	Grouped Electricity Account August	\$35,897.43
52260	19-September-2019	Telstra	Monthly Landline September Payment	\$3,467.86
52261	19-September-2019	Water Corporation	Well Aged Homes Common Area Water Charges	\$233.44
52262	20-September-2019	Shire Of Coolgardie	Term Deposit Bankwest 20 September TSK155284	\$3,500,000.00
52263	24-September-2019	MLC Navigator Retirement Plan	September 2019 Superannuation Payment For Malcolm Cullen	\$5,500.00
52264	26-September-2019	Kalgoorlie -Boulder Chamber Of	Sponsorship, Platinum Partner Whats Down Track	\$11,000.00
				\$3,558,639.48

Shire of Coolgardie
Payments by Delegated Authority
1 September 2019 to 30 September 2019

EFT	Date	Name	Description	Amount
EFT17171	02-September-2019	Ravim RBC	Service Delivery Review July	\$11,133.26
EFT17172	02-September-2019	RSA Works	Site Visits And Associated Work 2 Invoices	\$21,659.00
EFT17173	02-September-2019	Toni Hayes	Catering, 3 Invoices	\$687.50
EFT17174	06-September-2019	3E Advantage Pty Ltd	Printer Services	\$6,204.82
EFT17175	06-September-2019	AAPL Kalgoorlie	Change Out Retic Pump & Filter Maintenance Coolgardie Skate Park	\$1,149.50
EFT17176	06-September-2019	Aerodrome Management Services	Stage 1 And Stage 2 Casa Application	\$22,002.56
EFT17177	06-September-2019	Agent Sales And Service Pty Ltd	1 X 1000 Litre Sodium Hypochlorite Pod	\$863.50
EFT17178	06-September-2019	Air Liquide	Monthly Cylinder Hire Kambalda Depot July	\$76.40
EFT17179	06-September-2019	Airey Taylor Consulting	Kambalda Pool Project	\$7,056.50
EFT17180	06-September-2019	Ampac Debt Recovery (Wa) Pty Ltd	Debt Recovery Cost July 2019	\$4,198.37
EFT17181	06-September-2019	ARA Fire Protection Services Pty Ltd	Fire Extinguisher With Fitting	\$61.05
EFT17182	06-September-2019	Arrowmiss Couriers	Freight Charges	\$1,333.20
EFT17183	06-September-2019	Australia Post	Australia Monthly Charges August	\$610.14
EFT17184	06-September-2019	Australian Services Union	Payroll Deductions	\$25.90
EFT17185	06-September-2019	Ann-Marie Mia Hicks	Electricity Reimbursement Mia	\$1,402.00
EFT17186	06-September-2019	Auscoinswest	Coolgardie Souvenir Coins	\$374.00
EFT17187	06-September-2019	Baileys Fertiliser	Kalgoorlie Mix* Fertiliser*	\$11,125.40
EFT17188	06-September-2019	Bethany Hollis	Reimbursement Gym Membership Bethany Hollis	\$65.00
EFT17189	06-September-2019	Boc Limited	Cylinder Hire Monthly	\$413.63
EFT17190	06-September-2019	BP Australia Limited	Monthly Fuel Bill August 2019	\$7,322.48
EFT17191	06-September-2019	Bungarra Electrical Services	Remove Damaged Light Pole	\$505.00
EFT17192	06-September-2019	Bunnings Buildings Supplies	Supply Assorted Retic Fittings & Paint Sprayer	\$765.52
EFT17193	06-September-2019	Bright Minds Therapy Pty Ltd	July Occupational Therapy	\$2,860.00
EFT17194	06-September-2019	Cabcharge	July Aug Cabcharge Fees	\$445.21
EFT17195	06-September-2019	Caltex Australia	Fuel Bill August 2019	\$13,884.16
EFT17196	06-September-2019	Cardajam Pty Ltd (Kalgoorlie Mitre 10)	2 X 10 Litre Solarguard White Paint	\$708.94
EFT17197	06-September-2019	Chemcentre	Sample Cwwtp Waste Water	\$290.40
EFT17198	06-September-2019	Child Support Agency	Payroll Deductions	\$293.59
EFT17199	06-September-2019	Claire Boston	Michelle Diener And Claire Boston Author Talk Kambalda Library	\$225.00
EFT17200	06-September-2019	Complete Occ Health	Pre-Employment Medical And Drug Screen	\$255.00
EFT17201	06-September-2019	Coolgardie Day Celebrations	Sponsorship 2019 Coolgardie Day	\$24,500.00
EFT17202	06-September-2019	Covs Parts Pty Ltd	Various Plant Parts	\$483.40
EFT17203	06-September-2019	Coyles Mower & Chainsaw Centre	Stihl Caps	\$72.00
EFT17204	06-September-2019	CPC Goldfields Pty Ltd	Labour Based Upon X1 Crane Operator, X2 Truck Drivers	\$17,362.16
EFT17205	06-September-2019	Catherine Brooking	Car Hire And Costs Pool Facility Review	\$279.87
EFT17206	06-September-2019	Chris Byrne	Reimbursement For Auskick For Children	\$107.10
EFT17207	06-September-2019	Cleanaway Pty Ltd	Cleanaway Pl - June 2019	\$10,711.76
EFT17208	06-September-2019	Eagle Petroleum (WA) Pty Ltd	Monthly Fuel Bill August 2019	\$277.01
EFT17209	06-September-2019	Elite Gym Hire	Commercial Triceps Rope	\$22.00
EFT17210	06-September-2019	ESS Kambalda Village	Accommodation 31.07.2019-02.08.2019	\$750.75
EFT17211	06-September-2019	Foxtel Management Pty Ltd Foxtel	Foxtel At Kambalda Gym August	\$105.00
EFT17212	06-September-2019	Goldfields Dean'S Auto Glass	Replace Windscreen In Mitsubishi Triton 4X4 Ute	\$370.00
EFT17213	06-September-2019	Goldfields Truck Power	P293 160 000Km Service	\$2,216.58
EFT17214	06-September-2019	Goldline	Supplies Kitchen/Coffee	\$41.90
EFT17215	06-September-2019	Goodnews Newsagency	Monthly Newspapers For Kambalda Office July	\$146.80
EFT17216	06-September-2019	Geoffrey Harcombe	Environmental Health Consultancy Services As Per Proposal	\$1,984.05
EFT17217	06-September-2019	Heatley Industrial,Safety&Packaging - Heatley Sales Pty	Protective Clothing	\$1,131.84
EFT17218	06-September-2019	Hesperian Press	Stock Books Coolgardie Visitors Centre	\$540.75
EFT17219	06-September-2019	Harvey Norman Av/It Superstore Kalgoorlie	Ipads Salary Sacrifice	\$15,220.00
EFT17220	06-September-2019	IT Vision	Database Migration Prep, After Hours And Follow Up	\$4,812.50
EFT17221	06-September-2019	J. Blackwood & Son Limited	P294 Parts Grab Hook	\$50.07
EFT17222	06-September-2019	Jason William Cleeland	Kambalda Works Depot & Inspect Water Pipe & Repair	\$427.00
EFT17223	06-September-2019	Kal Engineering Consultants	Various Works 4 Invoices	\$19,159.80
EFT17224	06-September-2019	Kalaire Pty Ltd	Supply And Install Heater 56 King St, Coolgardie	\$5,355.00
EFT17225	06-September-2019	Kambalda East Deli	Catering, 3 Large Trays Of Sandwiches	\$75.01
EFT17226	06-September-2019	KW Cleaning Services	Cleaning Of Aged Care Units 16.8.19	\$400.00
EFT17227	06-September-2019	Kalgoorlie Tyrepower	4 X Bf Goodrich L1245/70R16 Tyres	\$1,460.00
EFT17228	06-September-2019	Landgate	Mining Tenements Chargeable	\$228.40
EFT17229	06-September-2019	Lnlc Pty Ltd Trading As Kelyn Training Services	Traffic Management Training For Outside Crew	\$5,040.00
EFT17230	06-September-2019	Lo-Go Appointments	Rates Officer Wages	\$9,609.45
EFT17231	06-September-2019	Market Creations	IT Services 8 Invoices	\$15,515.94
EFT17232	06-September-2019	Market Force	Advertisement 14 Invoices	\$8,338.61
EFT17233	06-September-2019	Mcleods Barristers And Solicitors	Legal Advice Fair Work Commission	\$5,168.96
EFT17234	06-September-2019	Michelle Diener	Author Meet And Greet - Michelle Diener Time And Books.	\$139.96
EFT17235	06-September-2019	Modus Compliance Pty Ltd	Building Certification Services For The Month Of June 2019	\$1,039.50
EFT17236	06-September-2019	Murray Allan Rowett	Rates Refund For Assessment A16812 Lot P115/5757 Prospecting Licence Cool	\$380.00
EFT17237	06-September-2019	Mine Ag Fleet Hire	Hamm Roller Hire, July 2019	\$1,842.50
EFT17238	06-September-2019	Neverfail Springwater Ltd	Springwater For The Kambalda Office	\$136.50

Shire of Coolgardie
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1 September 2019 to 30 September 2019

EFT	Date	Name	Description	Amount
EFT17239	06-September-2019	OCLC	Amib Annual Maintenance	\$1,670.42
EFT17240	06-September-2019	Office National Kalgoorlie	Cleaning Products	\$317.86
EFT17241	06-September-2019	Outside & In Handyman Services	Weed Spraying	\$2,000.00
EFT17242	06-September-2019	PMH Electrical Contracting Services Pty Ltd	Repair And Replace Coolgardie Rec Centre Smoke Alarm	\$476.85
EFT17243	06-September-2019	Rag Auto Electrical	R & R Battery & Charger	\$1,106.60
EFT17244	06-September-2019	Rebecca Anne Horan	Reimbursement Utilities	\$1,330.00
EFT17245	06-September-2019	Receptive Security	Travel, Labour And Parts To Repair Security System, Coolgardie	\$273.42
EFT17246	06-September-2019	Red Dot	Book Week 2019 Supplies	\$82.00
EFT17247	06-September-2019	Resources Trading Hub	Supply Of Small Plant	\$8,363.38
EFT17248	06-September-2019	Reynolds Graphics	Tip Vouches, 3000 Delivered	\$1,848.00
EFT17249	06-September-2019	Sheridan's For Badges	Name Badges For Staff X 6	\$180.07
EFT17250	06-September-2019	Sherryl Leanne Botting	Mileage Claim Gtna Gvroc Meetings	\$163.20
EFT17251	06-September-2019	Southern River Services	Southern River Services Quote #1404 (Removal & Grinding Of 2 Large Gum Tre	\$6,600.00
EFT17252	06-September-2019	Sports Power Kalgoorlie	Sports Equipment	\$1,130.00
EFT17253	06-September-2019	SRW Publishing	2 X Books Railway Hotels Of Australia Volume 4	\$140.00
EFT17254	06-September-2019	SRW Sheds & Rigging	Supply And Install Plant Roof Structure As Per Drawings And Quote At Coolgard	\$66,552.20
EFT17255	06-September-2019	State Law Publisher	Local Planning Scheme No 5, Amendment No 1	\$330.04
EFT17256	06-September-2019	State Library Of Western Australia	Lost And Damaged State-Owned Public Libraries Materials For 2019-20	\$687.50
EFT17257	06-September-2019	Shilton Building	Install Noticeboards, Tv Brackets, & Re-Hang Pictures	\$396.00
EFT17258	06-September-2019	Silken Twine	Mixed Scarfs	\$372.02
EFT17259	06-September-2019	Studio Mok Up	Graphic Designing Services June 2019	\$1,400.00
EFT17260	06-September-2019	Taps Industries Pty Ltd	Sewerage Repair At Mh 21B-20B	\$76,811.75
EFT17261	06-September-2019	The Animal Hospital	Feral Cat Euth	\$63.00
EFT17262	06-September-2019	The Leisure Institute Of Western Australia Aquatics (Inc)	Liwa Membership/Accreditation Pool Operator	\$132.00
EFT17263	06-September-2019	Toni Hayes	Catering For Business Workshop	\$150.00
EFT17264	06-September-2019	Total Asphalt & Total Traffic Management Pty Ltd	800 Litres Emulsion	\$1,971.20
EFT17265	06-September-2019	Tquip	P315 Hood Assembly	\$1,537.50
EFT17266	06-September-2019	Toll Transport Pty Ltd	Freight August	\$326.17
EFT17267	06-September-2019	Visi-Max	Ranger Handling Gear	\$2,578.40
EFT17268	06-September-2019	WA Country Health Service	Kambalda Health Centre Lease Of Rooms	\$737.50
EFT17269	06-September-2019	WA Local Government Association - Walga	Building Positive Partnerships With Aboriginal Communities, 6 August 2019, Mia	\$99.00
EFT17270	06-September-2019	WA Rangers Association Inc	Wa Ranger Membership Application	\$120.00
EFT17271	06-September-2019	Westrac Pty Ltd	8000 Hr Service On Cat 930H Loader	\$5,684.12
EFT17272	06-September-2019	Woolworths Group Limited	Supply Tea, Coffee, Sugar & Milk.	\$388.06
EFT17273	06-September-2019	Workpac Pty Ltd	Record Teams Leader	\$6,470.64
EFT17274	06-September-2019	West Coast Vehicle Repair Pty Ltd	Inspect/Service 2 Post Vehicle Hoist At Coolgardie Depot On Ladyloch Rd	\$264.00
EFT17275	06-September-2019	Wirtgen Australia Pty Ltd	P347 Parts	\$185.63
EFT17276	06-September-2019	Xylem Water Solutions Australia Limited	Repair Pump	\$4,843.30
EFT17277	06-September-2019	Yvette Butterfield	Reimbursement Food Murray Hotel Perth	\$102.50
EFT17278	20-September-2019	3E Advantage Pty Ltd	Printer Services August 2019	\$7,493.06
EFT17279	20-September-2019	Aerodrome Management Services	Windsock 12' White	\$858.31
EFT17280	20-September-2019	Air Liquide	Monthly Gas Bottle Hire And Usage	\$76.40
EFT17281	20-September-2019	Ampac Debt Recovery (WA) Pty Ltd	Costs For August Debt Recovery 2019	\$32,667.45
EFT17282	20-September-2019	Aquatic Services WA	Quarterly Plant Service For Coolgardie Pool August	\$825.00
EFT17283	20-September-2019	Australia Post	Australia Post Monthly Charges August 2019	\$1,985.15
EFT17284	20-September-2019	Australian Services Union	Payroll Deductions	\$25.90
EFT17285	20-September-2019	Aquip Analytics	Periodic Reporting And Development August	\$799.37
EFT17286	20-September-2019	Beyond The Boardroom	Staff Team Building Day, 12 September 2019	\$8,745.00
EFT17287	20-September-2019	Bunnings Buildings Supplies	Various Hardware Gardening products 6 Invoices	\$1,004.47
EFT17288	20-September-2019	Boothey Family Morans Store	Drinking Water And Cleaning Goods For Coolgardie Tip	\$839.90
EFT17289	20-September-2019	Bright Minds Therapy Pty Ltd	Occupational Therapy Sessions Sep 2Nd 9Th 11Th	\$2,585.00
EFT17290	20-September-2019	Cabcharge	Cabcharge Monthly Fee	\$56.70
EFT17291	20-September-2019	Cardajam Pty Ltd (Kalgoorlie Mitre 10)	Hd027 Gas Torch	\$89.10
EFT17292	20-September-2019	Cardno Spectrum Survey	Cardno Invoice lsk190571 Cave Hill Rd - Crown Survey, Widgeemooltha	\$14,287.90
EFT17293	20-September-2019	Centurion Transport	Coolgardie Pool Chemicals Freight	\$82.60
EFT17294	20-September-2019	Chemcentre	Sample Cwwtp Waste Water August	\$290.40
EFT17295	20-September-2019	Child Support Agency	Payroll Deductions	\$293.22
EFT17296	20-September-2019	Clever Patch	KCRF Activities Consumables	\$185.79
EFT17297	20-September-2019	Coastal Midwest Transport Pty Ltd	Delivery Of 1 X 1000 Litre Sodium Hypochlorite Pod To Coolgardie Oval	\$477.85
EFT17298	20-September-2019	Complete Occ Health	Pre-Employment Medical And Drug Screen	\$490.00
EFT17299	20-September-2019	Core Business Australia	Project Management Services Swmning Pool Upgrade Claim 4 July	\$18,310.62
EFT17300	20-September-2019	Covs Parts Pty Ltd	Workshop Consumables and Parts 10 Invoices	\$2,440.76
EFT17301	20-September-2019	Cleanaway Pty Ltd	Waste Collection Service July 2019	\$24,101.46
EFT17302	20-September-2019	Department Of Fire & Emergency Services	ESLB 1St Qrt Contribution	\$57,918.54
EFT17303	20-September-2019	Dj & Ma Milne	Service Panel Door 1 Gimlet Court	\$198.00
EFT17304	20-September-2019	Eagle Petroleum (Wa) Pty Ltd	LSA Diesel Max 205 Litre	\$1,338.70
EFT17305	20-September-2019	Ess Kambalda Village	Room Booking, Mark Weller	\$112.20
EFT17306	20-September-2019	Everett Butchers	Sausages Golf Day	\$105.00
EFT17307	20-September-2019	Foxtel Management Pty Ltd Foxtel	Foxtel KMRC September	\$105.00
EFT17308	20-September-2019	Francesca Lefante, Milbridge	Site Visits And Associated Work As Per Tender 08/17	\$15,936.25
EFT17309	20-September-2019	Gecko Environmental	Quarterly Groundwater Monitoring @ Kambalda Landfill July	\$3,363.25

Shire of Coolgardie
Payments by Delegated Authority
1 September 2019 to 30 September 2019

EFT	Date	Name	Description	Amount
EFT17310	20-September-2019	Golden City Motors	Vehicle Servicing Of P327	\$816.40
EFT17311	20-September-2019	Goldfields Locksmiths	Supply Door Parts	\$1,692.44
EFT17312	20-September-2019	Goldfields Printing Company Pty Ltd	Self-Inking Stamps	\$385.00
EFT17313	20-September-2019	Goldline	Cleaning Products Kambalda Rec Centre	\$4,858.36
EFT17314	20-September-2019	Goodnews Newsagency	Newspapers August	\$145.70
EFT17315	20-September-2019	Geoffrey Harcombe	Environmental Health Consultancy Services August	\$2,189.18
EFT17316	20-September-2019	Harvey Norman Kalgoorlie	Vacum Bags	\$69.00
EFT17317	20-September-2019	Hersey Jr & A	Workshop Consumables	\$249.19
EFT17318	20-September-2019	High Standard Systems	Security Maintenance KMRC	\$756.94
EFT17319	20-September-2019	Harvey Norman Av/It Superstore Kalgoorlie	Councillor Ipad	\$2,184.00
EFT17320	20-September-2019	It Vision	CPM Financial Reporting Suite Capsule Monthly Data August	\$550.00
EFT17321	20-September-2019	J. Blackwood & Son Limited	Workshop Consumables	\$280.00
EFT17322	20-September-2019	Jason William Cleeland	Inspect And Repair Toilet Cistern In Female Toilets West Kambalda	\$250.00
EFT17323	20-September-2019	Kal Engineering Consultants	Professional Consulting Services Coolgardie Transit Park	\$880.00
EFT17324	20-September-2019	Kambalda East Deli	Catering For Briefing, 10 September 2019	\$193.00
EFT17325	20-September-2019	Kleenheat Gas Pty Ltd	Bulk LPG Kambalda Rec Centre	\$3,899.87
EFT17326	20-September-2019	Kmart Australia	Pingo Prizes For September 2019	\$599.00
EFT17327	20-September-2019	Kw Cleaning Services	Exit Clean On 11 Wildflower Court	\$780.00
EFT17328	20-September-2019	Kalgoorlie Tyrepower	P335 Tyres	\$648.00
EFT17329	20-September-2019	Kambalda Tilt Tray & Transport	Removal & Towing Of Abandoned Vehicle	\$120.00
EFT17330	20-September-2019	Landgate	Mining Tenements Chargable M2019/8	\$387.85
EFT17331	20-September-2019	Lo-Go Appointments	Temporary Rates Office Wages	\$8,122.09
EFT17332	20-September-2019	Lions Cancer Institute	Special Children's Big Day Out 2019, Ceo Donation	\$500.00
EFT17333	20-September-2019	Market Creations	Various Services Multiple Invoices	\$38,339.43
EFT17334	20-September-2019	Meteoric Resources NI	Rates Refund For Assessment A16446 Lot E116/423 Exploration Licence Coolga	\$50.00
EFT17335	20-September-2019	Modus Compliance Pty Ltd	Building Certification Services, 102 Bayley, 107 Forrest, 24 Hakea, 66 Forrest	\$1,373.63
EFT17336	20-September-2019	Morans Store Pty Ltd	Rates Refund For Assessment A1224 28 Bayley Street Coolgardie Wa 6429	\$11,568.96
EFT17337	20-September-2019	Michael Long	2019 LGIS Inter Municipal Golf Tournament Services	\$2,200.00
EFT17338	20-September-2019	Mine Ag Fleet Hire	Hamm Roller Hire August	\$1,842.50
EFT17339	20-September-2019	Netsight Pty Ltd	Myosh Monthly Subscription August	\$653.40
EFT17340	20-September-2019	Newground Water Services Pty Ltd	Reticulation Kambalda West Oval	\$3,025.00
EFT17341	20-September-2019	Office National Kalgoorlie	Whiteboard Markers	\$40.56
EFT17342	20-September-2019	PMH Electrical Contracting Services Pty Ltd	Repair Coolgardie Recreation Centre Lights	\$188.10
EFT17343	20-September-2019	Parks & Leisure Australia (WA)	Kathy Brooking To Attend Leisure Facility Managers Course	\$1,947.00
EFT17344	20-September-2019	Ravim RBC	Organisational Review First Instalment	\$10,000.00
EFT17345	20-September-2019	Red Dot	Pingo Prizes 26/8/2019	\$200.49
EFT17346	20-September-2019	Resources Trading Hub	3 X Boxes Vision Safe Lens Wipes	\$227.70
EFT17347	20-September-2019	Reynolds Graphics	Business Cards	\$396.00
EFT17348	20-September-2019	Rhyscorp Australia Pty Ltd	P273 Parts Teeth Tacho	\$319.20
EFT17349	20-September-2019	RMM Carpet Cleaning	Cleaning Products For Automatic Toilets	\$237.38
EFT17350	20-September-2019	Robert Abraham Yare	Rental Of 22 Everlasting Cres and Water Use 3 Invoices	\$4,638.38
EFT17351	20-September-2019	Ray White Real Estate	Rent Of 13/8 Myoporum Street September	\$1,825.00
EFT17352	20-September-2019	Red Desert Cooling Pty Ltd	Quarterly Refrigeration And Air-Conditioner Maintenance At The Kambalda Recr	\$5,270.08
EFT17353	20-September-2019	Sigma Chemicals	Pool Chemicals Coolgardie	\$1,860.10
EFT17354	20-September-2019	Sports Power Kalgoorlie	Sports Equipment Kambalda Rec Centre	\$236.39
EFT17355	20-September-2019	St John Ambulance Assoc	First Aid Course, 9 Staff	\$1,440.00
EFT17356	20-September-2019	Sunny Sign Company Pty Ltd	Signage & Freight	\$319.00
EFT17357	20-September-2019	Sunshine & Sparkles	Sunshine & Sparkles Face Painting In The Kambalda Library For Book Week St	\$200.00
EFT17358	20-September-2019	Sherwood Flooring Pty Ltd	Replace 1 Damaged Board In Main Sports Floor Near Stage Area	\$2,453.00
EFT17359	20-September-2019	St John Medical Kambalda	St John Resilient Community Fund Aug 2019	\$50,000.00
EFT17360	20-September-2019	Steven Tweedie	Governance And Related Advice August	\$1,925.00
EFT17361	20-September-2019	Taps Industries Pty Ltd	Work Carried Out 5 Invoices	\$6,900.18
EFT17362	20-September-2019	The Murray Hotel Perth	Yvette Butterfield Accommodation And Meals	\$494.00
EFT17363	20-September-2019	Toni Hayes	Catering For Meeting, 27 August 2019	\$350.00
EFT17364	20-September-2019	Tquip	Hood Assembly	\$1,508.60
EFT17365	20-September-2019	Talis Consultants	Project Management For Binneringie Road Junction Upgrade	\$3,942.52
EFT17366	20-September-2019	Toll Transport Pty Ltd	Freight Kambalda Aug	\$44.57
EFT17367	20-September-2019	Vanessa Australia	Stock Coolgardie Visitprs Centre	\$587.50
EFT17368	20-September-2019	WA Country Health Service	Kambalda Health Centre Lease September	\$737.50
EFT17369	20-September-2019	WA Local Government Association - WALGA	12 Invoices Various Subscriptions Local Government Week etc	\$38,243.05
EFT17370	20-September-2019	WA Naturally Publications	Coolgardie Visitors Centre Book Stock	\$197.76
EFT17371	20-September-2019	WA Rangers Association Inc	Wa Rangers Association 2019 Professional Development Course	\$550.00
EFT17372	20-September-2019	Wa Traffic Planning	Traffic Planning 9 X Tmps	\$3,465.00
EFT17373	20-September-2019	Westrac Pty Ltd	Services and Repairs	\$9,729.89
EFT17374	20-September-2019	Woolworths Group Limited	Supplies For Golf Day 2019	\$691.59
EFT17375	20-September-2019	Workpac Pty Ltd	Records Team Leader, Goldfields Record Storage	\$6,954.36
EFT17376	20-September-2019	Wormald Fire Systems	Inspection & Maintenance July August 19	\$390.64
EFT17377	20-September-2019	Westbury Investments	Consultancy Fees, Review Of Industrial Land	\$3,840.00
EFT17378	20-September-2019	Winc Staples	Stationary Orders	\$1,434.81
EFT17379	20-September-2019	Yvette Kerr - T/A Oil And Spice	Business Networking Business Over Coffee	\$92.10
EFT17387	24-September-2019	Betty Logan	Councillor Payment September 2019 Betty Logan	\$4,926.25
EFT17388	24-September-2019	Kathryn Ann Lindup	Councillor Payments September 2019	\$4,926.25

Shire of Coolgardie
Payments by Delegated Authority
1 September 2019 to 30 September 2019

EFT	Date	Name	Description	Amount
EFT17389	24-September-2019	Malcolm Raymond Cullen	September Payment 2019	\$9,847.75
EFT17390	24-September-2019	Marion Eugen Winter	Councillor Payments Eugen Winter September 2019	\$4,926.25
EFT17391	24-September-2019	Norman John Karafilis	Councillor Payment Norm Karafilis September 2019	\$4,926.25
EFT17392	24-September-2019	Sherryl Leanne Botting	September Councillor Payments	\$4,926.25
EFT17393	24-September-2019	Tracey Rathbone	September Payment 2019	\$6,976.25
EFT17394	26-September-2019	Acorp Construction Pty Ltd	Progress Claim 4 Kambalda Swimming Pool Upgrade	\$512,355.55
EFT17395	26-September-2019	Kambalda West District High School	Leeuwin Ship Adventure Donation	\$1,000.00
				\$1,477,769.07

Shire of Coolgardie
Payments by Delegated Authority
1 September 2019 to 30 September 2019

Chq/EFT	Date	Name	Description	Amount
2235	19-September-2019	Building Commission	Bsl August 2019	\$1,318.92
2236	19-September-2019	Public Transport Authority Of Western	Transwa Ticket August 2019	\$1,520.03
2237	19-September-2019	Shire Of Coolgardie	Transwa Ticket August 2019	\$442.61
				\$3,281.56

Shire of Coolgardie
Payments by Delegated Authority
1 September 2019 to 30 September 2019

Chq/EFT	Date	Name	Description	Amount
DD6472.1	10-September-2019	WA Local Government Superannuation	Payroll Deductions	\$11,921.17
DD6472.2	10-September-2019	Hostplus	Superannuation Contributions	\$197.41
DD6472.3	10-September-2019	BT Super For Life - Savings Account	Superannuation Contributions	\$719.72
DD6472.4	10-September-2019	Nowlan Superannuation Fund Pty Ltd	Superannuation Contributions	\$387.31
DD6472.5	10-September-2019	AMP Signaturesuper	Superannuation Contributions	\$222.05
DD6472.6	10-September-2019	Tasplan Super	Superannuation Contributions	\$251.77
DD6472.7	10-September-2019	Australian Super	Superannuation Contributions	\$1,143.91
DD6472.8	10-September-2019	First Choice Employer Super	Superannuation Contributions	\$220.50
DD6472.9	10-September-2019	Rest Superannuation	Superannuation Contributions	\$192.16
DD6508.1	24-September-2019	WA Local Government Superannuation	Payroll Deductions	\$12,094.75
DD6508.2	24-September-2019	Essential Super	Superannuation Contributions	\$72.25
DD6508.3	24-September-2019	Hostplus	Superannuation Contributions	\$203.91
DD6508.4	24-September-2019	BT Super For Life - Savings Account	Superannuation Contributions	\$696.98
DD6508.5	24-September-2019	Nowlan Superannuation Fund Pty Ltd	Superannuation Contributions	\$446.67
DD6508.6	24-September-2019	AMP Signaturesuper	Superannuation Contributions	\$221.99
DD6508.7	24-September-2019	Tasplan Super	Superannuation Contributions	\$251.81
DD6508.8	24-September-2019	Australian Super	Superannuation Contributions	\$1,129.63
DD6508.9	24-September-2019	First Choice Employer Super	Superannuation Contributions	\$221.77
DD6472.10	10-September-2019	MLC Super Fund (Plum Super)	Superannuation Contributions	\$214.98
DD6508.10	24-September-2019	Rest Superannuation	Superannuation Contributions	\$197.81
DD6508.11	24-September-2019	MLC Super Fund (Plum Super)	Superannuation Contributions	\$217.98
				\$31,226.53

Shire of Coolgardie
Payments by Delegated Authority
1 September 2019 - 30 September 2019

Reference	Date	Description	Value	Card
	30-Sep-19	Crown Towers Perth Burswood	\$ 916.87	855
	30-Sep-19	Virgin Aust 7952159360805 Spring Hill	\$ 125.00	855
	30-Sep-19	Woolworths 4329 Kambalda East	\$ 76.29	855
	27-Sep-19	Facebk Tx3J4Peqr2 Fb.Me/Ads	\$ 113.30	855
	26-Sep-19	Civeo Pty Ltd Kambalda East	\$ 396.63	855
	25-Sep-19	Telstra Melbourne	\$ 50.00	855
	23-Sep-19	503399Flightcentre.Com Brisbane	\$ 784.15	855
	23-Sep-19	Bp Kambalda 6233 Kambalda	\$ 811.90	855
	23-Sep-19	Paypal *Tourismcoun 4029357733	\$ 160.00	855
	23-Sep-19	Post Kambalda Lpo Ka Kambalda West	\$ 205.95	855
	20-Sep-19	Dropbox*96R6Xst8Cvk7 Dublin	\$ 19.25	855
	18-Sep-19	Eb *Mental Health Firs 801-413-7200	\$ 2,432.04	855
	17-Sep-19	Goldfields Engraving Kalgoorlie	\$ 17.60	855
	17-Sep-19	Paypal *Itunes.Com/Bil 4029357733	\$ 13.99	855
	16-Sep-19	Facebk Ep49Wneqr2 Fb.Me/Ads	\$ 79.31	855
	16-Sep-19	Hot Cotton Osborne Park	\$ 3,828.00	855
	12-Sep-19	Perth Ambassador Perth	\$ 146.30	855
	12-Sep-19	Live Taxi Australia West Melbourn	\$ 37.91	855
	11-Sep-19	City Of Kalgoorlie - B Kalgoorlie	\$ 10.00	855
	11-Sep-19	Swan Taxis 13 13 30 Victoria Park	\$ 25.20	855
	11-Sep-19	Spotto Wa East Sydney	\$ 22.21	855
	11-Sep-19	Uber *Trip Help.Uber.Com	\$ 12.56	855
	11-Sep-19	Gm Cabs Pty Ltd Mascot	\$ 67.52	855
	11-Sep-19	Virgin Aust 7952158823658 Spring Hill	\$ 377.99	855
	11-Sep-19	Virgin Aust 7951507947801 Spring Hill	\$ 3.76	855
	10-Sep-19	Bws Liquor 4114 Perth	\$ 30.00	855
	10-Sep-19	Swan Taxis 13 13 30 Victoria Park	\$ 10.76	855
	10-Sep-19	Xero Au Inv-9925675 Hawthorn	\$ 50.00	855
	10-Sep-19	Adobe Acropro Subs 1800614863	\$ 113.25	855
	09-Sep-19	Facebk Jlj68N2Qr2 Fb.Me/Ads	\$ 45.32	855
	09-Sep-19	Adobe Acropro Subs 1800614863	\$ 164.73	855
	06-Sep-19	Event And Conference C Northbridge	\$ 810.98	855
	05-Sep-19	Virgin Aust 7951507876954 Spring Hill	\$ 3.17	855
	05-Sep-19	Virgin Aust 7952158699078 Spring Hill	\$ 318.00	855
	04-Sep-19	Monty/S Restaurant Kalgoorlie	\$ 13.00	855
	04-Sep-19	Palace Hotel Kalgoorlie	\$ 1,011.50	855
	02-Sep-19	Facebk Hy7Ktmspr2 Fb.Me/Ads	\$ 19.95	855
	02-Sep-19	Business News Pty Lt Perth	\$ 825.00	855
	02-Sep-19	Surveymonkey Dublin	\$ 852.84	855
	30-Sep-19	Wa Country Health Se Bunbury	\$ 310.00	6806
	30-Sep-19	503399Flightcentre.Com Brisbane	\$ 928.46	6806
	25-Sep-19	Woolworths 4329 Kambalda East	\$ 57.00	6806
	25-Sep-19	Woolworths 4329 Kambalda East	\$ 23.30	6806
	23-Sep-19	Rendezvous Grand Hot Scarborough	\$ 568.50	6806
	23-Sep-19	Karratha Central Apart Karratha	\$ 1,131.16	6806
	09-Sep-19	Peppers King Square Perth	\$ 1,048.95	6806
	03-Sep-19	Online Safety System Thornton	\$ 49.50	6806
	13-Sep-19	Kalgoorlie Retravis South Kalgoor	\$ 2,265.00	6798
	12-Sep-19	Target 5193 Kalgoorlie	\$ 33.00	6798
	12-Sep-19	Harvey Norman Beddin Kalgoorlie	\$ 278.00	6798
			\$21,695.10	
	27-Sep-19	Payment made to Credit Card	-\$ 3,121.99	576

Sep-19

Payments directly to Shire of Coolgardie	\$ -
Payments to AMPAC debt recovery	\$ 200.00
Total Received	\$ 200.00

Commissions	
Costs	\$ 32,667.45
Total Paid to Ampac	\$ 32,667.45

MINING

Payments directly to Shire of Coolgardie	
Payments to AMPAC debt recovery	
Total Received	

Costs	\$ 32,667.45
Total Paid to Ampac	\$ 32,667.45

Shire of Coolgardie
Management Report for the period ended 30 September 2019

PENDING / OUTSTANDING ITEMS

Topic	Matter Raised	Date Identified	Explanation	Action Required	Priority	Status	Comment	Projected Completion
GRS Facility	Transactions held in Trust	August 2019	All transactions are being maintained as part of the trust module. Refer to recent paper released from OAG on the treatment for accounting for trust funds	Separate accounting module to be maintained for GRS facility transactions	HIGH	Pending	Recommendation is to maintain all GRS transactions in a stand-alone accounting module such as Reckon Online. Reconciliation of all balance to be completed with opening balances to be transferred.	Dec 2019
Financial Management Review	Various	May 2019	The recently completed FMR highlighted some areas that will require to be addressed.	Implement an Action Plan for addressing the matters raised in the FMR.	HIGH	Pending	An action plan will be implemented to address the items raised in the most recent FMR. These items on the action plan will form part of the ongoing tasks to be completed in the Monthly Checklist.	Dec 2019
Debtors	Negative Balances	August 2019	There are still some negative debtors balances	Investigate the existing negative balances	MEDIUM	Pending	The current negative debtors balance is \$25,508, which is approximately 9% of the current debtors balance of \$271,725. Matter currently being addressed.	Nov 2019
Trust	Funds held in trust	June 2019	Position paper released by OAG on the treatment of accounting for trust funds	Remove any items not required to be held in trust	HIGH	Pending	Any items not required to be held in trust as per definition of the Local Government Act are to be removed from trust funds and shown as a liability. Transactions required to be completed for 18/19 Annual Financial Statements. Additional funds required to be transferred from Trust to Municipal accounts.	Nov 2019

ITEMS COMPLETED / CLOSED

Topic	Matter Raised	Date Identified	Explanation	Action Required	Priority	Status	Comment	Projected Completion
Assets	Capitalisation	June 2019	FM Reg 17A(5) requires the capitalisation of assets under \$5,000	All assets under \$5,000 now require to be capitalised	HIGH	Closed / Ongoing	A table of assets by class will be completed and sent to auditors prior to finalisation of write off required. Transactions required to be completed for 18/19 Annual Financial Statements	Oct 2019
Balance Sheet Reconciliations	Various	May 2019	Not all balance sheet accounts are being regularly reconciled	All balance sheet accounts to be reconciled monthly	MEDIUM	Closed / Ongoing	Balance sheet reconciliations will be completed every month as part of the normal month end process as part of the Shire's continued monthly reporting practises	Oct 2019
Asset Reconciliations	Disposals & Acquisitions	August 2019	Disposals and Acquisitions not processed in Synergy	Process asset transactions in Synergy & reconcile back to GL	MEDIUM	Pending / Ongoing	Assets purchased and disposed during the month have not been processed in Synergy.	Oct 2019

SHIRE OF COOLGARDIE

MONTHLY FINANCIAL REPORT
(Containing the Statement of Financial Activity)
For the Period Ended 30 September 2019

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

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**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

INFORMATION

PREPARATION TIMING AND REVIEW

Date prepared: All known transactions up to 17 September 2019
Prepared by: Martin Whitely
Reviewed by: James Trail

BASIS OF PREPARATION

REPORT PURPOSE

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

BASIS OF ACCOUNTING

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they apply to local governments and not-for-profit entities and to the extent they are not inconsistent with the *Local Government Act 1995* and accompanying regulations), Australian Accounting Interpretations, other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1995* and accompanying regulations. Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise.

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

THE LOCAL GOVERNMENT REPORTING ENTITY

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 13.

SIGNIFICANT ACCOUNTING POLICIES

GOODS AND SERVICES TAX

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

CRITICAL ACCOUNTING ESTIMATES

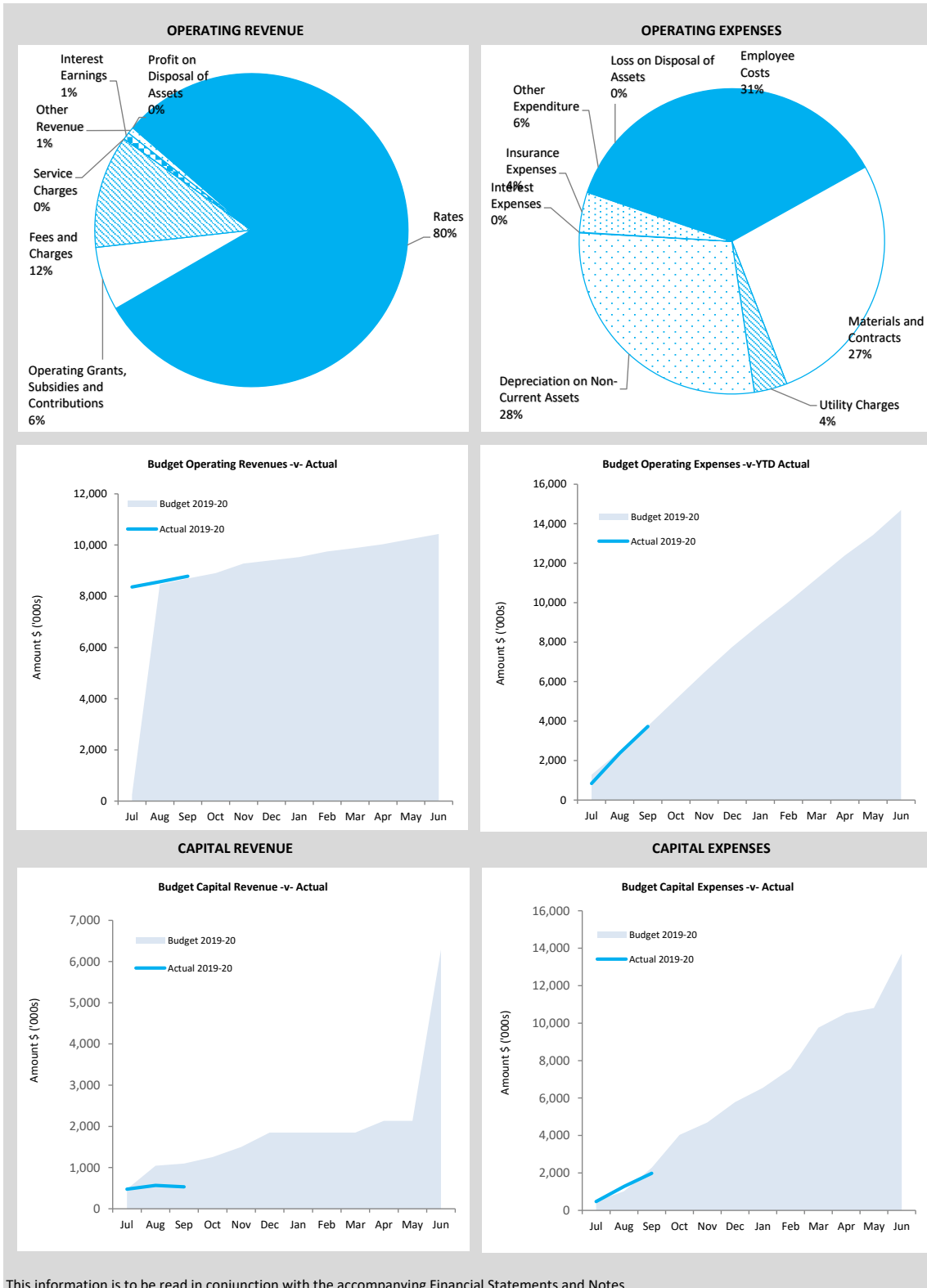
The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses. The estimates and associated assumptions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

ROUNDING OFF FIGURES

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

**MONTHLY FINANCIAL REPORT
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

SUMMARY GRAPHS



**KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

STATUTORY REPORTING PROGRAMS

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

GOVERNANCE	ACTIVITIES
To provide a decision making process for the efficient allocation of scarce resources.	Administration and operation of facilities and services to members of council; other costs that relate to the tasks of assisting elected members and ratepayers on matters which do not concern specific Council services
GENERAL PURPOSE FUNDING	
To collect revenue to allow for the provision of services.	Rates, general purpose government grants and interest revenue.
LAW, ORDER, PUBLIC SAFETY	
To provide services to help ensure a safer community.	Fire prevention, animal control and safety.
HEALTH	
To provide services to help ensure a safer community.	Food quality, pest control and meat inspections.
EDUCATION AND WELFARE	
To meet the needs of the community in these areas.	Includes education programs, youth based activities and resources centres. Care of families and the aged and disabled activities and resources centres.
HOUSING	
Provide housing services required by the community	Maintenance of staff, aged and rental housing.
COMMUNITY AMENITIES	
Provide services required by the community.	Rubbish collection services, landfill maintenance, effluent disposal, town site storm water drainage control and maintenance, administration of the Town Planning Scheme and maintenance of cemeteries.
RECREATION AND CULTURE	
To establish and manage efficiently, infrastructure and resources which will help the social well being of the community.	Maintenance of halls, the aquatic centres, recreation centres and various reserves, operation of library, support of arts and community festivals. Also matters relating to heritage.
TRANSPORT	
To provide effective and efficient transport services to the community.	Construction and maintenance of streets, road and footpaths, cleaning and lighting of streets, roads and footpaths, traffic signs and depot maintenance.
ECONOMIC SERVICES	
To help promote the Shire and improve its economic wellbeing.	The regulation and provision of tourism, area promotion, building control, noxious weeds.
OTHER PROPERTY AND SERVICES	
To provide effective and efficient administration, works operations and plant and fleet services.	Private works operations, plant repairs and operational costs. Administration overheads.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

STATUTORY REPORTING PROGRAMS

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus / (Deficit)	1(c)	5,767,510	5,767,510	5,300,125	(467,385)	(8.10%)	
Revenue from operating activities							
Governance		22,000	10,500	300	(10,200)	(97.14%)	▼
General Purpose Funding - Rates	6	7,150,490	7,069,240	7,048,524	(20,716)	(0.29%)	
General Purpose Funding - Other		630,121	173,206	158,206	(15,000)	(8.66%)	
Law, Order and Public Safety		34,300	7,325	2,487	(4,838)	(66.05%)	
Health		3,000	750	601	(149)	(19.87%)	
Education and Welfare		222,304	59,404	61,381	1,977	3.33%	
Housing		113,681	28,420	30,107	1,687	5.94%	
Community Amenities		1,042,665	943,230	930,205	(13,025)	(1.38%)	
Recreation and Culture		298,000	42,375	34,016	(8,359)	(19.73%)	
Transport		524,996	245,999	383,934	137,935	56.07%	▲
Economic Services		331,742	81,983	88,036	6,053	7.38%	
Other Property and Services		58,710	33,547	43,705	10,158	30.28%	▲
		10,432,009	8,695,979	8,781,502	85,523		
Expenditure from operating activities							
Governance		(1,833,407)	(511,682)	(490,062)	21,620	4.23%	
General Purpose Funding		(384,767)	(89,562)	(117,080)	(27,518)	(30.73%)	▼
Law, Order and Public Safety		(429,626)	(111,231)	(105,137)	6,094	5.48%	
Health		(480,198)	(129,350)	(106,791)	22,559	17.44%	▲
Education and Welfare		(366,561)	(97,241)	(79,393)	17,848	18.35%	▲
Housing		(360,485)	(64,571)	(67,510)	(2,939)	(4.55%)	
Community Amenities		(1,680,482)	(429,646)	(431,843)	(2,197)	(0.51%)	
Recreation and Culture		(3,320,481)	(749,064)	(709,278)	39,786	5.31%	
Transport		(4,612,011)	(1,210,213)	(1,109,225)	100,988	8.34%	
Economic Services		(1,178,807)	(325,656)	(366,751)	(41,095)	(12.62%)	▼
Other Property and Services		(45,000)	(30,000)	(145,185)	(115,185)	(383.95%)	▼
		(14,691,825)	(3,748,216)	(3,728,255)	19,961		
Non-cash amounts excluded from operating activities	1(a)	4,235,461	1,015,240	1,035,537	20,297	2.00%	
Amount attributable to operating activities		(24,355)	5,963,003	6,088,784	125,781		
Investing Activities							
Proceeds from non-operating grants, subsidies and contributions	12(b)	6,288,074	1,096,335	533,211	(563,124)	(51.36%)	▼
Proceeds from disposal of assets	7	291,364	25,130	25,130	0	0.00%	
Purchase of property, plant and equipment	8	(13,710,113)	(2,276,390)	(1,992,442)	283,948	12.47%	▲
Amount attributable to investing activities		(7,130,675)	(1,154,925)	(1,434,101)	(279,176)		
Financing Activities							
Proceeds from self supporting loans		484,453	116,933	0	(116,933)	(100.00%)	▼
Transfer from Reserves	10	1,942,863	0	0	0	0.00%	
Repayment of Debentures	9	(700,151)	(178,414)	(178,414)	0	0.00%	
Transfer to Reserves	10	(339,645)	0	0	0	0.00%	
Amount attributable to financing activities		1,387,520	(61,481)	(178,414)	(116,933)		
Closing Funding Surplus / (Deficit)	1(c)	0	10,514,107	9,776,394			

KEY INFORMATION

▲ ▼ Indicates a variance between Year to Date (YTD) Actual and YTD Actual data as per the adopted materiality threshold. Refer threshold. Refer to Note 15 for an explanation of the reasons for the variance.

The material variance adopted by Council for the 2019-20 year is \$10,000 or 10.00% whichever is the greater.

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

**KEY TERMS AND DESCRIPTIONS
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

REVENUE

RATES

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

OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

NON-OPERATING GRANTS, SUBSIDIES AND CONTRIBUTIONS

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

PROFIT ON ASSET DISPOSAL

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

FEES AND CHARGES

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

SERVICE CHARGES

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

INTEREST EARNINGS

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

OTHER REVENUE / INCOME

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

NATURE OR TYPE DESCRIPTIONS

EXPENSES

EMPLOYEE COSTS

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

MATERIALS AND CONTRACTS

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

UTILITIES (GAS, ELECTRICITY, WATER, ETC.)

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

INSURANCE

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

LOSS ON ASSET DISPOSAL

Loss on the disposal of fixed assets.

DEPRECIATION ON NON-CURRENT ASSETS

Depreciation expense raised on all classes of assets.

INTEREST EXPENSES

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

OTHER EXPENDITURE

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

**STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

BY NATURE OR TYPE

	Ref Note	Adopted Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus / (Deficit)	1(c)	5,767,510	5,767,510	5,300,125	(467,385)	(8.10%)	
Revenue from operating activities							
Rates	6	7,150,490	7,069,240	7,048,524	(20,716)	(0.29%)	
Operating grants, subsidies and contributions	12(a)	1,377,027	440,575	577,762	137,187	31.14%	▲
Fees and charges		1,583,651	1,061,704	1,024,824	(36,880)	(3.47%)	
Interest earnings		228,841	56,835	65,436	8,601	15.13%	
Other revenue		57,500	33,125	59,928	26,803	80.91%	▲
Profit on disposal of assets	7	34,500	34,500	5,028	(29,472)	(85.43%)	
		10,432,009	8,695,979	8,781,502	85,523		▲
Expenditure from operating activities							
Employee costs		(4,575,660)	(1,189,613)	(1,139,379)	50,234	4.22%	▲
Materials and contracts		(4,292,923)	(1,020,965)	(1,016,275)	4,690	0.46%	
Utility charges		(586,840)	(114,826)	(130,507)	(15,681)	(13.66%)	
Depreciation on non-current assets		(4,182,961)	(1,045,740)	(1,054,588)	(8,848)	(0.85%)	
Interest expenses		(100,519)	(23,128)	2,078	25,206	108.98%	▲
Insurance expenses		(274,653)	(137,489)	(158,694)	(21,205)	(15.42%)	
Other expenditure		(591,269)	(212,455)	(212,922)	(467)	(0.22%)	
Loss on disposal of assets	7	(87,000)	(4,000)	(17,968)	(13,968)	(349.20%)	
		(14,691,825)	(3,748,216)	(3,728,255)	19,961		▲
Non-cash amounts excluded from operating activities	1(a)	4,235,461	1,015,240	1,035,537	20,297	2.00%	▲
Amount attributable to operating activities		(24,355)	5,963,003	6,088,784	125,781		▲
Investing activities							
Non-operating grants, subsidies and contributions	12(b)	6,288,074	1,096,335	533,211	(563,124)	(51.36%)	
Proceeds from disposal of assets	7	291,364	25,130	25,130	0	0.00%	
Payments for property, plant and equipment	8	(13,710,113)	(2,276,390)	(1,992,442)	283,948	(12.47%)	▲
Amount attributable to investing activities		(7,130,675)	(1,154,925)	(1,434,101)	(279,176)		
Financing Activities							
Transfer from reserves	10	1,942,863	0	0	0	0.00%	
Proceeds from self-supporting loans		484,453	116,933	0	(116,933)	(100.00%)	
Repayment of debentures	9	(700,151)	(178,414)	(178,414)	0	0.00%	
Transfer to reserves	10	(339,645)	0	0	0	0.00%	
Amount attributable to financing activities		1,387,520	(61,481)	(178,414)	(116,933)		
Closing Funding Surplus / (Deficit)	1(c)	0	10,514,107	9,776,394			

KEY INFORMATION

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

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

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

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

**NOTE 1
STATEMENT OF FINANCIAL ACTIVITY INFORMATION**

(a) Non-cash items excluded from operating activities

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

Notes	Adopted Budget	YTD Budget (a)	YTD Actual (b)
Non-cash items excluded from operating activities	\$	\$	\$
Adjustments to operating activities			
Less: Profit on asset disposals	(34,500)	(34,500)	(5,028)
Movement in accrued interest on long term borrowings			(21,073)
Movement in employee benefit provisions (current)			(10,918)
Movement in employee benefit provisions (non-current)			0
Movement in pensioner deferred rates (non-current)			0
Add: Loss on asset disposals	87,000	4,000	17,968
Add: Depreciation on assets	4,182,961	1,045,740	1,054,588
Total non-cash items excluded from operating activities	4,235,461	1,015,240	1,035,537

(b) Adjustments to net current assets in the Statement of Financial Activity

The following current assets and liabilities have been excluded from the net current assets used in the Statement of Financial Activity in accordance with *Financial Management Regulation* 32 to agree to the surplus/(deficit) after imposition of general rates.

	Last Year Closing 30 Jun 2019	This Year Opening 01 Jul 2019	This Time Last Year 30 Sep 2018	Year to Date 30 Sep 2019
Adjustments to net current assets				
Less: Reserves - restricted cash	(3,373,998)	(3,373,998)	(3,913,273)	(3,373,998)
Less: Accrued Interest on Long Term Borrowings	21,073	21,073		8,824
Less: Accrued Salaries & Wages	19,742	19,742		0
Add: Borrowings	700,151	700,151	45,746	521,737
Add: Provisions - employee	232,379	232,379	275,126	232,379
Total adjustments to net current assets	(2,400,653)	(2,400,653)	(3,592,401)	(2,611,058)

(c) Net current assets used in the Statement of Financial Activity

Current assets					
Cash and cash equivalents	2	7,911,824	7,911,824	8,807,194	10,111,525
Rates receivables	3	1,330,210	1,330,210	4,157,886	4,065,024
Receivables	3	555,055	555,055	785,834	119,628
Other current assets	4	9,298	9,298	112,934	9,298
Less: Current liabilities					
Payables	5	(1,165,379)	(1,165,379)	(572,328)	(1,163,908)
Borrowings	9	(700,151)	(700,151)	(45,746)	(521,737)
Contract liabilities	11	(7,700)	(7,700)	0	0
Provisions	11	(232,379)	(232,379)	(275,126)	(232,379)
Less: Total adjustments to net current assets		1(c)	(2,400,653)	(2,400,653)	(3,592,401)
Closing Funding Surplus / (Deficit)			5,300,125	5,300,125	9,378,247

CURRENT AND NON-CURRENT CLASSIFICATION

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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

OPERATING ACTIVITIES
NOTE 2
CASH AND FINANCIAL ASSETS

Description	Classification	Unrestricted	Restricted	Trust	Total YTD Actual	Institution	Interest Rate	Maturity Date
		\$	\$	\$	\$			
Cash on hand								
Municipal Bank Account	Cash and cash equivalents	1,426,544			1,426,544	ANZ	0.05%	N/A
Kambalda Administration Office Petty Cash	Cash and cash equivalents	1,012			1,012	N/A	0.00%	N/A
Regional Records Facility	Cash and cash equivalents	0		121,495	121,495	ANZ	0.00%	N/A
Trust	Cash and cash equivalents	0		124,553	124,553	ANZ	0.00%	N/A
ANZ Term Deposit	Cash and cash equivalents	0	3,283,202		3,283,202	ANZ	1.34%	13/10/2019
Bankwest Term Deposit 1	Cash and cash equivalents	1,008,984			1,008,984	Bankwest	1.50%	28/10/2019
Bankwest Term Deposit 2	Cash and cash equivalents	3,500,000			3,500,000	Bankwest	1.69%	16/10/2019
NAB Term Deposit - Binneringie Road Loan Proceeds	Cash and cash equivalents	0	891,783		891,783	NAB	1.07%	23/10/2019
Total		5,936,540	4,174,985	246,048	10,357,573			
Comprising								
Cash and cash equivalents		5,936,540	4,174,985	246,048	10,357,573			
Financial assets at amortised cost		0	0	0	0			
		5,936,540	4,174,985	246,048	10,357,573			

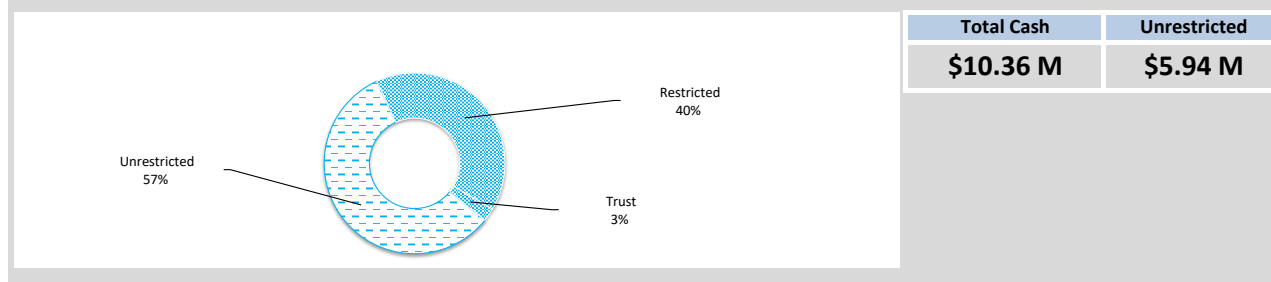
KEY INFORMATION

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

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

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

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



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

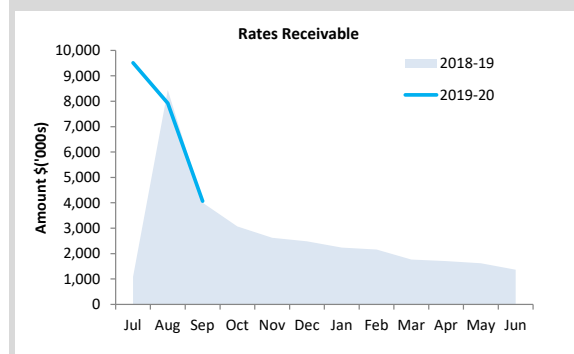
**OPERATING ACTIVITIES
NOTE 3
RECEIVABLES**

Rates Receivable	30 Jun 2019	30 Sep 19
	\$	\$
Opening Arrears Previous Years	1,362,392	1,330,210
Levied this year	6,682,397	7,048,524
Less - Collections to date	(6,714,579)	(4,313,710)
Equals Current Outstanding	1,330,210	4,065,024
Net Rates Collectable	1,330,210	4,065,024
% Collected	83.5%	51.5%

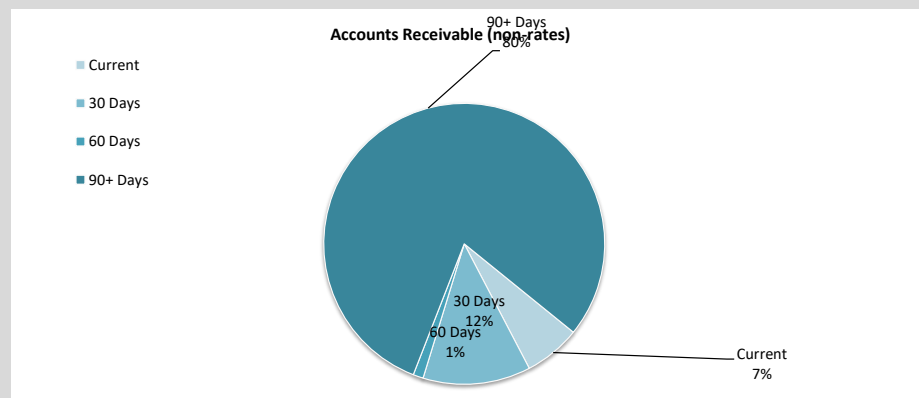
Receivables - General	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Receivables - General	(25,439)	14,210	27,086	2,555	174,599	193,011
Percentage	-13.2%	7.4%	14%	1.3%	90.5%	
Balance per Trial Balance						
Sundry receivable						193,011
GST receivable						175,091
Allowance for impairment of receivables						(128,807)
Prepayments						(1,966)
Emergency Services Levy						(160,361)
Pensioner Rebates						42,660
Total Receivables General Outstanding						119,628
Amounts shown above include GST (where applicable)						

KEY INFORMATION

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



Collected	Rates Due
51.5%	\$4,065,024



Debtors Due
\$119,628
Over 30 Days
106%
Over 90 Days
90.5%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

OPERATING ACTIVITIES
NOTE 4
OTHER CURRENT ASSETS

	Opening Balance 1 July 2019	Asset Increase	Asset Reduction	Closing Balance 30 September 2019
Other Current Assets	\$	\$	\$	\$
Inventory				
Museum Memorabilia & Giftware	9,298			9,298
Total Other Current assets				9,298
Amounts shown above include GST (where applicable)				

KEY INFORMATION

Other financial assets at amortised cost

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

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

Inventory

Inventories are measured at the lower of cost and net realisable value.

Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs of completion and the estimated costs necessary to make the sale.

Land held for resale

Land held for development and resale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development.

Borrowing costs and holding charges incurred after development is completed are expensed.

Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed onto the buyer at this point.

Land held for resale is classified as current except where it is held as non-current based on the Council's intentions to release for sale.

CONTRACT ASSETS

A contract asset is the right to consideration in exchange for goods or services the entity has transferred to a customer when that right is conditioned on something other than the passage of time.

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

OPERATING ACTIVITIES

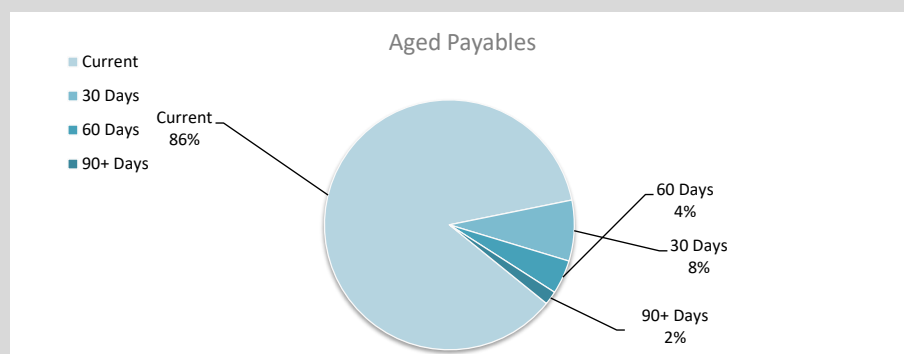
NOTE 5
Payables

Payables - General	Credit	Current	30 Days	60 Days	90+ Days	Total
	\$	\$	\$	\$	\$	\$
Payables - General	0	906,878	82,943	46,309	18,537	1,054,667
Percentage	0%	86%	7.9%	4.4%	1.8%	
Balance per Trial Balance						
Sundry creditors						1,065,231
Accrued salaries and wages						8,824
ATO liabilities						84,068
Trust Liability						5,785
Total Payables General Outstanding						1,163,908

Amounts shown above include GST (where applicable)

KEY INFORMATION

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



Creditors Due

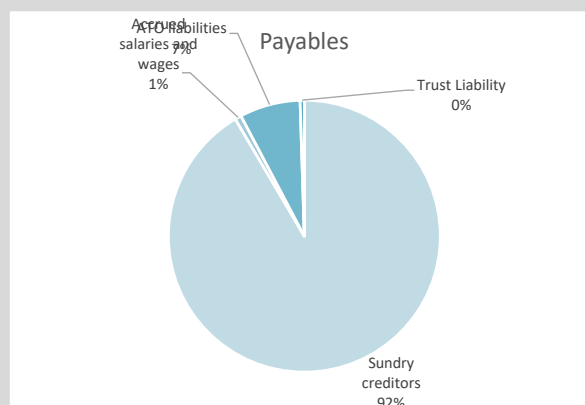
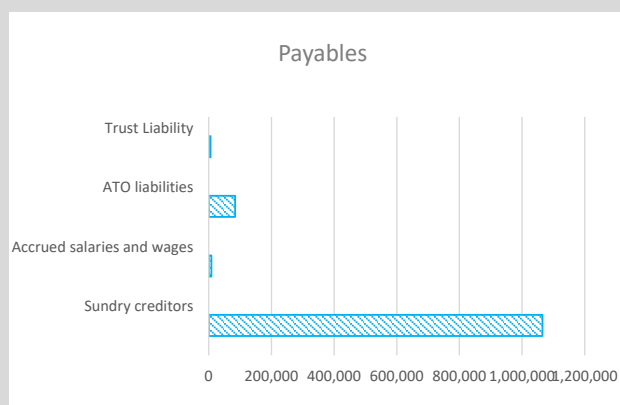
\$1,163,908

Over 30 Days

14%

Over 90 Days

1.8%



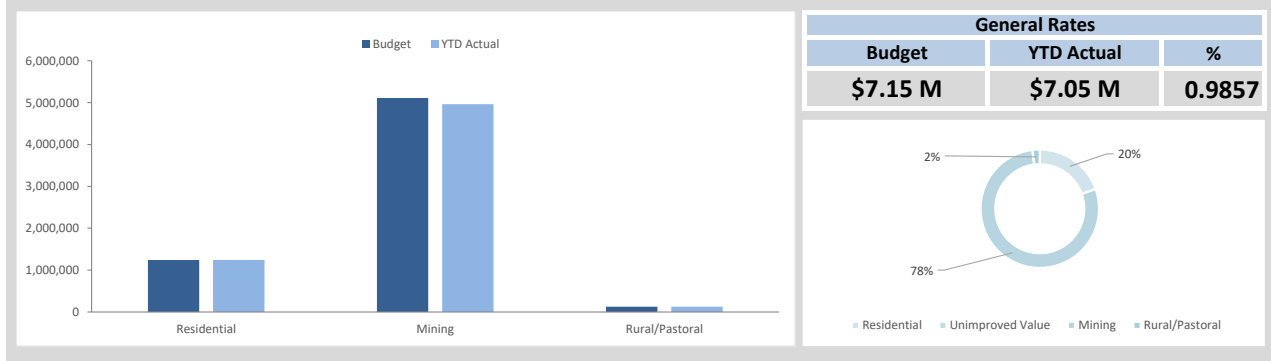
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

OPERATING ACTIVITIES
NOTE 6
RATE REVENUE

General Rate Revenue	Budget							YTD Actual			
	Rate in \$ (cents)	Number of Properties	Rateable Value	Rate Revenue	Interim Rate	Back Rate	Total Revenue	Rate Revenue	Interim Rates	Back Rates	Total Revenue
RATE TYPE				\$	\$	\$	\$	\$	\$	\$	\$
Differential General Rate											
Gross Rental Value											
Residential	0.076107	1,135	16,317,541	1,241,879	0	0	1,241,879	1,241,879	0	0	1,241,879
Unimproved Value											
Mining	0.22044	1,159	22,636,584	4,989,895	120,000	0	5,109,896	4,989,895	(30,578)	3,509	4,962,827
Rural/Pastoral	0.11051	29	1,134,784	125,408	0	0	125,408	125,408	0	0	125,408
Sub-Total		2,323	40,088,910	6,357,183	120,000	0	6,477,183	6,357,183	(30,578)	3,509	6,330,114
Minimum Payment	Minimum \$										
Gross Rental Value											
Residential	708	656	4,185,895	464,448			464,448	464,448			464,448
Unimproved Value											
Mining	437	559	598,076	244,283			244,283	244,283			244,283
Rural/Pastoral	684	14	13,500	9,576			9,576	9,576			9,576
Sub-Total		1,229	4,797,470	718,307	0	0	718,307	718,307	0	0	718,307
Concession							(45,000)				103
Amount from General Rates							7,150,490				7,048,524
Total General Rates							7,150,490				7,048,524

KEY INFORMATION

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising the contributions. Control over assets acquired from rates is obtained at the commencement of the rating period or, where earlier, upon receipt of the rates.

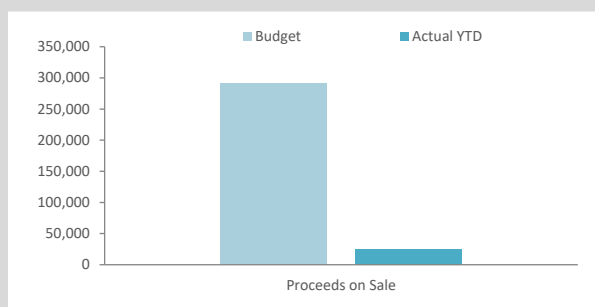


NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

OPERATING ACTIVITIES
NOTE 7
DISPOSAL OF ASSETS

Asset Ref.	Asset Description	Budget				YTD Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Buildings								
	3 Spinifex Street, Kambalda	129,000	90,000	0	(39,000)	0	0	0	0
	11 Sturt Pea Crescent, Kambalda	134,000	90,000	0	(44,000)	0	0	0	0
	Plant and equipment								
	Transport								
HV021	P216 - Cat 930H Loader	37,091	59,091	22,000	0	0	0	0	0
LV038	P306 - Holden Cruze	2,909	5,909	3,000	0	0	0	0	0
LV041	P323 - Holden Evoke	8,000	10,000	2,000	0	0	0	0	0
LV042	P324 - Holden Evoke	7,500	10,000	2,500	0	0	0	0	0
LV043	P327 - Holden Evoke	8,000	10,000	2,000	0	0	0	0	0
LV047	P337 - Ford Ranger	12,000	15,000	3,000	0	0	0	0	0
LV036	P301 - Mitsubishi Utility	5,364	1,364	0	(4,000)	0	0	0	0
HV007	P214 - Mitsubishi Tip Truck	0	0	0	0	6,045	7,800	1,755	0
PE205	P332 - Self Levelling Planner	0	0	0	0	20,888	4,655	0	(16,233)
HV015	P230 - Hino Dutro 6500	0	0	0	0	11,136	12,675	1,539	0
		343,864	291,364	34,500	(87,000)	38,070	25,130	3,294	(16,233)

KEY INFORMATION



Proceeds on Sale		
Annual Budget	YTD Actual	%
\$291,364	\$25,130	9%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

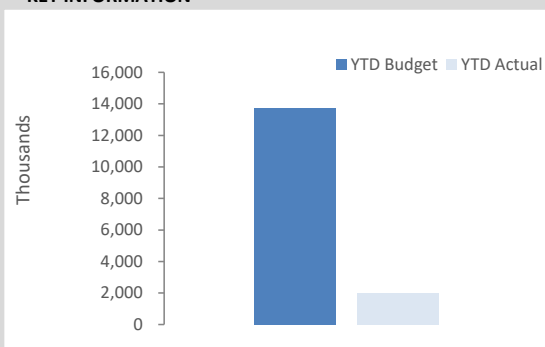
INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS

Capital Acquisitions	Adopted		YTD Actual	YTD Actual Variance
	Budget	YTD Budget		
	\$	\$	\$	\$
Land & Buildings	4,108,209	511,709	85,535	426,174
Furniture and equipment	42,500	22,500	21,985	515
Plant and equipment	458,636	208,181	78,427	129,754
Infrastructure - Roads	2,778,768	0	162,367	(162,367)
Infrastructure - Footpaths	100,000	0	249	(249)
Infrastructure - Drainage	91,000	11,000	1,427	9,573
Infrastructure - Parks & Ovals	460,000	0	451	(451)
Infrastructure - Sewerage	55,000	0	0	0
Infrastructure - Other Infrastructure	5,616,000	1,523,000	1,642,000	(119,000)
Capital Expenditure Totals	13,710,113	2,276,390	1,992,442	283,948
Capital Acquisitions Funded By:				
	\$	\$	\$	\$
Capital grants and contributions	6,288,074	1,096,335	533,211	(563,124)
Other (Disposals & C/Fwd)	291,364	25,130	25,130	0
Cash Backed Reserves				
Road Reserve	118,499	0	0	0
Infrastructure Reserve	500,000	0	0	0
Recreation Reserve	250,000	0	0	0
Plant Reserve	377,364	0	0	0
Landfill Reserve	268,000	0	0	0
Environmental Reserve	300,000	0	0	0
Aerodrome Reserve	129,000	0	0	0
Contribution - operations	5,187,812	1,154,925	1,434,101	279,176
Capital Funding Total	13,710,113	2,276,390	1,992,442	(283,948)

SIGNIFICANT ACCOUNTING POLICIES

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

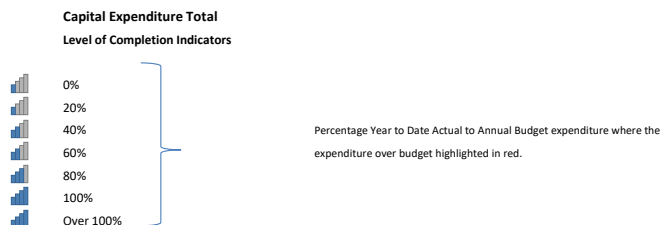
KEY INFORMATION



Acquisitions	Annual Budget	YTD Actual	% Spent
	\$13.71 M	\$1.99 M	15%
Capital Grant	Annual Budget	YTD Actual	% Received
	\$6.29 M	\$0.53 M	8%

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS (CONTINUED)

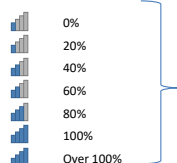


% of Completion	Level of completion indicator, please see table at the end of this note for further detail.		Adopted			Variance
		Account Description	Budget	YTD Budget	YTD Actual	(Under)/Over
		Land & Buildings				
	</					

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

INVESTING ACTIVITIES
NOTE 8
CAPITAL ACQUISITIONS (CONTINUED)

Capital Expenditure Total
Level of Completion Indicators



Percentage Year to Date Actual to Annual Budget expenditure where the expenditure over budget highlighted in red.

% of
Completion

Level of completion indicator, please see table at the end of this note for further detail.

			Adopted		Variance	
	Account Description	Budget	YTD Budget	YTD Actual	(Under)/Over	
	Total Infrastructure - Footpaths	100,000	0	249	(249)	
	Infrastructure - Drainage					
	C13055 Coolgardie Recreation Centre Box Drainage	11,000	11,000	0	11,000	
	RD001 Drainage Construction - Renewal	80,000	0	1,427	(1,427)	
13%	Total Infrastructure - Drainage	91,000	11,000	1,427	9,573	
	Infrastructure - Sewerage					
	C10007 Coolgardie Sewerage - Water Re-Use System	35,000	0	0	0	
	C10015 Sewerage Fencing	20,000	0	0	0	
	Total Infrastructure - Sewerage	55,000	0	0	0	
	Infrastructure - Parks & Ovals					
	C11130 Kambalda Entry Statement	10,000	0	0	0	
	C11131 Playground Renewal	80,000	0	0	0	
	C11134 Coolgardie Water Park	20,000	0	451	(451)	
	C11135 Ben Prior Park	200,000	0	0	0	
	C1204 West Oval Reticulation	150,000	0	0	0	
	Total Infrastructure - Parks & Ovals	460,000	0	451	(451)	
	Infrastructure - Other Infrastructure					
	C05004 Kambalda Dog Pound	20,000	20,000	0	20,000	
	C10009 Coolgardie Cemetery Project	20,000	0	0	0	
107%	C11014 Kambalda Pool Refurbishment	3,500,000	1,312,500	1,410,492	(97,992)	
	C11018 Kambalda Pool - Remedial Works	100,000	0	73,749	(73,749)	
	C12901 Kambalda Airport Development	81,000	40,500	0	40,500	
	C13028 Coolgardie Transit Park	1,200,000	0	6,718	(6,718)	
	C13053 Christmas Decorations	20,000	0	0	0	
	RS004 Kambalda Refuse Site - Siteworks	300,000	0	27,051	(27,051)	
	RS005 Coolgardie Refuse Site	150,000	0	2,000	(2,000)	
	RS007 Refuse Site Surveillance Cameras	25,000	0	0	0	
81%	TS01 Kambalda Transfer Station	200,000	150,000	121,990	28,010	
108%	Total Infrastructure - Other Infrastructure	5,616,000	1,523,000	1,642,000	(119,000)	
88%	Grand Total	13,710,113	2,276,390	1,992,442	283,948	

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

**FINANCING ACTIVITIES
NOTE 9
BORROWINGS**

Repayments - Borrowings

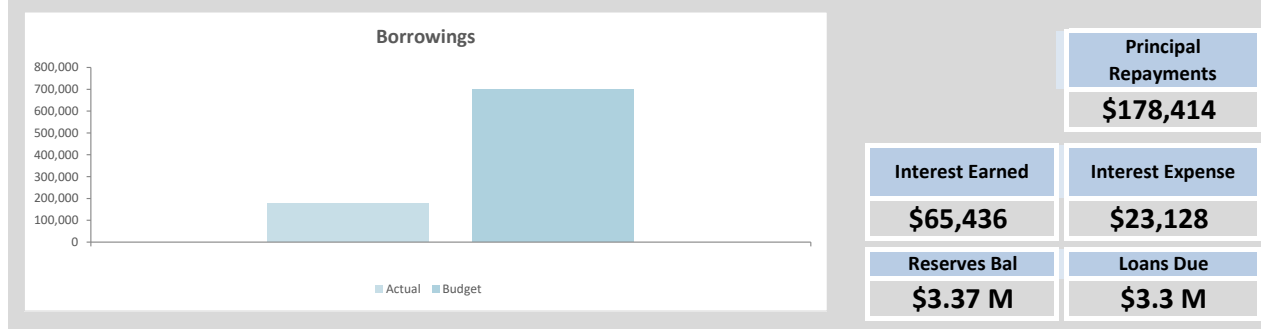
Information on Borrowings Particulars	1 July 2019	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
		Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Recreation and culture									
Loan 112 - Coolgardie Aquatic Facilities	205,643	0	0	0	19,011	205,643	186,632	5,280	9,354
Loan 114 - Kambalda Aquatic Facilities	1,905,000	0	0	42,773	172,489	1,862,227	1,732,511	13,668	53,276
Economic services									
Loan 113 - Coolgardie Post Office	416,817	0	0	18,708	37,821	398,109	378,996	0	24,265
	<u>2,527,460</u>	<u>0</u>	<u>0</u>	<u>61,481</u>	<u>229,322</u>	<u>2,465,980</u>	<u>2,298,139</u>	<u>18,948</u>	<u>86,895</u>
Self Supporting Loans									
Transport									
Loan 115 - Binneringie Road	950,000	0	0	116,933	470,829	833,067	479,171	4,180	13,624
	<u>950,000</u>	<u>0</u>	<u>0</u>	<u>116,933</u>	<u>470,829</u>	<u>833,067</u>	<u>479,171</u>	<u>4,180</u>	<u>13,624</u>
Total	<u>3,477,460</u>	<u>0</u>	<u>0</u>	<u>178,414</u>	<u>700,151</u>	<u>3,299,047</u>	<u>2,777,310</u>	<u>23,128</u>	<u>100,519</u>
Current borrowings	700,151					521,737			
Non-current borrowings	<u>2,777,309</u>					<u>2,777,310</u>			
	<u>3,477,460</u>					<u>3,299,047</u>			

All debenture repayments were financed by general purpose revenue.

Self Supporting Loans are financed by repayments from third parties.

KEY INFORMATION

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



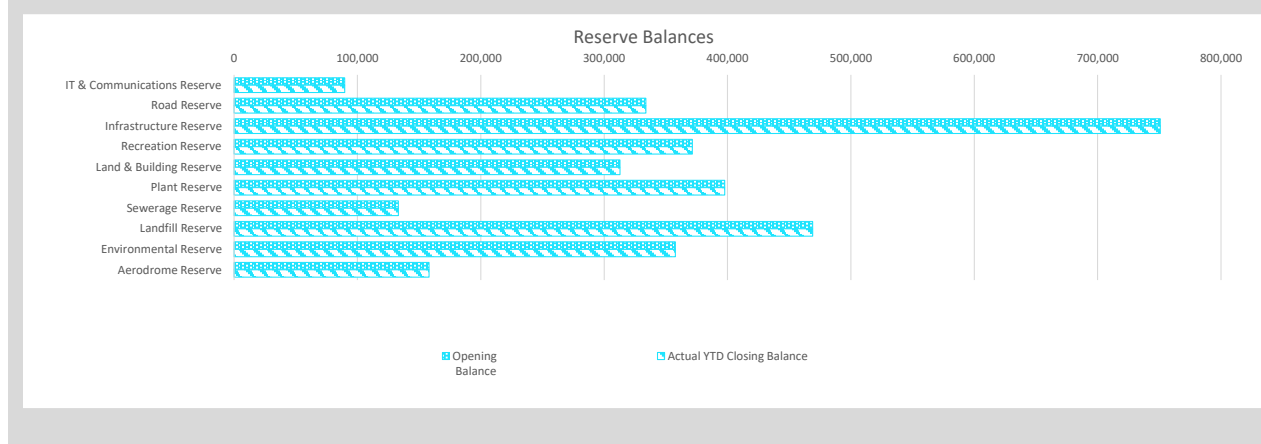
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

OPERATING ACTIVITIES
NOTE 10
CASH RESERVES

Cash Backed Reserve

Reserve Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
IT & Communications Reserve	89,654	0	0	0	0	0	0	89,654	89,654
Road Reserve	333,857	0	0	0	0	(118,499)	0	215,358	333,857
Infrastructure Reserve	750,771	0	0	188,281	0	(500,000)	0	439,052	750,771
Recreation Reserve	371,418	0	0	0	0	(250,000)	0	121,418	371,418
Land & Building Reserve	312,769	0	0	0	0	0	0	312,769	312,769
Plant Reserve	397,697	0	0	111,364	0	(377,364)	0	131,697	397,697
Sewerage Reserve	133,125	0	0	40,000	0	0	0	173,125	133,125
Landfill Reserve	468,981	0	0	0	0	(268,000)	0	200,981	468,981
Environmental Reserve	357,726	0	0	0	0	(300,000)	0	57,726	357,726
Aerodrome Reserve	158,000	0	0	0	0	(129,000)	0	29,000	158,000
	3,373,998	0	0	339,645	0	(1,942,863)	0	1,770,780	3,373,998

KEY INFORMATION



**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

**OPERATING ACTIVITIES
NOTE 11
OTHER CURRENT LIABILITIES**

Other Current Liabilities	Note	Opening Balance 1 July 2019	Liability Increase	Liability Reduction	Closing Balance
		\$	\$	\$	##### \$
Provisions					
Annual leave		155,308	0	0	155,308
Contract Liabilities					
Lease liability		0	0	0	0

Amounts shown above include GST (where applicable)

A breakdown of contract liabilities and associated movements is provided on the following pages at 11(a) and 11(b)

KEY INFORMATION

PROVISIONS

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

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

EMPLOYEE BENEFITS

Short-term employee benefits

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

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

Other long-term employee benefits

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

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

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

NOTE 12(a)

OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Operating Grant, Subsidies and Contributions Liability					Unspent Operating Grants, Subsidies and Contributions Revenue					
	Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Jun	Current Liability 30-Jun	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Operating Grants and Subsidies											
Donations & Contributions	0	0	0		0	0	0	0	0	0	1,075
General purpose funding											
Grants Commission - General Purpose	0	0	0		0	266,277	66,569	266,277	0	266,277	65,716
Law, order, public safety											
DFES Operating Grants	0	0	0		0	16,500	3,125	16,500	0	16,500	0
Education and welfare											
Kambalda CRC	0	0	0		0	106,200	26,550	106,200	0	106,200	26,924
Kambalda Centrelink	0	0	0		0	5,104	5,104	5,104	0	5,104	5,104
Coolgardie CRC	0	0	0		0	102,000	25,500	102,000	0	102,000	25,811
Reimbursements	0	0	0		0	0	0	0	0	0	418
Transport											
Regional Road Group	0	0	0		0	0	0	0	0	0	124,511
Main Roads Direct Grant	0	0	0		0	120,000	120,000	120,000	0	120,000	124,511
Grants Commission - Road Component	0	0	0		0	245,996	61,499	245,996	0	245,996	59,164
Economic services											
Cashless Card Scheme	0	0	0		0	240,000	60,000	240,000	0	240,000	61,219
	0	0	0	0	0	1,102,077	368,347	1,102,077	0	1,102,077	494,453
Operating Contributions											
Community Chest	0	0	0		0	20,000	10,000	20,000	0	20,000	0
Various Reimbursements	0	0	0		0	0	0	0	0	0	300
Donations Received	0	0	0		0	2,000	500	2,000	0	2,000	0
Reimbursements - Rates Recovery	0	0	0		0	80,000	20,000	80,000	0	80,000	4,595
Various funding	0	0	0		0	3,000	750	3,000	0	3,000	0
Various reimbursements	0	0	0		0	1,800	450	1,800	0	1,800	416
Diesel Rebates	0	0	0		0	18,000	4,500	18,000	0	18,000	4,493
Kambalda CRC - Various Reimbursements	0	0	0		0	0	0	0	0	0	541
Staff Vehicle Contributions	0	0	0		0	6,240	1,680	6,240	0	6,240	480
Various Club Reimbursements	0	0	0		0	3,000	500	3,000	0	3,000	727
Kambalda Recreations Centre Reimbursements	0	0	0		0	1,500	0	1,500	0	1,500	0
Haulage Campaign Funds	0	0	0		0	120,000	30,000	120,000	0	120,000	70,448
Street Lighting Subsidy	0	0	0		0	4,500	0	4,500	0	4,500	0
Donations Received	0	0	0		0	1,200	300	1,200	0	1,200	0
Other property and services											
Staff Vehicle Contributions	0	0	0		0	6,240	1,680	6,240	0	6,240	1,309
GVROC Reimbursements	0	0	0		0	7,470	1,867	7,470	0	7,470	0
	0	0	0	0	0	274,950	72,227	274,950	0	274,950	83,309
TOTALS	0	0	0	0	0	1,377,027	440,575	1,377,027	0	1,377,027	577,762

SHIRE OF COOLGARDIE | 21

NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019

NOTE 12(b)
NON-OPERATING GRANTS AND CONTRIBUTIONS

Provider	Unspent Non Operating Grants, Subsidies and Contributions Liability					Non Operating Grants, Subsidies and Contributions Revenue					
	Liability 1-Jul	Increase in Liability	Liability Reduction (As revenue)	Liability 30-Jun	Current Liability 30-Jun	Adopted Budget Revenue	YTD Budget	Annual Budget	Budget Variations	Expected	YTD Revenue Actual (b)
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Non-Operating Grants and Subsidies											
Health											
St John's Primary Health Alliance	0	0	0		0	1,000,000	0	1,000,000	0	1,000,000	0
Housing											
Coolgardie Montana Seniors Village	0	0	0		0	1,200,000	0	1,200,000	0	1,200,000	0
Recreation and culture											
CSRFF - Kambalda Swimming Pool	0	0	0		0	525,000	0	525,000	0	525,000	0
AusSport - Kambalda Swimming Pool	0	0	0		0	287,823	230,258	287,823	0	287,823	230,258
Goldfields - Kambalda Swimming Pool	0	0	0		0	200,000	0	200,000	0	200,000	181,818
Community Event	0	0	0		0	50,000	50,000	50,000	0	50,000	0
Transport											
Regional Road Group	0	0	0		0	614,115	245,646	614,115	0	614,115	121,135
Roads to Recovery	0	0	0		0	317,975	0	317,975	0	317,975	0
Economic services											
Lotterywest - Post Office Complex	0	0	0		0	233,500	0	233,500	0	233,500	0
Building Better Regions - Post Office Complex	0	0	0		0	912,491	570,431	912,491	0	912,491	0
HSVPP Department of Transport - Coolgardie Truck Stop	0	0	0		0	510,000	0	510,000	0	510,000	0
Department of Transport (State) - Coolgardie Truck Stop	0	0	0		0	260,000	0	260,000	0	260,000	0
Evolution - Ben Prior Park	0	0	0		0	177,170	0	177,170	0	177,170	0
	0	0	0	0	0	6,288,074	1,096,335	6,288,074	0	6,288,074	533,211
Total Non-operating grants, subsidies and contributions	0	0	0	0	0	6,288,074	1,096,335	6,288,074	0	6,288,074	533,211

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

**NOTE 13
TRUST FUND**

Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 1 July 2019	Amount Received	Amount Paid	Closing Balance 30 Sep 2019
	\$	\$	\$	\$
Nomination Deposits	160	0	0	160
Unclaimed Monies	76,262	0	0	76,262
	76,422	0	0	76,422

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

**NOTE 14
BUDGET AMENDMENTS**

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

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
Budget Adoption			Opening Surplus				0
Nil				0	0	0	0
				0	0	0	

**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD ENDED 30 SEPTEMBER 2019**

**NOTE 15
EXPLANATION OF MATERIAL VARIANCES**

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

The material variance adopted by Council for the 2019-20 year is \$10,000 or 10.00% whichever is the greater.

Reporting Program	Var. \$	Var. %	Timing/ Permanent	Explanation of Variance
	\$	%		
Revenue from operating activities				
Governance	(10,200)	(97.14%)	▼ Timing	Community Chest Contributions
Transport	137,935	56.07%	▲ Timing	Heavy Haulage Campaign Funds / Capital Grants
Other Property and Services	10,158	30.28%	▲ Timing	Intermunicipal Golf Day
Expenditure from operating activities				
General Purpose Funding	(27,518)	(30.73%)	▼ Timing	Rates Consultancy Fees / Admin Allocations
Health	22,559	17.44%	▲ Timing	St Johns Ambulance MOU
Education and Welfare	17,848	18.35%	▲ Timing	Youth Officer Salaries to be allocated
Economic Services	(41,095)	(12.62%)	▼ Timing	Depn & Admin Allocation Costs
Other Property and Services	(115,185)	(383.95%)	▼ Timing	Plant & Overhead Allocations
Investing Activities				
Non-operating Grants, Subsidies and Contributions	(563,124)	(51.36%)	▼ Timing	Coolgardie Cultural Hub & Road Assembly Area
Capital Acquisitions	283,948	12.47%	▲ Timing	Swimming Pool / Road Program / Ranger Vehicle
Financing Activities				
Self-Supporting Loan Principal	(116,933)	(100.00%)	▼ Permanent	No Repayment received from Alita Resources

Can we help?

Call:

1800 801 485

Fax:

08 9054 7099

Visit:

www.anz.com



Shire Of Coolgardie
Shire Of Coolgardie
1 Irish Mulga DR
Kambalda West WA 6442

ANZ Business Notice Term Deposit Record of Investment

Date 16 Sep 2019

Dear Shire Of Coolgardie

Thank you for investing with Australia and New Zealand Banking Group Limited (ANZ). This record outlines your investment details.

Deposit type:	ANZ Business Notice Term Deposit
Account number:	9101-97877
Amount invested:	\$3,283,201.85
Date lodged:	13 Sep 2019
At interest rate of:	1.34%p.a.
For the investment term of:	30 Days
Maturing on:	13 Oct 2019

Instruction for disbursement of principal and interest:

Principal to be:	Credited to this account
Interest to be:	Credited to this account
Interest frequency:	At maturity

Please note:

- Interest is calculated based on the opening balance of your account. Interest is not compounded.
- If you request the early withdrawal or transfer of all or part of your funds in an ANZ Business Notice Term Deposit, ANZ does not have to disburse your funds for 31 calendar days. If the 31st day falls on a non-business day, your funds will be disbursed the next business day. If the maturity date falls due prior to the expiry of the 31 day notice period, your funds will be disbursed on the maturity date if this is a business day or the next business day if the maturity date is a non-business day. An administration fee and interest rate reduction may apply. Please refer to the ANZ Business Transaction Accounts Terms and Conditions.
- If you have told us to reinvest your ANZ Business Notice Term Deposit upon maturity, the interest rate applied upon reinvestment may be lower or higher than the interest rate on your maturing ANZ Business Notice Term Deposit. Please contact us upon maturity to obtain details of current interest rates and any special offers.
- You must advise ANZ prior to or upon maturity if you do not require reinvestment or if you wish to vary the investment amount or term. Just remember we need to hear from you within seven days starting on 13 Oct 2019 or we won't be able to make any changes.
- Government duties, taxes and charges (where applicable) will be deducted from interest payments.
- The information contained in this letter is accurate as of the date of issue of the letter.

For further information, please visit an ANZ branch, call us on 1800 801 485 or contact your Relationship Manager.

Please keep this notice for taxation purposes.

Yours sincerely

Adam Waites
Head of Commercial Lending and Deposit Products



SPECIAL TERM DEPOSIT STATEMENT

For enquiries please call (08)90225024.

1 October 2019

KURTIS GRACE (08)90225024
BANKWEST KALGOORLIE R&R771
215 HANNAN STREET
KALGOORLIE WA 6430

Account Number	039-067202-4
Period	27 Sep 19 - 1 Oct 19
Page 1 of 2	Statement Number 23



BT2743A 000854 (053R)

THE CEO
SHIRE OF COOLGARDIE
PO BOX 138
KAMBALDA WA 6442

Account of: **SHIRE OF COOLGARDIE**

Confirmation Letter

We are pleased to confirm that your Special Term Deposit has been amended in accordance with your instructions.

Your updated account details appear below. Please keep this letter for your records and check for any errors or omissions.

Account Number	039-067202-4
Account Type	SPECIAL TERM DEPOSIT
Deposit Amount	1,008,983.50
Term	1 month
Interest Rate Applicable	1.50% per annum
Commencement Date	26 September 2019
Maturity Date	28 October 2019
Interest Type	Interest At Maturity
Interest Raising Frequency	Maturity
Next Interest Payment Date	28 October 2019
Interest Payment Method	Add to Term Deposit

The Product Disclosure Statement for your Term Deposit was previously provided to you. If you need another copy, it is available from our Contact Centre on 13 17 19 or for Business Customers contact 13 7000, or view at anytime via bankwest.com.au

Warm regards

Ian Sivwright
Executive Manager Product Delivery

SHIRE OF COOLGARDIE	
RECORD No	
OFFICER	
04 OCT 2019	
FILE No	
ACTION DATE	

BT2743A / 000854 / 0002229

TD05

Bankwest, a division of Commonwealth Bank of Australia ABN 48 123 123 124 AFSL / Australian credit licence 234945



For enquiries please call (08)90225024.

KURTIS GRACE (08)90225024
BANKWEST KALGOORLIE R&R771
215 HANNAN STREET
KALGOORLIE WA 6430

SPECIAL TERM DEPOSIT STATEMENT

20 September 2019

Account Number	039-067794-3
Period	20 Sep 19 - 20 Sep 19
Page 1 of 2	Statement Number 1



BT2633A 001141 (053R)

THE CEO
SHIRE OF COOLGARDIE
PO BOX 138
KAMBALDA WA 6442

Account of: **SHIRE OF COOLGARDIE**

Certificate of Investment

Thank you for opening your Special Term Deposit with us.

Your full account details appear below. Please keep this letter for your records and check for any errors or omissions.

Account Number	039-067794-3
Account Type	SPECIAL TERM DEPOSIT
Deposit Amount	3,500,000.00
Term	1 month
Interest Rate Applicable	1.69% per annum
Commencement Date	16 September 2019
Maturity Date	16 October 2019
Interest Type	Interest At Maturity
Interest Raising Frequency	Maturity
Next Interest Payment Date	16 October 2019
Interest Payment Method	Add to Term Deposit

We've included your account transaction details on the following page.

If you would like to obtain more information in regard to this or any other of our products, please contact, our Contact Centre on 13 17 19 or for Business Customers contact 13 7000, or view at anytime via bankwest.com.au

Warm regards

Ian Sivwright
Executive Manager Product Delivery

SHIRE OF COOLGARDIE	
RECORD No.....	
OFFICER	
25 SEP 2019	
FILE No.....	
ACTION DATE.....	

BT2633A / 001141 / 0003093

TD08

Bankwest, a division of Commonwealth Bank of Australia ABN 48 123 123 124 AFSL / Australian credit licence 234945



2 October 2019



059 / 11903

SHIRE OF COOLGARDIE
PO BOX 138
KAMBALDA EAST WA 6442

6-556

79 Maritana St
KALGOORLIE WA 6430
T 13 13 12 nab.com.au
From overseas +61 3 8641 9083

SHIRE OF COOLGARDIE	
RECORD No	
OFFICER	
10 OCT 2019	
FILE No	
ACTION DATE	

Hi Sir/Madam

Your NAB Term Deposit will mature soon

We're writing to remind you that your NAB Term Deposit will mature on 23 October 2019 and to confirm your maturity instructions.

NAB Term Deposit account 76-230-4836

Account name	Shire of Coolgardie - 'Binnewingerie Road Upgrade'
Amount	\$891,783.37
Term	1 month
Interest rate p.a.	1.07%
Interest frequency	At maturity
Interest	\$784.28
Start date	23 September 2019
Maturity date	23 October 2019



What you've instructed us to do at maturity

Term Deposit and interest

To be reinvested as a new NAB Term Deposit at Maturity on the same terms and conditions

New amount \$892,567.65

Term 1 month

Rate The indicative interest rate for your new NAB Term Deposit is 0.80% p.a. and is subject to change. The actual rate may be higher or lower than your current rate. You can find our current interest rates by visiting nab.com.au/tddates



Important information

We will send you a confirmation letter upon reinvestment of your new NAB Term Deposit

At maturity you have 7 calendar days to make any changes to your new NAB Term Deposit or withdraw your money without cost

If you think you'll need immediate access to your money, then an 'at call' product may be more suitable

If you need to withdraw part or all of your Term Deposit before maturity, you must give 31 days' notice and a reduction in interest will apply

275VNTM01/11903/043219

SHIRE OF COOLGARDIE
BUSH FIRE BRIGADES LOCAL LAW 2019

Note

This document contains a number of notes and text boxes which do not form part of the local law and are simply to assist with explaining the application of the local law, or are extracts from other legislation.

Most significant issues that relate to bush fires, brigades and firefighting are dealt with by the Bush Fires Act 1954 and the associated Regulations. The only matters that must be included in a local law are in s43:

A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.

All other matters are dealt with under the Act. For example:

- Part 2 of the Act sets out the powers of the Fire and Emergency Services Commissioner, provides for the appointment of bush fire liaison officers, and sets out powers of police or authorised persons as well as providing for entry on to land or buildings for the purposes of the Act;
- Part 3 sets out measures to prevent bush fires, including restricted or prohibited burning times, fire bans, and provisions about burning of land or rubbish. Section 33 allows a local government to require occupiers of land to establish fire breaks by a notice in the Gazette and or public notice, or by local law;
- Part 4 deals with the control and extinguishment of bush fires. In particular:
 - Section 36 provides that a local government may expend funds to control and extinguish bush fires;
 - Under s37 a local government must insure volunteer fire fighters and bush fire brigade equipment;
 - Section 38 provides that a local government may appoint a person as a bush fire control officer (and who does not necessarily have to be a local government employee), and of whom can be a Chief Bush Fire Control Officer and deputy. Under s38A the FES commissioner may appoint a person as a Chief Bush Fire Control officer if requested by a local government for its district;
 - Section 39 sets out the powers of bush fire control officers;
 - Section 40 sets out the powers and duties of local governments, brigades, and bush fire control officers in the event of a bush fire;
 - Section 41 provides that a local government shall keep a register of bush fire brigades and their members in accordance with the regulations, and may at any time cancel the registration of a bush fire brigade;
 - Under s42A, any group of persons, however constituted and whether incorporated or not, may be established as a bush fire brigade under section 41(1) or 42(1); and
 - Sections 44 – 47 deal with fire-fighting by officers of bush fire brigades, 'CALM' and bush fire control officers.
- Part 5 of the Act deals with miscellaneous matters and among other things:
 - Allows a local government to delegate any of its powers and duties to its CEO; and
 - Provides for penalty and prosecution provisions.

**LOCAL GOVERNMENT ACT 1995
BUSH FIRES ACT 1954
Shire of Coolgardie
BUSH FIRE BRIGADES LOCAL LAW 2019**

Under the powers conferred by the *Local Government Act 1995*, *Bush Fires Act 1954* and under all other powers enabling it, the Council of the Shire of Coolgardie resolved on dd mm 2019 to make the following local law.

Commented [Chris1]: Date of final council decision under s3.12(4) to make the local law

1 Citation

This local law may be cited as the *Shire of Coolgardie Bush Fire Brigades Local Law 2019*.

2 Definitions

(1) In this local law unless the context otherwise requires –

Act means the *Bush Fires Act 1954*;

brigade area is defined in clause 6(1)(b);

bush fire brigade is defined in section 7 of the Act;

bush fire brigade means a bush fire brigade for the time being registered in a register kept pursuant to section 41;

Extract from s7 of Bush Fires Act 1954

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the Shire of Coolgardie;

normal brigade activities is defined by section 35A of the Act; and

35A. Terms used

In this Division, and in section 41 —

bush fire means a fire or potential fire, however caused, and includes a fire in a building;

loss or damage does not include loss or damage that is caused by or results from theft, reasonable wear or tear, mechanical or electrical breakdown, failure or breakage;

normal brigade activities means the following activities when carried out by a volunteer fire fighter —

- (a) the prevention, control or extinguishment of bush fires;
- (b) any act or operation at or about the scene of a bush fire, or in connection with a bush fire, which is necessary for, directed towards, or incidental to, the control or suppression of the fire or the prevention of spread of the fire, or in any other way necessarily associated with the fire including travelling and support services such as meals and communication systems;
- (c) any bush fire prevention activity including the burning, ploughing or clearing of fire-breaks or any other operation, including but without being limited to, the inspection of fire-breaks or other works and the survey of areas for the purpose of detecting fire or ascertaining the need for precautions against the outbreak of fire, but not including the activities of an owner or occupier providing a fire-break or fire prevention works on his own property in order to comply with a notice given under section 33(1) or a local law made under section 33(5a);
- (d) demonstrations, exercises, fundraising, promotions, public education, competitions or a training process for volunteers;
- (e) examination, preparation, maintenance, adjustment or repair of any vehicle, equipment, building or thing used or intended to be used by a bush fire brigade for the purpose of fighting fires or for carrying out fire prevention operations including activities associated with administration of a bush fire brigade;
- (f) travelling in aircraft for the purposes of inspection of fire-breaks, fire hazards and bush fires;
- (g) erection, removal or maintenance of radio masts used for fire related purposes;
- (h) attending an incident where the skills of a volunteer fire fighter or the operation of fire fighting equipment may reduce or remove a perceived threat to life or property;
- (i) attending an incident subsequently found to be a false alarm;

volunteer fire fighter means a bush fire control officer, a person who is a registered member of a bush fire brigade established under this Act or a person working under the direction of that officer or member.

[Section 35A inserted by No. 60 of 1992 s. 18; amended by No. 14 of 1996 s. 4.]

Extract from Bush Fires Act 1954

Regulations means Regulations made under the Act.

- (2) In this local law, unless the context otherwise requires, a reference to —

- (a) a Captain;
 - (b) a First Lieutenant;
 - (c) a Second Lieutenant; and
 - (d) any additional Lieutenants;
- means a person holding that position in a bush fire brigade.

3 Application

This local law applies throughout the district.

DRAFT

Provisions relating to the establishment and maintenance of firebreaks, and the powers of the local government to enter the property and establish firebreaks on default by an owner or occupier are dealt with in section 33 of the Act:

33. Local government may require occupier of land to plough or clear fire-break

- (1) Subject to subsection (2) a local government at any time, and from time to time, may, and if so required by the Minister shall, as a measure for preventing the outbreak of a bush fire, or for preventing the spread or extension of a bush fire which may occur, give notice in writing to an owner or occupier of land situate within the district of the local government or shall give notice to all owners or occupiers of land in its district by publishing a notice in the *Government Gazette* and in a newspaper circulating in the area requiring him or them as the case may be within a time specified in the notice to do or to commence to do at a time so specified all or any of the following things —
- (a) to plough, cultivate, scarify, burn or otherwise clear upon the land fire-breaks in such manner, at such places, of such dimensions, and to such number, and whether in parallel or otherwise, as the local government may and is hereby empowered to determine and as are specified in the notice, and thereafter to maintain the fire-breaks clear of inflammable matter;
 - (b) to act as and when specified in the notice with respect to anything which is upon the land, and which in the opinion of the local government or its duly authorised officer, is or is likely to be conducive to the outbreak of a bush fire or the spread or extension of a bush fire,

and the notice may require the owner or occupier to do so —

- (c) as a separate operation, or in co-ordination with any other person, carrying out a similar operation on adjoining or neighbouring land; and
 - (d) in any event, to the satisfaction of either the local government or its duly authorised officer, according to which of them is specified in the notice.
- (2) A notice in writing under subsection (1) may be given to an owner or occupier of land by posting it to him at his last postal address known to the local government and may be given to an owner of land by posting it to him at the address shown in the rate record kept by the local government pursuant to the *Local Government Act 1995*, as his address for the service of rate notices.
- (2a) The provisions of subsection (2) are in addition to and not in derogation of those of sections 75 and 76 of the *Interpretation Act 1984*.
- (3) The owner or occupier of land to whom a notice has been given under subsection (1) and who fails or neglects in any respect duly to comply with the requisitions of the notice is guilty of an offence.
Penalty: \$5 000.
- (4) Where an owner or occupier of land who has received notice under subsection (1) fails or neglects to comply with the requisitions of the notice within the time specified in the notice —
- (a) the local government may direct its bush fire control officer, or any other officer of the local government, to enter upon the land of the owner or occupier and to carry out the requisitions of the notice which have not been complied with; and
 - (b) the bush fire control officer or other officer may, in pursuance of the direction, enter upon the land of the owner or occupier with such servants, workmen, or contractors, and with such vehicles, machinery, and appliances as he deems fit, and may do such acts, matters and things as may be necessary to carry out the requisitions of the notice.

- (5) The amount of any costs and expenses incurred by the bush fire control officer or other officer in doing the acts, matters, or things provided for in subsection (4) —
 - (a) shall be ascertained and fixed by the local government and a certificate signed by the mayor or president of the local government shall be *prima facie* evidence of the amount; and
 - (b) may be recovered by the local government in any court of competent jurisdiction as a debt due from the owner or occupier of land to the local government.
- (5a) A local government may make local laws in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995* —
 - (a) requiring owners and occupiers of land in its district to clear fire-breaks in such manner, at such places, at such times, of such dimensions and to such number, and whether in parallel or otherwise, as are specified in the local laws and to maintain the fire-breaks clear of inflammable matter;
 - (b) providing that things required by the local laws to be done shall be done to the satisfaction of the local government or its duly authorised officer.
- (5b) Where an owner or occupier of land fails or neglects in any respect to comply with the requirements of local laws made under subsection (5a) the provisions of subsections (3), (4) and (5) apply *mutatis mutandis* as if those requirements were the requisitions of a notice given under subsection (1).
- (5c) Nothing in subsection (5a) affects the power of a local government to give notice under subsection (1) nor its duty to do so if so required by the Minister.
- (5d) Where the provisions of local laws made under subsection (5a) are inconsistent with those of a notice given under subsection (1) or under section 34 or 35, the provisions of that notice shall, to the extent of the inconsistency, prevail.
- (6) A local government may, at the request of the owner or occupier of land within its district, carry out on the land, at the expense of the owner or occupier, any works for the removal or abatement of a fire danger, and the amount of the expense, if not paid on demand, may be recovered from the owner or occupier by the local government in a court of competent jurisdiction as a debt due from the owner or occupier to the local government.
- (7) Nothing in this section authorises a local government —
 - (a) to set fire to the bush, or to require an owner or occupier of land to set fire to the bush, contrary to the provisions of section 17; or
 - (b) to make local laws authorising or requiring bush to be set on fire contrary to the provisions of section 17.
- (8) Any amount recoverable by a local government under this section as a debt due from the owner or occupier of land is, until paid in full —
 - (a) a debt due from each subsequent owner in succession; and
 - (b) a charge against the land with the same consequences as if it were a charge under the *Local Government Act 1995* for unpaid rates; and
 - (c) recoverable by the local government in the same manner as rates imposed in respect of the land are recoverable under that Act.
- (9) In this section —

owner or occupier of land includes a prescribed department of the Public Service that occupies land or a prescribed State agency or instrumentality that owns or occupies land.

[Section 33 amended by No. 11 of 1963 s. 15; No. 113 of 1965 s. 8(1); No. 65 of 1977 s. 32 and 48; No. 51 of 1979 s. 3 and 5; No. 8 of 1987 s. 8; No. 14 of 1996 s. 4; No. 38 of 2002 s. 28 and 39; No. 70 of 2003 s. 7; No. 19 of 2010 s. 52(4).]

Extract from Bush Fires Act 1954

4 Establishment of a bush fire brigade

- (1) The local government may establish a bush fire brigade for the purpose of carrying out normal brigade activities.
- (2) A bush fire brigade is established on the date of the local government's decision under subclause (1).
- (3) A bush fire brigade established under subclause (1) is to hold a meeting at least once every financial year to appoint persons to the positions in clause 6(5).

41. Bush fire brigades

- (1) For the purpose of carrying out normal brigade activities a local government may, in accordance with its local laws made for the purpose, establish and maintain one or more bush fire brigades and may, in accordance with those local laws, equip each bush fire brigade so established with appliances, equipment and apparatus.
- (2) A local government shall keep a register of bush fire brigades and their members in accordance with the regulations and shall register therein each bush fire brigade established by it under subsection (1) and each member of each such brigade.
- (2a) A local government is to notify the FES Commissioner as soon as practicable after any changes occur in any of the details required to be recorded in the register under subsection (2).
- (3) A local government may at any time cancel the registration of a bush fire brigade.

Extract from Bush Fires Act 1954

Note that there are no penalties for a breach of this local law. Bush fire brigade members are valued members of the community who volunteer their time to provide a service.

The Shire also has an obligation and duty of care to ensure that volunteers are adequately trained, comply with relevant health and safety rules, and that brigades deal properly with public funds and property. Issues are generally and preferably dealt with by agreement and consensus but if an issue is serious enough the Shire could suspend funding to a brigade and ultimately cancel its registration under the Act.

While a reason for cancellation of the registration of a bush fire brigade under s41(3) of the Act is not required it may come about from things like :

- A brigade having no members, or being merged with another;
- A consistent or serious failure to comply with the reasonable directions by a brigade or its members;
- Misuse of local government property; and/or
- Misuse of funds.

5 Name and officers of bush fire brigade

- (1) On establishing a bush fire brigade under clause 5(1) the local government is to –
 - (a) Give a name to the bush fire brigade;

- (b) Specify the brigade area in which the bush fire brigade is primarily responsible for carrying out the normal brigade activities; and
- (c) Appoint –
 - (i) a Captain;
 - (ii) a First Lieutenant;
 - (iii) a Second Lieutenant; and
 - (iv) additional Lieutenants if the local government considers it necessary.;
- (3) A person appointed to a position pursuant to subclause (1)(c) is to be taken to be a brigade member.
- (4) The appointments referred to in subclause (1)(c) expire at the completion of the first annual general meeting of the bush fire brigade.
- (5) An election is to be held at the first annual general meeting by the members of the brigade for appointments to the positions referred to in subclause 1(c) and every subsequent annual general meeting.
- (6) If a position referred to in subclause (1)(c) becomes vacant prior to the completion of the first annual general meeting or at any time, then the Brigade members are to vote for a replacement member to fill the position.
- (7) The Brigade members may elect, set the term of office, describe the duties of, and dismiss, any person to any other position including secretary, treasurer, equipment officer, training officer or other positions, and may combine those positions; and
- (8) The Brigade members may establish types of brigade membership including fire fighting members, auxiliary members, cadet members, and honorary life members.

6 Duties of Captain and bush fire brigade officers

- (1) The duties of the Captain are to:
 - (a) Provide leadership to bush fire brigades;
 - (b) Monitor bush fire brigades' resourcing, equipment and training levels;
 - (c) Liaise with the local government concerning –
 - (i) Fire prevention or fire suppression matters generally;
 - (ii) Directions to be issued by the local government to bush fire control officers, including those who issue permits to burn; and
 - (iii) Bush fire brigade officers;
 - (d) Ensure that a list of bush fire brigade members is maintained;
 - (e) Report annually to the local government the office bearers of the bush fire brigade in accordance with the Regulations;
 - (f) Report to the local government not later than 30 April each year, for consideration and appropriate provision being made in the next local government budget, the status of a bush fire brigade's –
 - (i) Training and readiness;
 - (ii) Protective clothing;
 - (iii) Equipment; and
 - (iv) Vehicles and appliances.
 - (g) Nominate persons to the CEO for appointment as bush fire control officers by the local government;
 - (h) Arrange for normal brigade activities as authorised by the Act or by the local government; and
 - (i) Where a vacancy occurs in a position appointed under clause 6(1)(c), to –
 - (i) Advise the CEO of the vacancy as soon as practicable; and
 - (ii) Make alternate suitable arrangements for that position until an appointment is made.

(2) The duties of other bush fire brigade officers are to support the Captain in his/her role.

7 Appointment, employment, payment, dismissal and duties of bush fire control officers

The appointment, employment, payment, dismissal and duties of bush fire control officers is dealt with by the Act.

38. Local government may appoint bush fire control officer

- (1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.
- (2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.
- (2C) The local government shall fill any vacancy occurring in the office of Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer within one month after the vacancy occurs and if the local government fails or neglects to do so within that time, the FES Commissioner may by notice in writing require the local government to appoint a person to the vacant office within one month after service on it of such notice.
- (2D) Where a local government that has been served with a notice pursuant to subsection (2C) fails or neglects to comply with the requirements of that notice, the FES Commissioner may appoint a person who is not employed in the Department to the vacant office.
- (2E) A bush fire control officer appointed by a local government under the provisions of this section shall be issued with a certificate of appointment by the local government or, if he is appointed by the FES Commissioner, by the FES Commissioner.
- (3) The local government may, in respect to bush fire control officers appointed under the provisions of this section, exercise so far as they can be made applicable the same powers as it may exercise in respect to its other officers, under the provisions of the Acts under which those other officers are appointed.
- (4) A bush fire control officer appointed under the provisions of this section shall, subject to such directions as may be given by the local government, and subject to this Act take such measures as appear to him to be necessary or expedient and practicable for —
 - (a) carrying out normal brigade activities;
 - [(b), (c) *deleted*]
 - (d) exercising an authority or carrying out a duty conferred or imposed upon him by any of the provisions of Part III;
 - (e) procuring the due observance by all persons of the provisions of Part III.
- (5A) A local government may issue directions to a bush fire control officer appointed by the local government, or to an officer of a bush fire brigade registered by the local government to burn, subject to the provisions of this Act, bush on, or at the margins of,

streets, roads, and ways, under the care, control and management of the local government.

(5B) The bush fire control officer, or officer of the bush fire brigade, may by authority of any directions issued under subsection (5A) carry out the directions but subject to the provisions of this Act.

(5C) The provisions of subsections (5A) and (5B) are not in derogation of those of subsection (4).

(6) In this section —

approved local government means a local government approved under subsection (7) by the FES Commissioner.

(7) If it appears to the FES Commissioner that the standard of efficiency of a local government in fire prevention and control justifies the FES Commissioner doing so, the FES Commissioner, by notice published in the Government Gazette —

(a) may approve the local government as one to which subsections (6) to (18) apply; and

(b) may from time to time cancel or vary any previous approval given under this subsection.

(8) An approved local government may appoint to the office of fire weather officer such number of senior bush fire control officers as it thinks necessary.

(9) Where more than one fire weather officer is appointed by a local government the local government shall define a part of its district in which each fire weather officer shall have the exclusive right to exercise the power conferred by subsection (17).

(10) An approved local government may appoint one or more persons, as it thinks necessary, to be the deputy or deputies, as the case may be, of a fire weather officer appointed by the local government and where 2 or more deputies are so appointed they shall have seniority in the order determined by the local government.

(11) Where the office of a fire weather officer is vacant or whilst the occupant is absent or unable to act in the discharge of the duties of the office, any deputy appointed in respect of that office under subsection (10) is, subject to subsection (12), entitled to act in the discharge of the duties of that office.

(12) A deputy who is one of 2 or more deputies of a fire weather officer is not entitled to act in the discharge of the duties of the office of that fire weather officer if a deputy who has precedence over him in the order of seniority determined under subsection (10) is available and able to discharge those duties.

(13) The local government shall give notice of an appointment made under subsection (8) or (10) to the FES Commissioner and cause notice of the appointment to be published at least once in a newspaper circulating in its district and the FES Commissioner shall cause notice of the appointment to be published once in the Government Gazette.

(14) An approved local government may appoint a committee for the purpose of advising and assisting a fire weather officer or any deputy of a fire weather officer acting in the place of that officer under subsections (6) to (18).

(15) Where a committee is appointed, a fire weather officer, or, as the case may be, a deputy of a fire weather officer while acting in the place of that officer, may exercise the authority

conferred on him by subsection (17), notwithstanding the advice and assistance tendered to him by the committee.

- (16) The provisions of subsections (6) to (18) are not in derogation of those of any other subsection of this section.
- (17) A fire weather officer of an approved local government, or a deputy of that fire weather officer while acting in the place of that officer, may authorise a person who has received a permit under section 18(6)(a), to burn the bush in the district of the local government notwithstanding that for any day, or any period of a day, specified in the notice the fire danger forecast issued by the Bureau of Meteorology in Perth, in respect to the locality where the bush proposed to be burnt is situated, is "catastrophic", "extreme", "severe" or "very high", and upon the authority being given the person, if he has otherwise complied with the conditions prescribed for the purposes of section 18, may burn the bush.
- (18) Subsections (6) to (18) do not authorise the burning of bush —
 - (a) during the prohibited burning times; or
 - (b) during the period in which, and in the area of the State in respect of which, a total fire ban is declared under section 22A to have effect.

Extract from the Bush Fires Act 1954

The *Interpretation Act 1984* further provides that:

52. Power to appoint includes power to remove, suspend, appoint acting officer etc.

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such power or duty shall also have the power —
 - (a) to remove or suspend a person so appointed to an office or position, and to reappoint or reinstate, any person appointed in exercise of such power or duty; and
 - (b) where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and
 - (c) to specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.
- (2) For the purposes of subsection (1)(b), **cause** includes —
 - (a) illness; and
 - (b) temporary absence from the State; and
 - (c) conflict of interest.
- (3) The validity of anything done by a person purporting to act under an appointment made under subsection (1)(b) shall not be called in question on the ground that the occasion for his appointment had not arisen or had ceased.

Local Government Act 1995
Cat Act 2011

Shire of Coolgardie

Cats Local Law 2019

Published in the Government Gazette on dd/mm 2019; number 12234
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]: This, and the text boxes in the local law are only for administrative purposes. They can be used in docs put on the website, given to the public etc providing the disclaimer below is noted.

If the Shire needs to produce in court, then the Gazetted version(s) must be used.

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CAT ACT 2011
LOCAL GOVERNMENT ACT 1995
Shire of Coolgardie
CATS LOCAL LAW 2019

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Coolgardie resolved on dd mm 2019 to make the following local law.

Commented [Chris2]: Date of final council decision to make LL under s3.12(4)

Part 1 - Preliminary

1.1 Title

This is the *Shire of Coolgardie Cats Local Law 2019*.

1.2 Commencement

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

1.3 Amendment

Clause 64 of the *Shire of Coolgardie Health Local Laws 1998* published in the *Government Gazette* on 31 March 1999 is deleted.

1.4 Terms used

(1) In this local law, unless the context otherwise requires -

Act means the *Cat Act 2011*;

applicant means a person who applies for an approval;

application means an application for an approval;

approval means approval under regulation 9 of the *Cat (Uniform Local Provisions) Regulations 2013* and Part 2 of this local law;

approved person means the person to whom an approval is granted;

authorised person means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;

cat has the meaning given to it in the Act;

cat means an animal of the species *felis catus* or a hybrid of that species.
s3(1) of the *Cat Act 2011*.

cat management facility has the meaning given to it in the Act;

cat management facility means —
(a) a facility operated by a local government that is, or may be, used for keeping cats; or
(b) a facility for keeping cats that is operated by a person or body prescribed; or

(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

S3(1) of the *Cat Act 2011*

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the Shire of Coolgardie;

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

nuisance means –

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

owner has the meaning given to it in the Act;

4. Term used: owner

(1) In this Act —

owner, in relation to a cat, means any of these persons —

- (a) in the case of a cat that is registered, the registered owner of the cat; or
- (b) in the case of a cat that is not registered, a person who, or an owner of a business or organisation that, ordinarily keeps and cares for the cat; or
- (c) if a person referred to in paragraph (b) is a child under 18 years of age, that child's parent or guardian.

(2) In the case of a cat that is not registered, but is microchipped, a person whose name is recorded as the owner of the cat in a microchip database is to be taken, in the absence of evidence to the contrary, to be a person who ordinarily keeps and cares for the cat.

s4 Cat Act 2011

premises has the meaning given to it in the Act; and

premises includes the following —

- (a) land (whether or not vacant);
- (b) the whole or part of a building or structure (whether of a permanent or temporary nature);
- (c) a vehicle;

s3(1) Cat Act 2011.

veterinarian has the meaning given to it in the Act.

veterinarian means a registered veterinary surgeon as defined in the Veterinary Surgeons Act 1960 section 2.

s3(1) of the Cat Act 2011.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

Part 2 - Number of cats that may be kept

2.1 Interpretation

For the purposes of applying this Part, a cat does not include a cat less than 6 months old.

2.2 Prescribed premises

For the purposes of the definition of **prescribed premises** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except —

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government; or
- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment.

Regulation 4 of the Cat Regulations 2012 states –

4. Cat management facility operators (s. 3(1))

For the purposes of the definition of cat management facility paragraph (b) in section 3(1) of the Act, each of the following bodies are prescribed as operators of a facility for keeping cats –

(a) Cat Welfare Society Inc., trading as “Cat Haven”;

(b) Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia

2.3 Standard number of cats

For the purposes of the definition of **standard number of cats** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 3 cats may be kept on premises within the residential zone of the local planning scheme or used for residential purposes at which a member of a cat organisation is not ordinarily resident.

Regulation 7 of the *Cat (Uniform Local Provisions) Regulations 2013* states –

‘If a member of a cat organisation is ordinarily resident at prescribed premises, the number of cats that may be kept at the premises is 3 times the number of cats that could be kept at the premises under the local law that applies to the premises’.

A “member of a cat organisation” is defined to mean a person referred to in regulation 23(c) of the Cat Regulations 2012;

Regulation 23(3) of the Cat Regulations 2012 refers to a person who –

- (c) is a current member of one of the following organisations and associations –
- (i) the Cat Owners Association of Western Australia (COAWA);
 - (ii) the Feline Control Council of Western Australia (FCCWA);
 - (iii) the Australian National Cats (ANCATS).

2.4 Application for approval

- (1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) An application for approval must be accompanied by the application fee determined by the local government in accordance with the Act.

Note - under the *Cat (Uniform Local Provisions) Regulations 2013* –

- (1) A cat that is under 6 months of age is not to be included when calculating the number of cats ordinarily kept at prescribed premises (regulation 5);
- (2) A person who is ordinarily resident at prescribed premises may apply to the local government for approval to keep an additional number of cats at its premises (regulation 8(1)); and
- (3) There are detailed provisions dealing with the application and approval processes and requirements (see regulations 8-11).

2.5 Determining an application

Note - under regulation 9 of the *Cat (Uniform Local Provision) Regulations 2013*, the local government must not grant approval for an additional number of cats on prescribed premises unless it is satisfied that the premises are suitable for the additional number of cats.

- (1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to -
 - (a) the zoning of the land under the local planning scheme;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (d) the structural suitability of any enclosure in which any cat is to be kept;
 - (e) the likelihood of a cat causing a nuisance, inconvenience or annoyance to an occupier of adjoining land;
 - (f) the likely effect on the amenity of the surrounding area of the proposed use;
 - (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and
 - (h) any other factors which the local government considers to be relevant in the circumstances of the application.
- (2) An approval is to be in the form determined by the local government and is to be issued to the approved person.

2.6 Conditions

Regulation 9(3) of the *Cat (Uniform Local Provision) Regulations 2013* states:

An approval is subject to any condition that the local government –

- (a) reasonably considers is necessary to ensure that the premises are suitable for the additional number of cats; and

(b) specifies in the approval.

- (1) For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including -
- (a) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
 - (b) that there must be adequate space for the exercise of the cats;
 - (c) that, in the case of multiple dwellings where there is no suitable dividing fence, each current occupier of the adjoining multiple dwellings must give their written consent to the approval; and
 - (d) that, without the consent of the local government, the approved person must not substitute or replace any cat that dies or is permanently removed from the premises.
- (2) An approved person who does not comply with a condition of the approval, commits an offence.

Penalty: a fine of not less than \$1,000 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

2.7 Renewal of an application

- (1) An application is to be renewed if –
- (a) the approved person has not breached the conditions of the approval;
 - (b) the approval would have been granted if a fresh application for approval had been made; and
 - (c) the renewal fee, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*, is paid to the local government before the expiry of the approval.
- (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.

Regulation 10 of the Cat (Uniform Local Provisions) Regulations 2013 states that an approval has effect for the period specified in the approval.

2.8 Transfer of an approval

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval, and is transferrable only in accordance with this clause 2.8.
- (2) An application for the transfer of an approval from the approved person to another person must be –

-
- (a) made in the form determined by the local government;
 - (b) made by the proposed transferee;
 - (c) made with the consent of the approved person; and
 - (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government is not to determine an application for the transfer of an approval until the proposed transferee has complied with subclause (2).
 - (4) The local government may grant, or refuse to grant, an application for the transfer of an approval, and this approval will be subject to such conditions as the local government may impose under Regulation 9(3) of the *Cat (Uniform Local Provisions) Regulations 2013*.
 - (5) Where the local government grants an application for the transfer of an approval –
 - (a) it is to issue to the transferee an approval in the form determined by the CEO; and
 - (b) on the date of approval, unless otherwise specified in the approval, the transferee becomes the approved person for the purposes of this local law.

2.9 Variation or cancellation of an approval

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the permit holder and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval –
 - (a) on the request of the approved person;
 - (b) if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

2.10 Objection and review rights

A decision of the local government made under clauses 2.7, 2.8 or 2.9 is a decision to which Division 1, Part 9 of the *Local Government Act 1995* applies.

Regulation 11 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i> states –
--

11. Review by the State Administrative Tribunal

A person who applies for approval to keep an additional number of cats may apply to the State Administrative Tribunal for a review of a decision of the local government to —

- (a) refuse to grant approval; or
- (b) grant approval to keep an additional number of cats that is less than the number specified in the application; or
- (c) grant approval subject to conditions.

Part 3 - Enforcement

3.1 Infringement notices

- (1) An offence against clause 2.6(2) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (3) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

Regulations 6 and 13 of the Cat (Uniform Local Provisions) Regulations 2013 state:

6. Offence to keep more than standard number of cats

- (1) A person who is ordinarily resident at prescribed premises must ensure that the number of cats ordinarily kept at the premises is not more than the standard number of cats for the premises.

Penalty: a fine of \$5 000.

13. Infringement notices

- (1) An offence against regulation 6(1) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012* Schedule 1.
- (3) The form of withdrawal of an infringement notice is Form 7 in the *Cat Regulations 2012* Schedule 1

The Common Seal of the)
Shire of Coolgardie was affixed in)
the presence of)

.....
President

.....
Chief Executive Officer

DRAFT

SHIRE OF COOLGARDIE

CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995

CEMETERIES LOCAL LAW 2019

Published in the Government Gazette on dd mm
2019, No 1234

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.

**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF COOLGARDIE CEMETERIES LOCAL LAW 2019

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**CEMETERIES ACT 1986
LOCAL GOVERNMENT ACT 1995**

SHIRE OF COOLGARDIE CEMETERIES LOCAL LAW 2019

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Coolgardie resolved on dd mm 2019 to adopt the following local law.

Commented [Chris2]: Date of final council resolution to make local law under s3.12(4)

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Coolgardie Cemeteries Local Law 2019*.

1.2 Application

This local law applies to all cemeteries located in the district.

1.3 Commencement

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

1.4 Repeal

The *Coolgardie Cemetery Board By-laws* published in the *Government Gazette* on 24 August 1951, and amended in the *Government Gazette* on 24 December 1953, 25 November 1960, and on 8 February 1972 are repealed.

1.5 Interpretation

In this local law, unless the context otherwise requires –

Act means the *Cemeteries Act 1986*;

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

Board means the Shire of Coolgardie;

CEO means the Chief Executive Officer, for the time being, of the Board;

district means the district of the local government;

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

local government means the Shire of Coolgardie;

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

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;

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; and

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 a funeral director, the dead body is not in a fit state to be viewed;
or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.
- (2) A funeral director shall complete a certificate in the form determined by the Board from time to time, where –
 - (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed;
or
 - (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

3.4 Minimum notice required

All bookings to hold a funeral shall be made with the Board at least 48 hours prior to the time proposed for burial on the application, otherwise an extra charge may be made.

PART 4 - FUNERAL DIRECTORS

4.1 Funeral director's licence expiry

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

4.2 Single funeral permits

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

4.3 Application refusal

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

PART 5 – FUNERALS

Division 1 – General

5.1 Requirements for funerals and coffins

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

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

5.2 Funeral processions

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

5.3 Vehicle entry restricted

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

5.4 Vehicle access and speed limitation

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

5.5 Offenders may be ordered to leave

- (1) A person committing an offence under clause 5.4 may be ordered to leave the cemetery by the CEO or an authorised officer.

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

5.6 Conduct of funeral by Board

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

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

PART 6 – BURIALS

6.1 Depth of graves

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

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

- (2) The permission of the authorised officer will only be granted where, in the opinion of the authorised officer, exceptional circumstances require granting of that permission.

6.2 Mausoleum, etc

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

PART 7 – MEMORIALS AND OTHER WORK

Division 1 – General

7.1 Application for monumental work

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

7.2 Placement of monumental work

Every memorial shall be placed on proper and substantial foundations.

7.3 Removal of rubbish

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

7.4 Operation of work

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

7.5 Removal of sand, soil or loam

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

7.6 Hours of work

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

7.7 Unfinished work

Should any work by masons or others be not completed before 6 p.m. 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 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.

7.9 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.

7.10 Australian War Graves

(1) Notwithstanding anything in this local law to the contrary, the Office of Australian War Graves

–

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.11 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) on the lawn in an area set aside by the Board as a lawn or a memorial plaque section.

Division 2 – Lawn section

7.12 Specification of monuments

- (1) All monuments in the lawn section of a cemetery shall –
 - (a) be made of natural stone; and
 - (b) be placed upon a base of natural stone; and
 - (c) comply with the following specifications –
 - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.05 m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150 mm nor more than 450 mm;
 - (iii) the width of the base of the monument shall not exceed 1.20 m;
 - (iv) the depth of the base of the monument shall not exceed 300 mm; and
 - (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.
- (2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.
- (3) A person shall not display any trade names or marks upon any monument erected within the lawn section of the cemetery.

7.13 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

Division 3 – Memorial plaque section

7.14 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 380 mm x 280 mm, nor more than 560 mm x 305 mm.
- (2) All memorial plaques made of admiralty bronze shall –
 - (a) not exceed 20 mm in thickness; and
 - (b) be placed upon a base mounting approved by the Board.
- (3) All memorial plaques made of stone shall –
 - (a) not exceed 50 mm in thickness placed upon a base mounting approved by the Board; or
 - (b) not be less than 100 mm in thickness if it is not to be placed upon a base mounting.

Division 4 – Licensing of Monumental Masons

7.15 Monumental mason's licence

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

7.16 Expiry date, non-transferability

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

7.17 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 7.16;
- (b) is an employee of a person who holds such a licence; or
- (c) is authorised by the Board to do so.

7.18 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.

7.19 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.

PART 8 – GENERAL

8.1 Animals

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

8.2 Damaging and removing of objects

Subject to clause 8.4, 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.

8.3 Withered flowers

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

8.4 Littering and vandalism

A person shall not –

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

8.5 Advertising

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

8.6 Obeying signs and directions

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

8.7 Removal from the cemetery

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

PART 9 – OFFENCES AND MODIFIED PENALTIES

9.1 General

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

9.2 Modified penalties

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

Schedule 1 – Modified penalties
[cl. 9.2]

Item No.	Clause	Nature of offence	Modified penalty
1	5.4(1)	Not driving vehicle on vehicular access way or constructed roadways or within designated areas	\$50.00
2	5.4(2)	Exceeding speed limit	\$50.00
3	7.3	Not removing rubbish and surplus materials	\$50.00
4	7.5	Unauthorised use of sand, earth or other material taken from another part of the cemetery	\$50.00
5	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$50.00
6	7.11	Placing of glass domes and vases	\$50.00
7	8.1	Unauthorised bringing in of animal into cemetery or permitting animal to remain in cemetery	\$50.00
8	8.2	Damaging and removing of objects	\$50.00
9	8.4	Littering and vandalism	\$50.00
10	8.5	Unauthorised advertising and/or trading	\$50.00
11	8.6	Disobeying sign or lawful direction	\$50.00

Schedule 2 – Infringement notice

[cl. 9.2(3)]

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 *[insert name of Local Law]*.

(Authorised Person)

Offence

- ☐ Not driving vehicle on vehicular access way or designated areas
- ☐ Exceeding speed limit
- ☐ Not removing rubbish and surplus materials
- ☐ Unauthorised use of materials taken from another part of the cemetery
- ☐ Leaving uncompleted works in an untidy or unsafe condition
- ☐ Unauthorised animal in cemetery
- ☐ Damaging and removing of objects
- ☐ Littering and vandalism
- ☐ Unauthorised advertising and/or trading
- ☐ Disobeying sign or lawful direction
- ☐ Other Offence: _____ \$ _____

You may dispose of this matter by payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the **[insert name of Local Government]** at **[insert address of Local Government]** between the hours of 9 a.m. to 4.30 p.m., Monday to Friday.

Please make cheques payable to **[insert name of Local Government]**. Payments by mail should be addressed to –

The Chief Executive Officer
[insert name of Local Government]
[insert address of Local Government]

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

Schedule 3 – Infringement withdrawal notice

[cl. 9.2(4)]

Withdrawal of Infringement Notice

No. _____

Date ____/____/____

To: ^[1] _____

Infringement Notice 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.

(Authorised Person)

^[1] Insert name and address of alleged offender.

^[2] Insert short particulars of offence alleged.

^[3] Insert amount of penalty prescribed.

Dated:

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

Cr Malcolm Cullen
President.

James Trail
Chief Executive Officer.

Dog Act 1976

**SHIRE OF COOLGARDIE
DOGS LOCAL LAW 2019**

Published in the Government Gazette on dd mm yy, number 123.
Amended: Government Gazettes; dd mm 2019, No 1234
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]: This, and the text boxes in the local law are only for administrative purposes. They can be used in docs put on the website, given to the public etc providing the disclaimer below is noted.

Dog Act 1976

**SHIRE OF COOLGARDIE
DOGS LOCAL LAW 2019**

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Note

Most issues regulating dogs are dealt with by the Dog Act 1976 and Dog Regulations 2013. This includes:

- Registration of dogs;
- 'Dangerous dogs' as defined by the Act;
- Operation of dog management facilities (pounds), including:
 - Issues in relation to the impounding of dogs;
 - Attendance of a poundkeeper at the pound; and
 - Release of impounded dogs are dealt with by the Dog Act 1976, and in particular section 29.
- Registration fees (although fees for the seizure and impounding of a dog may be set by a local government in its annual budget under section 6.16 of the Local Government Act 1995);
- How off leash dog exercise areas are established;
- Dogs wandering at large;
- Dogs not under control;
- Dog attacks;
- Provisions about assistance animals such as guide dogs;
- Modified penalties applicable for minor offences.

The only matters that a local government may make local laws about are listed in section 51 of the Dog Act:

A local government may so make local laws —

(a) providing for the registration of dogs;

[(b) deleted]

(c) specifying areas within which it shall be an offence (unless the excreta are removed) for any person liable for the control of a dog to permit that dog to excrete on any street or public place or on any land without the consent of the occupier;

(d) requiring that in specified areas a portion of the premises where a dog is kept must be fenced in a manner capable of confining the dog;

(e) providing for the establishment and maintenance of dog management facilities and other services and facilities necessary or expedient for the purposes of this Act;

(f) providing for the detention, maintenance, care and release or disposal of dogs seized;

(g) as to the destruction of dogs pursuant to the powers hereinbefore conferred;

[(h) deleted]

(i) providing for the licensing, regulating, construction, use, and inspection of approved kennel establishments.

Dog Act 1976
SHIRE OF COOLGARDIE
DOGS LOCAL LAW 2019

Under the powers conferred by the *Dog Act 1976*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Coolgardie resolved on dd mm 2019 to make the following local law.

Commented [Chris2]: Date of final council resolution to 'make' the local law under s3.12(4)

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Coolgardie Dogs Local Law 2019*.

1.2 Commencement

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

1.3 Repeal

The *Municipality of the Shire of Coolgardie Dogs Local Law* published in the *Government Gazette* on 4 January 1985 and amended in the *Government Gazette* on 24 October 1997 is repealed.

1.4 Definitions

In this local law unless the context otherwise requires -

“**Act**” means the *Dog Act 1976*;

“**authorised person**” means a person authorised by the local government to perform all or any of the functions conferred on an authorised person under this local law;

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

“**district**” means the district of the local government

“**local government**” means the Shire of Coolgardie;

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

“**premises**” shall, for the purpose of determining who is the occupier, be taken to refer to any land or building, or part of any land or building, that is or is intended to be occupied as a separate residence from any adjacent tenement, and includes a mobile home;

s3(1) Dog Act 1976

“**Regulations**” means the *Dog Regulations 2013*; and

“**thoroughfare**” has the meaning given to it in section 1.4 of the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

2.1 Dogs to be confined

- (1) An occupier of premises on which a dog is kept must -
 - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
 - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
 - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures the dog remains confined) and is fitted with a proper latch or other means of fastening it;
 - (d) maintain the fence and all gates and doors in the fence in good order and condition;
 - (e) ensure the fence is erected and maintained in accordance with the provisions of the *Shire of Coolgardie Fencing Local Law*; and
 - (f) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause (1), he or she commits an offence.
- (3) Notwithstanding subclauses (1) and (2), the confinement of dangerous dogs is dealt with in the Act and Regulations.

2.2 Limitation on the number of dogs

- (1) This clause does not apply to premises which have been -
 - (a) licensed under the Act as an approved kennel establishment;
 - (b) granted an exemption under section 26(3) of the Act; or
 - (c) established as a veterinary hospital or a veterinary clinic.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act -
 - (a) 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated other than within a Rural Zone or Special Rural Zone as identified in a local planning scheme; or
 - (b) 3 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a Rural or Special Rural Zone as identified in a local planning scheme.

PART 3 – DOG EXCRETIA TO BE REMOVED

3.1 Offence to excrete

- (1) A dog must not excrete on –
 - (a) any thoroughfare, any dog exercise area or other public place; or
 - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause (3), if a dog excretes contrary to subclause (1), every person liable for the control of the dog at that time commits an offence.
- (3) The person liable for the control of the dog does not commit an offence against subclause (2) if any excreta is removed immediately by that person.

PART 4 - ENFORCEMENT

4.1 Interpretation

In this Part -

“**infringement notice**” means the notice referred to in clause 4.4; and

“**notice of withdrawal**” means the notice referred to in clause 4.7(1).

4.2 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

4.3 Modified penalties

The offences contained in Schedule 1 are offences in relation to which a modified penalty may be imposed.

4.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 8 of the First Schedule of the Regulations.

4.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

4.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the

local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

4.7 Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 9 of the First Schedule of the Regulations.
- (2) A person authorised to issue an infringement notice under clause 4.4 cannot sign or send a notice of withdrawal.

DRAFT

**SCHEDULE 1 - OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY
APPLIES
(clause 4.3)**

Offence	Nature of offence	Modified penalty \$
2.1	Failing to provide means for effectively confining a dog	100
3.1(2)	Dog excreting in prohibited place	100

Note:
Regulation 33 of the Dog Regulations 2013 sets out a number of modified penalties for offences under the Act, including those applicable where a dangerous dog is involved.

LOCAL GOVERNMENT ACT 1995

Shire of Coolgardie 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 Coolgardie 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 Coolgardie Fencing 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 *Municipality of the Shire of Coolgardie By-Laws Relating to Fencing and Obstructions at Intersections* as published in the *Government Gazette* on 31 December 1996.

4. Clause 1 amended

In clause 1:

(a) Add the following definitions in alphabetic order:

"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 government" means the Shire of Coolgardie;

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

(b) Delete the definitions of "council", "town planning scheme" and "Building Surveyor"; and

(c) Replace 'town planning scheme' with 'local planning scheme' wherever it occurs.

5. Clauses 3(b), 4(a), 5(b)(i), 5(c), 5(d), 6, 8, 9(a), 9(b), 10(iii), 14 and 15 amended

Replace 'Council' with 'local government' wherever it occurs in clauses 3(b), 4(a), 5(b)(i), 5(c), 5(d), 6, 8, 9(a), 9(b), 10(iii), 14 and 15.

6. Clause 14 amended

In clause 14 replace 'Building Surveyor' with 'authorised person'.

7. Clause 16 amended

In clause 16(i) replace '\$200' with '\$5,000' and in clause 16(ii) replace '\$20' with '\$500'.

Dated dd mm 2019

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

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

.....
Cr Malcolm Cullen, President

.....
James Trail, Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

Shire of Coolgardie 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 Coolgardie resolved on dd mm 2019 to make the following local law:

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3. Principal Local Law

This local law amends the *Municipality of the Shire of Coolgardie By-Laws Relating to Fencing and Obstructions at Intersections* as published in the *Government Gazette* on 31 December 1996.

4. Clause 1 amended

In clause 1:

- (a) Add the following definitions in alphabetic order:
"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 government" means the Shire of Coolgardie;
"local planning scheme" means a local planning scheme made by the local government under the *Planning and Development Act 2005*;
- (b) Delete the definitions of "council", "town planning scheme" and "Building Surveyor"; and
- (c) Replace 'town planning scheme' with 'local planning scheme' wherever it occurs.

5. Clauses 3(b), 4(a), 5(b)(i), 5(c), 5(d), 6, 8, 9(a), 9(b), 10(iii), 14 and 15 amended

Replace 'Council' with 'local government' wherever it occurs in clauses 3(b), 4(a), 5(b)(i), 5(c), 5(d), 6, 8, 9(a), 9(b), 10(iii), 14 and 15.

6. Clause 14 amended

In clause 14 replace 'Building Surveyor' with 'authorised person'.

7. Clause 16 amended

In clause 16(i) replace '\$200' with '\$5,000' and in clause 16(ii) replace '\$20' with '\$500'.

Dated dd mm 2019

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

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

.....
Cr Malcolm Cullen, President

.....
James Trail, Chief Executive Officer

LOCAL GOVERNMENT ACT
The Municipality of the Shire of Coolgardie
BY-LAWS RELATING TO FENCING AND OBSTRUCTIONS AT INTERSECTIONS

In pursuance of the powers conferred upon it by the abovementioned Act and of all other powers enabling it, the Council of the abovementioned Municipality hereby records having resolved on the 27th day of October 1994, to make and submit for confirmation by the Governor the following By-laws.

1. In these By-laws unless the context otherwise requires-

"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;

"District" means the municipal district of the Shire of Coolgardie.

"Dangerous Fence" means a fence declared by a Authorised person to be in a dangerous condition by reason of any one or more of the following, namely; faulty design, location, construction, deterioration of materials, damage by termites, decay, damage by collision, changes in ground levels, or any other cause or causes.

"Fence" means a fence abutting a road way or street or a fence on or near the boundary line of a lot and includes any free standing wall and any retaining wall.

"Industrial and Commercial Zone" means any portion of the District that is classified or zoned industrial and commercial by a Local Planning Scheme or By-Law for the time being in force.

"local government" means the Shire of Coolgardie.

"local planning scheme" means a local planning scheme of the local government.

"Residential Zone" means any portion of the District that is classified or zoned Residential by a Local Planning Scheme or By-Law for the time being in force.

"Dividing Fence" means a fence that separates the land of different owners whether the fence is on the common boundary of the adjoining land or on a line other than the common boundary.

2. Subject to By-Law 3-

(a) A fence within a Residential Zone constructed in accordance with the specifications set out in the First Schedule hereto is hereby prescribed as a "sufficient fence" for the purpose of the Dividing Fences Act 1961 (as amended).

(b) A fence within an Industrial and Commercial Zone constructed in accordance with the specifications set out in the Second Schedule hereto is hereby prescribed as a "sufficient fence" for the purposes of the Dividing Fences Act 1961 (as amended).

3. (a) Where a fence is erected on the boundary between land in a Residential Zone and land in some other zone then a "sufficient fence" for the purposes of the Dividing Fences Act 1961 (as amended) shall be prescribed as a "sufficient fence" for a Residential Zone.

(b) Where a fence is erected on a boundary line between land in differing zones neither of which is a Residential Zone the local government shall determine which schedule shall apply for the purposes of prescribing a "sufficient fence" for the purposes of the Dividing Fences Act 1961 (as amended).

4. (a) No person shall construct a fence of second hand material within the townsites of Kambalda and Kambalda West under any circumstance, and in any other case without the written consent of the local government which consent the local government in its absolute discretion may refuse to grant or may grant upon such terms and conditions as it deems fit.
(b) No fence shall be constructed of sheet metal unless the fence to be erected is adequately capped.
5. (a) Within a Residential Zone, subject to By-law 7 a front boundary fence not exceeding 1200mm in height may be constructed along the full width of the frontage of a lot.
(b) A fence within a Residential Zone in excess of 1200mm and not exceeding 1800mm in height may be constructed along the front boundary of a lot subject to-
 - (i) approval by the local government; and
 - (ii) By-law 7 being complied with.
(c) A fence within a Residential Zone shall not, within 7.5 metres of the front boundary of the lot, exceed 1200mm in height, without the express approval of the local government.
(d) The local government at its discretion may upon written application approve a fence other than those permitted by these By-Laws.
6. No person shall erect any structure in front of the building line in an Industrial, Commercial or Residential Zone other than a fence permitted by these By-Laws without having first made written application to and obtained the written approval of the local government.
7. No person shall erect or permit to be erected on any land owned or occupied by him any wall, fence, hedge, tree, shrub or other obstruction of a greater height than 750mm measured from the level of the footpath, road or right-of-way immediately adjoining the same within the area enclosed by the boundaries of the streets, roads, or rights-of-way and a line joining the points located at a distance of 6 metres measured horizontally along each street, or road or right-of-way boundary from the point of intersection of the streets, roads or rights-of-way or from the point of intersection of a prolongation of the said boundaries except that this By-law shall not apply to intersections or junctions having the standard truncation of 8.5 metres or more.
8. No person shall erect a dividing fence greater than 1800mm in height in a Residential Zone without having first made application to and obtained the written approval of the local government.
9. (a) No person shall commence to erect or proceed with the erection of a retaining wall which is on a boundary line unless and until he has lodged with the local government two (2) copies of a plan and specifications thereof and in the case of a retaining wall exceeding 1000mm in height when required by the local government, engineering calculations in respect thereof and the local government has approved a copy of the plan and specifications and (where applicable) the calculations.
(b) No person shall erect or permit a dividing fence to act as a retaining wall without first having obtained local government permission.
10. A fence wholly or partly of barbed wire complying with these By-laws may only be erected-
 - (i) In any area that is used for rural purposes;

- (ii) In an Industrial and Commercial Zone if no barbed wire is used below a height of 1800mm from the ground; or
- (iii) In any other part of the Shire of Coolgardie with the written approval of the local government.

11. No person shall erect or maintain a dangerous fence anywhere within the Shire.

12. The use of metal spikes, broken glass or any other potentially dangerous material in or on any fence in the district is prohibited.

13. The owner or occupier of land on which a fence is erected shall maintain the fence in good condition and in such a manner as to prevent it from becoming dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood.

14. The Local government may give notice in writing to the owner or occupier of any land upon which there is a dangerous fence or a fence which is in the opinion of an authorised person in bad condition or repair, dilapidated, unsightly or prejudicial to property in or to the inhabitants of the neighbourhood or is contrary to the provisions of these By-laws requiring such owner or occupier to repair, paint, or maintain such fence within the time stipulated in the notice or in that time give satisfactory reason why the notice should not be complied with or be given extra time in which to comply. Any person who fails to comply with the terms of any notice served under these By-laws commits an offence.

15. Where the owner or occupier of land fails to comply with a written notice given by the Local government in accordance with By-law 14 of these By-laws the Local government may enter upon such land and carry out the works specified in the written notice and the costs and expenses incurred by the Local government in so doing may be recovered from such owner or occupier in a Court of competent jurisdiction.

16. Any person who commits a breach of these By-laws commits an offence and shall on conviction be liable to-

- (i) a maximum penalty of \$5,000, and
- (ii) in addition a maximum daily penalty of \$500 for each day during which the offence occurs.

First Schedule Residential Zone

A sufficient fence shall be-

- (a) A free standing fibro cement fence having specifications as follows-
 - i. A height of 1500mm;
 - ii. An in-ground depth of 25% of the total length of the sheet with a minimum inground length of 600mm;
 - iii. The combined height and depth of the fence shall consist of a single continuous fibre reinforced cement sheet;
 - iv. Fibre reinforced cement sheets are to be lapped and capped with extruded
 - v. "snap-fit" type capping in accordance with the manufacturers' specifications.

Second Schedule
Industrial and Commercial Zones

A sufficient fence shall consist of rail-less link or chain mesh of a height of 1800mm on top of which are three strands of barbed wire carrying the fence to a height of 2100mm supported by galvanised iron posts of a diameter of 50mm spaced at three (3) metre centres and sunk in the ground 600mm and encased in a concrete footing having a dimension of 160mm X 600mm.

Dated this 27th day of November 1996.

The Common Seal of the Shire of Coolgardie was hereunto affixed in the presence of

W. M. INGHAM, President.
A. A. McCABE, A/Chief Executive Officer.

Shire of Coolgardie

**PUBLIC PLACES AND
LOCAL GOVERNMENT PROPERTY
LOCAL LAW 2019**

Published in the Government Gazette on dd mm yy, No 1234
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]: This appears on the 'admin' or public version of the local law; not the Gazetted or official version. It contains an index and text boxes etc that do not form part of the Gazetted version but is more user friendly

**Public Places and Local Government Property Local
Law 2019**

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Local Government Act 1995

Shire of Coolgardie

Public Places and Local Government Property Local Law 2019

Under the powers conferred on it by the *Local Government Act 1995* and under all other enabling powers, the Council of the Shire of Coolgardie resolved on **dd mm yyyy** to make this local law.

Commented [Chris2]: Date of final council resolution to make LL under s3.12(4) of Act

Part 1 - Preliminary

1.1 Title

This is the *Shire of Coolgardie Public Places and Local Government Property Local Law 2019*.

1.2 Commencement

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

1.3 Application

This local law applies throughout the district.

1.4 Repeal and transitional provisions

(1) The following are repealed:

- (a) *The Municipality of the Shire of Coolgardie By-laws Relating to Recreation Reserves* published in the *Government Gazette* on 20 April 1971 and amended in the *Government Gazette* on 4 January 1985; and
- (b) *The Municipality of the Shire of Coolgardie By-laws Relating to Recreation Reserves (Parks)* published in the *Government Gazette* on 11 January 1985.

(2) An application for, or an application for the renewal of, a licence, permit or other authorisation made under a repealed local law that has not been finally determined before the commencement day is to be dealt with and determined as if it were an application under this local law.

(3) A licence, permit or other authorisation under a repealed local law that is in force before the commencement day is to be regarded on and after that day as a licence under this local law and may be dealt with accordingly.

1.5 Definitions

In this local law -

Act means the *Local Government Act 1995*;

applicant means a person who applies for a licence;

application means an application for a licence;

application fee means the fee payable on the lodgement of an application for a licence and which relates to the lodgement, assessment and determination of the application but does not include the licence fee;

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

building means any building which is local government property and includes any –

- (a) hall or room;
- (b) corridor, stairway or annexe of any hall or room; and
- (c) jetty;

bulk rubbish container means a bin or container designed or used for holding a substantial quantity of rubbish and which is unlikely to be lifted without mechanical assistance, but does not include a bin or container used in connection with the local government's regular domestic rubbish collection service;

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;

determination means a determination made under clause 2.1;

district means the district of the local government and any area outside the district of the local government in respect of which the Governor's approval under section 3.6(1) of the Act has been obtained;

entertain means conduct any form of theatrical, artistic, musical, audio or visual performance and includes busk;

function means an event or activity characterised by all or any of the following -

- (a) formal organisation and preparation;
- (b) its occurrence is generally advertised or notified in writing to particular persons;
- (c) organisation by or on behalf of a club;
- (d) payment of a fee to attend it; and
- (e) systematic recurrence in relation to the day, time and place;

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

hire includes offer to hire and expose for hire;

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

intersection means —

- (a) the area where 2 or more carriageways meet; or
- (b) the area within which vehicles, travelling by, on or from different carriageways may come into conflict;

Extract from *Road Traffic Code 2000*

kerb includes the edge of a carriageway;

lawn means any part of a street which is planted only with grass, or with a similar plant, but will include any other plant provided that it has been planted by the local government;

licence means a licence under this local law;

licence fee means the fee payable on the issue of a licence;

licence document means a licence document issued under this local law;

licensee means a person who holds a licence;

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

Liquor Control Act means the *Liquor Control Act 1988* and all regulations made under that Act;

local government means the Shire of Coolgardie;

local government property means anything except a street –

- (a) which belongs to or leased by the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or
- (c) which is an otherwise unvested facility within section 3.53 of the Act;

local public notice has the meaning given to it by the Act;

1.7. Local public notice

(1) Where under this Act local public notice of a matter is required to be given, a notice of the matter is to be —

- (a) published in a newspaper circulating generally throughout the district; and
- (b) exhibited to the public on a notice board at the local government's offices; and
- (c) exhibited to the public on a notice board at every local government library in the district.

(2) Unless expressly stated otherwise it is sufficient if the notice is —

- (a) published under subsection (1)(a) on at least one occasion; and
- (b) exhibited under subsection (1)(b) and (c) for a reasonable time, being not less than —
 - (i) the time prescribed for the purposes of this paragraph; or
 - (ii) if no time is prescribed, 7 days.

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

lot means a defined portion of land —

- (a) depicted on a plan or diagram available from, or deposited with, the Authority and for which a separate Crown grant or certificate of title has been or can be issued; or
- (b) depicted on a diagram or plan of survey of a subdivision approved by the Commission; or
- (c) which is the whole of the land the subject of —
 - (i) a Crown grant issued under the *Land Act 1933*²; or
 - (ii) a certificate of title registered under the *Transfer of Land Act 1893*; or
 - (iii) a survey into a location or lot under section 27(2) of the *Land Administration Act 1997* or a certificate of Crown land title the subject of such a survey; or
 - (iv) a part-lot shown on a diagram or plan of survey of a subdivision deposited with the Authority; or
 - (v) a conveyance registered under the *Registration of Deeds Act 1856*,

but does not include a lot in relation to a strata scheme, a lot in relation to a survey-strata scheme, or a lot shown as common property on a survey-strata plan, as those terms are defined in the *Strata Titles Act 1985*;

market means a collection of stalls, stands or displays erected for the purpose of selling or hiring goods or services or carrying out any other transaction;

nuisance means any activity, thing, condition, circumstance or state of affairs caused or contributed to by a person which —

- (a) is injurious or dangerous to the health or safety of another person of normal susceptibility; or

- (b) which has a disturbing effect on the state of reasonable physical, mental or social wellbeing of another person;

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

permissible verge treatment means any one of the treatments described in clause 6.4(2), and includes any associated reticulation pipes and sprinklers;

person does not include the local government;

private property means any land that –

- (a) has a separate certificate of title; and
- (b) is in private ownership or is the subject of a lease or agreement with a person enabling its use for private purposes,

and includes any building or structure on the land;

prohibited drug has the meaning given to it by the *Misuse of Drugs Act 1981*;

“prohibited drug” means drug to which this Act applies by virtue of section 4;

4. Drugs and plants to which Act applies

(1) Subject to subsection (4), the drugs to which this Act applies are —

- (a) drugs of addiction;
- (b) specified drugs; and
- (c) whether or not they are also drugs of addiction or specified drugs, the drugs specified in Schedule I.

(2) Subject to subsection (3), the plants to which this Act applies are —

(a) prohibited plants as defined by section 5 of the Poisons Act 1964; and

(b) whether or not they are also prohibited plants as defined by section 5 of the Poisons Act 1964, the plants specified in Schedule II.

(3) This Act does not apply to the non-viable seeds of the opium poppy *Papaver somniferum*.

(4) This Act does not apply to processed industrial hemp.

Extract from the Misuse of Drugs Act 1981

public place means –

- (a) a street;
- (b) any local government property; or
- (c) a place to which the public have access;

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

repealed local law means a local law repealed under clause 1.4;

retailer means a the owner or occupier of a shop in respect of which shopping trolleys are provided for the use of customers of the shop;

Schedule means a schedule to this local law;

sell includes –

- (a) offer or attempt to sell;
- (b) display for sale;
- (c) send, forward or deliver for sale or on sale;
- (d) barter or exchange;
- (e) dispose, by lot or chance or by auction;
- (f) supply, or offer, agree or attempt to supply –
 - (i) in circumstances which the supplier derives or would be likely to derive a direct or indirect pecuniary benefit; or
 - (ii) gratuitously, but with a view to gaining or maintaining custom or other commercial advantage; or
- (g) authorise, direct, cause or permit to be done any act referred to in this definition;

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

sign includes a notice, flag, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols;

stall means a movable or temporarily fixed structure, stand or table in, on or from which goods or services are sold and includes a vehicle;

street means any highway, thoroughfare or land used for vehicular or pedestrian traffic, and includes all the land lying between property lines, including the verge and footpath;

street tree means any tree planted or self sown in the street, of an appropriate species and in an appropriate location, for the purposes of contributing to the streetscape;

thoroughfare is defined in the Act:

thoroughfare means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

Extract from s1.4 *Local Government Act 1995*

trading means selling or hiring goods or services and includes the setting up of a stall and conducting business at a stall;

vehicle includes –

(a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and

(b) an animal being ridden or driven,

but excludes –

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

(d) a pram, stroller or similar device, or a shopping trolley;

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

waste includes matter –

(a) whether liquid, solid, gaseous or radioactive and whether useful or useless, which is discharged into the environment; or

(b) prescribed by regulations under the *Waste Avoidance and Resource Recovery Act 2007* to be waste.

1.6 Interpretation

In this local law, a reference to local government property includes a reference to any part of local government property.

1.7 Overriding power to hire and agree

Despite anything to the contrary in this local law, the CEO or an authorised person, on behalf of the local government, may –

(a) hire local government property to any person; or

(b) enter into an agreement with any person regarding the use of any local government property.

Note that –

1. *Parts 2-5 of this local law regulate activities relating to local government property;*
2. *Part 6 regulates activities in streets (defined to include verges and footpaths); and*
3. *Part 7 regulates activities in public places (which, in addition to any street or local government property, is defined to include any place to which the public have access).*

Part 2 - Determinations in respect of local government property

2.1 Determinations as to use of local government property

(1) The local government may make a determination in accordance with clause 2.2 –

- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
 - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
 - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
 - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 1 –
- (a) are to be taken to have been made in accordance with clause 2.2;
 - (b) may be amended or revoked in accordance with clause 2.6; and
 - (c) have effect on the commencement day.

2.2 Procedure for making a determination

- (1) The local government is to give local public notice of the local government's intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
 - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;
 - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
 - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the council may decide –
 - (a) to give local public notice that the proposed determination has effect as a determination on and from the date of publication;
 - (b) to amend the proposed determination, in which case subclause (5) is to apply; or
 - (c) not to continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c), the council –
 - (a) is to consider those submissions; and
 - (b) may decide –

- (i) whether or not to amend the proposed determination; or;
 - (ii) whether or not to continue with the proposed determination.
- (5) If the council decides to amend the proposed determination, it is to give local public notice –
 - (a) of the effect of the amendments; and
 - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the council.

2.3 Discretion to erect sign

The local government may erect a sign on local government property to give notice of the effect of a determination which applies to that property.

2.4 Determination to be complied with

A person must comply with a determination.

2.5 Register of determinations

- (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

2.6 Amendment or revocation of a determination

- (1) The 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.

2.7 Activities which may be pursued on specified local government property

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
 - (a) take, ride or drive a vehicle, or a particular class of vehicle;
 - (b) fly or use a motorised model aeroplane;
 - (c) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
 - (d) launch, beach or leave a boat;
 - (e) take or use a boat, or a particular class of boat;
 - (f) play or 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; or
 - (g) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
 - (a) the days and times during which the activity may be pursued;
 - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
 - (d) may limit the activity to a class of vehicles, equipment or things, or may extend it to all vehicles, equipment or things;
 - (e) may specify that the activity can be pursued by a class of persons or all persons; and
 - (f) may distinguish between different classes of the activity.

2.8 Activities which may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property –
- (a) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
 - (b) taking, riding or driving a vehicle or a particular class of vehicle;
 - (c) riding or driving above a specified speed a vehicle or a particular class of vehicle;
 - (d) taking or using a boat, or a particular class of boat;
 - (e) the playing or practice of –
 - (i) golf, archery, pistol shooting or rifle shooting; or
 - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
 - (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
 - (g) the traversing of land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.
- (2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –
- (a) the days and times during which the activity is prohibited;
 - (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
 - (c) that an activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
 - (d) that an activity is prohibited in respect of a class of persons or all persons; and
 - (e) may distinguish between different classes of the activity.

Note: smoking on local government property, and in other places, is regulated by the Tobacco Products Control Regulations 2006.

2.9 Sign under repealed local law taken to be determination

- (1) Where a sign erected on local government property has been erected under a repealed local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.
- (2) Clause 2.5 does not apply to a sign referred to in subclause (1).

Part 3 - Activities on local government property requiring a licence

3.1 Activities requiring a licence

- (1) A person must not without a licence –
 - (a) subject to subclause (3) hire local government property;
 - (b) advertise anything by any means on local government property;
 - (c) erect, on local government property a structure for public amusement or for any performance, whether for gain or otherwise;
 - (d) teach, coach or train, for profit, a person or animal on local government property;
 - (e) plant any plant or sow any seeds on local government property;
 - (f) carry on any trading on local government property unless the trading is conducted –
 - (i) with the consent of a person who holds a licence to conduct a function, and where the trading is carried on under and in accordance with the licence; or
 - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
 - (g) conduct or set up a market on local government property;
 - (h) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose –
 - (i) drive or ride or take any vehicle on to local government property; or
 - (ii) park or stop any vehicle on local government property;
 - (i) conduct a function on local government property;
 - (j) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;

- (k) light a fire on local government property except in a facility provided for that purpose;
 - (l) parachute, hang glide, abseil or base jump from or on to local government property;
 - (m) erect a building or a refuelling site on local government property;
 - (n) make any excavation on or erect or remove any fence on local government property;
 - (o) erect or install any structure above or below ground of local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
 - (p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly on local government property;
 - (q) erect, install, operate or use any broadcasting, public address system, loudspeaker or other device for the amplification of sound on local government property; or
 - (r) conduct an entertainment event on local government property.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.
 - (3) The CEO or an authorised person may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

3.2 Erecting structures or camping

- (1) In this clause –

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 must not without a licence –
 - (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property;
 - (b) erect, on local government property, any tent, camp, hut or similar structure; or
 - (c) erect, on local government property that is not enclosed, an umbrella or temporary shade structure unless –
 - (i) it is erected for protection from the sun or other elements;
 - (ii) it has an area of no more than 6 square metres;

- (iii) it has a height of no less than 2.5 metres;
 - (iv) it is removed by that person –
 - (I) immediately on leaving that local government property; and
 - (II) during daylight on the same day on which it was erected; and
 - (v) it is for a private use.
- (4) The maximum period for which the CEO or an authorised person may approve an application for a licence 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*.

3.3 Licence required for possession and consumption of liquor

- (1) A person, on local government property, must not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
 - (a) that is permitted under the Liquor Control Act; and
 - (b) a licence has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

Part 4 - Behaviour on all local government property

Division 1 - Prohibited behaviour

4.1 Behaviour which interferes with others

A person must not, in or on any local government property, behave in a manner which –

- (a) is likely to interfere with the enjoyment of a person who might use the property or who might otherwise lawfully be on the property; or
- (b) interferes with the enjoyment of a person using, or otherwise lawfully on, the property.

4.2 Behaviour detrimental to property

- (1) A person must not behave in or on local government property in a way which is or might be detrimental to the property.
- (2) In subclause (1) –

detrimental to the property includes –

 - (a) removing any thing from the local government property including a rock, a plant or a seat provided for the use of any person; and

- (b) destroying, defacing or damaging any thing on the local government property, including a plant, a seat provided for the use of any person or a building.

4.3 Taking or injuring fauna

- (1) A person must not take, injure or kill, or attempt to take, injure or kill, any fauna which is on or above any local government property, unless that person is authorised under a written law to do so.

- (2) In this clause and in clause 4.5 –

animal means any living thing that is not a human being, fly or plant; and

fauna means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur unless it has been shed or discarded by the animal in a normal or natural manner.

4.4 Flora

- (1) Unless authorised to do so under a written law or with the written approval of the CEO or an authorised person, a person must not –

- (a) remove, damage or interfere with any flora that is on or above any local government property; or
- (b) cultivate, plant or deposit any flora on local government property.

- (2) In this clause –

flora means all vascular plants, seeds and other flora, whether living or dead.

4.5 Animals

- (1) A person must not –

- (a) tether any animal to a tree, shrub, tree guard, wall or fence; or
- (b) permit any animal to enter upon or into any local government property,

unless authorised by a licence or under this local law.

- (2) In this clause, 'animal' does not include a dog.

4.6 Intoxicated persons not to be on local government property

A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.

Division 2 - Signs and powers to give directions

4.7 Signs

- (1) The CEO or an authorised person may erect a sign on local government property –
 - (a) specifying any conditions of use which apply to that property; and
 - (b) for any other purpose relevant to this local law, including giving notice of a breach of clause 4.4 and substituting a sign for flora that has been removed, damaged or interfered with contrary to clause 4.4.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
 - (a) not to be inconsistent with any provision of this local law or any determination; and
 - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

4.8 Authorised person to be obeyed

A person on local government property must obey any lawful direction of the CEO or an authorised person and must not in any way obstruct or hinder the CEO or an authorised person in the execution of her or his duties.

4.9 Refusal of entry and removal

- (1) If the CEO or an authorised person reasonably suspects that a person is breaching, or has just breached, a provision of this local law or any other written law, the CEO or authorised person may –
 - (a) refuse to allow that person to enter local government property; and
 - (b) if the person is on local government property, direct the person to leave the local government property.
- (2) A person who has been refused entry or who has been directed to leave under subclause (1) must immediately leave the local government property quickly and peaceably.
- (3) If a person fails to comply with subclause (2), the CEO or an authorised person may remove the person, or arrange for the person to be removed, from the local government property.

4.10 Disposal of lost property

An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the CEO or an authorised person -

- (a) if the value of the property is reasonably believed to exceed the amount prescribed by regulation 30(3) of the *local government (Functions and General) Regulations 1996*, using the process under section 3.58 of the *Act* for the sale of the article as if it was property referred to in that section;
- (b) if the article is reasonably believed to be of a negligible or little value or likely to be of no interest to a not for profit body, in any manner he or she thinks fit; or
- (c) in any other case, by donation to a not for profit body incorporated under the *Associations Incorporations Act 1987*.

Part 5 - Matters relating to particular local government property

5.1 No unauthorised entry to function

- (1) A person must not enter local government property on such days or during such times as the property is set aside for a function for which a charge for admission is authorised, except –
 - (a) through the proper entrance for that purpose; and
 - (b) on payment of the fee chargeable for admission at the time.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1)(b).

5.2 No entry to fenced or closed local government property

A person must not enter local government property which has been fenced off or closed to the public by a sign or otherwise, unless that person is authorised to do so by the CEO or an authorised person.

Part 6 - Activities in streets

Division 1 - General

6.1 General prohibitions

A person must not –

- (a) plant, or allow to remain, in a street a plant that is or may become an obstruction to a reasonable sight line hazard for a driver of any vehicle negotiating or using the street;
- (b) damage a lawn or a garden, or remove any plant or part of a plant from a lawn or a garden, in a street unless –

- (i) the person is the owner or the occupier of the lot abutting that portion of the street and the lawn or the garden or the particular plant has not been installed or planted by the local government ; or
 - (ii) the person is acting under the authority of a written law;
- (c) damage, or remove a street tree, or part of a street tree, irrespective of whether it was planted by the owner or occupier of the lot abutting the street or by the local government , unless –
 - (i) the damage to, or removal of, the street tree is authorised by the CEO or an authorised person in writing; or
 - (ii) the person is acting under authority of written law;
- (d) place, or allow to be placed or remain, on a street any thing (except water) that –
 - (i) obstructs the street; or
 - (ii) results in a hazard for any person using the street;
- (e) unless at the direction of the CEO or an authorised person, damage, remove or interfere with any part of a street, or any structure erected on a street, by the local government or a person acting under the authority of a written law;
- (f) play or participate in any game or sport so as to cause danger to any person or thing or impede the movement of vehicles or persons on a street; or
- (g) within a mall, arcade or veranda of a shopping centre, ride any bicycle, skateboard, roller-blades or similar device.

Note:
The *Road Traffic (Events on Roads) Regulations 1991* apply and override a local law. Under these Regulations a permit is needed for an event that might involve a road closure and should be referred to.

6.2 Activities allowed with a licence

- (1) A person must not, without a licence –
 - (a) dig or otherwise create a trench through or under a kerb or footpath;
 - (b) throw, place or deposit any thing on a verge except for removal by the local government under a bulk rubbish collection, and then only in accordance with the terms and conditions and during the period of time advertised in connection with that collection by the local government;

- (c) cause any obstruction to a vehicle or a person using a street as a street;
 - (d) cause any obstruction to a water channel or a water course in a street;
 - (e) throw, place or drain offensive, noxious or dangerous fluid onto a street;
 - (f) damage a street;
 - (g) fell or damage any street tree;
 - (h) fell any tree onto a street;
 - (i) light any fire or burn any thing on a street other than in a stove or fireplace provided for that purpose;
 - (j) unless installing, or in order to maintain, a permissible verge treatment –
 - (i) lay pipes under or provide taps on any verge; or
 - (ii) place or install, on any part of a street, any thing such as gravel, stone, flagstone, cement, concrete slabs, blocks, bricks, pebbles, plastic sheeting, kerbing, wood chips, bark or sawdust;
 - (k) provide, erect, install or use in or on any building, structure or land abutting on a street any hoist or other thing for use over the street;
 - (l) on a street use anything or do anything so as to create a nuisance;
 - (m) place or cause to be placed on a street a bulk rubbish container;
 - (n) interfere with the soil of, or anything in, a street or take anything from a street;
 - (o) carry on any trading on a street;
 - (p) conduct or set up a market on a street; or
 - (q) conduct an entertainment event on a street.
- (2) The CEO or an authorised person may exempt a person from compliance with subclause (1) on the application of that person.

Note the *Road Traffic (Events on Roads) Regulations 1991* also have effect.

6.3 Notice to owner or occupier

The CEO or an authorised person may give a notice in writing to the owner or the occupier of a lot abutting on a verge to make good, within the time specified in the notice, any breach of a provision of this Part.

Division 2 - Permissible verge treatments

6.4 Permissible verge treatments

- (1) An owner or occupier of land which abuts on a verge may, on that part of the verge directly in front of her or his land, install a permissible verge treatment.
- (2) A permissible verge treatment is—
 - (a) the planting and maintenance of a lawn;
 - (b) the planting and maintenance of a garden provided that —
 - (i) clear sight visibility is maintained at all times for a person using the abutting street in the vicinity of an intersection or bend in the street or using a driveway on land adjacent to the street for access to or from the street;
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;
 - (iii) it does not include a wall or built structure; and
 - (iv) it is not of a thorny, poisonous or hazardous nature; and
 - (c) the installation of an acceptable material.
- (3) In this clause **acceptable material** means any material which would create a hard surface, and which has been approved by the local government.
- (4) A person must not install or maintain a verge treatment which is not a permissible verge treatment.
- (5) The owner and occupier of the lot abutting a verge treatment referred to in subclause (1) are each to be taken to have installed and maintained that verge treatment for the purposes of this clause and clause 6.5.

6.5 Obligations of owner or occupier

An owner or occupier who installs or maintains a permissible verge treatment must —

- (a) keep the permissible verge treatment in a good and tidy condition and ensure, where the verge treatment is a garden or lawn, that a footpath on the verge and a carriageway adjoining the verge are not obstructed by the verge treatment;

Commented [Chris3]: Does the Shire have a list?

- (b) ensure that clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in a thoroughfare, or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare;
- (c) not place any obstruction on or around the verge treatment;
- (d) not disturb a footpath on the verge;
- (e) ensure that the verge treatment does not damage or obstruct a drain, manhole, galley, inspection pit, channel, kerb or tree planted by the local government; and
- (f) ensure that any sprinklers or pipes installed to irrigate a verge treatment –
 - (i) do not protrude above the level of the lawn or verge treatment when not in use;
 - (ii) are not used at such times so as to cause unreasonable inconvenience to pedestrians or other persons; and
 - (iii) do not otherwise present a hazard to pedestrians or other persons.

6.6 Transitional provision

- (1) In this clause –

former provisions means the provisions of the repealed local laws which permitted certain types of verge treatments, whether with or without the consent of the local government.

- (2) A verge treatment which –

- (a) was installed prior to the commencement day; and
- (b) on the commencement day is a type of verge treatment which was permitted under and complied with the former provisions,

is to be taken to be a permissible verge treatment for so long as the verge treatment remains of the same type and continues to comply with the former provisions.

6.7 Power to carry out public works on verge

Where the local government or an authority empowered to do so under a written law disturbs a verge, the local government or the authority –

- (a) is not liable to compensate any person for that disturbance;
- (b) may backfill with sand, if necessary, any garden or lawn; and
- (c) is not liable to replace or restore any –

- (i) verge treatment and, in particular, any plant or any acceptable material or other hard surface; or
- (ii) sprinklers, pipes or other reticulation equipment.

Division 3 - Vehicle crossings

Note:
Provisions about crossovers, setting specifications for and subsidy by the local government are dealt with in the *Local Government (Uniform Local General Provisions) Regulations 1996*.

6.8 Temporary crossings

- (1) Where it is likely that works on a lot will involve vehicles leaving a street and entering the lot, the person responsible for the works must obtain a permit for the construction of a temporary crossing to protect the existing carriageway, kerb, drains, footpath, existing materials and street trees, where –
 - (a) a crossing does not exist; or
 - (b) a crossing does exist, but the nature of the vehicles and their loads is such that they are likely to cause damage to the crossing.
- (2) The **person responsible for the works** in subclause (1) is to be taken to be –
 - (a) the builder named on the building permit issued under the *Building Act 2011*, if one has been issued in relation to the works; or
 - (b) the owner of the lot, if no building permit has been issued under the *Building Act 2011* in relation to the works.
- (3) If the permit authority for the purpose of subclause (1) is the local government, the permit is taken to be issued on the condition that until such time as the temporary crossing is removed, the person to whom the permit is given must keep the temporary crossing in good repair and in such a condition so as not to create any danger or obstruction to persons using the street.

6.9 Removal of redundant crossing

- (1) Where works on a lot will result in a crossing no longer giving access to a lot, the crossing is to be removed and the kerb, drain, footpath, verge and any other part of the street affected by the removal are to be reinstated to the satisfaction of the CEO.
- (2) The CEO may give written notice to the owner or occupier of a lot requiring her or him to –
 - (a) remove any part of or all of a crossing which does not give access to the lot; and
 - (b) reinstate the kerb, drain, footpath, verge and any other part of the street, which may be affected by the removal,

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

Division 4 - Property numbers

6.10 Assignment of numbers

- (1) The CEO or an authorised person may assign a number to a lot in the district and may assign another number to the lot instead of that previously assigned.
- (2) In this clause, **number** means a number of a lot with or without an alphabetical suffix indicating the address of a lot by reference to a thoroughfare.

Division 5 - Fencing

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

A public place, as that term is defined in clause 1.5, is specified as a public place for the purpose of item 4(1) of Division 1 of Schedule 3.1 of the Act.

Division 6 - Signs erected by the local government

6.12 Signs

- (1) The local government may erect a sign in a street specifying any conditions of use which apply to that street.
- (2) A person must comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is to be for the purpose of giving notice of the effect of a provision of this local law.

6.13 Transitional

Where a sign erected in a street has been erected under a repealed local law then, on and from the commencement day, it is to be taken to be a sign erected under clause 6.12 if –

- (a) the sign specifies a condition of use relating to the street which gives notice of the effect of a provision of this local law; and
- (b) the condition of use specified is not inconsistent with any provision of this local law.

Division 7 - Driving on a closed street

6.14 No driving on closed street

- (1) A person must not drive or take a vehicle on a closed street unless –
 - (a) it is in accordance with any limit or exception specified in the order made under section 3.50 of the Act; or
 - (b) the person has first obtained a licence.

- (2) In this clause –

closed street means a thoroughfare wholly or partially closed under section 3.50 or 3.50A of the Act.

Division 8 - Notices

6.15 Notice to redirect or repair sprinkler

Where a lawn or a garden is being watered with a sprinkler which is on the lawn or the garden, in a manner which causes or may cause an inconvenience or obstruction to any person using a street, the CEO or an authorised person may give a written notice to the owner or the occupier of the land abutting the lawn or the garden, requiring the owner or the occupier or both to move or alter the direction of the sprinkler or other watering equipment.

6.16 Notice to remove hazardous plants

- (1) Where a plant in a garden creates or may create a hazard for any person using a street, the CEO or an authorised person may give a written notice to the owner or the occupier of the land abutting on the garden to remove, cut, move or otherwise deal with that plant so as to remove the hazard.
- (2) Subclause (1) does not apply where the plant was planted by the local government.

6.17 Notice to remove any thing unlawfully placed on street

Where any thing is placed on a street in contravention of this local law, the CEO or an authorised person may give a written notice –

- (a) to the owner or the occupier of the property which abuts that portion of the street where the thing has been placed; or
- (b) to any other person who may be responsible for the thing being so placed,

requiring the person to remove the thing.

Note: other provisions relating to notices are set out in Division 1 of Part 10 of this local law.

Part 7 – Activities in public places

7.1 Shopping trolley to be marked

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

7.2 Person not to leave trolley in public place

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

3.37. Contraventions that can lead to impounding

- (1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.
- (2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

**29. Contraventions that may lead to impounding of goods
(Act s. 3.37)**

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —

- (a) it occurs in a public place; and
- (b) either —

the presence of the goods —

- (I) presents a hazard to public safety; or
 - (II) obstructs the lawful use of any place;
- or

where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

- (1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.

- (2) In subregulation (1) or (1a) —

public place includes a place that is on private property that the public are allowed to use.

[R29 Local Government (Functions and General) Regulations 1996]

3.38. Terms used

goods means any goods involved in a contravention that can lead to impounding, and includes —

- (a) a vehicle; or
- (ab) an animal; or
- (b) a stall or other structure temporarily placed on land, involved in such a contravention;

[Section 3.37 Local Government Act 1995]

7.3 Retailer to remove abandoned trolley

- (1) If a shopping trolley is found in a public place, other than in an area set aside for the storage of shopping trolleys, the CEO or an authorised officer may advise (verbally or in writing) a retailer whose name is marked on the trolley of the location of the shopping trolley.
- (2) A retailer must remove a shopping trolley within 24 hours of being so advised under subclause (1), 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.

7.4 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 8 - Licensing

Division 1 - Applying for a licence

8.1 Application for licence

- (1) Where a person is required to obtain a licence under this local law, that person must apply for the licence in accordance with subclause (2).
- (2) An application for a licence under this local law must -
 - (a) be in the form determined by the CEO;
 - (b) be signed by the applicant;
 - (c) provide the information required by the form; and
 - (d) be forwarded to the CEO together with any fee imposed by the Council under sections 6.16 to 6.19 of the Act.
- (3) The CEO or an authorised person may require an applicant to provide additional information reasonably related to the application before determining the application.
- (4) The CEO or an authorised person may require an applicant to give local public notice of the application .
- (5) The CEO or an authorised person may refuse to consider an application which is not in accordance with subclause (2) or where the requirements of subclause (3) or (4) have not been satisfied.

8.2 Decision on application

- (1) The CEO or an authorised person may –
 - (a) approve an application unconditionally or subject to any conditions; or
 - (b) refuse to approve an application .
- (2) If the CEO or an authorised person approves an application , he or she is to issue to the applicant a licence in the form determined by the CEO.
- (3) If the CEO or an authorised person refuses to approve an application , he or she is to give written notice of that refusal to the applicant.
- (4) The CEO or an authorised person may, at any time, amend a condition of approval and the amended condition takes effect when written notice of it is given to the licensee.

8.3 General restrictions on grant of licence

- (1) The CEO or an authorised person must not grant a licence if there are reasonable grounds for believing that the carrying on of the activity to which the application relates would constitute an unacceptable risk to the safety of the public.
- (2) The CEO or an authorised person must not grant a licence unless the CEO or an authorised person is satisfied that –
 - (a) the applicant is capable of carrying on the activity in accordance with this local law and the terms and conditions of the licence;
 - (b) the public place at which the activity is to be carried on is suitable for that purpose;
 - (c) a licence or similar authority granted or issued to the applicant has not been cancelled in the period of 5 years before the application is made; and
 - (d) the applicant is a fit and proper person to carry on the activity.

8.4 Amendment of licence

- (1) In this clause –
amend includes –
 - (a) to impose any new condition; and
 - (b) to change or remove any existing condition.
- (2) The CEO or an authorised person may, by written notice given to the licensee, amend a licence.
- (3) An amendment may be made on application made by the licensee or on the CEO or authorised person's initiative.

Division 2 - Conditions

8.5 Examples of conditions

- (1) Examples of the conditions that the CEO or an authorised person may impose on a licence under clause 8.2(1)(a) or 8.4(2) are conditions relating to -
 - (a) the payment of a fee;
 - (b) compliance with a standard or a policy adopted by the local government;
 - (c) the duration and commencement of the licence;
 - (d) the commencement of the licence 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 licence which may be required by the local government under any written law;
 - (g) the area of the district to which the licence applies;
 - (h) where a licence is issued for an activity which will or may cause damage to local government property, the payment of a deposit or bond against such damage; and
 - (i) the obtaining of public risk insurance in an amount and on terms reasonably required by the CEO or an authorised person.
- (2) Examples of the type and content of the conditions on which a licence to hire local government property may be issued include –
- (a) when fees and charges are to be paid;
 - (b) payment of a bond against possible damage or cleaning expenses or both;
 - (c) restrictions on the erection of material or external decorations;
 - (d) rules about the use of furniture, plant and effects;
 - (e) limitations on the number of persons who may attend any function in or on local government property;
 - (f) the duration of the hire;
 - (g) the right of the CEO or an authorised person to cancel a booking during the course of an annual or seasonal booking, if the CEO or an authorised person sees fit;
 - (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the Liquor Control Act;
 - (i) whether or not the hire is for the exclusive use of the local government property;
 - (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
 - (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

8.6 Imposing conditions under a policy

- (1) In this clause –

policy means a local government policy adopted by the Council under section 2.7 of the Act containing conditions subject to which an application for a licence may be approved under clause 8.2.

- (2) Under clause 8.2(1)(a) the CEO or an authorised person may approve an application subject to conditions by reference to a policy.
- (3) The CEO or an authorised person must give to the licensee a copy of the policy or, at the discretion of the CEO or the authorised person, the part of the policy which is relevant to the application for a licence, with the form of licence referred to in clause 8.2(2).
- (4) An application for a licence is not to be taken to have been approved subject to the conditions contained in a policy until the CEO or an authorised person gives the licensee a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act apply to a policy and, for that purpose, a policy is deemed to be information within section 5.94(u)(i) of the Act.

8.7 Compliance with conditions

Where an application for a licence has been approved subject to conditions, the licensee must comply with each of those conditions, as amended.

Division 3 - Duration of licences

8.8 Duration of licence

A licence 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 licence; or
- (b) suspended or cancelled under this Division.

8.9 Renewal of licence

- (1) A licensee may apply to the CEO for the renewal of a licence.
- (2) An application for renewal must –
- (a) be in the form determined by the CEO;
- (b) be signed by the licensee;
- (c) provide the information required by the form;
- (d) be forwarded to the CEO no later than 28 days before the expiry of the licence, or within a shorter period that the CEO in a particular case permits; and
- (e) be accompanied by any fee imposed by the Council under section 6.16 to 6.19 of the Act.

- (3) The provisions of this Part that apply to an application for a licence also apply to an application for the renewal of a licence as though it were an application for a licence.

8.10 Transfer of licence

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

8.11 Suspension of licence

- (1) The CEO may, subject to clause 8.12, by written notice given to the licensee, suspend a licence if there are reasonable grounds for believing that –
 - (a) the licensee has contravened a term or condition of a licence;
 - (b) the licensee has contravened a provision of this local law; or
 - (c) the continued carrying on of the activity authorised by the licence constitutes or will constitute an unacceptable risk to the safety of the public.
- (2) The suspension notice must –
 - (a) state the day, or the day and time, on or at which the suspension takes effect;
 - (b) state the reasons for the CEO's decision to suspend the licence; and
 - (c) where appropriate, indicate what steps need to be taken to ensure that there is compliance with the relevant provision,

term or condition or that there is no longer a risk as described in subclause (1)(c); and

- (d) inform the licensee that the licensee has a right to apply under the Act for a review of the CEO's decision to suspend the licence.

Note:

Part 9 of this local law deals with objection and review rights.

8.12 Proposed suspension

- (1) If the CEO proposes to suspend a licence for the reason mentioned in clause 8.11(1)(a), the CEO must give written notice to the licensee of the proposed suspension.
- (2) The notice must –
 - (a) state that the CEO proposes to suspend the licence;
 - (b) state the reasons for the proposed suspension; and
 - (c) inform the licensee that the licensee is entitled to make representations to the CEO in respect of the proposed suspension within 7 days after the day on which the licensee is given the notice.
- (3) In considering whether to suspend the licence, the CEO must have regard to any representations made by the licensee within the period referred to in subclause (2)(c).

8.13 Revocation of suspension

- (1) The CEO must, by written notice given to the licensee, revoke the suspension of a licence if the CEO is satisfied that the steps specified in the suspension notice have been taken.
- (2) The CEO may, by written notice given to the licensee, revoke the suspension of the licence if the CEO considers that it is appropriate to do so in the circumstances of a particular case.

8.14 Period of suspension

The suspension of a licence has effect on the day, or the day and time, specified in the suspension notice until one of the following happens –

- (a) the suspension is revoked under clause 8.13;
- (b) the licence is cancelled under clause 8.15 or expires; or
- (c) the licence is surrendered in accordance with the provisions of this local law.

8.15 Cancellation of licence

A licence may be cancelled by the CEO if -

- (a) the licence was obtained improperly;
- (b) the licensee has persistently or frequently contravened a term or condition of the licence, or a provision of this local law, whether or not the licence is or has been suspended on the grounds of a contravention; or
- (c) there are reasonable grounds for believing that the continued carrying on of the activity constitutes or would constitute an unacceptable risk to the safety of the public, whether or not the licence has been suspended on the grounds of that risk.

Note:

Objection and appeal rights under Part 9 of this local law apply to the suspension or cancellation of a licence.

8.16 Surrender of licence

A licensee may, at any time by notice in writing to the CEO, surrender the licence.

Division 4 - Responsibilities of licensees and others

8.17 Production of licence

A licensee must produce to an authorised person her or his licence immediately after being required to do so by that authorised person.

8.18 Other responsibilities of licensee

A licensee must, in respect of local government property to which the licence relates -

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) comply with a direction from the CEO or an authorised person to take the action specified in the direction for the purpose of maintaining public safety;
- (c) leave the local government property in a clean and tidy condition after its use;
- (d) report any damage or defacement of the local government property to the CEO or an authorised person; and
- (e) prevent the consumption of any liquor on the local government property unless the licence allows it and a licence has been obtained under the Liquor Control Act for that purpose.

8.19 Production of licence document for amendment

If the CEO or an authorised person amends or renews a licence, the licensee must, if required by the CEO or authorised person, produce the licence document

to the CEO or authorised person for amendment within the period specified by the CEO or authorised person.

8.20 Return of licence document if licence no longer in effect

If a licence –

- (a) has expired or has not been renewed;
- (b) has been suspended or cancelled; or
- (c) has been surrendered,

the person who was the licensee must, as soon as practicable after the expiry, suspension, cancellation or surrender, return the licence document to the CEO.

8.21 Advertising

A person must not advertise, or otherwise hold out in any way, that the person conducts a commercial activity in any public place unless that person holds a licence authorising that commercial activity.

8.22 False or misleading statement

A person must not make a false or misleading statement in connection with an application in respect of a licence under this local law.

Part 9 – Objections and review

9.1 Objection and review rights

Division 1 of Part 9 of the Act applies to a decision under this local law in respect of the grant, renewal, transfer, amendment, suspension or cancellation of a licence.

Part 10 – Enforcement

Division 1 - Notices

10.1 Definition

In this Division –

costs of the local government include its administrative costs.

10.2 Damage to local government property

If a person unlawfully removes, damages or interferes with local government property or portion of a street, the CEO or an authorised person may give the person a notice requiring that person, within the time specified in the notice, to do any one or more of the following (at the local government's option) –

- (a) reinstate the property to the state it was in before the removal, damage or interference;
- (b) replace that property; or

- (c) pay for the costs of reinstatement or replacement.

10.3 Breach of a licence

If a licence holder breaches a condition of the licence, or fails to comply with a direction under this local law, the CEO or an authorised person may give the person a notice.

10.4 Notice requirements

A notice under this Division must –

- (a) be in writing;
- (b) specify the reason for giving the notice, the work or action that is required to be undertaken and the time within which it is to be undertaken; and
- (c) be given to the person referred to in clause 10.2 or 10.3, as the case may be.

10.5 Local government may undertake requirements of notice

- (1) If a person fails to comply with a notice referred to in clause 10.2, the local government may –
 - (a) do the thing specified in the notice, including replace the property, or reinstate the property to the state it was in before the removal, damage or interference; and
 - (b) recover from the person, as a debt, the costs of doing so.
- (2) If a person fails to comply with a notice referred to in clause 10.3, the local government may –
 - (a) take whatever remedial action it considers appropriate to put the local government in the position it would have been in if the breach or failure had not occurred; and
 - (b) recover from the person, as a debt, the costs of doing so.

10.6 Offence to fail to comply with notice

A person who fails to comply with a notice given to him or her under this local law commits an offence.

Division 2 - Offences and penalties

10.7 Offences and general penalty

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not

exceeding \$500 for each day or part of a day during which the offence has continued.

10.8 Prescribed offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (2) The number of modified penalty units for a prescribed offence is the number specified adjacent to the clause in Schedule 2.
- (3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, the local government should be satisfied that –
 - (a) commission of the prescribed offence is a relatively minor matter; and
 - (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

10.9 Form of notices

- (1) For the purposes of this local law -
 - (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
 - (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.
- (2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

10.10 Evidence of a determination

- (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.
- (2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.
- (3) Subclause (2) does not make valid a determination that has not been properly made.

SCHEDULE 1 - DETERMINATIONS

[Clause 2.1]

The following determinations are to be taken to have been made by the local government under clause 2.1.

Part 1 - Preliminary

1.1 Definition

In these determinations –

local law means the *Public Places and Local Government Property Local Law 2019 made by the local government*.

1.2 Interpretation

Where a term is used but not defined in a determination and that term is defined in this local law then the term is to have the meaning given to it in this local law.

Part 2 - Application

2.1 Vehicles on local government property

- (1) Unless authorised by a licence or determination, a person must not take or cause a vehicle to be taken onto or driven on local government property unless –
 - (a) subject to subclause (3), the local government property is clearly designated as a road, access way or car park;
 - (b) the vehicle is driven by a local government employee, authorised person or contractor engaged by the local government, who is engaged in –
 - (i) providing a service or making a delivery in connection with the local government property; or
 - (ii) maintaining the local government property;
 - (c) the person is driving an emergency vehicle in the course of his or her duties;
 - (d) the vehicle is –
 - (i) driven on local government property that has been designated as a golf course;
 - (ii) used in accordance with the conditions set down by the local government, the controller or an authorised person; and
 - (iii) of a type allowed to be taken onto the golf course by the local government, the controller or an authorised person; or

- (e) the vehicle is a motorised wheelchair, and the driver of that vehicle is a disabled person.
- (2) A person must not drive a vehicle or allow a vehicle to be driven on local government property at a speed exceeding 10 kilometres per hour or as otherwise indicated by a sign, or in such a manner as to cause danger to any person.
- (3) Other than in accordance with paragraphs (b), (c), (d) or (e) of subclause (1), a person must not drive a vehicle on local government property that is being used for a function for which a licence has been obtained unless permitted to do so by the licence holder or an authorised person.

2.2 Motorised model aeroplanes, toys or ships

A person must not use, launch or fly a motorised model aeroplane, toy, ship, glider or rocket that is propelled by mechanical, hydraulic, combustion or pyrotechnic means on or from local government property except in accordance with a licence or determination that specifies that particular local government property.

2.3 Children's playgrounds

- (1) In this clause 'children's playground' includes a portion of a public reserve used by the local government as a swimming pool and set aside for use by children;
- (2) The local government may set aside a public reserve or any portion of a public reserve as a children's playground.
- (3) The local government may limit the ages of persons who are permitted to use a children's playground and may erect a sign under clause 2.3 of this local law to that effect on or in the immediate vicinity of the playground.
- (4) A person over the age specified on that sign, other than a person having the charge of a child or children in the playground, must not use a playground or interfere with the use by children of the playground.

2.4 Launching and retrieval of boats

A person must not take a boat onto, launch a boat from, or retrieve a boat on, local government property except in accordance with licence or a determination that specifies that particular local government property unless –

- (a) the person is
 - (i) a local government employee or authorised person; or
 - (ii) a contractor engaged by the local government and who is engaged in providing a service, maintaining or making a delivery in connection with, the local government property.
- (b) the person is in charge of a boat engaged in rescue services or dealing with an emergency; or

- (c) the local government property is a boat ramp that is delineated by a sign to that effect.

2.5 Activities prohibited on local government property

- (1) A person must not play or practise archery or pistol or rifle shooting on local government property except on land which is reserved by the local government for that purpose, or as otherwise permitted by a determination or licence.
- (2) A person must not, on any local government property, use or ride a bicycle or wheeled recreational device, skateboard, or sand board –
 - (a) inside, or on the curtilage to, a building;
 - (b) on a golf course except to the extent permitted under clause 2.1(1)(d) of these Determinations; or
 - (c) in or on a lakebed or waterway.
- (3) A person must not use on, or take on to, any local government property, a spear gun, hand spear, gidgie or similar device unless permitted by a determination or licence.

SCHEDULE 2 - PRESCRIBED OFFENCES

Item	Clause	Description	Modified Penalty (\$)
1	2.4	Failure to comply with a determination	250
2	3.1	Undertaking activity on local government property without a licence	250
3	3.2	Camping on local government property or erecting an unauthorised structure	250
4	3.3	Failure to obtain licence for liquor	250
5	4.1	Behaviour interfering with others	250
6	4.2	Behaviour detrimental to local government property	250
7	4.3	Taking or injuring fauna without authorisation	250
8	4.4	Removing, damaging or depositing flora without authorisation	250
9	4.5	Animal on local government property without a licence	250
10	4.6	Under influence of liquor or prohibited drug on local government property	250
11	4.7	Failure to comply with sign	250
12	4.8	Failure to comply with direction of authorised person	250
13	5.1, 5.2	Unauthorised entry to event, closed or fenced local government property	250
14	6.1(a), 6.4(2)(b)	Planting or allowing plant or verge treatment in street to become a sightline hazard	250
15	6.1(b)	Damaging a street lawn or garden	250
16	6.1(c)	Damaging or removing whole or part of a street tree without authorisation	200
17	6.1(d)	Obstruction of street	250
18	6.1(e)	Damaging, removing or interfering with street, part of street, sign or structure in a street without authorisation	250
19	6.1(f)	Playing games in street so as to impede vehicles or persons	250
20	6.1(g)	Riding of skateboard or similar device on mall, arcade or veranda of shopping centre	250
21	6.2	Carry on or undertake prohibited activity in street or damage local government property in a street without authorisation	250
22	6.4(4)	Install verge treatment that is not a permissible treatment	250
23	6.5(a), 6.5(d), 6.5(e)	Failure to keep permissible verge treatment in good and tidy condition, obstruct a street, footpath, drain, or driveway	250

Item	Clause	Description	Modified Penalty (\$)
24	6.5(c)	Placing an obstruction on or around a verge treatment	250
25	6.5(f)	Failure to ensure sprinklers or reticulation pipes do not protrude above level of verge treatment when not in use, not used at such times as to cause inconvenience to pedestrians, or otherwise present a hazard	250
26	6.8	Failure to obtain licence for a temporary crossing	250
27	6.9	Failure to remove redundant crossing or reinstate kerb, drain, footpath, verge or street	250
28	6.12	Failure to comply with condition of use of a street indicated by a sign	250
29	7.1	Failure to clearly mark name or trading name on shopping trolley	250
30	7.2	Person leaving a shopping trolley in a public place other than trolley bay	250
31	7.3	Failure to remove shopping trolley after being advised of location	250
32	8.7	Failure to comply with licence condition	250
33	8.18	Failure to comply with licence condition in relation to local government property	250
34	8.17, 8.19, 8.20	Failure to produce licence for inspection, amendment or to return licence when no longer in effect	250
35	10.6	Failure to comply with notice	500

The Common Seal of the)
Shire of Coolgardie was affixed in)
the presence of)

.....
President

.....
Chief Executive Officer

DRAFT

LOCAL GOVERNMENT ACT 1995

SHIRE OF COOLGARDIE

MEETING PROCEDURES LOCAL LAW 2019

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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]: This, and the text boxes in the local law are only for administrative purposes. They can be used in docs put on the website, given to the public etc providing the disclaimer below is noted.

If the Shire needs to produce in court, then the Gazetted version(s) must be used.

WESTERN AUSTRALIA

Local Government Act 1995

SHIRE OF COOLGARDIE

MEETING PROCEDURES LOCAL LAW 2019

ARRANGEMENT

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LOCAL GOVERNMENT ACT 1995

SHIRE OF COOLGARDIE

Meeting Procedures Local Law 2019

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Coolgardie resolved on **[INSERT DATE]** to make the following local law.

Commented [Chris2]: Date of final council decision to 'make' the local law under s3.12(4)

Part 1 - Preliminary

1.1 Citation

This local law may be cited as the *Shire of Coolgardie Meeting Procedures Local Law 2019*.

1.2 Commencement

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

1.3 Application and intent

- (1) These Local Laws provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and these Local Laws.
- (3) These Local Laws are intended to result in:
 - (a) better decision-making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and
 - (d) the more efficient and effective use of time at meetings.

1.4 Interpretation

- (1) In these Local Laws unless the context otherwise requires:

absolute majority has the meaning given to it in the Act;

absolute majority —

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

S1.4 Local Government Act 1995

75% majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the Local Government;

committee means a committee of the Council established under section 5.8 of the Act;

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

committee meeting means a meeting of a committee;

Council means the Council of the Shire of Coolgardie;

Local Government means the Shire of Coolgardie;

President means the President of the Local Government or other Presiding Member at a Council meeting under section 5.6 of the Act;

meeting means a meeting of the Council or a committee, as the context requires;

Member has the meaning given to it in the Act;

member, in relation to the council of a local government, means —

- (a) an elector mayor or president of the local government; or
 - (b) a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor);
- S1.4 Local Government Act 1995

5.10. Committee members, appointment of

(1) A committee is to have as its members —

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

Presiding Member means:

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

Regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting; and,

substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined in these Local Laws, the terms and expressions used in these Local Laws are to have the meaning given to them in the Act and Regulations.

1.5 Repeal

- (1) The *Shire of Coolgardie Standing Orders Local Law 2000* published in the *Government Gazette* on 6 November 2000 and amended in the *Government Gazette* on 8 June 2001 is repealed.

Part 2 – Establishment and membership of committees

2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.

5.8. Establishment of committees

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

** Absolute majority required.*

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include:
- (a) the terms of reference of the committee;
 - (b) the number of council members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the council members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) These Local Laws are to apply to the conduct of committee meetings.

2.2 Types of committees

The types of committees are dealt with in the Act.

5.9. Committees, types of

- (1) In this section —
other person means a person who is not a council member or an employee.
- (2) A committee is to comprise —
- (a) council members only; or
 - (b) council members and employees; or
 - (c) council members, employees and other persons; or
 - (d) council members and other persons; or
 - (e) employees and other persons; or
 - (f) other persons only.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

5.16. Delegation of some powers and duties to certain committees

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

** Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
 - (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

5.17. Limits on delegation of powers and duties to certain committees

- (1) A local government can delegate —
 - (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;and
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f).

[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

5.10. Committee members, appointment of

- (1) A committee is to have as its members —
 - (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
 - (b) persons who are appointed to be members of the committee under subsection (4) or (5).

** Absolute majority required.*

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the *Interpretation Act 1984* applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish —
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

5.11. Committee membership, tenure of

- (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; or
 - (b) the person resigns from membership of the committee; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.
- (2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until —
 - (a) the term of the person's appointment as a committee member expires; or
 - (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; or
 - (c) the committee is disbanded; or
 - (d) the next ordinary elections day,whichever happens first.

2.7 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

4. Committee members, resignation of

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation

Regulation 4 Local Government (Administration) Regulations 1996

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

2.9 Committees to report

A committee:

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

Part 3 - Calling and convening meetings

3.1 Ordinary and special Council meetings

- (1) Ordinary and special Council meetings are dealt with in the Act.

5.3. Ordinary and special council meetings

- (1) A council is to hold ordinary meetings and may hold special meetings.
- (2) Ordinary meetings are to be held not more than 3 months apart.
- (3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.

- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

5.4. Calling council meetings

An ordinary or a special meeting of a council is to be held —

- (a) if called for by either —
- (i) the mayor or president; or
 - (ii) at least $\frac{1}{3}$ of the councillors,
- in a notice to the CEO setting out the date and purpose of the proposed meeting; or
- (b) if so decided by the council.

3.3 Convening Council meetings

- (1) The convening of a Council meeting is dealt with in the Act.

5.5. Convening council meetings

- (1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
- (2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting.

- (2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.
- (3) Where, in the opinion of the President or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the President, the Presiding Member of a committee or any two members of that committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

Regulation 12 Local Government (Administration) Regulations 1996

Part 4 – Presiding Member and quorum

Division 1: Who presides

4.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

5.6. Who presides at council meetings

- (1) The mayor or president is to preside at all meetings of the council.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
 - (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,then, the council is to choose one of the councillors present to preside at the meeting.

4.2 When the Deputy President can act

When the Deputy President can act is dealt with in the Act.

5.34. When deputy mayors and deputy presidents can act

If —

- (a) the office of mayor or president is vacant; or
- (b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,

then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.

4.3 Who acts if no President

Who acts if there is no President is dealt with in the Act.

5.35. Who acts if no mayor, president or deputy

- (1) If the circumstances mentioned in section 5.34(a) or (b) apply and —
 - (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,

and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.

- (2) If the circumstances mentioned in section 5.34(a) or (b) apply and —
 - (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.

4.4 Election of Presiding Members of committees

The election of Presiding Members of committees and their deputies is dealt with in the Act.

5.12. Presiding members and deputies, election of

- (1) The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule —
 - (a) to “office” were references to “office of presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”.

4.5 Election of Deputy Presiding Members of committees

The election of Deputy Presiding Members of committees is dealt with in the Act.

5.12. Presiding members and deputies, election of

- (1) ...
- (2) The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule —
 - (a) to “office” were references to “office of deputy presiding member”; and
 - (b) to “council” were references to “committee”; and
 - (c) to “councillors” were references to “committee members”; and
 - (d) to “mayor or president” were references to “presiding member”.

4.6 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

5.13. Deputy presiding members, functions of

If, in relation to the presiding member of a committee —

- (a) the office of presiding member is vacant; or
- (b) the presiding member is not available or is unable or unwilling to perform the functions of presiding member,

then the deputy presiding member, if any, may perform the functions of presiding member.

4.7 Who acts if no Presiding Member

Who acts if no Presiding Member is dealt with in the Act.

5.14. Who acts if no presiding member

If, in relation to the presiding member of a committee —

- (a) the office of presiding member and the office of deputy presiding member are vacant; or
- (b) the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member,

then the committee members present at the meeting are to choose one of themselves to preside at the meeting.

Division 2 – Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

5.19. Quorum for meetings

The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

5.7. Minister may reduce number for quorum and certain majorities

- (1) The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.
- (2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

5.15. Reduction of quorum for committees

The local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.

* Absolute majority required.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

8. No quorum, procedure if (Act s. 5.25(1)(c))

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned —

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president; or
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member; or
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present; or
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorised by the CEO.

Regulation 8 Local Government (Administration) Regulations 1996

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the Presiding Member is:

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded

At any meeting:

- (a) at which there is not a quorum present; or
 - (b) which is adjourned for want of a quorum,
- the names of the Members then present are to be recorded in the minutes.

Part 5 - Business of a meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that :

- (a) specified in the notice of the meeting which had been adjourned; and
- (b) which remains unresolved.
- (4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

5.2 Order of business

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:
 - 1. Declaration of Opening/Announcement of Visitors
 - 2. Announcements from the Presiding Member
 - 3. Attendance
 - 3.1 Apologies
 - 3.2 Approved leave of absence
 - 4. Declarations of interest
 - 4.1 Declarations of Financial Interests
 - 4.2 Declarations of Proximity Interests
 - 4.3 Declarations of Impartiality Interests
 - 5. Public Question Time
 - 5.1 Response to previous public questions taken on notice
 - 5.2 Public question time
 - 6. Confirmation of minutes of previous meetings
 - 7. Presentations
 - 7.1 Petitions
 - 7.2 Presentations
 - 7.3 Deputations
 - 7.4 Delegates' reports
 - 8. Reports
 - 8.1 Reports of Committees
 - 8.2 Reports of Officers
 - 10. Applications for leave of absence
 - 11. Motions of which previous notice has been given
 - 12. Questions from Members without notice
 - 13. New business of an urgent nature introduced by decision of the meeting
 - 14. Meeting closed to public
 - 14.1 Matters for which the meeting may be closed
 - 14.2 Public reading of resolutions that may be made public
 - 15. Closure
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed. *[See section 5.24 of the Act; and regulations 6 & 7 of the Regulations]*

Commented [Chris3]: I don't think Coolgardie has these; let me know if not and I will delete from here and rest pf the LL

5.24. Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

Extract from *Local Government (Administration) Regulations 1996*:

5. Question time for public, meetings that require prescribed (Act s. 5.24)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

6. Question time for public, minimum time for (Act s. 5.24(2))

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

7. Question time for public, procedure for (Act s. 5.24(2))

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —

- (a) a council to answer a question that does not relate to a matter affecting the local government; or
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
- (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Local Laws otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 8 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO -
 - (a) may, with the concurrence of the President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Local Laws or any other written law;
 - (b) will inform Members on each occasion that a notice has been excluded and the reasons for that exclusion;
 - (c) may, after consultation with the Member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (d) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless:
 - (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

Commented [Chris4]: As per current SO LL 2000

5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the Local Government and must be considered and dealt with by the Council before the next meeting.

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees; and
 - (b) the personal affairs of any person; and
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret; or
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government; and
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;and
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and
 - (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried:
 - (a) the Presiding Member is to direct everyone to leave the meeting except:
 - (i) the Members;
 - (ii) the CEO; and
 - (iii) any Officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(a) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

5.24. Question time for public

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

5. Question time for public, meetings that require prescribed (Act s. 5.24)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

6. Question time for public, minimum time for (Act s. 5.24(2))

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

7. Question time for public, procedure for (Act s. 5.24(2))

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,

having regard to the requirements of subregulations (2), (3) and (5).

- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

Extract from Local Government (Administration) Regulations 1996

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

6. Question time for public, minimum time for (Act s. 5.24(2))

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Extract from Local Government (Administration) Regulations 1996

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

7. Question time for public, procedure for (Act s. 5.24(2))

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members,having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

Extract from Local Government (Administration) Regulations 1996

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either :
 - (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
 - (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.

- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to -
 - (a) be addressed to the President;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the Local Government is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition.
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
 - (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, a “presentation” means the acceptance of a gift or an award by the Council on behalf of the Local Government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who:
 - (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.

5.23. Meetings generally open to public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.

- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the President shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:
 - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised during normal business hours at the local governments offices and on the local government's website.

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —
 - (a) are to be tabled at the meeting; or
 - (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.

- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be:
 - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
 - (b) marked "*Confidential*" in the agenda; and
 - (c) kept confidential by Officers and Members until the Council resolves otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another member or an officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.16 Recording of proceedings

A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

6.17 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

Part 7 - Questions by Members

- the
- (1) Members may ask questions relating to an item on the notice paper or on matters related to good government of persons in the district.
 - (2) A Member requesting general information from an Officer at a Council meeting may ask a question without notice and with the consent of the Presiding Member, may ask one or more further questions of that Officer or another Officer present at the meeting.
 - (3) Where possible the Officer shall endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the Officer may ask that -
 - (i) the question be placed on notice for the next meeting of Council; and
 - (ii) the answer to the question be given to the Member who asked it within 14 days.
 - (4) Every question and answer -
 - (i) is to be brief and concise; and
 - (ii) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.
 - (5) In answering any question, an Officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

Part 8 – Conduct of Members

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

8.2 Respect to the Presiding Member

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

8.3 Titles to be used

A speaker, when referring to the President, Deputy President or Presiding Member, or a Member or Officer, is to use the title of that person's office.

8.4 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.5 Members to indicate their intention to speak

- (1) A member who wishes to speak at a Council meeting –
 - (i) Must indicate his or her intention to speak by raising his or her hand, or by any other method determined by the Council; and
 - (ii) When invited by the Presiding Member to speak, and unless otherwise determined by the Council, must stand and address the meeting through the Presiding Member.
- (2) A member who is unable to stand conveniently because of sickness or disability may sit while speaking.

8.6 Priority of speaking

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.

- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.7 Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with these Local Laws.

8.8 Relevance

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may:
 - (a) call the attention of the meeting to:
 - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
 - (ii) any breach of order by a Member; and
 - (b) direct that Member, if speaking, to discontinue his or her speech.
- (3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

8.9 Speaking twice

A Member is not to address the Council more than once on any motion or amendment except:

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.10 Duration of speeches

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

8.11 No speaking after conclusion of debate

A Member is not to speak on any motion or amendment:

- (a) after the mover has replied; or
- (b) after the question has been put.

8.12 No interruption

A Member is not to interrupt another Member who is speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the Member be no longer heard (see clause 11(1)(e) .

8.13 Personal explanations

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.14 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 16).

8.15 Adverse reflection

- (1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 16), unless the meeting resolves without debate that the matter before the meeting cannot otherwise be adequately considered.
- (2) A Member is not:
 - (a) to reflect adversely on the character or actions of another Member or Officer; or
 - (b) to impute any motive to a Member or Officer,unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or objectionable expressions in reference to any Member, Officer or other person.
- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:
 - (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes.

8.16 Withdrawal of offensive language

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which:
 - (a) in the absence of a resolution under clause 8.15:
 - (i) reflects adversely on the character or actions of another Member or Officer; or
 - (ii) imputes any motive to a Member or Officer; or
 - (b) is offensive or insulting,must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

Part 9 - Preserving order

9.1 Presiding Member to preserve order

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

9.2 Point of order

- (1) A Member may object, by way of a point of order, only to a breach of:
 - (a) any of these Local Laws; or
 - (b) any other written law.
- (2) Despite anything in these Local Laws to the contrary, a point of order:
 - (a) takes precedence over any discussion; and

- (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume his or her seat until:
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order, and, if permitted, the Member who has been interrupted may then proceed.

9.4 Calling attention to breach

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Local Laws.

9.5 Ruling by the Presiding Member

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that:
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a Member:

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(3),

the Presiding Member may direct the Member to refrain from taking any further part in the matter under discussion, other than by voting, and the Member is to comply with that direction.

9.7 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 10 - Debate of substantive motions

10.1 Motions to be stated and in writing

Any Member who wishes to move a substantive motion or an amendment to a substantive motion:

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.

- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

10.4 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

10.5 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

10.6 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

10.7 Member may require question to be read

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

10.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.10 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.12 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.13 Mover of motion may speak on amendment

Any Member may speak during debate on an amendment.

10.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

10.15 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised:
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply:
 - (a) no other Member is to speak on the question;
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

Part 11 - Procedural motions

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a Member may move the following procedural motions:

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public (see clause 6.2).

11.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Meeting to proceed to the next business

The motion “that the meeting proceed to the next business”, if carried, has the effect that:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned

A motion “that the debate be adjourned”:

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.7 Meeting now adjourn

- (1) A Member is not to move or second more than one motion of adjournment during the same sitting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution.
- (3) A motion “that the meeting now adjourn”:
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

11.8 Question to be put

- (1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion “that the question be now put” is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

11.9 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.10 Ruling of the Presiding Member to be disagreed with

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 12 - Disclosure of interests

12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

Sections 5.59 – 5.90 of the Act deal with disclosures of interest.

Part 13 - Voting

13.1 Question - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised, the Presiding Member -
 - (a) is to put the question to the Council; and
 - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

13.2 Voting

Voting is dealt with in the Act and the Regulations.

5.21. Voting

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.
- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.
- (4) If a member of a council or a committee specifically requests that there be recorded —
 - (a) his or her vote; or
 - (b) the vote of all members present,on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (5) A person who fails to comply with subsection (2) or (3) commits an offence.

Extract from *Local Government (Administration) Regulations 1996*:

9. Voting to be open (Act s. 5.25(1)(d))

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

1.4. Terms used

In this Act, unless the contrary intention appears —

75% majority, in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be at least 75% of the number of offices (whether vacant or not) of member of the council;

absolute majority —

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body;

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding Member:
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and,
 - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded -
 - (a) his or her vote; or,
 - (b) the vote of all members present,on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (4) If a Member calls for a division:
 - (a) those voting in the affirmative are to pass to the right of the Chair; and
 - (b) those voting in the negative are to pass to the left of the Chair.
- (5) For every division, the CEO is to record:
 - (a) the name of each member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

Part 14 – Minutes of meetings

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

5.22. Minutes of council and committee meetings

- (1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.

11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.

Extract from *Local Government (Administration) Regulations 1996*

- (2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

13. Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) in the case of a council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —

- (a) are to be tabled at the meeting; or
- (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.

- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

Extract from *Local Government (Administration) Regulations 1996*

14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, the Member may provide the Local Government with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council, the Member who provided the alternative wording shall, at the time for confirmation of minutes -
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 15 - Adjournment of meeting

15.1 Meeting may be adjourned

The Council may adjourn any meeting:

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under these Local Laws:

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;

- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 [speaking twice] apply when the debate is resumed.

Part 16 – Revoking or changing decisions

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

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

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

Extract from *Local Government (Administration) Regulations 1996*

16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause:
 - (a) "authorisation" means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) "implement", in relation to a decision, includes:
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and

- (ii) take any other action to give effect to the decision; and
- (c) "valid notice of revocation motion" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Local Laws and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person:
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation:
 - (a) is to take effect only in accordance with this clause; and
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

5.41. Functions of CEO

The CEO's functions are to —

...

- (c) cause council decisions to be implemented; and

...

Part 17 - Suspension of Local Laws

17.1 Suspension of Local Laws

- (1) A Member may at any time move that the operation of one or more of the provisions of these Local Laws be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.
- (3) A motion under subclause (1) which is:
 - (a) seconded; and
 - (b) carried by an absolute majority,
 is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where Local Laws do not apply

- (1) In situations where:
 - (a) one or more provisions of these Local Laws have been suspended;
 - or
 - (b) a matter is not regulated by the Act, the Regulations or these Standing Orders,
 the Presiding Member is to decide questions relating to the conduct of the meeting.

- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in Local Laws

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Local Laws, the Act or the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

Part 18 - Meetings of electors

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

5.27. Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.

18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

15. Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

5.28. Electors' special meetings

- (1) A special meeting of the electors of a district is to be held on the request of not less than —
 - (a) 100 electors or 5% of the number of electors —whichever is the lesser number; or
 - (b) $\frac{1}{3}$ of the number of council members.
- (2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- (3) The request is to be sent to the mayor or president.
- (4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

16. Request for special meeting, form of (Act s. 5.28(2))

A request for a special meeting of the electors of a district is to be in the form of Form 1.

Extract from *Local Government (Administration) Regulations 1996*

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

5.29. Convening electors' meetings

- (1) The CEO is to convene an electors' meeting by giving —
 - (a) at least 14 days' local public notice; and
 - (b) each council member at least 14 days' notice,of the date, time, place and purpose of the meeting.
- (2) The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

5.30. Who presides at electors' meetings

- (1) The mayor or president is to preside at electors' meetings.
- (2) If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section.
- (3) If the circumstances mentioned in section 5.34(a) or (b) apply and —
 - (a) the office of deputy mayor or deputy president is vacant; or
 - (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside.

18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to these Local Laws.

5.31. Procedure for electors' meetings

The procedure to be followed at, and in respect of, electors meetings and the methods of voting at electors' meetings are to be in accordance with regulations.

18. Procedure at meeting (Act s. 5.31)

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

Extract from *Local Government (Administration) Regulations 1996*

18.8 Participation of non-electors

A person who is not an elector of the Local Government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

17. Voting at meeting (Act s. 5.31)

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

Extract from *Local Government (Administration) Regulations 1996*

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

5.32. Minutes of electors' meetings

The CEO is to —

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

5.33. Decisions made at electors' meetings

- (1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —
 - (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Part 19 - Enforcement

19.1 Penalty for breach

A person who breaches a provision of these Local Laws commits an offence.

Penalty: \$1,000.00 and a daily penalty of \$100.00.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

9.24. Prosecutions, commencing

- (1) A prosecution for an offence against this Act may be commenced by —
 - (a) the Departmental CEO or a person authorised by the Departmental CEO to do so; or
 - (b) a person who is acting in the course of his or her duties as an employee of a local government or a regional local government; or
 - (c) a person who is authorised to do so by a local government or a regional local government.
- (2) A prosecution for an offence against a local law may be commenced by —
 - (a) a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or
 - (b) a person who is authorised to do so by the local government or regional local government that made the local law.

Dated dd mm 2019

Commented [Chris5]: Date signed by President and CEO

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

.....
Cr Malcolm Cullen, President

.....
James Trail, Chief Executive Officer

Local Government Act 1995

**SHIRE OF COOLGARDIE
PARKING LOCAL LAW 2019**

Published in the Government Gazette on dd mm yy. No 1234
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]: This appears on the 'admin' or public version of the local law; not the Gazetted or official version. It contains an index and text boxes etc that do not form part of the Gazetted version but is more user friendly

Local Government Act 1995

SHIRE OF COOLGARDIE

PARKING LOCAL LAW 2019

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Local Government Act 1995
SHIRE OF COOLGARDIE
PARKING LOCAL LAW 2019

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

Commented [Chris2]: Date of final Council resolution under s3.12(4) to 'make' the LL

PART 1 - DEFINITIONS AND OPERATION

1.1 Citation

This local law may be cited as the *Shire of Coolgardie Parking Local Law 2019*

1.2 Application

- (1) Subject to subclause (2), this local law applies throughout the district.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the Shire, unless the Shire and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

1.3 Commencement

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

1.4 Repeal

The *Shire of Coolgardie Parking By-Laws 1953* published in the *Government Gazette* on 16 January 1953 is repealed.

1.5 Interpretation

In this local law unless the context otherwise requires:

Act means the *Local Government Act 1995*;

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

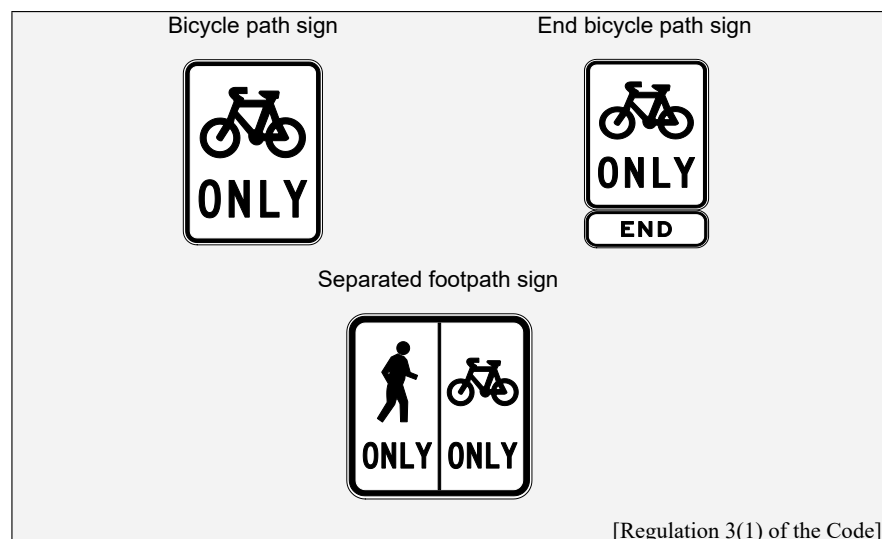
authorised vehicle means a vehicle authorised by the local government, Chief Executive Officer, authorised person or by any written law to park on a thoroughfare or parking facility;

bicycle has the meaning given to it by the Code;

bicycle means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) -
(a) including a pedicab, penny-farthing and tricycle; but
(b) not including a wheelchair, wheeled recreational device, wheeled toy, scooter or a power-assisted pedal cycle (if the motor is operating).

[Regulation 3(1) of the Code]

bicycle path means a length of path beginning at a bicycle path sign or a bicycle path road marking and ending at the nearest of the following:
(a) an end bicycle path sign, or an end bicycle path road marking;
(b) a separated footpath sign or a separated footpath road marking;
(c) a carriageway;
(d) the end of the path;



bicycle lane has the meaning given to it by the Code

bicycle lane means a marked lane, or the part of a marked lane —

- (a) beginning at a “bicycle lane” sign applying to the lane; and
- (b) ending at the nearest of the following:
 - (i) an “end bicycle lane” sign applying to the lane;
 - (ii) an intersection (unless the lane is at the unbroken side of the continuing road at a T-intersection or continued across the intersection by broken lines);
 - (iii) if the carriageway ends at a dead end — the end of the carriageway;

Bicycle lane sign	End bicycle lane sign
	

• *Note* There are a number of other permitted versions of the “bicycle lane” sign, and another permitted version of the “end bicycle lane” sign.
[Regulation 3(1) of the Code]

bicycle path has the meaning given to it by the Code;

bicycle path means a length of path beginning at a bicycle path sign or a bicycle path road marking and ending at the nearest of the following:

- (a) an end bicycle path sign, or an end bicycle path road marking;

- (b) a separated footpath sign or a separated footpath road marking;
- (c) a carriageway;
- (d) the end of the path;

Bicycle path sign



End bicycle path sign



Separated footpath sign



[Regulation 3(1) of the Code]

bus has the meaning given to it by the Code;

bus means a motor vehicle, built mainly to carry people, that seats over 12 adults (including the driver);

[Regulation 3(1) of the Code]

bus embayment has the meaning given to it by the Code;

bus embayment means an embayment at the side of a carriageway, designed so that a public bus can be driven into it, for the purpose of allowing passengers to alight or enter, without impeding the flow of traffic on that carriageway, but does not include a bus lane;

[Regulation 3(1) of the Code]

bus stop has the meaning given to it by the Code;

bus stop means a length of carriageway commencing 20m on the approach side of, and ending 10m on the departure side of, a post indicating that public busses stop at that point;

[Regulation 3(1) of the Code]

bus zone has the meaning given to it by the Code;

bus zone means a length of carriageway to which a bus zone sign applies;

[Regulation 3(1) of the Code]

caravan has the meaning given to it by the *Caravans Parks and Camping Grounds Act 1995*;

caravan means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexe;

carriageway has the same meaning given to it in the Code;

carriageway means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately

[Regulation 3(1) of the Code]

centre in relation to a carriageway, means a line or a series of lines, marks or other indications:

- a) for a two-way carriageway – placed so as to delineate vehicular traffic travelling in different directions; or
- b) in the absence of any such lines, marks or other indications – the middle of the main, travelled portion of the carriageway;

childrens crossing has the meaning given to it by the Code;

childrens crossing means a portion of carriageway between 2 parallel broken or unbroken lines, each approximately 150 millimetres wide and not more than 5 metres apart marked across, or partly across the carriageway and near which a fluorescent red-orange flag or sign bearing the words children crossing – stop, are displayed and, where the lines are so marked partly across a carriageway, includes a portion of the carriageway between the prolongations of those lines;

Children crossing — stop sign

(octagonal background in red)

(square background in lime/yellow)



[Regulation 3(1) of the Code]

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact being used for that purpose;

disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

disability parking permit means a current document issued by the National Disability Service (ACN 008 445 485), consisting of —

- (a) an Australian Disability Parking Permit; and

-
- (b) an ACROD Parking Program Card;

[Regulation 4 *Local Government (Parking for People with Disabilities) Regulations 2014*]

district means the district of the local government;

driver means any person driving or in control of a vehicle;

edge line for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

emergency vehicle has the meaning given to it by the Code;

emergency vehicle means a motor vehicle -

- (a) when conveying a police officer on official duty or when that vehicle is stationary at any place connected with the official duty;
- (b) of a fire brigade on official duty, in consequence of a fire or an alarm of fire or of an emergency or rescue operation where human life is reasonably considered to be in danger;
- (c) being an ambulance, answering an urgent call or conveying any injured or sick person to any place for the provision of urgent treatment;
- (d) being used to obtain or convey blood or other supplies, drugs or equipment for a person urgently requiring treatment and duly authorised to carry a siren or bell for use as a warning instrument; or
- (e) duly authorised as an emergency vehicle for the purposes of these regulations, by the Director General;

[Regulation 3(1) of the Code]

footpath has the meaning given to it by the Code;

footpath means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians;

[Regulation 3(1) of the Code]

GVM (which stands for gross vehicle mass) has the meaning given to it by the Code;

GVM to means for a vehicle, the maximum loaded mass of the vehicle –

- (a) specified by the manufacturer on an identification plate on the vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle is modified – certified by the Director General;

[Regulation 3(1) of the Code]

loading zone means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked loading zone;

local government means the Shire of Coolgardie;

mail zone has the meaning given to it by the Code;

mail zone means the length of carriageway to which a mail zone sign applies;

Mail zone sign

(arrow and background to words in red)



[Regulation 3(1) of the Code]

median strip has the meaning given to it by the Code;

median strip means any physical provision, other than lines, dividing a road to separate vehicular traffic proceeding in opposing directions or to separate 2 one-way carriageways for vehicles proceeding in opposing directions;

[Regulation 3(1) of the Code]

Note – see also definition of *painted island* and clause 4.5(2)(b) of this local law.

metered space means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

metered zone means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

motorcycle has the meaning given to it by the Code;

motor cycle means a motor vehicle that has 2 wheels and includes -

- (a) a 2-wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel; and
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels,

but does not include any trailer;

[Regulation 3(1) of the Code]

motor vehicle means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

nature strip has the meaning given to it by the Code;

nature strip means an area between a carriageway and the front boundary of adjacent land, but does not include a path;

[Regulation 3(1) of the Code]

See also the definition of 'verge' in this local law

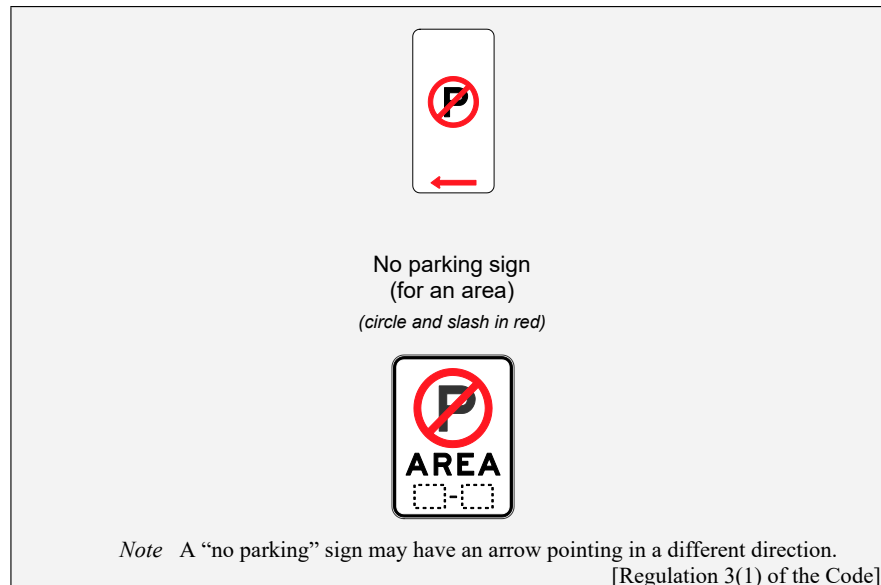
no parking area has the meaning given to it by the Code;

no parking area means -

- (a) a portion of carriageway to which a no parking sign applies; or
- (b) an area to which a no parking sign applies;

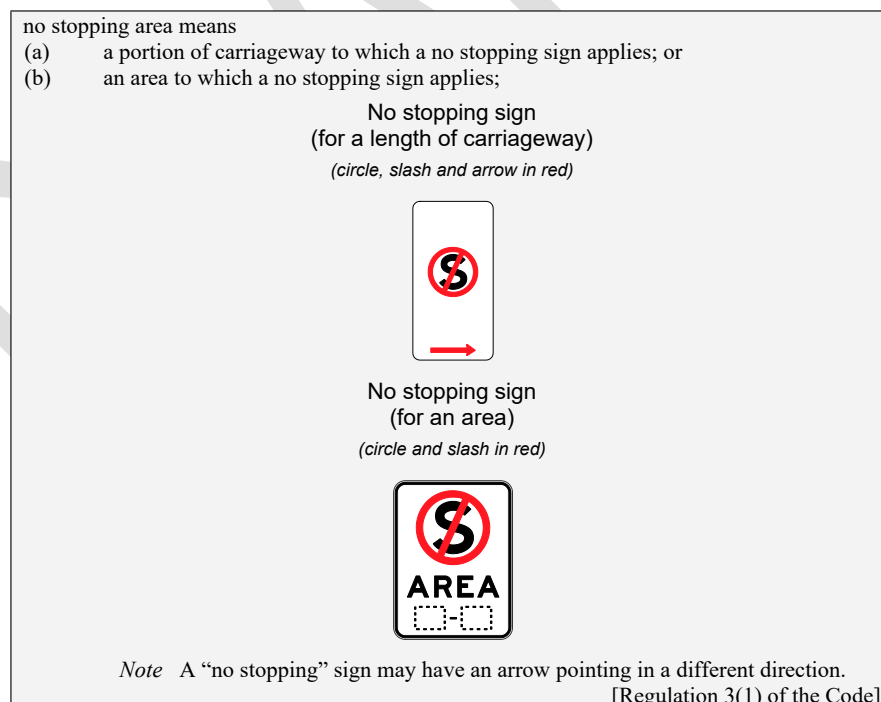
No parking sign
(for a length of carriageway)

(circle, slash and arrow in red)



no parking sign means a sign with the words no parking in red letters on a white background, or the letter P within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given to it by the Code



no stopping sign means a sign with the words no stopping or no standing in red letters on a white background or the letter S within a red annulus and a red diagonal line across it on a white background;

obstructing means causing or allowing a motor vehicle, trailer, or other object to stand on a road in such a way that it is likely to impede other road users;

occupier has the meaning given to it by the Act;

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;

[Section 1.4 of the Act]

owner

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

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;
- (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;
- (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;

(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;

(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;

(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;

(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;
- (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 3; or
- (iii) under the Petroleum Act 1967 holds in respect of the land a petroleum production licence or a petroleum exploration permit 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;

[Section 1.4 of the Act]

painted island has the meaning given to it by the Code

painted island means an area of road —

- (a) entirely surrounded by a line or lines (whether broken or continuous); or
 - (b) surrounded partly by a line or lines (whether broken or continuous) and partly by a kerb on or next to the carriageway,
- which may be further identified by stripes or chevrons marked on the enclosed road surface, or by the enclosed road surface being a contrasting colour, but not including the road within a dividing line;

[Regulation 3(1) of the Code]

Note – see also definition of *median strip* and clause 4.5(2)(b) of this local law.

park has the meaning given to it by the Code;

park means to permit a vehicle, whether attended or not, to remain stationary, except for the purpose of —

- (a) avoiding conflict with other traffic;
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (*maximum of 2 minutes*);

[Regulation 3(1) of the Code]

parking area has the meaning given to it by the Code;

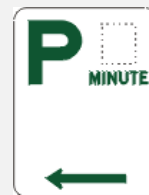
• ***parking area*** means —

- (a) a portion of carriageway to which a “permissive parking” sign applies; or

Permissive parking sign
(for a length of carriageway)



Permissive parking sign
(for an area)



Permissive parking sign displaying a
people with disabilities symbol
(for a length of road)



Permissive parking sign displaying
a people with disabilities symbol
(for an area)



[Regulation 3(1) of the Code]

- (b) an area to which a “permissive parking” sign applies;

parking control sign has the same meaning given it by the Code

• ***parking control sign*** means any of the following:

- (a) a “bicycle parking” sign;
- (b) a “bus zone” sign or bus stop post;
- (c) a “clearway” sign;
- (d) a “loading zone” sign;
- (e) a “mail zone” sign;
- (f) a “motor cycle parking” sign;
- (g) a “no parking” sign;
- (h) a “no stopping” sign;
- (i) a “people with disabilities parking” sign;
- (j) a “permissive parking” sign;
- (k) a “permissive parking” sign displaying a “people with disabilities” symbol;
- (l) a “taxi zone” sign;
- (m) a “truck zone” sign;
- (p) a “works zone” sign;

[Regulation 3(1) of the Code]

parking facility includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with the parking of vehicles;

parking meter includes the stand on which the meter is erected and a ticket issuing machine;

parking region means the whole of the district except:

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the Shire;

parking stall means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

parking station means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

path has the same meaning given to it by the Code;

path includes bicycle path, footpath, separated footpath and shared path;

[Regulation 3(1) of the Code]

pedestrian crossing has the meaning given to it by the Code;

pedestrian crossing means a portion of a carriageway-

- (a) defined:

- (i) by white stripes; or
- (ii) by white or yellow stripes (according to the colour of the carriageway) and the portions of the carriageway lying between those stripes, in such a manner that each stripe is approximately parallel to the centre of the carriageway; and
- (b) near each end of which may be erected, on each side of the carriageway, so as to be clearly visible to an approaching driver, a "pedestrian crossing" sign;

Pedestrian crossing sign
(background in yellow)



[Regulation 3(1) of the Code]

public bus has the same meaning given to it by the Code;

public bus means a bus operated by or on behalf of the State as a passenger vehicle, to carry passengers for hire or reward, whether in connection with a railway or not, but does not include a vehicle in relation to which an on demand rank or hail vehicle authorisation is in force;;

[Regulation 3(1) of the Code]

public place means any place to which the public has access whether or not that place is on private property;

reserve means any land:

- (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;

road means a highway, road, street, lane, thoroughfare, way or similar place within the parking region which the public is allowed to use and includes the road verge and any footway within it;

Road Traffic Act means the *Road Traffic Act 1974*;

Schedule means a Schedule to this local law;

shared zone has the meaning given to it by the Code;

shared zone means the network of roads in an area with –

- (a) a shared zone sign on each road into the area, indicating the same number; and
- (b) an end shared zone sign on each road out of the area.

Shared zone sign
(circle in red)

End shared zone sign



Note: There are a number of other permitted versions of each of these signs;

Note: A shared zone sign may also have a different number on the sign;
[Regulation 3(1) of the Code]

sign includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it by the Code;

special purpose vehicle means -

- (a) a vehicle being driven by a member of the Police Force (other than a police officer) on official duty or that vehicle when it is stationary at any place connected with the official duty;
- (b) a public utility service truck;
- (c) a tow truck;
- (d) a motor break-down service vehicle;
- (e) a vehicle being used by a government or local authority in connection with its roadwork or speed zoning functions; or
- (f) a vehicle duly authorised as a special purpose vehicle for the purposes of these regulations, by the Director General, but does not include an emergency vehicle;

[Regulation 3(1) of the Code]

stop in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

symbol includes any symbol specified by Australian Standard 1742.11-1989 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

taxi means a taxi within the meaning of the *Road Traffic Code 2000*;

taxi means a vehicle used or intended to be used in providing an on-demand rank or hail passenger transport service (as defined in the *Transport (Road Passenger Services) Act 2018* section 4(1));

[Regulation 3(1) of the Code]

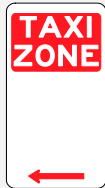
on demand rank or hail passenger transport service means an on demand passenger transport service that includes a rank or hail service;

[S4(1) Transport (Road Passenger Services) Act 2018]

taxi zone has the meaning given to it by the Code;

taxi zone means a length of carriageway to which a taxi zone applies;

Taxi zone sign
(arrow and background to words in red)



Note There are a number of other permitted versions of this sign.

Note A “taxi zone” sign may have an arrow pointing in a different direction and anything on the sign may be differently arranged.

[Regulation 3(1) of the Code]

thoroughfare has the meaning given to it by the Act;

thoroughfare means a road or other thoroughfare and includes structures and other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

[Section 1.4 of the Act]

ticket issuing machine means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

traffic island has the meaning given to it by the Code;

traffic island means any physical provision, other than lines, marks or other indications on a carriageway, made at or near an intersection, to guide vehicular traffic;

[Regulation 3(1) of the Code]

trailer has the meaning given to it by the Code:

trailer means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side-car;

[Regulation 3(1) of the Code]

vehicle has the meaning given to it by the Code; and

vehicle includes —

- (a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and
- (b) where the context permits, an animal being driven or ridden;

[Section 5(1) of the Act]

verge has the same meaning as **nature strip**.

1.6 Application of particular definitions

- (1) For the purposes of the application of the definitions 'no parking area' and 'parking area' an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the *Road Traffic Act 1974* or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.7 Application and pre-existing signs

- (1) Subject to subclause (2), this local law applies to the parking region.
- (2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.
- (3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.
- (4) A sign that:
 - i) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law; and
 - ii) relates to the parking of vehicles within the parking region, shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.
- (5) An inscription or symbol on a sign referred to in subclause (5) operates and has effect according to its tenor, and where the inscription or symbol relates to the stopping of vehicles, it shall be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.
- (6) The provisions of Parts 2, 3, 4 and 5 do not apply to a bicycle parked at a bicycle rail or bicycle rack.

9.47. Proof of certain matters not required

In proceedings under this Act instituted by or under the direction of a local government, until evidence is given to the contrary, proof is not required of —

...

- (e) the fact that a place is within a parking region; or
- (f) the establishment or provision of a parking facility.

Section 9.47 Local Government Act 1995

1.8 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows:

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.9 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which:

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the local government

The local government may, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

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PART 2 – METERED ZONES

2.1 Determination of metered zones

- (1) The local government may constitute, determine and vary and also indicate by signs, metered spaces and metered zones.
- (2) In respect of metered spaces and metered zones the local government may determine, and may indicate by signs:
 - (a) permitted times and conditions of parking depending on and varying with the locality;
 - (b) classes of vehicles which are permitted to park;
 - (c) the amount payable for parking; and
 - (d) the manner of parking.

2.2 Parking fee to be paid

Subject to clause 2.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

2.3 Limitation on parking in metered space

The payment of a fee under clause 2.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorise the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this local law.

2.4 No parking when meter is expired

Subject to clause 2.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign 'Expired' or a negative time.

2.5 Suspension of requirement to pay fee

The local government may from time to time declare that the provisions of clauses 2.2 and 2.4 shall not apply during the periods and days specified.

2.6 Vehicles to be within metered space

Subject to subclause (b):

- (a) A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.
- (b) If a vehicle is too long or too wide to fit completely within a single metered space then the person parking the vehicle shall do so within the minimum number of metered spaces needed to park that vehicle.
- (c) A person shall not park a vehicle partly within and partly outside a metered zone.

2.7 Permitted insertions in parking meters

- (1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.
- (2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

2.8 Parking ticket to be clearly visible

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

2.9 One vehicle per metered space

A person shall not park or attempt to park a vehicle in a metered space in which another vehicle is parked.

2.10 No parking when hood on meter

Notwithstanding any other provision of this local law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked 'No Parking', 'Reserved Parking' or 'Temporary Bus Stand' or equivalent symbols depicting these purposes except with the permission of the local government or an authorised person.

PART 3 - PARKING STALLS AND PARKING STATIONS

3.1 Determination of parking stalls and parking stations

The local government may constitute, determine and vary and also indicate by signs:

- (a) parking stalls;
- (b) parking stations;
- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

3.2 Vehicles to be within parking stall on thoroughfare

- (1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than:
 - (a) parallel to and as close to the kerb as is practicable;
 - (b) wholly within the stall; and
 - (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.
- (2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.
- (3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.
- (4) A person shall not park a vehicle partly within and partly outside a parking area.

3.3 Payment of fee to park in parking station

A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless:

- (a) in the case of a parking station having an authorised person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

3.4 Suspension of parking station restrictions

The local government may declare that the provisions of clause 3.3 do not apply during periods on particular days in relation to particular parking stations as specified.

3.5 Vehicle not to be removed until fee paid

A person shall not remove a vehicle which has been parked in a parking station until the fee associated with parking that vehicle in the parking station has been paid in full.

3.6 Entitlement to receipt

A person paying a fee at a parking station is to be entitled to receive a receipt on demand showing the period of parking covered by such payment and the amount of the fee paid.

3.7 Parking ticket to be clearly visible

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which

the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

3.8 Parking prohibitions and restrictions

- (1) A person shall not:
 - (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
 - (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
 - (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
 - (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked 'M/C', if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle:
 - (a) in a parking stall other than in a stall located against a kerb and marked 'M/C'; and
 - (b) in such stall other than parked against the kerb.
- (3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that:
 - (a) the driver's vehicle displays a valid disability parking permit ;
 - (b) a person with disabilities to which that permit relates is either the driver of or a passenger in the vehicle; and
 - (c) any disability permit displayed must be clearly displayed from inside the vehicle in such a position that the permit is clearly visible to, and is able to be read by an authorised person examining the permit from outside the vehicle.

PART 4 - PARKING GENERALLY

4.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station:
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2)
 - (a) This subclause applies to a driver if:
 - (i) the driver's vehicle displays a Disability Parking Permit; and
 - (ii) a disabled person to which the Disability Parking Permit relates is either the driver of the vehicle or a passenger in the vehicle.
 - (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disability parking permit sign relates for twice the period indicated on the sign.
- (3) A person shall not park a vehicle:
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with signs associated with the parking area and with this local law;
 - (c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (4) A person shall not park a motorcycle without a sidecar or a trailer, in a parking stall unless the stall is marked 'M/C'.
- (5) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

4.2 Parking vehicle on a carriageway

- (1) A person parking a vehicle on a carriageway other than in a parking stall shall park it:
 - (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
 - (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (e) so that it does not obstruct any vehicle on the carriageway, unless otherwise indicated on a parking regulation sign or markings on the roadway.
- (2) In this clause, 'continuous dividing line' means –
 - (a) a single continuous dividing line only;
 - (b) a single continuous dividing line to the left or right of a broken dividing line; or

-
- (c) 2 parallel continuous dividing lines.

3.37. Contraventions that can lead to impounding

- (1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.
- (2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

29. Contraventions that may lead to impounding of goods

(Act s. 3.37)

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —

- (a) it occurs in a public place; and
- (b) either —

the presence of the goods —

- (I) presents a hazard to public safety; or
- (II) obstructs the lawful use of any place;

or

where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law.

- (1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place.

- (2) In subregulation (1) or (1a) —

public place includes a place that is on private property that the public are allowed to use.

[R29 Local Government (Functions and General) Regulations 1996]

3.38. Terms used

goods means any goods involved in a contravention that can lead to impounding, and includes —

- (a) a vehicle; or
- (ab) an animal; or
- (b) a stall or other structure temporarily placed on land,
- involved in such a contravention;

[Section 3.37 Local Government Act 1995]

4.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is:

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway in a manner that does not obstruct the carriageway.

4.4 When angle parking applies

- (1) This clause does not apply to:

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over three tonnes; or

-
- (b) a person parking either a motor cycle without a trailer or a bicycle.
 - (2) Where a sign associated with a parking area is inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

4.5 General prohibitions on parking

- (1)
 - (a) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.
 - (b) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.
 - (2) Subject to any law relating to intersections with traffic control signals, a person shall not park a vehicle so that any portion of the vehicle is:
 - (a) on or adjacent to a median strip or painted island;
 - (b) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
 - (c) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
 - (d) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
 - (e) on any portion of a footpath or pedestrian crossing;
 - (f) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
 - (g) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
 - (h) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
 - (i) within 3 metres of a public letter box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or
 - (j) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked unless a sign or markings on the carriageway indicate otherwise.
 - (3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of:
 - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or
 - (b) a children's crossing or pedestrian crossing.
 - (4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of:
 - (a) a sign inscribed with the words 'Bus Stop' or 'Hail Bus Here' (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;
 - (b) a children's crossing or pedestrian crossing.
 - (5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.
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4.6 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

4.7 Authorised person may mark tyres

- (1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

4.8 No movement of vehicles to avoid time limitation

- (1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.
- (2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

4.9 No parking of vehicles exposed for sale and in other circumstances

A person shall not park a vehicle on any portion of a thoroughfare:

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

4.10 Parking on private land

- (1) In this clause a reference to 'land' does not include land:
 - (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*;
 - (c) which is an 'otherwise unvested facility' within section 3.53 of the Act; or
 - (d) which is the subject of an agreement referred to in clause 1.7(2).
- (2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

4.11 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

4.12 Suspension of parking limitations for urgent, essential or official duties

- (1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

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- (2) Where permission is granted under subclause (1), the local government, the CEO or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

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PART 5 – PARKING AND STOPPING GENERALLY

5.1 No stopping and no parking signs, and yellow edge lines

(1) No stopping

A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.

(2) No parking

A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver

- (a) is dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

unattended, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.

(3) No stopping on a carriageway with yellow edge lines

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

PART 6 – STOPPING IN ZONES FOR PARTICULAR VEHICLES

6.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is:

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers,
but, in any event, shall not remain in that loading zone:
- (c) for longer than a time indicated on the 'loading zone' sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

6.2 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

6.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

6.4 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

PART 7 – OTHER PLACES WHERE STOPPING IS RESTRICTED

7.1 Stopping in a shared zone

A driver shall not stop in a shared zone unless:

- (1) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;
- (2) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (3) the driver is dropping off, or picking up, passengers or goods; or
- (4) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

7.2 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to:
 - (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

7.3 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

7.4 Stopping on a bridge or in a tunnel, etc.

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless:
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless:
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or
 - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

7.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 80 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

7.6 Stopping near a fire hydrant etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless:
 - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or

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- (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
 - (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

7.7 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, unless:
 - (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.
- (2) In this clause:
 - (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

7.8 Stopping on a path, median strip, or traffic island or painted island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island, painted island, or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

7.9 Stopping on verge

- (1) A person shall not:
 - (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge or in contravention of clause 9.6,so that any portion of it is on a verge.
- (2) Subject to clause 9.6, subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subject to clause 9.6, subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

7.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless:
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless:
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.

7.11 Stopping near a public letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver:

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

7.12 Stopping on a carriageway – heavy and long vehicles

- (1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes:
 - (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

7.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

7.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless:

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

7.15 Stopping in a parking stall for people with disabilities

- (1) A driver shall not stop in a parking area for people with disabilities unless:
 - (a) the driver's vehicle displays a valid disability parking permit; and
 - (b) either the driver or the passenger in that vehicle is a person with disabilities.
- (2) In this clause a 'parking area for people with disabilities' is a length or area:
 - (a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies;
 - (b) to which a 'people with disabilities parking' sign applies; or
 - (c) indicated by a road marking (a 'people with disabilities road marking') that consists of, or includes, a people with disabilities symbol.

Note

The *Local Government (Parking for People with Disabilities) Regulations 2014* are designed to be enforced directly, rather than via a local law.

The Regulations prescribe an unmodified penalty of \$2000 and a modified penalty of \$200 for an offence. These penalties cannot be mirrored in the local law, due to the modified penalty being higher than 10% of the unmodified amount. This means the only option is to enforce the Regulations directly.

PART 8 – RESIDENTIAL PARKING PERMITS

8.1 Residential parking permit

- (1) A person may apply for a permit to park a vehicle on a thoroughfare if the person is:
 - (a) an occupier of a lot fronting the thoroughfare;
 - (b) the holder of the requisite vehicle licence under the Road Traffic Act for the vehicle; and
 - (c) subject to subclause (2), described on the vehicle licence as residing at the lot.
- (2) An applicant for a permit who is not described in accordance with subclause (1)(c), may apply for a temporary permit by stating (by way of statutory declaration) on an application for such that he or she resides at that lot.
- (3) An application for a permit shall be made in the form determined by the local government.
- (4) The local government may in respect of an application for a permit for the purpose of subclause (1) or (2):
 - (a) approve it;
 - (b) approve it subject to such conditions as the local government considers appropriate; or
 - (c) refuse to approve it.
- (5) Where the local government makes a decision under subclauses (4)(a) or (b), it shall issue a permit in the form determined by it to the person who applied for the permit.
- (6) A temporary permit issued for the purpose of subclause (2):
 - (a) will expire 3 months after it is issued; and
 - (b) is not renewable.
- (7) A permit issued for the purpose of subclause (1) may be either:
 - (a) an annual permit, issued for a period not exceeding one year and expiring on 31 December in the year of issue; or
 - (b) a temporary permit, issued for a period not exceeding 6 months from the date of issue.
- (8) Every permit issued for the purpose of subclause (1) is to specify:
 - (a) a permit number;
 - (b) the registration number of the vehicle;
 - (c) the name of the thoroughfare to which the exemption granted by clause 8.2 applies; and
 - (d) the date on which it expires.

8.2 Conditions of exemption for residential parking permits

Where parking of a vehicle on any part of a thoroughfare within the district is prohibited for more than a specified time, or without an unexpired parking ticket being displayed within the vehicle, the holder of a permit issued under clause 8.1 is exempted from such prohibitions if:

- (a) the vehicle is parked on a thoroughfare specified in the permit, but not adjacent to retail premises where the parking of all vehicles is subject to a time restriction;
- (b) the permit is affixed to the windscreen of the vehicle in a prominent position;
- (c) the period in respect of which the permit was issued has not expired; and
- (d) if the holder of the permit at the time of parking the vehicle still resides at the lot in respect of which the permit was issued.

8.3 Removal and cancellation of residential parking permit

The holder of a permit issued under clause 8.1 who changes residence shall remove the permit from the vehicle to which it is affixed, and the permit shall be deemed to be cancelled on and from the date the holder changes residence.

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PART 9 – MISCELLANEOUS

9.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an authorised person.

9.2 Unauthorised signs and defacing of signs

A person shall not without the authority of the local government:

- (a) mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property, set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

9.3 Signs must be complied with

An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

9.4 General provisions about signs

- (1) A sign marked, erected, set up, established or displayed on or near a thoroughfare is, in the absence of evidence to the contrary presumed to be a sign marked, erected, set up, established or displayed under the authority of this local law.
- (2) The first three letters of any day of the week when used on a sign indicate that day of the week.

9.5 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of:

- (1) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and
- (2) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.

9.6 Vehicles not to obstruct a public place

- (1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorised under any written law.
- (2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

3.37. Contraventions that can lead to impounding

- (1) Regulations may prescribe any contravention of a regulation or local law made under this Act to be a contravention that can lead to impounding.
- (2) Regulations may exclude the application of particular provisions of this Subdivision.

[Section 3.37 Local Government Act 1995]

29. Contraventions that may lead to impounding of goods (Act s. 3.37)

- (1) A contravention of a regulation or local law made under the Act can lead to the impounding of goods involved in the contravention if —
 - (a) it occurs in a public place; and
 - (b) either —

(i) the presence of the goods — (I) presents a hazard to public safety; or (II) obstructs the lawful use of any place; or (ii) where the regulation or local law prohibits or regulates the placement of the goods, the goods are located in a place contrary to that regulation or local law. (1a) A contravention of a regulation or local law made under the Act can lead to the impounding of goods that are animals (if they are involved in the contravention) whether or not the contravention takes place in a private or a public place. (2) In subregulation (1) or (1a) — public place includes a place that is on private property that the public are allowed to use. [R29 Local Government (Functions and General) Regulations 1996] 3.38. Terms used goods means any goods involved in a contravention that can lead to impounding, and includes — (a) a vehicle; or (ab) an animal; or (b) a stall or other structure temporarily placed on land, involved in such a contravention; [Section 3.37 Local Government Act 1995]
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PART 10 – PENALTIES

10.1 Offences and penalties

- (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) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not less than \$1,000 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 1 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

10.2 Form of notices

For the purposes of this local law:

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 2;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 2;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 2; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 2.

SCHEDULE 1 – PRESCRIBED OFFENCES

(Clause 10.1(4))

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to pay fee for metered space	100
2	2.3	Parking in excess of period shown on metered space	100
3	2.4	Parking when meter has expired	100
4	2.6(a)	Failure to park wholly within metered space	100
5	2.6(c)	Parking outside metered zone	100
6	2.7	Non-permitted insertion in parking meter	100
7	2.8	Failure to display ticket clearly in metered zone	100
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	100
9	2.10	Parking contrary to a meter hood	100
10	3.2	Failure to park wholly within parking stall	100
11	3.2(4)	Failure to park wholly within parking area	100
12	3.3	Failure to pay parking station fee	100
13	3.5	Leaving without paying parking station fee	100
14	3.7	Failure to display ticket clearly in parking station	100
15	3.8(1)(a)	Causing obstruction in parking station	100
16	3.8(1)(b)	Parking contrary to sign in parking station	100
17	3.8(1)(c)	Parking contrary to directions of authorised person	100
18	3.8(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	100
19	4.1(1)(a)	Parking wrong class of vehicle	100
20	4.1(1)(b)	Parking by persons of a different class	100
21	4.1(1)(c)	Parking during prohibited period	100
22	4.1(3)(a)	Parking in no parking area	100
23	4.1(3)(b)	Parking contrary to signs or limitations	100
24	4.1(3)(c)	Parking vehicle in motor cycle only area	100
25	4.1(4)	Parking motor cycle in stall not marked 'M/C'	100
26	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100
27	4.2(1)(a)	Failure to park on the left of two-way carriageway and against the flow of traffic	100
28	4.2(1)(b)	Failure to park on boundary of one-way carriageway and against the flow of traffic	100

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
29	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
30	4.2(1)(d)	Parking closer than 1 metre from another vehicle	100
31	4.2(1)(e)	Causing obstruction	100
32	4.3(b)	Failure to park at approximate right angle of 90 degrees	100
33	4.4(2)	Failure to park at an appropriate angle of 45 degrees	100
34	4.5(2)(a)	Parking on or adjacent to a median strip or painted island	100
35	4.5(2)(b)	Denying access to private drive or right of way	100
36	4.5(2)(c)	Parking beside excavation or obstruction so as to obstruct	100
37	4.5(2)(d)	Parking within 10 metres of traffic island	100
38	4.5(2)(e)	Parking on footpath/pedestrian crossing	100
39	4.5(2)(f)	Parking contrary to continuous line markings	100
40	4.5(2)(g)	Parking on intersection	100
41	4.5(2)(h)	Parking within 1 metre of fire hydrant or fire plug	100
42	4.5(2)(i)	Parking within 3 metres of public letter box	100
43	4.5(2)(j)	Parking within 10 metres of intersection	100
44	4.5(3)(a)	Parking vehicle within 10 metres of departure side of bus stop	100
45	4.5(3)(b)	Parking vehicle within 10 metres of departure side of children's crossing or pedestrian crossing	100
46	4.5(4)(a)	Parking vehicle within 20 metres of approach side of bus stop,	100
47	4.5(4)(b)	Parking vehicle within 20 metres of approach side of a children's or pedestrian crossing	100
48	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	100
49	4.6	Parking contrary to direction of authorised person	100
50	4.7(2)	Removing mark of authorised person	100
51	4.8	Moving vehicle to avoid time limitation	100
52	4.9(a)	Parking in thoroughfare for purpose of sale	100
53	4.9(b)	Parking unlicensed vehicle in thoroughfare	100
54	4.9(c)	Parking a trailer/caravan on a thoroughfare	100
55	4.9(d)	Parking in thoroughfare for purpose of repairs	100
56	4.10(1) or (2)	Parking on land that is not a parking facility without consent	100
57	4.10(3)	Parking on land not in accordance with consent	100

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
58	4.11	Driving or parking on reserve	100
59	5.1(1)	Stopping contrary to a 'no stopping' sign	100
60	5.1(2)	Parking contrary to a 'no parking' sign	100
61	5.1(3)	Stopping within continuous yellow lines	100
62	6.1	Stopping unlawfully in a loading zone	100
63	6.2	Stopping unlawfully in a taxi zone or bus zone	100
64	6.3	Stopping unlawfully in a mail zone	100
65	6.4	Stopping in a zone contrary to a sign	100
66	7.1	Stopping in a shared zone	100
67	7.2	Double parking on carriageway	100
68	7.3	Stopping near an obstruction	100
69	7.4	Stopping on a bridge or tunnel	100
70	7.5	Stopping on crests/curves	100
71	7.6	Stopping near fire hydrant	100
72	7.7	Stopping near bus stop	100
73	7.8	Stopping on path, median strip or traffic island	100
74	7.9	Stopping on verge	100
75	7.10	Obstructing path, a driveway	100
76	7.11	Stopping near public letter box	100
77	7.12	Stopping heavy or long vehicles on carriageway	100
78	7.13	Stopping in bicycle parking area	100
79	7.14	Stopping in motorcycle parking area	100
80	7.15(1) (a)	Stopping in disabled parking stall for people with disabilities and failing to display permit	300
81	8.3	Failure to remove permit when residence changed	100
82	9.6	Leaving vehicle so as to obstruct a public place	100
83		All other offences not specified	100

SCHEDULE 2 - FORMS

LOCAL GOVERNMENT ACT 1995

FORM 1

PARKING LOCAL LAW 2019

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) your vehicle:

make:

type:

registration:

was involved in the commission of the following offence -

contrary to clause of the **Parking Local Law 2019**.

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless:

(a) within 28 days after being served with this notice;

(i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and

(ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

(b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

(5)

(6)

Insert:

(1) Name of owner or 'the owner'

(2) Address of owner (not required if owner not named)

(3) Time of alleged offence

(4) Location of alleged offence

(5) Signature of authorised person

(6) Name and title of authorised person giving notice

SCHEDULE 2 - FORMS
LOCAL GOVERNMENT ACT 1995
FORM 2
PARKING LOCAL LAW 2019
INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)
in respect of vehicle:
make: ;
type: ;
registration: ,
you committed the following offence:

contrary to clause of the **Parking Local Law 2019**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)

(7)

Insert:

- (1) Name of alleged offender or 'the owner'
- (2) Address of alleged offender
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

SCHEDULE 2 - FORMS
LOCAL GOVERNMENT ACT 1995
FORM 3
PARKING LOCAL LAW 2019
INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)
It is alleged that on / / at (3)
at (4)
in respect of vehicle:
make: ;
type: ;
registration: ,
you committed the following offence:

contrary to clause of the **Parking Local Law 2019**.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at (5) within a period of 28 days after the giving of this notice.

Unless within 28 days after being served with this notice:

- (a) you pay the modified penalty; or
(b) you:
(i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
(ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

(6)
(7)

Insert:

- (1) Name of owner or 'the owner'
(2) Address of owner (not required if owner not named)
(3) Time of alleged offence
(4) Location of alleged offence
(5) Place where modified penalty may be paid
(6) Signature of authorised person
(7) Name and title of authorised person giving notice

SCHEDULE 2 - FORMS
LOCAL GOVERNMENT ACT 1995
FORM 4
PARKING LOCAL LAW 2019
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No
Date / /

To: (1)
of: (2)
Infringement Notice No. dated / /
in respect of vehicle:
make: ;
type: ;
registration: ,
for the alleged offence of

has been withdrawn.

The modified penalty of \$

- a) has been paid and a refund is enclosed.
- b) has not been paid and should not be paid.
- c) delete as appropriate.

(3)

(4)

Insert:

- (1) Name of alleged offender to whom infringement notice was given or 'the owner'.
- (2) Address of alleged offender.
- (3) Signature of authorised person
- (4) Name and title of authorised person giving notice

Dated dd mm yy

The Common Seal of the)
Shire of Coolgardie)
was affixed by)
authority of a resolution)
of the Council in the)
presence of -)

Commented [Chris3]: Date signed by Shire President and CEO

CR MALCOLM CULLEN
SHIRE PRESIDENT

JAMES TRAIL
CHIEF EXECUTIVE OFFICER

Local Government Act 1995

Shire of Coolgardie 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 Coolgardie resolved on **dd mm 2019** to make the following local law:

Commented [Chris1]: Date of final council decision to make local law under s3.12(4)

1. Citation

This local law is cited as the *Shire of Coolgardie Repeal Local Law 2019*.

2. Commencement

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

3. Local laws repealed

The following local laws or parts thereof are repealed:

- (1) The *Shire of Coolgardie Adoption of amendments to Model Local Laws relating to Signs Hoardings and Bill Posting No. 13* published in the *Government Gazette* on 3 June 1997;
- (2) The *Municipality of the Shire of Coolgardie Adoption of Draft Model By-laws Relating to Signs, Hoardings and Billposting* published in the *Government Gazette* on 21 November 1967 and as amended in the *Government Gazette* on 15 March 1996;
- (3) The *Municipality of the Shire of Coolgardie By-laws Relating to Bees Kept on Residential Zoned Land* published in the *Government Gazette* on 16 June 1989; and
- (4) Clauses 103 to 106 of the *Shire of Coolgardie Health Local Laws 1998* published in the *Government Gazette* on 31 March 1999.

Dated **dd mm** 2019

Commented [Chris2]: Date signed by President and CEO

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

.....
Cr Malcolm Cullen, President

.....
James Trail, Chief Executive Officer



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 or you can provide your feedback to 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.

Commented [st1]:

Commented [st2]: has

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.

2.25	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.
2.26	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: i. after the third finding of a breach of this Part by the same council member, or ii. where the council member fails to comply with the action plan in accordance with sub-rule 2.24(ii).
2.27	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.
2.28	Written notification of the outcome of an alleged breach under this section must be given to the council member and complainant.
2.29	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

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: 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 impute dishonest or unethical motives to them in the performance of their duties.	Training Mediation Counselling Apology
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	Training Mediation Counselling Apology

	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.	Training Mediation Counselling
2.12	Direct all requests for work or actions by council staff to the CEO or the CEO's nominated delegate.	Training
Accountability		
2.13	Make decisions honestly and impartially, considering all available information, legislation, policies and procedures.	Training
2.14	Take responsibility for decisions and actions.	Training Counselling
2.15	Abide by the decisions of council and publicly support the decisions even if of an alternative view.	Training
2.16	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>	<i>Elements of Rule of Conduct</i>
a. resource 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. b. A person who is a council member must not either directly or indirectly use the resources of a local government — 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 ii. for any purpose other than fulfilling the legal obligations and duties of the council member's office, unless authorised under the Act, by the council or the CEO to use the resources for that purpose.	(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 directly or indirectly used; (c) resources that belonged to the local government; (d) for the identified electoral purpose or any other purpose other than in their legal role as a council member; (e) without such purpose being authorised under the Act, by the council or the local government's CEO.

<i>Securing personal advantage or disadvantaging others</i>	<i>Elements of Rule of Conduct</i>
c. A person who is a council member must not make improper use of the person's office as a council member — i. to gain directly or indirectly an advantage for the person or any other person; or	(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) by engaging in the conduct, the person the subject of the complaint made use of the office of a council member (in

ii. to cause detriment to the local government or any other person. 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.	the sense that he or she acted in their capacity as a council member, rather than in some other capacity); (c) when viewed objectively, such use was an improper use of the person's office as council member in that it: 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 ii. was so wrongful and inappropriate in the circumstances that it calls for the imposition of a penalty; and (d) the person engaged in the conduct in the belief that: 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> 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; (e) It is irrelevant whether advantage was actually gained or detriment suffered; (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).
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<i>Repeated breaches of Part B</i>	<i>Elements of Rule of Conduct</i>
e. A breach of Part B of the Code of Conduct is a minor breach if: i. it occurs after the council member has been found to have committed 3 or more other breaches of Part B; or ii. the council member fails to comply with the action plan developed after a finding of inappropriate behaviour under Part B; and 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.	(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; (b) the council has passed a resolution referring the matter to the Standards Panel; (c) in the case of (i) – i. the person has been found to have breached Part B of the code of conduct on at least three occasions; ii. the behaviour the subject of this complaint occurred after a finding of inappropriate behaviour; iii. the person has engaged in behaviour that is a breach of Part B of the code of conduct; iv. an action plan is in place; or (d) In the case of (ii) – i. there was an action plan in place; ii. the action plan resulted from a previous finding of a breach of Part B; iii. the person has not complied with the action plan.

Relationships with employees

<i>Prohibition against involvement in administration</i>	<i>Elements of Rule of Conduct</i>
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.	(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 took on or was involved or participated in the performance, attempted performance, or part-performance, of a function or responsibility which under the

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.	Act or by delegation it is for the local government's CEO to perform or direct; and (c) such taking on, involvement or participation: i. contributed (for example, played a part in achieving) something; and 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 (d) the local government's CEO did not authorise such taking on, involvement or participation.
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<i>Relations with local government employees</i>	<i>Elements of Rule of Conduct</i>
3.9 In this rule — employee means a person as defined in section 5.36 of the Act and any person contracted to provide a service to the local government. 3.10 A person who is a council member or candidate must not — 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 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	Rule 3.10(i) (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; (b) the council member or candidate gave or tried or made an effort to give a direction or an order or command; (c) to another person, who is an employee of the relevant local government; (d) to do or not to do something in the other person's capacity as a local government employee; and (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).

iii. behave in an abusive or threatening manner towards any local government employee. 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. 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 — i. make a statement that a local government employee is incompetent or dishonest; or ii. use offensive or objectionable expressions in reference to a local government employee. 3.13 Rule 3.12(i) does not apply to conduct that is unlawful under <i>The Criminal Code</i> Chapter XXXV.	Rule 3.10(ii) (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; (b) a council member or candidate tried or made an effort to affect, sway or produce an effect on; (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 (d) the council member or candidate's effort to affect, sway or produce an effect was carried out by means of — (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 (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. Rule 3.10(iii) (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; (b) the person behaved in a manner which was: (i) abusive (for example, the council member uses insulting, disparaging belittling or derogatory language about or to the employee); or
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	(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); (c) the behaviour is directed towards a local government employee. Rule 3.12(i) (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 attended a council meeting, committee meeting or other organised event in their capacity as a council member; (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 (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. (e) Chapter XXXV of <i>The Criminal Code</i> does not apply. Rule 3.12(ii) (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;
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	(b) the council member attended a council meeting, committee meeting or other organised event in their capacity as a council member; (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; (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 (d) the expression was an offensive or objectionable expression in reference to an identified employee of the council member's local government.
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Accountability

<i>Unauthorised disclosure of information</i>	Elements of Rule of Conduct
3.14 In this rule — closed meeting 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; confidential document 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;	Rule 3.15(i) (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 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

non-confidential document means a document that is not a confidential document or is not marked confidential. 3.15 A person who is a council member must not disclose — i. information that the council member derived from a confidential document; or ii. information that the council member acquired at a closed meeting other than information derived from a non-confidential document; or iii. personal information as defined in the <i>Freedom of Information Act 1992</i>. 3.16 Sub-rule (3.15) does not prevent a person who is a council member from disclosing information — i. at a closed meeting; or ii. to the extent specified by the council and subject to such other conditions as the council determines; or iii. that is already in the public domain; or iv. to an officer of the Department; or v. to the Minister; or vi. to a legal practitioner for the purpose of obtaining legal advice; or vii. if the disclosure is required or permitted by law.	(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. Rule 3.15(ii) (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) a 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 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 (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 (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.
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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 <i>Freedom of Information Act 1992</i> (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. <i>Freedom of Information Act 1992</i> 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.
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Disclosure of interest	Elements of Rule of Conduct
3.17 In this rule — interest means a material interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest. 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 — i. in a written notice given to the CEO before the meeting; or ii. at the meeting immediately before the matter is discussed. 3.19 Rule 3.18 does not apply to an interest referred to in section 5.60 of the Act. 3.20 Rule 3.18 does not apply if — 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 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. 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 —	(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) 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; (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; (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); (e) Rule 3.20 does not apply.

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 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. 3.22 If — i. under sub-rule (3.18)(ii) or (3.20)(ii) a person's interest in a matter is disclosed at a meeting; or 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, the nature of the interest is to be recorded in the minutes of the meeting.	
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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?

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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?

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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?

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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?

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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?

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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?

8th October 2019

Shire of Coolgardie
PO Box 138
Kambalda, WA 6442

Application for RAV Permits – Durkin Road

Dear James,

Thank you for taking the time today to discuss the permitting policy and the approval process that is required.

We are looking forward to working with you and as discussed we have recently purchased the Higginsville operation that will secure the future for both the Beta Hunt and Higginsville operations in the region.

We would like to propose an application for a six month period from the 1st of October, 2019 until the 1st April, 2020 being 45Kt per month, 270Kt for the period.

If you have any concerns please contact myself on 0439 094 734 to discuss.

Kind Regards.



Christian Ridley
Finance Manager
Salt Lake Mining Pty Ltd

5 November 2019



Shire of Coolgardie
Irish Mulga Drive
Kambalda
WA 6442

Dear Sir

RENEWAL OF SHIRE OF COOLGARDIE RES #262/18

IGO Nova wish to make application to the Shire of Coolgardie for the use of "PBS" Triple road trains up to 42 meters to travel on Durkin Road from Goldfields Highway to BHP Kambalda (1.62 SLK) to enable access to BHP Kambalda Processing plant. This is a renewal of the previously approved Res #262/18.

These units have been PBS and Main Roads approved to travel between IGO Nova Mine and BHP Kambalda, and are operated by our contractor Qube Bulk. The registration of the nominated vehicles are: 1GFN 536, 1GFN 537, 1GFN 539, 1GFN 540, 1GOI 941, 1EJJ 294, 1EVR 043, 1GHM 710.

Based on our current obligations we will transport approximately 140,000 wet metric tonnes of concentrate to BHP over a 12 month period. This equates to a nominal 4 loads per 24hrs. Each truck load is approximately 100 tonnes.

The required duration of the campaign is from 1st January 2020 to 31st December 2020.

Attached are copies of the PBS report along with the Mainroads design approval for your consideration.

If you require further information please do not hesitate to contact me on 0408770352 or email, matthew.spagnolo@igo.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M Spagnolo', is written over a light blue horizontal line.

Matthew Spagnolo
Manager Processing & Maintenance
IGO NOVA

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Independence Group NL
ABN 46 092 786 304



mainroads
WESTERN AUSTRALIA

Enquiries: Rich Bain 138 486

13th October 2016

Our Ref: D16#593075
D16#593052
D16#636977

WAPBS DA: MRWA160604

Fred Jones
Maintenance and Fleet manager Western Region
15 Outram St
West Perth 6005

WAPBS Scheme Design Approval

Main Roads grants Design Approval for the operation of 42m Triple Road Train Vehicle Combinations (i.e. MRWA160604) subject to the following routes and conditions:

Approved Route:

- Durkin Rd – From Goldfields Hwy to BHP Kambalda (1.62 SLK)
- Goldfields Hwy – From Coolgardie Esperance Hwy to Durkin Rd (6020039)
- Coolgardie Esperance Hwy - From Esperance Port to Goldfields Hwy
- Eyre Hwy – From Coolgardie Esperance Hwy to 145 SLK Eyre Hwy

Note: The subject combination shall be route restricted on above route and no access is granted on any other RAVs network road.

Conditions:

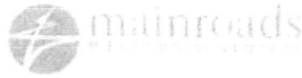
1. The vehicle combination must be manufactured as per the Performance Based Standards (PBS) design approval and PBS Part B form prepared and submitted by ARRB Group (MRWA160604 - D16#636977). In addition to that, vehicle combination must be built as per requirements stated in "WA Performance Based Standard Scheme & Vehicle Assessment Rules" on Main Roads Website.

If the dimensions of the vehicle combinations vary during the manufacturing stage, this "In Principle" approval shall no longer be valid.

2. Durkin Rd under "Approved Route" is owned by shire/s. The operator must obtain and carry current written approval from the road asset owner permitting use of the road.
3. Once manufactured, the vehicle must be successfully certified by an approved PBS certifier, as per National Heavy Vehicle Regulator (NHVR) vehicle certification rules.
4. The vehicle combination must only operate on the approved route and must be monitored via the Intelligent Access Program (IAP).

Main Roads Western Australia
Heavy Vehicle Services, 525 Great Eastern Highway, Redcliffe WA 6104
PO Box 374, Welshpool DC, WA 6986

mainroads.wa.gov.au
enquiries@mainroads.wa.gov.au
138 486



5. The maximum length of combination must not exceed 42 metres.
6. The maximum permitted load height is 2.830m (measured from the flat ground).
7. The width of vehicle must not exceeds 2.5m
8. Prime Movers must be fitted with an Antilock Braking System (ABS) or an Electronic Braking System (EBS).
9. All Semi-trailer must be fitted with TEBS, with CAN (controller area network) connection from Prime mover and fully functional Rollover Stability System (RSS).
10. Converter Dollies are not required to be fitted with EBS or RSS.
11. The operator is required to conduct a "diagnostic test" of the brake system every 6 months and retain an auditable record of the test.
12. Where the individual trailers do not comply with statutory dimension limits, exemptions from the relevant ADR and / or Road Traffic (Vehicles) Regulations 2014 must be obtained from the Department of Transport and provide to Main Roads WA.
13. The axle group masses must not exceed the following limits:
 - steer axle group : 6.5t
 - Tri-drive axle group: 23.5t
 - Tri-axle group: 23.5t
14. When combination is partly laden, the drive axle group load must exceed 15% of vehicle combination's total mass (Drive axle group load = $0.15 \times$ total combination mass, e.g. at 50 t total combination mass as measured, $50 \times 0.15 = 7.5$ t is required on the drive axle group). This clause does not apply for an unladen vehicle.
15. The Gross Combination Mass must not exceed 147.5t
16. All axles in the combination, other than the steer axles, must be fitted with dual tyres.
17. The "Private Road" sign/s must be placed at the entrance of mine access road at the intersection of Eyre hwy and mine access road. The sign must be clearly visible to other motorist from Eyre Hwy.
18. The operator must follow WAPBS rules for obtaining any future addition of fleet (including prime mover) approval from Main Roads WA. (subject to clause 2, 8 under conditions)
19. Signs must be displayed as per Road Traffic (Vehicles) Regulations 2014, Division 6, Rule 276 – 278.

Yours sincerely

P.B.

Rich Bain
Heavy Vehicle Network Access Manager

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