



# APPENDICES

## ORDINARY COUNCIL MEETING

**PART 3: Items 12.15 - 12.19**

To Be Held

Wednesday, 31<sup>st</sup> of March 2021

Commencing at 5.00pm

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive - EATON

This document is available in alternative formats such as:  
~ Large Print  
~ Electronic Format [disk or emailed]  
Upon request.



RISK ASSESSMENT TOOL									
OVERALL RISK EVENT: Draft Local Government Property Local Law 2021									
RISK THEME PROFILE:									
3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory) 4 - Document Management Processes									
RISK ASSESSMENT CONTEXT: Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Failing to review in the 8 yearly cycle as stipulated in S3.16 of Local Government Act 1995. Council would be seen in a negative light if we failed in our legislative requirements.	Moderate (3)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	No risk event identified for this category.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.

**RED TRACKED CHANGES** ARE GOING TO BE ADDITIONS TAKEN FROM THE WALGA  
TEMPLATE

**BLUE TRACKED CHANGES** ARE RECOMMENDED **STAFF** ADDITIONS/AMENDMENTS  
TO THE WALGA TEMPLATE VERSION – STAFF RECOMMENDATIONS

## SHIRE OF DARDANUP

*Local Government Act 1995*

### LOCAL GOVERNMENT PROPERTY LOCAL LAW **2007 2021**

*Local Government Act 1995*

**SHIRE OF DARDANUP**

**LOCAL GOVERNMENT PROPERTY LOCAL LAW 2007**

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*Local Government Act 1995*

**SHIRE OF DARDANUP**

**LOCAL GOVERNMENT PROPERTY LOCAL LAW ~~2007~~**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Dardanup resolved on 9<sup>th</sup> August 2007 to make the following local law.

**PART 1 - PRELIMINARY**

**Citation**

1.1 This local law may be cited as the “*Shire of Dardanup Local Government Property Local Law ~~2007~~*”.

**1.2 Commencement**

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

**Definitions**

~~1.3~~ 1.3 In this local law unless the context otherwise requires -

*Act* means the *Local Government Act 1995*;

*aircraft* has the meaning given to it in the *Civil Aviation Act 1988 (Cth)*;

*applicant* means a person who applies for a permit under clause 3.2;

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

*boat* means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

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

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

*CEO* means the chief executive officer of the local government;

*commencement day* means the day on which this local law comes into operation;

*Council* means the council of the local government;

## (Appendix ORD: 12.15B)

***date of publication*** means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

***determination*** means a determination made under clause 2.1;

***district*** means the district of the local government;

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

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

***liquor*** has the same meaning as is given to it in section 3 of the *Liquor Licensing Act 1988*;

***local government*** means the Shire of Dardanup;

***local government property*** means anything except a thoroughfare –

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

***Manager*** means the person for the time being employed by the local government to control and manage a facility which is local government property and includes the person's assistant or deputy;

***permit*** means a permit issued under this local law;

***permit holder*** means a person who holds a valid permit;

***person*** does not include the local government;

***pool area*** means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

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

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

## (Appendix ORD: 12.15B)

**trading** means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

**vehicle** includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

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

### Interpretation

~~1.3~~ 1.4 In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

### Application

~~1.4~~ 1.5 (1) This local law applies throughout the district.

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

~~(2)~~(3) Notwithstanding anything to the contrary in this local law, the local government may -

- (a) hire local government property to any person; or
- (b) enter into an agreement with any person regarding the use of any local government property.

### Repeal

~~1.5~~ 1.6 (1) ~~The By laws Relating to Public Reserves of the Shire of Dardanup published in the Government Gazette on 24 December 1980, and Local Government Property Local Law of the Shire of Dardanup published in the Government Gazette on 17 April 2003, are repealed.~~

## (Appendix ORD: 12.15B)

~~*Shire of Dardanup Local Government Property Local Law 2007, as published in the Government Gazette on 7 December 2007.*~~

This local law repeals the *Shire of Dardanup Local Government Property Local Law 2007*, published in the *Government Gazette* on 7 December 2007.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

**PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY**

*Division 1 - Determinations*

**Determinations as to use of local government property**

- 2.1(1) The local government may make a determination in accordance with clause 2.2 –
- (a) setting aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
  - (b) prohibiting a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
  - (c) as to the matters in clauses 2.7(2) and 2.8(2); and
  - (d) as to any matter ancillary or necessary to give effect to a determination.
- (2) The determinations in Schedule 2 –
- (a) are to be taken to have been made in accordance with clause 2.2;
  - (b) may be amended or revoked in accordance with clause 2.6; and
  - (c) have effect on the commencement day.

**Procedure for making a determination**

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

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

**Discretion to erect sign**

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

**Determination to be complied with**

2.4 A person shall comply with a determination.

**Register of determinations**

2.5 (1) The local government is to keep a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.

(2) Sections 5.94 and 5.95 of the Act are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

**Amendment or revocation of a determination**

2.6 (1) The Council may amend or revoke a determination.

(2) The provisions of clause 2.2 are to apply to an amendment of a determination as if the amendment were a proposed determination.

(3) If the Council revokes a determination it is to give local public notice of the revocation and the determination is to cease to have effect on the date of publication.



*Division 2 - Activities which may be pursued or prohibited under a determination*

**Activities which may be pursued on specified local government property**

2.7 (1) A determination may provide that specified local government property is set aside as an area on which a person may –

- (a) bring, ride or drive an animal;
- (b) take, ride or drive a vehicle, or a particular class of vehicle;
- (c) fly or use a motorised model ~~aeroplane~~ aircraft;
- (d) use a children's playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
- (e) launch, beach or leave a boat;
- (f) take or use a boat, or a particular class of boat;
- (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
- (h) play or practice –
  - (i) golf or archery;
  - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or
  - (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
- (j) wear no clothing.

(2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –

- (a) the days and times during which the activity may be pursued;
- (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
- (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
- (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;

- (e) may specify that the activity can be pursued by a class of persons or all persons; and
- (f) may distinguish between different classes of the activity.

**Activities which may be prohibited on specified local government property**

2.8 (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property -

- (a) smoking on premises;
- (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
- (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
- (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
- (e) taking or using a boat, or a particular class of boat;
- (f) the playing or practice of -
  - (i) golf, archery, pistol shooting or rifle shooting; or
  - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
- (g) the playing or practice of any ball game which may cause detriment to the property or any **plants and** fauna on the property; and
- (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –

- (a) the days and times during which the activity is prohibited;
- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and
- (e) may distinguish between different classes of the activity.

(3) In this clause –

*premises* means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

***Division 3 - Transitional***

**Signs taken to be determinations**

2.9 (1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

**PART 3 - PERMITS**

*Division 1 - Preliminary*

**Application of Part**

3.1 This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

*Division 2 - Applying for a permit*

**Application for permit**

3.2 (1) Where a person is required to obtain a permit under this local law, that person shall apply for the permit in accordance with subclause (2).

(2) An application for a permit under this local law shall -

- (a) be in the form determined by the local government;
- (b) be signed by the applicant;
- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for a permit.

(4) The local government may require an applicant to give local public notice of the application for a permit.

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

**Decision on application for permit**

3.3 (1) The local government may –

- (a) approve an application for a permit unconditionally or subject to any conditions; or
- (b) refuse to approve an application for a permit.

(2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.

- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

***Division 3 - Conditions***

**Conditions which may be imposed on a permit**

3.4 (1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to -

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

(2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –

- (a) when fees and charges are to be paid;
- (b) payment of a bond against possible damage or cleaning expenses or both;
- (c) restrictions on the erection of material or external decorations;
- (d) rules about the use of furniture, plant and effects;
- (e) limitations on the number of persons who may attend any function in or on local government property;
- (f) the duration of the hire;

- (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Licensing Act 1988*;
- (i) whether or not the hire is for the exclusive use of the local government property;
- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

**Imposing conditions under a policy**

3.5 (1) In this clause –

*policy* means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

(2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.

(3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).

(4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.

(5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

**Compliance with and variation of conditions**

3.6 (1) Where an application for a permit has been approved subject to conditions, the permit holder shall comply with each of those conditions.

(2) The local government may vary the conditions of a permit, and the permit holder shall comply with those conditions as varied.

*Division 4 - General*

**Agreement for building**

3.7 Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

**Duration of permit**

3.8 A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.12.

**Renewal of permit**

3.9 (1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

~~–(2) The provisions of this Part shall apply to an application for the renewal of a permit *mutatis mutandis*.~~

(2) The provisions of this Part shall apply to an application for the renewal of a permit as though it were an application for a permit.

**Transfer of permit**

3.10 (1) An application for the transfer of a valid permit is to -

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.

(4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

**Production of permit**

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

**Cancellation of permit**

3.12 (1) Subject to clause 9.1, a permit may be cancelled by the local government if the permit holder has not complied with a –

- (a) condition of the permit; or
- (b) determination or a provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder -

- (a) shall return the permit as soon as practicable to the CEO; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

*Division 5 - When a permit is required*

**Activities needing a permit**

3.13 (1) A person shall not without a permit –

- (a) subject to subclause (3), hire local government property;
- (b) advertise anything by any means on local government property;
- (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
- (d) teach, coach or train, for profit, any person on a beach, reserve, in a pool area or in an indoor recreation facility which is local government property;
- (e) plant or propagate any plant or sow any seeds on local government property;
- (f) carry on any trading on local government property unless the trading is conducted -
  - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
  - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
- (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -



## (Appendix ORD: 12.15B)

- (i) drive or ride or take any vehicle on to local government property; or
- (ii) park or stop any vehicle on local government property;
- (h) conduct a function on local government property;
- (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
- (j) light a fire on local government property except in a facility provided for that purpose;
- (k) parachute, hang glide, abseil or base jump from or on to local government property;
- (l) erect a building or a refuelling site on local government property;
- (m) make any excavation on or erect or remove any fence on local government property;
- (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
- (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property; ~~or~~
- (p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly; ~~or~~
- (q) cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass or plant of any kind on local government property.

(2) The local government may exempt a person from compliance with subclause (1) on the application of that person.

(3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

### **Permit required to camp outside a facility**

3.14 (1) In this clause –

*facility* has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

(2) This clause does not apply to a facility operated by the local government.

(3) A person shall not without a permit -

- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
- (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

**Permit required for possession and consumption of liquor**

3.15 (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –

- (a) that is permitted under the *Liquor Licensing Act 1988*; and
- (b) a permit has been obtained for that purpose.

(2) Subclause (1) does not apply where the liquor is in a sealed container.

**Division 6 - Responsibilities of permit holder**

**Responsibilities of permit holder**

3.16 A holder of a permit shall in respect of local government property to which the permit relates -

- (a) ensure that an authorized person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) report any damage or defacement of the local government property to the local government; and
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Licensing Act 1988* for that purpose.

**PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY**

**Division 1 - Behaviour on and interference with local government property**

**Behaviour which interferes with others**

- 4.1 A person shall not in or on any local government property behave in a manner which -
- (a) is likely to interfere with the enjoyment of a person who might use the property; or
  - (b) interferes with the enjoyment of a person using the property.

**Behaviour detrimental to property**

- 4.2 (1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property **unless authorised by the local government to do so.**
- (2) In subclause (1) –
- detrimental to the property* includes –
- (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
  - (b) destroying, defacing, **cutting, breaking** or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

**Taking or injuring any fauna**

- 4.3 (1) A person shall not, take, injure or kill or attempt to take, injure or kill any fauna which is on or above any local government property, unless that person is authorized under a written law to do so.
- (2) In this clause –
- animal* means any living thing that is not a human being or plant; and
- fauna* means any animal indigenous to or which periodically migrates to any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes in relation to any such animal –
- (a) any class of animal or individual member;
  - (b) the eggs or larvae; or
  - (c) the carcass, skin, plumage or fur.

**Removing or damaging any flora**

- 4.4 (1) **A person must not remove or damage any flora which is on or above any local government property unless that person is authorised to do so under a written law or with the written approval of the local government.**

(2) In this clause –

*flora* means all vascular plants other than plants recognised as weeds.

**Intoxicated persons not to enter local government property**

4.4 4.5 A person shall not enter or remain on local government property while under the influence of liquor or a prohibited drug.

**No prohibited drugs**

4.5 4.6 A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

*Division 2 - Signs*

**Signs**

4.6 4.7 (1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

- (2) A person shall comply with a sign erected under subclause (1).
- (3) A condition of use specified on a sign erected under subclause (1) is –
  - (a) not to be inconsistent with any provision of this local law or any determination; and
  - (b) to be for the purpose of giving notice of the effect of a provision of this local law.

**PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY**

*Division 1 - Fenced or closed property*

**No entry to fenced or closed local government property**

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

*Division 2 - Toilet blocks and change rooms*

**Only specified gender to use entry of toilet block or change room**

5.2 Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –

- (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
- (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

(2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –

- (a) under the age of 8 years; or
- (b) otherwise permitted by an authorised person to use the relevant entry.

*Division 3 - Swimming pool areas*

**5.3 When entry must be refused**

A Manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who –

- (a) is -
  - (i) under the age of 10 years and who is unaccompanied by a responsible person over the age of 16 years;
  - (ii) suffering from any gastrointestinal disease, skin infection or other disease that is communicable in an aquatic environment; or
  - (iii) in an unclean condition; or
  - (iv) wearing unclean clothes; or
  - (v) under the apparent influence of alcohol, drugs or alcohol and drugs.

- (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

#### 5.4 Consumption of food or drink may be prohibited

A person shall not consume any food or drink in an area where consumption is prohibited by a sign.

### *Division 4 - Beaches*

#### 5.5 Powers of authorised persons or surf life saving club members

(1) Subject to subclause (2), the local government may authorize under section 9.10 of the Act the members of a surf life saving club to An authorised person employed by the local government may perform all or any of the following functions in relation to a beach -

(a) patrol any beach;

(b) carry out any activity on any beach;

(c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;

(d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and

(e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.

(2) Under subclause (1), the local government shall authorize only those members who have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorized. Subject to subclause (3), the local government may authorise, under section 9.10 of the Act, the members of a surf life saving club to perform all or any of the functions listed in subclause (1).

(3) Members authorised by the local government under subclause (2) must have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.

(4) Under subclause (4) (2), the local government may authorise members generally, or in relation to particular times, days or months.

#### 5.6 ~~Authorizing other persons~~ Authority of local government employee to prevail

The authority of an authorised person employed by the local government under clause 5.3(1) is to prevail over the authority provided to members of a surf life saving club under clause 5.3(2).

(1) A local government may authorize, under section 9.10 of the Act, a person to perform all or any of the functions referred to in clause 5.3(1) in relation to a beach.

~~(2) Under subclause (1), the local government shall authorize only those persons who, in the reasonable opinion of the local government, are competent to perform the functions referred to in clause 5.3(1) in respect of which they are authorized.~~

~~(3) Under subclause (1), the local government may authorize a person generally, or in relation to particular times, days or months.~~

~~(4) Where the local government has authorized members of a surf life saving club under clause 5.3(1) and a person under subclause (1) in relation to the same beach, so that they can perform all or any of the functions referred to in clause 5.3(1) contemporaneously, the local government is to specify which authorization is rendered ineffective when both are exercised.~~

### **5.7 Persons to comply with signs and directions**

A person shall -

- (a) not act in contravention of any sign erected on a beach under clause 5.5(1)(c);
- (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained permission to enter from the club;
- (c) comply with any direction given under clause 5.5(1)(c) or 5.5(1)(e); and
- (d) not interfere with, obscure, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.

### ***Division 5 - Aerodrome (airport)***

#### **5.8 Access of animals restricted**

- (1) A person shall not bring an animal on to an aerodrome unless –
  - (a) the person is a person referred to in section 8 of the *Dog Act 1976* acting in accordance with that provision;
  - (b) the animal is being air freighted from the aerodrome;
  - (c) the animal has been air freighted to the aerodrome; or
  - (d) the person is authorised to do so by the local government.
- (2) A person in charge of an animal shall keep the animal under control and shall not allow it to wander at large on the aerodrome.
- (3) If an animal is at any time on an aerodrome in contravention of subclause (2), in addition to the person specified in that subclause, the owner of the animal at that time commits an offence against subclause (2).

*Division 6 - Golf course*

**5.9 Interpretation**

In this Division –

*controller* means the person appointed by the local government to direct, control and manage a golf course;

*golf course* means that portion of a golf course reserve which is laid out as a golf course and includes all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range; and

~~"golf course reserve" means the local government property described in Schedule 3 and includes all buildings, structures, fittings, fixtures and equipment on that land.~~

**5.10 Observance of special conditions of play**

While on a golf course, every player shall observe and comply with a –

- (a) direction of a controller in respect of any special conditions of play; and
- (b) requirement of any notice erected to direct or control play.



**PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY**

**No unauthorized entry to function**

6.1 (1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is authorized, except –

- (a) through the proper entrance for that purpose; and
- (b) on payment of the fee chargeable for admission at the time.

(2) The local government may exempt a person from compliance with subclause (1)(b).

**PART 7 - JETTIES AND BRIDGES**

*Division 1 - Preliminary*

**Interpretation**

7.1 (1) This Part only applies to bridges and jetties which are local government property.

(2) In this Part –

*jetty* means any jetty, pier, wharf or landing place which is local government property.

*Division 2 - Consents and fees*

**Application for consent and application fee**

7.2 (1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.

(2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.

(3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.

(4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.

(5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

*Division 3 – Prohibitions on use of jetty*

**When use of jetty is prohibited**

7.3 A person shall not land at, use or go on any part of a jetty which is -

(a) under construction or repair; or

(b) closed,

unless that person has first obtained the consent of the local government.

*Division 4 - Mooring boats to jetties*

**Method of mooring boat**

7.4 A person in control of a boat shall not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

*Division 5 - When boats may remain at jetty*

**When boat may remain moored**

7.5 A person in control of a boat shall not moor or make fast the boat to a jetty unless –

- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
- (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government; ~~or~~
- (c) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government; **or**
- (d) **the loading or discharging of cargo or other goods is in progress in accordance with Division 7.**~~or~~

**Authorized person may order removal of boat**

7.6 Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorized person.

*Division 6 - Launching of boats*

**Restrictions on launching**

7.7 A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government.

*Division 7 - Cargo or other goods*

**7.8 Loading and discharging**

**A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods-**

- (a) **until the cargo or other goods are ready to be loaded or discharged; or**
- (b) **without the consent of the local government –**
  - (i) **between the hours of 6.00pm to 6.00am on the next day; or**
  - (ii) **for longer than 2 consecutive hours.**

**7.9 Outgoing cargo not to be stored on jetty**

A person in control of cargo or other goods intended for loading on to a boat shall -

- (a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and
- (b) load them on to the boat as soon as practicable after the boat is moored or fastened to or alongside the jetty.

**7.10 Removal of incoming cargo from jetty**

Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

**7.11 Authorised person may direct removal**

An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Part to remove them from the jetty.

**7.12 Handling of bulk cargo**

Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to a jetty.

*Division 8 - Polluting surrounding area*

**Polluting surrounding area**

~~7.8~~ 7.13 A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

*Division 9 - Fishing from jetties and bridges*

**Limitations on fishing**

~~7.9~~ 7.14 A person shall not -

- (a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or
- (b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.

**PART 8 - SALEYARDS**

*Division 1 - Preliminary*

**8.1 Interpretation**

In this Part -

*auction* has the meaning given to it in the *Auction Sales Act 1973*;

*sale* means a sale by way of auction;

*saleyard* means local government property which is used for the sale of stock;

*stock* has the meaning given to "livestock" in the *Auction Sales Act 1973*; and

*stock agent* means any person appointed by the owner of stock to sell that stock at a saleyard.

*Division 2 - Sale of stock*

**8.2 Requirements of auctioneer's licence**

A person shall not sell by way of auction any stock at a saleyard unless that person is the holder of an auctioneer's licence to sell stock under the *Auction Sales Act 1973*.

**8.3 Sale times to be approved**

Sales are to be conducted at a saleyard only on such days and at such times as may be appointed by a stock agent with the prior approval of the CEO.

**8.4 Order of sales**

The order in which stock agents conduct sales on any day under clause 8.3 is to be the order agreed to by those stock agents, and in default of agreement, as directed by the CEO or an authorised person.

*Division 3 - Care of and responsibility for stock*

**8.5 Diseased and injured stock**

(1) A person shall not -

(a) offer for sale any stock which is diseased, emaciated, injured or suffering from ill health for sale at a saleyard; or

- (b) deliver to any saleyard any stock which is diseased, emaciated, injured or suffering from ill health.

(2) Where in the opinion of an authorised person stock at a sale yard is diseased, emaciated, injured or suffering from ill health, the authorised person may direct the stock agent of the stock, or if there is no stock agent, the owner or the person apparently in control of that stock, to remove that stock immediately from the saleyard.

#### **8.6 Care of stock**

Where the stock is yarded in any saleyard the stock agent (or if there is no stock agent, the owner) shall -

- (a) ensure that the stock is properly cared for; and
- (b) if the stock is kept yarded for more than 24 hours, provide the stock with adequate food and water.

#### **8.7 When purchaser becomes responsible for stock**

The purchaser of any stock yarded in a saleyard is responsible for such stock from the time the contract of sale is entered into.

#### **8.8 Time limit for removal of stock**

The purchaser of any stock at a saleyard is to remove such stock from the saleyard by 5.00pm on the day after the day of sale, or by such later time as may be allowed by an authorised person.

#### **8.9 Removal of unsold stock**

Where stock yarded in a saleyard remain unsold, the stock agent or, if there is no stock agent, the owner of the stock is responsible for the care and removal of such stock from the saleyard.

#### **8.10 Removal of dead or maimed stock**

Stock which have died or which have been maimed shall be immediately removed from the saleyard where the stock -

- (a) are unsold, by the stock agent, or if there is no stock agent, the owner; or
- (b) have been sold, by the purchaser.

*Division 4 - Payment of fees*

**8.11 Payment of yard fees**

Where stock is brought into a saleyard for a sale or any other purpose by a stock agent or owner, that stock agent or owner shall -

- (a) within 7 days of bringing the stock into a saleyard, give the local government a written statement signed by the stock agent or owner advising -
  - (i) the total number of stock by class brought into the saleyard; and
  - (ii) the date on which the stock was brought into the saleyard; and
- (b) within 28 days of bringing the stock into a saleyard, pay the local government the applicable yard fees set by the local government.

**8.12 Documents may be inspected**

The stock agent or owner shall, on demand by the CEO, make available to the CEO for inspection such documents as may be necessary to enable the CEO to verify a statement given under clause 8.11.

*Division 5 - Control of dogs*

**8.13 Only working dogs allowed**

A person shall not bring into a saleyard any dog which will not be used for working with stock in that saleyard on the day which it is brought in.

**8.14 Diseased dogs prohibited**

A person shall not bring or permit to be brought into a saleyard a dog which is diseased.

**PART 8 9 - OBJECTIONS AND APPEALS**

**Application of Division 1, Part 9 of the Act**

~~8.1~~ 9.1 When the local government makes a decision as to whether it will -

- (a) grant a person a permit or consent under this local law; or
- (b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 32A and 33 of the Regulations apply to that decision.



**PART ~~9~~10 - MISCELLANEOUS**

**Authorized person to be obeyed**

~~9.1~~ 10.1 A person on local government property shall obey any lawful direction of an authorized person and shall not in any way obstruct or hinder an authorized person in the execution of her or his duties.

**Persons may be directed to leave local government property**

~~9.2~~ 10.2 An authorized person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

**Disposal of lost property**

~~9.3~~ 10.3 An article left on any local government property, and not claimed within a period of 3 months, may be disposed of by the local government in any manner it thinks fit.

**Liability for damage to local government property**

~~9.4~~ 10.4 (1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
  - (b) replacing that property.
- (2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

**PART ~~10-11~~ - ENFORCEMENT**

*Division 1 - Notices given under this local law*

**Offence to fail to comply with notice**

~~10.1~~ 11.1 Whenever the local government gives a notice under this local law requiring a person to do any thing, if a person fails to comply with the notice, that person commits an offence.

**Local government may undertake requirements of notice**

~~10.2~~ 11.2 Where a person fails to comply with a notice referred to in clause 10.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

*Division 2 - Offences and penalties*

*Subdivision 1 - General*

**Offences and general penalty**

~~10.3~~ 11.3 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

*Subdivision 2 - Infringement notices and modified penalties*

**Prescribed offences**

~~10.4~~ 11.4 (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

~~(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorized person should be satisfied that—~~

~~(a) commission of the prescribed offence is a relatively minor matter; and~~

~~(b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.~~

**Form of notices**

~~10.5~~ 11.5 (1) For the purposes of this local law -

- (a) where a vehicle is involved in the commission of an offence, the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the Regulations;
- (b) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (c) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

(2) Where an infringement notice is given under section 9.16 of the Act in respect of an alleged offence against clause 2.4, the notice is to contain a description of the alleged offence.

***Division 3 – Evidence in legal proceedings***

**Evidence of a determination**

~~10.6~~ 11.6 (1) In any legal proceedings, evidence of a determination may be given by tendering the register referred to in clause 2.5 or a certified copy of an extract from the register.

(2) It is to be presumed, unless the contrary is proved, that the determination was properly made and that every requirement for it to be made and have effect has been satisfied.

(3) Subclause (2) does not make valid a determination that has not been properly made.

**SCHEDULE 1****PRESCRIBED OFFENCES**

<b>CLAUSE</b>	<b>DESCRIPTION</b>	<b>MODIFIED PENALTY \$</b>
2.4	Failure to comply with determination	125
3.6	Failure to comply with conditions of permit	125
3.13(1)	Failure to obtain a permit	125
3.14(3)	Failure to obtain permit to camp outside a facility	125
3.15(1)	Failure to obtain permit for liquor	125
3.16	Failure of permit holder to comply with responsibilities	125
4.2(1)	Behaviour detrimental to property	350
4.3(1)	Taking or injuring any fauna	350
4.4	<del>Under influence of liquor or prohibited drug</del>	125
4.4(1)	Removing or damaging any flora	350
4.5	Entering or remaining on local government property while under the influence of liquor or prohibited drug	125
<del>4.6(2)</del> 4.7(2)	Failure to comply with sign on local government property	125
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**(Appendix ORD: 12.15B)**

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**(Appendix ORD: 12.15B)**

<b>CLAUSE</b>	<b>DESCRIPTION</b>	<b>MODIFIED PENALTY \$</b>
11.1		

**SCHEDULE 2**

**DETERMINATIONS**

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

**PART 1 – PRELIMINARY**

**Definitions**

1.1 In these determinations unless the context otherwise requires –

*local law* means the *Shire of Dardanup Local Government Property Local Law ~~2007-2021~~* made by the local government.

**Interpretation**

1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

**(Appendix ORD: 12.15B)**

Dated .....~~9th~~..... of .....~~August~~..... 2007.

The Common Seal of the }  
Shire of Dardanup was }  
affixed by authority of a }  
resolution of the Council }  
in the presence of: }

~~Cr BG Day~~  
**SHIRE PRESIDENT**

~~ML Chester~~  
**CHIEF EXECUTIVE OFFICER**



***PROPOSED DRAFT NEW 2021 LOCAL LAW FOR ADVERTISING***

*Local Government Act 1995*

**SHIRE OF DARDANUP  
LOCAL GOVERNMENT PROPERTY  
LOCAL LAW 2021**

*Local Government Act 1995*

**SHIRE OF DARDANUP**

**LOCAL GOVERNMENT PROPERTY LOCAL LAW 2021**

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*Local Government Act 1995*

**SHIRE OF DARDANUP LOCAL GOVERNMENT PROPERTY LOCAL LAW 2021**

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

**PART 1 - PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Dardanup Local Government Property Local Law 2021*.

**1.2 Commencement**

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

**1.3 Definitions**

In this local law unless the context otherwise requires -

*Act* means the *Local Government Act 1995*;

*aircraft* has the meaning given to it in the *Civil Aviation Act 1988* (Cth);

*applicant* means a person who applies for a permit under clause 3.2;

*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;

*boat* means any ship, vessel or structure capable of being used in navigation by water, however propelled or moved, and includes a jet ski;

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

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

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

*commencement day* means the day on which this local law comes into operation;

*Council* means the council of the local government;

## (Appendix ORD: 12.15C)

***date of publication*** means, where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is published in a newspaper circulating generally throughout the district;

***determination*** means a determination made under clause 2.1;

***district*** means the district of the local government;

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

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

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

***local government*** means the *Shire of Dardanup*;

***local government property*** means anything except a thoroughfare –

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

***Manager*** means the person for the time being employed by the local government to control and manage a pool area or other facility which is local government property and includes the person's assistant or deputy;

***permit*** means a permit issued under this local law;

***permit holder*** means a person who holds a valid permit;

***person*** does not include the local government;

***pool area*** means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of or used in connection with such swimming and wading pools and spas which are local government property;

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

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



**trading** means the selling or hiring, or the offering for sale or hire of goods or services, and includes displaying goods for the purpose of –

- (a) offering them for sale or hire;
- (b) inviting offers for their sale or hire;
- (c) soliciting orders for them; or
- (d) carrying out any other transaction in relation to them; and

**vehicle** includes –

- (a) every conveyance and every object capable of being propelled or drawn on wheels, tracks or otherwise; and
- (b) an animal being ridden or driven,

but excludes –

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

### **1.4 Interpretation**

In this local law unless the context otherwise requires a reference to local government property includes a reference to any part of that local government property.

### **1.5 Application**

- (1) This local law applies throughout the district.
- (2) This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the *Disability Discrimination Act 1992* (Commonwealth) section 9(2).
- (3) Notwithstanding anything to the contrary in this local law, the local government may -
  - (a) hire local government property to any person; or
  - (b) enter into an agreement with any person regarding the use of any local government property.

**1.6 Repeal**

- (1) This local law repeals the *Shire of Dardanup Local Government Property Local Law 2007*, published in the *Government Gazette* on 7 December 2007.
- (2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.
- (3) The Council may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

**PART 2 - DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY**

*Division 1 - Determinations*

**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 2 –
  - (a) are to be taken to have been made in accordance with clause 2.2;
  - (b) may be amended or revoked in accordance with clause 2.6; and
  - (c) have effect on the commencement day.

**2.2 Procedure for making a determination**

- (1) The local government is to give local public notice of its intention to make a determination.
- (2) The local public notice referred to in subclause (1) is to state that –
  - (a) the local government intends to make a determination, the purpose and effect of which is summarised in the notice;

## (Appendix ORD: 12.15C)

- (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government; and
  - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(c), the Council is to decide to –
- (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
  - (b) amend the proposed determination, in which case subclause (5) will apply; or
  - (c) not continue with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(c) the Council is to –
- (a) consider those submissions; and
  - (b) decide –
    - (i) whether or not to amend the proposed determination; or
    - (ii) not to continue with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
- (a) of the effect of the amendments; and
  - (b) that the proposed determination has effect as a determination on and from the date of publication.
- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination is to have effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6).
- (8) A decision under subclause (3) or (4) is not to be delegated by the Council.

### **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 shall 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 are to apply to the register referred to in subclause (1) and for that purpose the register is to be taken to be information within section 5.94(u)(i) of the Act.

**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.

*Division 2 - Activities which may be pursued or prohibited under a determination*

**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) bring, ride or drive an animal;
  - (b) take, ride or drive a vehicle, or a particular class of vehicle;
  - (c) fly or use a motorised model aircraft;
  - (d) use a children’s playground provided that the person is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
  - (e) launch, beach or leave a boat;
  - (f) take or use a boat, or a particular class of boat;
  - (g) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
  - (h) play or practice –
    - (i) golf or archery;
    - (ii) pistol or rifle shooting, but subject to the compliance of that person with the *Firearms Act 1973*; or

- (iii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
  - (i) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
  - (j) wear no clothing.
- (2) A determination may specify the extent to which and the manner in which an activity referred to in subclause (1) may be pursued and in particular –
- (a) the days and times during which the activity may be pursued;
  - (b) that an activity may be pursued on a class of local government property, specified local government property or all local government property;
  - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
  - (d) may limit the activity to a class of vehicles, boats, equipment or things, or may extend it to all vehicles, boats, equipment or things;
  - (e) may specify that the activity can be pursued by a class of persons or all persons; and
  - (f) may distinguish between different classes of the activity.

**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) smoking on premises;
  - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
  - (c) taking, riding or driving a vehicle or a particular class of vehicle on the property;
  - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
  - (e) taking or using a boat, or a particular class of boat;
  - (f) the playing or practice of -
    - (i) golf, archery, pistol shooting or rifle shooting; or
    - (ii) a similar activity, specified in the determination, involving the use of a projectile which, in the opinion of the local government may cause injury or damage to a person or property;
  - (g) the playing or practice of any ball game which may cause detriment to the property or any plants and fauna on the property; and

## (Appendix ORD: 12.15C)

- (h) the traversing of sand dunes or land which in the opinion of the local government has environmental value warranting such protection, either absolutely or except by paths provided for that purpose.

(2) A determination may specify the extent to which and the manner in which a person is prohibited from pursuing an activity referred to in subclause (1) and, in particular –

- (a) the days and times during which the activity is prohibited;
- (b) that an activity is prohibited on a class of local government property, specified local government property or all local government property;
- (c) that an activity is prohibited in respect of a class of vehicles, boats, equipment or things, or all vehicles, boats, equipment or things;
- (d) that an activity is prohibited in respect of a class of persons or all persons; and
- (e) may distinguish between different classes of the activity.

(3) In this clause –

*premises* means a building, stadium or similar structure which is local government property, but not an open space such as a park or a playing field.

### *Division 3 - Transitional*

#### **2.9 Signs taken to be determinations**

(1) Where a sign erected on local government property has been erected under a local law of the local government repealed by this local law, then it is to be taken to be and have effect as a determination on and from the commencement day, except to the extent that the sign is inconsistent with any provision of this local law or any determination made under clause 2.1.

(2) Clause 2.5 does not apply to a sign referred to in subclause (1).

**PART 3 - PERMITS**

*Division 1 - Preliminary*

**3.1 Application of Part**

This Part does not apply to a person who uses or occupies local government property under a written agreement with the local government to do so.

*Division 2 - Applying for a permit*

**3.2 Application for permit**

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

**3.3 Decision on application for permit**

- (1) The local government may –
  - (a) approve an application for a permit unconditionally or subject to any conditions; or
  - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (3) If the local government refuses to approve an application for a permit, it is to give written notice of that refusal to the applicant.

*Division 3 - Conditions*

**3.4 Conditions which may be imposed on a permit**

(1) Without limiting the generality of clause 3.3(1)(a), the local government may approve an application for a permit subject to conditions relating to -

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

(2) Without limiting clause 3.3(1)(a) and subclause (1), the following paragraphs indicate the type and content of the conditions on which a permit to hire local government property may be issued –

- (a) when fees and charges are to be paid;
- (b) payment of a bond against possible damage or cleaning expenses or both;
- (c) restrictions on the erection of material or external decorations;
- (d) rules about the use of furniture, plant and effects;
- (e) limitations on the number of persons who may attend any function in or on local government property;
- (f) the duration of the hire;



- (g) the right of the local government to cancel a booking during the course of an annual or seasonal booking, if the local government sees fit;
- (h) a prohibition on the sale, supply or consumption of liquor unless a liquor licence is first obtained for that purpose under the *Liquor Control Act 1988*;
- (i) whether or not the hire is for the exclusive use of the local government property;
- (j) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (k) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

### **3.5 Imposing conditions under a policy**

- (1) In this clause –

*policy* means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved under clause 3.3(1)(a).

- (2) Under clause 3.3(1)(a) the local government may approve an application subject to conditions by reference to a policy.
- (3) The local government shall give a copy of the policy, or the part of the policy which is relevant to the application for a permit, with the form of permit referred to in clause 3.3(2).
- (4) An application for a permit shall be deemed not to have been approved subject to the conditions contained in a policy until the local government gives the permit holder a copy of the policy or the part of the policy which is relevant to the application.
- (5) Sections 5.94 and 5.95 of the Act shall apply to a policy and for that purpose a policy shall be deemed to be information within section 5.94(u)(i) of the Act.

### **3.6 Compliance with and variation of conditions**

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

*Division 4 - General*

**3.7 Agreement for building**

Where a person applies for a permit to erect a building on local government property the local government may enter into an agreement with the permit holder in respect of the ownership of the materials in the building.

**3.8 Duration of permit**

A permit is valid for one year from the date on which it is issued, unless it is –

- (a) otherwise stated in this local law or in the permit; or
- (b) cancelled under clause 3.12.

**3.9 Renewal of permit**

(1) A permit holder may apply to the local government in writing prior to expiry of a permit for the renewal of the permit.

(2) The provisions of this Part shall apply to an application for the renewal of a permit as though it were an application for a permit.

**3.10 Transfer of permit**

(1) An application for the transfer of a valid permit is to -

- (a) be made in writing;
- (b) be signed by the permit holder and the proposed transferee of the permit;
- (c) provide such information as the local government may require to enable the application to be determined; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(2) The local government may approve an application for the transfer of a permit, refuse to approve it or approve it subject to any conditions.

(3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by an endorsement on the permit signed by the CEO.

(4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

**3.11 Production of permit**

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

**3.12 Cancellation of permit**

(1) Subject to clause 9.1, a permit may be cancelled by the local government if the permit holder has not complied with a –

- (a) condition of the permit; or
- (b) determination or a provision of any written law which may relate to the activity regulated by the permit.

(2) On the cancellation of a permit the permit holder -

- (a) shall return the permit as soon as practicable to the CEO; and
- (b) is to be taken to have forfeited any fees paid in respect of the permit.

*Division 5 - When a permit is required*

**3.13 Activities needing a permit**

(1) A person shall not without a permit –

- (a) subject to subclause 3, hire local government property;
- (b) advertise anything by any means on local government property;
- (c) erect a structure for public amusement or for any performance, whether for gain or otherwise, on local government property;
- (d) teach, coach or train, for profit, any person on a beach, reserve, in a pool area or in an indoor recreational facility which is local government property;
- (e) plant or propagate any plant or sow any seeds on local government property;
- (f) carry on any trading on local government property unless the trading is conducted -
  - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with the permit; or
  - (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
- (g) unless an employee of the local government in the course of her or his duties or on an area set aside for that purpose -
  - (i) drive or ride or take any vehicle on to local government property; or

- (ii) park or stop any vehicle on local government property;
  - (h) conduct a function on local government property ;
  - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
  - (j) light a fire on local government property except in a facility provided for that purpose;
  - (k) parachute, hang glide, abseil or base jump from or on to local government property;
  - (l) erect a building or a refuelling site on local government property;
  - (m) make any excavation on or erect or remove any fence on local government property;
  - (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person;
  - (o) depasture any horse, sheep, cattle, goat, camel, ass or mule on local government property;
  - (p) conduct or take part in any gambling game or contest or bet, or offer to bet, publicly; or
  - (q) cut, break, injure, deface, pull up, pick, remove, or destroy any tree, shrub, flower, grass or plant of any kind on local government property.
- (2) The local government may exempt a person from compliance with subclause (1) on the application of that person.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

**3.14 Permit required to camp outside a facility**

- (1) In this clause –

*facility* has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.

- (2) This clause does not apply to a facility operated by the local government.
- (3) A person shall not without a permit -
- (a) camp on, lodge at or occupy any structure at night for the purpose of sleeping on local government property; or
  - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.

- (4) The maximum period for which the local government may approve an application for a permit in respect of paragraph (a) or (b) of subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

**3.15 Permit required for possession and consumption of liquor**

- (1) A person, on local government property, shall not consume any liquor or have in her or his possession or under her or his control any liquor, unless –
- (a) that is permitted under the *Liquor Control Act 1988*; and
  - (b) a permit has been obtained for that purpose.
- (2) Subclause (1) does not apply where the liquor is in a sealed container.

***Division 6 - Responsibilities of permit holder***

**3.16 Responsibilities of permit holder**

A holder of a permit shall in respect of local government property to which the permit relates -

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) leave the local government property in a clean and tidy condition after its use;
- (c) report any damage or defacement of the local government property to the local government; and
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it and a licence has been obtained under the *Liquor Control Act 1988* for that purpose.

**PART 4 - BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY**

*Division 1 - Behaviour on and interference with local government property*

**4.1 Behaviour which interferes with others**

A person shall not in or on any local government property behave in a manner which -

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

**4.2 Behaviour detrimental to property**

(1) A person shall not behave in or on local government property in a way which is or might be detrimental to the property, unless authorised by the local government to do so.

(2) In subclause (1) –

*detrimental to the property* includes –

- (a) removing any thing from the local government property such as a rock, a plant or a seat provided for the use of any person; and
- (b) destroying, defacing, cutting, breaking or damaging any thing on the local government property, such as a plant, a seat provided for the use of any person or a building.

**4.3 Taking or injuring any fauna**

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

(2) In this clause –

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

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

- (a) any class of animal or individual member;
- (b) the eggs or larvae; or
- (c) the carcass, skin, plumage or fur.

**4.4 Removing or damaging any flora**

(1) A person must not remove or damage any flora which is on or above any local government property unless that person is authorised to do so under a written law or with the written approval of the local government.

(2) In this clause –

*flora* means all vascular plants other than plants recognised as weeds.

**4.5 Intoxicated persons not to enter local government property**

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

**4.6 No prohibited drugs**

A person shall not take a prohibited drug on to, or consume or use a prohibited drug on, local government property.

*Division 2 - Signs*

**4.7 Signs**

(1) A local government may erect a sign on local government property specifying any conditions of use which apply to that property.

(2) A person shall comply with a sign erected under subclause (1).

(3) A condition of use specified on a sign erected under subclause (1) is –

- (a) not to be inconsistent with any provision of this local law or any determination; and
- (b) to be for the purpose of giving notice of the effect of a provision of this local law.

**PART 5 – MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY**

*Division 1 - Fenced or closed property*

**5.1 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 local government.

*Division 2 - Toilet blocks and change rooms*

**5.2 Only specified gender to use entry of toilet block or change room**

Where a sign on a toilet block or change room specifies that a particular entry of the toilet block or change room is to be used by –

- (a) females, then a person of the male gender shall not use that entry of the toilet block or change room; or
- (b) males, then a person of the female gender shall not use that entry of the toilet block or change room.

(2) Paragraphs (a) and (b) of subclause (1) do not apply to a child, when accompanied by a parent, guardian or caregiver, where the child is –

- (a) under the age of 8 years; or
- (b) otherwise permitted by an authorised person to use the relevant entry.

*Division 3 - Swimming pool areas*

**5.3 When entry must be refused**

A Manager or an authorised person shall refuse admission to, may direct to leave or shall remove or cause to be removed from a pool area any person who –

- (a) is -
  - (i) under the age of 10 years and who is unaccompanied by a responsible person over the age of 16 years;
  - (ii) suffering from any gastrointestinal disease, skin infection or other disease that is communicable in an aquatic environment; or
  - (iii) in an unclean condition; or
  - (iv) wearing unclean clothes; or
  - (v) under the apparent influence of alcohol, drugs or alcohol and drugs.



- (b) is to be refused admission under and in accordance with a decision of the local government for breaching any clause of this local law.

**5.4 Consumption of food or drink may be prohibited**

A person shall not consume any food or drink in an area where consumption is prohibited by a sign.

*Division 2 - Beaches*

**5.5 Powers of authorised persons or surf life saving club members**

(1) An authorised person employed by the local government may perform all or any of the following functions in relation to a beach -

- (a) patrol any beach;
- (b) carry out any activity on any beach;
- (c) erect signs designating bathing areas and signs regulating, prohibiting or restricting specified activities on the whole or any part of a beach or in or on the water adjacent to the beach and to direct persons on the beach or in or on the water to comply with such signs;
- (d) temporarily enclose any area with rope, hessian, wire or any other means for the conduct of surf life saving club activities; and
- (e) direct persons to leave the water adjacent to a beach during dangerous conditions or if a shark is suspected of being in the vicinity of a beach.

(2) Subject to subclause (3), the local government may authorise, under section 9.10 of the Act, the members of a surf life saving club to perform all or any of the functions listed in subclause (1).

(3) Members authorised by the local government under subclause (2) must have been recommended by the surf life saving club as competent to perform the functions referred to in that subclause in respect of which they are authorised.

(4) Under subclause (2), the local government may authorise members generally, or in relation to particular times, days or months.

**5.6 Authority of local government employee to prevail**

The authority of an authorised person employed by the local government under clause 5.5(1) is to prevail over the authority provided to members of a surf life saving club under clause 5.5(2).

**5.7 Persons to comply with signs and directions**

A person shall -

- (a) not act in contravention of any sign erected on a beach under clause 5.5(1)(c);

- (b) not enter an area which has been temporarily closed with rope, hessian, wire or any other means for the conduct of surf life saving club activities, unless he or she is a member of the club or has obtained permission to enter from the surf life saving club;
- (c) comply with any direction given under clause 5.5(1)(c) or 5.5(1)(e); and
- (d) not interfere with, obscure, or hang any item of clothing or towel on a flag, sign, notice or item of life saving equipment.

***Division 5 - Aerodrome (airport)***

**5.8 Access of animals restricted**

- (1) A person shall not bring an animal on to an aerodrome unless –
  - (a) the person is a person referred to in section 8 of the *Dog Act 1976* acting in accordance with that provision;
  - (b) the animal is being air freighted from the aerodrome;
  - (c) the animal has been air freighted to the aerodrome; or
  - (d) the person is authorised to do so by the local government.
- (2) A person in charge of an animal shall keep the animal under control and shall not allow it to wander at large on the aerodrome.
- (3) If an animal is at any time on an aerodrome in contravention of subclause (2), in addition to the person specified in that subclause, the owner of the animal at that time commits an offence against subclause (2).

***Division 6 - Golf course***

**5.9 Interpretation**

In this Division –

***controller*** means the person appointed by the local government to direct, control and manage a golf course; and

***golf course*** means that portion of a golf course reserve which is laid out as a golf course and includes all tees, fairways, greens, practice tees, practice fairways, practice greens and any driving range.

**5.10 Observance of special conditions of play**

While on a golf course, every player shall observe and comply with a –

- (a) direction of a controller in respect of any special conditions of play; and
- (b) requirement of any notice erected to direct or control play.

**PART 6 - FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY**

**6.1 No unauthorised entry to function**

(1) A person shall not enter local government property on such days or during such times as the property may be set aside for a function for which a charge for admission is 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 local government may exempt a person from compliance with subclause (1)(b).

**PART 7 - JETTIES AND BRIDGES**

*Division 1 - Preliminary*

**7.1 Interpretation**

(1) This Part only applies to bridges and jetties which are local government property.

(2) In this Part –

*jetty* means any jetty, pier, wharf or landing place which is local government property.

*Division 2 - Consents and fees*

**7.2 Application for consent and application fee**

(1) Where a person is required to obtain the consent of the local government under this Part, the person is to apply for that consent in the manner required by the local government.

(2) The local government may require an application for consent made under subclause (1) to be accompanied by a fee.

(3) If an application for consent is not made in the manner required by the local government or the fee which is to accompany that application is not paid, the local government may refuse to consider the application for consent.

(4) The local government shall give its decision on an application for consent, in writing to the person who applied for that consent.

(5) Where a fee is referred to in this Part, the fee must be imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

*Division 3 – Prohibitions on use of jetty*

**7.3 When use of jetty is prohibited**

A person shall not land at, use or go on any part of a jetty which is -

(a) under construction or repair; or

(b) closed,

unless that person has first obtained the consent of the local government.

*Division 4 - Mooring boats to jetties*

**7.4 Method of mooring boat**

A person in control of a boat shall not moor or make fast the boat to a jetty, or to any part of the jetty, except to such mooring piles, ring bolts or other fastenings as are provided.

*Division 5 - When boats may remain at jetty*

**7.5 When boat may remain moored**

A person in control of a boat shall not moor or make fast the boat to a jetty unless –

- (a) the boat is in distress and then only to effect the minimum repairs necessary to enable the boat to be moved elsewhere;
- (b) the embarking or disembarking of passengers is in progress, and then not for a consecutive period exceeding 2 hours without the prior consent of the local government;
- (c) where the boat is used at that time for commercial purposes, the person has first paid the fee (if any) for such mooring or making fast to the local government; or
- (d) the loading or discharging of cargo or other goods is in progress in accordance with Division 7.

**7.6 Authorised person may order removal of boat**

Notwithstanding anything to the contrary in this Part, a person in control of a boat moored or fastened to or alongside a jetty shall remove it immediately upon being directed to do so by an authorised person.

*Division 6 - Launching of boats*

**7.7 Restrictions on launching**

A person shall not launch a boat from or over any jetty (other than a boat ramp) unless she or he has first obtained the consent of the local government.

### *Division 7 - Cargo or other goods*

#### **7.8 Loading and discharging**

A person in control of a boat shall not allow the boat to come alongside or be moored or made fast to a jetty for the purpose of loading or discharging cargo or other goods-

- (a) until the cargo or other goods are ready to be loaded or discharged; or
- (b) without the consent of the local government –
  - (i) between the hours of 6.00pm to 6.00am on the next day; or
  - (ii) for longer than 2 consecutive hours.

#### **7.9 Outgoing cargo not to be stored on jetty**

A person in control of cargo or other goods intended for loading on to a boat shall -

- (a) not allow them to be stored or placed on a jetty unless and until the boat is moored or fastened to or alongside the jetty; and
- (b) load them on to the boat as soon as practicable after the boat is moored or fastened to or alongside the jetty.

#### **7.10 Removal of incoming cargo from jetty**

Any person unloading cargo or other goods from a boat on to a jetty shall remove them, or cause them to be removed from the jetty as soon as practicable, but not later than 6.00pm on the day on which they were placed there.

#### **7.11 Authorised person may direct removal**

An authorised person may direct a person who, in the opinion of the authorised person, is in charge of cargo or other goods which remain on a jetty contrary to any provision of this Part to remove them from the jetty.

#### **7.12 Handling of bulk cargo**

Except with the prior consent of the local government, a person shall not place or deposit bulk cargo from a vehicle, boat or container on to a jetty.

### *Division 8 - Polluting surrounding area*

#### **7.13 Polluting surrounding area**

A person shall not tip or deposit anything on to a jetty so as to pollute the surrounding area.

*Division 9 - Fishing from jetties and bridges*

**7.14 Limitations on fishing**

A person shall not -

- (a) fish from a jetty or a bridge so as to obstruct or interfere with the free movement of a boat approaching or leaving the jetty or the bridge or so as to unreasonably interfere with the use of the jetty or the bridge by any other person; or
- (b) hang or spread a fishing net from, on or over any part of a jetty or a bridge.



**PART 8 - SALEYARDS**

*Division 1 - Preliminary*

**8.1 Interpretation**

In this Part -

*auction* has the meaning given to it in the *Auction Sales Act 1973*;

*sale* means a sale by way of auction;

*saleyard* means local government property which is used for the sale of stock;

*stock* has the meaning given to livestock in the *Auction Sales Act 1973*; and

*stock agent* means any person appointed by the owner of stock to sell that stock at a saleyard.

*Division 2 - Sale of stock*

**8.2 Requirements of auctioneer's licence**

A person shall not sell by way of auction any stock at a saleyard unless that person is the holder of an auctioneer's licence to sell stock under the *Auction Sales Act 1973*.

**8.3 Sale times to be approved**

Sales are to be conducted at a saleyard only on such days and at such times as may be appointed by a stock agent with the prior approval of the CEO.

**8.4 Order of sales**

The order in which stock agents conduct sales on any day under clause 8.3 is to be the order agreed to by those stock agents, and in default of agreement, as directed by the CEO or an authorised person.

*Division 3 - Care of and responsibility for stock*

**8.5 Diseased and injured stock**

(1) A person shall not -

- (a) offer for sale any stock which is diseased, emaciated, injured or suffering from ill health for sale at a saleyard; or

- (b) deliver to any saleyard any stock which is diseased, emaciated, injured or suffering from ill health.

(2) Where in the opinion of an authorised person stock at a sale yard is diseased, emaciated, injured or suffering from ill health, the authorised person may direct the stock agent of the stock, or if there is no stock agent, the owner or the person apparently in control of that stock, to remove that stock immediately from the saleyard.

#### **8.6 Care of stock**

Where the stock is yarded in any saleyard the stock agent (or if there is no stock agent, the owner) shall -

- (a) ensure that the stock is properly cared for; and
- (b) if the stock is kept yarded for more than 24 hours, provide the stock with adequate food and water.

#### **8.7 When purchaser becomes responsible for stock**

The purchaser of any stock yarded in a saleyard is responsible for such stock from the time the contract of sale is entered into.

#### **8.8 Time limit for removal of stock**

The purchaser of any stock at a saleyard is to remove such stock from the saleyard by 5.00pm on the day after the day of sale, or by such later time as may be allowed by an authorised person.

#### **8.9 Removal of unsold stock**

Where stock yarded in a saleyard remain unsold, the stock agent or, if there is no stock agent, the owner of the stock is responsible for the care and removal of such stock from the saleyard.

#### **8.10 Removal of dead or maimed stock**

Stock which have died or which have been maimed shall be immediately removed from the saleyard where the stock -

- (a) are unsold, by the stock agent, or if there is no stock agent, the owner; or
- (b) have been sold, by the purchaser.

*Division 4 - Payment of fees*

**8.11 Payment of yard fees**

Where stock is brought into a saleyard for a sale or any other purpose by a stock agent or owner, that stock agent or owner shall -

- (a) within 7 days of bringing the stock into a saleyard, give the local government a written statement signed by the stock agent or owner advising -
  - (i) the total number of stock by class brought into the saleyard; and
  - (ii) the date on which the stock was brought into the saleyard; and
- (b) within 28 days of bringing the stock into a saleyard, pay the local government the applicable yard fees set by the local government.

**8.12 Documents may be inspected**

The stock agent or owner shall, on demand by the CEO, make available to the CEO for inspection such documents as may be necessary to enable the CEO to verify a statement given under clause 8.11.

*Division 5 - Control of dogs*

**8.13 Only working dogs allowed**

A person shall not bring into a saleyard any dog which will not be used for working with stock in that saleyard on the day which it is brought in.

**8.14 Diseased dogs prohibited**

A person shall not bring or permit to be brought into a saleyard a dog which is diseased.

**PART 9 - OBJECTIONS AND APPEALS**

**9.1 Application of Division 1, Part 9 of the Act**

When the local government makes a decision as to whether it will -

- (a) grant a person a permit or consent under this local law; or
- (b) renew, vary, or cancel a permit or consent that a person has under this local law,

the provisions of Division 1 of Part 9 of the Act and regulations 32A and 33 of the Regulations apply to that decision.

**PART 10 - MISCELLANEOUS**

**10.1 Authorised person to be obeyed**

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

**10.2 Persons may be directed to leave local government property**

An authorised person may direct a person to leave local government property where she or he reasonably suspects that the person has contravened a provision of any written law.

**10.3 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 local government in any manner it thinks fit.

**10.4 Liability for damage to local government property**

(1) Where a person unlawfully damages local government property, the local government may by notice in writing to that person require that person within the time required in the notice to, at the option of the local government, pay the costs of –

- (a) reinstating the property to the state it was in prior to the occurrence of the damage; or
- (b) replacing that property.

(2) On a failure to comply with a notice issued under subclause (1), the local government may recover the costs referred to in the notice as a debt due to it.

**PART 11 - ENFORCEMENT**

*Division 1 - Notices given under this local law*

**11.1 Offence to fail to comply with notice**

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

**11.2 Local government may undertake requirements of notice**

Where a person fails to comply with a notice referred to in clause 11.1, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

*Division 2 - Offences and penalties*

*Subdivision 1 - General*

**11.3 Offences and general penalty**

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

*Subdivision 2 - Infringement notices and modified penalties*

**11.4 Prescribed offences**

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

**11.5 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.

*Division 3 – Evidence in legal proceedings*

**11.6 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  
[clause 11.4]****PRESCRIBED OFFENCES**

<b>CLAUSE</b>	<b>DESCRIPTION</b>	<b>MODIFIED PENALTY \$</b>
2.4	Failure to comply with determination	125
3.6	Failure to comply with conditions of permit	125
3.13(1)	Failure to obtain a permit	125
3.14(3)	Failure to obtain permit to camp outside a facility	125
3.15(1)	Failure to obtain permit for liquor	125
3.16	Failure of permit holder to comply with responsibilities	125
4.2(1)	Behaviour detrimental to property	350
4.3(1)	Taking or injuring any fauna	350
4.4(1)	Removing or damaging any flora	350
4.5	Entering or remaining on local government property while under the influence of liquor or prohibited drug	125
4.7(2)	Failure to comply with sign on local government property	125
5.1	Unauthorized entry to fenced or closed local government property	125
5.2	Gender not specified using entry of toilet block or change room	125
5.4	Consuming food or drink in prohibited area	125
5.7	Failure to comply with sign or direction on beach	125
5.8(1)	Unauthorised presence of animal on aerodrome	350
5.8(2)	Animal wandering at large on aerodrome – person in charge	350
5.8(3)	Animal wandering at large on aerodrome – owner	350
5.10	Failure to comply with direction of controller or notice on golf course	125



## (Appendix ORD: 12.15C)

6.1(1)	Unauthorised entry to function on local government property	125
7.3	Unauthorised use of any part of jetty which is closed or under repair or construction	125
7.4	Mooring of boats in unauthorised manner	125
7.5	Unauthorised mooring of a boat to jetty	125
7.6	Failure to remove moored boat on direction of authorised person	125
7.7	Launching of boat from jetty without consent	125
7.8	Mooring when not ready to load or discharge cargo, at times not permitted or for longer than permitted	125
7.9	Unlawful storing of goods on jetty	125
7.10	Removing goods from jetty during other than permitted hours	125
7.11	Failure to remove cargo on jetty on direction of authorised person	125
7.12	Unauthorised deposit of bulk cargo on jetty	125
7.14	Fishing from jetty or bridge so as to obstruct a boat or another person	125
8.2	Selling by way of auction without licence	125
8.8	Failure to remove stock	250
8.10	Failure to immediately remove dead or maimed stock	250
8.11	Failure to give statement or pay fees to local government	250
8.12	Failure to produce documents for inspection by local government	250
8.13	Unauthorised entry of dog into saleyard	125
11.1	Failure to comply with notice	250

**SCHEDULE 2**

**DETERMINATIONS**

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

**PART 1 – PRELIMINARY**

**Definitions**

1.1 In these determinations unless the context otherwise requires –

*local law* means the *Shire of Dardanup Local Government Property Local Law 2021* made by the local government.

**Interpretation**

1.2 Unless the context otherwise requires, where a term is used but not defined in a determination and that term is defined in the local law then the term shall have the meaning given to it in the local law.

Dated \_\_\_\_\_ 20\_\_\_\_

The Common Seal of the )  
*Shire of Dardanup* )  
was affixed by )  
authority of a resolution )  
of the Council in the )  
presence of - )

\_\_\_\_\_  
MR ANDRIES SCHÖNFELDT  
Chief Executive Officer

\_\_\_\_\_  
CR. MICHAEL T BENNETT  
President

<b>RISK ASSESSMENT TOOL</b>									
<b>OVERALL RISK EVENT:</b> Amendment to Dust Control Local Law 2011 - Proposed Dust Control Amendment Local Law 2021									
<b>RISK THEME PROFILE:</b>									
3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)			4 - Document Management Processes						
<b>RISK ASSESSMENT CONTEXT:</b> Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD		
<b>HEALTH</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>FINANCIAL IMPACT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>SERVICE INTERRUPTION</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
<b>LEGAL AND COMPLIANCE</b>	Failing to review in the 8 yearly cycle as stipulated in S3.16 of Local Government Act 1995.	Moderate (3)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
<b>REPUTATIONAL</b>	Council would be seen in a negative light if we failed in our legislative requirements.	Minor (2)	Rare (1)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
<b>ENVIRONMENT</b>	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.

# (Appendix ORD: 12.16B)

## LOCAL GOVERNMENT ACT 1995 WASTE AVOIDANCE AND RESOURCE RECOVERY ACT 2007

*Shire of Dardanup*

### DUST CONTROL AMENDMENT LOCAL LAW 2021

Under the powers conferred by the *Local Government Act 1995* and the *Waste Avoidance and Resource Recovery Act 2007*, and under all other powers enabling it, the Council of the Shire of Dardanup resolved on ..... to make the following local law.

#### 1. Citation

This local law shall be cited as the *Shire of Dardanup Dust Control Amendment Local Law 2021*.

#### 2. Commencement

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

#### 3. Principal local law

In this local law, the *Shire of Dardanup Dust Control Local Law 2011* as published in the *Government Gazette* on 9 January 2012 is referred to as the principal local law. The principal local law is amended as follows. This local law amends the *Shire of Dardanup Dust Control Local Law 2011* as published in *Government Gazette* on 9 January 2012.

#### 4. Section ~~Clause~~ 1.4 amended

~~Section~~ ~~Clause~~ 1.4(1) is amended as follows—

- (a) ~~Insert~~ ~~insert~~ the following in alphabetical order—  
*building waste* means builders rubble, demolition waste and other waste, from or in connection with a building site;  
*waste* has the meaning given to it in section 3(1) of the *Waste Avoidance and Resource Recovery Act 2007*;
- (b) ~~Delete~~ ~~delete~~ the definition for “district” and replace with the following—  
*district* means the district of the local government and includes any area placed under the jurisdiction of the local government under any written law;
- (c) ~~Delete~~ ~~delete~~ the word ‘; and’ following the definition for ‘person in charge’; and
- (d) ~~Insert~~ ~~insert~~ the word ‘; and’ following the definition for ‘Regulations’.

#### 5. Section ~~Clause~~ 2.1 amended

~~Section~~ ~~Clause~~ 2.1 is amended as follows—

- (a) ~~Delete~~ ~~delete~~ the words ‘2.1 Dust control measures’ and replace with ‘2.1 Dust and sand control measures’;
- (b) in subclause 2.1(a) insert the words ‘and sand’ following the word ‘dust’;
- (c) in subclause 2.1(b) insert the words ‘or sand’ following the word ‘dust’;
- (d) ~~in subclause 2.1(c) insert the words ‘or sand’ following the word ‘dust’~~; in subclause 2.1(b) delete the word water; and
- (e) in subclause 2.1(c) insert the words ‘or sand’ following the word dust.

#### 6. Section ~~Clause~~ 2.3 inserted

# (Appendix ORD: 12.16B)

Insert the following after ~~section~~ clause 2.2—

## 2.3 Building Waste Control measures

- (1) A person must not commence or continue, or permit the commencement or continuation, of building works on a building site unless—
  - (a) an Approved Receptacle is provided and maintained on the building site;
  - (b) all building waste is placed in, and kept securely in, the Approved Receptacle; and
  - (c) if the Approved Receptacle has a lid or cover, the lid or cover is kept securely in place at all times except when building waste is being placed in, or removed from, the Approved Receptacle.
- (2) In this clause—

**Approved Receptacle** means—

- (a) a receptacle with a capacity of at least 4 cubic metres with a lid or cover;
- (b) a wire enclosure with a capacity of at least 4 cubic metres with a lid or cover; or
- (c) any other receptacle or container approved by the Shire or an authorised person.

## 7. ~~Section~~ Clause 3.1 amended

~~Section~~ Clause 3.1 is amended as follows—

- (a) in subclause (2)(b) insert the words ‘or sand’ following the word ‘dust’; and
- ~~(a)~~ (b) in subclause (3)(c) delete the words ‘licence’ and replace with the words ‘permit’.

## 8. ~~Section~~ 3.4 amended

~~Section~~ is amended as follows—

- (a) in subclause (2)(b) delete the words ‘have regard to any relevant publications of a State environmental agency including—
  - (i) “*Land development sites and impacts on air quality; A guideline for the prevention of dust and smoke pollution from land development sites in Western Australia*” (November 1996); and
  - (ii) “*Guidance for the Assessment of Environmental Factors – Prevention of Air Quality Impacts from Land Development Sites*” (No. 18, March 2000).’ and replace with the words ‘have regard to any relevant publications of a State environmental agency or other relevant State Authority.’

## 8. Clause 3.4 amended

Delete clause 3.4(2)(b) and replace with:

- (b) have regard to any relevant publications of a State environmental agency or other relevant State Authority.

## 9. ~~Section~~ Clause 3.5 inserted

~~Insert Section 3.5 to read as follows—~~ After clause 3.4 insert –

### 3.5 Other situations where a dust management plan required

Where it appears to an authorised person that dust or sand is escaping, being released or being carried, or is likely to escape, be released or be carried, from any land, the authorised person may, by notice in writing, direct the owner or occupier, within a time specified in the notice, to submit to the Shire a dust management plan.

## 10. ~~Section~~ Clause 4.1 amended

# (Appendix ORD: 12.16B)

~~Section~~ **Clause 4.1** is amended as follows—

- (a) in subclause (1)(b) insert the words ‘or sand’ following the word ‘dust’;
- (b) in subclause (2)(b) insert the words ‘, sand or building waste’ following the word ‘dust’;
- (c) in subclause (2)(d) insert the words ‘, sand or building waste’ following the word ‘dust’;  
**and**
- (d) in subclause (2)(e) insert the words ‘, sand or building waste’ following the word ‘dust’.

## 11. ~~Section~~ **Clause 4.3** amended

~~Section~~ **Clause 4.3** is amended by inserting the words ‘, sand or building waste’ following the word ‘dust’.

## 12. ~~Section~~ **Clause 6.1** amended

~~Section~~ **Clause 6.1** is amended as follows—

- ~~(a) in subclause (a) delete the word ‘or’ following the word ‘law;’;~~
- ~~(b) Insert subclause (c) as follows—  
‘(c) fails to do anything required or directed to be done under this local law; or’~~
- ~~(e) Insert subclause (d) as follows—  
‘(d) does anything which under this local law the person is prohibited from doing;’~~

## 12. **Clause 6.1** amended

**Clause 6.1** is amended as follows –

- (a) in paragraph (a) delete “or”; and
- (b) delete paragraph (b) and replace with:  
  
(b) contravenes any provision of this local law;  
(c) fails to do anything required or directed to be done under this local law; or  
(d) does anything which under this local law the person is prohibited from doing,  
  
commits an offence.

## 13. **Schedule 1** amended

**Schedule 1 – Prescribed Offences** is deleted and replaced with—

### **Schedule 1 – Prescribed Offences**

[Clause 6.3(1)]

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1	2.1(a)	Failure to take effective measures to stabilise dust and sand; or	500
2	2.1(b)	Failure to take effective measures to ensure no dust or sand is released or escapes from the land as required.	500
3	2.1(c)	Failure to notify the owners or occupiers of adjoining land as required.	500
4	2.2	Failure to take effective measures to prevent a load or any part of it escaping.	500
5	2.3(1)(a)	Failure to provide an approved receptacle or enclosure or approved container on a building site.	500
6	2.3(1)(b)	Failure to place in, and secure, all building waste in an approved receptacle.	500

## (Appendix ORD: 12.16B)

7	2.3(1)(c)	Failure to keep secure lid of approved receptacle	500
8	3.2(1)(a)	Commencing or carrying out a dust generating development without lodging a dust management plan	500
9	3.2(1)(c)	Commencing or carrying out a dust generating development contrary to a term or condition of dust management plan	500
10	3.5	Failure to provide a dust management plan.	500
11	4.1(3)	Failure to comply with a notice.	500
12	4.2(2)	Failure to comply with a notice to cease activity or development.	500
13	4.3	Failure to comply with a notice to prevent a possible breach.	500
14	5.1	Preventing or obstructing an authorised person or employee from carrying out his or her duties.	500

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Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

The Common Seal of the )  
Shire of Dardanup was )  
affixed by authority of )  
a resolution of the Council )  
in the presence of )

---

**CR. MICHAEL T BENNETT**  
President



**MR ANDRIES S SCHÖNFELDT**  
Chief Executive Officer

LOCAL GOVERNMENT ACT 1995

*Shire of Dardanup*

DUST CONTROL AMENDMENT LOCAL LAW 2021

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

**1. Citation**

This local law shall be cited as the *Shire of Dardanup Dust Control Amendment Local Law 2021*.

**2. Commencement**

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

**3. Principal local law**

This local law amends the Shire of Dardanup Dust Control Local Law 2011 as published in Government Gazette on 9 January 2012.

**4. Clause 1.4 amended**

Clause 1.4(1) is amended as follows—

- (a) insert the following in alphabetical order—
  - building waste*** means builders rubble, demolition waste and other waste, from or in connection with a building site;
  - waste*** has the meaning given to it in section 3(1) of the *Waste Avoidance and Resource Recovery Act 2007*;
- (b) delete the definition for “district” and replace with the following—
  - district*** means the district of the local government and includes any area placed under the jurisdiction of the local government under any written law;
- (c) delete the word ‘; and’ following the definition for ‘person in charge’; and
- (d) insert the word ‘; and’ following the definition for ‘Regulations’.

**5. Clause 2.1 amended**

Clause 2.1 is amended as follows—

- (a) delete the words ‘**2.1 Dust control measures**’ and replace with ‘**2.1 Dust and sand control measures**’;
- (b) in subclause 2.1(a) insert the words ‘and sand’ following the word ‘dust’;
- (c) in subclause 2.1(b) insert the words ‘or sand’ following the word ‘dust’;
- (d) in subclause 2.1(b) delete the word water; and
- (e) in subclause 2.1(c) insert the words ‘or sand’ following the word dust.

**6. Clause 2.3 inserted**

Insert the following after clause 2.2—

**2.3 Building Waste Control measures**

- (1) A person must not commence or continue, or permit the commencement or continuation, of building works on a building site unless—
  - (a) an Approved Receptacle is provided and maintained on the building site;
  - (b) all building waste is placed in, and kept securely in, the Approved Receptacle; and
  - (c) if the Approved Receptacle has a lid or cover, the lid or cover is kept securely in place at all times except when building waste is being placed in, or removed from, the Approved Receptacle.

- (2) In this clause—

**Approved Receptacle** means—

- (a) a receptacle with a capacity of at least 4 cubic metres with a lid or cover;
- (b) a wire enclosure with a capacity of at least 4 cubic metres with a lid or cover; or
- (c) any other receptacle or container approved by the Shire or an authorised person.

**7. Clause 3.1 amended**

Clause 3.1 is amended as follows—

- (a) in subclause (2)(b) insert the words ‘or sand’ following the word ‘dust’; and
- (b) in subclause (3)(c) delete the words ‘licence’ and replace with the words ‘permit’.

**8. Clause 3.4 amended**

Delete clause 3.4(2)(b) and replace with:

- (b) have regard to any relevant publications of a State environmental agency or other relevant State Authority.

**9. Clause 3.5 inserted**

After clause 3.4 insert –

**3.5 Other situations where a dust management plan required**

Where it appears to an authorised person that dust or sand is escaping, being released or being carried, or is likely to escape, be released or be carried, from any land, the authorised person may, by notice in writing, direct the owner or occupier, within a time specified in the notice, to submit to the Shire a dust management plan.

**10. Clause 4.1 amended**

Clause 4.1 is amended as follows—

- (a) in subclause (1)(b) insert the words ‘or sand’ following the word ‘dust’;
- (b) in subclause (2)(b) insert the words ‘, sand or building waste’ following the word ‘dust’;
- (c) in subclause (2)(d) insert the words ‘, sand or building waste’ following the word ‘dust’; and
- (d) in subclause (2)(e) insert the words ‘, sand or building waste’ following the word ‘dust’.

**11. Clause 4.3 amended**

Clause 4.3 is amended by inserting the words ‘, sand or building waste’ following the word ‘dust’.

**12. Clause 6.1 amended**

Clause 6.1 is amended as follows –

- (a) in paragraph (a) delete “or”; and
  - (b) delete paragraph (b) and replace with:
    - (b) contravenes any provision of this local law;
    - (c) fails to do anything required or directed to be done under this local law; or
    - (d) does anything which under this local law the person is prohibited from doing,
- commits an offence.

**13. Schedule 1 amended**

**Schedule 1 – Prescribed Offences** is deleted and replaced with—

**Schedule 1**  
[Clause 6.3]

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
1	2.1(a)	Failure to take effective measures to stabilise dust and sand; or	500
2	2.1(b)	Failure to take effective measures to ensure no dust or sand is released or escapes from the land as required.	500
3	2.1(c)	Failure to notify the owners or occupiers of adjoining land as required.	500
4	2.2	Failure to take effective measures to prevent a load or any part of it escaping.	500
5	2.3(1)(a)	Failure to provide an approved receptacle or enclosure or approved container on a building site.	500
6	2.3(1)(b)	Failure to place in, and secure, all building waste in an approved receptacle.	500
7	2.3(1)(c)	Failure to keep secure lid of approved receptacle	500
8	3.2(1)(a)	Commencing or carrying out a dust generating development without lodging a dust management plan	500
9	3.2(1)(c)	Commencing or carrying out a dust generating development contrary to a term or condition of dust management plan	500
10	3.5	Failure to provide a dust management plan.	500
11	4.1(3)	Failure to comply with a notice.	500

**(Appendix ORD: 12.16C)**

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty \$</b>
12	4.2(2)	Failure to comply with a notice to cease activity or development.	500
13	4.3	Failure to comply with a notice to prevent a possible breach.	500
14	5.1	Preventing or obstructing an authorised person or employee from carrying out his or her duties.	500

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Dated \_\_\_\_/\_\_\_\_/\_\_\_\_

The Common Seal of the )  
Shire of Dardanup was )  
affixed by authority of )  
a resolution of the Council )  
in the presence of )

---

**CR. MICHAEL T BENNETT**  
President

---

**MR ANDRIES S SCHÖNFELDT**  
Chief Executive Officer

<b>RISK ASSESSMENT TOOL</b>									
<b>OVERALL RISK EVENT:</b> Failing to monitor the financial performance can increase the risk of a negative impact on the Shire's financial position. Non-compliance with legislative requirement could result in a qualified audit.									
<b>RISK THEME PROFILE:</b>									
3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)									
<b>RISK ASSESSMENT CONTEXT:</b> Operational									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Non-compliance with the legislative requirements that results in a qualified audit.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Non-compliance that results in a qualified audit can lead stakeholders to question the Council's ability to manage finances effectively.	Insignificant (1)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.



## Monthly Financial Report

For the Period

1 July 2020 to 28 February 2021

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# (Appendix ORD: 12.17B)



## Monthly Financial Report For the Period Ended 28 February 2021

### SUMMARY GRAPHS



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



# (Appendix ORD: 12.17B)



**Statement of Financial Activity by Program  
For the Period Ended 28 February 2021  
(Covering 8 months or 67% of the year)**

Sch	2020/21	2020/21	2020/21	2020/21	Variance Y-T-D	Variance Y-T-D	2020/21	2019/20	
	Adopted Budget \$	Revised Budget \$	Y-T-D Revised Budget \$	Y-T-D Actual \$	Actual to Revised Budget \$	Actual to Revised Budget %	Forecast \$	Last Year Actual \$	
<b>OPERATING ACTIVITIES</b>									
<b>Revenue</b>									
Governance	4	28,800	28,900	19,256	3,091	(16,165)	(83.9%)	28,900	5,720
General Purpose Funding	3	15,659,482	15,361,243	14,323,487	14,291,362	(32,125)	(0.2%)	15,361,243	15,495,427
Law, Order, Public Safety	5	474,905	669,522	603,438	598,074	(5,364)	(0.9%)	669,522	596,148
Health	7	2,150	5,150	3,424	4,754	1,330	38.8%	5,150	27,713
Education and Welfare	8	6,000	11,017	10,681	10,017	(664)	(6.2%)	11,017	7,205
Community Amenities	10	1,484,654	1,578,671	1,505,833	1,540,019	34,186	2.3%	1,578,671	1,526,710
Recreation and Culture	11	1,374,782	1,595,318	1,141,000	1,109,856	(31,144)	(2.7%)	1,595,318	2,404,911
Transport	12	396,841	156,474	144,974	137,162	(7,812)	(5.4%)	156,474	173,095
Economic Services	13	97,348	198,950	132,600	116,535	(16,065)	(12.1%)	198,950	94,232
Other Property and Services	14	173,800	213,555	142,336	156,634	14,298	10.0%	213,555	1,387,070
<b>Total Operating Revenue</b>		<b>19,698,762</b>	<b>19,818,801</b>	<b>18,027,029</b>	<b>17,967,505</b>	<b>(59,524)</b>	<b>(0.3%)</b>	<b>19,818,801</b>	<b>21,718,231</b>
<b>Operating Expenses</b>									
Governance	4	(1,210,103)	(1,168,813)	(807,155)	(675,260)	131,895	16.3% ▲	(1,168,813)	(1,186,604)
General Purpose Funding	3	(511,688)	(380,026)	(250,963)	(257,818)	(6,855)	(2.7%)	(380,026)	(331,323)
Law, Order, Public Safety	5	(1,619,329)	(1,822,722)	(1,255,462)	(1,033,017)	222,445	17.7% ▲	(1,822,722)	(1,710,879)
Health	7	(540,920)	(523,820)	(356,233)	(333,139)	23,094	6.5%	(523,820)	(547,380)
Education and Welfare	8	(784,183)	(892,690)	(627,654)	(527,109)	100,545	16.0% ▲	(892,690)	(750,714)
Community Amenities	10	(2,845,397)	(2,795,360)	(1,792,809)	(1,623,195)	169,614	9.5% ▲	(2,795,360)	(2,641,373)
Recreation & Culture	11	(7,597,856)	(7,539,882)	(5,055,100)	(4,748,027)	307,073	6.1% ▲	(7,539,881)	(7,739,832)
Transport	12	(6,218,251)	(6,227,805)	(4,146,312)	(4,052,909)	93,403	2.3%	(6,227,805)	(5,878,151)
Economic Services	13	(513,473)	(569,364)	(379,496)	(304,301)	75,195	19.8% ▲	(569,364)	(469,137)
Other Property and Services	14	(233,368)	(272,894)	(201,985)	(125,095)	76,890	38.1% ▲	(272,894)	(237,410)
<b>Total Operating Expenditure</b>		<b>(22,074,568)</b>	<b>(22,193,376)</b>	<b>(14,873,169)</b>	<b>(13,679,871)</b>	<b>1,193,298</b>	<b>8.0%</b>	<b>(22,193,376)</b>	<b>(21,492,803)</b>
<b>Net Operating Activities</b>		<b>(2,375,806)</b>	<b>(2,374,575)</b>	<b>3,153,860</b>	<b>4,287,634</b>	<b>1,133,774</b>	<b>(35.9%)</b>	<b>(2,374,575)</b>	<b>225,428</b>

(continued next page)

# (Appendix ORD: 12.17B)



## Statement of Financial Activity by Program For the Period Ended 28 February 2021 (Covering 8 months or 67% of the year)

	2020/21 Adopted Budget \$	2020/21 Revised Budget \$	2020/21 Y-T-D Revised Budget \$	2020/21 Y-T-D Actual \$	Variance Y-T-D Actual to Revised Budget \$	Variance Y-T-D Actual to Revised Budget %	2020/21 Forecast \$	2019/20 Last Year Actual \$
<b>Net Operating Activities (from previous page)</b>	<b>(2,375,806)</b>	<b>(2,374,575)</b>	<b>3,153,860</b>	<b>4,287,634</b>	<b>1,133,774</b>	<b>35.9%</b>	<b>(2,374,575)</b>	<b>225,428</b>
<b>ADJUSTMENTS OF NON CASH ITEMS</b>								
(Profit)/Loss on Asset Disposals	0	2,727	1,816	4,383	2,567	100.0%	2,727	(1,048,762)
Accruals	0	(6,540)	0	0	0	0.0%	(6,540)	41,521
Fair value adjustment to financial assets	0	0	0	0	0	0.0%	0	(1,153)
Movement in contract liabilities associated with restricted cash	(2,310,010)	(2,316,935)	0	0	0	0.0%	(2,316,935)	2,411,684
Contra Repayment of Prefunded Infrastructure	0	0	0	0	0	0.0%	0	0
Depreciation on Assets	5,289,647	5,241,787	3,494,472	3,408,782	(85,690)	(2.5%)	5,241,787	5,253,788
<b>Adjusted Net Operating Activities</b>	<b>A 603,831</b>	<b>546,464</b>	<b>6,650,148</b>	<b>7,700,799</b>	<b>1,050,651</b>	<b>15.8%</b>	<b>546,464</b>	<b>6,882,507</b>
<b>INVESTING ACTIVITIES</b>								
<b>Revenue</b>								
Non-operating grants, subsidies & contributions	9,243,071	9,634,092	4,396,016	1,406,088	(2,989,928)	(68.0%) ▼	9,634,092	2,242,144
Proceeds from Disposal of Assets	257,969	360,868	240,568	19,091	(221,477)	(92.1%) ▼	360,868	1,333,892
<b>Total Capital Revenue</b>	<b>9,501,040</b>	<b>9,994,960</b>	<b>4,636,584</b>	<b>1,425,179</b>	<b>(3,211,405)</b>	<b>(69.3%)</b>	<b>9,994,960</b>	<b>3,576,036</b>
<b>Expenditure</b>								
Land & Buildings	(5,430,586)	(5,946,832)	(4,165,936)	(570,116)	3,595,820	86.3% ▲	(5,946,832)	(212,472)
Infrastructure Assets - Road / Bridges / Paths	(7,717,902)	(6,935,004)	(4,887,704)	(1,682,865)	3,204,839	65.6% ▲	(6,935,004)	(3,072,051)
Infrastructure Assets - Parks & Gardens	(677,156)	(890,718)	(593,776)	(197,181)	396,595	66.8% ▲	(890,718)	(426,819)
Vehicles	(940,438)	(1,235,320)	(823,544)	(39,164)	784,380	95.2% ▲	(1,235,320)	(325,321)
Furniture & Fittings	(112,993)	(78,405)	(52,248)	(2,951)	49,297	94.4% ▲	(78,405)	(130,794)
<b>Total Capital Expenditure</b>	<b>(14,879,075)</b>	<b>(15,086,279)</b>	<b>(10,523,208)</b>	<b>(2,492,278)</b>	<b>8,030,930</b>	<b>76.3%</b>	<b>(15,086,279)</b>	<b>(4,167,458)</b>
<b>Net Capital Activities</b>	<b>B (5,378,035)</b>	<b>(5,091,319)</b>	<b>(5,886,624)</b>	<b>(1,067,099)</b>	<b>4,819,525</b>	<b>81.9%</b>	<b>(5,091,319)</b>	<b>(591,422)</b>
<b>FINANCING ACTIVITIES</b>								
<b>Revenue</b>								
Proceeds from New Loans	750,000	750,000	0	0	0	0.0%	750,000	0
Transfers from Reserves	8,659,832	8,279,164	4,708,374	838,565	(3,869,809)	(82.2%) ▼	8,279,164	3,827,660
<b>Total Financing Revenue</b>	<b>9,409,832</b>	<b>9,029,164</b>	<b>4,708,374</b>	<b>838,565</b>	<b>(3,869,809)</b>	<b>82.2%</b>	<b>9,029,164</b>	<b>3,827,660</b>
<b>Expenditure</b>								
Repayment of Loans	(250,116)	(250,116)	(179,848)	(173,795)	6,053	3.4%	(250,116)	(279,748)
Principal element of finance lease payments	(119,658)	(215,506)	(143,851)	(171,612)	(27,761)	(19.3%) ▼	(215,506)	(148,176)
Transfers to Reserves	(4,428,917)	(4,342,533)	(2,894,896)	(205,648)	2,689,248	92.9% ▲	(4,342,533)	(9,621,071)
<b>Total Financing Expenditure</b>	<b>(4,798,691)</b>	<b>(4,808,154)</b>	<b>(3,218,595)</b>	<b>(551,055)</b>	<b>2,667,540</b>	<b>82.9%</b>	<b>(4,808,154)</b>	<b>(10,048,995)</b>
<b>Net Financing Activities</b>	<b>C 4,611,141</b>	<b>4,221,009</b>	<b>1,489,779</b>	<b>287,509</b>	<b>(1,202,270)</b>	<b>80.7%</b>	<b>4,221,009</b>	<b>(6,221,335)</b>
<b>FUNDING SOURCES</b>								
Surplus/(Deficit) July 1 B/Fwd	D 382,052	474,501	474,501	474,501	0	0.0%	474,501	404,751
<b>CLOSING FUNDS (A+B+C+D)</b>	<b>218,988</b>	<b>150,655</b>	<b>2,727,804</b>	<b>7,395,710</b>	<b>4,667,906</b>	<b>(171.1%)</b>	<b>150,655</b>	<b>474,501</b>

### KEY INFORMATION

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

▲ indicates a positive impact on the surplus/deficit position. ▼ indicates a negative impact on the surplus/deficit position.

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

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

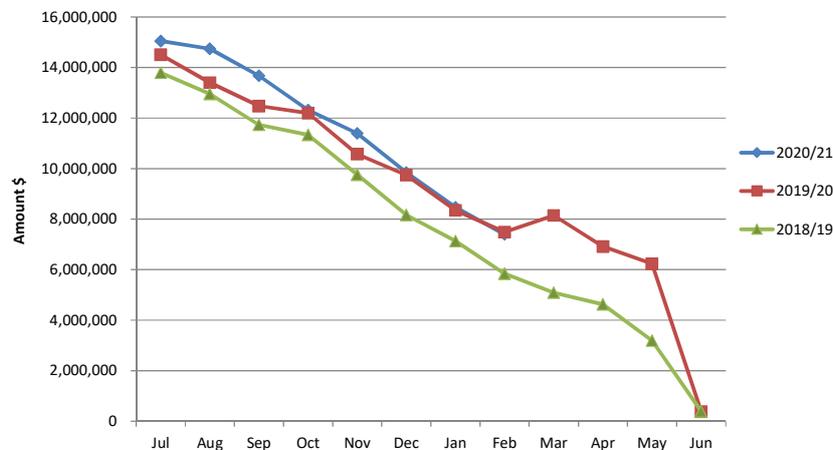
# (Appendix ORD: 12.17B)



## Statement of Financial Activity by Program For the Period Ended 28 February 2021 NET CURRENT ASSETS

Note	Year to Date Actual 28-Feb-2021 \$	Same Time Last Year Actual 29-Feb-2020	Last Year Closing 30 June 2020 \$
Represented By:			
<b>CURRENT ASSETS</b>			
Cash and Cash Equivalents	28,981,952	23,159,279	25,645,523
Rates Debtors Outstanding	2,101,722	2,271,110	396,109
Pensioner Rates Rebate	39,125	53,600	5,998
Sundry Debtors	69,352	276,693	781,928
Accrued Revenue	55,540	57,558	42,807
Prepaid Expenses	0	0	7,446
Goods & Services Tax / BAS Refund	144,479	89,741	280,631
Other Receivables	(43)	(243)	0
Inventories - Materials	11,917	5,047	11,917
Inventories- Trading Stock - Recreation Centre	7,310	8,430	7,310
<b>Current Assets</b>	<b>31,411,355</b>	<b>25,921,215</b>	<b>27,179,669</b>
<b>LESS CURRENT LIABILITIES</b>			
Payables:			
Sundry Creditors	(707)	(1,761)	(1,049,612)
Goods & Services Tax / BAS Payable	0	0	
Other Payables	(82,648)	(69,576)	(446,392)
Municipal Bonded Liabilities	(745,453)	(777,970)	(741,314)
Contract Liabilities	(4,598,895)	0	(4,862,896)
Prepaid Revenue - Rates / PPL	(407,926)	(327,108)	(685,142)
Accrued Interest on Debentures	(33,404)	(37,523)	(33,404)
Accrued Salaries & Wages	0	0	(96,114)
Other Accrued Expenses	0	0	(10,768)
Borrowings - Debentures	(76,320)	(82,615)	(250,116)
Provisions:			
Staff Leave Provisions	(1,437,008)	(1,272,697)	(1,437,008)
<b>Current Liabilities</b>	<b>(7,382,362)</b>	<b>(2,569,250)</b>	<b>(9,612,764)</b>
<b>Net Current Assets</b>	<b>24,028,993</b>	<b>23,351,965</b>	<b>17,566,905</b>
Less: Restricted Assets / Reserve Funds	4 (21,572,499)	(15,970,694)	(22,205,416)
Add: Current - Borrowings	76,320	82,615	250,116
Add: Current - Contract Liabilities held in Reserve accounts	4,862,895		4,719,271
Add: Current - Contract Liabilities - Leases			143,625
<b>CLOSING FUNDS / NET CURRENT ASSETS (per previous page)</b>	<b>7,395,710</b>	<b>7,463,886</b>	<b>474,501</b>

Liquidity Over The Year



# (Appendix ORD: 12.17B)



**Statement of Comprehensive Income by Nature or Type  
For the Period Ended 28 February 2021  
(Covering 8 months or 67% of the year)**

	2020/21 Adopted Budget \$	2020/21 Revised Budget \$	2020/21 Y-T-D Revised Budget \$	2020/21 Y-T-D Actual \$	Variance Y-T-D Actual to Revised Budget \$	Variance Y-T-D Actual to Revised Budget %	2020/21 Forecast \$	2019/20 Last Year Actual \$
<b>Revenue</b>								
Rates	13,839,284	13,833,966	13,807,301	13,804,822	(2,479)	0.0%	13,833,966	13,716,704
Grants, Subsidies & Contributions	2,680,137	2,665,090	1,506,899	1,423,969	(82,930)	5.5%	2,665,090	3,496,488
Fees and Charges	2,730,279	3,001,323	2,482,914	2,540,353	57,439	(2.3%)	3,001,323	2,866,180
Interest Earnings	420,971	235,331	174,531	160,765	(13,766)	7.9%	235,331	512,789
Other Revenue	28,091	28,091	18,720	13,472	(5,248)	0.0%	28,091	24,685
	<u>19,698,762</u>	<u>19,763,801</u>	<u>17,990,365</u>	<u>17,943,381</u>	<u>(46,984)</u>	<u>0.3%</u>	<u>19,763,801</u>	<u>20,616,846</u>
<b>Expenses</b>								
Employee Costs	(10,505,383)	(10,504,934)	(6,978,021)	(6,687,463)	290,558	4.2%	(10,504,934)	(10,592,989)
Materials and Contracts	(4,891,097)	(4,938,008)	(3,215,442)	(2,553,256)	662,186	20.6%	(4,938,008)	(4,175,275)
Utility Charges	(552,620)	(573,128)	(381,956)	(348,844)	33,112	8.7%	(573,128)	(574,897)
Depreciation on Non-current Assets	(5,289,647)	(5,241,787)	(3,494,472)	(3,408,782)	85,690	2.5%	(5,241,787)	(5,253,788)
Interest Expense	(97,965)	(97,965)	(72,659)	(78,677)	(6,018)	(8.3%)	(97,965)	(117,813)
Insurance	(310,774)	(305,439)	(245,569)	(310,162)	(64,593)	(26.3%)	(305,439)	(316,060)
Other	(403,066)	(502,968)	(364,024)	(264,179)	99,845	27.4%	(502,968)	(333,679)
	<u>(22,050,552)</u>	<u>(22,164,228)</u>	<u>(14,752,143)</u>	<u>(13,651,363)</u>	<u>1,100,780</u>	<u>7.5%</u>	<u>(22,164,228)</u>	<u>(21,364,501)</u>
<b>Operational Surplus / (Deficit)</b>	<b>(2,351,790)</b>	<b>(2,400,427)</b>	<b>3,238,222</b>	<b>4,292,017</b>	<b>1,053,795</b>	<b>(32.5%)</b>	<b>(2,400,427)</b>	<b>(747,655)</b>
Grants & Contributions for the Development of Assets	9,243,072	9,508,875	4,312,544	1,406,088	(2,906,456)	(67.4%)	9,508,875	2,647,334
Profit on Asset Disposals	0	0	0	0	0	0.0%	(2,727)	1,048,762
Loss on Asset Disposals	0	(2,727)	(1,816)	(4,383)	(2,567)	0.0%	0	0
Fair Value Adjustment to Financial Assets	0	0	0	0	0	0.0%	0	0
	<u>9,243,072</u>	<u>9,506,148</u>	<u>4,310,728</u>	<u>1,401,705</u>	<u>(2,909,023)</u>	<u>67.5%</u>	<u>9,506,148</u>	<u>3,696,096</u>
<b>NET RESULT</b>	<b>6,891,282</b>	<b>7,105,721</b>	<b>7,548,950</b>	<b>5,693,722</b>	<b>(1,855,228)</b>	<b>24.6%</b>	<b>7,105,721</b>	<b>2,948,441</b>
<b>Other Comprehensive Income</b>								
Changes on Revaluation of Non-Current Assets	0	0	0	0	0	0.0%	0	0
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>6,891,282</b>	<b>7,105,721</b>	<b>7,548,950</b>	<b>5,693,722</b>	<b>(1,855,228)</b>	<b>24.6%</b>	<b>7,105,721</b>	<b>2,948,441</b>

# (Appendix ORD: 12.17B)



## Notes to the Statement of Financial Activity For the Period Ended 28 February 2021

### 1. PROGRAMS / ACTIVITIES

In order to discharge its responsibilities to the community, the Shire has developed a set of operational and financial objectives. These objectives have been established both on an overall basis, reflected by the Shire's Community Vision and for each of its broad activities/programs.

#### COMMUNITY VISION

*Provide effective leadership in encouraging balanced growth and development of the Shire while recognising the diverse needs of the community.*

PROGRAM NAME	OBJECTIVE	ACTIVITIES
GENERAL PURPOSE FUNDING	To collect revenue to allow for the provision of services	Rates, general purpose government grants and interest revenue.
GOVERNANCE	To provide a decision making process for the efficient allocation of scarce resources.	Includes the activities of members of Council and the administration support available to Council for the provision of governance of the District. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific Council services.
LAW, ORDER, PUBLIC SAFETY	To provide services to help ensure a safer and environmentally conscious community.	Supervision and enforcement of various local-laws relating to the fire prevention, animal control and protection of the environment, and other aspects of public safety including emergency services.
HEALTH	To provide services to achieve community and environmental health.	Maternal and infant health facilities, immunisation, meat inspection services, inspection of food outlets, noise control and pest control services.
EDUCATION AND WELFARE	To provide services to children, youth, the elderly and disadvantaged persons.	Pre-school and other education services, child minding facilities, playgroups, senior citizens' centres.
COMMUNITY AMENITIES	To provide services required by the community.	Rubbish collection services, operation of refuse site, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes, cemeteries and public conveniences.
RECREATION AND CULTURE	To establish and effectively manage infrastructure and resources which help the social well being of the community.	Maintenance of halls, civic buildings, river banks, recreation centre and various sporting facilities. Provision and maintenance of parks, gardens and playgrounds. Operation of library and other cultural facilities.
TRANSPORT	To promote safe, effective and efficient transport services to the community.	Construction and maintenance of streets, roads, bridges, footpaths, cycle ways, parking facilities, traffic control and depot. Cleaning of streets and maintenance of street trees, street lighting, etc.
ECONOMIC SERVICES	To help promote the shire and its economic wellbeing.	Tourism and area promotion, building control, provision of rural services including weed control and vermin control, standpipes.
OTHER PROPERTY & SERVICES	To monitor and control Council's overheads operating accounts.	Private works operations, plant repairs and operations costs, engineering operation costs.

2. EXPLANATION OF MATERIAL VARIANCES IN THE STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM

The material variances adopted by the Shire of Dardanup for reporting in the 2020/21 year is 5% or \$25,000, whichever is the greater. All variances are between Year-to-Date Actual and Year-to-Date Revised Budget values.

	Sch	2020/21 Y-T-D Revised Budget	2020/21 Y-T-D Actual	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
<b>OPERATING ACTIVITIES</b>							
<b>Revenue</b>							
Governance	4	19,256	3,091	(16,165)	(83.9%)		
General Purpose Funding	3	14,323,487	14,291,362	(32,125)	(0.2%)		
Law, Order, Public Safety	5	603,438	598,074	(5,364)	(0.9%)		
Health	7	3,424	4,754	1,330	38.8%		
Education and Welfare	8	10,681	10,017	(664)	(6.2%)		
Community Amenities	10	1,505,833	1,540,019	34,186	2.3%		
Recreation and Culture	11	1,141,000	1,109,856	(31,144)	(2.7%)		
Transport	12	144,974	137,162	(7,812)	(5.4%)		
Economic Services	13	132,600	116,535	(16,065)	(12.1%)		
Other Property and Services	14	142,336	156,634	14,298	10.0%		
<b>Total Operating Revenue</b>		<b>18,027,029</b>	<b>17,967,505</b>	<b>(59,524)</b>	<b>(0.3%)</b>		
<b>Operating Expenses</b>							
Governance	4	(807,155)	(675,260)	131,895	16.3%	▲ Timing	Lower costs to date for: elected members fees and activities \$45,000, legal expenses \$13,500, public relations & receptions \$19,700, consultants \$23,000 and general administration \$30,000.
General Purpose Funding	3	(250,963)	(257,818)	(6,855)	(2.7%)		
Law, Order, Public Safety	5	(1,255,462)	(1,033,017)	222,445	17.7%	▲ Timing	\$177,000 lower costs to date for fire control, mitigation & prevention activities (grant funded), \$58,000 for animal control and \$10,800 for other law, order and public safety activities. \$22,700 higher costs to date for bushfire brigade ESL operating expenses.
Health	7	(356,233)	(333,139)	23,094	6.5%		
Education and Welfare	8	(627,654)	(527,109)	100,545	16.0%	▲ Timing	Lower costs to date for administration of preventative health and inspections.
Community Amenities	10	(1,792,809)	(1,623,195)	169,614	9.5%	▲ Timing	Lower costs to date for Community Service administration \$73,800, community programs \$26,200.
Recreation & Culture	11	(5,055,100)	(4,748,027)	307,073	6.1%	▲ Timing	Lower operating costs to date - \$8,000 tip operations, \$9,000 kerbside collection & processing, \$18,000 environmental expenses, \$15,000 public facility maintenance, \$46,600 town planning administration, \$35,500 land development expenses and \$30,600 for consultants.
Transport	12	(4,146,312)	(4,052,909)	93,403	2.3%		
Economic Services	13	(379,496)	(304,301)	75,195	19.8%	▲ Timing	Lower costs to date - \$20,300 maintenance & subsidies for public halls, \$261,000 parks & reserves maintenance, \$32,000 library programs & administration, \$23,000 for community projects, \$9,300 for community grants; \$38,600 higher operating costs for Recreation Centre.
Other Property and Services	14	(201,985)	(125,095)	76,890	38.1%	▲ Timing	Lower costs to date for software purchased \$33,300, wages allocated to works but not yet paid \$37,100, lower workers compensation payments \$16,500, offset by \$10,000 public works overhead and plant operating costs not yet allocated to works.
<b>Total Operating Expenditure</b>		<b>(14,873,169)</b>	<b>(13,679,871)</b>	<b>1,193,298</b>	<b>(8.0%)</b>		
<b>Net Operating Activities</b>		<b>3,153,860</b>	<b>4,287,634</b>	<b>1,133,774</b>	<b>35.9%</b>		

(continued next page)



Notes to the Statement of Financial Activity  
For the Period Ended 28 February 2021

2. EXPLANATION OF MATERIAL VARIANCES IN THE STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM (continued)

	2020/21 Y-T-D Revised Budget \$	2020/21 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
Net Operating Activities (from previous page)	3,153,860	4,287,634	1,133,774	0		
<b>ADJUSTMENTS OF NON CASH ITEMS</b>						
(Profit)/Loss on Asset Disposals	1,816	4,383	2,567	0.0%		
Depreciation on Assets	3,494,472	3,408,782	(85,690)	(2.5%)		
<b>Adjusted Net Operating Activities</b>	<b>6,650,148</b>	<b>7,700,799</b>	<b>1,050,651</b>	<b>15.8%</b>		
<b>INVESTING ACTIVITIES</b>						
<b>Revenue</b>						
Non-operating grants, subsidies & contributions	4,396,016	1,406,088	(2,989,928)	(68.0%)	▼ Timing	Grants and contributions not yet claimed for 2020/21 capital projects - \$703,000 fire brigade stations; \$487,600 for Parks & Reserves projects including Eaton Foreshore boat ramp, new Eaton skate park, Glen Huon Reserve development, Gnomesville improvements, Millars Creek lighting & Peninsula Lakes Park upgrade; \$216,700 MRAWA RRG projects; \$136,000 R2R road project programs; \$43,800 bridge renewal, \$1,063,000 Eaton Drive (ITPS funds), \$173,000 Local Roads & Community Infrastructure Program, \$166,600 Heritage Walk Trail project.
Proceeds from Disposal of Assets	240,568	19,091	(221,477)	(92.1%)	▼ Timing	Only one vehicle traded as at the reporting date due to delays in supply of new vehicles. Procurement is in progress with trade-in of a truck, tractor, loader and several works utilities.
<b>Total Capital Revenue</b>	<b>4,636,584</b>	<b>1,425,179</b>	<b>(3,211,405)</b>	<b>(69.3%)</b>		
<b>Expenditure</b>						
Land & Buildings	(4,165,936)	(570,116)	3,595,820	86.3%	▲ Timing	No significant construction to date on many of 2020/21 building projects including BFB stations, Eaton skate park, Eaton administration/library building, public toilets at Gnomesville & Dardanup & minor projects at Eaton Oval clubrooms, Dardanup & Waterloo halls, Eaton Recreation Centre. Eaton Bowling Club construction commenced in December 2020 and is ongoing.
Infrastructure Assets - Road / Bridges / Paths	(4,887,704)	(1,682,865)	3,204,839	65.6%	▲ Timing	Substantial works not yet commenced on most road upgrade and renewal projects. Pile Road upgrade is nearing completion and Eaton Drive dual carriageway ongoing.
Infrastructure Assets - Parks & Gardens	(593,776)	(197,181)	396,595	66.8%	▲ Timing	Eaton boat ramp is completed but no significant works to date on other 20/21 parks and reserve improvement projects including Peninsula Lakes Park, Watson Reserve, Millars Creek, Glen Huon Reserve and Gnomesville.
Vehicles	(823,544)	(39,164)	784,380	95.2%	▲ Timing	One car has been purchased to date. Procurement of remaining machinery including tractor, loader and works utilities is in progress, with delays in vehicle delivery extending the timeline.
Furniture & Fittings	(52,248)	(2,951)	49,297	94.4%	▲ Timing	\$23,000 administration office furniture & IT equipment, \$6,000 Recreation Centre equipment and \$16,600 Council chambers audio-visual equipment not yet acquired.
<b>Total Capital Expenditure</b>	<b>(10,523,208)</b>	<b>(2,492,278)</b>	<b>8,030,930</b>	<b>(76.3%)</b>		
<b>Net Investing Activities</b>	<b>(5,886,624)</b>	<b>(1,067,099)</b>	<b>4,819,525</b>	<b>(81.9%)</b>		

(continued next page)

2. EXPLANATION OF MATERIAL VARIANCES IN THE STATEMENT OF FINANCIAL ACTIVITY BY PROGRAM (continued)

	2020/21 Y-T-D Revised Budget \$	2020/21 Y-T-D Actual \$	Variance to Y-T-D Revised Budget \$	Variance to Y-T-D Revised Budget %	Timing / Permanent	Material Variance - Explanation
<b>FINANCING ACTIVITIES</b>						
<b>Revenue</b>						
Proceeds from New Loans	0	0	0	0.0%		
Transfers from Reserves	4,708,374	838,565	(3,869,809)	(82.2%)	▲ Timing	Budget was for even spread over the year, whereas most transfer will occur at financial year end.
<b>Total Financing Revenue</b>	<b>4,708,374</b>	<b>838,565</b>	<b>(3,869,809)</b>	<b>(82.2%)</b>		
<b>Expenditure</b>						
Repayment of Loans	(179,848)	(173,795)	6,053	3.4%		
Donated Assets	0	0	0	0.0%		
Advance to community groups	0	0	0	0.0%		
Contra Repayment of Prefunded Infrastructure	0	0	0	0.0%		
Principal element of finance lease payments	(143,851)	(171,612)	(27,761)	(19.3%)	▼ Timing	Lease payments usually paid quarterly or monthly in advance, while budget is for even spread. Transfers made to date are for interest received on Reserve investments and for developer contributions to works received from new subdivision approvals (offset by corresponding revenue).
Transfers to Reserves	(2,894,896)	(205,648)	2,689,248	92.9%	▲ Timing	Remaining reserve transfers planned to occur at the end of the financial year.
<b>Total Financing Expenditure</b>	<b>(3,218,595)</b>	<b>(551,055)</b>	<b>2,667,540</b>	<b>(82.9%)</b>		
<b>Net Financing Activities</b>	<b>1,489,779</b>	<b>287,509</b>	<b>(1,202,270)</b>	<b>(80.7%)</b>		
<b>FUNDING SOURCES</b>						
Surplus/(Deficit) July 1 B/Fwd	474,501	474,501	0	0.0%		
<b>CLOSING FUNDS (A+B+C+D)</b>	<b>2,727,804</b>	<b>7,395,710</b>	<b>4,667,906</b>	<b>171.1%</b>		



# (Appendix ORD: 12.17B)



## Notes to the Statement of Financial Activity For the Period Ended 28 February 2021

### 3. TRUST FUNDS

Funds held at reporting date over which the Shire has no control and which are not included in the financial statements are as follows:

NAME	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
Tourism WA for Ferguson Valley Project	172,736.03	0.00	0.00	(82,587.50)	0.00	90,148.53
Ross & Deborah bevan	0.00	40,000.00	0.00	0.00	0.00	40,000.00
Public Open Space	786,192.56	72,500.00	0.00	0.00	0.00	858,692.56
Accrued Interest	0.00	0.00	220.43	0.00	0.00	220.43
Plus: Outstanding Creditors	0.00	0.00	0.00	0.00	0.00	0.00
Less: Outstanding Debtors	0.00	(56,000.00)	0.00	0.00	0.00	(56,000.00)
<b>TOTAL</b>	<b>958,928.59</b>	<b>56,500.00</b>	<b>220.43</b>	<b>(82,587.50)</b>	<b>0.00</b>	<b>933,061.52</b>

### 4. MUNICIPAL LIABILITIES

Funds held at reporting date for bonds and deposits not required to be held in the Trust Fund and classified as restricted to recognise that they are owed to developers/hirers and others. These are now classified as Municipal Liabilities as follows:

	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
<b>Retention Bonds</b>						
Ardross Estate Pty Ltd	45,590.02	0.00	0.00	0.00	0.00	45,590.02
Parkridge Group	51,384.53	0.00	0.00	0.00	0.00	51,384.53
South West Waste	10,777.36	0.00	0.00	0.00	0.00	10,777.36
Henty Brooke Estate	9,699.37	0.00	0.00	0.00	0.00	9,699.37
D Maher	8,186.85	0.00	0.00	0.00	0.00	8,186.85
Clifton Partners	347.34	0.00	0.00	0.00	0.00	347.34
Cristopher West Consultants	9,998.04	0.00	0.00	0.00	0.00	9,998.04
Burra98 Unit Trust	11,214.04	0.00	0.00	0.00	0.00	11,214.04
NTC Pty Ltd	779.33	0.00	0.00	0.00	0.00	779.33
Dale Thompson	2,078.72	0.00	0.00	0.00	0.00	2,078.72
Barry Garvey	3,540.62	0.00	0.00	0.00	0.00	3,540.62
Civil Tech	32,158.31	0.00	0.00	0.00	0.00	32,158.31
Westgate Property Group	18,375.50	0.00	0.00	0.00	0.00	18,375.50
Cleary Estate	3,132.42	0.00	0.00	0.00	0.00	3,132.42
Little Meadow Pty Ltd	15,631.53	0.00	0.00	0.00	0.00	15,631.53
Winterfall Nominees Pty Ltd	4,111.16	0.00	0.00	0.00	0.00	4,111.16
Thomas Fields Pty Ltd	30,868.39	0.00	0.00	0.00	0.00	30,868.39
Holland Loop Pty Ltd	17,644.12	0.00	0.00	0.00	0.00	17,644.12
Terrence J Coman	8,384.63	0.00	0.00	0.00	0.00	8,384.63
Garvey Road Pty Ltd	36,393.21	0.00	0.00	0.00	0.00	36,393.21
Burekup Developments Pty Ltd	4,700.36	0.00	0.00	0.00	0.00	4,700.36
Ardross Group of Companies		9,705.66	0.00	(9,705.66)	0.00	0.00
<b>Total - Retention Bonds</b>	<b>324,995.85</b>	<b>9,705.66</b>	<b>0.00</b>	<b>(9,705.66)</b>	<b>0.00</b>	<b>324,995.85</b>
<b>Extractive Industry Rehabilitation Bonds</b>						
L G Davidson	1,290.20	0.00	0.00	0.00	0.00	1,290.20
M Denholm	845.24	0.00	0.00	0.00	0.00	845.24
S Catalano	1,340.36	0.00	0.00	0.00	0.00	1,340.36
Bunbury Agricultural Society	2,387.88	0.00	0.00	0.00	0.00	2,387.88
D Busher	1,282.84	0.00	0.00	0.00	0.00	1,282.84
Valli & Co	2,600.14	0.00	0.00	0.00	0.00	2,600.14
Charles Hull Contracting	7,603.41	0.00	0.00	0.00	0.00	7,603.41
J & P Group	135,809.01	0.00	0.00	0.00	0.00	135,809.01
<b>Total - Extractive Industries Bonds</b>	<b>153,159.08</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>153,159.08</b>
<b>Specified Projects</b>						
Dardanup Central Bushfire Station Refurbishment - Red Cross - A Poad Bequest	93,776.15	0.00	0.00	0.00	0.00	93,776.15
Wells Recreation Ground Refurbishment/Expansion - Red Cross - A Poad Bequest	53,139.81	0.00	0.00	0.00	0.00	53,139.81
<b>Total - Specified Projects</b>	<b>146,915.96</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>146,915.96</b>
<b>Sundry Deposits</b>						
Unclaimed Monies	1,683.92	0.00	0.00	0.00	0.00	1,683.92
Bunbury Wellington Group of Councils	37,164.30	3,500.00	0.00	0.00	0.00	40,664.30
Cristal - Paint the Shire REAd project	5,030.01	0.00	0.00	(5,030.01)	0.00	0.00
<b>Total - Sundry Deposits</b>	<b>43,878.23</b>	<b>3,500.00</b>	<b>0.00</b>	<b>(5,030.01)</b>	<b>0.00</b>	<b>42,348.22</b>
<b>Key Bonds</b>	272.68	360.00	0.00	(320.00)	0.00	312.68
<b>Hire Bonds</b>	2,330.00	4,750.00	0.00	(4,400.00)	0.00	2,680.00
<b>Kerb Bonds</b>	75,041.91	0.00	0.00	0.00	0.00	75,041.91
<b>TOTAL</b>	<b>746,593.71</b>	<b>18,315.66</b>	<b>0.00</b>	<b>(19,455.67)</b>	<b>0.00</b>	<b>745,453.70</b>

# (Appendix ORD: 12.17B)



Notes to the Statement of Financial Activity  
For the Period Ended 28 February 2021

## 5. RESERVES - CASH BACKED

All reserves are supported by cash and cash equivalents and are restricted within equity as Reserves - cash backed.

NAME	BALANCE 1 JULY	RECEIPTS	INTEREST	PAYMENTS	ADJUSTMENTS (TRANSFERS)	CLOSING BALANCE
	\$	\$	\$	\$	\$	\$
<b>Council Restricted</b>						
Executive & Compliance Vehicles Reserve	243,184.02	0.00	0.00	0.00	0.00	243,184.02
Plant & Engineering Equipment Reserve	924,036.04	0.00	0.00	0.00	0.00	924,036.04
Eaton Recreation Centre - Equipment Reserve	280,102.25	0.00	0.00	0.00	0.00	280,102.25
Building Maintenance Reserve	1,783,239.12	0.00	0.00	0.00	0.00	1,783,239.12
Employee Relief Reserve	234,383.81	0.00	0.00	0.00	0.00	234,383.81
Employee Leave Entitlements Reserve	21,186.62	0.00	0.00	0.00	0.00	21,186.62
Refuse Site Environmental Works Reserve	83,833.42	0.00	0.00	0.00	0.00	83,833.42
Information Technology Reserve	504,179.04	0.00	0.00	0.00	0.00	504,179.04
Roadwork Construction & Major Maintenance Reserve	587,710.55	0.00	0.00	0.00	0.00	587,710.55
Accrued Salaries Reserve	433,352.06	0.00	0.00	0.00	0.00	433,352.06
Tourism Reserve	11,718.35	0.00	0.00	0.00	0.00	11,718.35
Recycling Education Reserve	61,264.57	0.00	0.00	0.00	0.00	61,264.57
Road Safety Programs Reserve	26,644.63	0.00	0.00	0.00	0.00	26,644.63
Council Land Development Reserve	21,057.89	0.00	0.00	0.00	0.00	21,057.89
Carried Forward Projects Reserve	3,291,189.81	0.00	0.00	0.00	0.00	3,291,189.81
Election Expenses Reserve	7,017.23	0.00	0.00	0.00	0.00	7,017.23
Town Planning Consultancy Reserve	97,705.92	0.00	0.00	0.00	0.00	97,705.92
Parks & Reserves Upgrades Reserve	676,804.61	0.00	0.00	0.00	0.00	676,804.61
Strategic Planning Studies Reserve	128,885.07	0.00	0.00	0.00	0.00	128,885.07
Pathways Reserve	315,889.37	0.00	0.00	0.00	0.00	315,889.37
Asset / Rates Revaluation Reserve	328,666.34	0.00	0.00	0.00	0.00	328,666.34
Refuse & Recycling Bin Replacement Reserve	54,644.89	0.00	0.00	0.00	0.00	54,644.89
Sale of Land Reserve	4,566,488.23	0.00	0.00	0.00	0.00	4,566,488.23
Storm Water Reserve	157,848.01	0.00	0.00	0.00	0.00	157,848.01
	<b>14,841,031.85</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>14,841,031.85</b>
<b>Statute Restricted</b>						
Contribution to Works Reserve	670,642.44	67,257.55	0.00	0.00	0.00	737,899.99
Eaton Drive - Access Construction Reserve	154,824.78	23,811.74	0.00	0.00	0.00	178,636.52
Eaton Drive - Scheme Construction Reserve	914,153.40	18,291.54	0.00	0.00	0.00	932,444.94
Fire Control Reserve	11,535.50	0.00	0.00	0.00	0.00	11,535.50
Collie River (Eaton Drive) Bridge Construction Reserve	1,564,304.17	8,555.60	0.00	0.00	0.00	1,572,859.77
Unspent Grants Reserve	3,795,446.83	0.00	0.00	838,564.75	0.00	2,956,882.08
Swimming Pool Inspection Reserve	4,488.00	0.00	0.00	0.00	0.00	4,488.00
Unspent Specified Area Rate - Bulk Waste Collection Reserve	80,609.91	0.00	0.00	0.00	0.00	80,609.91
Unspent Specified Area Rate - Eaton Landscaping Reserve	127,172.20	0.00	0.00	0.00	0.00	127,172.20
Wanju Developer Contribution Plan Unspent Loan Reserve	0.00	0.00	0.00	0.00	0.00	0.00
Dardanup Expansion Developer Contribution Plan Reserve	41,206.57	0.00	0.00	0.00	0.00	41,206.57
	<b>7,364,383.80</b>	<b>117,916.43</b>	<b>0.00</b>	<b>838,564.75</b>	<b>0.00</b>	<b>6,643,735.48</b>
Interest	0.00	0.00	93,476.25	0.00	0.00	93,476.25
Less: Outstanding Debtors	0.00	(5,745.00)	0.00	0.00	0.00	(5,745.00)
<b>TOTAL</b>	<b>22,205,415.65</b>	<b>112,171.43</b>	<b>93,476.25</b>	<b>838,564.75</b>	<b>0.00</b>	<b>21,572,498.58</b>

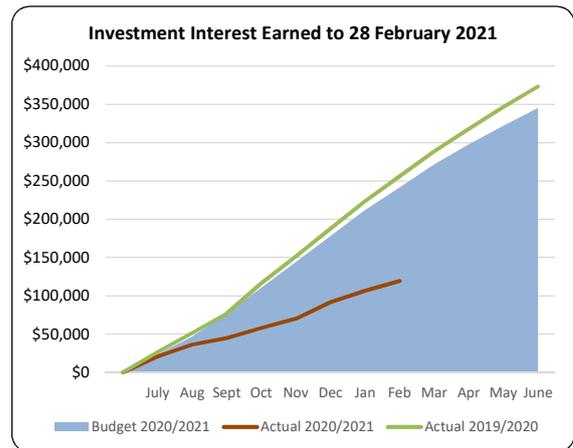
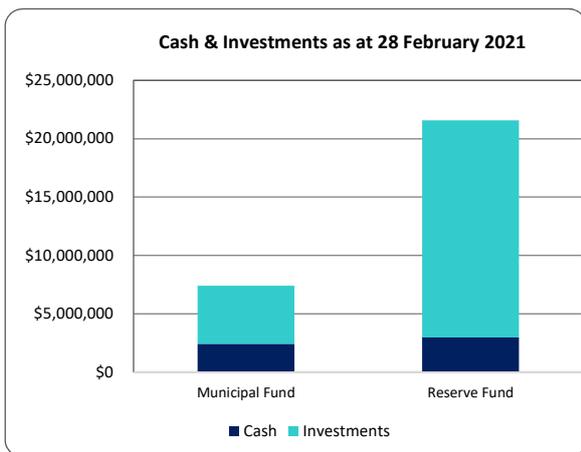
# (Appendix ORD: 12.17B)



## Notes to the Statement of Financial Activity For the Period Ended 28 February 2021

### 6. STATEMENT OF INVESTMENTS

BANK	TYPE	AMOUNT	RATE	DAYS	COMMENCEMENT	MATURITY	ESTIMATED INTEREST	INTEREST CREDITED 2020-2021
<b>MUNICIPAL FUND</b>								
CBA	Municipal Fund Bank Account	\$ 2,405,593.25	0.05%					\$1,104.64
NAB	Term Deposit	\$ 1,000,000.00	0.67%	273	9/2020	6/2021	\$5,011.23	
WBC	Term Deposit	\$ 1,000,000.00	0.31%	120	2/2021	6/2021	\$1,021.55	\$2,325.21
WBC	Term Deposit	\$ 1,000,000.00	0.68%	212	10/2020	5/2021	\$3,949.59	
Macquaire	Term Deposit	\$ 1,000,000.00	0.65%	182	1/2021	7/2021	\$3,241.10	
ANZ	Term Deposit	\$ 1,000,000.00	0.76%	183	10/2020	4/2021	\$3,810.41	
	Interest received on matured deposits							\$6,164.47
		<u>\$ 7,405,593.25</u>					<u>\$17,033.88</u>	<u>\$9,594.32</u>
<b>TRUST FUND</b>								
CBA	Trust Fund Bank Account	\$ 933,061.52	0.05%				\$38.88	\$220.43
		<u>\$ 933,061.52</u>					<u>\$38.88</u>	<u>\$220.43</u>
<b>RESERVE FUND</b>								
CBA	Reserve Bank Account	\$ 2,972,202.69	0.05%					\$1,372.95
AMP	Term Deposit	\$ 1,100,000.00	0.80%	365	8/2020	8/2021	\$8,800.00	
NAB	Term Deposit	\$ 1,500,295.89	0.80%	356	8/2020	8/2021	\$11,706.42	
NAB	Term Deposit	\$ 1,000,000.00	0.62%	273	9/2020	6/2021	\$4,637.26	
NAB	Term Deposit	\$ 1,000,000.00	0.72%	365	9/2020	9/2021	\$7,200.00	
NAB	Term Deposit	\$ 1,000,000.00	0.62%	181	9/2020	3/2021	\$3,074.52	
WBC	Tailored Term Deposit	\$ 4,000,000.00	0.80%	365	8/2020	8/2021	\$32,000.00	\$16,043.83
WBC	Term Deposit	\$ 1,000,000.00	0.70%	184	8/2020	2/2021	\$3,528.77	
WBC	Term Deposit	\$ 1,000,000.00	0.68%	243	10/2020	6/2021	\$4,527.12	
WBC	Term Deposit	\$ 1,000,000.00	0.31%	148	2/2021	6/2021	\$1,256.99	\$2,325.21
ANZ	Term Deposit	\$ 3,000,000.00	0.82%	367	10/2020	10/2021	\$24,734.79	
ANZ	Term Deposit	\$ 3,000,000.00	0.76%	183	10/2020	4/2021	\$11,431.23	
	Interest received on matured deposits							\$73,734.26
		<u>\$ 21,572,498.58</u>					<u>\$112,897.10</u>	<u>\$93,476.25</u>
<b>Total Interest Received</b>								<u><u>\$103,291.00</u></u>





Notes to the Statement of Financial Activity  
For the Period Ended 28 February 2021

6. STATEMENT OF INVESTMENTS (continued)

**Total Funds Invested**

Total Funds Invested as at Reporting Date -

Municipal Fund Investment Portfolio	\$ 5,000,000.00
Trust Fund Investment Portfolio	\$ -
Reserve Fund Investment Portfolio	\$ 18,600,295.89
	<u>\$ 23,600,295.89</u>

**Investment Policy - Portfolio Risk Exposure**

Council's investment policy provides a framework to manage the risks associated with financial investments.

Portfolio - Terms of Maturity

Limits are placed on the term to maturity thereby reducing the impact of any significant change in interest rate markets and to provide liquidity.

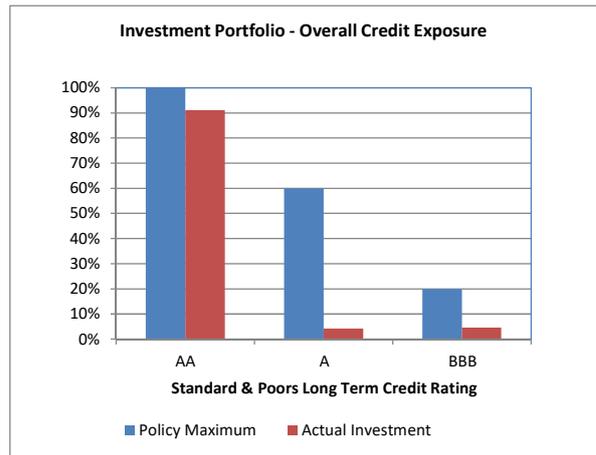
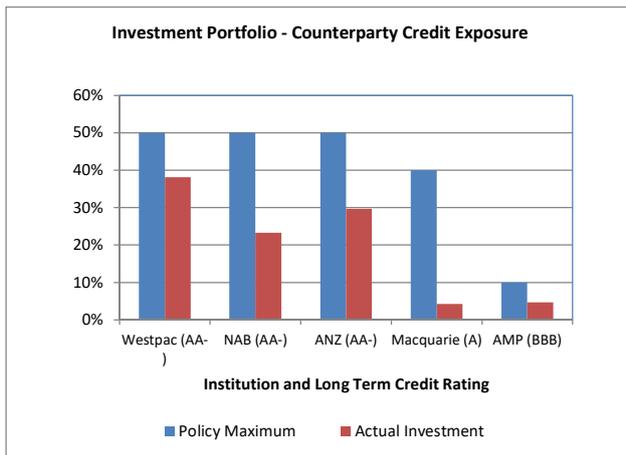
Counterparty Credit Exposure

Exposure to an individual authorised deposit-taking institution (ADI) counterparty will be restricted by their credit rating so that single entity exposure is limited.

Overall Credit Exposure

To control the credit quality on the entire portfolio, limits are placed on the percentage exposed to any particular credit rating category.

The following charts demonstrate the current portfolio diversity and risk compliance with the policy framework.





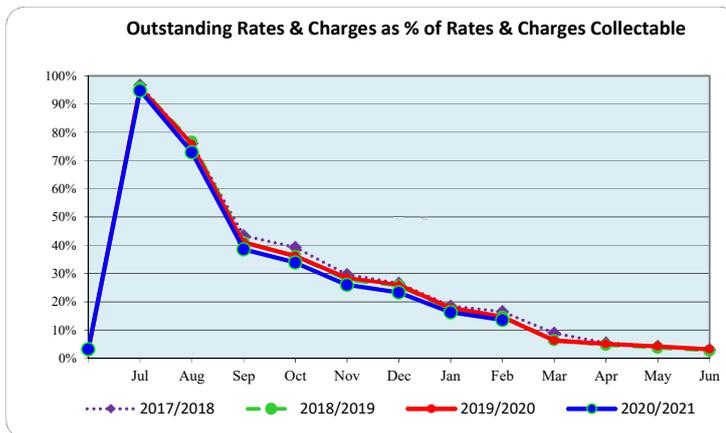
**Notes to the Statement of Financial Activity  
For the Period Ended 28 February 2021**

**7. Accounts Receivable as at 28 February 2021**

**Rates and Charges Outstanding**

2020/21 annual rates were raised on 16 July 2020 and were due for by 10 September 2020 for payment in full or for the first of four instalments. The final instalment is due by 18 March 2021.

As at the reporting date, total outstanding rates and charges (including pensioner deferred rates) is \$2,219,785. This equates to 13.54% of rates and charges collectable and is at an improved ratio to recent years. It is the objective of management to achieve less than 4% of rates and charges outstanding by 30 June.

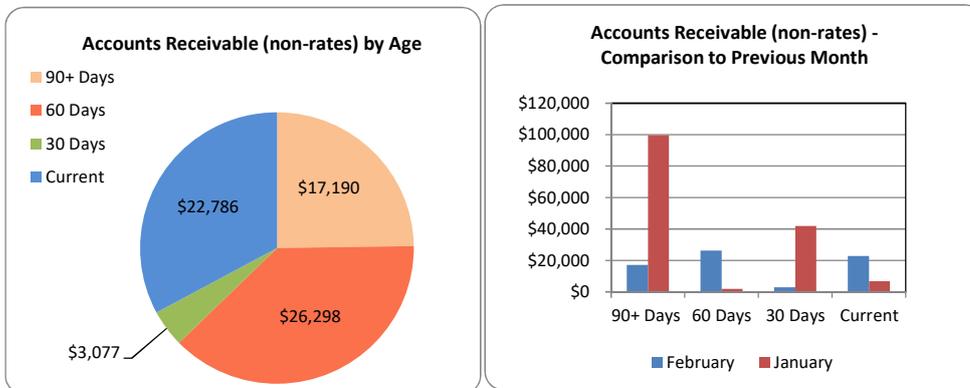


**Sundry Debtors Outstanding (non-rates)**

As at the reporting date, the total outstanding Sundry Debtors amount to \$69,351.

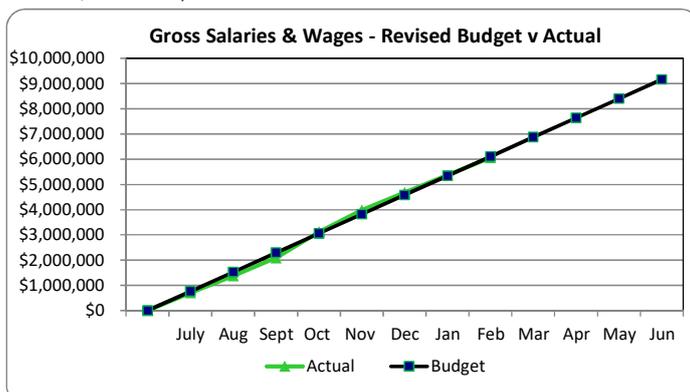
The only significant individual debt outstanding in excess of 30 days is \$22,000 for a government grant that is anticipated to be received in April 2021.

Other debts outstanding in excess of 90 days are currently under review and may result in legal actions being instigated against these default debtors to recover the debts in the Court.



**8. Salaries and Wages to 28 February 2021**

At the reporting date, total salaries and wages expenditure is \$6,058,419 (66.1%) of the revised annual budget of \$9,163,754 for the 2020/21 financial year.





Notes to the Statement of Financial Activity  
For the Period Ended 28 February 2021

9. RATING INFORMATION

RATE TYPE	Rate in \$	Number of properties	Rateable value \$	2020/21 Revised Budget rate	2020/21 Revised Budget interim rates	2020/21 Revised Budget back rates	2020/21 Revised Budget total revenue	2020/21 Actual total revenue	2019/20 Actual total revenue	2019/20 Budget total revenue
<b>Differential general rate or general rate</b>										
<b>Gross rental valuations</b>										
General Rates - GRV: Residential	0.100662	3,152	56,779,220	5,746,655	0	0	5,746,655	5,715,510	5,620,662	5,620,662
General Rates - GRV: Commercial	0.100662	59	14,495,740	1,428,025	0	0	1,428,025	1,459,170	1,369,549	1,369,549
General Rates - GRV: Industrial	0.100662	68	7,586,727	763,695	0	0	763,695	763,695	757,975	757,975
General Rates - GRV: Small Holding	0.100662	336	7,599,124	765,545	0	0	765,545	764,943	806,389	806,389
General Rates - GRV: Interim and Back Rates	0.100662	0	0	85,000	0	0	85,000	77,953	91,938	124,249
<b>Unimproved valuations</b>										
General Rates - UV: Broad Acre Rural	0.006259	491	274,608,000	1,718,765	0	0	1,718,765	1,718,315	1,709,026	1,709,026
General Rates - UV: Mining	0.006259	0	0	0	0	0	0	0	0	0
General Rates - UV: Interim and Back Rates	0.006259	0	0	0	0	0	0	0	0	0
<b>Sub-Totals</b>		4,106	361,068,811	10,422,685	85,000	0	10,507,685	10,499,586	10,355,539	10,387,850
<b>Minimum payment</b>										
<b>Gross rental valuations</b>										
General Rates - GRV: Residential	1,547.50	1,651	21,331,732	2,554,923	0	0	2,554,923	2,554,923	2,571,945	2,571,945
General Rates - GRV: Commercial	1,547.50	7	61,400	10,833	0	0	10,833	10,833	10,833	10,833
General Rates - GRV: Industrial	1,547.50	47	590,450	72,733	0	0	72,733	72,732	80,470	80,470
General Rates - GRV: Small Holding	1,547.50	85	682,270	131,538	0	0	131,538	131,538	111,420	111,420
General Rates - GRV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0	0	0
<b>Unimproved valuations</b>										
General Rates - UV: Broad Acre Rural	1,547.50	119	17,457,460	184,153	0	0	184,153	184,152	208,913	208,913
General Rates - UV: Mining	1,547.50	18	399,256	27,855	0	0	27,855	27,855	30,950	30,950
General Rates - UV: Interim and Back Rates	1,547.50	0	0	0	0	0	0	0	0	0
<b>Sub-Totals</b>		1,927	40,522,568	2,982,035	0	0	2,982,035	2,982,033	3,014,531	3,014,531
<b>Discounts/concessions/write-off</b>										
Total amount raised from general rates		6,033	401,591,379	13,404,720	85,000	0	13,489,720	13,481,619	13,370,070	13,402,381
Specified area rates							(5,000)	(26,791)	(1,016)	(5,000)
<b>Total rates</b>							13,484,720	13,454,828	13,369,054	13,397,381
							350,000	349,994	347,651	344,800
							13,834,720	13,804,822	13,716,705	13,742,181



Notes to the Statement of Financial Activity  
For the Period Ended 28 February 2021

10. INFORMATION ON BORROWINGS

Debtenture Repayments

Particulars	Loan No.	Principal Opening Balance 01 July 2020	New Loans 2020/21		Principal Repayments 2020/21		Interest Repayments 2020/21		Principal Outstanding 30 June 2021	
			Actual \$	Revised Budget \$	Actual \$	Revised Budget \$	Actual \$	Revised Budget \$	Actual \$	Revised Budget \$
<b>Community Amenities</b>										
Wanju/Waterloo Industrial Park Developer Contribution Plans	New	0	0	750,000	0	0	0	0	0	750,000
<b>Recreation and Culture</b>										
Eaton Recreation Centre	59	280,690	(43,410)	(88,117)	(9,156)	(16,870)	(9,156)	(16,870)	237,280	192,573
Glen Huon Oval Club Rooms	69	965,470	(41,174)	(41,174)	(40,021)	(43,234)	(40,021)	(43,234)	924,296	924,296
<b>Transport</b>										
Depot Land	66	503,104	(58,628)	(58,628)	(21,586)	(23,169)	(21,586)	(23,169)	444,476	444,476
<b>Economic Services</b>										
Gravel Pit Land - Panizza Road	61	90,549	(11,765)	(23,901)	(3,108)	(5,805)	(3,108)	(5,805)	78,784	66,648
<b>Other Property and Services</b>										
Administration Building Extensions	65	123,303	(18,817)	(38,296)	(4,807)	(8,887)	(4,807)	(8,887)	104,486	85,007
		1,963,116	(173,795)	(250,116)	(78,678)	(97,965)	(78,678)	(97,965)	1,789,321	2,463,000

All debtenture repayments are financed by general purpose revenue.



**Notes to the Statement of Financial Activity  
For the Period Ended 28 February 2021**

**11. BUDGET AMENDMENTS**

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

GL/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Revised Budget Running Balance
<b>Budget Adoption</b>							
<b>Permanent Changes</b>							
	Opening surplus adjustment		Opening Surplus	\$	\$	\$	\$ 218,988
0521502	DFES Mitigation Activity Fund grant to reduce bushfire risk	29/07/20 - 212-20	Operating Revenue		92,449		311,437
0511503	Bushfire Risk Management Plan - treatments to mitigate bushfire	29/07/20 - 212-20	Operating Expense		189,440	(189,440)	500,877
J11221	Pratt Road Reserve maintenance - erosion repairs	26/08/20 - 231-20	Operating Expense			(38,707)	311,437
1221507	Disaster Recovery Grant	26/08/20 - 231-20	Operating Revenue		38,707		311,437
0522501	LGGS capital grant to replace Dardanup Central BFB station	30/09/20 - 261-20	Non-operating Revenue		450,000		761,437
0522503	Donation of bequeathed estate for Dardanup Central BFB	30/09/20 - 261-20	Non-operating Revenue		90,000		851,437
J05022	Building construction - Dardanup Central BFB station	30/09/20 - 261-20	Asset Acquisition			(540,000)	311,437
1318004	Economic Development - Designated Area Migration Agreement	30/09/20 - 267-20	Operating Expense		55,000	(55,000)	256,437
1328501	Contributions to Designated Area Migration Agreement	30/09/20 - 267-20	Operating Revenue				311,437
J12306	Renewal - Bridge 3678 - Pile Road	30/09/20 - 274-20	Asset Acquisition			(250,000)	61,437
J12303	Renewal - Bridge 3658 - Ferguson Road	30/09/20 - 274-20	Asset Acquisition			(276,000)	(214,563)
J12310	Renewal - Bridge 4821 - Martin Pelusey Road	30/09/20 - 274-20	Asset Acquisition			(136,000)	(350,563)
1221504	Grant revenue Transport - Special Projects	30/09/20 - 274-20	Non-operating Revenue		526,000		175,437
0341003	Transfer from Reserve - Unspent Grants	30/09/20 - 274-20	Reserve Transfer		136,000		311,437
J12909	Ferguson Road Survey and Design	30/09/20 - 275-20	Asset Acquisition			(52,500)	258,937
J12907	Project preliminaries expenditure - reduced budget	30/09/20 - 275-20	Asset Acquisition		17,500		276,437
1221503	Grant revenue - Regional Road Group	30/09/20 - 275-20	Non-operating Revenue		35,000		311,437
0523502	Grant revenue - Animal Welfare Plan	28/10/20 - 288-20	Operating Revenue		10,000		321,437
0513503	Grant expenditure - animal control	28/10/20 - 288-20	Operating Expense			(10,000)	311,437
1021501	Grant revenue - waste management	12/11/20 - 308-20	Operating Revenue		59,051		370,488
0331003	Transfer to Reserve - Unspent Grants	12/11/20 - 308-20	Reserve Transfer		20,000	(59,051)	311,437
1124003	Fees & Charges Rec Centre - Admissions	25/11/20 - 312-20	Operating Revenue			(20,000)	331,437
1114013	Advertising - Rec Centre	25/11/20 - 312-20	Operating Expense		982		311,437
1123003	Fees & Charges - Lease of Reserves (Lot 101 Martin Pelusey Rd)	25/11/20 - 313-20	Operating Revenue			(30,000)	312,419
0522503	Capital Contributions - Fire Prevention (Poad bequest)	25/11/20 - 320-20	Non-operating Revenue		20,000		282,419
1121501	Grant revenue - CSRFF for skate park pump track	25/11/20 - 315-20	Non-operating Revenue		40,000		302,419
1141001	Transfer from Reserve - Building Maint. - skate park pump track	25/11/20 - 315-20	Reserve Transfer				342,419

(continued next page)





Notes to the Statement of Financial Activity  
For the Period Ended 28 February 2021

11. BUDGET AMENDMENTS (continued)

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

GL/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Revised Budget Running Balance
				\$	\$	\$	\$
	Balance brought forward from previous page						342,419
J11644	Pump Track (Eaton Skate park)	25/11/20 - 315-20	Asset Acquisition			(60,000)	282,419
J221504	Grant revenue Transport - Special projects	25/11/20 - 325-20	Non-operating Revenue	834			283,253
J12678	2020/21 Grant funded - Local Roads and Community Infrastructure Program (LRCI)						
J12678	Burekup parking bay	25/11/20 - 325-20	Asset Acquisition		360,000		643,253
J12680	Murdoch Crescent / Margaret Circle Pathway	25/11/20 - 325-20	Asset Acquisition			(34,659)	608,594
J12681	Leicester Reserve Wetlands / Watson Reserve Pathway	25/11/20 - 325-20	Asset Acquisition			(47,312)	561,282
J12605	Clarke / Crampton / Shier reserve Pathway	25/11/20 - 325-20	Asset Acquisition			(120,134)	441,148
J12602	Peppermint Way Pathway	25/11/20 - 325-20	Asset Acquisition			(65,663)	375,485
J12629	Collie River Heritage Trail	25/11/20 - 325-20	Asset Acquisition			(52,438)	323,047
J121501	Grant revenue - LRCI - Sporting Buildings (Eaton Skate Park)	25/11/20 - 325-20	Non-operating Revenue	230,000		(40,000)	283,047
J11576	Skateparks - Upgrade	25/11/20 - 325-20	Asset Acquisition			(230,000)	513,047
J123501	Grant revenue - LRCI - Parks & Reserves Capital	25/11/20 - 325-20	Non-operating Revenue		245,041		283,047
J11573	Glen Huon Reserve - Development Works	25/11/20 - 325-20	Asset Acquisition			(118,500)	528,088
J11636	Gnomesville Master Plan - pathways and boardwalks	25/11/20 - 325-20	Asset Acquisition			(75,000)	409,588
J11625	Millars Creek Lighting	25/11/20 - 325-20	Asset Acquisition			(54,637)	334,588
J221504	Grant revenue Transport - Special projects	25/11/20 - 325-20	Non-operating Revenue	40,000			279,951
J12602	Peppermint Way Pathway	25/11/20 - 325-20	Asset Acquisition			(40,000)	319,951
1027501	Grant revenue - Other Community Amenities	25/11/20 - 325-20	Non-operating Revenue	100,000			279,951
J10308	Charlotte Street Toilets (and Rail Crossing)	25/11/20 - 325-20	Asset Acquisition			(100,000)	279,951
J221508	Contributions to Works - Roads	16/12/20 - 340-20	Non-operating Revenue		14,600		294,551
J241002	Transfer from Reserve - Road Construction Reserve	16/12/20 - 340-20	Reserve Transfer		11,930		306,481
J12910	Orchard Road Upgrade	16/12/20 - 340-20	Asset Acquisition			(26,530)	279,951
0522501	Grant revenue - DFES for installation of bushfire water tanks	20/01/21 - 07-21	Non-operating Revenue	102,335			382,286
J05022	Dardanup Central BFB - new fire station	20/01/21 - 07-21	Asset Acquisition			(20,467)	361,819
J05024	Burekup BFB - new water tank	20/01/21 - 07-21	Asset Acquisition			(20,467)	341,352
J05025	Joshua/Crooked Brook BFB - new water tank	20/01/21 - 07-21	Asset Acquisition			(20,467)	320,885
J05006	Waterloo BFB - fire station upgrade	20/01/21 - 07-21	Asset Acquisition			(20,467)	300,418
J05023	Wellington Mills BFB - fire station upgrade	20/01/21 - 07-21	Asset Acquisition			(20,467)	279,951

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Notes to the Statement of Financial Activity  
For the Period Ended 28 February 2021

11. BUDGET AMENDMENTS (continued)

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

GL/JOB Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Revised Budget Running Balance
				\$	\$	\$	\$
	Balance brought forward from previous page						279,951
1016506	Land Development Expenses - Reserve 49275 - Kerr Rd, Picton East	24/02/21 - 24-21	Operating Expense			(50,000)	229,951
1026501	Contributions - Sale of land - Reserve 49275 Kerr Rd, Picton East	24/02/21 - 24-21	Operating Revenue	50,000			279,951
J11710	Burekup Hall - installation of roller shutters	24/02/21 - 26-21	Asset Acquisition		(5,400)		274,551
0412507	Other Governance - minor assets	24/02/21 - 26-21	Operating Expense	5,400			279,951
J08717	Diggers Club remembrance wall	24/02/21 - 37-21	Operating Expense		(5,000)		274,951
0827001	Contribution - Diggers Club remembrance wall	24/02/21 - 37-21	Operating Revenue	5,000			279,951
	Mid-year budget review - various amendments				(129,296)		150,655
				<b>2,852,820</b>		<b>(3,013,602)</b>	

RISK ASSESSMENT TOOL									
<p><b>OVERALL RISK EVENT:</b> Failing to monitor the financial performance can increase the risk of a negative impact on the Shire's financial position. Non-compliance with legislative requirement could result in a qualified audit.</p> <p><b>RISK THEME PROFILE:</b></p> <p>3 - Failure to Fulfil Compliance Requirements (Statutory, Regulatory)</p> <p><b>RISK ASSESSMENT CONTEXT:</b> Operational</p>									
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL			RESIDUAL RISK RATING
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING	
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Not monitoring ongoing financial performance would increase the risk of a negative impact on the financial position.	Moderate (3)	Unlikely (2)	Moderate (5 - 11)	Not required.	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	Non-compliance with the legislative requirements that results in a qualified audit.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Non-compliance that results in a qualified audit can lead stakeholders to question the Council's ability to manage finances effectively.	Insignificant (1)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.	Not required.



# MINUTES

## AUDIT & RISK COMMITTEE MEETING

Held

3 March 2021

At

Shire of Dardanup  
ADMINISTRATION CENTRE EATON  
1 Council Drive - EATON

This document is available in alternative formats such as:  
~ Large Print  
~ Electronic Format [disk or emailed]  
Upon request.

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## **VISION STATEMENT**

“Provide effective leadership in encouraging balanced growth and development of the Shire while recognizing the diverse needs of our communities.”

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## COMMITTEE MEMBERSHIP:

- CR. T GARDINER - CHAIRPERSON
- CR M BENNETT – DEPUTY CHAIRPERSON
- CR P ROBINSON
- CR. C BOYCE
- CR. M HUTCHINSON

## AUDIT &amp; RISK COMMITTEE CHARTER

The Terms of Reference for this Committee are located in the Tardis records system – refer to the following link:  
[2020 - ToR - Audit and Risk Committee Charter](#)

**COUNCIL ROLE**

Advocacy	When Council advocates on its own behalf or on behalf of its community to another level of government / body /agency.
Executive/Strategic	The substantial direction setting and oversight role of the Council eg. Adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
Legislative	Includes adopting local laws, town planning schemes and policies.
Review	When Council reviews decisions made by Officers.
Quasi-Judicial	<p>When Council determines an application/matter that directly affects a person's rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.</p> <p>Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (eg: under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</p>

**DISCLAIMER**

"Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity that has an application before the Shire must obtain, and should only rely on, written notice of the Shire's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the Shire on the operation of a written law, or the performance of a function by the Shire, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire should be sought in writing and should make clear the purpose of the request."

**RISK ASSESSMENT**

<b>Inherent Risk</b>	The level of risk in place in order to achieve the objectives of the Council and before actions are taken to alter the risk's impact or likelihood.
<b>Residual Risk</b>	The remaining level of risk following the development and implementation of Council's response.
<b>Strategic Context</b>	These risks are associated with achieving Council's long term objectives.
<b>Operational Context</b>	These risks are associated with the day-to-day activities of the Council.
<b>Project Context</b>	<p>Project risk has two main components:</p> <ul style="list-style-type: none"> <li>• Direct refers to the risks that may arise as a result of project, which may prevent the Council from meeting its objectives.</li> <li>• Indirect refers to the risks which threaten the delivery of project outcomes.</li> </ul>

## RISK CATEGORY CONSEQUENCE TABLE - GUIDELINE

Rating (Level)	Health	Financial Impact	Service Interruption	Legal and Compliance	Reputational	Environment
<b>Insignificant (1)</b>	Near miss Minor first aid injuries	Less than \$10,000	No material service interruption - backlog cleared < 6 hours	<b>Compliance</b> - No noticeable regulatory or statutory impact. <b>Legal</b> - Threat of litigation requiring small compensation. <b>Contract</b> - No effect on contract performance.	Unsubstantiated, low impact, low profile or 'no news' item	Contained, reversible impact managed by on site response
<b>Minor (2)</b>	Medical type injuries	\$10,001 - \$50,000	Short term temporary interruption – backlog cleared < 1 day	<b>Compliance</b> - Some temporary non compliances. <b>Legal</b> - Single minor litigation. <b>Contract</b> - Results in meeting between two parties in which one party expresses concern.	Substantiated, low impact, low news item	Contained, reversible impact managed by internal response
<b>Moderate (3)</b>	Lost time injury <30 days	\$50,001 - \$300,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	<b>Compliance</b> - Short term non-compliance but with significant regulatory requirements imposed. <b>Legal</b> - Single moderate litigation or numerous minor litigations. <b>Contract</b> - Receive verbal advice that, if breaches continue, a default notice may be issued.	Substantiated, public embarrassment, moderate impact, moderate news profile	Contained, reversible impact managed by external agencies
<b>Major (4)</b>	Lost time injury >30 days	\$300,001 - \$1.5 million	Prolonged interruption of services – additional resources; performance affected < 1 month	<b>Compliance</b> - Non-compliance results in termination of services or imposed penalties. <b>Legal</b> - Single major litigation or numerous moderate litigations. <b>Contract</b> - Receive/issue written notice threatening termination if not rectified.	Substantiated, public embarrassment, high impact, high news profile, third party actions	Uncontained, reversible impact managed by a coordinated response from external agencies
<b>Catastrophic (5)</b>	Fatality, permanent disability	More than \$1.5 million	Indeterminate prolonged interruption of services – non-performance > 1 month	<b>Compliance</b> - Non-compliance results in litigation, criminal charges or significant damages or penalties. <b>Legal</b> - Numerous major litigations. <b>Contract</b> - Termination of contract for default.	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Uncontained, irreversible impact



**RISK - LIKELIHOOD TABLE**

LEVEL	RATING	DESCRIPTION	FREQUENCY
5	<b>Almost Certain</b>	The event is expected to occur in most circumstances	The event is expected to occur more than once per year
4	<b>Likely</b>	The event will probably occur in most circumstances	The event will probably occur at least once per year
3	<b>Possible</b>	The event should occur at some time	The event should occur at least once in 3 years
2	<b>Unlikely</b>	The event could occur at some time	The event could occur at least once in 10 years
1	<b>Rare</b>	The event may only occur in exceptional circumstances	The event is not expected to occur more than once in 15 years

**LEVEL OF RISK GUIDE**

CONSEQUENCE		Insignificant	Minor	Moderate	Major	Catastrophic
LIKELIHOOD		1	2	3	4	5
	Almost Certain	Moderate (5)	Moderate (10)	High (15)	Extreme (20)	Extreme (25)
	Likely	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
	Possible	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely	Low (2)	Low (4)	Moderate (6)	Moderate (8)	Moderate (10)
Rare	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)	

**SHIRE OF DARDANUP**

**MINUTES FOR THE SHIRE OF DARDANUP AUDIT & RISK COMMITTEE MEETING HELD ON WEDNESDAY, 3 MARCH 2021, AT SHIRE OF DARDANUP – EATON ADMINISTRATION CENTRE, COMMENCING AT 2.00PM.**

**1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**

The Chairperson, declared the meeting open at 2.00pm, welcomed those in attendance and referred to the Acknowledgement of Country; Emergency Procedures; and the Disclaimer and Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers:

*Acknowledgement of Country*

*The Shire of Dardanup wishes to acknowledge that this meeting is being held on the traditional lands of the Noongar people. In doing this, we recognise and respect their continuing culture and the contribution they make to the life of this region by recognising the strength, resilience and capacity of Wardandi people in this land.*

*Affirmation of Civic Duty and Responsibility*

*Councillors and Officers of the Shire of Dardanup collectively declare that we will duly, faithfully, honestly and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgement and ability. We will observe the Shire's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.*

*Committee members acknowledge that only the Chief Executive Officer or a member of the Shire of Dardanup staff appointed by the Chief Executive Officer is to have contact with consultants and suppliers that are appointed under contract to undertake the development and implementation of projects.*

*The exception to this Policy is when there is a meeting of the committee or working group with the consultant and the Chief Executive Officer or the Chief Executive Officer's representative is present.*

*Members of committees acknowledge that a breach of this Policy may result in a request to Council to have them removed from the committee.*

*Emergency Procedure*

*In the event of an emergency, please follow the instructions of the Chairperson who will direct you to the safest exit route. Once outside, please proceed to the Assembly Area points located to the western side of the front office car park near the skate park and gazebo where we will meet (and complete a roll call).*

*Note: Cr Peter Robinson joined the meeting at 2.01pm*

<b>2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED</b>
---

2.1 AttendanceVoting

Cr Tyrrell Gardiner	-	Chairperson
Cr Michael Bennett	-	Shire President – Deputy Chairperson
Cr Peter Robinson	-	Deputy Shire President [2.01pm]
Cr Carmel Boyce	-	Elected Member

Non-Voting

Mr André Schönfeldt	-	Chief Executive Officer
Mr Phil Anastasakis	-	Deputy Chief Executive Officer
Mr Luke Botica	-	Director Infrastructure
Mrs Donna Bailye	-	PA – Deputy Chief Executive Officer
Mrs Natalie Hopkins	-	Manager Financial Services
Mrs Cathy Lee	-	Manager Governance & HR
Mr Ray Pryce	-	Accountant
Mrs Cindy Barbetti	-	Compliance Officer

Visitors

Mr Tim Partridge	-	AMD Accountants
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2.2 Apologies

Cr M Hutchinson	-	Elected Member
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<b>3. PRESENTATIONS</b>
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None.

<b>4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING</b>
---

4.1 Audit & Risk Committee Meeting Held 7 December 2020**OFFICER RECOMMENDED RESOLUTION &  
AUDIT & RISK COMMITTEE RECOMMENDED RESOLUTION**

AAR 01-21      MOVED -      Cr M Bennett      SECONDED -      Cr T Gardiner

**THAT the Minutes of the Audit & Risk Committee Meeting held on 7 December 2020, be confirmed as true and correct subject to no corrections.**

CARRIED  
4/0

**5. ANNOUNCEMENTS OF MATTERS FOR WHICH MEETING MAY BE CLOSED**

None.

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

None.

**7. DECLARATION OF INTEREST**

“Members should fill in Disclosure of Interest forms for items in which they have a financial, proximity or impartiality interest and forward these to the Presiding Member before the meeting commences.”

Key Management Personnel (which includes Elected Members, CEO and Directors) are reminded of their requirement to disclose biannually transactions between Council and related parties in accordance with Council Policy CP039.

*Discussion:*

*Chairperson, Cr. T Gardiner asked Councillors if there were any Declarations of Interest to be made.*

*There were no Declarations of Interest made.*

**8 REPORTS OF OFFICERS AND COMMITTEES**

8.1 *Title: Regulation 17 Review of Local Government Systems and Procedures.*

*Reporting Department: Corporate & Governance*

*Reporting Officer: Mr André Schönfeldt – Chief Executive Officer*

*Mr Phil Anastasakis - Deputy Chief Executive Officer*

*Legislation: Local Government Act 1995 and Local Government (Financial Management) Regulations 1996*

Overview

This report presents the Chief Executive Officer's review pursuant to Regulation 17 of the Local Government (Audit) Regulations.

Background

In February 2013, several amendments were made to the Audit Regulations. At this time, a new Regulation number 17 was effected, requiring the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal control and legislative compliance; with the results of the review to be reported to the Audit and Risk Committee.

In order to be compliant with the new review and reporting requirements, the initial review was conducted internally and presented to the former Audit Committee on 26 November 2014 and then to Council on 17 December 2014. At that time the regulations stated that the review must be conducted at least once every two calendar years. The second review was conducted externally and presented to the former Audit Committee and Council on 13 December 2017.

In June 2018, Regulation 17 was amended with the period of review changed to at least once every 3 financial years. This report is therefore provided in accordance with that amended requirement and covers all aspects of the review (risk management, internal control and legislative compliance).

Legal Implications

*Local Government Act 1995*

*Local Government (Audit) Regulations 1996 (as Amended):*

*Reg 17. CEO to review certain systems and procedures*

*(1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —*

*(a) risk management; and*

*(b) internal control; and*

*(c) legislative compliance.*

*(2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.*

*(3) The CEO is to report to the audit committee the results of that review.*

*Reg 16. Functions of audit committee*

*An audit committee has the following functions —*

- (c) *to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —*
- (i) *report to the council the results of that review; and*
  - (ii) *give a copy of the CEO's report to the council;*

### Strategic Community Plan

Strategy 1.1.1 - Ensure equitable, inclusive and transparent decision-making. (Service Priority: High)

Strategy 1.1.3 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 1.1.4 - Maintain best practice governance systems and practices. (Service Priority: Moderate)

Environment - None.

### Precedents

The scope for previous reviews has included all 3 areas of (a) Risk Management; (b) Internal Controls; and (c) Legislative Compliance.

Year	Review Method	Conducted By	Report Received	Resolution Number
2014	Internal	Shire of Dardanup Staff	Audit Committee 26 November 2014	AUD 07/14
			Ordinary Council Meeting 17 December 2014	OCM 417/14
2017	External	AMD Chartered Accountants	Audit Committee 13 December 2017	AUD 06-17
			Ordinary Council Meeting 13 December 2017	OCM 334-17

### Budget Implications

The 2020-21 budget provides an allocation of \$9,000 for Audit Fees (refer GL 0412012) to cover the cost of the Regulation 17 Review Report. Three quotes were obtained for this audit which all exceeded the budget, however the quote from AMD was determined to be the best value for money and was accepted.

### Budget – Whole of Life Cost

As no assets/infrastructure is being created, there are no whole of life costs relevant to this item.

### Council Policy Compliance

- Shire of Dardanup Risk Management Governance Framework (which incorporates AP023 Risk Management Policy and PR036 Risk Management Procedure).
- CnG CP304 – Fraud, Corruption and Misconduct

### Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix AAR: 8.1) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Regulation 17 Review of Local Government Systems and Procedures
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Legal and Compliance      Failure to fulfil obligations pursuant to the Local Government (Audit) Regulations 1996, Regulation 17.</p> <p>Reputational                      Council’s reputation could be seen in a negative light for not adhering to its requirement to fulfil duties and functions that are prescribed in legislation.</p>

#### Officer Comment

As the previous Regulation 17 review was conducted 3 years ago, it was timely for the CEO to conduct another review in 2020/2021. It was considered appropriate for the review to be undertaken by an external auditing firm familiar with local government functions to reinforce the transparency and independence of the process.

The Scope of Work for the review was based on the Local Government *Operational Guidelines No. 9 – Audit in Local Government* and a Request for Quote (RFQ) was subsequently issued. Following on from the RFQ process, AMD Chartered Accountants were appointed in September 2020 to undertake the review.

An on-site visit was subsequently scheduled with one staff member from AMD from 1 February 2021 to 4 February 2021. However, due to the 5-day lockdown imposed by the State Government, the on-site visit was cancelled and the review was therefore conducted remotely.

Provided to members of the Audit and Risk Committee is the Regulation 17 Review Report produced by AMD Chartered Accountants, together with Chief Executive Officer and management comments (refer to Confidential Attachment “A” under separate cover). The findings from this report have also been summarised in the table below:

Ref	Issue	Risk Rating	Responsible Officer	Proposed Completion Date
<b>2</b>	<b>Risk Management</b>			
2.2.1	Outdated Policies and Handbook	Low	Manager Governance & HR	31 December 2021
	<p><b>Auditor Recommendation</b></p> <p>We recommend those potentially out of date policies, procedures and handbooks be reviewed and updated accordingly. In addition, we recommend all policies, procedures and handbooks specify the next required review date with the review occurring in accordance with their stated review dates.</p> <p><b>Management Comment</b></p> <p>The review of the Council Policy Manual is undertaken biennially and next due in the middle of 2022. A comprehensive review of Administrative Policies and Procedures is currently underway and scheduled for completion around the middle of 2021.</p>			
2.2.1	Code of Conduct	Low	Manager Governance & HR	30 April 2021
	<p><b>Auditor Recommendation</b></p> <p>We recommend:</p> <ul style="list-style-type: none"> <li>The Code of Conduct be updated to reflect reporting mechanisms; and</li> <li>The Code of Conduct be updated to reflect the consequences if an employee or Councillor was to breach the Code of Conduct.</li> </ul> <p><b>Management Comment</b></p> <p>The review of the Council Code of Conduct Policy has been placed on hold in the past due to the impending state government regulations. These regulation changes have now occurred so a comprehensive review of the current Code of Conduct policy is currently underway and scheduled for completion around the end of April 2021.</p>			
2.2.3	Framework, Plan and Procedures in Review	Low	Manager Governance & HR	31 December 2021
	<p><b>Auditor Recommendation</b></p> <p>We recommend finalisation of the above Shire policies, procedures and plans including adoption by Council. Once the documents have been adopted, we recommend they are endorsed and communicated to all staff, implemented and monitored on a regular basis including testing the appropriate sections of the plan to ensure that in the event of a disaster, appropriate actions can be taken.</p> <p><b>Management Comment</b></p> <p>A number of Plans and Framework documents are scheduled for finalisation during 2021, which will be communicated to staff and monitored into the future. A comprehensive review of Administrative Policies and Procedures is currently underway and scheduled for completion around the middle of 2021.</p>			
<b>3</b>	<b>Internal Controls</b>			
3.2.1	Contract Management Framework	Moderate	Deputy CEO	31 December 2021
	<p><b>Auditor Recommendation</b></p> <p>We recommend a contract management framework is designed and documented to ensure that contracts are managed appropriately and in accordance with the stated framework. This approach will include the mandatory requirement of all contractors completing some level of induction (the level of induction completed should be determined based on the risks associated with the service or goods provided), ensuring that up to date insurances are on file and the contractor invoices the Shire in accordance with the contract/agreement.</p> <p><b>Management Comment</b></p> <p>A contract management framework will be considered as part of the new Procurement Framework, together with the Risk Management Governance Framework.</p>			



Ref	Issue	Risk Rating	Responsible Officer	Proposed Completion Date
3.2.2	Post Tender Review	Low	Deputy CEO	31 December 2021
<p><b>Auditor Recommendation</b> WALGA best practice guidelines recommend formal performance management assessments be completed at the end of the tender period once goods or services have been tendered. We recommend a post tender / contract performance evaluation procedure be documented, implemented through the communication to all staff and monitored on an ongoing basis to ensure compliance with stated procedures.</p> <p><b>Management Comment</b> Noted. This will be considered as part of the new Procurement Framework.</p>				
<b>4 Legislative Compliance</b>				
4.2.1	Complaints Register	Low	Manager Governance & HR	31 December 2021
<p><b>Auditor Recommendation</b> We recommend the Complaint Register include all necessary details as required by the Act.</p> <p><b>Management Comment</b> A detailed review of the Customer Service processes and procedures is occurring during the first half of 2021.</p>				

Mr Tim Partridge, Director – Audit for AMD will be in attendance at the Audit and Risk Committee to respond to any questions in relation to the report and/or their findings.

The Audit and Risk Committee under Regulation 16(c) is to review and deliberate the report, prior to formal presentation to the Council.

Council Role - Legislative.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

#### OFFICER RECOMMENDED RESOLUTION & AUDIT & RISK COMMITTEE RECOMMENDED RESOLUTION

AAR 02-21      MOVED -      Cr P Robinson      SECONDED -      Cr M Bennett

**THAT the Audit and Risk Committee recommend that Council:**

1. **Receives the report from the Chief Executive Officer incorporating the review and findings of AMD Chartered Accountants (dated 15 February 2021) on the Local Government systems and procedures under Regulation 17 of the Local Government (Audit) Regulations 1996.**
2. **Request that the Chief Executive Officer provide an update of the actions required from the findings of the Regulation 17 Audit to each future Audit and Risk Committee meeting until resolved.**

CARRIED  
4/0

8.2 Title: *Bi-Annual Compliance Task Report*

*Reporting Department: Corporate & Governance*  
*Reporting Officer: Mrs Cindy Barbetti – Compliance Officer*  
*Legislation: Local Government Act 1995 and Local Government (Audit) Regulations 1996, Regulation 17*

Overview

The purpose of this report is to provide the Audit and Risk Committee with bi-annual compliance tasks undertaken since the last report was presented to the committee.

Background

The Shire of Dardanup (the Council) as a Local Government entity is required to fulfil duties and functions that are prescribed in legislation. This emulates the expectation of the community and State Government that Council will meet these requirements. This expectation is prescribed in the Local Government (Audit) Regulations 1996, Regulation 17 which requires the management of legislative compliance.

To support the Council in meeting compliance obligations, the Compliance Manual, incorporating the Annual Compliance Calendar has been developed. The calendar is a tool to identify the yearly compliance activities throughout the calendar year. The objective is to assist responsible officers to review their quarterly activities that require compliance and accountability across a variety of legislative components.

For accountability, the Audit and Risk Committee Charter (Terms of Reference) states that the committee shall have the following objective in relation to legislative compliance:

- 5.10 *Legislative Compliance - Oversee the effectiveness of the systems for monitoring compliance with relevant laws, regulations and associated government policies. This includes:*
- ii.) *receive the biannual compliance report resulting from the Compliance Manual (incorporating the annual calendar).*

In accordance with 5.10(ii) of the Charter the biannual compliance report is provided as a (Confidential Attachment “B”- Under Separate Cover).

Legal Implications

*Local Government Act 1995*

*Local Government (Audit) Regulations 1996, Regulation 17:*

17. *CEO to review certain systems and procedures*
- (1) *The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*
- (a) *risk management; and*
- (b) *internal control; and*
- (c) *legislative compliance.*
- (2) *The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*

(3) *The CEO is to report to the audit committee the results of that review.*

*[Regulation 17 inserted in Gazette 8 Feb 2013 p. 868.]*

### Strategic Community Plan

Strategy 1.1.2 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Environment - None.

### Precedents

The Audit and Risk Committee received the previous biannual compliance report (incorporating the period from February 2020 to June 2020) at the September 2020 meeting.

### Budget Implications

As part of the Compliance Officer role, regular monitoring of the Compliance Manual and Annual Compliance Calendar is essential. Reporting is a further function in order to successfully achieve compliance obligations under Regulation 17. Therefore the cost to Council is through staff time and the usage of IT/Software systems where applicable.

### Budget – Whole of Life Cost

As no assets/infrastructure is being created, there are no whole of life costs relevant to this item.

### Council Policy Compliance

There is no current Council Policy relevant to this item.

### Risk Assessment -

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix AAR 8.2) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Biannual Compliance Task Report
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Legal and Compliance Failure to fulfil compliance obligations pursuant to the Local Government (Audit) Regulations 1996, Regulation 17.</p> <p>Reputational Council’s reputation could be seen in a negative light for not adhering to its requirement to fulfil duties and functions that are prescribed in legislation.</p>

Officer Comment

Compliance and integrity are outcomes of an organisation meeting its obligations, and is made sustainable by embedding it in the culture of the organisation and in the behaviour and attitude of people working for it. How a local government manages its compliance programs is a strong indication of the attitude of the Council towards meeting legislative requirements.

Meeting these requirements is assisted through the use of the Compliance Manual and associated Annual Compliance Calendar. At the September 2020 meeting, members were presented with the February 2020 to June 2020 compliance tasks. For this biannual reporting report, the months of July 2020 through to December 2020 are being reported.

Overall, maintaining regulatory compliance is viewed as a fundamental goal of an effective internal control system. The ongoing reporting will ensure that an effective system is in place to provide a level of assurance that the Council is meeting its compliance obligations with the Act and associated Regulations.

In accordance with the 2021 Annual Audit Work Plan, the next biannual compliance task report is scheduled to be presented to the September 2021 meeting.

Council Role - Legislative.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

**OFFICER RECOMMENDED RESOLUTION &  
AUDIT & RISK COMMITTEE RECOMMENDED RESOLUTION**

AAR 03-21      MOVED -      Cr T Gardiner                      SECONDED -                      Cr M Bennett

**THAT the Audit and Risk Committee receive the report on the Biannual Compliance Task Report, as provided for as a (Confidential Attachment "B"- Under Separate Cover) and note the compliance tasks identified.**

CARRIED  
4/0

8.3 Title: 2020 Compliance Audit Return - CAR

<i>Reporting Department:</i>	<i>Corporate &amp; Governance Directorate</i>
<i>Reporting Officer:</i>	<i>Ms Cathy Lee – Manager Governance &amp; HR</i>
<i>Legislation:</i>	<i>Local Government Act 1995 and Local Government (Audit) Regulations</i>

Overview

This report presents the Compliance Annual Return to the Audit & Risk Committee to adopt and refer to Council for consideration, adoption and submission to the Department of Local Government and Communities.

Background

The Shire of Dardanup along with each local government in Western Australia is required to carry out a compliance audit in relation to the period 1 January 2020 to 31 December 2020 against the requirements set out in the 2020 Compliance Audit Return [CAR].

Legal Implications

Completion of the CAR is required under Section 7.13(i) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13).

Strategic Community Plan

Strategy 1.1.2 -	Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)
Strategy 1.1.3 -	Maintain best practice governance systems and practices. (Service Priority: Moderate)

Environment - None.

Precedents

Council is required to complete the Compliance Audit Return on an annual basis.

Budget Implications - None.

Budget – Whole of Life Cost - None.

Council Policy Compliance - None.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix AAR: 8.3) for full assessment document.

<b>Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.</b>					
Risk Event	2020 Compliance Audit Return - CAR				
Inherent Risk Rating (prior to treatment or control)	Low (1 - 4)				
Risk Action Plan (treatment or controls proposed)	Not applicable.				
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.				
Risk Category Assessed Against	<table border="0"> <tr> <td>Legal and Compliance</td> <td>Non-compliance would result in imposed penalties.</td> </tr> <tr> <td>Reputational</td> <td>High impact to Shire reputation if not carried out.</td> </tr> </table>	Legal and Compliance	Non-compliance would result in imposed penalties.	Reputational	High impact to Shire reputation if not carried out.
Legal and Compliance	Non-compliance would result in imposed penalties.				
Reputational	High impact to Shire reputation if not carried out.				

Officer Comment

The following areas of compliance were audited by Officer's.

1. Commercial Enterprises by LG;
2. Delegation of Power Duty;
3. Disclosure of Interest;
4. Disposal of Property;
5. Elections;
6. Finance;
7. Integrated Planning and Reporting;
8. LG Employees;
9. Official Conduct;
10. Optional; and
11. Tenders for Providing Goods and Services.

Regulation 14 of the Local Government (Audit) Regulations 1996 requires that the local government's Audit Committee reviews the CAR and reports the results of that review to the Council prior to adoption by Council and the March submission to the Department.

When viewing the CAR, please note that the answers to the questions relate only to the 2020 year.

Council has met compliance in all areas as outlined in the recommended resolution below.

Council Role - Legislative.

Voting Requirements - Absolute Majority.

Change to Officer Recommendation No Change.

**OFFICER RECOMMENDED RESOLUTION &  
AUDIT & RISK COMMITTEE RECOMMENDED RESOLUTION**

AAR 04-20      MOVED -      Cr M Bennett      SECONDED -      Cr C Boyce

**THAT the Audit Committee recommend that Council adopts the Compliance Audit Return 2020 [CAR] as the official Return of Council for the period 1 January 2020 to 31 December 2020 as follows:**

## Dardanup - Compliance Audit Return 2020

Commercial Enterprises by Local Governments					
No	Reference	Question	Response	Comments	Respondent
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2020?	N/A		PHIL ANASTASAKIS - Deputy CEO
2	s3.59(2)(b) F&G Regs 7,8,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2020?	Yes	Proposal Lot 601 related to Citygate development.	PHIL ANASTASAKIS - Deputy CEO
3	s3.59(2)(c) F&G Regs 7,8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2020?	Yes	Proposal Lot 601 related to Citygate development.	PHIL ANASTASAKIS - Deputy CEO
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2020?	Yes	Public Notice given on Citygate development on 23 May 2020.	PHIL ANASTASAKIS - Deputy CEO
5	s3.59(5)	During 2020, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	Yes	Council Resolution 202-20 OCM 29 July 2020.	PHIL ANASTASAKIS - Deputy CEO
Delegation of Power/Duty					
No	Reference	Question	Response	Comments	Respondent
1	s5.16	Were all delegations to committees resolved by absolute majority?	Yes		CATHY LEE - Manager Governance & HR
2	s5.16	Were all delegations to committees in writing?	Yes		CATHY LEE - Manager Governance & HR
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	Yes		CATHY LEE - Manager Governance & HR
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes		CATHY LEE - Manager Governance & HR
5	s5.18	Has council reviewed delegations to its committees in the 2019/2020 financial year?	Yes		CATHY LEE - Manager Governance & HR
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	Yes		CATHY LEE - Manager Governance & HR
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute	Yes		CATHY LEE - Manager

		majority?		Governance & HR
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes	CATHY LEE - Manager Governance & HR
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes	CATHY LEE - Manager Governance & HR
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	Yes	CATHY LEE - Manager Governance & HR
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes	CATHY LEE - Manager Governance & HR
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2019/2020 financial year?	Yes	CATHY LEE - Manager Governance & HR
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	Yes	CATHY LEE - Manager Governance & HR

### Disclosure of Interest

No	Reference	Question	Response	Comments	Respondent
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes		CATHY LEE - Manager Governance & HR
2	s5.68(2) & s5.69(5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Yes		CATHY LEE - Manager Governance & HR
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes		CATHY LEE - Manager Governance & HR
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes		CATHY LEE - Manager Governance & HR
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2020?	Yes		CATHY LEE - Manager Governance & HR
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of	Yes		CATHY LEE - Manager Governance & HR



		having received the return?		
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	Yes	CATHY LEE - Manager Governance & HR
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	Yes	CATHY LEE - Manager Governance & HR
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes	CATHY LEE - Manager Governance & HR
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes	CATHY LEE - Manager Governance & HR
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	Yes	CATHY LEE - Manager Governance & HR
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes	CATHY LEE - Manager Governance & HR
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes	CATHY LEE - Manager Governance & HR
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A(6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes	CATHY LEE - Manager Governance & HR
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?	Yes	CATHY LEE - Manager Governance & HR
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11(2) was the nature of the interest recorded in the minutes?	Yes	CATHY LEE - Manager Governance & HR
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes	CATHY LEE - Manager Governance & HR

18	s5.71A & s5.71B(5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A		CATHY LEE - Manager Governance & HR
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A		CATHY LEE - Manager Governance & HR
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?	Yes		CATHY LEE - Manager Governance & HR
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?	Yes		CATHY LEE - Manager Governance & HR

### Disposal of Property

No	Reference	Question	Response	Comments	Respondent
1	s3.58(3)	Where the local government disposed of property other than by public auction or tender, did it dispose of the property in accordance with section 3.58(3) (unless section 3.58(5) applies)?	Yes		PHIL ANASTASAKIS - Deputy CEO
2	s3.58(4)	Where the local government disposed of property under section 3.58(3), did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property?	Yes		PHIL ANASTASAKIS - Deputy CEO

### Elections

No	Reference	Question	Response	Comments	Respondent
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	Yes	No elections held in 2020.	CATHY LEE - Manager Governance & HR
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the	N/A	No elections held in 2020.	CATHY LEE - Manager Governance & HR

		electoral gift register, and retain those forms separately for a period of at least two years?			
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	Yes	No elections held in 2020.	CATHY LEE - Manager Governance & HR
<b>Finance</b>					
No	Reference	Question	Response	Comments	Respondent
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes	SCM held 23/10/19 Resolution 308-19 Committee expiry: October 2021	PHIL ANASTASAKIS - Deputy CEO
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	Yes	OCM 24/06/2020 Resolution: 157-20	PHIL ANASTASAKIS - Deputy CEO
3	s7.3(1) & s7.6(3)	Was the person or persons appointed by the local government to be its auditor appointed by an absolute majority decision of council?	Yes		PHIL ANASTASAKIS - Deputy CEO
4	s7.3(3)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor a registered company auditor or an approved auditor?	Yes		PHIL ANASTASAKIS - Deputy CEO
5	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2020 received by the local government by 31 December 2020?	Yes		PHIL ANASTASAKIS - Deputy CEO
6	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9(1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	N/A		PHIL ANASTASAKIS - Deputy CEO
7	s7.12A(4)(a)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters?	N/A	No significant matters reported in the Auditor's Report.	PHIL ANASTASAKIS - Deputy CEO
8	s7.12A(4)(b)	Where the local government was required to prepare a report under s.7.12A(4)(a), was a copy of the report given to the Minister within three months of the audit report being received by the local government?	N/A		PHIL ANASTASAKIS - Deputy CEO
9	s7.12A(5)	Within 14 days after the local government gave a report to	Yes		PHIL ANASTASAKIS -

		the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?		Deputy CEO
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives and scope of the audit, a plan for the audit, details of the remuneration and expenses paid to the auditor, and the method to be used by the local government to communicate with the auditor?	Yes	PHIL ANASTASAKIS - Deputy CEO
11	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	Yes	PHIL ANASTASAKIS - Deputy CEO

### Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	An internal review was completed in March 2020	PHIL ANASTASAKIS - Deputy CEO
2	Admin Reg 19DA(1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	Adopted in April 2020	PHIL ANASTASAKIS - Deputy CEO
3	Admin Reg 19DA(2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes		PHIL ANASTASAKIS - Deputy CEO

### Local Government Employees

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A		CATHY LEE - Manager Governance & HR
2	s5.36(4) & s5.37(3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	N/A		CATHY LEE - Manager Governance & HR
3	Admin Reg	Was all information provided in	N/A		CATHY LEE -

	18E	applications for the position of CEO true and accurate?		Manager Governance & HR
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	N/A	CATHY LEE - Manager Governance & HR
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	CATHY LEE - Manager Governance & HR
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A	CATHY LEE - Manager Governance & HR

### Official Conduct

No	Reference	Question	Response	Comments	Respondent
1	s5.120	Has the local government designated a senior employee as defined by section 5.37 to be its complaints officer?	Yes		CATHY LEE - Manager Governance & HR
2	s5.121(1)	Has the complaints officer for the local government maintained a register of complaints which records all complaints that resulted in a finding under section 5.110(2)(a)?	Yes		CATHY LEE - Manager Governance & HR
3	s5.121(2)	Does the complaints register include all information required by section 5.121(2)?	Yes		CATHY LEE - Manager Governance & HR
4	s5.121(3)	Has the CEO published an up-to-date version of the register of the complaints on the local government's official website?	Yes		CATHY LEE - Manager Governance & HR

### Optional Questions

No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5(2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2020? If yes, please provide the date of council's resolution to accept the report.	N/A	Not due until 2022.	PHIL ANASTASAKIS - Deputy CEO
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control	N/A	Not due until 2021.	PHIL ANASTASAKIS - Deputy CEO

		and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2020? If yes, please provide date of council's resolution to accept the report.			
3	s5.87C(2)	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift?	Yes		PHIL ANASTASAKIS - Deputy CEO
4	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, did the disclosure include the information required by section 5.87C?	Yes		PHIL ANASTASAKIS - Deputy CEO
5	s5.90A(2)	Did the local government prepare and adopt by absolute majority a policy dealing with the attendance of council members and the CEO at events?	Yes		PHIL ANASTASAKIS - Deputy CEO
6	s.5.90A(5)	Did the CEO publish an up-to-date version of the attendance at events policy on the local government's official website?	Yes		PHIL ANASTASAKIS - Deputy CEO
7	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes		PHIL ANASTASAKIS - Deputy CEO
8	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes		PHIL ANASTASAKIS - Deputy CEO
9	s5.127	Did the local government prepare a report on the training completed by council members in the 2019/2020 financial year and publish it on the local government's official website by 31 July 2020?	Yes		PHIL ANASTASAKIS - Deputy CEO
10	s6.4(3)	By 30 September 2020, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2020?	Yes		PHIL ANASTASAKIS - Deputy CEO

### Tenders for Providing Goods and Services

No	Reference	Question	Response	Comments	Respondent
1	F&G Reg 11A(1) & (3)	Does the local government have a current purchasing policy that complies with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less or worth \$250,000 or less?	Yes	Existing Policy refers to a \$150,000 tender threshold, except where tender exemption applies.	PHIL ANASTASAKIS - Deputy CEO
2	F&G Reg 11A(1)	Did the local government comply with its current	Yes	Existing Policy refers to a	PHIL ANASTASAKIS -

		purchasing policy in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?		\$150,000 tender threshold, except where tender exemption applies.	Deputy CEO
3	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	Yes		PHIL ANASTASAKIS - Deputy CEO
4	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes		PHIL ANASTASAKIS - Deputy CEO
5	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	Yes		PHIL ANASTASAKIS - Deputy CEO
6	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	Yes		PHIL ANASTASAKIS - Deputy CEO
7	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes		PHIL ANASTASAKIS - Deputy CEO
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes		PHIL ANASTASAKIS - Deputy CEO
9	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	N/A		PHIL ANASTASAKIS - Deputy CEO
10	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	N/A		PHIL ANASTASAKIS - Deputy CEO
11	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes		PHIL ANASTASAKIS - Deputy CEO
12	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with	Yes		PHIL ANASTASAKIS - Deputy CEO

		the requirements of F&G Regs 21 and 22?		
13	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A	PHIL ANASTASAKIS - Deputy CEO
14	F&G Reg 23(3)	Were all expressions of interest that were not rejected assessed by the local government?	Yes	PHIL ANASTASAKIS - Deputy CEO
15	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services as an acceptable tenderer?	Yes	PHIL ANASTASAKIS - Deputy CEO
16	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	Yes	PHIL ANASTASAKIS - Deputy CEO
17	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	N/A	PHIL ANASTASAKIS - Deputy CEO
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A	PHIL ANASTASAKIS - Deputy CEO
19	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A	PHIL ANASTASAKIS - Deputy CEO
20	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	N/A	PHIL ANASTASAKIS - Deputy CEO
21	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A	PHIL ANASTASAKIS - Deputy CEO
22	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to	N/A	PHIL ANASTASAKIS - Deputy CEO



which each application satisfies the criteria for deciding which application to accept?				
23	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A	PHIL ANASTASAKIS - Deputy CEO
24	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	N/A	PHIL ANASTASAKIS - Deputy CEO

CARRIED  
4/0  
*By Absolute Majority.*

8.4 Title: Western Australian Auditor General – Schedule of Reports

<i>Reporting Department:</i>	<i>Corporate &amp; Governance Services</i>
<i>Reporting Officer:</i>	<i>Mrs Cindy Barbetti - Compliance Officer</i>
<i>Legislation:</i>	<i>Local Government Act 1995 Local Government (Audit) Regulations 1996</i>

Overview

This report provides the Audit and Risk Committee with a schedule of Western Australian Auditor General Reports that were released in the second half of 2020. These reports are significant to the local government sector and staff have provided their observations to address the Auditor General recommendations.

Background

The *Local Government Amendment (Auditing) Act 2017* was proclaimed on 28 October 2017. The purpose of the Act was to make legislative changes to the *Local Government Act 1995* to provide for the auditing of local governments by the Auditor General.

The Act also provides for a new category of audits known as ‘performance audit reports’ which examine the economy, efficiency and effectiveness of any aspect of a local governments operations. The findings of these audits are likely representative of issues in other local government entities that were not part of the sample. In addition, the Auditor General releases ‘guides’ to help support good governance within a local government’s operations.

The Auditor General encourages all entities, not just those audited, to periodically assess themselves against the risks and controls noted in each of the performance audit reports and guides when published. Testing our performance against the Auditor General findings and reporting the outcomes to the Audit and Risk Committee can be viewed as a vital component of managing compliance reporting under Regulation 17.

Legal Implications

*Local Government Act 1995*

*Local Government (Audit) Regulations 1996 (as Amended):*

*Reg 17. CEO to review certain systems and procedures*

- (1) The CEO is to review the appropriateness and effectiveness of a local government’s systems and procedures in relation to —*
  - (a) risk management; and*
  - (b) internal control; and*
  - (c) legislative compliance.*
- (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review at least once every 2 calendar years.*
- (3) The CEO is to report to the audit committee the results of that review.*

Strategic Community Plan

Strategy 1.1.2 - Monitor and ensure compliance with the regulatory framework for local government governance and operations. (Service Priority: High)

Strategy 1.1.3- Maintain best practice governance systems and practices. (Service Priority: Moderate)

Strategy 1.3.6 - Establish a Risk Management Governance Framework for the Shire of Dardanup. (Service Priority: High)

Environment - None.

Precedents

The Audit and Risk Committee previously received a report at the September 2020 meeting that responded to the reports released by the Auditor General during the first half of 2020.

Budget Implications

As part of the Compliance Officer role, regular monitoring and assessment of reports released by the Auditor General is deemed a matter of good governance and a vital component of managing compliance under Regulation 17. Therefore the cost to Council is through staff time and the usage of IT/Software systems where applicable.

Budget – Whole of Life Cost

As no assets/infrastructure is being created, there are no whole of life costs relevant to this item.

Risk Assessment

The Risk Management Governance Framework has been considered in arriving at the officer recommendation. Please refer to (Appendix AAR:8.4A) for full assessment document.

Tier 2 – ‘Low’ or ‘Moderate’ Inherent Risk.	
Risk Event	Western Australian Auditor General – Schedule of Reports
Inherent Risk Rating (prior to treatment or control)	Moderate (5 - 11)
Risk Action Plan (treatment or controls proposed)	As the Inherent Risk Rating is below 12, this is not applicable.
Residual Risk Rating (after treatment or controls)	As the Inherent Risk Rating is below 12, this is not applicable.
Risk Category Assessed Against	<p>Legal and Compliance</p> <p>Not considering the risks, controls and recommendations arising from the Auditor General’s report could have an impact on Council not meeting its compliance requirements.</p> <p>Reputational</p> <p>Council’s reputation could be seen in a negative light for not adhering to its requirement to fulfil duties and functions that are prescribed in legislation.</p>

Officer Comment -

The Auditor General Performance Audit Reports and Guides provide an opportunity to examine how well the Shire of Dardanup’s policies, practices and procedures perform against the findings.

Council staff can identify relevant messages and opportunities from these reports, which leads to continuous improvement and informed decision making. There has been only one performance

audit report relevant to Local Government operations that was released in the second half of 2020. The report is provided in the table below together with staff response to the findings (to note: the Shire of Dardanup was not involved in this audit).

DATE	REPORT NO	REPORT	APPENDIX
20-08-2020	3	Waste Management – Service Delivery	Appendix (AAR 8.4B)

- *Report 3 Waste Management – Service Delivery*

This report assessed whether local government (LG) entities plan and deliver effective waste services to their communities and if the State Government provided adequate support to LG entities for local waste planning and service delivery.

The audit focused on LG waste management and progress towards achieving targets and objectives set in the first *Western Australian Waste Strategy: Creating the Right Environment* (Waste Strategy 2012) and subsequent *Waste Avoidance and Resource Recovery Strategy 2030* (Waste Strategy 2030).

The audit concluded that:

*“In WA, kerbside waste collection at the LG level is largely effective. However, local, regional and state-wide waste planning, and tailored support for LG entities, is inadequate. This has limited the effectiveness of waste management and the State’s ability to meet its long-term targets.*

*Most LG entities deliver waste collection and drop-off services that are highly valued by their communities. However, many LG entities are not effectively encouraging waste avoidance, nor maximising the recovery of waste by reusing, reprocessing and recycling. As a result, few are on track to help the State meet its Waste Strategy 2030 targets for 2020 to increase waste recovery to 65% in the Perth and Peel region, and 50% in major regional centres (MRC)”.*

- *Director Infrastructure comment:*

In 2019 the State Government released the Waste Avoidance and Resource Recovery Strategy 2030 (WARR Strategy), in accordance with the Waste Avoidance and Resource Recovery Act 2007 (WARR Act). The Waste Strategy outlines the State government’s direction with managing waste, which is to target ways to reduce landfill by waste avoidance, recovery and reuse. As part of the strategy, Local Governments in the Perth/Peel Region and Regional Centres were encouraged to establish their own waste plans.

The Shire of Dardanup has taken the step of preparing a draft Waste Management Plan (the Plan), without a compulsory requirement to do so. The draft plan was endorsed by Council on 24 June 2020 [Res 171-20] and identifies how the Shire will proactively manage waste now and into the future. This was developed with an awareness of the State’s Waste Strategy and aligns the Shire of Dardanup to the strategies and target set for the state. It also provided an opportunity to pursue a FOGO service as an option, together with other activities to improve the Shires waste services.

A tender has also been called to supply Waste Collection and Processing Services for the Shire, which includes the options for a two or three bin service. In addition, Council has been successful in securing funding from the Waste Authority’s Better Bins Plus Program which will provide the Shire with the option of reducing the cost of rolling out a FOGO service should Council choose to introduce such a service. A report is due to Council for the consideration of the tender (once closed and evaluated), the grant outcomes and further consideration of the draft Waste Management Plan.

There will also be an opportunity for community consultation to encourage waste avoidance across the Shire.

Further to this the Shire is in the process of appointing a Public Relations and communications specialist for the delivery of a community engagement and education campaign regarding the Council's waste management services with the aim of improving recycling performance and waste minimization and to assist Council in decision making regarding future service provision. At the conclusion of the engagement it is expected that the community will be informed about:

- Why we need to improve waste services;
- What is best practice waste management and minimization;
- What householders can do to assist; and
- The Council's Waste Management Plan.

Community members will have also had an opportunity to express their expectations and commitment to the waste service delivery.

The Shire's actions in regards to the development of a waste management plan addresses the matters raised by the OAG and creates the potential for the Shire to meet the targets set out in the State's Waste Strategy 2030.

- *Conclusion*

This OAG report review process will continue to be applied to future reports and guides released by the Auditor General. The recommendations will also be taken into consideration when performing internal audits that have been highlighted as part of the Internal Audit Work Plan. The analysis of the Auditor General reports provides Council with a greater level of confidence in internal control practices and processes throughout Council operations.

Voting Requirements - Simple Majority.

Change to Officer Recommendation No Change.

**OFFICER RECOMMENDED RESOLUTION &  
AUDIT & RISK COMMITTEE RECOMMENDED RESOLUTION**

AAR 05-20      MOVED -      Cr T Gardiner      SECONDED -      Cr M Bennett

**THAT the Audit and Risk Committee receive the March 2021 report on the Western Australian Auditor General – Schedule of Reports as provided for in (Appendix AAR: 8.4B).**

CARRIED  
4/0

**9. ELECTED MEMBER MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

None.

**10. NEW BUSINESS OF AN URGENT NATURE**

None.

**11. MATTERS BEHIND CLOSED DOORS**

None.

**12. CLOSURE OF MEETING**

The date of the next Audit & Risk Committee Meeting will be Wednesday, 3 June 2021.

There being no further business the Chairperson declared the meeting closed at 2.24pm.



