



Shire of Mt Marshall
— THE SANDALWOOD SHIRE —

DELEGATION REGISTER

2018

I certify that this Delegation Register was reviewed by Council at its Ordinary Meeting held 15 May 2018, by Resolution

Attachment 12.1.17a

Cr ARC (Tony) Sachse

President

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intentionally**

TABLE OF CONTENTS

ADMINISTRATION

ADMIN 001	EXERCISE OF POWERS UNDER PART 3, LOCAL GOVERNMENT ACT 1995.....	2
ADMIN 002	MINOR VARIATIONS TO APPROVED CONTRACTS	3
ADMIN 003	APPOINTMENT OF AUTHORISED PERSONS UNDER PART 9, DIVISION 2, LG ACT 1995.....	4
ADMIN 004	SHIRE OF MT MARSHALL AUDIT COMMITTEE.....	5
ADMIN 005	EXECUTION OF DOCUMENTS	6

PROPERTY

PROP 001	ACQUIRING OR DISPOSING OF SHIRE PROPERTY TO A VALUE.....	7
PROP 002	SALE OF ITEMS OF SURPLUS EQUIPMENT, MATERIALS, TOOLS ETC. HELD AT SHIRE DEPOT	8

BUILDING

BLDG 001	PERMITS.....	9
BLDG 002	OCCUPANCY PERMIT/BUILDING APPROVAL CERTIFICATE	11
BLDG 003	AUTHORISED PERSONS	12
BLDG 004	BUILDING ORDERS	13

CARAVANS & CAMPING

CARA 001	CARAVANS AND CAMPING	14
----------	----------------------------	----

FINANCE

FIN 001	PAYMENTS FROM MUNICIPAL AND TRUST FUND	15
FIN 002	WRITE OFF MONEY OWED TO THE SHIRE	16
FIN 003	RATING	17
FIN 004	PURCHASING – RAISING A PURCHASE ORDER	18

FIRE CONTROL

FIRE 001	APPROVAL TO PERFORM BUSH FIRE CONTROL FUNCTIONS	20
FIRE 002	VARYING PROHIBITED BURNING TIMES	21

HEALTH

HEALTH 001	ADMINISTRATION OF THE HEALTH ACT	22
HEALTH 002	APPROVAL OF APPLICATIONS UNDER HEALTH LOCAL LAWS.....	23
HEALTH 003	ADMINISTRATION OF THE FOOD ACT	24
HEALTH 004	APPOINTMENT OF ENVIRONMENTAL HEALTH OFFICERS.....	25

ROADS & THOROUGHFARES

ROADS 001	TEMPORARY ROAD CLOSURES	26
ROADS 002	TEMPORARY CLOSURE OF ROADS FOR REPAIRS OR MAINTENANCE	27
ROADS 003	CLOSURE OF ROADS FOR A PERIOD NOT EXCEEDING FOUR WEEKS	28
ROADS 004	CLOSURE OF ROADS FOR A PERIOD EXCEEDING FOUR WEEKS.....	29
ROADS 005	GATE OR OTHER DEVICE ACROSS THOROUGHFARE	30
ROADS 006	CONSTRUCTION OF CROSSING FROM THOROUGHFARE TO PRIVATE LAND.....	31
ROADS 007	NOTICE TO CONSTRUCT OR REPAIR CROSSING	32

SWIMMING POOLS - PRIVATE

SWIM 001	NOTICE ON NON-COMPLYING PRIVATE SWIMMING POOLS.....	33
----------	---	----

DOGS

DOGS 001	ADMINISTER THE DOG ACT	34
----------	------------------------------	----

CATS

CATS 001	ADMINISTER THE CAT ACT.....	35
----------	-----------------------------	----

ADMINISTRATION

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ADMIN 001 Exercise of Powers under Part 3, Local Government Act 1995

DELEGATION REF:	ADMIN 001
HEAD OF POWER:	LG Act 1995, s 3.24, s.3.25, s.3.27, Part 3 division 3, s.3.39(1)
FILE REF:	A3/5
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Environmental Health Officer

DETAIL OF DELEGATION:

The Chief Executive Officer is, under section 3.24 of the Local Government Act 1995, expressly authorised to exercise the following powers under Part 3 of the Act (unless Schedule 3.1 indicates otherwise):

- s.3.25 – Give notices to owners/occupiers requiring certain actions to be taken on the land.
- s.3.27 – Do the things prescribed in Schedule 3.2 on land that is not Local Government property
- Part 3 – Division 3. Subdivision3: Exercise powers of entry, where entry is required to perform a function under the Act, other than under a local law.
- s.3.39 – Remove and impound any goods involved in a contravention that can lead to impounding.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Written notices to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Council to be advised of any notices issued and the outcome.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

ADMINISTRATION

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ADMIN 002 Minor Variations to Approved Contracts

DELEGATION REF:	ADMIN 002
HEAD OF POWER:	Local Government (Functions and General) Regulations r.20
FILE REF:	Agreements/Contracts/Leases
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority to approve minor variations to contracts entered into by the Shire.

CONDITIONS IMPOSED:

Subject to the funds required to meet the cost of the variation not exceeding the amount allocated in the Shire's annual budget for the contract.

RECORDING REQUIREMENTS:

Record of variation to be recorded on appropriate file

REPORTING REQUIREMENTS:

Council to be informed at its following Ordinary Meeting.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

ADMINISTRATION

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ADMIN 003 Appointment of Authorised Persons Under Part 9, Division 2, LG Act 1995

DELEGATION REF:	ADMIN 003
HEAD OF POWER:	Local Government Act 1995, Part 9, Division 2
FILE REF:	A2/15
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	<ul style="list-style-type: none">• Environmental Health Officer• WA Contract Ranger Services

DETAIL OF DELEGATION:

The Chief Executive Officer is, under section 9.10 of the Local Government Act 1995, expressly authorised for the purposes of performing particular functions contained in Division 2 of Part 9 of the Act.

To enable the CEO to properly manage the affairs of the Shire, he/she be delegated the authority to appoint in writing, appropriate employees for the purpose of exercising the functions contained in Division 2 of Part 9 of the Act.

In accordance with Section 9.10 (2) Local Government Act 1995, the Local Government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Exercise of any functions to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Council to be advised of any exercise of authority and the outcome of such.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

ADMINISTRATION

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ADMIN 004 Shire of Mt Marshall Audit Committee

DELEGATION REF:	ADMIN 004
HEAD OF POWER:	Local Government Act 1995 s.7.1B & 7.12A(2)
FILE REF:	F1/2
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	The Mt Marshall Audit Committee
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

To meet with Council's Auditor at least once each financial year in compliance with the Local Government Act 1995.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Nil

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President

Date:

Chairman, Mt Marshall Audit
Committee

Date:

ADMINISTRATION

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ADMIN 005 Execution of Documents

DELEGATION REF:	ADMIN 005
HEAD OF POWER:	Local Government Act 1995 s. 9.49A (4)
FILE REF:	Nil
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority under section 9.49A (4) of the Local Government Act 1995 to sign documents on behalf of the local government.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Documents signed on behalf of the local government to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Details of documents signed on behalf of the local government are to be presented to Council at the following Ordinary Council Meeting.

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

PROPERTY

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

PROP 001 Acquiring or Disposing of Shire Property To A Value

DELEGATION REF:	PROP 001
HEAD OF POWER:	Local Government Act 1995 s5.43(d)
FILE REF:	F1/21
POLICY REF:	F&R 2.2, F&R 2.8
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	<ul style="list-style-type: none">• Finance & Administration Manager• Works Supervisor• Executive Assistant• Community Development Officer• Regulatory Officer• Plant Maintenance Officer• Customer Service Officer• Beacon Town Maintenance

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority to acquire or dispose of Shire property to the value of \$75,000.

CONDITIONS IMPOSED:

Provided that appropriate provision is made in the shire's annual budget for expenditure and the acquisition is identified in the annual budget, or by resolution of Council, and disposals are effected in compliance with section 3.58 of the Local Government Act 1995 and Regulation 30 of the Local Government (Functions and General) Regulations 1986.

RECORDING REQUIREMENTS:

Issue of signed Purchase Order.

REPORTING REQUIREMENTS:

Nil.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

PROPERTY

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

PROP 002 Sale of Items of Surplus Equipment, Materials, Tools etc. held at Shire Depot

DELEGATION REF:	PROP 002
SUB-DELEGATION REF:	PROP SD002
HEAD OF POWER:	Local Government Act 1995 s3.58 & s5.42 Local Government (Administration) Regulations 1996
FILE REF:	F1/25 (where appropriate)
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Works Supervisor

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority to sell, in any of the ways available as defined in the Local Government Act 1995, section 3.58, items of surplus equipment, materials, tools, etc., which are no longer required, are outmoded or are no longer serviceable.

CONDITIONS IMPOSED:

This delegation applies only to items with an estimated value less than \$10,000.

RECORDING REQUIREMENTS:

Sale to be recorded.

REPORTING REQUIREMENTS:

Finance Section to be advised so that Shire Asset Register can be amended if required.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

BUILDING

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

BLDG 001 Permits

DELEGATION REF:	BLDG 001
HEAD OF POWER:	Building Act 2011 s127 Building Act 2011 s20 Building Act 2011 s21 Building Act 2011 s27 Building Regulations 2012 Reg 61
FILE REF:	B1/1
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	<ul style="list-style-type: none">• Chief Executive Officer• Environmental Health Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer and the Environmental Health Officer are delegated authority to:

1. Grant a building permit in accordance with Section 20 of the Building Act 2011;
2. Grant a demolition permit in accordance with Section 21 of the Building Act 2011;
3. Impose, vary or revoke conditions on a building or demolition permit in accordance with Section 27 of the Building Act 2011;
4. Approve battery powered smoke alarms in accordance with Regulation 61 of the Building Regulations 2012

CONDITIONS IMPOSED:

Nil – But note that s127(3) of the Building Act 2011 requires that a delegation can only be to an employee of the Local Government.

RECORDING REQUIREMENTS:

All building plans and specifications are to be retained in the appropriate file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

Environmental Health Officer
Date:

BUILDING

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

BLDG 002 Occupancy Permit/Building Approval Certificate

DELEGATION REF:	BLDG 002
HEAD OF POWER:	Building Act 2011 s.55 Building Act 2011 s.58
FILE REF:	B1/1
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	<ul style="list-style-type: none">• Chief Executive Officer• Environmental Health Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer and the Environmental Health Officer are delegated authority to:

1. Refuse to consider an application in accordance with Section 55 of the Building Act 2011;
2. Grant an occupancy permit, building approval certificate in accordance with Section 58 of the Building Act 2011.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

All occupancy permit, building approval certificates are to be recorded and placed in the correct file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

Environmental Health Officer
Date:

President
Date:

Chief Executive Officer
Date:

BUILDING

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

BLDG 003 Authorised Persons

DELEGATION REF:	BLDG 003
HEAD OF POWER:	Building Act 2011 s.96(3)
FILE REF:	B1/2
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	<ul style="list-style-type: none">• Chief Executive Officer• Environmental Health Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer and the Environmental Health Officer are delegated authority to designate a person as an Authorised Person in accordance with section 96(3) of the Building Act 2011.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

All designations are to be retained in the appropriate file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

Environmental Health Officer

Date:

President

Date:

Chief Executive Officer

Date:

BUILDING

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

BLDG 004 Building Orders

DELEGATION REF:	BLDG 004
HEAD OF POWER:	Building Act 2011 s.110 Building Act 2011 s.117
FILE REF:	B1/2
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	<ul style="list-style-type: none">Chief Executive OfficerEnvironmental Health Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer and the Environmental Health Officer are delegated authority to:

1. Make a building order in accordance with section 110 of the Building Act 2011;
2. Revoke a building order in accordance with section 117 of the Building Act 2011

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

All building orders are to be retained in the appropriate file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

Environmental Health Officer

Date:

President

Date:

Chief Executive Officer

Date:

CARAVANS AND CAMPING

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

CARA 001 Caravans and Camping

DELEGATION REF:	CARA 001
HEAD OF POWER:	Caravan Parks & Camping Grounds Regulations 1997 r.6
FILE REF:	H2/6
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer be appointed as the authorised person to undertake the functions conferred on a local government by the Caravan Parks and Camping Grounds Regulations 1997.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

The appointment be authorised in writing.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

FINANCE

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

FIN 001 Payments from Municipal and Trust Fund

DELEGATION REF:	FIN 001
HEAD OF POWER:	Local Government Act 1995 Local Government (Financial Management) Regulations 1996 r.12
FILE REF:	F1/21
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority to make payments from the Municipal Fund Bank Account and the Trust Fund Bank Account.

CONDITIONS IMPOSED:

Each payment is to be noted on a list compiled for each month showing:

- a. the payee's name
- b. amount of the payment
- c. date of the payment
- d. sufficient information to identify the transaction

RECORDING REQUIREMENTS:

Record each payment on a list and include in minutes.

REPORTING REQUIREMENTS:

List to be presented to next Ordinary monthly meeting of Council and is to appear in the minutes of that meeting.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

FINANCE

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

FIN 002 Write Off Money Owed To The Shire

DELEGATION REF:	FIN 002
HEAD OF POWER:	Local Government Act 1995 s6.12(1)(c)
FILE REF:	F1/20
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority under section 6.12(1)(c) to write off any amount of money owed to the Shire.

CONDITIONS IMPOSED:

The delegated authority is limited to the amount of \$10.00/year for rates and/or services debt.

The delegated authority is limited to the amount of \$150/year for individual debt waivers, write-offs and discounts.

RECORDING REQUIREMENTS:

Nil

REPORTING REQUIREMENTS:

Council to be advised as part of the monthly Debtors Report presented to the Ordinary meeting.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

FINANCE

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

FIN 003 Rating

DELEGATION REF:	FIN 003
HEAD OF POWER:	Local Government Act 1995 s6.49, s6.50(1)&(2), s6.56(1), s6.60(2), s6.76(4)
FILE REF:	F2/1
POLICY REF:	Policy Manual – Part 6
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated the power to perform the following functions of the Council:

1. Entering into an agreement in accordance with s6.49 of the Local Government Act 1995.
2. The time allowed for the payment of the rate before it becomes in arrear, s6.50(1)&(2) of the Local Government Act 1995.
3. The recovery of rates by complaint or action pursuant to the provisions of s6.56(1) of the Local Government Act 1995.
4. Requiring the lessee to pay rent to the Shire in satisfaction of rates or service charges due and payable in accordance with s6.60(2) of the Local Government Act 1995.
5. The exercise of discretion in regard to granting of any extension of time for service of objections to the Rate Book, s6.76(4) of the Local Government Act 1995.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

All decisions or approvals are to be saved into the relevant file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

FINANCE

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

FIN 004 Purchasing – Raising Of Purchase Orders

DELEGATION REF:	FIN 004
SUB-DELEGATION REF:	FIN SD001
HEAD OF POWER:	Local Government Act 1995, s5.42 Local Government (Administration) Regulations 1996
FILE REF:	F1/21
POLICY REF:	F&R.2.1, F&R.2.5
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
SUB-DELEGATED TO:	<ul style="list-style-type: none">• Finance & Administration Manager• Works Supervisor• Executive Assistant• Community Development Officer• Customer Service Officer• Plant Maintenance Officer• Beacon Town Maintenance Officer• Regulatory Officer
EXPIRY DATE:	Indefinite

DETAIL OF DELEGATION:

1. Raising of Purchase Orders

- Expenditure for the purchase of goods and services shall only be authorised through the signing of an official Shire purchase order.
- All goods and services ordered pursuant to paragraph (i) shall have the proper authorisation either by inclusion in the budget or by Council resolution and shall be signed by the officer to whom that specific duty, function or responsibility has been allocated.
- The Officer signing the order shall indicate on the order the chart of account number to which the good or service is to be allocated.
- All purchases are to be made with regard to the adopted purchasing policies, and also take account of the Tender Regulations defined in the Local Government (Administration) Regulations 1996

Under this Delegation the Chief Executive Officer is delegated authority to purchase up to any amount, conditional upon Paragraph 1 (ii) above.

CONDITIONS IMPOSED:

- It shall not be necessary to issue an official purchase order form for:
- Fees and payments due under any Act of Parliament,

- iii. Insurances, freight, postal charges and subscription to publications which Council normally obtains,
- iv. Fees and costs payable to debt professional services authorised by resolution of the Council,
- v. Goods purchased from petty cash,
- vi. Payments made under any award binding upon the Council,
- vii. Licences, or rights of copyright, payment of which is not avoidable at law,
- viii. Awards against the Council by a court of law for damages, penalties or royalties, and
- ix. Donations to charitable and non-profit organisations that have been authorised by resolution of the Council.
- x. Officers are to observe Council's Local Purchasing Policy F&R.2.1

RECORDING REQUIREMENTS:

A duplicate copy of all orders issued shall be kept as a record of the exercise of the sub-delegation as required by Local Government (Administration) Regulation 19.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

FIRE CONTROL

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

FIRE 001 Approval to Perform Bush Fire Control Functions

DELEGATION REF:	FIRE 001
HEAD OF POWER:	Bush Fires Act 1954 s.48
FILE REF:	A6/6
POLICY REF:	Policy Manual – Part 7
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority to perform any emergency management functions necessary in accordance with section 48 of the Bush Fires Act 1954

CONDITIONS IMPOSED:

This delegation specifically excludes powers which require a Local Government Resolution, and those to be performed by a designated officer.

Note: Subject to section 48(3) Bush Fires Act 1954, there is no power to sub-delegate this authority.

RECORDING REQUIREMENTS:

All functions undertaken under this delegation to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

FIRE CONTROL

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

FIRE 002 Varying Prohibited Burning Times

DELEGATION REF:	FIRE 002
HEAD OF POWER:	Bush Fires Act 1954 s.17(10) Bush Fires Act 1954 s.17(8)
FILE REF:	A6/6
POLICY REF:	Policy Manual – Part 7
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	<ul style="list-style-type: none">• Chief Bush Fire Control Officer• Shire President
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Shire President and Chief Bushfire Control Officer are jointly delegated authority to exercise the Council's powers within section 17(7) and 17(8) of the Bushfires Act 1954.

(Relates to the varying of the prohibited burning times in the District and the giving notice of the change.)

CONDITIONS IMPOSED:

Any variation approved is to comply with the requirements of s7 of the Bush Fires Act 1954.

RECORDING REQUIREMENTS:

All functions undertaken under this delegation to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Variation to be advertised within the Shire.

DATE REVIEWED:

Annually

President
Date:

Chief Bush Fire Control Officer
Date:

HEALTH

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

HEALTH 001 Administration of the Health Act

DELEGATION REF:	HEALTH 001
HEAD OF POWER:	Health Act 1911 s26
FILE REF:	H2/6
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Environmental Health Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Environmental Health Officer is delegated authority to serve notices, approve and renew licenses and permits and exercise the powers of Council for the expeditious administration of the Health Act.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Details of actions taken are to be recorded in appropriate files.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President

Date:

Environmental Health Officer

Date:

HEALTH

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

HEALTH 002 Approval of Applications under Health Local Laws

DELEGATION REF:	HEALTH 002
HEAD OF POWER:	Shire of Mt Marshall Health Local Laws 2001
FILE REF:	A2/4
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority to approve applications for licences, registrations, and permits under the Shire of Mt Marshall Health Local Laws 2001.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Applications with notification of approval or refusal are to be saved in the Record Management System.

REPORTING REQUIREMENTS:

Council to be advised through an agenda item to the next Ordinary Meeting.

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

HEALTH

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

HEALTH 003 Administration of the Food Act

DELEGATION REF:	HEALTH 003
HEAD OF POWER:	Food Act 2008 and Food Regulations 2009
FILE REF:	H1/6
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
SUB-DELEGATED TO:	Environmental Health Officer
EXPIRY DATE:	Indefinite

DETAIL OF DELEGATION:

The Chief Executive Officer be delegated the authority to administer the functions as 'enforcement agency' pursuant to the Food Act 2008 and Food Regulations 2009.

CONDITIONS IMPOSED:

Nil – Note there is no power to sub-delegate granted by the Food Regulations 2009.

RECORDING REQUIREMENTS:

Details of actions taken are to be recorded in appropriate files.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

HEALTH

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

HEALTH 004 Appointment of Environmental Health Officers

DELEGATION REF:	HEALTH 004
HEAD OF POWER:	Public Health Act 2016 s17, s21, s24
FILE REF:	STAFF
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
SUB-DELEGATED TO:	Environmental Health Officer
EXPIRY DATE:	Indefinite

DETAIL OF DELEGATION:

The CEO is, under the Public Health Act 2016, expressly authorised to:

S17 - Appoint authorised officers

S21 – Issue authority cards to authorised officers

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Copies of Letters of Authorisation and Authority Cards to be kept in the appropriate file

REPORTING REQUIREMENTS:

Council to be advised of authorisations under s17

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

ROADS AND THOROUGHFARES

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ROADS 001 Temporary Road Closures

DELEGATION REF:	ROADS 001
HEAD OF POWER:	Local Government Act 1995 s3.5, s3.50, s3.50A Road Traffic (Events on Roads) Regulations 1991 s5.4
FILE REF:	W1/5
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority to determine applications for the temporary closure of roads for public events. The determination shall be in accordance with provisions of the Road Traffic (Events on Roads) Regulations 1991 and the Local Government Act 1995.

CONDITIONS IMPOSED:

Approval shall contain the following conditions:

1. The closure is to be advertised in a local newspaper
2. Arrangements are to be made for appropriate signposting to effect the closure
3. Applicant is to take out a public risk insurance policy which indemnifies the Shire against any damages claims and a copy is to be delivered to Council
4. Applicant is to notify the Emergency Services Department and ensure that whilst the event is in progress, satisfactory arrangements are made to allow access to premises by Emergency Services.

CEO may determine other conditions to be imposed on any approvals issued.

RECORDING REQUIREMENTS:

Any closure and reason for closure under this delegation to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Advertising in line with legislation required.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

ROADS AND THOROUGHFARES

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ROADS 002 Temporary Closure of Roads for Repairs or Maintenance

DELEGATION REF:	ROADS 002
HEAD OF POWER:	Local Government Act 1995 s3.50A
FILE REF:	W1/5
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Works Supervisor

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority under section 3.50A of the Local Government Act 1995 to partially and temporarily close a thoroughfare, without giving public notice, for the purpose of carrying out repairs or maintenance and the closure is unlikely to have a significant adverse effect on road users.

CONDITIONS IMPOSED:

For periods in excess of five working days, notice is to be given in both local newspapers.

RECORDING REQUIREMENTS:

Any closure and reason for closure under this delegation to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Councillors to be informed of any significant temporary road closures.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

ROADS AND THOROUGHFARES

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ROADS 003 Closure of Roads for a Period Not Exceeding Four Weeks

DELEGATION REF:	ROADS 003
HEAD OF POWER:	Local Government Act 1995 s3.50(1)
FILE REF:	W1/5
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Works Supervisor

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority under section 3.50(1) of the Local Government Act 1995 to wholly or partially close a thoroughfare to the passage of vehicles for a period not exceeding four weeks.

CONDITIONS IMPOSED:

For periods in excess of five working days' notice is to be given in both local newspapers.

RECORDING REQUIREMENTS:

Any closure and reason for closure under this delegation to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Councillors to be informed of any significant road closures.

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

ROADS AND THOROUGHFARES

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ROADS 004 Closure of Roads for a Period Exceeding Four Weeks

DELEGATION REF:	ROADS 004
HEAD OF POWER:	Local Government Act 1995 s3.50(1a), s3.50(2)
FILE REF:	W1/5
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority under section 3.50(1a) of the Local Government Act 1995 to, by local public notice, order that a thoroughfare is wholly or partially closed to the passage of vehicles for a period exceeding four weeks. Under section 3.50(2) the order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as deemed appropriate and may contain exceptions

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Any closure and reason for closure under this delegation to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Councillors to be informed of any closure and the reasons for the closures.

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

ROADS AND THOROUGHFARES

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ROADS 005 Gate or Other Device across Thoroughfare

DELEGATION REF:	ROADS 005
HEAD OF POWER:	Local Government (Uniform Local Provisions) Regulations 1996 r.9
FILE REF:	W1/7
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is, under Regulation 9 of the Local Government (Uniform Local Provisions) Regulations 1996, authorised to approve applications for a person to have a gate or other device across a public thoroughfare that enables motor traffic to pass across but prevents livestock from straying.

CONDITIONS IMPOSED:

Permissions granted:

- Must be in writing;
- Must specify the period for which it is granted
- Must specify each condition imposed
- May be reviewed from time to time
- May be cancelled (In writing)

RECORDING REQUIREMENTS:

Register to be kept of gates or other devices approved.

REPORTING REQUIREMENTS:

Council to be advised of approvals given.

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

ROAD AND THOROUGHFARES

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ROADS 006 Construction of Crossing from Thoroughfare to Private Land

DELEGATION REF:	ROADS 006
HEAD OF POWER:	Local Government (Uniform Local Provisions) Regulations 1996 r.12
FILE REF:	W1/7
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is, under Regulation 12 of the Local Government (Uniform Local Provisions) Regulations 1996, on receipt of an application delegated authority to approve the construction of a crossing giving access from a public thoroughfare under the management and control of the Shire to the land or a private thoroughfare serving the land.

CONDITIONS IMPOSED:

That the construction of the crossing be under the supervision of the Shire and completed to the satisfaction of the Shire.

RECORDING REQUIREMENTS:

Approvals and refusals to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

ROAD AND THOROUGHFARES

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

ROADS 007 Notice to Construct or Repair Crossing

DELEGATION REF:	ROADS 007
HEAD OF POWER:	Local Government (Uniform Local Provisions) Regulations 1996 r.13
FILE REF:	W1/7
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Nil

DETAIL OF DELEGATION:

The Chief Executive Officer is, under Regulation 13 of the Local Government (Uniform Local Provisions) Regulations 1996, is authorised to give a person who is the owner or occupier of private land a notice requiring the person to construct or repair a crossing from a public thoroughfare under the management and control of the Shire to the land or a private thoroughfare serving the land.

CONDITIONS IMPOSED:

Failure of the person to comply with the notice to be presented to Council for a decision on further action.

RECORDING REQUIREMENTS:

Notices given to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President
Date:

Chief Executive Officer
Date:

SWIMMING POOLS - PRIVATE

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

SWIM 001 Notice on Non-Complying Private Swimming Pools

DELEGATION REF:	SWIM 001
HEAD OF POWER:	Building Act 2011 (s. 3, 93, 95, 97) Building Regulations 2012
FILE REF:	B1/2
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	Environmental Health Officer

DETAIL OF DELEGATION:

The Chief Executive Officer is delegated authority to exercise and carry out the powers and duties, pursuant to section 3, 93, 95, 97 of the Building Act 2011 and Building Regulations 2012, with respect to private swimming pools, and to issue notices as required on the owners or occupiers of the land on which there is a swimming pool not complying with the statutory requirements for a barrier to prevent access to the swimming pool by children.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Notices issued are to be placed on appropriate file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

DOGS

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

DOGS 001 Administer the Dog Act

DELEGATION REF:	DOGS 001
HEAD OF POWER:	Dog Act 1976 s 29(1)
FILE REF:	A6/3d
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED TO:	WA Contract Ranger Services

DETAIL OF DELEGATION:

The Chief Executive Officer is appointed under s 29(1) of the Dog Act 1976 as an authorised person to exercise the powers of the Shire under that Act.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

The Chief Executive Officer is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:

CATS

REGISTER OF DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF DELEGATION

CATS 001 Administer the Cat Act

DELEGATION REF:	CATS 001
HEAD OF POWER:	Cat Act 2011, s.44
FILE REF:	A6/3c
POLICY REF:	Nil
RESOLUTION DATE:	16 May 2017
RESOLUTION No:	2017/05 - 6
DELEGATED TO:	Chief Executive Officer
EXPIRY DATE:	Indefinite
SUB-DELEGATED:	WA Contract Ranger Services

DETAIL OF DELEGATION:

The Chief Executive Officer is appointed under s.44 of the Cat Act 2011 for the purposes of exercising the powers of the Shire under that Act.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

The Chief Executive Officer is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

President

Date:

Chief Executive Officer

Date:



Shire of Mt Marshall
— THE SANDALWOOD SHIRE —

SUB-DELEGATION REGISTER 2018

I certify that this Sub-Delegation Register was reviewed on 15 May 2018

Attachment 12.1.17b

Mr John Nuttall - Chief Executive Officer

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been left blank
intentionally**

SUB-DELEGATION REGISTER

TABLE OF CONTENTS

ADMINISTRATION

ADMIN SD001	EXERCISE OF POWERS UNDER PART 3, LOCAL GOVERNMENT ACT 1995	2
ADMIN SD002	APPOINTMENT OF AUTHORISED PERSONS UNDER PART 9, DIVISION 2, LG ACT 1995	3

FINANCE

FIN SD001	PURCHASING - RAISING OF PURCHASE ORDERS.....	5
-----------	--	---

HEALTH

HEALTH SD001	ADMINISTRATION OF THE FOOD ACT	8
--------------	--------------------------------------	---

PROPERTY

PROP SD001	ACQUIRE OR DISPOSE OF SHIRE PROPERTY.....	9
PROP SD002	SALE OF ITEMS OF SURPLUS EQUIPMENT, MATERIALS, TOOLS ETC. HELD AT SHIRE DEPOT	9

ROADS

ROADS SD001	TEMPORARY CLOSING OF THOROUGHFARE FOR REPAIRS OR MAINTENANCE.....	10
ROADS SD002	CLOSURE OF ROADS FOR A PERIOD NOT EXCEEDING FOUR WEEKS	11

SWIMMING POOL

SWIM SD001	NOTICE ON NON-COMPLYING PRIVATE SWIMMING POOLS.....	12
------------	---	----

DOGS

DOGS SD001	ADMINISTER THE DOG ACT	15
------------	------------------------------	----

CATS

CATS SD001	ADMINISTER THE CAT ACT	16
------------	------------------------------	----

ADMINISTRATION**REGISTER OF SUB-DELEGATIONS OF AUTHORITY***(Local Government Act 1995, s5.44)**(Local Government (Administration) Regulations 1996, s19)***INSTRUMENT OF SUB-DELEGATION****ADMIN SD001 Exercise of Powers under Part 3, Local Government Act 1995**

DELEGATION REF:	ADMIN 001
SUB DELEGATION REF:	ADMIN SD001
HEAD OF POWER:	LG Act 1995, s 3.24, s.3.25, s.3.27, Part 3 division 3, s.3.39(1)
FILE REF:	A3/5
POLICY REF:	Nil
SUB-DELEGATED TO:	Environmental Health Officer
EXPIRY DATE:	Indefinite

DETAIL OF SUB-DELEGATION:

The Environmental Health Officer is, under section 3.24 of the Local Government Act 1995, expressly authorised to exercise the following powers under Part 3 of the Act (unless Schedule 3.1 indicates otherwise):

- s.3.25 – Give notices to owners/occupiers requiring certain actions to be taken on the land.
- s.3.27 – Do the things prescribed in Schedule 3.2 on land that is not Local Government property
- Part 3 – Division 3. Subdivision3: Exercise powers of entry, where entry is required to perform a function under the Act, other than under a local law.
- s.3.39 – Remove and impound any goods involved in a contravention that can lead to impounding.

CONDITIONS IMPOSED:

CEO to be advised when notice given, and advised of outcome.

RECORDING REQUIREMENTS:

Written notices to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Council to be advised of any notices issued and the outcome.

DATE REVIEWED:

Annually

Chief Executive Officer

Date:

ADMINISTRATION**REGISTER OF SUB-DELEGATIONS OF AUTHORITY***(Local Government Act 1995, Part 9, Division 2)**(Local Government Act 1995, s5.44)**(Local Government (Administration) Regulations 1996, s19)***INSTRUMENT OF SUB-DELEGATION****ADMIN SD002 Appointment of Authorised Persons Under
Part 9, Division 2, LG Act 1995**

DELEGATION REF:	ADMIN 004
SUB-DELEGATION REF:	ADMIN SD002
HEAD OF POWER:	Local Government Act 1995, Part 9, Division 2
FILE REF:	A2/15
POLICY REF:	Nil
SUB-DELEGATED TO:	Environmental Health Officer WA Contract Ranger Services
EXPIRY DATE:	Indefinite

DETAIL OF DELEGATION:

The Environmental Health Officer and WA Contract Ranger Services are, under section 9.10 of the Local Government Act 1995 (the Act), expressly authorised for the purposes of performing particular functions contained in Division 2 of Part 9 of the Act.

To enable the Chief Executive Officer to properly manage the affairs of the Shire, he/she be delegated the authority to appoint in writing, appropriate employees for the purpose of exercising the functions contained in Division 2 of Part 9 of the Act.

In accordance with Section 9.10 (2) Local Government Act 1995, the Local Government is to issue to each person so authorised a certificate stating that the person is so authorised, and the person is to produce the certificate whenever required to do so by a person who has been or is about to be affected by any exercise of authority by the authorised person.

CONDITIONS IMPOSED:

CEO to be advised whenever sub-delegated authority is exercised.

RECORDING REQUIREMENTS:

Exercise of any functions to be recorded in the appropriate file.

REPORTING REQUIREMENTS:

Council to be advised of any exercise of authority and the outcome of such.

DATE REVIEWED:

Annually

Chief Executive Officer

Date:

FINANCE

REGISTER OF SUB-DELEGATIONS OF AUTHORITY

(Local Government Act 1995, s5.44)

(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF SUB-DELEGATION

FIN SD001 Purchasing – Raising Of Purchase Orders

DELEGATION REF:	FIN 004
SUB-DELEGATION REF:	FIN SD001
HEAD OF POWER:	Local Government Act 1995, s5.44 Local Government (Functions and General) Regulations 1996, s19
FILE REF:	F1/21
POLICY REF:	F&R.2.1, F&R.2.5
SUB-DELEGATED TO:	<ul style="list-style-type: none"> • Finance & Administration Manager • Works Supervisor • Executive Assistant • Community Development Officer • Customer Service Officer • Economic Development Officer • Beacon Town Maintenance Officer • Regulatory Officer
EXPIRY DATE:	Indefinite

DETAIL OF SUB-DELEGATION:

1. Signing of Purchase Orders
 - i. Subject to sub-clause (iv), expenditure for the purchase of goods and services shall only be authorised through the signing of an official Shire purchase order.
 - ii. All goods and services ordered pursuant to paragraph (i) shall have the proper authorisation either by inclusion in the budget or by Council resolution and shall be signed by the officer to whom that specific duty, function or responsibility has been allocated.
 - iii. The Officer signing the order shall indicate on the order the chart of account number to which the good or service is to be allocated.
 - iv. Should the goods and services to be purchased exceed the monetary limit authorised, the officer shall have the Order signed by his or her immediate supervisor or the CEO.
2. Order books shall only be provided to the following Officers, who are authorised to sign orders on behalf of the Shire to the limit specified:

Finance and Administration Manager	\$50,000
Works Supervisor	\$50,000
Executive Assistant	\$ 5,000
Community Development Officer	\$ 5,000
Customer Service Officer	\$ 2,500
Economic Development Officer	\$ 2,500
Regulatory Officer	\$ 5,000
Beacon Town Maintenance Officer	\$ 250

CONDITIONS IMPOSED:

- i. It shall not be necessary to issue an official purchase order form for:
- ii. Fees and payments due under any Act of Parliament,
- iii. Insurances, freight, postal charges and subscription to publications which Council normally obtains,
- iv. Fees and costs payable to debt professional services authorised by resolution of the Council,
- v. Goods purchased from petty cash,
- vi. Payments made under any award binding upon the Council,
- vii. Licences, or rights of copyright, payment of which is not avoidable at law,
- viii. Awards against the Council by a court of law for damages, penalties or royalties, and
- ix. Donations to charitable and non-profit organisations that have been authorised by resolution of the Council.
- x. Officers are to observe Council's Local Purchasing Policy F&R.2.1

RECORDING REQUIREMENTS:

A duplicate copy of all orders issued shall be kept as a record of the exercise of the sub-delegation as required by Local Government (Administration) Regulation 19.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

Chief Executive Officer
Date:

HEALTH**REGISTER OF SUB-DELEGATIONS OF AUTHORITY***(Food Act 2008)**(Local Government Act 1995, s5.44)**(Local Government (Administration) Regulations 1996, s19)***INSTRUMENT OF SUB-DELEGATION****HEALTH SD001 Administration of the Food Act**

DELEGATION REF:	HEALTH 003
SUB-DELEGATION REF:	HEALTH SD001
HEAD OF POWER:	Food Act 2008
FILE REF:	H1/6
POLICY REF:	Nil
SUB-DELEGATED TO:	Environmental Health Officer
EXPIRY DATE:	Indefinite

DETAIL OF DELEGATION:

The Environmental Health Officer be delegated the authority to administer the functions as 'enforcement agency' pursuant to the Food Act 2008.

CONDITIONS IMPOSED:

CEO to be advised when Authority is exercised.

RECORDING REQUIREMENTS:

Details of actions taken are to be recorded in appropriate files.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

Chief Executive Officer

Date:

PROPERTY**REGISTER OF SUB-DELEGATIONS OF AUTHORITY**

(Local Government Act 1995, s5.43(d))
 (Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF SUB-DELEGATION**PROP SD001 Acquire or Dispose of Shire Property**

DELEGATION REF:	PROP 001
SUB-DELEGATION REF:	PROP SD001
HEAD OF POWER:	Local Government Act 1995 s5.44, 3.58
FILE REF:	F1/21
POLICY REF:	F&R.2.2, F&R.2.8
DELEGATED TO:	<ul style="list-style-type: none"> • Finance & Administration Manager • Works Supervisor • Executive Assistant • Community Development Officer • Customer Service Officer • Economic Development Officer • Beacon Town Maintenance Officer • Regulatory Officer
EXPIRY DATE:	Indefinite

DETAIL OF DELEGATION:

Subject to the provision of sections 3.58 of the Local Government Act 1995 the Chief Executive Officer delegates authority to the following Officers to acquire or dispose of any Shire property (other than land), within the limit specified:

Finance and Administration Manager	\$50,000
Works Supervisor	\$50,000
Executive Assistant	\$ 5,000
Community Development Officer	\$ 5,000
Customer Service Officer	\$ 2,500
Regulatory Officer	\$ 5,000
Economic Development Officer	\$ 2,500
Beacon Town Maintenance Officer	\$ 250

CONDITIONS IMPOSED:

Provided that appropriate provision is made in the shire's annual budget for expenditure and the acquisition is identified in the annual budget, or by resolution of Council, and disposals are effected in compliance with section 3.58 of the Local Government Act 1995 and Regulation 30 of the Local Government (Functions and General) Regulations 1986.

RECORDING REQUIREMENTS:

Issue of signed Purchase Order.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

SUB-DELEGATION REGISTER

Chief Executive Officer
Date:

PROPERTY**REGISTER OF SUB-DELEGATIONS OF AUTHORITY**

(Local Government Act 1995, s3.58 & s5.42)
(Local Government (Administration) Regulations 1996, s19)

INSTRUMENT OF SUB-DELEGATION

**PROP SD002 Sale of Items of Surplus Equipment,
Materials, Tools etc. held at Shire Depot**

DELEGATION REF:	PROP 002
SUB-DELEGATION REF:	PROP SD002
HEAD OF POWER:	Local Government Act 1995 s3.58 & s5.42 Local Government (Administration) Regulations 1996
FILE REF:	F1/25 (where appropriate)
POLICY REF:	Nil
DELEGATED TO:	Works Supervisor
EXPIRY DATE:	Indefinite

DETAIL OF SUB-DELEGATION:

The Works Supervisor is delegated authority to sell, in any of the ways available as defined in the Local Government Act 1995, section 3.58, items of surplus equipment, materials, tools, etc., which are no longer required, are outmoded or are no longer serviceable.

CONDITIONS IMPOSED:

This delegation applies only to items with an estimated value less than \$10,000.

RECORDING REQUIREMENTS:

Sale to be recorded and Chief Executive Officer advised.

REPORTING REQUIREMENTS:

Finance Section to be advised so that Shire Asset Register can be amended if required.

DATE REVIEWED:

Annually

Chief Executive Officer
Date:

ROADS AND THOROUGHFARES

REGISTER OF SUB-DELEGATIONS OF AUTHORITY

(Local Government (Administration) Regulations 1996, s19)

(Local Government Act 1995, s5.44)

INSTRUMENT OF SUB-DELEGATION

ROADS SD001 Temporary Closing of Roads for Repairs or Maintenance

DELEGATION REF:	ROADS 002
SUB-DELEGATION REF:	ROADS SD001
HEAD OF POWER:	Local Government Act 1995 s3.50A
FILE REF:	W1/5
POLICY REF:	Nil
DELEGATED TO:	Works Supervisor
EXPIRY DATE:	Indefinite

DETAIL OF SUB-DELEGATION:

The Works Supervisor is delegated authority under section 3.50A of the Local Government Act 1995 to partially and temporarily close a thoroughfare or road, without giving public notice, for the purpose of carrying out repairs or maintenance and the closure is unlikely to have a significant adverse effect on road users.

CONDITIONS IMPOSED:

For periods in excess of five working days, notice is to be given in both local newspapers.

RECORDING REQUIREMENTS:

Nil

REPORTING REQUIREMENTS:

Councillors to be informed of any significant temporary road closures.

DATE REVIEWED:

Annually

Chief Executive Officer

Date:

ROADS AND THOROUGHFARES

REGISTER OF SUB-DELEGATIONS OF AUTHORITY

*(Local Government Act 1995, s5.44)**(Local Government (Administration) Regulations 1996, s19)*

INSTRUMENT OF SUB-DELEGATION

ROADS SD002 Closure of Roads for a Period Not
Exceeding Four Weeks

DELEGATION REF:	ROADS 003
SUB-DELEGATION REF:	ROADS SD002
HEAD OF POWER:	Local Government Act 1995 s.3.50(1)
FILE REF:	W1/5
POLICY REF:	Nil
DELEGATED TO:	Works Supervisor
EXPIRY DATE:	Indefinite

DETAIL OF SUB-DELEGATION:

The Works Supervisor is delegated authority under section 3.50(1) of the Local Government Act 1995 to wholly or partially close a thoroughfare or road to the passage of vehicles for a period not exceeding four weeks.

CONDITIONS IMPOSED:

For periods in excess of five working days, notice is to be given in both local newspapers.

RECORDING REQUIREMENTS:

Nil

REPORTING REQUIREMENTS:

Councillors to be informed of any significant road closures.

DATE REVIEWED:

Annually

Chief Executive Officer

Date:

SWIMMING POOLS – PRIVATE**REGISTER OF SUB-DELEGATIONS OF AUTHORITY***(Local Government Act 1995, s5.44)**(Local Government (Administration) Regulations 1996, s19)***INSTRUMENT OF SUB-DELEGATION****SWIM SD001 Notice on Non-Complying Private Swimming Pools**

DELEGATION REF:	SWIM 001
SUB-DELEGATION REF:	SWIM SD001
HEAD OF POWER:	Building Act 2011 (s. 3, 93, 95, 97) Building Regulations 2012
FILE REF:	B1/2
POLICY REF:	Nil
DELEGATED TO:	Environmental Health Officer
EXPIRY DATE:	Indefinite

DETAIL OF DELEGATION:

The Environmental Health Officer is delegated authority to exercise and carry out the powers and duties, pursuant to sections 3, 93, 95 and 97 of the Building Act 2011 and Building Regulations 2012, with respect to private swimming pools, and to issue notices as required on the owners or occupiers of the land on which there is a swimming pool not complying with the statutory requirements for a barrier to prevent access to the swimming pool by children.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

Notices issued are to be placed on appropriate file.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

Chief Executive Officer
Date:

DOGS**REGISTER OF SUB-DELEGATIONS OF AUTHORITY***(Local Government Act 1995, s5.44)**(Local Government (Administration) Regulations 1996, s19)***INSTRUMENT OF SUB-DELEGATION****DOGS SD001 Administer the Dog Act**

DELEGATION REF:	DOGS 001
SUB-DELEGATION REF:	DOGS SD001
HEAD OF POWER:	Dog Act 1976 s 29(1)
FILE REF:	A6/3d
POLICY REF:	Nil
DELEGATED TO:	WA Contract Ranger Services
EXPIRY DATE:	Indefinite

DETAIL OF SUB-DELEGATION:

WA Contract Ranger Services is appointed under s 29(1) of the Dog Act 1976 as an authorised person to exercise the powers of the Shire under that Act.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

To be in line with recording in Delegation Register.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

Chief Executive Officer

Date:

CATS**REGISTER OF SUB-DELEGATIONS OF AUTHORITY***(Local Government Act 1995, s5.44)**(Local Government (Administration) Regulations 1996, s19)***INSTRUMENT OF SUB-DELEGATION****CATS SD001 Administer the Cat Act**

DELEGATION REF:	CATS 001
SUB-DELEGATION REF:	CATS SD001
HEAD OF POWER:	Cat Act 2011, s.44
FILE REF:	A6/3c
POLICY REF:	Nil
DELEGATED TO:	WA Contract Ranger Services
EXPIRY DATE:	Indefinite

DETAIL OF SUB-DELEGATION:

WA Contract Ranger Services is appointed under s.44 of the Cat Act 2011 for the purposes of exercising the powers of the shire under that Act.

CONDITIONS IMPOSED:

Nil

RECORDING REQUIREMENTS:

To be in line with recording in Delegation Register.

REPORTING REQUIREMENTS:

Nil

DATE REVIEWED:

Annually

Chief Executive Officer

Date:

TN403

ROAD TRAFFIC (VEHICLES) ACT 2012
ROAD TRAFFIC (VEHICLES) REGULATIONS 2014
HEAVY VEHICLE AGRICULTURAL PILOT AUTHORISATION 2017

I, Richard Sellers, Commissioner of Main Roads, acting pursuant to regulation 454B (2) of the *Road Traffic (Vehicles) Regulations 2014* hereby authorise that a person being a holder of a valid driver's licence for that class of vehicle, may use a pilot vehicle for the purpose of facilitating the movement of an oversize agricultural vehicle, subject to the conditions as specified in this authorisation.

1. Citation

This authorisation is the *Heavy Vehicle Agricultural Pilot Authorisation 2017*.

2. Commencement

This authorisation takes effect on the day that it is published.

3. Interpretation

In this authorisation—

Oversize Agricultural Vehicle means a vehicle used for an agricultural application, including the movement of agricultural implements and machines by an agricultural vehicle dealer and earthmoving machinery used by an earthmoving contractor specifically engaged in agricultural applications.

Driver's Licence does not include a provisional licence;

Local Government road means a road that is under the responsibility of the local government of the district in which it is situated;

State road means a road that is under the responsibility of Main Roads.

4. Application

This authorisation only applies to a person, who does not hold a Heavy Vehicle Pilot Licence, driving a pilot vehicle for the purpose of facilitating the movement of an oversize agricultural vehicle.

5. Conditions

- (a) A driver of a pilot vehicle should only accompany an oversize agricultural vehicle on a local government road. A State road may be driven on, only for the shortest distance necessary to access the nearest appropriate local government road.
- (b) A driver of a pilot vehicle must ensure that for any single movement of an oversize agricultural vehicle that the total distance travelled from the point of origin until the destination is no greater than 100 kilometres.
- (c) A driver of a pilot vehicle must comply with the requirements specified in the *Oversize Vehicle and Pilot Vehicle Requirements* document, available under the Heavy Vehicles section of the Main Roads website.
- (d) A driver of a pilot vehicle must not accompany an agricultural vehicle exceeding 6 metres in width and/or 40 metres in length.
- (e) The number of pilot vehicles required to facilitate the movement of an oversize agricultural vehicle must be in accordance with the following tables.



mainroads
WESTERN AUSTRALIA

Harvest Mass Management Scheme

Attachment 12.1.18b



Harvest Mass Management Scheme

- Temporary special access arrangements under the Harvest Mass Management Scheme (HMMS) were introduced for the 2016/17 harvest period to alleviate the impacts of a forecasted record harvest combined with a significant backlog of route assessments.
- During the review, legal advice suggested it is not appropriate for Main Roads to continue the access arrangement for HMMS, in its current form.
- While the circumstances that initiated the temporary special access arrangements no longer exist, Main Roads has made some modifications to the associated requirements to ensure they are meeting legal and safety obligations and to enable the agricultural industry to continue harvesting the benefits of the HMMS access arrangements.
- Road safety risk assessments have been conducted by our Road Safety Branch to ensure there are no adverse effects on road safety by allowing HMMS access under the revised conditions.



Harvest Mass Management Scheme

Main Roads plans to continue allowing 'first and last mile' RAV access during the harvest period under HMMS on roads not approved on a RAV Network, subject to the following revised conditions:

- A minimum of one (1) Agricultural Pilot must accompany the RAV combination to facilitate the safe movement between the farm and the nearest RAV Network road;
- The roads being used between the farm and the nearest RAV Network road must be listed on the Transport Operator's HMMS Approved Road List, which must be provided to the participating Grain Receiver and carried in the vehicle and produced upon request;
- Must use the most direct route from the paddock to the nearest road approved for RAV Network access;
- Ensure the RAV combination departing the paddock is not a higher RAV category than the nearest RAV Network;
- The RAV must not exceed 40 km/h;
- Display an amber flashing light on the prime mover; and
- Obtain a bridge crossing permit from HVS for any bridges that are on these roads.

Harvest Mass Management Scheme

RAVs operating under HMMS access arrangements must be accompanied by at least one Agricultural Pilot for the purpose of:

- Facilitating the safe movement of the RAV;
- Negate the need for assessment and discretion of drivers / operators;
- Replaces spotters previously required at intersections with inadequate sight distances;
- Assist with managing any potential railway stacking distances; and
- Assist with ensuring safe egress at intersections where the RAV is required to use excess road width.



Harvest Mass Management Scheme

The roads being used under the HMMS access arrangements, which are not approved on a RAV Network, must be provided to Main Roads. Once the list is approved by Main Roads, it forms the operator's 'HMMS Approved Road List' for that particular harvest season.

The 'HMMS Approved Road List' must be carried in the vehicle and provided to the Registered Grain Receiver for the purpose of:

- Ensuring bridge crossing permits are obtained when required;
- Enabling Main Roads to prioritise route assessments; and
- Enable Main Roads to monitor compliance for road safety.

Operators will be deemed 'off-route' if found to be operating on a road not listed on the relevant RAV Network or their HMMS Approved Road List.

Harvest Mass Management Scheme

Other access conditions remain the same and are necessary to ensure road safety.

- The road/s are being used to transport grain from a paddock to a participating Grain Receiver, or used to return to a paddock after delivering grain to a participating Grain Receiver;
- The road/s are the most direct route from the paddock to the nearest road approved for RAV Network access;
- The RAV combination being used is not a higher RAV Category than the nearest RAV Network;
- The driver of the RAV combination must not exceed travelling at a speed exceeding 40 km/h;
- An amber flashing light must be displayed on the cab of the towing vehicle; and
- A HMMS bridge crossing permit must be obtained prior to crossing any bridges on Non-approved Roads, which must be carried in the vehicle and produced upon request.





Questions

WALGA Quarterly Overview Report

Q1 January – March 2018

Shire of Mt Marshall

This is your Council's WALGA Quarterly Report for the January to March 2018 quarter.

The Quarterly Reports aim to outline and capture the interactions and activities of your Council with the Association.

These reports will help demonstrate how WALGA can contribute to Members' operations and our progress towards achieving Council-specific and sector-wide advocacy goals.

We hope that the reports will continue to be a starting point for ongoing conversations between your Local Government and WALGA.

MEMBER SERVICES



3 Members from the Shire of Mt Marshall attended WALGA Training this quarter.

2

Number of times Recruitment advice was provided to the Shire of Mt Marshall.



SECTOR ADVOCACY

ECONOMIC DEVELOPMENT PROJECT

WALGA has recently commenced a project to support Local Government economic development activities. The project aims to develop a practical framework to assist Local Governments across the State in the implementation of their economic development strategies and activities, and to ascertain ongoing alignment with contemporary practice. To ensure the framework is relevant and meets the needs of all Local Governments, the project is being guided by a reference group.

In coming months, WALGA will be undertaking research and collecting data to help inform the project and identify the best way that it can support the sector in this area.

CLIMATE CHANGE POLICY STATEMENT REVIEW

WALGA is reviewing the existing policy statement on climate change, endorsed by State Council in 2009. Following on from a discussion paper WALGA released in November 2017, WALGA has now produced a draft revised climate change policy statement released for comment.

After input has been received and considered, the draft policy statement will be submitted to State Council for its approval or comment. If endorsed by State Council, it will provide the basis for WALGA's climate change advocacy plan, which will be developed in consultation with the sector and further detail how WALGA will promote and advocate for Local Governments' key climate change priorities over the next few years. The Shire of Mt Marshall has not yet provided feedback on the draft policy statement. Submissions are open until Tuesday, 24 April.

PLASTIC BAG BAN

The Department of Water and Environmental Regulation released a discussion paper on the Plastic Bag Ban on Wednesday, 20 December 2017. WALGA invited Members to provide their feedback on the discussion paper. After incorporation of the feedback from the sector and consideration by the Municipal Waste Advisory Council, an Association submission was provided to the Department on Wednesday, 28 February.

MEETINGS AND EVENTS

LOCAL WASTE MANAGEMENT FOR EMERGENCY EVENTS

WALGA staff presented at the Great Eastern Country Zone meeting on Waste Management and Emergency Events, as well as a general update on waste management issues.



1 Elected Member, and

1 Local Government Officer from the Shire of Mt Marshall attended.

HAVE YOU CONSIDERED?

SUPPORT FOR LOCAL GOVERNMENT BUDGETS

It's that time of year where Local Governments are developing their budgets for the coming financial year. To ensure that finances are managed responsibly and the burden on ratepayers is minimised, it is important that Councils have an understanding of the economic environment to identify likely trends in revenue and demand for services, and to recognise risks that may prevent the projected budget outcome from being achieved.

To assist Councils with their budget preparation activities, WALGA has

Q1 January – March 2018

provided all Elected Members with a special edition of its Economic Briefing publication. This includes statistics and forecasts for the WA economy in the coming year, as well as insights into cost pressure and funding opportunities. WALGA has also provided a summary document containing information on key financial management topics including Long Term Financial Planning, Financial Indicators and Use of Debt.

CONTACTS

Chief Executive Officer
Ricky Burges
9213 2025

Deputy Chief Executive Officer
Wayne Scheggia
9213 2024

**Executive Manager
Business Solutions**
John Filippone
9213 2020

**Executive Manager
Environment and Waste**
Mark Batty
9213 2078

**Executive Manager
Finance and Marketing**
Zac Donovan
9213 2038

**Executive Manager
Governance and Organisational Services**
Tony Brown
9213 2051

**Executive Manager
Infrastructure**
Ian Duncan
9213 2031

**Executive Manager
People and Place**
Joanne Burges
9213 2018

CHIEF EXECUTIVE OFFICER - JOHN NUTTALL				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2018/3 – 016 April 2018	That Council: <ol style="list-style-type: none"> 1. Receive the minutes from the Economic Development Grant Fund Committee meeting of 16 April 2018 which are at attachment 14.1; and 2. Endorse the recommendation of the Economic Development Grant Fund Committee by awarding the sum of \$9383.59 from the Economic Development Fund to the Bencubbin Community Recreation Council towards the installation of Solar Panels at the Bencubbin Community Recreation Centre. 	Ongoing	Communicated outcome to the BCRC and are awaiting an invoice.	July 2018
2018/3 – 009 April 2018	That Council: <ol style="list-style-type: none"> 1. Includes the additional \$2499.99 into the proposed Shire budget for 2018/19 to cover the reimbursement of funds to the Shires of Bruce Rock, Kellerberrin and Merredin for the overpayment of one unit per Shire; 2. Includes the additional \$1017 into the proposed Shire budget for 2018/19 to balance the construction budget for the CEACA project; 3. Directs the CEACA delegate to vote against the proposed CEACA budget for 2018/19 on the basis that it is believed the budget is overstated and includes items that are not acceptable; and 4. Directs the Chief Executive Officer to send comments relating to the proposed CEACA budget prior to 30 April 2018 as outlined within this report and confirm that the Shire of Mt Marshall does not support the budget as currently presented. 	Complete	Delegate voted as per resolution at the meeting held on May 2nd.	

CHIEF EXECUTIVE OFFICER - JOHN NUTTALL				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2018/3 – 008 April 2018	That Council: <ol style="list-style-type: none"> 1. Resolve to engage Western Power to supply the power to the proposed Beacon Workers Accommodation Site; 2. Subject to Section 6.8(1) Local Government Act 1995 expenditure of \$20,000 be authorised to undertake the power supply works to the proposed Beacon Workers Accommodation Site; and 3. \$20000 be transferred from the Beacon Accommodation Reserve. 	Underway		October 2018
2018/3 – 007 April 2018	That Council: <ol style="list-style-type: none"> 1. Direct the Chief Executive Officer to inform Mr Anderson that his offer to purchase 29 Brown Street, Bencubbin is not accepted; and 2. Call public tenders for the disposal of 29 Brown Street Bencubbin as soon as practicable, with received tenders being referred to Council for consideration and decision. 		Tender documentation being drafted.	August 2018

CHIEF EXECUTIVE OFFICER - JOHN NUTTALL				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2018/3 – 006 April 2018	That Council: <ol style="list-style-type: none"> 1. Subject to Section 3.58 (3) Local Government Act 1995, dispose of 27 Rowlands Street Beacon by way of sale to Mr Jens Dierks for the sum of \$40000; 2. Authorise the Chief Executive Officer to complete and append the common seal upon any paperwork necessary to effect the sale; and 3. Upon completion of the sale transfer the proceeds of the sale into the Housing Reserve. 	Ongoing	Sale documentation being prepared	July 2018
2018/3 – 004 April 2018	That Council: <ol style="list-style-type: none"> 1. Direct the Chief Executive Officer to make arrangements for a new lease for the use of the Pergandes Sheep Yards as a tourist destination between the Shire and Mr & Mrs Cooper; and 2. That any costs associated with the preparation and execution of the new lease be borne by the Shire. 		Lease is being prepared by lawyers	July 2018
2018/3 – 003 April 2018	That Council: <ol style="list-style-type: none"> 1. Accept the Federal funding of \$157000 to be used for the upgrade of the airstrip at Beacon. 2. Subject to section 9.49A Local Government Act 1995, direct the Chief Executive Officer to affix the common seal to the Federal funding agreement. 3. Accept the State funding of \$238400 to be used for the upgrade of the airstrip at Beacon. 4. Subject to section 9.49A Local Government Act 1995, direct the Chief Executive Officer to affix the common seal to the State funding agreement, so long as he is content that the conditions are appropriate. 	Complete	Federal documents have been signed and awaiting State documents.	June 2018

CHIEF EXECUTIVE OFFICER - JOHN NUTTALL				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2018/2 – 011 March 2018	<p>That Council:</p> <ol style="list-style-type: none"> 1. subject to Clause 19.2 of the current Agreement for Refuse and Waste Disposal Services, accept the option to extend the contract by a further three years; 2. Direct the Chief Executive Officer to confirm acceptance of the option in writing to Avon Waste and enter negotiations with Avon Waste regarding collection rates under the extended contract; and 3. subject to those negotiations, endorse a further contract of three years being entered into, and the Common Seal be placed upon that contract 	Ongoing	<p>Correspondence regarding extension of contract has been sent.</p> <p>Rates for the extended contract have been agreed. Awaiting the drafting of the contract.</p>	June 2018
2017/09-15 September 2017	<p>That Council:</p> <ol style="list-style-type: none"> 1. resolve that new workers accommodation be constructed in Beacon to replace the Beacon Barracks accommodation; 2. resolve that the new accommodation be sited to the West of the current Beacon Caravan Park; 3. direct the Chief Executive Officer and obtain full costings for the new camp and present them to Council for a budget to be agreed as soon as possible; and 4. direct the Chief Executive Officer to write to Public Transport Authority (WA) and request that one of the existing rooms be retained and gifted to the Shire to be preserved and used as a historical feature for the town. 	Ongoing	<p>Extension on the date of Beacon Barracks closure to December 2018.</p> <p>Clearing Application made</p> <p>Investigations into options underway.</p> <p>Item in April agenda. Matter to be listed in budget considerations for 2018/2019.</p>	December 2018
2017/07-4 July 2017	<p>That Council, pursuant to section 58 Land Administration Act 1997 and clause 9 Land Administration Regulations 1998, endorse the closure of the section of Bencubbin-Kellerberrin Road as outlined in the sketch, and direct the Chief Executive Officer to request the Minister for Lands to take the necessary steps to permanently close that section of road.</p>	Ongoing	<p>A request has been sent to the Minister and awaiting their response.</p>	June 2018

CHIEF EXECUTIVE OFFICER - JOHN NUTTALL				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2017/06-5 June 2017	<p>That Council:</p> <ol style="list-style-type: none"> 1. subject to Section 6.8 (1) (b), increase the budget for the Bencubbin Recreation Complex Redevelopment capital expenditure account (8548) by \$75,000, to make a total of \$2,675,000. (Absolute Majority) 2. subject to Section 6.8 (1) (b), increase the income for the Bencubbin Recreation Complex Redevelopment by \$75,000, with that income being provided by the BCRC. That income is to be held in reserve as contingency monies and be used only for unforeseen and necessary works arising during the course of the building project. (Absolute Majority) 3. agree that the amount of contingency required for the project be \$99,258. 4. agree that any unused contingency money, up to the value of \$75,000, be returned to the BCRC at the end of the building project. 5. agree that should savings to the verbal quote be achieved during final negotiations with Devlyn, the BCRC contingency payment be reduced accordingly to achieve the contingency amount of \$99,258. 	Ongoing	<p>Written quote received. Engineering drawings being prepared.</p> <p>Contract currently being prepared. Awaiting for notification of start date.</p> <p>Builders on site from 18 September. Works are due to be completed mid-June 2018.</p>	June 2018

CHIEF EXECUTIVE OFFICER - JOHN NUTTALL				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2017/04-10 April 2017	<p>That Council:</p> <ol style="list-style-type: none"> 1. Subject to funding being provided by Water Corporation for essential works as indicated in attachment 12.1.15a accept the offer from Water Corporation of the transfer of ownership from the Water Corporation to the Shire of Mt Marshall of the following AA Dams: <ul style="list-style-type: none"> • Warkutting Tank • Gabbining Tank • Marindo Rocks • Beebeegnying Tank • Sand Soak Dam 2. Decline the offer from Water Corporation of the transfer of ownership from the Water Corporation to the Shire of Mt Marshall of the following AA Dams: <ul style="list-style-type: none"> • Wiacubbing Dam • Gabbin Dam • Snake Soak Dam 3. Direct the Chief Executive Officer to communicate the above resolution to the Water Corporation, and make the necessary arrangements for the transfer of the assets into the control of the Shire of Mt Marshall 	Ongoing	<p>Correspondence sent to Water Corporation advising them of the resolution, and asking to enter discussions regarding funding.</p> <p>Water Corp have agreed to pay \$5,000 per tank. Transfer of assets is underway.</p> <p>Matter sits with the Department of Lands.</p> <p>Department waiting on the outcome of native title settlement prior to any transfer.</p>	November 2018

CHIEF EXECUTIVE OFFICER - JOHN NUTTALL				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2017/022 February 2017	<p>That:</p> <ol style="list-style-type: none"> 1. Council Acknowledge an historic equity imbalance in the provision of facilities between the towns of Beacon and Bencubbin; 2. A desktop review be undertaken on proposed infrastructure upgrades for Beacon and that a further report be made to Council with a view to implementing a 5 year development program for the town; 3. That the Shire's Community Development Officer investigate and report on other local government models for the development and support of volunteers in both communities; and 4. That any agreed infrastructure development program and volunteer support program be incorporated into the Shire's Community Strategic Plan 	Ongoing	<p>This will be a 'work in progress' for some time. Initial conversations have taken place with CDO. This will link to the SCP which will be adopted by the end of the financial year.</p> <p>The Strategic Community Plan is being presented to the August meeting, which is the starting point of the review.</p> <p>The Strategic Community Plan and the Corporate Business Plan were adopted in September and will hopefully address some issues.</p>	
2017/019 February 2017	That the Shire of Mt Marshall seek the freehold title of Reserves 22783 (43 Brown St, Bencubbin) and Reserve 23238 (16 Rowlands St, Beacon) to enable the freehold disposal of the land to the Central East Aged Care Alliance Inc for the purpose of "Aged Persons Accommodation".	Ongoing	<p>This matter is progressing, firstly through Housing Authority and then to Dept. of Lands</p> <p>Housing Authority has responded and the matter now sits with the Dept. Of Lands.</p> <p>Recent information has been received indicating that the matter is nearing conclusion.</p>	June 2018

CHIEF EXECUTIVE OFFICER - JOHN NUTTALL				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2016/120 Aug 2016	3. The Shire of Mt Marshall enter into a legal agreement with the Bencubbin Community Recreation Council for the repayment of the self-supporting loan of \$250,000.	Ongoing	<p>Draft agreement received from McLeods. Needs amending to suit local circumstances pending award of construction contract.</p> <p>Draft annotated and served on BCRC for comment.</p> <p>Following up the draft agreement with the BCRC.</p> <p>Negotiations ongoing with the BCRC.</p> <p>Matter followed up at last committee meeting</p>	May 2018

ENVIRONMENTAL HEALTH OFFICER – PETER TOBOSS				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2016/104 July 2016	That Council endorse, in accordance with section 3.12 of <i>Local Government Act 1995</i> , the giving of 42 days state wide public notice of intention to make the <i>Shire of Mt Marshall Health Amendment Local Law 2016</i> .	Stalled	Needs serious reworking	July 2018
		Reviewing	Await new EHO commencing to deal with this issue	
			EHO is currently reviewing the Health Local Laws. Upon completion of the reviewing process, a draft Shire of Mt Marshall Health Local Laws 2018 will be produced. Changes to the Health Act 1911 and the new Public Health Act 2016 is step forward to review and amend the old Shire of Mt Marshall Health Local Laws.	

ENVIRONMENTAL HEALTH OFFICER - PETER TOBOSS

REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2011/197 December 2011	<p>That Council:</p> <ol style="list-style-type: none"> 1. Proceed with legal action for failing to comply with the Notice served under the Health Act 1911 Part V Dwellings Division 1 Houses unfit for occupation Sec. 139 served to Mrs GM Trainor by registered post on the 14/10/2009. 2. That the dwelling located on Lot 10 Hammond Street Gabbin being of brick veneer, suspended timber floors and timber framed roof with clay tiles be declared condemned and that the dwelling is to be demolished and that a notice to that effect be issued with immediate effect and that the Land is to be cleaned up after removal of the dwelling pursuant to Health Act 1911 Part V Dwellings Division 1 Houses unfit for occupation Sec. 138 and that the demolition be completed within 82 days. 3. After 82 days from the serving of the demolition notice that the principal Environmental Health Officer/Building Surveyor inspect Lot 10 Hammond Street Gabbin to determine compliance with the demolition notice. 	To be reviewed	<p>Scoping document for McLeods to be written and submitted for legal opinion/advice to proceed or not.</p> <p>Letter received from Trainors builder asking for info about what required for a building permit. Inspection of dwelling imminent.</p> <p>Building license issued for renovations, Works progressing.</p> <p>At completion of 2 years from date issue of license will investigate if suitable progress has been made BL issued 30/3/2012 and will expire on the 30/3/2014</p> <p>Will investigate works undertaken at expiry of BL and review.</p> <p>Oct 2014 - Inspection done, unable to track down builder for a report of works completed. Letter sent to owners of house requesting update of progress and intent for house. Continued over page</p>	<p>Be reviewed early April (expiry of BL) Onsite inspection planned 17 June 2014 to determine extent of works, letter to be written to Builder & owners to say this will occur.</p> <p>PEHO is yet to establish contact with the owner/owners to discuss their action plan. It is estimated to be completed by April 2018</p>

ENVIRONMENTAL HEALTH OFFICER – PETER TOBOSS				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2011/197 December 2011 (continued)		Ongoing	<p>House inspected on 10/8/2016 – House is in need of repairs. Owner has advised that the Shire withdrew its order to demolish after an appeal was lodged with the State Administrative Tribunal. The owner will be undertaking repairs in the next few weeks.</p> <p>Await new EHO commencing to deal with this issue</p> <p>November 2017 - PEHO conducted site inspection; property is vacant with no person living in it. PEHO is yet to establish contact with the owner/owners and discuss the Health Notice placed on the property.</p>	

ENVIRONMENTAL HEALTH OFFICER – PETER TOBOSS				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2009/081 April 2009	That the dwelling located on Lot 94, Lindsay St, Beacon being of weather board walls over wooden stud frames, suspended timber floors and timber framed iron clad roof be declared unfit for human habitation from immediate effect of date of notification and also the Council place a work order on the said dwelling to bring the dwelling up to a standard deemed by the Environmental Health Officer/Building Surveyor to be compliant with the Health Act 1911, Shire of Mt Marshall Health Local Laws 2007 and Local Government (Miscellaneous Provisions) 1960 and that a period of time being 90 days of notification of dwelling unfit for habitation to be allowed to do such works and in the event of works not commenced to bring the dwelling to the said standard that a demolition order be placed on the said dwelling.	Ongoing	<p>Works inspected by EHO/BS and are acceptable. House Unfit for habitation to stay in effect until rear plumbing is confirmed done. Discussions with Ruth DeJong said they were keen to fix plumbing so they could get workers into the house BUT were out on jobs Statewide. Works ongoing when workhands available.</p> <p>House inspected on 10/08/2016. The house remains unfit for habitation by the owner's workers. The owner has been informed that the house needs to be made good before the order can be lifted and used for habitation.</p> <p>November 2017 - PEHO conducted site inspection; property is vacant with no person living in it. Health Notice on the door at the time of inspection. PEHO is yet to establish contact with the owner/owners.</p>	Ongoing.

FINANCE & ADMINISTRATION MANAGER – TANIKA MCLENNAN				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2018/3 – 006 April 2018	<p>That Council:</p> <ol style="list-style-type: none"> 1. Subject to Section 3.58 (3) Local Government Act 1995, dispose of 27 Rowlands Street Beacon by way of sale to Mr Jens Dierks for the sum of \$40000; 2. Authorise the Chief Executive Officer to complete and append the common seal upon any paperwork necessary to effect the sale; and 3. Upon completion of the sale transfer the proceeds of the sale into the Housing Reserve. 	Ongoing	Paperwork commenced	July 2018
2016/172 November 2016	<p>That:</p> <ol style="list-style-type: none"> 1) In accordance with section 6.71 of the Local Government Act 1995, ownership of Lots 45 and 46 Rowlands Street, Beacon (A6870 and A6871) be transferred to the Shire of Mt Marshall; 2) In accordance with section 6.8 of the Local Government Act 1995, expenditure of \$1,300.02 be approved to settle outstanding water rates on Lots 45 and 46 Rowlands Street, Beacon; and 3) In accordance with section 6.12 of the Local Government Act 1995, the following rates be written off: <ul style="list-style-type: none"> A6870 \$7,867.50 A6871 \$7,867.50 		<p>Transfer lodged, awaiting notification of completion.</p> <p>Document rejected for want of the Common Seal. Awaiting its return to affix Common Seal.</p> <p>Document resubmitted, awaiting confirmation of transfer</p> <p>Landgate advised that documents were still progressing through their legal team and could not give an estimated completion time.</p>	<p>Complete</p> <p>Complete</p> <p>December 2017</p>

REGULATORY OFFICER – JACK WALKER				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2018/1 – 012 February 2018	That Council, pursuant to section 58 Land Administration Act 1997 and clause 9 Land Administration Regulations 1998, endorse the closure of the section of Potts Road as outlined by the Department of Planning, Lands and Heritage SmartPlan below and direct the Chief Executive Officer to request the Minister for Lands to take the necessary steps to permanently close that section of road.	Ongoing	Waiting on a reply from the Minister	May 2018
2017/05-18 May 2017	That: 1. Council resolve not to proceed with the Extractive Industries Local Law.	Completed		
	2. The Chief Executive Officer be directed to draw up and present to Council an Extractive Industries Local Planning Policy.	Current	Staff are in the process of drafting a policy	May 2018
2016/178 November 2016	That: 1. an application be submitted to Main Roads WA to have Medlin Street, Calderwood Drive, Lindsay Street, Shemeld Street and Hamilton Street Beacon added to the RAV Network 4 and RAV Network 7; and	Completed	Advice from MRDWA is that the application was not successful. Reason given was that “MRD will not be adding RAV ACCESS at this point in time due to the regions Network Strategy”	October 2017
	2. an application be submitted to Main Roads WA seeking permission to install Give Way signs at the East end of Calderwood Drive, Beacon and the West end of the Beacon Grain Bin Road.	Ongoing	Main Roads have been advised and will assess the situation.	April 2018

REGULATORY OFFICER – JACK WALKER				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2016/155 Oct 2016 Continued	h) Consent is given to the Department of Fire and Emergency Services to issue identity cards to Mt Marshall Fire Brigade members.	Ongoing	DFES require all volunteers to submit a photo, waiting for harvest and holidays to be completed before following up	April 2018
2016/110 July 2016	<p>That Council endorse the recommendation of the Wheatbelt North East Sub Regional Road Group in relation to the Wheatbelt Freight Plan as follows: That:</p> <p>a) The following “Collector” Routes within the WNE SRRG road network:</p> <ol style="list-style-type: none"> 1 Wyalkatchem to Southern Cross Route 2 Cunderdin to Wyalkatchem Route 3 Wongan Hills to Koorda Route 4 Hines Hill to Burakin Route 5 Kulja to Dalwallinu Route 6 Kellerberrin to Beacon Route 7 Warralakin to Burracoppin Route 8 Bruce Rock to Moorine Rock Route <p>be endorsed as our Wheatbelt Freight Plan routes.</p> <p>b) All of the 2030 roads within these eight (8) WFP “collector” routes be allocated a single RAV access level of Network 7.</p> <p>c) All of the 2030 roads within these eight (8) WFP “collector” routes be allocated an AMMS level of 2, except for the Mukinbudin / Wialki Rd within the Shire of Mukinbudin from SLK 0.0 – 25.00 (Mukinbudin – Bonnie Rock Rd intersection), which is to be kept at its current level 3.</p>	Ongoing	Awaiting confirmation that the Wheatbelt Freight Plan has been adopted.	April 2018

ENGINEERING ADMINISTRATION OFFICER – JACK WALKER				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2008/083 April 2008	<p>That the Shire of Mt Marshall Local Law Relating to Dogs be amended as follows:</p> <p>15 2) Remove (e) Beacon Recreation Reserve No 36172</p> <p>15 (2) Remove (f) Bencubbin Recreation Reserve No 21535</p> <p>15 (2) Amend (g) to be denoted (e)</p> <p>Insert 15 (3) Fouling of Streets and Public Places</p> <p>Any person liable for the control of a dog as defined in Section 3(1) of the Act, who permits the dog to excrete on any street or public place or on any land within the District without the consent of the occupier commits an offence unless the excreta is removed forthwith and disposed of either on private land with the consent of the occupier or in such other manner as the local government may approve.</p> <p>16 (2) Remove (a) All freehold land owned by the Shire of Mt Marshall.</p> <p>16 (2) Remove (b) All reserves owned by the Shire of Mt Marshall or under the care control and management of the Shire.</p> <p>Insert 16 (2) (a) Beacon Recreation Reserve No 36172 (outside the fenced oval area) providing there are no organised activities upon this reserve.</p> <p>Insert 16 (2) (b) Bencubbin Recreation Reserve No 29824.</p>	Ongoing	Proposed changes to be advertised.	September 2009

EXECUTIVE ASSISTANT – NADINE RICHMOND				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2018/3 – 017 April 2018	<p>That Council, subject to Local Government Act 1995 section 6.16, impose new charges as follows:</p> <ul style="list-style-type: none"> • Private Works Labour - \$90 per hour • Hire of Temporary Site Fencing - \$1 per metre per month <p>Effective as of Wednesday 18 April 2018.</p>	Complete	New charges have been advertised and Fees and Charges document has been updated.	
2018/3 – 012 April 2018	That the item lie on the table for consideration at the May 2018 ordinary meeting of Council to allow for further discussion regarding times, dates and venues.		Item included in May agenda.	
2018/3 – 005 April 2018	That Council adopt the Economic Development Guide.	Complete	The guide is now available on the Shire's website.	
2016/122 Aug 2016	That Council authorise the President and Acting CEO to apply the Shire of Mt Marshall common seal in accordance with the Local Government Act 1995, Section 9:49A (3) to the Shire of Mt Marshall Health Amendment Local Law 2016.			

COMMUNITY DEVELOPMENT OFFICER – OLIVIA GRANICH

REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2017/022 February 2017	<p>That:</p> <ol style="list-style-type: none"> 1. Council Acknowledge an historic equity imbalance in the provision of facilities between the towns of Beacon and Bencubbin; 2. A desktop review be undertaken on proposed infrastructure upgrades for Beacon and that a further report be made to Council with a view to implementing a 5 year development program for the town; 3. That the Shire's Community Development Officer investigate and report on other local government models for the development and support of volunteers in both communities; and 4. That any agreed infrastructure development program and volunteer support program be incorporated into the Shire's Community Strategic Plan 	Ongoing	CDO liaising with Volunteers WA Wheatbelt Hub to source information that will assist with the development of the report.	

COMMUNITY DEVELOPMENT OFFICER – OLIVIA GRANICH

REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2016/190 December 2016	<p>That:</p> <ol style="list-style-type: none"> the Shire of Mt Marshall engage a consultant to undertake a Needs Assessment & Feasibility Study for a new Mt Marshall Aquatic Centre based on the methodology and deliverables outlined in the Needs Assessment & Feasibility Study Criteria; and for the purposes of the study, the site for any new aquatic facility be confined to the Beacon Recreation Complex site, the Bencubbin Recreation Complex site and the current aquatic centre site. 	Ongoing	<p>CDO acquired quotes from consultants to undertake this work. ABV Leisure Consultants to undertake the project. ABV currently reviewing Shires strategic documents and pool history. Survey and public consultation complete. Draft Needs Assessment presented in September, provided to Council to review.</p> <p>ABV are currently working on the Feasibility Study and cost estimates for the recommended options from the Needs Analysis. Draft report expected to be presented in Feb/March 18.</p> <p>CDO is acquiring quotes to engage a Quantity Surveyor to cost the capital works, lifecycle costings and lifespan replacement cost for the Mt Marshall Aquatic centre. Concept plans are nearing completion and are expected to be presented April 18.</p> <p>Continued over page</p>	

COMMUNITY DEVELOPMENT OFFICER – OLIVIA GRANICH				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2016/190 December 2016		Ongoing	Quantity Surveyor has been engaged and costings expected to be complete by the end of April 18. Research is still being conducted on the feasibility of the Aquatic Centre.	

ECONOMIC DEVELOPMENT OFFICER – LOREN NORTHOVER				
REF	DECISION	STATUS	COMMENT	ESTIMATED COMPLETION
2018/3 – 016 April 2018	<p>That Council:</p> <p>3. Receive the minutes from the Economic Development Grant Fund Committee meeting of 16 April 2018 which are at attachment 14.1; and</p> <p>4. Endorse the recommendation of the Economic Development Grant Fund Committee by awarding the sum of \$9383.59 from the Economic Development Fund to the Bencubbin Community Recreation Council towards the installation of Solar Panels at the Bencubbin Community Recreation Centre.</p>	Ongoing	BCRC advised of successful application via writing. BCRC to advise an estimated time of installation.	TBA



Shire of Mt Marshall

— THE SANDALWOOD SHIRE —

Meeting Dates 2018/2019

Ordinary Meetings of Council

17 July 2018	Recess - January 2019
21 August 2018	12 February 2019
18 September 2018	19 March 2019
16 October 2018	16 April 2019*
20 November 2018 *	21 May 2019
18 December 2018	18 June 2019*

Ordinary meetings of Council are held on the third Tuesday of every month in Council Chambers, 80 Monger St, Bencubbin commencing at 3:00pm (unless advertised otherwise). These meetings are open to the public, with the first 15 minutes set aside as public question time.

* Being held at Beacon Country Club, Lucas Street, Beacon

An Electors' General Meeting is held each financial year (typically in February) with notification being provided in the local newspapers.

The dates and commencement times of the following Council committees are yet to be advised. They will be advertised locally.

Mt Marshall Audit Committee

Bush Fire Advisory Committee

Local Emergency Management Committee

Mt Marshall Safety Committee

Bencubbin Multipurpose Complex Steering Committee

Meeting agendas are available online at www.mtmarshall.wa.gov.au, or upon request from the Executive Assistant, Ms Nadine Richmond by phoning 08 9685 1202, or emailing ea@mtmarshall.wa.gov.au

Council Meeting

Tuesday 24 April 2018

Meeting held at the Nungarin Recreation Centre
NUNGARIN

MINUTES

1.30pm Light lunch and Networking
2pm NEWROC Council Meeting

NEWROC Vision Statement

NEWROC is a strong, cohesive regional leadership group that fosters economic prosperity of member Councils.

Attachment 12.3.10

CONTENTS

1. OPENING AND ANNOUNCEMENTS.....	1
2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE	1
2.1. ATTENDANCE.....	1
2.2. APOLOGIES.....	1
2.3. REQUESTS FOR LEAVE OF ABSENCE	1
2.4. DECLARATIONS OF INTEREST AND DELEGATIONS REGISTER.....	1
2.5. DECLARATIONS OF INTEREST.....	1
2.6. DELEGATIONS REGISTER – APRIL 2018.....	2
3. PRESENTATIONS	2
4. MINUTES OF MEETINGS.....	2
4.1. MINUTES OF ORDINARY MEETINGS.....	2
4.1.1. MINUTES OF ORDINARY MEETING OF NEWROC COUNCIL – 27 FEBRUARY 2018.....	2
4.1.2. BUSINESS ARISING FROM NEWROC COUNCIL MEETING	2
4.2. MINUTES OF EXECUTIVE COMMITTEE MEETINGS	2
4.2.1. NEWROC EXECUTIVE COMMITTEE MEETING – 27 MARCH 2018.....	2
4.2.2. BUSINESS ARISING FROM THE NEWROC EXECUTIVE MEETING	3
4.2.2.1 NEWROC TELECOMMUNICATIONS PROJECT.....	3
4.2.2.2 DIRECTOR REPORTS AND INFORMATION SESSIONS	5
5. FINANCIAL MATTERS.....	7
5.1. LIST OF INCOME AND EXPENDITURE	7
5.2. NEWROC STRATEGIC PLANNING	10
5.3. REGIONAL SUBSIDIARY	11
5.4. NEWROC HEALTH STRATEGY	15
5.5. LATE AGENDA ITEM – LITERARY LUNCHEON.....	16
6. EMERGING NEWROC ISSUES AS NOTIFIED, INTRODUCED BY DECISION OF THE MEETING	17
7. WALGA ZONE ISSUES.....	17
8. OTHER MATTERS.....	17
9. MEETING SCHEDULE	17
10. CLOSURE OF MEETING	17



ANNUAL CALENDAR OF ACTIVITIES

MONTH	ACTIVITY	MEETING
January		Executive
February	<ul style="list-style-type: none"> Council refreshes itself on NEWROC Vision, Mission, Values (review Vision and Mission every other year) Council reviews NEWROC project priorities 	Council
March	<ul style="list-style-type: none"> WDC attendance to respond to NEWROC project priorities Submit priority projects to WDC, Regional Development and WA Planning Discussion regarding portfolios vs projects, current governance structure Group insurance discussion 	Executive
April	<ul style="list-style-type: none"> NEWROC Budget Preparation Review NEWTRAVEL Tourism Officer Contract - expires June 2018 	Council
May	<ul style="list-style-type: none"> NEWROC Draft Budget Presented NEWROC Executive Officer Contract/Hourly Rate Review (current contract expires June 2019) Local Government Week agenda to be discussed at Executive meeting to determine if EA should attend 	Executive
June	<ul style="list-style-type: none"> NEWROC Budget Adopted 	Council
July		Executive
August	<ul style="list-style-type: none"> Information for Councillors pre-election 	Council
September		Executive
October	<ul style="list-style-type: none"> NEWROC CEO and President Handover 	Council
November	<ul style="list-style-type: none"> NEWROC Induction of new Council representatives (every other year) Review NEWROC MoU (every other year) 	Executive
December	<ul style="list-style-type: none"> NEWROC Annual Dinner 	Council

ONGOING ACTIVITIES

Compliance

Media Releases

NEWROC Chair Rotation

Shire of Mt Marshall

Shire of Nungarin

Shire of Wyalkatchem (November 2017 – November 2019)

Shire of Koorda

Shire of Mukinbudin

Shire of Trayning

NEWROC PROJECTS - Activity Running Sheet

NEWROC PRIORITY PROJECT	DETAILS	PROGRESS	RESPONSIBLE
Renewable Energy	Business Case	Business Case Quote requested and will include in 18/19 Budget	EO
IT Services	Investigation	Presentation to Executive at May Executive meeting	EO
Roads Contracting to MRWA	Investigation		
Advocacy of Education	Advocacy		
Telecommunications – contemporary and future focused	Advocacy		

ADDITIONAL COLLABORATION	Progress as at March 2018
1. Regional Road Construction Group	Ongoing discussions
2. Align waste contracts amongst members Regional Waste Site	Avon Waste presentations completed, individual waste reports to members
3. Youth Officer / Youth programs	Development of Youth Strategy – funding being explored
4. Art in the Wheatbelt (art on silo's and adding value to Wheatbelt Way)	Concept supported in Aug 2015, needs further progression with Wheatbelt Way
5. Records Management and Disposal	Presentation by IT Vision To occur – presentation by Shire of WB regarding their records management solutions
6. Group insurance	To be discussed in 2018

NORTH EASTERN WHEATBELT REGIONAL ORGANISATION OF COUNCILS

Ordinary Meeting of Council held at the Nungarin Recreation Centre, Nungarin, on Tuesday 24 April 2018 commencing at 2.05pm.

MINUTES

1. OPENING AND ANNOUNCEMENTS

The Chair, Cr Davies welcomed everyone and opened the meeting at 2.05pm

2. RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

2.1. Attendance

Elected Members

Cr Quentin Davies	Delegate	NEWROC Chair, President, Shire of Wyalkatchem
Cr Gary Shadbolt	Delegate	President, Shire of Mukinbudin
Cr Tony Sachse	Delegate	President, Shire of Mt Marshall
Cr Eileen O'Connell	Delegate	President, Shire of Nungarin
Cr Melanie Brown	Delegate	President, Shire of Trayning
Cr George Storer	Delegate	Shire of Koorda

Chief Executive Officers

David Burton	CEO, Shire of Koorda
John Nuttall	CEO, Shire of Mt Marshall
Adam Madjit	CEO, Shire of Nungarin
Graham Merrick	CEO, Shire of Trayning
Ian McCabe	CEO, Shire of Wyalkatchem

Observers

Cr Bev Palmer	Shire of Nungarin
Cr Pippa de Lacy	Shire of Nungarin
Cr Sandie Ventris	Shire of Mukinbudin

2.2. Apologies

Cr Ricky Storer	Shire of Koorda
Cr Nick Gillett	Shire of Mt Marshall
Dirk Sellenger	Shire of Mukinbudin
Anne Banks McAllistair	WALGA

2.3. Requests for Leave of Absence

Nil

2.4. DECLARATIONS OF INTEREST AND DELEGATIONS REGISTER

2.5. Declarations of Interest

Declaration By (i.e. Cr B Example)	Shire	Agenda Item #	Type and details of Interest (i.e. financial)
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NEWROC Council Meeting 24 April 2018 - MINUTES

	(i.e. Shire of Barley Leaf)		
Cr Brown	Shire of Trayning	5.2.1 NEWROC Telecommunications Late Agenda Item – Literary Lunch	Crisp Wireless Tower on their property Member of a book club

2.6. Delegations Register – April 2018

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

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

3. PRESENTATIONS

Nil

4. MINUTES OF MEETINGS

4.1. Minutes of Ordinary Meetings

4.1.1. Minutes of Ordinary Meeting of NEWROC Council – 27 February 2018

Minutes of the meeting held 27 February 2018 have previously been circulated.

RESOLUTION:

That the Minutes of the NEWROC Meeting of Council held on 27 February 2018 be confirmed as a true and correct record of proceedings.

Moved Cr O'Connell

Seconded Cr Shadbolt

CARRIED 6/0

4.1.2. Business Arising from NEWROC Council meeting

Nil

4.2. Minutes of Executive Committee Meetings

4.2.1. NEWROC Executive Committee Meeting – 27 March 2018

Minutes of the NEWROC Executive Committee Meeting held on 27 March 2018 have been circulated.

RESOLUTION:

That the Minutes of the NEWROC Executive Committee Meeting held on 27 March 2018, be received.

Moved Cr O'Connell

Seconded Cr Brown

CARRIED 6/0

4.2.2. Business Arising from the NEWROC Executive Meeting

4.2.2.1 NEWROC Telecommunications Project

PORTFOLIO:	Transport and Infrastructure
FILE REFERENCE:	035-1 Grants General
REPORTING OFFICER:	Caroline Robinson, Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	19 March 2018
ATTACHMENT NUMBER:	#1 Letter to Crisp Wireless #2 Letter from Crisp Wireless (2) with attachments #3 Service level agreement (separate)
CONSULTATION:	Ian McCabe Leigh Ballard - SWW
STATUTORY ENVIRONMENT:	Nil
VOTING REQUIREMENT:	Simple Majority

COMMENT

Leigh Ballard of Crisp Wireless was prepared to present at the NEWROC Executive Meeting on March 27 however following a meeting on Thursday 22 March 2018 between Crisp Wireless (Jeremy Devenish and Leigh Ballard) and NEWROC CEO and the NEWROC EO, a presentation was not required.

Discussion at the meeting:

- NEWROC CEO and NEWROC EO met with Crisp Wireless on Thursday 22 March 2018 in Kellerberrin
- Discussion at the meeting included: liquidation of South Western Wireless in the eastern states, structure of South Western Wireless and the involvement of South Western Wireless WA, licensing issues, service level agreements, Director interests and capital contributions
- Synopsis of the meeting: SWW WA trades under Crisp Wireless which is currently trying to confirm a license for the NEWROC project with another WA provider (instead of South Western Wireless in the eastern states), discussion of the project, discussion of the tender and contractual agreements, phone support for internet plans as well as developing a one page NEWROC telecommunications strategic plan
- Post the meeting Crisp Wireless issued a letter to the NEWROC with an update on their arrangements with South Western Wireless in the eastern states. Leigh Ballard to provide a progress report to NEWROC CEO's in early April 2018
- At the Executive meeting CEO's discussed the South Western Wireless WA service in the Shire of Pinjarra

ACTION: NEWROC CEO to contact the Shire of Murray regarding their service level agreement with South Western Wireless WA

Discussion at the Executive Meeting

NEWROC Council Meeting 24 April 2018 - MINUTES

- 👉 CEO's also discussed asset ownership. NEWROC to action an agreement with Crisp Wireless regarding first rights if project is delayed or the like
- 👉 Crisp Wireless is currently recruiting staff for a WA based phone support service for their internet plans (originally this was going to be provided by South Western Wireless in the eastern states)
- 👉 Discussion regarding reputational risk to the NEWROC

Actions since the Executive Meeting:

- 👉 Correspondence sent to the Chair of Crisp Wireless regarding the formal requests from the Executive Meeting
- 👉 Correspondence received from the Chair of Crisp Wireless including a Service Level Agreement
- 👉 Official launch of the NEWROC Telecommunications Project on 11 April 2018 in Nungarin
- 👉 Hon Bridget McKenzie Federal Minister for Rural Health and Regional Communications would like to meet with the NEWROC on Sunday 29 April 2018 and has suggested Wyalkatchem as the venue

RESOLUTION:

Endorse the letter sent to Crisp Wireless:

- 1. Crisp Wireless is to obtain the necessary license/s required to operate the NEWROC network by COB April 10 2018, if it does not obtain the necessary license/s it is to inform the NEWROC CEO immediately so that additional actions can be instigated**
- 2. Crisp Wireless is to supply a copy of the telecommunications license/s and any certificates of currency and conditions to the CEO of the NEWROC by COB April 10 2018**
- 3. Crisp Wireless is to provide a project milestone report on the project to the CEO of the NEWROC on April 10 2018**
- 4. A draft service level agreement is to be sent to the NEWROC Executive Officer by Wednesday 4 April 2018 so members can review and collect comments**
- 5. Further payments for the project will be withheld until the completion of the built / installed infrastructure is in place, appropriate licenses are in place and activated, a test of the network is undertaken by the NEWROC (either members or an independent body) and a majority of members are satisfied with the network and its connectivity.**

Should Crisp Wireless not provide a copy of their telecommunications license by the 30th April 2018 then additional actions will take place by the group to ensure the project is completed

Moved Cr O'Connell

Seconded Cr Shadbolt

CARRIED 6/0

Discussion:

- 👉 NEWROC has not responded formally to the Crisp Wireless letter of the 3 April 2018 – a letter will be drafted shortly, following further discussions with the Crisp Wireless CEO
- 👉 Feelings that at the start of the partnership, Crisp Wireless and the NEWROC would find the 200 subscribers, however perhaps there is now more of a press on the NEWROC to find these 200 subscribers
- 👉 There is no end date as to when these 200 subscribers are to be provided to Crisp Wireless (no mention in the tender contract and in the tender the words are provide 'in principle' 200 subscribers)
- 👉 Discussion regarding the information sessions – none have been held in Trayning, suggestion that Crisp Wireless left early in Nungarin and in Mukinbudin Crisp Wireless incorrectly referred to 9 attendees at a session but it was more like 5
- 👉 NEWROC EO contacted the Shire of Murray to discuss their Service Level Agreement with Crisp Wireless

NEWROC Council Meeting 24 April 2018 - MINUTES

- 🔥 Cullen Macleod lawyers currently are providing feedback on the NEWROC Service Level Agreement with Crisp Wireless
- 🔥 Feedback for inclusion in the NEWROC Service Level Agreement - what happens when the number of subscribers falls below 200 and what is the trigger point? Can we include some forward projections on the number of subscribers? The SLA should reference mediation if there is an issue so too compensation, definitions of severe or low issues
- 🔥 Lead organisation for the SLA on behalf of the NEWROC will be the Shire of Wyalkatchem
- 🔥 Members requested a copy of the Crisp Wireless customer agreement form
- 🔥 Members discussed the telecommunications licence – what happens if it does not come through before the end of April 2018, there needs to be a contingency in place (SLA will form part of this)
- 🔥 Future roll out of the network will be trying to achieve full coverage of the NEWROC
- 🔥 Ian McCabe, John Nuttall and Caroline Robinson will meet with Crisp Wireless to discuss the SLA in person

RESOLUTION:

The NEWROC write to Crisp Wireless formally requesting the ‘Shaddy’ tower be relocated (planning application yet to be approved by the Shire of Mukinbudin) and a solution for the Talgamine residents be provided to ensure ratepayers who don’t currently receive NBN near the Talgamine and north Mukinbudin areas receive it in the future.

Moved Cr Shadbolt

Seconded Cr Sasche

CARRIED 6/0

4.2.2.2 Director Reports and Information Sessions

At the November Executive meeting the following was discussed:

Discussion:

- 🔥 Rather than portfolio’s could the members be responsible for specific NEWROC projects contained within our strategic plan
- 🔥 Possible that each CEO and a Councilor take a project of interest. Discussion regarding project reports at Executive meetings and that the focus of projects needs to be on economic development
- 🔥 Discussion regarding video conferencing for some Executive meetings (main issue is the productivity lost whilst travelling)

And at the December Council meeting the following was passed:

RESOLUTION:

That the NEWROC moves away from portfolios to projects aligned to our strategic plan (post February 2018).

Moved Cr O’Connell

Seconded Cr Brown

Carried 6/0

At the February strategic planning session the following project priorities emerged. Members are asked to consider the projects and possibly identify which one they would like to support and develop.

Projects/Activities for Next 2-3 Years	Action
Renewable Energy – solar, wind, etc	Business Case
IT Services – shared service for software, hardware and support. Opportunity to share a common platform.	Business Case

NEWROC Council Meeting 24 April 2018 - MINUTES

Opportunity to provide fee for service to local business as income stream	
Roads Contracting to MRWA	Business Case
Advocating for innovative education delivery	Advocacy
Telecommunications – Contemporary and future focused e.g. 5G	Advocacy
Reserve Projects	
Waste Management	No action at this stage
Trade base in each town/incubators	No action at this stage

Discussion at the Executive Meeting:

- 👉 NEWROC to invite Perth Energy to present
- 👉 NEWROC to determine what subjects and what capacity is required for students to remain in the NEWROC (rather than attending senior school subjects in Northam, Merredin or Perth)
 - How many kids wish to remain at Wyalkatchem and Mukinbudin SHS's, what subjects do they require?
 - The NEWROC to write to schools and post an advert regarding the issue
- 👉 Discussion as to whether two CEO's should be assigned to each project to ensure projects are carried on when there is a change of personnel – agreed one is ok for the moment
- 👉 CEO's committed to regular progress reports and communication on each project

RESOLUTION:

The following CEO's commit to progressing these strategic priorities and report on them at each Executive meeting:

Renewable Energy	David Burton
IT Services	John Nuttall
Roads Contracting to MRWA	Graham Merrick
Education advocacy	David Burton

The following priorities be discussed when the new Shire of Nungarin and Shire of Wyalkatchem CEO's are in place – Telecommunications, Waste management, Trade base in each town / incubators

Moved Cr Brown

Seconded Cr Sasche

CARRIED 6/0

5. FINANCIAL MATTERS

5.1. List of Income and Expenditure

PORTFOLIO: Corporate Capacity
FILE REFERENCE: 42-2 Finance Audit and Compliance
REPORTING OFFICER: Caroline Robinson, Executive Officer
DISCLOSURE OF INTEREST: Nil
DATE: 17 April 2018
ATTACHMENT NUMBER: #4 Reserves Policy
CONSULTATION: Dannelle Foley
STATUTORY ENVIRONMENT: Nil
VOTING REQUIREMENT: Simple Majority

COMMENTS

The below list outlines the income and expenditure from 1 March 2018 to 31 March 2018

NEWROC Funds #5557 Transactions

Date	Description	Reference	Credit	Debit	Gross
Opening Balance			129,923.46	0.00	0.00
01 Mar 2018	Payment: Digit Books Pty Ltd	D1G1TSubscription March 18	0.00	50.00	(50.00)
01 Mar 2018	Bendigo Bank	Transaction Fees	0.00	1.20	(1.20)
01 Mar 2018	Bendigo Bank	Interest Received	14.97	0.00	14.97
15 Mar 2018	Payment: Mukinbudin Community Bank® Branch of Bendigo Bank	Bendigo Muka - Telecomms Contribution	2,200.00	0.00	2,200.00
19 Mar 2018	Payment: Vernon Contracting	TO - February Inv 1021	0.00	1,317.80	(1,317.80)
19 Mar 2018	Payment: Solum Wheatbelt Business Solutions	EO Services February Inv 0013	0.00	2,977.48	(2,977.48)
19 Mar 2018	Payment: Vernon Contracting	Tourism Officer - Inv 1020	0.00	1,210.00	(1,210.00)
19 Mar 2018	Payment: Turbo Signs	Telecomms Signage Inv 10773	0.00	1,458.00	(1,458.00)
Total NEWROC Funds #5557			2,214.97	7,014.48	(4,799.51)
Closing Balance			125,123.95	0.00	0.00

Profit & Loss
North Eastern Wheatbelt Regional Organisation of Councils
For the month ended 31 March 2018

	Mar-18	YTD
Income		
Interest Received	\$14.97	\$3,798.29
Medical Enhancement Fund Subs Rec.	\$0.00	\$12,500.00
NEWROC Business Case / Project Work Subs	\$0.00	\$10,000.00
NEWROC Subscriptions Received	\$0.00	\$55,000.00
Special Projects Subscriptions Rec.	\$0.00	\$144,308.00
Tourism Officer Subscriptions Rec.	\$0.00	\$13,500.00
Wheatbelt Way Marketing Subscription	\$0.00	\$2,500.00
Total Income	\$14.97	\$241,606.29
Gross Profit	\$14.97	\$241,606.29
Less Operating Expenses		
Accounting/Audit fees	\$45.45	\$927.00
Advertising	\$0.00	\$205.59
Bank charges	\$1.20	\$16.00
Event / Ceremony Expenses	\$0.00	-\$348.94
Executive Officer Business Case/Project Work	\$0.00	\$12,504.54
Executive Officer Contract Services	\$2,694.68	\$21,313.40
Office Expenses	\$0.00	\$1,272.73
Printing and Stationery	\$0.00	\$76.41
Records Storage	\$0.00	\$5.00
Subscriptions Distributed (Medical)	\$0.00	\$600.00
Telecommunications Contractor/Services	\$0.00	\$401,500.00
Tourism Officer Contract Services	\$1,100.00	\$7,700.00
Travel Executive Officer	\$282.80	\$4,336.97
Travel Tourism Officer	\$98.00	\$1,174.60
Website and Database	\$0.00	\$145.45
Total Operating Expenses	\$4,222.13	\$451,428.75
Net Profit	\$4,207.16	\$209,822.46

RESOLUTION:

That the income and expenditure and the profit and loss report as at 31 March 2018, as listed, be endorsed.

Moved Cr O'Connell

Seconded Cr Shadbolt

CARRIED 6/0

Discussion at the Executive Meeting:

In light of the February strategic planning session, members are asked to provide direction on the allocation of reserves, if any (see attachment on reserve descriptions)

RESOLUTION:

The allocation of reserves remain with the telecommunications project, to be then revisited in the 18/19 budget preparations.

Moved Cr O'Connell

Seconded Cr Shadbolt

CARRIED 6/0

- 👉 Members discussed whether NEWTravel could employ the NEWTravel Executive Officer, means the group has control over activities, reduction in paperwork for the NEWROC EO
- 👉 NEWROC has written to the Shires of Dowerin and Westonia regarding their NEWTravel partnership. At the present moment, the Shire of Dowerin has requested a meeting with the NEWROC CEO to discuss a financial contribution

RESOLUTION:

The NEWROC to write to the NEWTRAVEL Chair regarding the employment of the NEWTravel Executive Officer, requesting to hand over the funds for the position on July 1 2018. As of 1 July 2018 NEWTravel to engage in an employment contract with the NEWTravel Executive Officer.

Moved Cr Sasche

Seconded Cr Brown

CARRIED 6/0

Discussion

- 👉 If NEWTravel manages the NEWTravel EO position will NEWROC lose influence over the position or our positive partnership and collaboration? Intention is that as the NEWROC (and 2 additional Shires in the future) will set the objectives
- 👉 Shire of Dowerin is likely to contribute financially towards the position in 2018/19
- 👉 Ian McCabe will follow up with the Shire of Westonia

MATTERS FOR DECISION

5.2. NEWROC Strategic Planning

PORTFOLIO:	Corporate Capacity
FILE REFERENCE:	041-5 Strategic and Future Planning
REPORTING OFFICER:	Caroline Robinson, Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	17 April 2018
ATTACHMENT NUMBER:	#5 Revised one page strategic plan #6 Renewable Energy Project Plan #7 IT Services Project Plan
CONSULTATION:	Anne Banks-McAllister
STATUTORY ENVIRONMENT:	Nil
VOTING REQUIREMENT:	Simple Majority

COMMENT

The NEWROC held its strategic planning workshop prior to its February Council meeting. It was facilitated by Anne Banks-McAllister and Tony Brown of WALGA.

The following projects and activities were developed on the day:

Projects/Activities for Next 2-3 Years	Action
Renewable Energy – solar, wind, etc	Business Case
IT Services – shared service for software, hardware and support. Opportunity to share a common platform. Opportunity to provide fee for service to local business as income stream	Business Case
Roads Contracting to MRWA	Business Case
Advocate for innovative education delivery to encourage students to remain in our Shires rather than attending school in regional centres or metro	Advocacy
Telecommunications – Contemporary and future focused e.g. 5G	Advocacy
Reserve Projects	
Waste Management	No action at this stage
Trade base in each town/incubators	No action at this stage

A decision making criteria was also discussed and this is included on the one page strategic plan summary. Since the workshop, the Executive Officer has developed a project plan for the Renewable Energy project and IT Services project – for discussion by members. The Executive Officer has also added the priority projects to the front of the agenda.

RESOLUTION:

The one page strategic plan is adopted

The NEWROC priority projects for 2018 – 2020 include: Renewable Energy, IT Services, Roads Contracting to MRWA, innovative education delivery and Telecommunications

Moved Cr Shadbolt

Seconded Cr Sasche

CARRIED 6/0

5.3. Regional Subsidiary

PORTFOLIO:	Corporate Capacity
FILE REFERENCE:	041-5 Strategic and Future Planning
REPORTING OFFICER:	Caroline Robinson, Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE:	17 April 2018
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Anne Banks-McAllister
STATUTORY ENVIRONMENT:	Nil
VOTING REQUIREMENT:	Simple Majority

COMMENT

The Executive Officer has begun working on a Charter for a possible regional subsidiary for the NEWROC. This was agreed to at the December 2017 Council meeting.

The purpose of working on the Charter is to be prepared for possible future opportunities that may arise with the regional subsidiary legislation or another form of governance structure. The Charter can be easily adapted to most forms of governance structure.

The Executive Officer is working part by part on the Charter and members are asked to provide comment on the following draft Charter inclusions;

1.5 Purpose for which the subsidiary is established

1.5.1 To deliver economic prosperity to communities led by the Constituent Councils of the subsidiary

1.5.2 Assess the possibilities and methodology of facilitating, and to identify funding and revenue opportunities for, a range of services and projects on a regional basis;

1.5.3 Undertake co-ordinating, advocacy and representational roles on behalf of its Constituent Councils at a regional level;

1.5.4 Facilitate and coordinate activities of local government at a regional level related to economic, social, environmental and community development with the object of achieving improvement for the benefit of the communities of its Constituent Councils;

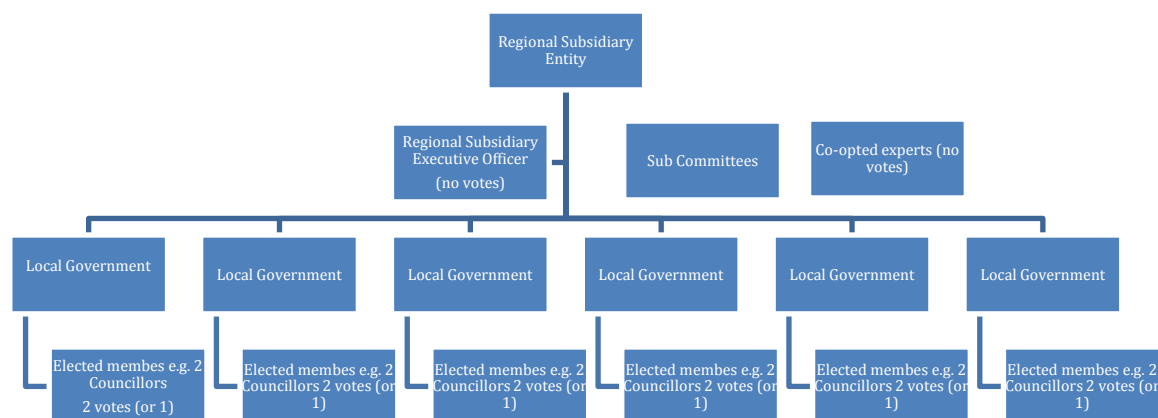
1.5.5 Develop, encourage, promote, foster and maintain consultation and cooperation and to strengthen the representation and status of local government when dealing with other governments, private enterprise and the community;

1.5.6 Undertake projects and activities that benefit its communities;

1.5.7 Implement programs that seek to deliver local government services on a regional basis

3.1 Membership of the Board

- *Proposed membership*



3.1.1 Each Constituent Council is entitled to appoint **2 elected member(s)** to be a Board Member and may at any time revoke such appointment and appoint another elected member on behalf of that Constituent Council;

3.1.2 Subject to Clause 3.1.6 a Board Member shall be appointed for a term specified in their instrument of appointment not exceeding the term that the Board Member continues as an elected member of the Constituent Council or until the conclusion of the next periodic Local Government Election following their appointment, whichever term is lesser, at which time they will be eligible for re-appointment by the Constituent Council;

3.1.3 Each Constituent Council may appoint **1 elected member(s)** of the Constituent Council to be Deputy/ies, who may act in place of that Constituent Council's Board Member if the Board Member will be unable to be present at a meeting of the Board. The Constituent Council may revoke the appointment of a Deputy and appoint another elected member as Deputy at any time;

3.1.4 In the absence of a Board Member, a Deputy Board Member has all the rights and responsibilities of the Board Member;

3.1.5 Each Constituent Council must give notice in writing to the Subsidiary of the elected members it has appointed as a Board Member and Deputy Board Members and of any revocation of any of those appointments;

3.1.6 In the event that a Board Member or Deputy Board Member appointed pursuant to this Clause is unable to attend a meeting, any other elected member of the Constituent Council present at the meeting may, upon application, be accepted by the meeting as the proxy for the absent Board Member or Deputy Board Member for the purposes of that meeting;

3.1.7 A Subsidiary is to permit any elected member or employee of a Constituent Council to attend meetings of the Board in the capacity of an observer;

3.1.8 The provisions regarding terminating the appointment of an Elected Member as prescribed in the Act apply to all Board Members. In addition to those provisions, the appointment of a Board Member shall terminate –

- a) upon the Council who appointed him/her ceasing to be a Constituent Council; or
- b) if the Board member ceases to be an elected member of the Constituent Council which appointed him/her;

NEWROC Council Meeting 24 April 2018 - MINUTES

- c) upon the happening of any other event through which the Board Member would become ineligible to remain as a Board Member;
- d) upon their term expiring in accordance with Clause 3.1.2

3.1.9 The Board may by an absolute majority vote of the Board Members present (excluding the Board Member subject to this Clause 3.1.10) make a recommendation to the relevant Constituent Council requesting that the Constituent Council terminate the appointment of a Board Member in the event of –

- a) any behaviour of the Board Member which in the opinion of the Board amounts to impropriety;
- b) serious neglect of duty in attending to the responsibilities of a Board Member;
- c) breach of fiduciary duty to the Subsidiary or the Constituent Council;
- d) breach of the duty of confidentiality to the Subsidiary or the Constituent Council;
- e) breach of the conflict of interest provisions of the Act; or
- f) any other behaviour that may, in the opinion of the Board, discredit the Subsidiary or the Constituent Council.

3.3 Functions of the Board

3.3.1 The formulation of strategic plans, financial plans and strategies aimed at improving the activities of the Subsidiary;

3.3.2 To provide input and policy direction to the Subsidiary;

3.3.3 Appointing, monitoring, overseeing and evaluating the performance of the Executive Officer of the Subsidiary;

3.3.4 Ensuring all activities undertaken by the Subsidiary;

3.3.5 Subject to sub-clauses 3.6.16 and 3.6.17 ensuring that the activities of the Subsidiary are undertaken in an open and transparent manner

3.3.6 Assisting in the development of Annual Business Plans.

3.3.7 Represent the interests of the Constituent Councils in performing their roles and responsibilities

3.3.8 Participate in the decision-making process of the Subsidiary

Discussion at the Executive Meeting:

- 👉 1 elected member with a deputy delegate, to receive one vote (to be further discussed at the next Executive meeting)
- 👉 Discussion regarding deciding vote or majority vote
- 👉 Agreement by CEO's that the regional subsidiary needs to have the capacity to borrow in its own right

RESOLUTION:

Sections of the Charter presented to be adopted with an amendment to:

3.1.1 Each Constituent Council is entitled to appoint one elected member to be a Board Member (1 vote) and may at any time revoke such appointment and appoint another elected member on behalf of that Constituent Council;

3.1.3 Each Constituent Council may appoint 1 elected member of the Constituent Council to be Deputy/ies, who may act in place of that Constituent Council's Board Member if the Board Member will be unable to be present at a meeting of the Board. The Constituent Council may revoke the appointment of a Deputy and appoint another elected member as Deputy at any time;

And that a majority vote is required for decisions to be passed.

Moved Cr Shadbolt

Seconded Cr Brown

CARRIED 6/0

Discussion:

- 👉 The intent of the charter is to start working towards a future governance structure and that this future structure would supersede the current NEWROC structure
- 👉 Discussion regarding deadlocks in voting (3-3), should the Chair get the deciding vote or should it be a majority? Decided it would be a majority vote
- 👉 Members will be able to opt in and opt out – but this needs further investigation





5.4. NEWROC Health Strategy

PORTFOLIO:	Emergency Management and Health
FILE REFERENCE:	071-1 Health General
REPORTING OFFICER:	Caroline Robinson
DISCLOSURE OF INTEREST:	Nil
DATE:	17 April 2018
ATTACHMENT NUMBER:	Nil
CONSULTATION:	Caroline Robinson
STATUTORY ENVIRONMENT:	Nil
VOTING REQUIREMENT:	Simple Majority

COMMENT

The NEWROC Health Plan has been adopted.

To progress some of the strategies in the Plan the following activities have been undertaken by the NEWROC Executive Officer:

-  Acquittal of the project funds with the Wheatbelt Development Commission
-  Contact made with the Regional Manager of WAPHA regarding the Plan. Discussion regarding some of the specific strategies
-  Request to the Regional Manager of WAPHA to host first year Notre Dame medical students in 2019, discussion regarding Anita Campbell (previous Kununoppin Bonded Medical Scholarship winner) and her future placement in the district
-  Invitation to the WACHS Health Promotions Officer and Amity Health Care Coordinator (based in Merredin) to attend a future NEWROC meeting

RESOLUTION:



That NEWROC delegate initial discussions with Anita Campbell to the NEWROC Executive Officer regarding her future placement in the region

Moved Cr Brown

Seconded Cr Sasche

CARRIED 6/0

Discussion:

-  LHAG's have requested to look at the NEWROC Health Plan – all agreed this was a good idea. The role of local government in the Health Plan is to use their presence to leverage improvements
-  Sean Conlan from WACHS will be attending the June meeting

5.5. LATE AGENDA ITEM – Literary Luncheon

PORTFOLIO:	Corporate Capacity
FILE REFERENCE:	116-2 NEWArts
REPORTING OFFICER:	Caroline Robinson
DISCLOSURE OF INTEREST:	Nil
DATE:	22 April 2018
ATTACHMENT NUMBER:	#1 Letter from Koorda Book Club
CONSULTATION:	Ian McCabe Cr Melanie Brown
STATUTORY ENVIRONMENT:	Nil
VOTING REQUIREMENT:	Simple Majority

COMMENT

The NEWROC Literary Lunch is being held again this year in August, by the Koorda Book Club. NEWROC has supported the Literary Lunch for a number of years (since 2004) and in the 17/18 budget it was \$600.

A letter requesting financial support has been received (\$600). Additional discussions with Cr Brown (Shire of Trayning) has seen further detail emerge about the event, including:

- A focus on educating young students about writing, with an authors workshop at a school
- A presentation by the author to the book clubs within the NEWROC – in 2018, this will occur at a lunch in Koorda
- Financial support from Writing WA for the event has been sought
- The financial support being requested by the Koorda Book Club will be put towards the event but also an annual subscription to Writing WA, which will benefit all book clubs in the NEWROC and help attract additional funding for future events from Writing WA

Additionally, it would be a good opportunity for the NEWROC to promote itself better by attending the lunch, speaking about our strategic priorities as well as encouraging sign up for the internet plans on offer by Crisp Wireless.

RESOLUTION

Submitted for consideration

Moved Cr Shadbolt

Seconded Cr O'Connell

CARRIED 6/0

RESOLUTION

NEWROC support the 2018 Literary Luncheon in Koorda to the value of \$600 and the Chair is to be invited to attend the lunch

Moved Cr O'Connell

Seconded Cr Brown

CARRIED 6/0

6. EMERGING NEWROC ISSUES as notified, introduced by decision of the Meeting

- 👉 Recent storms across the NEWROC saw multiple Telstra mobile towers experience power outages. Additionally there were also some phone exchanges without power
- 👉 Issue is to be raised at the GECZ meeting on Thursday 26 April 2018
- 👉 Could the Council staff be trained to be sub contractors to Telstra? This was a suggestion by Hon Melissa Price

7. WALGA ZONE ISSUES

- 👉 Some delegates have not received this week's GECZ Agenda papers
- 👉 Additionally, those that have the GECZ Agenda have noted that the GECZ Executive Officer Contract follows the Budget item. Members have discussed that the Executive Officer Contract needs to proceed the Budget item
- 👉 Members also discussed that Councils should have the ability to vote on Zone Agenda items prior to the Zone meetings

8. OTHER MATTERS

- 👉 Official welcome to the new Shire of Nungarin CEO, Adam Madjit
- 👉 NEWROC will send former Shire of Nungarin CEO Bill Fensome a card due to his illness
- 👉 At the next NEWROC Executive Meeting LGIS will present on the 'Benefits of Job Dictionaries', we will also host IWS Corporate to discuss IT services for the members (and the NEWROC EO will also discuss options with PPS)
- 👉 Permit to burn forms will also be discussed at the next NEWROC Executive Meeting

9. MEETING SCHEDULE

22 May	Executive	Shire of Wyalkatchem
26 June	Council	Shire of Wyalkatchem
28 July	Executive	Shire of Koorda
28 August	Council	Shire of Koorda
25 September	Executive	Shire of Mt Marshall
23 October	Council	Shire of Mt Marshall
27 November	Executive	Shire of Trayning

NOTE – December Council meeting yet to be decided, so too format (proposal a dinner is held in February at our strategic planning session and drinks with nibbles in December)

December	Council	Shire of Trayning (Christmas Function)
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10. CLOSURE OF MEETING

The NEWROC Chair, Cr Davies thanked everyone for their input and attendance and closed the meeting at 3.47pm



Shire of Mt Marshall

Monthly Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

TABLE OF CONTENTS

	Page
Statement of Financial Activity	2
Graphs	3
Notes to and Forming Part of the Statement	
1 Acquisition of Assets	4 to 5
2 Disposal of Assets	6
3 Information on Borrowings	7
4 Reserves	8 to 11
5 Net Current Assets	12
6 Rating Information	13
7 Trust Funds	14
8 Operating Statement	15
9 Balance Sheet	16
Report on Significant Variances	
Operating Income & Expenditure	17 to 21
Capital Expenditure	22

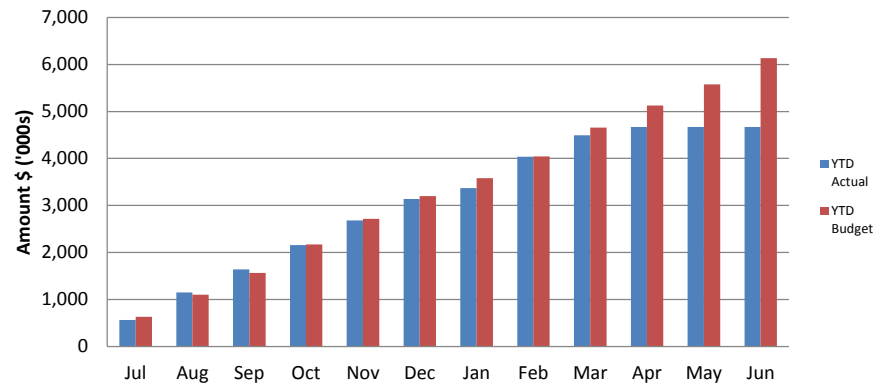
Shire of Mt Marshall
Statement of Financial Activity
For the period 1 July 2017 to 30 April 2018

		Actual YTD 2017/2018	Budget YTD 2017/2018	Original Full Year Budget 2017/2018	Variance Budget to Actual YTD	
	NOTE				%	\$
Operating Revenue						
Governance		49,363	25,800	28,399	91%	23,563
General Purpose Funding		930,135	1,009,527	1,322,909	(8%)	(79,392)
Law, Order & Public Safety		328,905	10,225	13,443	3117%	318,680
Health		141,284	109,000	130,800	30%	32,284
Education & Welfare		85,340	74,171	81,101	15%	11,169
Housing		145,939	142,330	170,820	3%	3,609
Community Amenities		109,868	138,299	139,899	(21%)	(28,431)
Recreation & Culture		809,480	1,045,750	1,051,449	(23%)	(236,270)
Transport		1,165,582	1,508,809	2,006,528	(23%)	(343,227)
Economic Services		144,376	186,650	221,935	(23%)	(42,274)
Other Property & Services		65,614	66,320	74,600	(1%)	(706)
		3,975,885	4,316,881	5,241,882		
Operating Expenses						
Governance		(343,798)	(394,902)	(431,176)	(13%)	51,104
General Purpose Funding		(48,777)	(57,800)	(69,371)	(16%)	9,023
Law, Order & Public Safety		(158,947)	(94,520)	(112,080)	68%	(64,427)
Health		(192,791)	(209,520)	(267,025)	(8%)	16,729
Education & Welfare		(197,947)	(203,950)	(243,435)	(3%)	6,003
Housing		(424,262)	(467,224)	(541,937)	(9%)	42,962
Community Amenities		(175,314)	(214,620)	(257,623)	(18%)	39,306
Recreation & Culture		(718,981)	(689,774)	(849,490)	4%	(29,206)
Transport		(2,056,070)	(2,307,404)	(2,771,956)	(11%)	251,334
Economic Services		(322,728)	(489,390)	(562,388)	(34%)	166,662
Other Property & Services		(28,967)	4,010	(24,981)	(822%)	(32,977)
		(4,668,582)	(5,125,094)	(6,131,463)		
Adjustments for Non-Cash (Revenue) and Expenditure						
(Profit)/Loss on Asset Disposals	2	32,401	60,000	60,000		
Employee benefit Provisions Cash Backed		1,697	4	4		
Depreciation on Assets		1,826,284	1,515,039	2,272,558		
Capital Revenue and (Expenditure)						
Purchase Property Plant & Equipment	1	(2,648,350)	(2,928,743)	(3,230,361)		
Purchase Infrastructure Assets	1	(1,269,911)	(2,470,342)	(2,679,978)		
Repayment of Debenture	3	(76,315)	(76,315)	(106,412)		
Proceeds from New Debenture	3	0	0	0		
Self-Supporting Loan Principal Income		17,547	17,547	19,407		
Proceeds from Disposal of Assets	2	122,777	122,777	260,000		
Reserves and Restricted Funds						
Transfers to Reserves	4	(467,793)	(467,793)	(486,659)		
Transfers from Reserves	4	1,050,570	1,050,570	1,633,127		
ADD Net Current Assets July 1 B/Fwd.	5	1,788,610	1,787,900	1,787,900		
LESS Net Current Assets Year to Date	5	(1,020,144)	837,576	0		
Amount Raised from Rates	6	(1,335,324)	(1,359,995)	(1,359,995)		

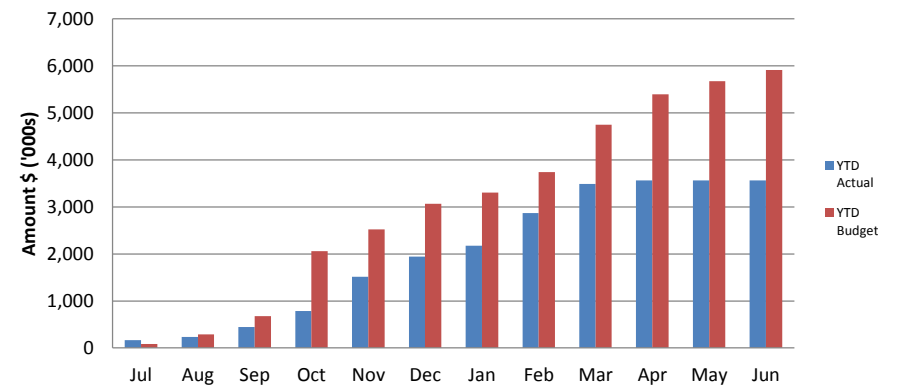
Shire of Mt Marshall

For the period 1 July 2017 to 30 April 2018

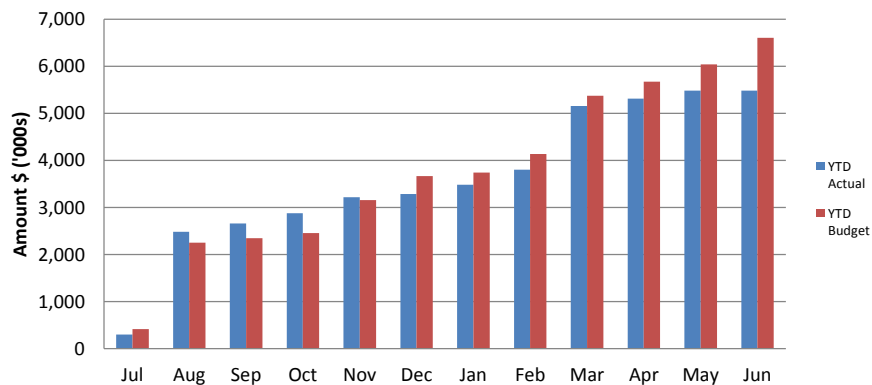
Operating Expenditure



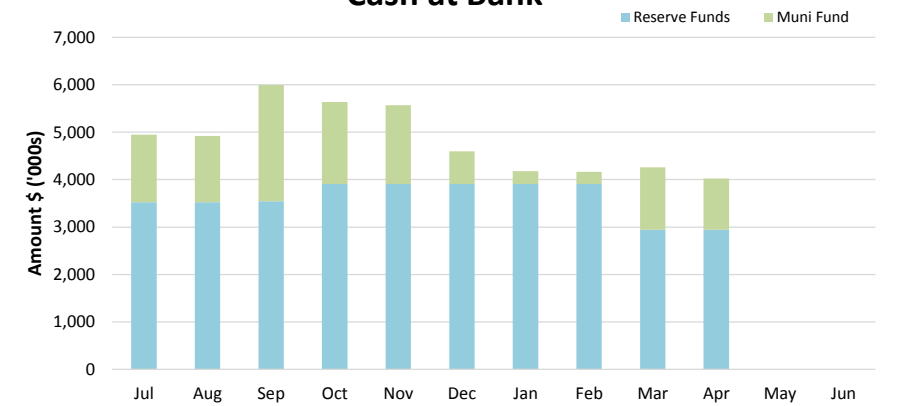
Capital Works & Equipment Purchases



Operating Income



Cash at Bank



Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

	2017/18 Adopted Budget \$	30-Apr-18 Actual \$	30-Apr-18 Budget YDT \$
1. ACQUISITION OF ASSETS			
The following assets have been acquired during the period under review:			
<u>By Program</u>			
Governance			
<i>Administration General</i>			
Purchase Vehicle - Admin	85,000	73,526	85,000
Law Order & Public Safety			
<i>Fire Vehicles</i>			
Isuzu FSS600 Fire Tender	0	330,521	0
Health			
<i>NEW Health Vehicles</i>			
New Health Purchase Of Motor Vehicle	25,000	72,805	25,000
Education & Welfare			
<i>Aged & Disabled Welfare</i>			
Purchase Land & Buildings - Welfare Aged	81,600	81,600	81,600
Land & Buildings - Other Welfare	0	0	0
Community Amenities			
<i>Protection of the Environment</i>			
Land & Buildings - Community Amenities	5,000	0	5,000
<i>Other Community Ammenities</i>			
Beacon And Bencubbin Water Collection	57,750	30,217	48,120
Purchase Of Plant	12,000	12,463	12,000
Recreation and Culture			
<i>Sporting Facilities</i>			
Land & Buildings - Sporting Facilities	15,000	2,873	15,000
Infrastructure Other Purchases	30,000	0	30,000
Land & Buildings - Bencubbin Recreation	2,447,761	1,911,811	2,146,143
Transport			
<i>Construction - Roads, Bridges, Depots</i>			
Roads To Recovery Road Works	918,567	392,676	918,563
State Road Projects Grant	1,163,861	779,318	1,163,861
Municipal Road Construction	89,800	66,950	89,800
Footpath Construction	20,000	750	19,998
<i>Road Plant Purchases</i>			
Plant Purchases	440,000	86,606	440,000
Motor Vehicle Purchases	97,000	53,749	97,000
<i>Airstrips</i>			
Beacon Airstrip Upgrade	400,000	0	200,000
Economic Services			
<i>Tourism & Area Promotion</i>			
Record Not Found	22,000	22,397	22,000
<i>Other Economic Services</i>			
Infrastructure Other	0	0	0
	<u>5,910,339</u>	<u>3,918,261</u>	<u>5,399,085</u>

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

1. ACQUISITION OF ASSETS (Continued)	2017/18 Adopted Budget \$	30-Apr-18 Actual \$	30-Apr-18 Budget YDT \$
The following assets have been acquired during the period under review:			
<u>By Class</u>			
Land Held for Resale - Current	0	0	0
Land Held for Resale - Non Current	0	0	0
Land	0	0	0
Land & Buildings	2,571,361	2,018,680	2,269,743
Furniture & Equipment	0	0	0
Motor Vehicles	207,000	200,080	207,000
Plant & Equipment	452,000	429,590	452,000
Infrastructure - Roads	2,172,228	1,238,944	2,172,224
Infrastructure - Footpaths	20,000	750	19,998
Infrastructure - Ovals & Parks	0	0	0
Infrastructure - Other	487,750	30,217	278,120
	<u>5,910,339</u>	<u>3,918,261</u>	<u>5,399,085</u>

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

2. DISPOSALS OF ASSETS

The following assets have been disposed of during the period under review:

<u>By Program</u>	Written Down Value		Sale Proceeds		Profit(Loss)	
	2017/18 Budget \$	April 2018 Actual \$	2017/18 Budget \$	April 2018 Actual \$	2017/18 Budget \$	April 2018 Actual \$
Administration						
Admin Vehicle	47,000	46,445	60,000	52,727	13,000	6,282
Law Order & Public Safety						
1998 Hino Fire Appliance	0	50,939	0	16,364	0	(34,576)
Health						
NEW Health Vehicles	0	35,504	60,000	35,504	60,000	0
Housing						
Lot 158 Brown St, Bencubbin	105,000	0	20,000	0	(85,000)	0
Transport						
Grader	110,000	0	70,000	0.00	(40,000)	0
UD Nissan 5 Tonne Mtc	22,000	0	20,000	0.00	(2,000)	0
Utility - MM276	13,000	13,041	10,000	9,090.91	(3,000)	(3,950)
Utility - MM136	13,000	0	10,000	0	(3,000)	0
Utility - MM170	10,000	9,248	10,000	9,090.91	0	(157)
	320,000	155,178	260,000	122,777	(60,000)	(32,401)

By Class of Asset

	Written Down Value		Sale Proceeds		Profit(Loss)	
	2017/18 Budget \$	April 2018 Actual \$	2017/18 Budget \$	April 2018 Actual \$	2017/18 Budget \$	April 2018 Actual \$
Motor Vehicles	47,000	132,889	120,000	104,595	73,000	(28,294)
Land & Buildings	105,000	0	20,000	0	(85,000)	0
Plant & Equipment	168,000	22,289	120,000	18,182	(48,000)	(4,107)
	320,000	155,178	260,000	122,777	(60,000)	(32,401)

Summary

Profit on Asset Disposals
Loss on Asset Disposals

2017/18 Adopted Budget \$	April 2018 Actual \$
73,000	6,282
(133,000)	(38,683)
(60,000)	(32,401)

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

3. INFORMATION ON BORROWINGS

(a) Debenture Repayments

Particulars	Expiry	Principal 1-Jul-17	New Loans		Principal Repayments		Principal Outstanding		Interest Repayments	
			2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$	2017/18 Budget \$	2017/18 Actual \$
General Purpose Funding										
Loan 119 - Benny Mart *	27/03/2019	29,831	0	0	10,913	9,052	18,918	20,779	797	694
Housing										
Loan 118 - Staff Housing	25/06/2019	114,773	0	0	55,613	27,377	59,160	87,396	6,348	3,485
Recreation & Culture										
Loan 120 - Bencubbin Rec Complex Shire	28/04/2037	432,600	0	0	14,699	14,699	417,901	417,901	16,515	13,595
Loan 121 - Bencubbin Rec SAR	28/04/2037	491,300	0	0	16,693	16,693	474,607	474,607	18,756	15,439
Loan 122 - Bencubbin Rec Complex CRC*	28/04/2037	250,000	0	0	8,494	8,494	241,506	241,506	9,544	7,856
		1,318,504	0	0	106,412	76,315	1,212,092	1,242,189	51,960	41,070

(*) Self supporting loan financed by payments from third parties.

All other loan repayments were financed by general purpose revenue.

(b) New Debentures

Nil

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

	2017/18 Adopted Budget \$	April 2018 Actual \$
4. CASH BACKED RESERVES		
(a) Plant Replacement Reserve		
Opening Balance	423,392	423,392
Amount Set Aside / Transfer to Reserve	10,585	7,685
Amount Used / Transfer from Reserve	(73,000)	(73,000)
	<u>360,977</u>	<u>358,077</u>
(b) Aged Care Units Reserve		
Opening Balance	169,020	169,020
Amount Set Aside / Transfer to Reserve	4,225	3,065
Amount Used / Transfer from Reserve	(81,600)	(81,600)
	<u>91,645</u>	<u>90,485</u>
(c) Community Housing Reserve		
Opening Balance	39,103	39,103
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	(39,103)	(39,103)
	<u>0</u>	<u>(0)</u>
(d) Housing Reserve		
Opening Balance	33,500	33,500
Amount Set Aside / Transfer to Reserve	214,941	217,503
Amount Used / Transfer from Reserve	0	0
	<u>248,441</u>	<u>251,003</u>
(e) Employee Entitlements Reserve		
Opening Balance	93,414	93,414
Amount Set Aside / Transfer to Reserve	2,335	1,697
Amount Used / Transfer from Reserve	0	0
	<u>95,749</u>	<u>95,111</u>
(f) Public Amenities & Buildings Reserve		
Opening Balance	552,005	552,007
Amount Set Aside / Transfer to Reserve	13,800	10,015
Amount Used / Transfer from Reserve	(308,700)	(308,700)
	<u>257,105</u>	<u>253,322</u>
(g) Mt Marshall Aquatic Centre Development Reserve		
Opening Balance	868,179	868,179
Amount Set Aside / Transfer to Reserve	71,704	66,353
Amount Used / Transfer from Reserve	0	0
	<u>939,883</u>	<u>934,532</u>
(h) Community Bus Reserve		
Opening Balance	115,072	115,072
Amount Set Aside / Transfer to Reserve	2,877	2,087
Amount Used / Transfer from Reserve	0	0
	<u>117,949</u>	<u>117,159</u>

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

	2017/18 Adopted Budget \$	April 2018 Actual \$
4. RESERVES (Continued)		
(i) Bencubbin Recreation Complex Reserve		
Opening Balance	1,138,653	1,138,653
Amount Set Aside / Transfer to Reserve	28,466	20,667
Amount Used / Transfer from Reserve	(1,128,847)	(546,289)
	<u>38,272</u>	<u>613,031</u>
(j) Office Equipment Reserve		
Opening Balance	15,941	15,941
Amount Set Aside / Transfer to Reserve	399	288
Amount Used / Transfer from Reserve	0	0
	<u>16,340</u>	<u>16,229</u>
(k) Economic Development Reserve		
Opening Balance	4,250	4,250
Amount Set Aside / Transfer to Reserve	70,106	70,909
Amount Used / Transfer from Reserve	0	0
	<u>74,356</u>	<u>75,159</u>
(l) Integrated Planning/Financial Reporting Reserve		
Opening Balance	1,878	1,878
Amount Set Aside / Transfer to Reserve	0	0
Amount Used / Transfer from Reserve	(1,878)	(1,878)
	<u>0</u>	<u>0</u>
(m) Beacon Accommodation Reserve		
Opening Balance	68,834	68,834
Amount Set Aside / Transfer to Reserve	51,721	51,842
Amount Used / Transfer from Reserve	0	0
	<u>120,555</u>	<u>120,676</u>
(n) Medical Enhancement Reserve		
Opening Balance	0	0
Amount Set Aside / Transfer to Reserve	7,500	7,588
Amount Used / Transfer from Reserve	0	0
	<u>7,500</u>	<u>7,588</u>
(o) Bencubbin Community Resource Centre Reserve		
Opening Balance	0	0
Amount Set Aside / Transfer to Reserve	8,000	8,093
Amount Used / Transfer from Reserve	0	0
	<u>8,000</u>	<u>8,093</u>
Total Cash Backed Reserves	<u><u>2,376,772</u></u>	<u><u>2,940,466</u></u>

All of the above reserve accounts are to be supported by money held in financial institutions.

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

	2017/18 Adopted Budget \$	April 2018 Actual \$
4. RESERVES (Continued)		
Cash Backed Reserves (Continued)		
Summary of Transfers To Cash Backed Reserves		
Transfers to Reserves		
Plant Replacement Reserve	10,585	7,685
Aged Care Units Reserve	4,225	3,065
Community Housing Reserve	0	0
Housing Reserve	214,941	217,503
Employee Entitlements Reserve	2,335	1,697
Public Amenities & Buildings Reserve	13,800	10,015
Mt Marshall Aquatic Centre Development Rese	71,704	66,353
Community Bus Reserve	2,877	2,087
Bencubbin Recreation Complex Reserve	28,466	20,667
Office Equipment Reserve	399	288
Economic Development Reserve	70,106	70,909
Integrated Planning/Financial Reporting Reserv	0	0
Beacon Accommodation Reserve	51,721	51,842
Medical Enhancement Reserve	7,500	7,588
Bencubbin Community Resource Centre Reser	8,000	8,093
	486,659	467,793
Transfers from Reserves		
Plant Replacement Reserve	(73,000)	(73,000)
Aged Care Units Reserve	(81,600)	(81,600)
Community Housing Reserve	(39,103)	(39,103)
Housing Reserve	0	0
Employee Entitlements Reserve	0	0
Public Amenities & Buildings Reserve	(308,700)	(308,700)
Mt Marshall Aquatic Centre Development Rese	0	0
Community Bus Reserve	0	0
Bencubbin Recreation Complex Reserve	(1,128,847)	(546,289)
Office Equipment Reserve	0	0
Economic Development Reserve	0	0
Integrated Planning/Financial Reporting Reserv	(1,877)	(1,878)
Beacon Accommodation Reserve	0	0
Medical Enhancement Reserve	0	0
Bencubbin Community Resource Centre Reser	0	0
	(1,633,127)	(1,050,570)
Total Transfer to/(from) Reserves	(1,146,468)	(582,777)

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

4. RESERVES (Continued)

In accordance with council resolutions in relation to each reserve account, the purpose for which the reserves are set aside are as follows:

Plant Replacement Reserve

- To fund the purchase of plant which exceeds Council's capitalisation threshold, so as to avoid undue heavy burden in a single year

Aged Care Units Reserve

- To fund capital works on existing Aged Care Units or construction of new Aged Care Units.

Community Housing Reserve

- To fund the future maintenance of Homeswest Joint Venture/Community Housing projects

Housing Reserve

- To fund the replacement of housing and any major maintenance

Employee Entitlement Reserve

- To be used to fund Long Service Leave requirement / other accrued leave

Public Amenities & Buildings

- To help fund future building maintenance requirements to the shire's buildings.

Mt Marshall Aquatic Centre Development

- To finance future capital and maintenance upgrades for the Mt Marshall Aquatic Centre

Community Bus Reserve

- To finance the replacement of the community bus

Bencubbin Recreation Complex

- To provide funding for future extensions to the Bencubbin Complex

Office Equipment

- To replace office equipment as required

Integrated Planning/Financial Reporting Reserve

- To set aside funds for expenditure on Council's integrated planning process.

Beacon Accommodation Reserve

- To set aside funds for the provision of transient accommodation in Beacon.

Economic Development Reserve

- To set aside funds for Economic Development initiatives.

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

	2017/18 B/Fwd Per Approved Budget \$	2016/17 B/Fwd Per Financial Report \$	April 2018 Actual \$
5. NET CURRENT ASSETS			
Composition of Estimated Net Current Asset Position			
CURRENT ASSETS			
Cash - Unrestricted	2,448,039	2,448,039	1,129,917
Cash - Restricted Unspent Grants	0	0	0
Cash - Restricted Unspent Loans	0	0	0
Cash - Restricted Reserves	3,523,240	3,523,240	2,940,464
Rates Outstanding	129,874	129,874	145,081
Sundry Debtors	202,045	202,045	448,110
Provision for Doubtful Debts	(63,433)	(63,433)	(56,951)
Gst Receivable	(79)	79,237	45,920
Accrued Income/Payments In Advance	0	0	(1,873)
Loans - Clubs/Institutions	0	0	0
Inventories	21,963	21,963	5,646
	<u>6,261,649</u>	<u>6,340,965</u>	<u>4,656,314</u>
LESS: CURRENT LIABILITIES			
Sundry Creditors	(801,179)	(801,179)	(529,045)
Accrued Interest On Loans	(8,055)	(8,055)	0
Accrued Salaries & Wages	(4,823)	(4,823)	(203)
Income In Advance	0	0	0
Gst Payable	(1)	(79,317)	(4,926)
Payroll Creditors	(1,291)	(581)	(28,069)
Accrued Expenses	0	0	0
FBT Liability	0	0	0
Current Employee Benefits Provision	(228,574)	(228,574)	(228,574)
Current Loan Liability	(1)	(106,413)	(30,098)
	<u>(1,043,924)</u>	<u>(1,228,942)</u>	<u>(820,915)</u>
NET CURRENT ASSET POSITION	5,217,725	5,112,023	3,835,399
Less: Cash - Reserves - Restricted	(3,523,240)	(3,523,240)	(2,940,464)
Less: Cash - Unspent Grants - Restricted	0	0	0
Less: Current Loans- Clubs / Institutions	0	0	0
Add Back : Component of Leave Liability not Required to be Funded	93,414	93,414	95,111
Add Back : Current Loan Liability	1	106,413	30,098
Adjustment for Trust Transactions Within Muni	0	0	0
ESTIMATED SURPLUS/(DEFICIENCY) C/FWD	<u>1,787,900</u>	<u>1,788,610</u>	<u>1,020,144</u>

Shire of Mt Marshall

NOTES TO AND FORMING PART OF THE STATEMENT OF FINANCIAL ACTIVITY

For the Period 1 July 2017 to 30 April 2018

6. RATING INFORMATION

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2017/18 Rate Revenue \$	2017/18 Interim Rates \$	2017/18 Back Rates \$	2017/18 Total Revenue \$	2017/18 Budget \$
General Rate								
GRV	0.126380	131	765,707	96,770			96,770	96,770
UV	0.018321	310	69,319,494	1,270,002			1,270,002	1,270,002
Mining	0.018321	1	4,100	753			753	753
Sub-Totals		442	70,089,301	1,367,525	0	0	1,367,525	1,367,525
Minimum Rates	Minimum \$							
GRV	395	42	194,853	16,590			16,590	16,590
UV	395	25	53,998	9,875			9,875	9,875
Mining	395	12	10,593	4,740			4,740	4,740
Sub-Totals		37	64,591	14,615	0	0	31,205	31,205
Discounts							1,398,730	1,398,730
Rates Written off							(53,979)	(50,000)
Total Amount of General Rates							(1,138)	(200)
Movement in Excess Rates							1,343,613	1,348,530
Ex Gratia Rates							(24,176)	(3,536)
Specified Area Rates							15,887	15,000
Total Rates							28,262	28,262
							1,335,325	1,388,256

All land except exempt land in the Shire of Mt Marshall is rated according to its Gross Rental Value (GRV) in townsites or Unimproved Value (UV) in the remainder of the Shire.

The general rates detailed above have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimated revenue to be received from all sources other than rates and also bearing considering the extent of any increase in rating over the level adopted in the previous year.

The minimum rates have been determined by Council on the basis that all ratepayers must make a reasonable contribution to the cost of the Local Government services/facilities.

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

7. TRUST FUNDS

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

Detail	Balance 01-Jul-17 \$	Amounts Received \$	Amounts Paid (\$)	April 2018 Balance \$
Police Licensing	36,024	127,871	(163,235)	660
Aged Care Beautification	829	0	0	829
Unclaimed Monies	59	0	0	59
Nomination Deposits	0	560	(560)	0
Prepaid Rates	0	0	0	0
Tree Planting Nursery	1,000	0	0	1,000
Sundry Creditors	0	0	0	0
Housing Bonds	9,580	2,390	(3,090)	8,880
Staff Social Club	4,280	2,610	(3,685)	3,205
Newroc Advance Account	0	0	0	0
Portable Toilet Bonds	0	0	0	0
Deposit on Land	1,000	0	(1,000)	0
Emergency Services Levy	0	0	0	0
Building Levy	0	0	0	0
Mt Marshall LCDC	0	0	0	0
Benc - Beacon Tourist Committee	0	0	0	0
Rehabilitation Bonds	5,000	0	0	5,000
	<u>57,772</u>	<u>133,431</u>	<u>(171,570)</u>	<u>19,633</u>

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

8. OPERATING STATEMENT

	April 2018 Actual \$	2017/18 Adopted Budget \$	2016/17 Actual \$
OPERATING REVENUES			
Governance	49,363	28,399	49,490
General Purpose Funding	2,265,461	2,682,903	4,836,924
Law, Order, Public Safety	328,905	13,443	742,593
Health	141,284	130,800	0
Education and Welfare	85,340	81,101	80,434
Housing	145,939	170,820	172,430
Community Amenities	109,868	139,899	134,683
Recreation and Culture	813,686	1,051,449	60,894
Transport	1,165,581	2,006,528	1,659,802
Economic Services	144,376	221,935	201,433
Other Property and Services	65,614	74,600	56,581
TOTAL OPERATING REVENUE	5,315,417	6,601,876	7,995,265
OPERATING EXPENSES			
Governance	343,798	431,176	357,127
General Purpose Funding	48,777	69,371	54,794
Law, Order, Public Safety	158,947	112,080	132,004
Health	192,791	267,025	146,457
Education and Welfare	197,947	243,435	219,609
Housing	424,262	541,937	389,369
Community Amenities	175,314	257,623	249,870
Recreation & Culture	718,981	849,490	869,037
Transport	2,056,070	2,771,956	3,469,845
Economic Services	322,728	562,388	375,237
Other Property and Services	28,967	24,981	18,976
TOTAL OPERATING EXPENSE	4,668,582	6,131,463	6,282,326
CHANGE IN NET ASSETS RESULTING FROM OPERATIONS	646,835	470,413	1,712,939

Shire of Mt Marshall

Notes to and forming part of the Statement of Financial Activity

For the Period 1 July 2017 to 30 April 2018

9. BALANCE SHEET

	April 2018 Actual \$	2016/17 Actual \$
CURRENT ASSETS		
Cash and Cash Equivalents	4,070,381	5,971,279
Trade and Other Receivables	579,005	355,493
Inventories	5,646	21,963
TOTAL CURRENT ASSETS	4,655,032	6,348,735
NON-CURRENT ASSETS		
Other Receivables	5,795	10,083
Inventories	0	0
Property, Plant and Equipment	19,211,240	17,153,888
Infrastructure	90,355,708	90,476,260
Work in Progress	0	0
TOTAL NON-CURRENT ASSETS	109,572,743	107,640,231
TOTAL ASSETS	114,227,775	113,988,966
CURRENT LIABILITIES		
Trade and Other Payables	562,244	893,954
Long Term Borrowings	30,098	106,413
Provisions	228,574	228,574
TOTAL CURRENT LIABILITIES	820,916	1,228,941
NON-CURRENT LIABILITIES		
Trade and Other Payables	0	0
Long Term Borrowings	1,201,759	1,201,759
Provisions	17,382	17,382
TOTAL NON-CURRENT LIABILITIES	1,219,141	1,219,141
TOTAL LIABILITIES	2,040,057	2,448,082
NET ASSETS	112,187,718	111,540,884
EQUITY		
Trust Imbalance	0	0
Retained Surplus	78,837,287	77,607,676
Reserves - Cash Backed	2,940,463	3,523,240
Revaluation Surplus	30,409,968	30,409,968
TOTAL EQUITY	112,187,718	111,540,884

Shire of Mt Marshall

For the Period 1 July 2017 to 30 April 2018

Report on Significant Variances (greater than 10% and \$5,000)

Purpose

The purpose of the Monthly Variance Report is to highlight circumstances where there is a major variance from the YTD Monthly Budget and YTD Actual figures. These variances can occur because of a change in timing of the activity, circumstances change (e.g. grants were budgeted for but not received) or changes to the original budget projections. The Report is designed to highlight these issues and explain the reason for the variance.

The Materiality variances adopted by Council are:

Actual Variance to YTD Budget up to 5%:	Don't Report
Actual Variance exceeding 10% of YTD Budget	Use Management Discretion
Actual Variance exceeding 10% of YTD Budget and a value greater than \$5,000:	Must Report

Shire of Mt Marshall
Report on Significant Variances - Operating Income & Expenditure
For the Period 1 July 2017 to 30 April 2018

	30 April 2018		Budget to	Budget to	Components	
	YTD	YTD	Actual YTD	Actual YTD	of Variance	
	Actual	Budget		Favourable/ (Unfavourable)	Favourable/ (Unfavourable)	
	\$	\$	%	\$	\$	
Revenues/Sources						
Governance	49,363	25,800	91%	23,563	16,135 7,273 156	Bencubbin Centenary grant & bench seat contributions Realisation on disposal of asset <i>Minor Items</i>
General Purpose Funding	930,135	1,009,527	(8%)	(79,392)	(4,349) 5,439 6,097 (86,864) 285	Interest on Reserves over budget - timing Interest on muni investments over budget Rates debt collection income over budget - offset by expenditure FAGS under budget <i>Minor Items</i>
Law, Order, Public Safety	328,905	10,225	3117%	318,680	314,158 4,522	DFES fire truck grant- offset by cost of fire truck <i>Minor Items</i>
Health	141,284	109,000	0%	32,284	(3,221) 35,504 -	NEW Health Reimbursement invoice not yet done Contribution - NEW Health Vehicle <i>Minor Items</i>
Education and Welfare	85,340	74,171	15%	11,169	4,717 3,791 2,660	Childcare fees charged - over budget Family Support Grant - timing <i>Minor Items</i>
Housing	145,939	142,330	3%	3,609	 3,609	 <i>Minor Items</i>
Community Amenities	109,868	138,299	(21%)	(28,431)	(28,875) 444	Water Grant income - new project added so that grant can be acquitted <i>Minor Items</i>
Recreation and Culture	809,480	1,045,750	(23%)	(236,270)	(229,350) (3,969) (2,952)	Final portion of NSRF grant still to be claimed Gym income under budget <i>Minor Items</i>
Transport	1,165,582	1,508,809	(23%)	(343,227)	22,767 (25,320) (253,260) (123,407) 34,545 1,448	Main Roads Direct Grant over budget Black spot grant not yet claimed. Waiting on Brookfield Rail. Roads to Recovery Grant - Works program behind Regional Road Group claims under budget - timing Proceeds/realisation of disposal of assets <i>Minor Items</i>
Economic Services	144,376	186,650	(23%)	(42,274)	(25,000) (17,519) 245	AA Dams Grant not received Beacon Barracks income under budget, offset by reduced expenditure <i>Minor Items</i>
Other Property and Services	65,614	66,320	(1%)	(706)	 (706)	 <i>Minor Items</i>
Total Revenues excl Rates	3,975,885	4,316,881	(8%)	(340,995)		
Amount Raised from Rates	1,335,324	1,359,995	(2%)	(24,671)	(21,236) (3,435)	Movement in excess rates <i>Minor Items</i>

Shire of Mt Marshall
Report on Significant Variances - Operating Income & Expenditure
For the Period 1 July 2017 to 30 April 2018

	30 April 2018 YTD	Budget to Actual YTD	Budget to Actual YTD	Components of Variance	
	Actual	Budget	%	Favourable/ (Unfavourable)	Favourable/ (Unfavourable)
	\$	\$		\$	\$
(Expenses)/(Applications)					
Governance	(343,798)	(394,902)	13%	51,104	26,458 Consultants under budget 28,293 Records Management - not yet purchased (3,647) <i>Minor Items</i>
General Purpose Funding	(48,777)	(57,800)	16%	9,023	10,401 Valuation Expenses - Invoice not yet received for GRV reval (1,378) <i>Minor Items</i>
Law, Order, Public Safety	(158,947)	(94,520)	(68%)	(64,427)	(34,576) Loss on disposal of fire truck (41,123) Depreciation on disposed fire truck 1,660 Fire fighting training under budget 2,500 Purchase of Minor Equipment under budget 7,112 <i>Minor Items</i>
Health	(192,791)	(209,520)	8%	16,729	10,937 EHO Scheme, not yet invoiced 5,791 <i>Minor Items</i>
Education and Welfare	(197,947)	(203,950)	3%	6,003	14,996 Aged care units under budget - some maintenance still to be done (4,692) Little Bees Salaries over budget - timing of Leave (4,301) <i>Minor Items</i>
Housing	(424,262)	(467,224)	9%	42,962	(38,782) Other Housing mtc over budget - 158 Brown Street to be sold 85,000 Loss on disposal of 158 Brown Street under budget - not yet sold (3,256) <i>Minor Items</i>
Community Amenities	(175,314)	(214,620)	18%	39,306	6,920 Town Planning consultant under budget 2,146 Cemeteries under budget 22,166 Refuse collection under budget 4,782 Public Toilets under budget 3,292 <i>Minor Items</i>
Recreation & Culture	(718,981)	(689,774)	(4%)	(29,206)	(38,145) Public Halls Depreciation over budget - due to change in valuation 3,234 Libraries under budget 7,436 Ag Society under budget (1,731) <i>Minor Items</i>
Transport	(2,056,070)	(2,307,404)	11%	251,334	71,564 Road Maintenance under budget 12,520 Beacon Main Street Beautification funds not spent. CDO is working on this. 16,456 Street Cleaning under budget - timing 5,340 Street Lighting under budget 5,652 Traffic signs under budget - timing 3,432 Airstrip mtc under budget 43,893 Loss on disposal of grader - timing 93,910 Infrastructure Depreciation under budget (1,433) <i>Minor Items</i>
Economic Services	(322,728)	(489,390)	34%	166,662	84,654 Economic Development fund - portion not spent 16,489 Standpipes under budget Employment of Economic Development Officer - EDO started in December. 5 months wage allocation not used 14,950 Bencubbin Caravan Park under budget 13,326 Beacon Caravan Park under budget 21,175 Beacon Barracks Exp under budget, offset by reduced income 16,686 <i>Minor Items</i> (619)
Other Property and Services	(28,967)	4,010	822%	(32,977)	(14,391) Engineering LSL over budget - offset by provisions/adjusted at year end (19,147) Engineering Annual Leave over budget - offset by provisions/adjusted at year end 560 <i>Minor Items</i>
Total Expenses/Applications	(4,668,582)	(5,125,094)	(6%)	48,980	

Shire of Mt Marshall
Capital Expenditure Report on Significant Variances
For the Period 1 July 2017 to 30 April 2018

	Full Year Budget	30 April 2018 YTD Actual	YTD Budget	Budget to Actual YTD %	Budget to Actual YTD Favourable/ (Unfavourable)	Commentary
	\$	\$	\$	%	\$	
Capital Expenditure						
Governance						
Purchase Vehicle - Admin	85,000	73,526	85,000	0%	11,474	Vehicle under budget, trade in also under budget
Law Order & Public Safety						
Isuzu FSS600 Fire Tender	-	330,521	-	100%	(330,521)	Fully covered by DFES Grant
Health						
New Health Purchase Of Motor Vehicle	25,000	72,805	25,000	100%	(47,805)	Vehicle costs were unknown, NEW Health budget only included change over costs
Education & Welfare						
Purchase Land & Buildings - Welfare Aged	81,600	81,600	81,600	0%	-	
Community Amenities						
Land & Buildings - Community Amenities	5,000	-	5,000	0%	5,000	Cemetery Works - project fallen behind
Water Collection Projects	57,750	30,217	48,120	37%	17,903	Additional project approved to spend remainder of budget
Portable Toiles	12,000	12,463	12,000	0%	(463)	
Recreation & Culture						
Beacon Recreation Ground Power Upgrade	15,000	2,873	15,000	81%	12,127	Final cost under budget
Other Infrastructure - Beacon Central & Hall Car Parks	30,000	-	30,000	0%	30,000	Timing of project
Bencubbin Rec Complex	2,447,761	1,911,811	2,146,143	11%	234,333	Timing of project
Transport						
Road Construction	2,172,228	1,238,944	2,172,224	43%	933,280	Program behind
Footpath Construction	20,000	750	19,998	0%	19,248	Program behind
Plant Purchases	440,000	86,606	440,000	0%	353,394	Timing - Plant not yet changed over
Beacon Airstrip Upgrade	400,000	-	200,000	0%	200,000	Timing - Grant approved, project to carry over to 2018/19
Motor Vehicle Purchases	97,000	53,749	97,000	45%	43,251	Timing - 1 x Ute still to come
Economic Services						
Sandalwood Shops Capital Works	22,000	22,397	22,000	0%	(397)	Completed, allocated to mtc account - to be corrected
Total Capital Expenditure	5,910,339	3,918,261	5,399,085	27%	1,480,825	



Shire of Mt Marshall

— THE SANDALWOOD SHIRE —

PROPOSED LOCAL LAW

Health Amendment Local Law 2018

The Shire of Mt Marshall has resolved to make a local law relating to Health Amendment Local Law 2018.

The purpose and effect of the law is to effect corrections in the Shire of Mt Marshall Health Local Law 2014 as required by the joint Standing Committee on Delegated legislation.

A copy of the proposed law may be inspected at or obtained from the Shire of Mt Marshall Administration Centre in Monger St Bencubbin between the hours of 9.00am and 4.00pm Monday to Friday until 27 June 2018.

Submissions about the proposed law may be made to the Shire of Mt Marshall at Monger St Bencubbin by 4.30pm Wednesday 27 June 2018.

John Nuttall
Chief Executive Officer



Shire of Mt Marshall

— THE SANDALWOOD SHIRE —

The items specified below are the changes required by the Joint Parliamentary Committee on Delegated legislation to the Shire of Mt Marshall Health Local Law 2014.

- Amend clause 3.24(3) of the local law to replace "As/NZS 3666.2;1995" with "As/Nzs 3666.2:20i. I"
- Amend clause 51.2 of the local law to replace the word "maintain" with "keep".
- Amend clause 51.10 of the local law to insert the words "Unless transporting a pet animal or bird, " at the beginning of the clause.
- Amend clause 71.3(3) of the local law to move the words "the officer may, by notice in writing, direct as the case may be -" to a new line aligned with the first word of subclause (3).
- Amend clause 7.1.3(3) of the local law to align the words "within the time and in the manner specified in the notice" with paragraphs co and (ii).
- Amend clause 8.1.2 of the local law to align the words "resides or intends to reside continuously in the lodging house whenever there are one or more lodgers in the lodging house" with the first word of paragraph (d).
- Amend the first line of subclause 83.6(I) of the local law to read "A keeper of a lodging house shall not -"
- In column B of the Table in Schedule 1.4 insert "1000m" in each row.

LOCAL GOVERNMENT ACT 1995

Shire logo

SHIRE OF MT MARSHALL

HEALTH AMENDMENT LOCAL LAW 2018

LOCAL GOVERNMENT ACT 1995

SHIRE OF MT MARSHALL

HEALTH AMENDMENT LOCAL LAW 2018

CONTENTS

PART 1 – PRELIMINARY

- 1.1 Citation
- 1.2 Commencement
- 1.3 Application
- 1.4 Repeal
- 1.5 Interpretation

PART 2 – SANITATION

Division 1 – Sanitary Conveniences

- 2.1.1 Interpretation
- 2.1.2 Dwelling house
- 2.1.3 Premises other than a dwelling house
- 2.1.4 Events
- 2.1.5 Toilets
- 2.1.6 Temporary works
- 2.1.7 Maintenance of sanitary conveniences and fittings
- 2.1.8 Ventilation of toilets
- 2.1.9 Public sanitary conveniences
- 2.1.10 Lighting
- 2.1.11 Installation

Division 2 – Bathrooms, Laundries and Kitchens

- 2.2.1 Bathrooms
- 2.2.2 Laundries
- 2.2.3 Washing or keeping of clothes in kitchens
- 2.2.4 Kitchens

PART 3 – HOUSING AND GENERAL

Division 1 – Maintenance of Houses

- 3.1.1 Dwelling house maintenance
- 3.1.2 Guttering and downpipes
- 3.1.2 Disposal of rainwater

Division 2 – Ventilation of Houses

- 3.2.1 Exemption for short term hostels and recreational campsites
- 3.2.2 Overcrowding
- 3.2.3 Calculated sufficient space
- 3.2.4 Ventilation
- 3.2.5 Sub-Floor ventilation

Division 3 – Water Supply

- 3.3.1 Water supply
- 3.3.2 Rainwater tanks
- 3.3.3 Bores and wells
- 3.3.4 Pollution

Division 4 – Second-hand Furniture, Bedding and Clothing

- 3.4.1 Prohibition on sale
- 3.4.2 Prohibition on possession

Division 5 – Morgues

- 3.5.1 Licensing of morgues

PART 4 – WASTE FOOD AND REFUSE

Division 1 – Liquid Refuse and Liquid Waste

- 4.1.1 Interpretation
- 4.1.2 Deposit of liquid refuse
- 4.1.3 Disposal of liquid waste
- 4.1.4 Approval for septic tank pumpouts and removal of liquid waste
- 4.1.5 Application for approval
- 4.1.6 Provision of quarterly reports

Division 2 - Transport of butchers' waste

- 4.2.1 Interpretation
- 4.2.2 Restriction of vehicles
- 4.2.3 Transport of butchers' waste

Division 3 – Rubbish and Refuse

- 4.3.1 Interpretation
- 4.3.2 Deposit of refuse
- 4.3.3 Burning of rubbish and refuse

PART 5 – NUISANCES AND GENERAL

Division 1 – Nuisances

- 5.1.1 Interpretation
- 5.1.2 Footpaths etc. to be kept clean
- 5.1.3 Escape of smoke etc.
- 5.1.4 Public vehicles to be kept clean
- 5.1.5 Prohibition against spitting

- 5.1.6 Transportation, use and storage of offal and blood
- 5.1.7 Use or storage and fertiliser
- 5.1.8 Storage and dispatch of artificial fertiliser
- 5.1.9 Storage of fertiliser and compost
- 5.1.10 Vehicles used for transporting animals and birds

Division 2 – Keeping of Animals and birds

- 5.2.1 Interpretation
- 5.2.2 Cleanliness
- 5.2.3 Animal enclosures
- 5.2.4 Slaughter of animals
- 5.2.5 Disposal of dead animals

Division 3 – Keeping of large Animals

- 5.3.1. Interpretation
- 5.3.2. Conditions for keeping of an animal
- 5.3.3. Stables
- 5.3.4. Manure receptacles

Division 4 - Keeping of poultry and pigeons

- 5.4.1 Interpretation
- 5.4.2 Limitation on numbers of poultry and pigeons
- 5.4.3 Conditions for keeping poultry in limited numbers
- 5.4.4 Roosters, Geese, Turkeys, Peafowls and gamebirds
- 5.4.5 Conditions of keeping pigeons or Doves
- 5.4.6 Removal of non-conforming structure or enclosure
- 5.4.7 Restrictions on Pigeons nesting or perching
- 5.4.8 Restrictions on feeding wild birds

Division 5 - Feedlots

- 5.5.1 Interpretation
- 5.5.2 Premises to be approved
- 5.5.3 Site conditions
- 5.5.4 Compliance with direction or notice of an Authorised Officer

PART 6 – PEST CONTROL

Division 1 – Flies

- 6.1.1 Interpretation
- 6.1.2 Fly breeding matter not to be left on premises unless covered or treated
- 6.1.3 Measures to be taken by an occupier
- 6.1.4 Officer may give Notice directing measures to be taken
- 6.1.5 Local government may execute work and recover costs

Division 2 - Mosquitoes

- 6.2.1 Interpretation
- 6.2.2 Measures to be taken to prevent mosquitoes breeding

- 6.2.3 Measures to be taken by occupier
- 6.2.4 Removal of undergrowth or vegetation
- 6.2.5 Filling in excavations etc.
- 6.2.6 Drains, channels and septic tanks
- 6.2.7 Drainage of land
- 6.2.8 Local government may execute work and recover costs

Division 3 - Rodents

- 6.3.1 Interpretation
- 6.3.2 Measures to be taken to eradicate rodents
- 6.3.3 Food Premises etc. to be cleaned after use

Division 4 - Cockroaches

- 6.4.1 Interpretation
- 6.4.2 Measures to be taken to eradicate cockroaches

Division 5 - Argentine ants

- 6.5.1 Interpretation
- 6.5.2 Measures to be taken to keep premises free from Argentine ants

Division 6 - European wasps

- 6.6.1 Interpretation
- 6.6.2 Measures to be taken to keep premises free from European wasp nests

Division 7 - Bee keeping

- 6.7.1 Interpretation
- 6.7.2 Limitation on numbers of hives
- 6.7.3 Restrictions on keeping of bees in hives
- 6.7.4 Bees which cause a nuisance not to be kept

Division 8 - Arthropod vectors of disease

- 6.8.1 Interpretation
- 6.8.2 Responsibility of the owner or occupier

PART 7 – INFECTIOUS DISEASES

Division 1 – General Provisions

- 7.1.1 Purpose of exercise of powers
- 7.1.2 Authorised Officer may visit, inspect and report
- 7.1.3 Insanitary houses, premises and things
- 7.1.4 Requirements on owner or occupier to clean, disinfect and disinfest
- 7.1.5 Local government may disinfect or disinfest premises
- 7.1.6 Authorised Officer may authorise disinfecting
- 7.1.7 Persons in contact with an infectious disease sufferer
- 7.1.8 Declaration of infected houses or premises

- 7.1.9 Destruction of infected animals
- 7.1.10 Disposal of a body
- 7.1.11 Local Government may carry out work and recover costs

Division 2 – Disposal of Used Condoms and Needles

- 7.2.1 Disposal of used condoms
- 7.2.2 Disposal of used needles

PART 8 – LODGING HOUSES

Division 1 – Registration

- 8.1.1 Interpretation
- 8.1.2 Lodging house not to be kept unless registered
- 8.1.3 Application for registration
- 8.1.4 Certificate of Registration of a Lodging House
- 8.1.5 Renewal of registration
- 8.1.6 Notification upon sale or transfer
- 8.1.7 Revocation of registration

Division 2 – Construction and Use Requirements

- 8.2.1 General construction requirements
- 8.2.2 Insect screening
- 8.2.3 Sanitary conveniences
- 8.2.4 Laundry unit
- 8.2.5 Kitchen
- 8.2.6 Cooking facilities
- 8.2.7 Dining room
- 8.2.8 Lounge room
- 8.2.9 Fire prevention and control
- 8.2.10 Obstruction of passages and stairways
- 8.2.11 Fitting of locks
- 8.2.12 Restriction on use of rooms for sleeping
- 8.2.13 Sleeping accommodation short term hostels and recreation campsites
- 8.2.14 Furnishing etc. of sleeping compartments
- 8.2.15 Ventilation
- 8.2.16 Numbers to be placed on doors

Division 3 – Management and Care

- 8.3.1 Keeper or manager to reside in the lodging house
- 8.3.2 Register of lodgers
- 8.3.3 Keeper report
- 8.3.4 Certificate of Sleeping Accommodation
- 8.3.5 Duplicate keys and inspection
- 8.3.6 Room occupancy
- 8.3.7 Infectious disease
- 8.3.8 Maintenance of a room by a lodger or a resident
- 8.3.9 Cleaning and maintenance requirements
- 8.3.10 Responsibilities of lodgers and residents
- 8.3.11 Approval for the storage of food

PART 9 – OFFENSIVE TRADES

Division 1 – General

- 9.1.1 Interpretation
- 9.1.2 Consent to establish an offensive trade
- 9.1.3 Notice of application
- 9.1.4 Registration of premises
- 9.1.5 Certificate of Registration of Premises for Offensive Trade
- 9.1.6 Change of occupier
- 9.1.7 Alterations to premises

Division 2 – General Duties of an Occupier

- 9.2.1 Interpretation
- 9.2.2 Cleanliness
- 9.2.3 Rats and other vectors of disease
- 9.2.4 Sanitary conveniences and hand wash basins
- 9.2.5 Painting of walls etc.
- 9.2.6 Effluvia, vapours or gases
- 9.2.7 Offensive materials
- 9.2.8 Specified Offensive trades
- 9.2.9 Storage of materials
- 9.2.10 Directions
- 9.2.11 Other duties of occupier

Division 3 – Fat Rendering Establishments

- 9.3.1 Interpretation
- 9.3.2 Ventilation
- 9.3.3 Covering of apparatus
- 9.3.4 Rendering of walls

Division 4 – Fish Premises

- 9.4.1 Interpretation
- 9.4.2 Fish preparation room
- 9.4.3 Bench
- 9.4.4 Disposal of waste
- 9.4.5 Fish containers
- 9.4.6 Cooking of fish
- 9.4.7 Use of approved portable box
- 9.4.8 Fish transport vehicle

Division 5 – Laundry, Dry Cleaning Establishments and Dye Works

- 9.5.1 Interpretation
- 9.5.2 Receiving depot
- 9.5.3 Reception room
- 9.5.4 Walls and floors
- 9.5.5 Laundry floor
- 9.5.6 Escape of dust
- 9.5.7 Precautions against combustion
- 9.5.8 Trolleys
- 9.5.9 Sleeping on premises

Division 6 – Abattoirs

- 9.6.1 Construction

Division 7 – Piggeries

- 9.7.1 Interpretation
- 9.7.2 Premises to be approved
- 9.7.3 Site Conditions
- 9.7.4 Conditions of registration
- 9.7.5 Sties, enclosures or sheds
- 9.7.6 Slaughtering
- 9.7.7 Feed
- 9.7.8 Fencing
- 9.7.9 Water supply
- 9.7.10 Feeding troughs

PART 10 – OFFENCES AND PENALTIES

Division 1 – General

- 10.1.1 Offences and penalties
- 10.1.2 Other enforcement actions

PART 11 – SCHEDULES OF FORMS

- SCHEDULE 1 – Application for Registration of a Lodging House
- SCHEDULE 2 – Certification of Registration of a Lodging House
- SCHEDULE 3 – Notice of Change of Owner of a Lodging House
- SCHEDULE 4 – Register of Lodgers
- SCHEDULE 5 – List of Lodgers
- SCHEDULE 6 – Certificate of Sleeping Accommodation
- SCHEDULE 7 – Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Compartments
- SCHEDULE 8 – Application for Licence of a Morgue
- SCHEDULE 9 – Licence of a Morgue
- SCHEDULE 10 – Application for Consent to Establish an Offensive Trade
- SCHEDULE 11 – Application for Registration of Premises for Offensive Trade
- SCHEDULE 12 – Certificate of Registration of Premises for Offensive Trade
- SCHEDULE 13 – Required buffer distance for feedlots
- SCHEDULE 14 – Required buffer distance for piggeries
- SCHEDULE 15 – Required buffer distance for intensive piggeries

LOCAL GOVERNMENT ACT 1995

SHIRE OF MT MARSHALL

HEALTH AMENDMENT LOCAL LAW 2018

Under the powers conferred by the *Local Government Act 1995* and under all powers enabling it, the Council of the Shire of Mt Marshall resolved on 15 May 2018 to make the following local law:

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as *Shire of Mt Marshall Health Amendment Local Law 2018*.

1.2 Commencement

This local law commences 14 days after the day on which it is published in the *Government Gazette*.

1.3 Application

This local law applies throughout the entire district.

1.4 Repeal

The *Shire of Mt Marshall Health Local Laws 2002* made by the Shire of Mt Marshall on 30 January 2002 and published in the *Government Gazette* on 30 April 2002 and amended from time to time is repealed.

The *Shire of Mt Marshall Health Local Law 2014* made by the Shire of Mt Marshall on 21 October 2014 is repealed.

1.5 Interpretation

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

Act means the *Health (Miscellaneous Provisions) Act 1911*;

adequate means satisfactory or fit for purpose or, if there is any doubt, at the discretion of an Authorised Officer;

adequate supply of water means a flow of water of not less than 5 litres per minute;

approved means approved by the local government;

AS or AS/NZS means Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time, and in this local law includes:

- (a) *AS 3786:2014 Smoke alarms using scattered light, transmitted light or ionization*;
- (b) *AS 2293.1:2005 Emergency escape lighting and exit signs for*

- buildings – System design, installation and operation;*
- (c) *AS 1530.2:1993 Methods for fire tests on building materials, components and structures - Test for flammability of materials;*
 - (d) *AS 1530.3:1999 Methods for fire tests on building materials, components and structures – Simultaneous determination of ignitability, flame propagation, heat release and smoke release;*
 - (e) *AS 2001.5.4:2005 Methods of test for textiles – Dimensional change – Domestic washing and drying procedures for textile testing (ISO 6330:2000, MOD);*
 - (f) *AS/NZS ISO 717.1:2004 Acoustics - Rating of sound insulation in buildings and of building elements - Airborne sound insulation;*
 - (g) *AS 3666.2: 2011 Air-handling and water systems of buildings - Microbial control - Design, installation and commissioning;*
 - (h) *AS 1668.2: 2012 The use of ventilation and air conditioning in buildings - Mechanical ventilation in building;*

Authorised Officer means a person appointed under the provisions of the *Public Health Act 2016* and includes officers employed by the local government as an Environmental Health Officer, Assistant Environmental Health Officer, Acting Environmental Health Officer and Principal Environmental Health Officer;

bed means a piece of furniture on which to sleep;

bedding includes beds, mattresses, pillows and bed heads as well as bed linen;

bed linen includes sheets, blankets, pillow cases, quilt and doona covers and mattress covers;

Building Code means the latest edition of the Building Code of Australia published from time to time by or on behalf of the Australian Building Codes Board, as amended from time to time, but not including explanatory information published with that Code;

Chief Executive Officer means the Chief Executive Officer of the local government and includes an Acting Chief Executive Officer;

Chief Health Officer means a person appointed to this position under the provisions of the *Public Health Act 2016*;

Council means the Council of the local government;

district means—

- (a) the district of the local government under the *Local Government Act 1995*;
- (b) any area placed under the jurisdiction of the local government under section 22 of the Act; and
- (c) any river, or other water deemed to be within the district of the local government under section 25 of the Act;

drinking water means drinking water as defined in the *Australian Drinking Water Guidelines*;

dwelling house means a place of residence containing at least one sleeping room and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

Environmental Health Officer means a person appointed to this position

under the provisions of the *Public Health Act 2016*;

food premises means any premises or vehicle used by a food business as defined by section 10 of the *Food Act 2008*;

habitable room means a room used for normal domestic activities, and—

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room or the like; but
- (b) excludes a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

hot water means water at a temperature of at least 65 degrees Celsius;

local government means the Shire of Mt Marshall;

morgue means a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation;

nuisance has the meaning given to it in section 182 of the Act;

public place includes every place to which the public ordinarily have access, whether by payment of a fee or not;

sanitary convenience includes urinals, toilets, sinks, baths, wash troughs, apparatus for the treatment of sewage, or other receptacle for the deposit of faecal matter, or refuse, and all similar conveniences;

sewage means any kind of sewage, faecal matter or urine, and any waste composed wholly or in part of liquid;

sewer includes sewers and drains of every description, except drains to which the word “drain” as defined in the Act applies, also water channels constructed of stone, brick, concrete, or any other material, including the property of the local government;

street includes any highway, and any public bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

toilet means a toilet bowl or urinal and includes a room or cubicle in which one or more of these are located;

townsite means the townsites within the district which are constituted under section 26(2) of the *Land Administration Act 1997* or referred to in clause 37 of the Schedule 9.3 of the *Local Government Act 1995*;

urinal may be—

- (a) an individual stall or wall-hung urinal; or
- (b) each 600 mm length of a continuous urinal trough; or
- (c) a toilet bowl used in place of a urinal

vector of diseases includes fleas, flies, bedbugs, cockroaches, lice and any other insect prescribed by the local government;

water means drinking water within the meaning of the Australian Drinking Water Guidelines as published by the National Health and Medical Research Council in 2011 and as amended from time to time;

window means a glass panel, roof light, glass brick, glass louvre, glazed

sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position;

- (2) Where in this local law, a duty or liability is imposed on an “owner or occupier” the duty or liability shall be deemed to be imposed jointly and severally on each of the owner or occupier.
- (3) Where under this local law an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

PART 2 – SANITATION

Division 1 – Sanitary Conveniences

2.1.1 Interpretation

In this Part, unless the context otherwise requires—

event includes a fair, function or festival;

organiser means a person—

- (a) to whom approval has been granted by the local government to conduct the event; or
- (b) responsible for the conduct of the event;

public sanitary conveniences means a sanitary convenience to which the public ordinarily have access; and

temporary sanitary convenience means a sanitary convenience, temporarily placed for use by—

- (a) patrons in conjunction with an event ; or
- (b) employees at construction sites or the like.

2.1.2 Dwelling house

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.
- (2) A room in which a toilet is located shall have adequate electrical lighting.

2.1.3 Premises other than a dwelling house

- (1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—
 - (a) the premises have sanitary conveniences in accordance with the Building Code and this Part;
 - (b) the toilets required by this clause are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and
 - (c) the premises have hand wash basins—
 - (i) in accordance with the Building Code;
 - (ii) for the use of persons employed or engaged on the premises;
 - (iii) provided with an adequate supply of water supplied by taps located over each hand wash basin;
 - (iv) separate from any trough, sink or hand wash basin used in connection with any process carried out on the premises; and
 - (v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.
- (2) The occupier of the premises other than a dwelling house shall ensure that—
 - (a) clean toilet paper is available at all times in each cubicle;
 - (b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and
 - (c) each hand wash basin is provided with—
 - (i) an adequate supply of soap or other hand cleaning substances;

- and
- (ii) hand-drying facilities, situated adjacent to and visible from the hand wash basin.

2.1.4 Events

The organiser of an outdoor event must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's '*Guidelines for concerts, events and organized gatherings*'.

2.1.5 Toilets

- (1) Toilets on premises shall be maintained in accordance with the following requirements—
 - (a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;
 - (b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;
 - (c) the floor of any internal toilet shall be—
 - (i) of concrete or of other approved impervious material of an approved thickness; and
 - (ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and
 - (d) the floor of any external toilet shall be—
 - (i) of concrete or of other approved impervious material of an approved thickness; and
 - (ii) graded to the door or alternatively an approved outlet.
- (2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—
 - (a) a toilet for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling and of sufficient density to have a sound transmission class of not less than 50 as required by *AS/NZS ISO 717.1:2004*; and
 - (b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.1.6 Temporary works

A person who undertakes temporary work at any place shall ensure every temporary sanitary convenience is installed and maintained in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

2.1.7 Maintenance of sanitary conveniences and fittings

- (1) The occupier of premises shall—
 - (a) keep clean, in good condition and repair; and
 - (b) whenever required by an Authorised Officer, effectively disinfect and

- clean;
- all sanitary conveniences including sanitary fittings in or on the premises.
- (2) The owner of premises shall—
 - (a) keep or cause to be kept in good repair; and
 - (b) maintain an adequate supply of water to;all sanitary conveniences including sanitary fittings in or on the premises.

2.1.8 Ventilation of toilets

- (1) A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.
- (2) A mechanical ventilation system provided under subclause (1) shall be maintained in good working order and condition.

2.1.9 Public sanitary conveniences

- (1) A person shall not—
 - (a) foul;
 - (b) damage or vandalise; or
 - (c) write on or otherwise deface;a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.
- (2) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.1.10 Lighting

The owner and occupier of premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain adequate electric lighting for persons using the convenience.

2.1.11 Installation

Every sanitary convenience shall be installed in accordance with the requirements of *Country Areas Water Supply Act 1947*, the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes) Regulations 1974* and the *Water Services Act 2012* and shall have an adequate supply of water.

Division 2 – Bathrooms, Laundries and Kitchens

2.2.1 Bathrooms

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—
 - (a) is adequately lined with an impervious material and has a ceiling that complies with the Building Code;
 - (b) complies with the *Health Act (Laundries and Bathrooms) Regulations* and the Building Code; and
 - (c) is equipped with—
 - (i) a hand wash basin; and

- (ii) either a shower in a shower recess or a bath.
- (2) All baths, showers, hand wash basins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.2.2 Laundries

- (1) A laundry must comply with the requirements of the *Health Act (Laundry and Bathrooms) Regulations* and the Building Code.
- (2) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.
- (3) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—
 - (a) not be more than 1,220 millimetres wide; and
 - (b) have a door which when closed shall completely fill the opening.

2.2.3 Washing or keeping of clothes in kitchens

A person shall not in any kitchen or other place where food is kept—

- (a) wash or permit to be washed any clothing or bed linen; or
- (b) keep or permit to be kept any soiled clothing or bed linen.

2.2.4 Kitchens

- (1) In this clause, a **cooking facility** includes a stove, oven, facility or appliance used for or in connection with the cooking of food.
- (2) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen which complies with the requirements of the Building Code and which is equipped with—
 - (a) a cooking facility which is adequate in the opinion of an Authorised Officer; and
 - (b) a sink which is adequate in the opinion of an Authorised Officer and which has an adequate supply of hot and cold water.
- (3) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.
- (4) A cooking facility shall—
 - (a) be installed in accordance with the requirements of the Department of Commerce - Energy Safety division and the manufacturer's specifications; and
 - (b) not be installed or used in any room other than a kitchen.
- (5) Mechanical extraction shall be provided in a kitchen and the exhaust air shall be—
 - (a) carried to the outside air as directly as practicable; and
 - (b) boxed throughout.
- (6) Mechanical ventilation shall be maintained in good working order and condition

PART 3 – HOUSING AND GENERAL

Division 1 – Maintenance of Dwelling Houses

3.1.1 Dwelling house maintenance

The owner or occupier of a dwelling house and any appurtenant buildings for which the owner or occupier has the care and control of, shall maintain the dwelling house and appurtenant buildings in sound condition and fit for use and, in particular, shall—

- (a) maintain all roofs in sound weatherproof condition;
- (b) maintain any footings, foundations and walls, either external or internal, in a sound condition;
- (c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;
- (d) comply with the directions of an Authorised Officer to treat the premises for the purpose of destroying any termites;
- (e) maintain any brick, stone, mortar or cement work in a sound condition;
- (f) maintain, repair or replace any flashings or ant caps which are missing or defective;
- (g) maintain all floors even in surface and free from cracks;
- (h) maintain all ceilings, internal wall finishes, skirting boards, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (i) maintain all doors and windows in good working order and weatherproof condition;
- (j) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;
- (k) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Water Services Act 2012*, the Plumbing Code of Australia and relevant associated standards, and any other legal requirements to which they are subject;
- (l) maintain all electric wiring, gas services and fittings to comply with the requirements of all relevant public authorities; and
- (m) maintain all ventilators in good order and repair.

3.1.2 Guttering and downpipes

The owner or occupier of a dwelling house which has guttering and downpipes shall—

- (a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and
- (b) not permit any rainwater from the premises to discharge from the guttering onto or over a footpath, street or other property.

3.1.3 Disposal of rainwater

The owner or occupier of a dwelling house shall not use or occupy or permit to be used or occupied, a dwelling house unless all rainwater is effectively disposed of or collected in an approved manner that will not be a nuisance or injurious or dangerous to health of any person.

Division 2 – Ventilation of Houses

3.2.1 Exemption for short term hostels and recreational campsites

This division shall not apply to short term hostels and recreational campsites referred to in Division 2 of Part 8.

3.2.2 Overcrowding

The owner or occupier of a house shall not permit—

- (a) a room in the house that is not a habitable room to be used for sleeping purposes;
- (b) a habitable room in the house to be used for sleeping purposes unless—
 - (i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and
 - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or
- (c) any garage, shed or area under a veranda or patio to be used for sleeping purposes.

3.2.3 Calculated sufficient space

For the purpose of clause 3.5, in calculating the space required for each person—

- (a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and
- (b) deduction shall be made for the space occupied by furniture, beds, equipment, fittings and projections of the walls into a room.

3.2.4 Ventilation

- (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.
- (2) For the purpose of subclause (1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of—
 - (a) natural ventilation; or
 - (b) a mechanical ventilation or air-conditioning system complying with *AS1668.2:2012*.
- (3) The owner of a house provided with a mechanical ventilation or air-conditioning system as its only or prime means of ventilation shall ensure that the system is—
 - (a) maintained in good working condition and in accordance with *AS/NZS3666.2:2011*; and
 - (b) in use at all times the building is occupied if the building is without approved natural ventilation.
- (4) If, in the opinion of an Authorised Officer, a house is not properly ventilated, the Authorised Officer may by notice require the owner of the house to—
 - (a) provide a different, or additional method of ventilation; or
 - (b) cease using the house until it is properly ventilated.

3.2.5 Sub-floor ventilation

The owner or occupier of a house shall make provision for sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

Division 3 – Water Supply

3.3.1 Water supply

- (1) The owner of every house shall provide a continuous supply of drinking water, reticulated for use and obtained from—
 - (a) a licensed water service operator;
 - (b) an underground bore; or
 - (c) a rainwater storage system with a minimum capacity of 120,000 litres.
- (2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house.
- (3) The water supply to toilets or for garden use may be from an alternative source that is not necessarily drinking water but must comply with the requirements of relevant legislation, codes of practice or guidelines where applicable.

3.3.2 Rainwater tanks

The owner or occupier of a house for which the water supply is drawn from a rainwater tank shall ensure that it is managed and maintained so as to meet the relevant standards in the *National Health and Medical Research Council Drinking Water Guidelines* and in particular —

- (a) maintain in a clean condition—
 - (i) the roof forming the catchment for the tank; and
 - (ii) the guttering and downpipes appurtenant to the roof;
- (b) ensure that each rainwater tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of inspecting, cleaning, repairing or maintaining the tank;
- (c) if the tank water is breeding mosquitoes, eliminate the point of entry and treat with a small quantity of liquid paraffin at a rate of not more than 5 millilitres per square meter of surface area so as to form a thin even film over the whole surface or otherwise as advised by an Authorised Officer;
- (d) inspect the rainwater tank and associated components at least every six months including gutters, catchment roof, tank inlet, debris traps, mosquito cowls, inside of the tank, tank roof and connecting pipework and remove any accumulated debris, leaf material or other contaminants evident and repair any damaged components;
- (e) at least once every two years, inspect the bottom and walls of the tank for accumulated sediments, sludge and slime and where necessary thoroughly clean any tank which contains water used for human consumption;
- (f) when directed by an Authorised Officer, empty, clean and disinfect any tank upon the premises which contains water used for human consumption; and
- (g) dispose of any organic material and water from cleaning and desludging operations around the garden or yard ensuring that it is retained on site and does not cause a health nuisance.

3.3.3 Bores and wells

The owner or occupier of any premises shall not use or permit for human consumption the use of water from any bore or well unless the bore or well is—

- (a) at least 30 metres from any soak well, leach drain or irrigation area where effluent has been discharged from any wastewater treatment system or any other possible source of pollution unless otherwise approved by the Chief Health Officer;
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump; and
- (c) compliant with the requirements of the *Health Act (Underground Water Supply) Regulations 1959*.

3.3.4 Pollution

A person shall not deposit on or under any land, any sewage, offensive matter or any other thing which may pollute or render unfit for human consumption, water from a well or other underground source.

Division 4—Second-hand Furniture, Bedding and Clothing

3.4.1 Prohibition on sale

A person shall not offer for sale or sell any second-hand furniture, bedding or clothing which is filthy or infested with vermin or vectors of disease.

3.4.2 Prohibition on possession

A dealer in second-hand furniture, bedding or clothing shall not have on any premises used for the operation of the business any second-hand furniture, bedding or clothing which is filthy or infested with vermin or vectors of disease.

Division 5 – Morgues

3.5.1 Licensing of morgues

- (1) All non-government morgues shall be licensed pursuant to the provisions of this clause.
- (2) An application for licence of a morgue shall be in the form set out in Schedule 8 and shall be—
 - (a) made by the applicant;
 - (b) forwarded to the Chief Executive Officer with the fee as fixed by the local government from time to time under Section 344C of the Act.
- (3) A Certificate of Licence of a Morgue shall –
 - (a) be in the form set out in Schedule 9; and
 - (b) expire on 30 June next after the date of its issue.
- (4) A Certificate of Licence of a Morgue shall not be granted in respect of any premises unless—
 - (a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;
 - (b) the walls are constructed of stone or brickwork or other approved material;
 - (c) the interior surface of all walls is covered with glazed tiles or is rendered

- impervious so as to be non-absorbent and washable;
- (d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and
- (e) the premises are adequately ventilated by direct communication with the outside air.

PART 4 –LIQUID REFUSE, LIQUID WASTE, BUTCHERS' WASTE, RUBBISH AND REFUSE

Division 1 – Liquid Refuse and Liquid Waste

4.1.1 Interpretation

In this division, unless the context otherwise requires—

apparatus for the treatment of sewage has the same meaning as in section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

liquid refuse includes all washing from the commercial cleaning of vehicles, overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and other liquid used for cooling purposes and swimming pool discharges;

liquid waste means wastewater or any other liquid waste from domestic, industrial or commercial activities and includes bathroom, kitchen, scullery and laundry wastes, all washings from animal and poultry pens and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage;

receptacle for drainage has the same meaning as in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*;

Approved carrier means a carrier approved by the local government.

4.1.2 Deposit of liquid refuse

A person shall not deposit or cause or permit to be deposited liquid refuse—

- (a) on a street;
- (b) in a storm water disposal system; or
- (c) on any land or place other than a place or depot duly authorised for that purpose.

4.1.3 Disposal of liquid waste

- (1) The owner or occupier of premises shall provide, by one of the methods prescribed in this clause, for the disposal of all liquid waste produced on the premises; and at all times maintain in good working order and condition any apparatus used for the disposal of liquid waste.
- (2) Liquid waste shall be disposed of by one of the following methods—
 - (a) discharging it into the sewage system of a licensed water service operator in a manner approved by the licensed water service operator;
 - (b) discharging it into an apparatus for the treatment of sewage approved by the local government; or

- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the local government.

4.1.4 Approval for septic tank pumpouts and removal of liquid waste

A person shall not—

- (a) unless he or she is an approved carrier;
- (b) without the written approval of the local government; and
- (c) except in accordance with any terms and conditions imposed by the local government or the Chief Health Officer in connection with the approval under paragraph (b),
collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage and other liquid wastes.

4.1.5 Application for approval

- (1) A carrier may apply in writing to the local government for approval to collect, remove or dispose of the contents of a septic tank, the pumpouts from holding tanks or an apparatus for the treatment of sewage.
- (2) The local government may grant or refuse an application under this clause subject to conditions relating to —
 - (a) the time and method of collection, removal or disposal of the contents; or
 - (b) the route to be followed by a vehicle used in collection, removal or disposal of the contents; or
 - (c) the type of liquid waste that can be collected.
- (3) Any conditions imposed by the local government under this clause shall be -
 - (a) specified in the written approval of the local government; and
 - (b) In addition to any conditions imposed by the Chief Health Officer or conditions applying under any other law.
- (4) The local government may from time to time vary conditions imposed by it under this clause by giving written notice of the variation to the person to whom approval was given

4.1.6 Provision of quarterly reports

The approved carrier may be required to provide quarterly reports to the local government containing accurate details of —

- (a) the date of servicing the liquid waste system ;
- (b) the address or location of the involved property; and
- (c) the type of system serviced.

Division 2 – Transport of Butchers' Waste

4.2.1 Interpretation

In this division, unless the context otherwise requires—

butchers' waste includes animal skeletons and rib cages, from a boning room and the inedible products of an abattoir or a butcher's shop.

4.2.1 Restriction of vehicles

A person shall not use, for the transport of butchers' waste—

- (a) a vehicle or container not approved by the local government; or
- (b) a vehicle used for the transport of food or drugs; or
- (c) anything intended to be used for the packing or handling of food or drugs.

4.2.3 Transport of butchers' waste

- (1) A person shall not transport butchers' waste otherwise than in a compartment complying with the following specifications—
 - (a) the floor and four walls to be made of an approved impervious material;
 - (b) all joints to be made water-tight;
 - (c) the loading doors, if any, to be water-tight and kept closed at all times except when loading or unloading;
 - (d) the top and sides are to be covered by a tarpaulin or other impervious material approved by an Authorised Officer so as to keep the load out of sight of the public; or
 - (e) in a container which is water-tight, durable and impervious and which is fitted with a lid which can be tightly closed.
- (2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this clause are—
 - (a) maintained in good order and condition; and
 - (b) thoroughly cleaned at the conclusion of each day's work.
- (3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to—
 - (a) the sight of animal skeletons, bones, offal or waste matter;
 - (b) the odour of putrefaction, offal or waste matter; or
 - (c) the presence of blood and particles of flesh or fat dropping onto the surface of the street, pavement or ground.

Division 3 – Rubbish and Refuse

4.3.1 Interpretation

In this division, unless the context otherwise requires—

rubbish or refuse includes any filth, dirt, ashes, vegetation, garden refuse, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse; and

refuse disposal site means land set apart by the local government under the Act as a site for the deposit of rubbish or refuse; or which is licensed or registered under the provisions of the *Environmental Protection Regulations 1987*; and any waste facility as defined in the *Waste Avoidance and Resource Recovery Act 2007* that is operated by the local government.

4.3.2 Deposit of refuse

A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site defined in these local laws or a waste service or waste facility as defined in the *Waste Avoidance and Resource Recovery Act 2007* that is operated by the local government or by an approved contractor.

4.3.4 Burning of rubbish or refuse

- (1) A person shall not set fire to rubbish, either in any incinerator or on the ground except in accordance with the conditions of the local government.
- (2) Subject to subclause (3), the burning of rubbish is subject to the following conditions –
 - (a) the material to be burnt –
 - (i) does not include any plastic, rubber, food scraps, green garden cuttings and other material which may become offensive when burnt; and
 - (ii) is of such quantity, or of such a nature, as to be unsuitable for removal by the local government refuse collection service; and
 - (b) there is no other appropriate means of disposal; and
 - (c) burning shall not take place –
 - (i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or
 - (ii) where there is no current air dispersion alert, outside the hours of 10.00am to 6.00pm; and
 - (d) burning shall only be undertaken using an incinerator that is designed to burn efficiently in order to minimise smoke emissions and which incorporates a spark arresting device and which is located –
 - (i) at least 3 metres from a fence, building or inflammable matter; and
 - (ii) in such a position so as not to create a nuisance or be offensive to other persons.
- (3) Subject to any requirements of a Fire Break Notice issued by the local government and any directions issued by the Department of Fire and Emergency Services, the local government may grant a permit to clear by burning fire breaks or vacant blocks of grass, straw, hay, undergrowth, herbage and other similar vegetation.

PART 5 – NUISANCES AND GENERAL

Division 1 – Nuisances

5.1.1 Interpretation

In this division, unless the context otherwise requires **fertiliser** includes manure.

5.1.2 Footpaths etc. to be kept clean

An owner or occupier of premises shall take reasonable steps to keep in a clean and tidy condition any footpath, pavement area or right of way immediately adjacent to their premises which has been made unclean or untidy by any action of

the owner or occupier or as a result of overhanging or overgrown vegetation.

5.1.3 Escape of smoke etc.

An owner or occupier of premises shall take reasonable measures to prevent the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

5.1.4 Public vehicles to be kept clean

The owner or person in control of a public vehicle shall take reasonable measures to maintain the vehicle at all times—

- (a) in a clean condition;
- (b) free from vectors of disease; and
- (c) whenever directed to do so by an Authorised Officer, thoroughly clean and disinfect the vehicle.

5.1.5 Prohibition against spitting

A person shall not spit on a footpath, street or within or on, any public place, building or facility accessible to the public which is within the local government's jurisdiction.

5.1.6 Transportation, use and storage of offal or blood

- (1) A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried or by some other effective method approved by an Authorised Officer.
- (2) No person shall remove any offensive matter unless such offensive matter is carried in watertight barrels or tanks securely covered to prevent the escape of any of the contents thereof, or the emission of any offensive odours therefrom.
- (3) Every person using any sealed containers or vehicle in the removal of any offensive matter shall keep such container or vehicle in a thoroughly clean condition and in good repair.

5.1.7 Use or storage of fertiliser

An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any—

- (a) pig manure within 200 metres of townsite boundaries, or within townsites, unless it has been effectively treated to the satisfaction of an Authorised Officer;
- (b) human faeces; or
- (c) urine.

5.1.8 Storage and dispatch of artificial fertiliser

An owner or occupier of premises where artificial fertiliser is stored in bulk for sale shall –

- (a) keep all artificial fertiliser in a building—
 - (i) of which the walls, floors and ceilings or undersides of the roof are

- constructed of durable and non-absorbent materials finished internally with a smooth surface; and
- (ii) free from damp and properly ventilated;
- (b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and
- (c) ensure that all artificial fertiliser dispatched from the premises is packed in such a manner so as to prevent any nuisance arising during transit.

5.1.9 Storage of fertiliser and compost

- (1) Subject to subclause (2) fertiliser and compost is not to be stored inside a dwelling house in a habitable room, kitchen, laundry, bathroom, living area, passage way or bedroom.
- (2) Fertiliser and compost can be stored—
 - (a) in a non-habitable building such as a shed, garage or storage room which is fully enclosed, well ventilated and separated from the habitable areas of the dwelling house; or
 - (b) in an outside area.
- (3) The owner or occupier of premises where fertiliser or compost is stored shall—
 - (a) prevent the escape of odours, dust or particles which could cause a nuisance;
 - (b) treat the fertiliser or compost in such a manner so as to effectively prevent it attracting or being a breeding place for flies or other insects; and
 - (c) store only such amounts of fertiliser or compost;
 - (i) as can be readily used within a reasonable period; or
 - (ii) as may be directed by an Authorised Officer.

5.1.10 Vehicles used for transporting of animals and birds

Unless transporting a pet animal or bird, no person having the control or management of any vehicle in which animals or birds are being or have been transported or confined shall allow such vehicle to stand within a townsite until the vehicle has been thoroughly cleaned.

Division 2 – Keeping of Animals and birds

5.2.1 Interpretation

In this division, unless the context otherwise requires—

animal include dogs, rabbits, and ferrets or like;

birds includes galahs, parrots, budgerigars, finches, pigeons and doves or the like;

catteries are premises registered for the breeding or caring of cats.

5.2.2 Cleanliness

An owner or occupier of premises in or on which an animal or bird is kept shall—

- (a) keep the premises free from excrement, filth, food waste and all other matters which is or is likely to become offensive or injurious to health or to attract rats

- or other vermin and vectors of disease;
- (b) when so directed by an Authorised Officer, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free from flies or other vermin and vectors of disease by spraying with a residual insecticide or other effective means.
- (d) ensure the animal or bird kept is not causing a nuisance or is injurious, offensive or dangerous to health.

5.2.3 Animal enclosures

- (1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.
- (2) The owner or occupier of premises where animals or birds are kept shall, when directed by an Authorised Officer, pave, grade and drain floors of all structures and the surface of the ground of all enclosures used for the keeping of animals or birds.

5.2.4 Slaughter of animals

- (1) Subject to subclause (2), a person shall not slaughter any animal within the district.
- (2) Subclause (1) does not apply to—
 - (a) euthanasia of animals by veterinarians or other duly authorised persons;
 - (b) the slaughter of animals for human consumption in abattoirs approved by the local government;
 - (c) farmers, pastoralists and the like who slaughter stock for their own consumption and who are exempted under Regulation 20 (2) of the *Food Regulations 2009*; and
 - (d) slaughter of animals for the purposes of pet meat and game meat operations.

5.2.5 Disposal of dead animals

- (1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (2) An owner, or a person having the care of any animal that dies or is killed in a public or private place, shall immediately remove the carcass and arrange for its disposal at an approved disposal site.
- (3) The requirements of subclauses (1) and (2) shall not limit the practice by farmers, pastoralists and the like of disposing of carcasses on rural land in a manner that is not likely to pollute or be dangerous or injurious to health.
- (4) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours shall refrigerate the carcass prior to its removal and disposal, at an approved disposal site.

Division 3 – Keeping of Large Animals

5.3.1 Interpretation

In this division, unless the context otherwise requires—

approved animal includes a horse, cow, or other large animal the subject of an approval by the local government under clause 5.3.2;

cow includes an ox, calf or bull;

horse includes an ass, mule, donkey or pony; and

other large animal includes a pig, sheep, goat, deer or camel, cow, horse, lama, emu, ostrich or the like

5.3.2 Conditions for keeping of an animal

- (1) An owner or occupier of premises, within a townsite shall not keep a horse, cow, other large animal, more than 3 sheep or more than 3 goats on those premises without approval of the local government.
- (2) An owner or occupier of premises shall not keep within a townsite an approved large animal or specified number of sheep or goats unless —
 - (a) the premise has an area of not less than 0.2 hectares of alienated land; and
 - (b) the approved animal does not approach within 30 metres of a dwelling or place where food is stored, manufactured, processed, served or exposed for sale.
- (3) The owner or occupier wanting to keep more than the above number of animals, on a block of land 0.2 hectares or larger and within a townsite, can do so only by obtaining the written approval of the local government. The approval will stipulate the maximum number of animals that may be kept. The number of animals will be calculated using the following —
 - (a) 4 large animals and 2 of their offspring up to the age of twelve months; or
 - (b) 12 sheep or 12 goats per 0.2 hectares or part thereof.

5.3.3 Stables

- (1) An owner or occupier of premises within a townsite, who keeps an approved animal shall provide a stable which shall comply with the requirements of the Building Code, and which—
 - (c) is not situated within 30 metres of a house or other premises;
 - (d) has adequate space for each animal;
 - (e) is constructed of weatherproof materials and of a design which provides adequate protection from the elements;
 - (f) provides adequate natural ventilation; and
 - (g) subject to subclause (2), has a floor, the upper surface of which shall—
 - (i) be at least 75 millimetres above the surface of the ground;
 - (ii) be constructed of cement, concrete, or other similar impervious material approved by an Authorised Officer; and when required;
 - (iii) have a fall ratio 1:100 which effectively drains liquid wastes into a trapped gully situated outside the stable and shall discharged in a manner approved by local government.

- (2) The construction of a stable with a sand floor may be permitted, subject to the following conditions—
- (c) the site must be well drained with the highest known water table no closer than 1.5 metres below the ground or sand floor level, which may be achieved artificially;
 - (d) a 300 millimetres of thick bed of aggregate approved by an Authorised Officer, shall be laid under the sand of the stable;
 - (e) sand, whether natural or imported, it must be clean, coarse, free from dust and prevent pooling of liquids;
 - (f) footings to each stable shall be a minimum of 450 millimetres below ground level;
 - (g) the stable design must facilitate suitable access for cleaning and removal of waste materials and replenishment of clean sand; and
 - (h) the minimum floor area of each stall shall be not less than 28 square metres and walls shall not be less than 3 metres vertically or 4 metres horizontally;
 - (i) the roofed area of each stall shall not be less than 50 percent of the floor area of the stall;
 - (j) in all other respects subclause (1) shall apply to the stable.
- (3) The owner or occupier of premises on which a stable is located shall—
- (a) maintain the stable in a clean and hygienic condition at all times;
 - (b) keep all parts of the stable so far as possible free from flies, vermin or other vectors of disease; by spraying with an approved residual insecticide or other effective means; and
 - (c) comply with the relevant requirements of the *Biosecurity and Agriculture Management Act 2007 - Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016* (as amended from time to time by the Department of Primary Industries and Regional Development).
- (4) The owner or occupier of a stable shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

5.3.4 Manure receptacle

An owner or occupier of premises on which a stable is constructed shall—

- (a) provide in a position convenient to the stable a receptacle for manure, constructed of smooth, impervious, durable material that is easily cleanable and provided with a tight fitting hinged cover, and with no part of the floor lower than the surface of the adjoining ground;
- (b) keep the lid of the receptacle closed except when manure is being deposited or removed;
- (c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it coming offensive or a breeding place for flies or other vectors of disease;
- (d) keep the receptacle so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and
- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle or comply with such other arrangements as approved by an

Authorised Officer.

Division 4 – Keeping of Poultry and Pigeons

5.4.1 Interpretation

- (1) In this division, unless the context otherwise requires—
poultry includes fowls, peafowls, turkeys, geese, ducks, chickens, bantams and other domestic fowls;
pigeons are birds that are classified within the family Columbidae and includes doves.
- (2) This division applies to the keeping of poultry on residential properties for domestic purposes and not to commercial poultry establishments such as broiler, breeder or egg producing farms.
- (3) Commercial poultry establishments mentioned in subclause (2) are to manage operations in accordance with the *Environmental Code of Practice for Poultry Farms in Western Australia 2004* produced by the Western Australian Broilers Growers Association and Poultry Farmers Association of Western Australia, in conjunction with state and local authorities to control environmental and health nuisances.

5.4.2 Limitation on numbers of poultry and pigeons

- (1) An owner or occupier of premises within a townsite shall not keep a combined total of more than 12 poultry and pigeons without the approval of the local government.
- (2) An Authorised Officer may issue a written notice to the owner or occupier of land, whether within a townsite or not, where poultry or pigeons are kept for the number of poultry and pigeons to be reduced to ensure that a health nuisance does not exist.
- (3) An Authorised Officer may increase the number of poultry or pigeons kept on any one lot of land if satisfied that a health nuisance does not exist.

5.4.3 Conditions of keeping poultry in limited numbers

A person who keeps poultry or permits poultry to be kept shall ensure that—

- (a) no poultry is able to approach within 9 metres of a dwelling house, public building, or premises where people are employed or premises where food is stored, prepared manufactured or sold
- (b) all poultry is kept in a properly constructed and securely fastened structure or enclosure;
- (c) the structure or enclosure is in a yard having an otherwise unobstructed area of at least 30 square metres; and
- (d) no poultry is able to approach within 9 metres of a street other than a right of way unless, in the case of land at the junction of two or more streets, the local government has approved a lesser distance;
- (e) no poultry is able to approach within 1.2 metres of any side or rear boundary of the premises; and
- (f) all enclosures or cages within which poultry are kept shall be maintained at all times in a clean condition and shall be disinfected

or otherwise dealt with in a way as directed by an Authorised Officer.

5.4.4 Roosters, Geese, Turkeys, Peafowl and Gamebirds

- (1) An occupier of premises within a townsite, shall not without the written approval of the local government, keep or permit to be kept on those premises, any one or more of the following fowl An occupier of premises within a townsite, shall not without the written approval of the local government, keep or permit to be kept on those premises, any one or more of the following fowl —
 - (a) a rooster;
 - (b) a goose or gander;
 - (c) a turkey;
 - (d) a peacock or peahen;
 - (e) a gamebird (includes emus and ostriches)
- (2) The local government may upon written application, grant approval with or without conditions to the owner or occupier of premises to keep on the premises any one or more birds as specified in subclause (1).
- (3) A person who has been granted approval under this clause to keep a bird may keep the bird on the premises only while he is the occupier thereof.
- (4) The local government may revoke an approval granted under this clause if it is of the opinion that the keeping of the birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

5.4.5 Conditions of keeping pigeons or doves

A person who keeps, or permits to be kept, pigeons or dove shall ensure that—

- (a) none is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold; and

- (b) except where registered homing pigeons are freed for exercise, the pigeons or doves are kept in a properly constructed pigeon loft or dove cote that –
 - (i) is in a yard having an otherwise unobstructed area of at least 30 square metres; and
 - (ii) does not allow them to approach within 1.2 metres of any side or rear boundary of the premises; and
 - (iii) is maintained in such a manner so as not to create a nuisance by the emission of dust, effluvia or odours.

5.4.6 Removal of nonconforming structure or enclosure

- (1) If a structure or enclosure is used for the keeping of poultry or pigeons contrary to the provisions of clauses 5.4.3 or 5.4.5, as applicable, the local government may direct the owner or occupier to amend it or remove it.
- (2) An owner or occupier shall comply with a direction from the local government under this clause.

5.4.7 Restrictions on pigeon nesting or perching

- (1) The local government may order an owner or occupier of a house or other structure in or on which pigeons are, or are in the habit of, nesting or perching so as to create a health nuisance to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier shall comply with a local government order made under this clause.

5.25 Restrictions on feeding wild birds

A person shall not feed a pigeon, dove, seagull, ibis, raven or other wild bird, so as to cause a nuisance or be injurious or dangerous to health.

Division 5 – Feedlots

5.5.1 Interpretation

In this division, unless the context otherwise requires—

feedlot means a confined area with watering and feeding facilities where animals are held and fed for the purpose of weight gain.

animal includes cattle, sheep, goats, deer and the like.

birds includes roosters, hens, geese, turkeys, ducks, poultry, emus and ostriches

5.5.2 Premises to be approved

- (1) No premises shall be used as a feedlot unless approved by local government.
- (2) Subject to subclause (3), no premises shall be approved as a feedlot by the local government unless every portion of such feedlot complies with the minimum separation distances listed in Schedule 13.
- (3) Site unable to satisfy the separation requirements may be approved at the

discretion of the local government when satisfied that approving the feedlot will not give rise to a health nuisance.

5.5.3 Site conditions

The owner or occupier of an approved feedlot must ensure that –

- (a) the premises is sited in an area where the land slope is no greater than 1:20 but no less than 1:100;
- (b) the premises is sited on soils with sufficient filtration to avoid surface ponding and run-off;
- (c) the premises has a minimum groundwater clearance of 2 metres;
- (d) drainage diverts all uncontaminated stormwater from the general waste stream;
- (e) stock numbers per pen do not cause dust and effluvia to become a nuisance; and
- (f) the premises has solid and liquid waste disposal arrangements that are not offensive or injurious to health.

5.5.4 Compliance with direction or notice of an Authorised Officer

The owner or occupier of a feedlot shall comply with any direction or notice of an Authorised Officer in relation to its state of repair, cleanliness, hygiene, control of pests or any other matter which is considered necessary to prevent health nuisances or maintain a satisfactory standard for the keeping of animals therein.

PART 6 – PEST CONTROL

Division 1 – Flies

6.1.1 Interpretation

In this division, unless the context otherwise requires –

flies means any of the two-winged insects constituting the order Diptera commonly known as flies.

6.1.2 Fly breeding matter not to be left on premises unless covered or treated

An owner or occupier of premises shall not place, throw or leave, or permit or cause to be placed, thrown or left in, on or about the premises any matter or thing which is liable to attract or be a breeding place for flies, unless that matter or thing is covered, protected, treated or dealt with in such a manner as to effectively prevent it from attracting or being a breeding place for flies.

6.1.3 Measures to be taken the owner or occupier

An owner or occupier of the premises shall ensure that —

- (a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
- (b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;
- (c) lawn clippings used on gardens as mulch are raked out thinly;
- (d) fertilisers are dug well into the soil;

- (e) compost heaps are kept covered;
- (f) barbecues are kept clean and free from food scraps;
- (g) anything that is buried and may attract or be a breeding place for flies is covered with at least 100 millimetres of soil; and
- (h) excrement from pets is collected and properly disposed of without delay.

6.1.4 Persons in contact with an infectious disease sufferer

Where in an opinion of an Authorised Officer flies are prevalent or are breeding on any premises, the Authorised Officer may give to the owner or occupier of the premises notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Authorised Officer are necessary to—

- (a) control the prevalence;
- (b) effect the eradication of; or
- (c) effectively prevent the breeding of flies.

6.1.5 Local government may carry out work and recover costs

- (1) Where—
 - (a) a person is required under this division or by a notice given under this division, to carry out any work; and
 - (b) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the local government in the execution of a power under subclause (1) may be recovered in a court of competent jurisdiction from the person referred to in subclause (1).
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2 – Mosquitoes

6.2.1 Interpretation

In this division, unless the context otherwise requires—

mosquitoes means any of the two-winged insects constituting the family *Diptera Clicidae* commonly known as mosquitoes.

6.2.2 Measures to be taken to prevent mosquito breeding

An owner or occupier of premises shall ensure that the premises are kept free from possible mosquito breeding sites and shall—

- (a) follow any direction or notice of an Authorised Officer for the purpose of—
 - (i) controlling the prevalence of mosquitoes;
 - (ii) eradication of mosquitoes; and
 - (iii) effectively preventing the breeding of mosquitoes;

- (b) assist an Authorised Officer to locate any possible mosquito breeding sites that may be present in or about the premises.

6.2.3 Measures to be taken by occupier

An occupier of premises where water is kept in a horse trough, poultry drinking vessel or other receptacle shall—

- (a) frequently change the water; and
- (b) keep the water clean and free from vegetable matter and slime.

6.3.4 Removal of undergrowth or vegetation

Where it appears to an Authorised Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, the officer may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

6.2.5 Filling in excavations etc.

A person who undertakes any activity on any land which creates an excavation likely to hold water and cause mosquito breeding shall as soon as practicable following the completion of the activity, and taking into consideration the purpose of the excavation, ensure that the excavation is filled in with clean material and made level with the surrounding surface or alternatively treated with an approved pesticide to control mosquito breeding.

6.2.6 Drains, channels and septic tanks

An owner or occupier of land shall—

- (a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and
- (b) where a septic tank is installed on the land—
 - (i) apply an approved larvicide according to the direction on the container, into the septic tank system, whenever directed to do so by an Authorised Officer; and
 - (ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

6.2.7 Drainage of land

An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the local government, effectively drain the land and, for that purpose, shall—

- (a) make or provide drains on the land;
- (b) remove all irregularities in the surface of the land; and
- (c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—
 - (i) the water on the land may flow into the drains without obstruction;
 - (ii) no water shall remain on any portion of the land other than the drains; and
 - (iii) keep all drains in good order and free from obstruction.

6.2.8 Local government may carry out work and recover costs

- (1) Where—
 - (a) that person required under this division or directed by a notice given under this division, to carry out any work; and
 - (b) that persons fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered in a court of competent jurisdiction from the person referred to in subclause (1).
- (3) The local government is not liable to pay compensation or damages of any kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 3 – Rodents

6.3.1 Interpretation

In this division, unless the context otherwise requires—

rodents means those animals belonging to the order *Rodentia* and includes rats and mice but does not include native rodents, laboratory bred rats and mice or animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

6.3.2 Measures to be taken to eradicate rodents

- (1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.
- (2) A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.
- (3) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Authorised Officer, is necessary to prevent the presence of rodents in or on the premises.

6.3.3 Food premises etc to be cleaned after use

An owner or occupier of a theatre or place of entertainment, whether indoor or outdoor, shall cause the premises to be cleaned immediately after the last occasion on which the premises has been used on that day or, if the use extends after midnight, then immediately after that use.

Division 4 – Cockroaches

6.4.1 Interpretation

This this division, unless the context otherwise requires—

cockroach means any of the various orthopterous insects commonly known as cockroaches.

6.4.2 Measures to be taken to eradicate cockroaches

- (1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.
- (2) An Authorised Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action is necessary to prevent or deter the presence of cockroaches in or about the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Authorised Officer.

Division 5 – Argentine Ants

6.5.1 Interpretation

In this division, unless the context otherwise requires –

Argentine ant means an ant belonging to the species *Linepithema humile* (formerly *Irdomyrmex humilis*).

6.5.2 Measures to be taken to keep premises free from Argentine ants

An owner or occupier of premises shall comply with the requirements of an Authorised Officer if an infestation of Argentine ants are found on their premises.

Division 6 – European Wasps

6.6.1 Interpretation

In this division, unless the context otherwise requires—

European wasp means a wasp *Vespula germanica*.

6.6.2 Measures to be taken to keep premises free from European wasp nest

An owner or occupier of premises shall ensure that the premises are kept free from European wasp nests and shall—

- (a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European wasp nest;
- (b) follow any direction of an Authorised Officer for the purpose of destroying the wasps and their nest; and
- (c) assist an Authorised Officer, of his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7 – Bee Keeping

6.7.1 Interpretation

In this division, unless the context otherwise requires—

bee means an insect belonging to any of the various *hymenopterous* insects of the super family *Apoidea* and commonly known as bee; and

bee hive means a moveable or fixed structure, container or object in which a colony of bees is kept.

6.7.2 Limitation on numbers of hives

- (1) A person shall not keep or permit the keeping of bees anywhere within the district unless approval to do so has been given by an Authorised Officer.
- (2) Subject to subclauses (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
- (3) An Authorised Officer may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot.
- (4) A person shall comply with any conditions imposed by an Authorised Officer under subclause (3).

6.7.3 Restrictions on keeping of bees in hives

A person shall not keep or permit the keeping of bees in a hive on a lot unless, at all times—

- (a) an adequate and permanent supply of water is provided on the lot within 10 metres of the hives;
- (b) the hive is kept—
 - (a) outside, and at least 10 metres from, any building other than a fence;
 - (b) at least 10 metres from any footpath, street, private street or public place; and
 - (c) at least 5 metres from the boundary of the lot; and
- (c) the hive is enclosed on all sides by a fence, wall or other enclosure.

6.7.4 Bees which cause a nuisance not to be kept

- (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) An Authorised Officer may direct any person to remove any bees or beehives which in the opinion of the Authorised Officer are causing a nuisance.

Division 8 – Arthropod Vectors of Disease

6.8.1 Interpretation

In this division, unless the context otherwise requires—

arthropod vectors of disease includes—

- (i) fleas (*Siphonaptera*)
- (ii) bedbugs (*Cimex lectularious*)
- (iii) crab lice (*Phthirus pubis*)
- (iv) body lice (*Pediculus humanus var. corporis*); and
- (v) head lice (*Pediculus humanus var. capitis*).

6.8.2 Responsibility of the owner or occupier

The owner or occupier of the premises shall—

- (i) keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and
- (j) comply with the direction of an Authorised Officer to treat the premises, or

anything on the premises, for the purpose of destroying any vectors of disease.

PART 7 – INFECTIOUS DISEASES

Division 1 – General Provisions

7.1.1 Purpose of exercise of powers

The powers under this Part are to be exercised for the purpose of preventing or controlling the spread of an infectious disease.

7.1.2 Authorised Officer may visit, inspect and report

An Authorised Officer may visit and inspect any house, its occupants, fixtures and fittings, out-buildings, yards, drains and sewers connected with any house where an infectious disease has been identified or where an infectious disease is suspected in order to check or prevent the spread of any infectious disease.

7.1.3 Insanitary houses, premises and things

- (1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.
- (2) Where the local government considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.
- (3) Where an Authorised Officer considers that—
 - (a) a house or premises is not being maintained in a sanitary condition; or
 - (b) anything is insanitary,the officer may, by notice in writing, direct, as the case may be—
 - (i) the owner or occupier of the house or premises to amend any insanitary condition; or
 - (ii) the owner or occupier of the thing to destroy or amend it, within the time and in the manner specified in the notice.
- (4) A person who is given notice under subclauses (2) or (3) shall comply with the terms of the notice.

7.1.4 Requirements on owner or occupier to clean, disinfect and disinfect

An Authorised Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfect—

- (a) the premises; or
 - (b) such things in or on the premises as are specified in the notice,
- or both, to the satisfaction of an Authorised Officer.

7.1.5 Local government may disinfect or disinfect the premises

- (1) Where the local government is satisfied that any case of infectious disease has occurred on any premises, the local government may direct an Authorised Officer, other local government officer or other person to disinfect and disinfect the premises or any part of the premises and anything in or on the premises.
- (2) An owner or occupier of premises shall permit, and provide access to enable, an Authorised Officer, other local government officer or other person to carry out the direction given under subclause (1).
- (3) The local government may recover the cost of carrying out the work under this clause from the owner or occupier of the premises in or on which the work was carried out.
- (4) The local government is not liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government of any of its staff under this clause, other than compensation or damages for loss or damage suffered because the local government or any of its staff acted negligently or in breach of duty.

7.1.6 Authorised Officer may authorise disinfecting

Where an Authorised Officer believes that a person is or may be infected by an infectious disease, the Authorised Officer may direct the person to have his or her body, clothing and effects disinfected at a place and in a manner directed by the

Authorised Officer.

7.1.7 Persons in contact with an infectious disease sufferer

If a person in any house is, or is suspected of, suffering from an infectious disease, any occupant of the house or any person who enters or leaves the house—

- (d) shall obey such instructions or directions as the local government may issue; and
- (e) may be removed, at the direction of the local government, to isolation in an appropriate place to prevent or minimise the risk of the infection spreading and if so removed, shall remain in that place until the local government directs otherwise.

7.1.8 Declaration of infected house or premises

- (1) To prevent or check the spread of infectious disease, the local government may from time to time declare any house or premises to be infected.
- (2) A person shall not enter or leave any house or premises declared to be infected without the written consent of an Authorised Officer.

7.1.9 Destruction of infected animals

An Authorised Officer, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice of writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

- (a) in the manner and within the time specified in the notice; and
- (b) by the person in whose possession, or upon whose premises, the animal is located.

7.1.10 Disposal of a body

- (1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subclause (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by an Authorised Officer.
- (2) A body shall not be removed from the premises where death occurred except to a cemetery or a morgue.

7.1.11 Local government may carry out work and recover costs

- (1) Where—
 - (c) a person is required under this division or by a notice given under this division, to carry out any work; and
 - (d) that person fails or neglects to comply with the requirement, that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.
- (2) The costs and expenses incurred by the local government in the execution of a power under this clause may be recovered from the person referred to in subclause (1).
- (3) The local government is not liable to pay compensation or damages of any

kind to the person referred to in subclause (1) in relation to any action taken by the local government under this clause, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2 – Disposal of Used Condoms and Needles

7.2.1 Disposal of used condoms

- (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are—
 - (a) placed in a sealed impervious container and disposed of in a sanitary manner; or
 - (b) disposed of in such a manner as may be directed by an Authorised Officer.
- (2) A person shall not dispose of a used condom in a public place except in accordance with subclause (1).

7.2.1 Disposal of used needles

A person shall not dispose of a used hypodermic syringe or needle in a public place unless it is placed in an impenetrable, leak proof container and deposited in a refuse receptacle.

PART 8 – LODGING HOUSES

Division 1 – Registration

8.1.1 Interpretation

- (1) In this part, unless the context otherwise requires—

bed means a single sleeping berth only. A double bed provided for the use of couples, shall have the same floor space requirements as two single beds;

bunk means a sleeping berth comprising one of two arranged vertically;

Certificate of Registration of a Lodging House means a certificate issued under clause 8.4 in the form of Schedule 2;

Certificate of Sleeping Accommodation means a certificate issued under clause 8.27 in the form of Schedule 6;

Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments means a certificate issued under clause 8.27 in the form of Schedule 7;

dormitory means a building or room utilised for sleeping purposes at a short term hostel or recreational campsite;

Food Standards Code means the Australia New Zealand Food Standards Code as defined in the Commonwealth *Food Standards Australia New Zealand Act 1991*;

keeper means a person whose name appears on the register of keepers, in respect of a lodging house, as the keeper of that lodging house and who

is the person responsible for the care and management of the lodging house;

laundry unit means a facility consisting of—

- (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
- (b) either an electric drying cabinet or not less than 30 metres of clothes line;
- (c) one wash trough of not less than 45 litres capacity, connected to both hot and cold water; and
- (d) A hot water system that—
 - (i) is capable of delivering an adequate supply of water at a temperature of at least 65 degrees Celsius for each washing machine and wash trough provided with the communal facilities; and
 - (ii) has a delivery rate of not less than 5 litres per minute for each washing machine or a higher delivery rate according to the manufacturer's specification;

lodger means a person who obtains, for hire or reward, board or lodging in a lodging house;

lodging house includes a recreational campsite, a serviced apartment and a short term hostel and has the same meaning as defined in Section 3 of the Act;

manager means a person duly appointed by the keeper in accordance with this division to reside in, and have the care and management of, a lodging house;

recreational campsite means a lodging house –

- (a) situated on a campsite principally used for –
 - (i) recreational, sporting, religious, ethnic or educational pursuits, or
 - (ii) conferences or conventions; and
- (b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

but does not include a camp or caravan within the meaning of the *Caravan Parks and Camping Grounds Act 1995*;

register of lodgers means the register kept in accordance with Section 157 of the Act and this Part;

register of keepers means a register kept in accordance with Section 146 of the Act by the local government in which is registered the names and residences of the keepers of all lodging houses within its district and the situation of every such house and the number of persons authorised by the local government to be resident therein;

resident means a person, other than a lodger, who resides in a lodging house;

serviced apartment means a lodging house in which each sleeping apartment, or group of sleeping apartments in common occupancy, is provided with its own sanitary conveniences and may have its own

cooking facilities;

short term hostel means a lodging house where the period of occupancy of any lodger is not more than 14 consecutive days and shall include youth hostels and backpacker hostels;

sleeping apartment means a room used for lodgers to sleep in; and

vector of disease means an arthropod or rodent that transmits, by biological or mechanical means, an infectious agent from a source or reservoir to a person, and includes fleas, bedbugs, crab lice and head lice.

- (2) Where in this Part an act is required to be done or forbidden to be done in relation to any lodging house, the keeper of the lodging house has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

8.1.2 Lodging house not to be kept unless registered

A person shall not keep or cause, suffer or permit to be kept a lodging house unless—

- (a) the lodging house is constructed in accordance with the requirements of this Part;
- (b) the lodging house is registered by the local government under clause 8.4;
- (c) the name of the person keeping the lodging house is entered in the register of keepers; and
- (d) either—
 - (i) the keeper; or
 - (ii) a manager who, with the written approval of an Authorised Officer, has been appointed by the keeper to have the care and management of the lodging house;resides or intends to reside continuously in the lodging house whenever there is one or more lodgers in the lodging house.

8.1.3 Application for registration

An application for registration of a lodging house shall be—

- (a) in the form prescribed in Schedule 1;
- (b) duly completed and signed by the proposed keeper; and
- (c) accompanied by—
 - (i) the fee as fixed from time to time by the local government under Section 344C of the Act; and
 - (ii) detailed plans and specifications of the lodging house.

8.1.4 Certificate of Registration of a Lodging House

The local government may approve, with or without conditions, an application under clause 8.3 by issuing to the applicant a Certificate of Registration of a Lodging House in the form of Schedule 2.

8.1.5 Renewal of registration

A person who keeps a lodging house which is registered under this Part shall—

- (a) during the month of June in each year apply to the local government for the

- renewal of the registration of the lodging house; and
- (b) pay the fee as fixed from time to time by the local government under Section 344C of the Act at the time of making each application for renewal.

8.1.6 Notification upon sale or transfer

If the owner of a lodging house sells or transfers or agrees to sell or transfer the lodging house to another person, he or she shall, within 14 days of the date of sale, transfer or agreement, give to the Chief Executive Officer, in the form of Schedule 3 written notice of the full name, address and occupation of the person to whom the lodging house has been, or is to be, sold or transferred.

8.1.7 Revocation of registration

- (1) Subject to subclause (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the local government, justifies the revocation.
- (2) Without limiting the generality of subclause (1), the local government may revoke a registration upon any one or more of the following grounds—
 - (a) that the lodging house has not, to the satisfaction of an Authorised Officer, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;
 - (b) that the keeper has—
 - (i) been convicted of an offence against these local laws in respect of the lodging house; or
 - (ii) not complied with a requirement of this Part; or
 - (iii) not complied with a condition of registration;
 - (c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and
 - (d) that, by reason of alterations or additions or neglect to repair or renovate, the condition of the lodging house is such as to render it, in the opinion of an Authorised Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this clause, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.
- (4) Whenever the local government revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2 - Construction and use requirements

8.2.1 General construction requirements

The general construction requirements of a lodging house shall comply with the Building Code.

8.2.2 Insect screening

The keeper shall provide and maintain in good working order and condition on the

premises windows and external doors that are screened with mesh having openings no larger than 1.2 millimetres.

8.2.3 Sanitary conveniences

- (1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—
 - (a) toilets; and
 - (b) bathrooms, each fitted with a shower or bath (or both) and hand wash basin, in accordance with the requirements of the Building Code.
- (2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subclause (1).
- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.
- (4) The walls of each shower and bath shall be of an impervious material to minimum height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall—
 - (a) be so situated, separated and screened so as to ensure privacy;
 - (b) be apportioned to each sex;
 - (c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and
 - (d) be provided with adequate electric lighting.
- (6) Subclauses (5) (a), (b) and (c) do not apply to a serviced apartment.

8.2.4 Laundry unit

- (1) A keeper shall subject to subclause (2) –
 - (a) provide on the premises a laundry unit for each 15 lodgers;
 - (b) at all times maintain each laundry unit in a proper sanitary condition and in good repair;
 - (c) provide an adequate supply of hot and cold water to each wash trough, sink and washing machine; and
 - (d) ensure that the floor area of each laundry unit is properly surfaced with an even fall to a floor waste.
- (2) An Authorised Officer may approve the provision of a reduced number of laundry facilities if suitable equipment of a commercial type is installed.

8.2.5 Kitchen

The keeper of a lodging house shall provide in that lodging house a kitchen which complies with the relevant requirements of the *Food Act 2008*, *Food Regulations 2009* and *Standards 3.1.1, 3.2.2, and 3.2.3* of the *Food Standards Code* as determined by an Authorised Officer.

8.2.6 Cooking facilities

The keeper of a lodging house where meals are prepared shall provide a kitchen with cooking appliances of a number and type approved by an Authorised Officer.

8.2.7 Dining room

The keeper of a lodging house shall provide in that lodging house a dining room located in close proximity to, or combined with, the kitchen—

- (a) the floor area of which shall be not less than the greater of—
 - (i) 0.5 square metres per person; or
 - (ii) 10 square metres; and
- (b) which shall be—
 - (i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and
 - (ii) provided with a suitable floor covering.

8.2.8 Lounge room

The keeper of a lodging house shall provide in that lodging house a lounge room—

- (a) with a floor area of—
 - (i) where the lounge is not combined with the dining room – not less than 0.6 square metres per person; or
 - (ii) where the lounge room is combined with a dining room – not less than 1.2 square metres per person;but in either case having a minimum of 13 square metres; and
- (b) which shall be—
 - (i) adequately furnished to accommodate, at any one time, half the number of lodgers; and
 - (ii) provided with a suitable floor covering.

8.2.9 Fire prevention and control

- (1) A keeper shall—
 - (a) ensure smoke alarms complying with *AS 3786:2014* are installed on or near the ceiling in every bedroom and in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building as required by the Building Code;
 - (b) ensure that there is installed in each passage or corridor in the lodging house a smoke alarm incorporating evacuation lighting which is activated by the smoke alarm as required by the Building Code;
 - (c) ensure that evacuation lighting is kept separate from the general lighting system and kept illuminated during the hours of darkness;
 - (d) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen;
 - (e) ensure that illuminated exit signs are installed above exit doorways which comply with *AS 2293.1:2005* and which are maintained in good working order at all times; and
 - (f) provide firefighting equipment in accordance with the requirements of the Building Code and that the equipment is clearly visible, accessible and maintained in good working order at all times.
- (2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment as required by the Building Code.
- (3) No person shall smoke in any dormitory, kitchen or dining room or other enclosed public place within a lodging house.
- (4) A keeper shall ensure that any items which are likely to cause a fire hazard

are not located within bedrooms or dormitories of a lodging house.

- (5) The keeper of a lodging house which is a recreational campsite or short term hostel, but not a serviced apartment, shall ensure that—
- (a) materials used in bedrooms and dormitory area comply with *AS1530.2:1993* and *AS1530.3:1995* as follows—
 - (i) drapes, curtains and blinds—
 - i. a maximum flammability index of 6;
 - (ii) flammable furniture, upholstery and beds—
 - i. a maximum spread of flame index of 6; and
 - ii. a maximum smoke developed index of 5; and
 - (iii) floor coverings—
 - i. a maximum spread of flame index of 7; and
 - ii. a maximum smoke developed index of 5; and
 - (b) Fire retardant coatings used to make a material comply with these indices must be—
 - (i) certified by the manufacturer as approved for used with the fabric to achieve the required indices;
 - (ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with *AS 2001.5.4-2005*; and
 - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification.

8.2.10 Obstruction of passages and stairways

A keeper shall not cause, suffer or permit furniture, fittings or other things to be placed either temporarily or permanently in or on—

- (a) a stairway, stair landing, fire escape, window or common passageway; or
- (b) part of the lodging house in common use or intended or adapted for common use,

in such a manner as to form an obstruction to the free passage of lodgers, residents or persons in or occupying the lodging house.

8.2.11 Fitting of locks

A person shall not fit, or cause or permit to be fitted, to an exit door a lock or other device that prevents the door being opened from within a lodging house.

8.2.12 Restriction on use of rooms for sleeping

- (1) Subject to subclause (3) and clause 8.34, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—
- (a) which contains food;
 - (b) which contains or is fitted with a cooking appliance or kitchen sink;
 - (c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;
 - (d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;
 - (e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5 square metres of clear space for each lodger occupying the room;

- (f) which is not naturally illuminated in accordance with the requirements of the Building Code;
 - (g) which is not ventilated in accordance with the requirements of the Building Code;
 - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;
 - (i) which is not free from internal dampness;
 - (j) of which any part of the floor is below the level of the adjoining ground; or
 - (k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by an Authorised Officer.
- (2) For the purposes of this clause, two children under the age of 10 years shall be counted as one lodger.
 - (3) Paragraphs (a), (b) and (c) of subclause (1) shall not apply to a serviced apartment.

8.2.12 Sleeping accommodation short term hostels and recreational campsites

- (1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—
 - (a) 4 square metres per person in each dormitory utilising beds; or
 - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subclause (1) shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.
- (3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.
- (4) The minimum floor area requirements in subclause (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.
- (5) The keeper of any short term hostel or recreational campsite shall provide—
 - (a) fixed outlet ventilation at a ratio of 0.15 square metre to each 10 square metres of floor area of the dormitories;
 - (b) each dormitory with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable; or
 - (c) mechanical ventilation in lieu of fixed ventilation.
- (6) The keeper of any short term hostel or recreational campsite shall provide—
 - (a) beds with a minimum size of—
 - (i) in short term hostels – 800 millimetres x 1.9 metres; or
 - (ii) in recreational campsites – 750 millimetres x 1.85 metres; and
 - (b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.
- (7) The keeper of any short term hostel or recreational campsite shall—
 - (a) ensure at all times there is a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
 - (b) ensure that where bed or bunk heads are placed against the wall on

- either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks and the passageway is kept clear of obstruction at all times; and
- (c) ensure all doors, windows and ventilators are kept free from obstruction.

8.2.13 Furnishing etc. of sleeping apartments

A keeper shall—

- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bed linen of good quality;
- (b) ensure that each bed—
- (i) has a bed head, mattress and pillow;
 - (ii) is provided with a pillow case, two sheets, a blanket or rug and, in cold weather, not less than one additional blanket or rug; and
 - (iii) has a mattress protector fitted;
- (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room; and
- (d) not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

8.2.14 Ventilation

If, in the opinion of an Authorised Officer, a kitchen, bathroom, toilet, laundry or habitable room is not adequately or properly ventilated, he or she may direct the keeper to provide a different or additional method of ventilation.

8.2.15 Numbers to be placed on doors

- (1) A keeper shall number each room available to a lodger or provide an alternative means of identification approved by an Authorised Officer.
- (2) The numbering system or alternative means of room identification is to be legible and easily identified.

Division 3 – Management and Care

8.3.1 Keeper or manager to reside in the lodging house

Whenever there are one or more lodgers in a lodging house, a keeper or manager shall—

- (a) reside continuously in the lodging house; and
- (b) not be absent from the lodging house unless he or she arranges for a reputable person to have the care and management of the lodging house.

8.3.2 Register of lodgers

- (1) A keeper shall keep a register of lodgers in the form of Schedule 4.
- (2) The register of lodgers shall be—
- (a) kept in the lodging house; and
 - (b) available for inspection at any time on demand by any member of the Police Service or by an Authorised Officer.

8.3.3 Keeper report

A keeper shall, whenever required by the local government, provide, in the form of Schedule 5, the name of each lodger who lodges in the lodging house during the preceding day or night.

8.3.4 Certificate of Sleeping Accommodation

- (1) An Authorised Officer may issue to a keeper a Certificate of Sleeping Accommodation, in respect of each room, which shall be in the form of Schedule 6 or, for lodging houses with more than 20 sleeping apartments, a Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments, which shall be in the form of Schedule 7.
- (2) The certificate issued under subclause (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.
- (3) When required by an Authorised Officer, a keeper shall exhibit the certificate issued under this clause in a conspicuous place in the room to which the certificate refers.
- (4) A person shall not allow a greater number of persons than is specified on a certificate issued under this clause to occupy the room to which it refers.

8.3.5 Duplicate keys and inspection

Each keeper and manager of a lodging house shall—

- (a) retain possession of a duplicate key to the door of each room; and
- (b) when required by an Authorised Officer, open the door of any room for the purpose of inspection by the Officer.

8.3.6 Room occupancy

- (1) A keeper of a lodging house shall not—
 - (a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of a Lodging House to be lodged at any one time in the lodging house;
 - (b) cause, suffer or permit to be placed or kept in any sleeping apartments—
 - (i) a larger number of beds; or
 - (ii) a larger quantity of bedding,than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and
 - (c) allow to be used for sleeping purposes, a room that—
 - (i) has not been certified for that purpose; and
 - (ii) the local government has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this clause, two children under 10 years of age shall be counted as one lodger.

8.3.7 Infectious disease

A keeper shall immediately after becoming aware that a lodger or resident is

suffering from a notifiable infectious disease notify an Authorised Officer.

8.3.8 Maintenance of a room by a lodger or resident

- (1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.
- (2) Where permission is given or a contract entered into under subclause (1), the keeper shall—
 - (a) inspect each room the subject of the permission or agreement at least once a week; and
 - (b) ensure that each room is being maintained in a clean condition.
- (3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

8.3.9 Cleaning and maintenance requirements

- (1) In this clause –
bed linen includes sheets, pillowcases, mattress protectors and mattress covers.
- (2) A keeper of a lodging house shall—
 - (a) maintain in a clean, sound and undamaged condition—
 - (i) the floor, walls, ceilings, woodwork and painted surfaces;
 - (ii) the floor coverings and window treatments; and
 - (iii) the toilets, including toilet seats, cisterns and associated plumbing; and
 - (b) maintain in a clean and in good working order—
 - (i) all fixtures and fittings; and
 - (ii) all windows, doors and door furniture;
 - (c) ensure that the internal walls of each bathroom and toilet have a smooth, impervious washable surface;
 - (d) ensure that all floors are kept clean at all times;
 - (e) ensure that—
 - (i) all bed linen, towels, and house linen in use is washed at least once a week;
 - (ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;
 - (iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;
 - (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;
 - (v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and
 - (vi) a room which is not free from vectors of disease is not used as a sleeping apartment;
 - (f) when so directed by an Authorised Officer, ensure that—
 - (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
 - (ii) a bed, or other article of furniture that is infested is removed from the lodging house and properly disposed of;
 - (g) ensure that the yard is kept clean at all times;
 - (h) provide all bedrooms, passages, common areas, toilets, bathrooms and

- laundries with adequate lighting; and
- (i) comply with any direction, whether orally or in writing, given by an Authorised Officer.

8.3.10 Responsibilities of lodgers and residents

A lodger or resident shall not—

- (a) use any room available to lodgers—
 - (i) as a shop, store or factory; or
 - (ii) for manufacturing or trading services;
- (b) keep or store in or on the lodging house any goods or materials which are inflammable or offensive;
- (c) use a bath or hand wash basin other than for ablutionary purposes;
- (d) use a bathroom facility or fitting for laundry purposes;
- (e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware or culinary purposes;
- (f) deposit rubbish or waste food other than into a proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept—
 - (i) wash or permit the washing of clothing or bed linen; or
 - (ii) keep or permit to be kept any soiled clothing or bed linen;
- (h) subject to clause 8.34—
 - (i) keep, store, prepare or cook food in any sleeping apartment; or
 - (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
- (i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, bed linen or furniture, that is infested with vermin or vectors of disease;
- (j) store or keep such a quantity of furniture, material or goods within the lodging house—
 - (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
 - (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
- (k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
- (l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.3.11 Approval for the storage of food

- (1) An Authorised Officer may—
 - (a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
 - (b) withdraw the approval if any nuisance, vector of disease, vermin or infestation is found to exist in the lodging house.
- (2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9 – OFFENSIVE TRADES

Division 1 – General

9.1.1 Interpretation

In this part, unless the context otherwise requires—

Certificate of Registration of Premises for Offensive Trade means a certificate issued under clause 9.5 in the form of Schedule 12;

occupier in relation to premises includes the person registered as the occupier of the premises in the Schedule 12 Certificate of Registration of Premises for Offensive Trade;

offensive trade means any trade as defined by section 186 of the Act; and

premises includes houses.

9.1.2 Consent to establish an offensive trade

- (1) A person seeking the consent of the local government under section 187 of the Act to establish an offensive trade shall—
 - (a) advertise notice of his intention to apply for consent in accordance with clause 9.3; and
 - (b) lodge with the Chief Executive Officer an application in the form of Schedule 10.
- (2) A person who makes a false statement in an application under this clause shall be guilty of an offence.

9.1.3 Notice of application

A notice required under subclause 9.2(1) (a) shall—

- (a) contain the name and address of the person who intends to make the application;
- (b) contain a description of the nature of the offensive trade;
- (c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and
- (d) appear in a local newspaper at least two weeks but not more than one month before the application under clause 9.2 (1) (b) is lodged with the Chief Executive Officer.

9.1.4 Registration of premises

An application for the registration of premises pursuant to section 191 of the Act shall be—

- (a) in the form of Schedule 11;
- (b) accompanied by;
 - (i) the fee prescribed in the *Health (Offensive Trades Fees) Regulations 1976*; and
 - (ii) a comprehensive management plan; and
- (c) lodged with the Chief Executive Officer.

9.1.5 Certificate of Registration of Premises for Offensive Trade

Upon the registration of premises for the carrying on of an offensive trade, the local government shall issue to the applicant a Certificate of Registration of Premises for Offensive Trade in the form of Schedule 12.

9.1.6 Change of occupier

Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Chief Executive Officer in writing of such change.

9.1.7 Alterations to premises

While any premises remain registered under this Division, a person shall not, without the written permission of the local government, make or permit any change or alteration to the premises other than minor repairs, installations or interior refurbishment.

Division 2 – General Duties of an Occupier

9.2.1 Interpretation

In this Division, unless the context otherwise requires—

occupier means the occupier, or where there is more than one occupier, each of the occupiers of the premises in or upon which an offensive trade is carried on; and

premises means those premises in or upon which an offensive trade is carried on.

9.2.2 Cleanliness

The occupier shall—

- (a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;
- (b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;
- (c) keep the premises free from any unwholesome or offensive odour arising from the premises;
- (d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and
- (e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.2.3 Rats and other vectors of disease

The occupier shall—

- (a) ensure that the premises are kept free from vermin, rodents, cockroaches,

- flies and other vectors of disease; and
- (b) provide in and on the premises effective means and methods for the eradication and prevention of vermin, rodents, cockroaches, flies and other vectors of disease.

9.2.4 Sanitary conveniences and hand wash basins

The occupier shall provide on the premises in an approved position sufficient sanitary conveniences and hand wash basins, each with an adequate supply of hot and cold water for use by employees and by all other persons lawfully upon the premises.

9.2.5 Painting of walls etc.

The occupier shall cause the internal surface of every wall, the underside of every ceiling or roof and all fittings as may be directed in and on the premises to be cleaned and painted when instructed by an Authorised Officer.

9.2.6 Effluvia, vapours or gases

- (1) The occupier shall provide, use and maintain in a state of good repair and working order, appliances and preventive measures capable of effectively destroying or of rendering harmless all offensive effluvia, vapours, dust or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.
- (2) The occupier shall manage and operate the premises such that odours emanating from the premises do not unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person.

9.2.7 Offensive material

The occupier shall—

- (a) provide on the premises impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;
- (b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;
- (c) cause all offensive material and trade refuse to be placed immediately in the receptacles;
- (d) cause the contents of the receptacles to be removed from the premises at least once in every working day or other interval as may be directed by an Authorised Officer; and
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

9.2.8 Storage of materials

The occupier shall cause all material on the premises to be stored so as not to be offensive or injurious to health whether by inhalation or otherwise and so as to prevent the creation of a nuisance.

9.2.9. Specified offensive trades

- (1) For the purposes of this clause, “specified offensive trade” means one or more

of the offensive trades carried on, in or connected with the following works or premises -

- (a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments; and
 - (b) laundries, dry cleaning premises and dye works.
- (2) Where premises are used for or in relation to a specified offensive trade, the occupier shall -
- (a) cause the floor of the premises to -
 - (i) be properly paved and drained with impervious materials;
 - (ii) have a smooth surface; and
 - (iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and
 - (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres.
 - (c) cause all liquid refuse to be -
 - (i) cooled to a temperature not exceeding 26 degrees Celsius and in into any drain outlet from any part of the premises; and
 - (ii) directed through such screening or purifying treatment as an Authorised Officer may from time to time direct.

9.2.10 Directions

- (1) An Authorised Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.
- (2) The occupier shall comply with any directions given under this clause.

9.2.11. Other duties of occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades conducted on the premises.

Division 3 – Fat Rendering Establishments

9.3.1 Interpretation

In this Division, unless the context otherwise requires—

fat rendering establishments means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

occupier means the occupier of any premises on which the trade of fat rendering is carried on.

9.3.2 Ventilation

The occupier shall provide and maintain—

- (a) a hood which shall—
 - (i) be of an approved design and construction;
 - (ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and
 - (iii) extend a minimum of 150 millimetres beyond the length of each

- appliance; and
- (b) an exhaust ventilation system—
 - (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and
 - (ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.3.3 Covering of apparatus

External parts of the fat rendering apparatus shall be constructed or covered with smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.3.4 Rendering of walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 4 – Fish Premises

9.4.1 Interpretation

In this Division, unless the context otherwise requires—

appliance includes a utensil, an instrument, a cover, a container or apparatus;

fish means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs but does not include –

- (a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or
- (b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

fish premises includes fish processing establishments, fish curing establishments and shellfish and crustacean processing establishments but does not include retail fish shops in which no significant fish processing occurs;

fish transport vehicle includes—

- (a) an appliance attached to, carried in or used in connection with a vehicle; and
- (b) a trailer and a portable box, used or designed to be used for the transport or storage of fish; and

portable box means a box for the transport or storage of fish and includes a fish transport vehicle.

9.4.2 Fish preparation room

- (1) The occupier of a fish premises which requires a fish processing or preparation room shall ensure that this room complies with the following requirements—
 - (a) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement plaster with a steel float finish or other approved material and shall be devoid of holes, cracks and crevices;
 - (b) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;
 - (c) the minimum floor area shall be 9 square metres;
 - (d) the room shall be furnished with a hand wash basin connected to a piped supply of hot and cold water; and
 - (e) the room shall be fly-proofed and provided with adequate light and ventilation.
- (2) The occupier shall ensure that all fish are prepared in the fish processing or preparation room and that room is to be used solely for that purpose.
- (3) The occupier of a fish premises shall provide, in or easily accessible from each fish preparation room, cleaning facilities consisting of a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water.

9.4.3 Bench

The occupier of a fish premises shall provide and maintain on the premises a separate stainless steel bench for the handling of fish.

9.4.4 Disposal of waste

The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—

- (a) placed in the receptacles referred to in clause 9.14 and disposed of in accordance with that clause; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.4.5 Fish containers

The occupier of a fish premises shall not allow any box, basket or other container used for the transport of fish to—

- (a) remain on the premises longer than is necessary for it to be emptied; or
- (b) be kept so as to cause a nuisance or to attract flies.

9.4.6 Cooking of fish

Where cooking of fish is carried out in a fish premises, the occupier shall provide and maintain—

- (a) a hood, which shall be of an approved design and construction in accordance with the requirements of *AS 1668.2:2012* and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking;
- (b) an exhaust ventilation system—

- (i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and
- (ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.4.7 Use of an approved portable box

An Authorised Officer may permit an approved portable box to be used for the transport or storage of fish.

9.4.8 Fish transport vehicle

A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that—

- (a) the frame is made of metal or other approved material;
- (b) all internal surfaces—
 - (i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium galvanised iron, fibreglass, or other material of similar strength and impermeable qualities;
 - (ii) are smoothly finished;
 - (iii) are rigidly secured with a solid backing; and
 - (iv) have floor and vertical angles coved with not less than a 9.5 millimetre radius, but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;
- (c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—
 - (i) continuously welded; or
 - (ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;
- (d) the vehicle is effectively insulated with a stable insulating material;
- (e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;
- (f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;
- (g) any containers used in the vehicle for fish are made of stainless steel, fibreglass or approved impervious plastic; and
- (h) the vehicle is in good repair and condition and is thoroughly clean.

Division 5 – Laundries, Dry Cleaning Establishments and Dye Works

9.5.1 Interpretation

In this Division, unless the context otherwise requires—

dry cleaning establishment—

- (a) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (b) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on a full cycle and fully

enclosed basis.

dye works means a place where articles are commercially dyed, but does not include dye works in which provision is made for the discharge of all liquid waste therefrom into a public sewer;

exempt laundromat means a premises in which—

- (a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;
- (b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and
- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

laundromat means a public place with coin or card operated washing machines, spin dryers or dry cleaning machines; and

laundry means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.5.2 Receiving depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Authorised Officer who may at any time by written notice withdraw such permission.

9.5.3 Reception room

- (1) The occupier of a laundry, dry cleaning establishment or dye works shall—
 - (a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and
 - (b) cause such articles as may be directed by an Authorised Officer to be thoroughly disinfected.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this clause.

9.5.4 Walls and floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

- (a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;
- (b) the floor to be impervious, constructed of concrete or other material approved by an Authorised Officer and finished to a smooth surface; and
- (c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall and be deposited on it.

9.5.5 Laundry floor

The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, with a width of at least 910 millimetres, so constructed as to

prevent any person from standing in water on the floor.

9.5.6 Escape of dust

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.5.7 Precautions against combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Authorised Officer for that purpose.

9.5.8 Trolleys

The occupier of a dry cleaning establishment shall—

- (a) provide trolleys for the use of transporting dirty and clean linen; and
- (b) ensure that each trolley is—
 - (i) clearly designated to indicate the use for which it is intended;
 - (ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and
 - (iii) thoroughly cleaned and disinfected on a regular basis.

9.5.9 Sleeping on premises

A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

Division 6 – Abattoirs

9.6.1 Construction

An abattoir shall conform to relevant Standards as adopted under the *Food Act 2008* section 144 (6) and the requirements of Part 5 of the *Food Regulations 2009*.

Division 7 – Piggeries

9.7.1 Interpretation

In this Division, unless the context otherwise requires:

piggery means any building, enclosure or yard, in which one or more pigs are kept, bred, reared or fattened for purposes of trade, and shall include any portion of the premises to which pigs have access.

intensive piggery means pigs are housed, fed and watered in breeding and growing pens in sheds;

9.7.2 Premises to be approved

- (1) No premises shall be used as a piggery unless approved by the local government.
- (2) Subject to subclause (3), no premises shall be approved as a piggery by the local government unless every portion of such piggery complies with the minimum separation distances listed in Part 11, Schedule 14; or if it is an

intensive piggery, the minimum separation distances listed in Part 11, Schedule 15.

- (3) Sites unable to satisfy the separation requirements may be approved at the discretion of the local government when satisfied that approving the piggery will not give rise to a health nuisance.

9.7.3 Site conditions

The owner or occupier of premises shall take effective measures to prevent the discharge of dust, which may involve —

- (a) reducing the stocking rate immediately to a level that does not cause the discharge of dust; or
- (b) stabilisation of the soil surface to a level that does not cause the discharge of dust; or
- (c) provision of adequate windbreaks to effectively prevent the discharge of dust.

9.7.4 Conditions of registration

Any person intending to establish a piggery within the district shall ensure the application made in the form of Schedule 10 is accompanied by plans and specifications in duplicate of the proposed piggery including—

- (a) details of the approximate number of pigs to be kept;
- (b) details of the drainage and effluent disposal system to be installed; and
- (c) details of the method by which cleanliness of the piggery shall be maintained.

9.7.5 Sties, enclosures or sheds

- (1) The occupier of every piggery shall provide either—
 - (a) sties and enclosures; or
 - (b) enclosures; or
 - (c) sheds;within which pigs shall be kept.
- (2) Where sties and enclosures are provided—
 - (a) the floor of every sty shall be properly paved with impervious materials, and every such floor shall have sufficient fall to a surface gutter, which shall—
 - (i) be constructed of similar materials;
 - (ii) be not less than 300 millimetres wide and 75 millimetres deep in the centre of its width;
 - (iii) extend the whole length of the sty; and
 - (iv) have sufficient fall so that it shall discharge all liquids falling upon the floor or upon the gutter into an impervious sump of sufficient capacity to receive at least one day's drainage; and
 - (b) the area of every enclosure appurtenant to a sty or group of sties shall be not less than three times the area of the sty or group of sties to which it is appurtenant.
- (3) Where enclosures only are provided, then—
 - (a) the fences of such enclosures shall be movable; and
 - (b) the fences shall be moved and re-erected to enclose a new site whenever—
 - (i) the ground within a site is becoming offensive; or
 - (ii) the occupier is directed to do so by an Authorised Officer.

- (4) Where one or more sheds are provided, then—
 - (a) the floor of every shed shall comply with subclause 2(a);
 - (b) they shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease; and
 - (c) they shall be effectively drained and effluent waste removed so as to prevent a nuisance occurring.

9.7.6 Slaughtering

The occupier of any piggery shall not permit any slaughtering of animals on the premises.

9.7.7 Feed

The occupier of any piggery shall—

- (a) not receive, or allow to be received on such premises, any carcass or part of a carcass of a diseased animal;
- (b) not feed the pigs upon the flesh or offal of diseased animals;
- (c) not receive or suffer or permit to be received on the premises, putrid matter for any purpose; and
- (d) not receive or suffer or permit to be received on the premises, any kitchen, slaughter-house or butcher's wastes or other putrescible pig feed.

9.7.8 Fencing

Every piggery occupier shall securely fence all the enclosures.

9.7.9 Water supply

Every piggery occupier shall provide a sufficient and constant supply of clean water, which shall be properly protected against pollution and always available for cleansing purposes.

9.7.10 Feeding troughs

- (1) Every such occupier shall:
 - (a) where sties and enclosures are provided under the provisions of clause 9.7.5(2), provide feeding troughs in every sty, situated near to the drainage gutter or positioned to be accessible to the pigs in two or more sties or enclosures;
 - (b) where enclosures are provided under the provisions of clause 9.7.5(3), provide feeding troughs in every such enclosure;
 - (c) cause all feeding troughs, other than those provided in connection with movable enclosures, to be fixed upon a cement or concrete floor extending 1.2 metres in all directions from such trough, and designed to permit ready drainage; and
 - (d) not permit pigs to be fed other than at the feeding troughs provided in accordance with this clause.
- (2) Notwithstanding the provisions of subclause (1), where pigs are kept continually confined in fully enclosed pens, floor feeding with pellets or dry meal shall be permitted, in which case feeding troughs are not required to be provided.

PART 10 – OFFENCES AND PENALTIES

Division 1 - General

10.1.1 Offences and penalties

- (1) A person who contravenes a provision of this local law commits an offence.
- (2) A person who commits an offence under subclause (1) is liable to—
 - (a) a penalty which is not more than \$2,500 and not less than—
 - (i) in the case of a first such offence, \$250; and
 - (ii) in the case of a second such offence, \$500; and
 - (iii) in the case of a third or subsequent such offence, \$1,250 and
 - (b) if the offence is a continuing offence, a daily penalty which is not more than \$250 and not less than \$125.

10.1.2 Other enforcement actions

- (1) In addition to a penalty imposed under clause 10.1, any expense incurred by the local government in consequence of a breach or non-observance of this local law, in the execution of work directed to be executed by any person and not executed by him or her, must be paid by the person committing the breach for failing to execute the work.
 - (2) On a breach, or successive breaches, by a licensee or a person registered under this local law, the local government may suspend or cancel the licence or registration as the case may be.
-

PART 11 – SCHEDULES OF FORMS

SCHEDULE 1 - Application for Registration of a Lodging House

[clause 8.1.3]

To: Chief Executive Officer
Shire of Mt Marshall

I/We,
(Full name of Applicant/s)

of
.....
(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at

.....
as a lodging house to be classified as:

- ☐ a lodging house;
- ☐ a short term hostel;
- ☐ serviced apartments;
- ☐ a recreational campsite; or
- ☐ other, (specify).

and for my name to be entered in the Register as the keeper of the lodging house

DESCRIPTION OF LODGING HOUSE

Number of storeys

Rooms for private use

	Number	Area
Laundries/toilets/bathrooms
Bedrooms
Dining Rooms
Kitchens
Sitting Rooms
Other (Specify)

Rooms for lodgers

	Number	Area
Bedroom
Dining Rooms
Kitchens
Sitting Rooms
Other (Specify)

Sanitary Conveniences for male lodgers

	Number
Toilets
Urinals
Baths
Showers
Hand wash basins

Sanitary Conveniences for female lodgers

	Number
Toilets
Baths
Showers
Hand wash basins

Laundry Facilities

	Number
Wash troughs
Washing machines
Drying cabinets or clothes lines

Additional Details

- (a) Lodgers' meals will be provided by the manager/keeper/lodgers.
- (b) The keeper will/will not reside continuously on the premises.
- (c) Name and occupation of proposed manager if keeper resides elsewhere:
.....
- (d) There will be.....family members residing on the premises with the keeper/manager.

Application fee of \$.....is attached.

.....
(Signature of Applicant/s)

.....
(Date)

SCHEDULE 2 - Certificate of Registration of a Lodging House

[clause 8.1.4]

This is to certify that the premises situated at

.....

..... are registered as Lodging House
and classified as:

- ☐ a lodging house
- ☐ a short term hostel
- ☐ serviced apartments
- ☐ a recreational campsite
- ☐ other (specify)

until 30 June 20....., on the following conditions:

1. that, whose name is entered on the register of keepers of the Shire of Mt Marshall, continues to be the keeper of the lodging house;
2. that, appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration of a Lodging House is not sooner cancelled or revoked;

That the maximum number of rooms to be used as sleeping apartments for lodgers is:

4.; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed.....

This Certificate of Registration of a Lodging House is issued subject to the *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Mt Marshall Amendment Health Local Law 2018* and is not transferable.

Dated 20.....

Fee received: \$.....

.....

Signature
Authorised Officer
Shire of Mt Marshall

SCHEDULE 3 - Notice of Change of Owner of a Lodging House

[*clause 8.1.6*]

To: Chief Executive Officer
Shire of Mt Marshall

I/We,
(Full name of Applicant/s)

of
.....
(Residential Address of Applicant/s)

am/are the new owner/s of premises situated
at

.....
which are registered in the name of

.....
for the carrying on of the lodging house business.

.....
Signature of Applicant/s

.....
Date

SCHEDULE 4 - Register of Lodgers

[*clause 8.3.2*]

Location of Lodging House:

.....
.....

Date of Arrival

Name

Previous
Address.....

Signature

Room No.

Date of Departure

.....
Signature of Keeper

.....
Date

SCHEDULE 5 - List of Lodgers

[*clause 8.3.3*]

The following is the name of every person who resided in the lodging house at

.....
.....
.....
.....
.....

on the day of
20.....

.....
Signature of Keeper

.....
Date

[*clause 8.3.4*]

(Name of Keeper)

(Address of Keeper)

.....

.....

.....

.....
Signature of Authorised Officer

.....
Date

**SCHEDULE 7 - Certificate of Sleeping Accommodation for a Lodging House with
more than 20 Sleeping Apartments**

[*clause 8.3.4*]

To.....
(Name of Keeper)

of.....
(Address of Keeper)

for the registered lodging house situated at
.....
.....

The rooms listed below are not to be occupied by more than the number of lodgers or
residents indicated below.

ROOM NUMBER MAXIMUM OCCUPANCY

.....
.....
.....
.....
.....
.....
.....
.....
.....

.....
Signature of Authorised Officer

.....
Date

SCHEDULE 8 - Application for Licence of a Morgue

[*clause 3.5.1 (2)*]

To: Chief Executive Officer
Shire of Mt Marshall

I.....
(full name in block letters)

of.....
(full residential address)

apply to licence the premises listed below as a Morgue

Address of premises.....
.....

Name of
premises.....

Dated this day of..... 20.....

.....
Signature of Applicant

SCHEDULE 9 - Certificate of Licence of a Morgue

[*clause 3.5.1(3) (a)*]

This is to certify the following premises is licensed as a morgue from:

.....day of.....20.....
until 30th day of June 20.....

Address of premises.....
.....

Name of premises
.....

.....
Signature of Authorised Officer

.....
Date

SCHEDULE 10 - Application for Consent to Establish an Offensive Trade

[clause 9.1.2(1)(b)]

To: Chief Executive Officer
Shire of Mt Marshall

I/We,
(Full Name of Applicant/s)

of
.....
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being
.....

Description of Offensive Trade

in or upon
.....

Location of the Premises

Notice of my/our intention to make this application was advertised

in
.....

on
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection
with the proposed offensive trade are attached.

.....
Signature of Applicant/s

.....
Date

SCHEDULE 11 - Application for Registration of Premises for Offensive Trade

[clause 9.1.4 (a)]

To: Chief Executive Officer
Shire of Mt Marshall

I/We,
(Full Name of Applicant/s)

of
.....
.....
(Residential Address of Applicant/s)

apply for registration, for the year ended
of
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade,
namely
.....
(Description of Offensive Trade)

under the business name of
.....

The prescribed registration fee of \$..... is attached.

.....
Signature of Applicant/s

.....
Date

SCHEDULE 12 - Certificate of Registration of Premises for Offensive Trade

[clause 9.1.5]

This is to certify that the premises situated at.....

of which.....

is the occupier, are registered for the carrying on of the trade
of.....

Trade

Name.....

This registration expires on the day of..... 20.....

Dated this day of 20.....

.....
Signature of Authorised Officer

.....
Date

SCHEDULE 13 - Required Buffer Distances for Feedlots

[Clause 5.5.2(2)]

Required buffer distances for feedlots

Buffer	Distance
Townsite boundaries	5,000 m
Isolated rural dwellings, dairies & industries	1,000 m
Public roads and recreation areas	100 m
Neighbouring rural property boundaries	50 m
Major water course and water impoundments	300 m
Bores, wells or soaks used for drinking, stock or irrigation	300 m
Minor water courses	100 m

SCHEDULE 14 - Required Buffer Distances for Piggeries

[Clause 9.7.2(2)]

Required Buffer Distances for Piggeries

Buffer	Distances
Townsite boundaries	5,000m
Isolated rural dwellings, dairies & industries	1,000m
Public roads and recreation areas	100m
Neighbouring rural property boundaries	50m
Major water course and water impoundments	300m
Bores, wells or soaks used for drinking, stock or irrigation	300m
Minor water courses	100m

SCHEDULE 15 - Required buffer distances for intensive piggeries

[Clause 9.7.2(2)]

Buffer	Code
Townsite boundaries.....	A
Isolated rural dwellings, dairies & industries.....	B
Public roads and recreation areas.....	C
Neighbouring rural property boundaries.....	D
Surface water supply catchments.....	E
Water courses/rural water impoundments.....	F
Bores/wells/soaks drinking water supply.....	G
Stock irrigation supply.....	H

Piggeries & land use	A	B	C	D	E	F	G	H
Piggeries & facilities Catering for more than 5000 pigs	5000m	1000m	200m	50m	not permitted	800m	300m	100 m
500 to 5000 pigs	3500m	1000m	150m	50m	not permitted	800m	300m	100 m
50 to 499 pigs	2000m	1000m	100m	50m	not permitted	800m	300m	100 m
Less than 50 pigs	500m	1000m	50m	30m	not permitted	800m	300m	100 m
Land used to dispose of raw or partly treated wastes	1000m	1000m	100m	50m	not permitted	300m	300m	300 m

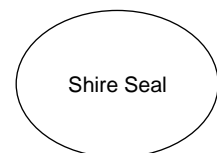
Land used to dispose of effectively treated wastes	200m	1000m	20m	20m	not permitted	100m	100m	100m
--	------	-------	-----	-----	---------------	------	------	------

Passed at an ordinary Meeting of the Shire of Mt Marshall held on this 15th day of May 2018.

The Common Seal of the Shire of Mt Marshall was affixed by authority of a resolution of the Council in the presence of —

CR. TONY SACHSE

SHIRE PRESIDENT



JOHN NUTTALL

CHIEF EXECUTIVE OFFICER