

# **ATTACHMENTS**

**Ordinary Council Meeting**

**Thursday, 1 October 2026**





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Ronell Vermeulen  
81 Beaufort Street

Toodyay WA 6566

Jonathan Pratama /  
Town Planning  
15 Fiennes Street,  
Toodyay WA 6566

Dear Jonathan and Paul

Thank you for taking time in recent weeks to explain the Local Planning Scheme LPS5 and the R2.5 code provisions as applicable to our property at **81 Beaufort Street West Toodyay**.

I am hereby submitting for consideration an application for development approval in reference to this scheme for the purpose of constructing a 100m<sup>2</sup> fully enclosed triple garage, and a 40m<sup>2</sup> caravan shelter awning on this property.

We currently have on the property two outbuildings with an area of approximately 174m<sup>2</sup>, in support of our Limes and Blood orange orchard, the produce of which supports local markets in Toodyay, noting that Additional use (A10) has been granted to this property previously.

Our proposal to build this structure is based on the following motivation and rationale:

- 1) Fire Security – by constructing a standalone structure we are deliberately segregating our primary residence from possible ignition sources. Our aim is to install EV charging stations in this garage.
- 2) We are taking great care with proposed construction to lessen the impact of driveways and building silhouette, with the building north facing and the shortest practicable driveway footprint (existing driveways will be rehabilitated).
- 3) The development as proposed is colour coded to complement primary residence.
- 4) Whilst this proposal exceeds the 100m<sup>2</sup> permissible for outbuildings in accordance with LPS5, we base this application on the basis that the primary residence is relatively modest (120m<sup>2</sup>), resulting in a total built area well within the guidance R2.5 building density (minimum of 80% open space). Our property comfortably satisfies this requirement and retains a substantial amount of open space larger than 98%.

| Building/Structure                                    | area (m <sup>2</sup> )<br>(enclosed) | area (m <sup>2</sup> )<br>(under roof) |
|-------------------------------------------------------|--------------------------------------|----------------------------------------|
| Primary residence                                     | 120                                  | 244                                    |
| Shed                                                  | 120                                  | 120                                    |
| Stores                                                | 54                                   | 54                                     |
| <b>This Proposed Garage</b>                           | <b>100</b>                           | <b>140</b>                             |
| <b>Total</b>                                          | <b>394</b>                           | <b>558</b>                             |
| Percentage built (property size 47245m <sup>2</sup> ) | 0.8%                                 | 1.2%                                   |
| Open space as % ( >80%)                               | 99.2%                                | 98.8%                                  |

Given this context, we believe that this development proposal supports the criteria in LPS5 in that:

- a) It is designed to be in harmony with buildings within the locality,
- b) Will not be detrimental to the amenity or character of the locality, and,
- c) It does not affect the development potential of adjoining lots by affecting design, aspect, outlook, views and privacy.

I trust this application meets the criteria for the necessary approvals, and look forward to working with your office to work towards a favorable outcome

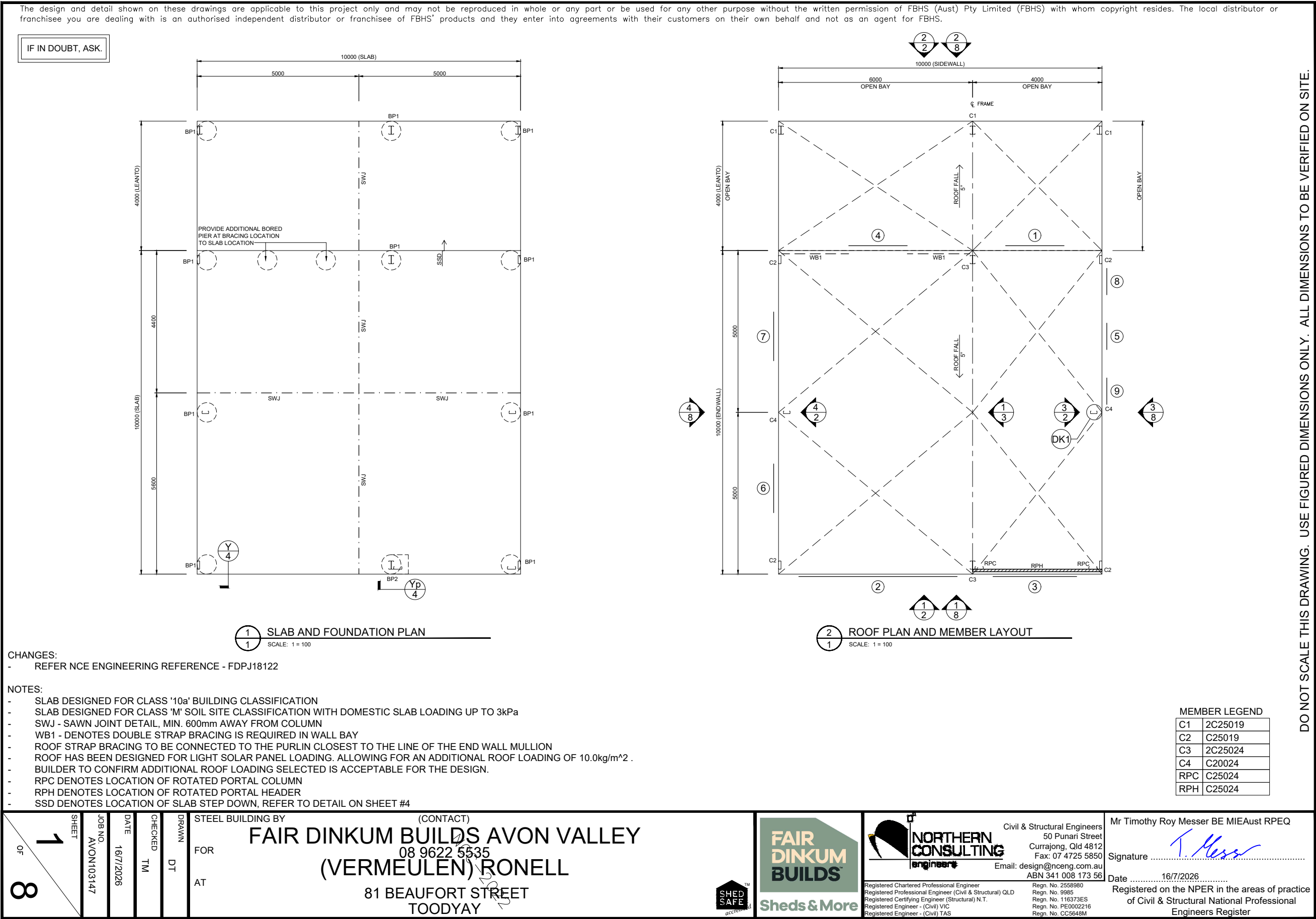
Kind regards

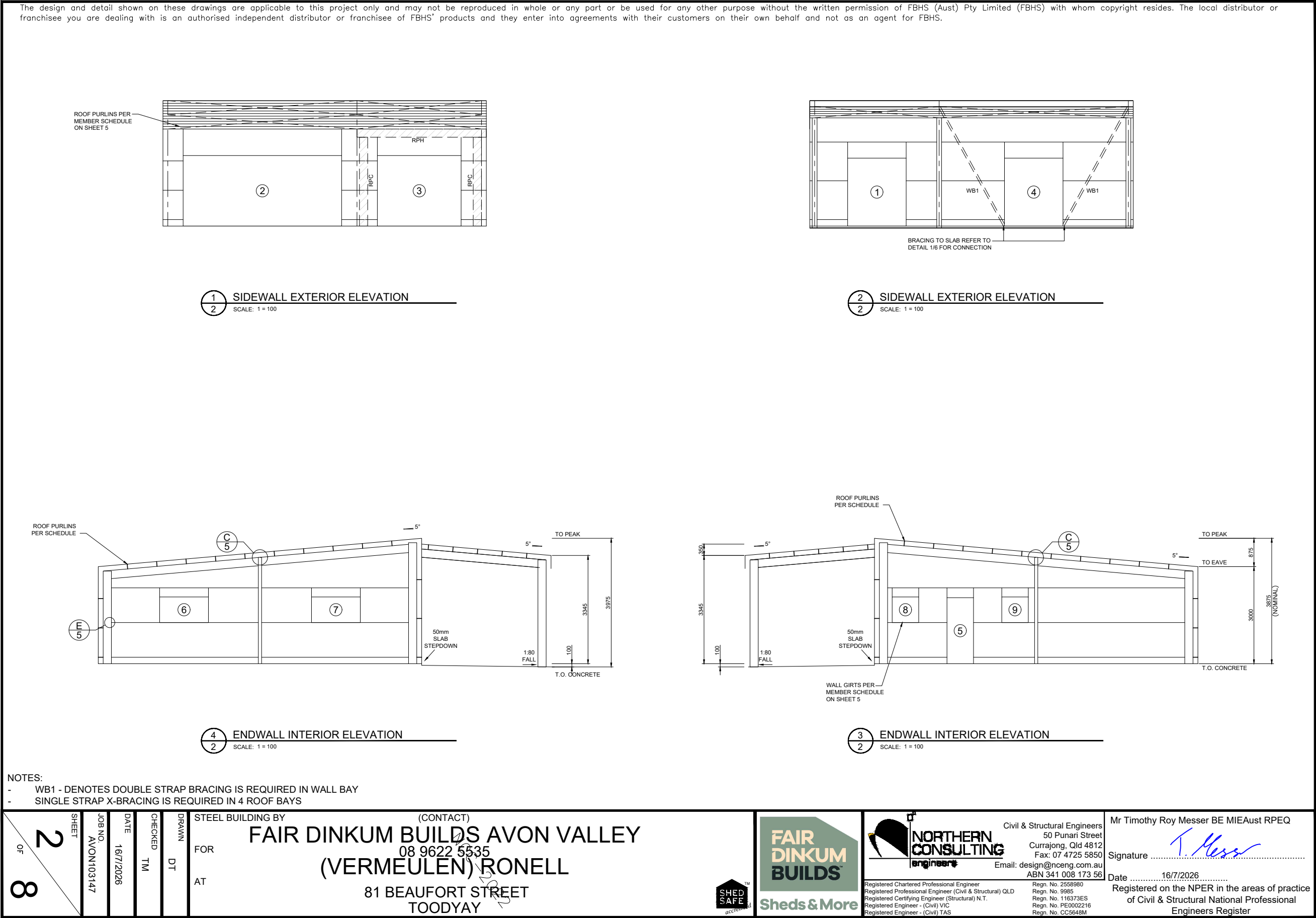
R. Vermeulen

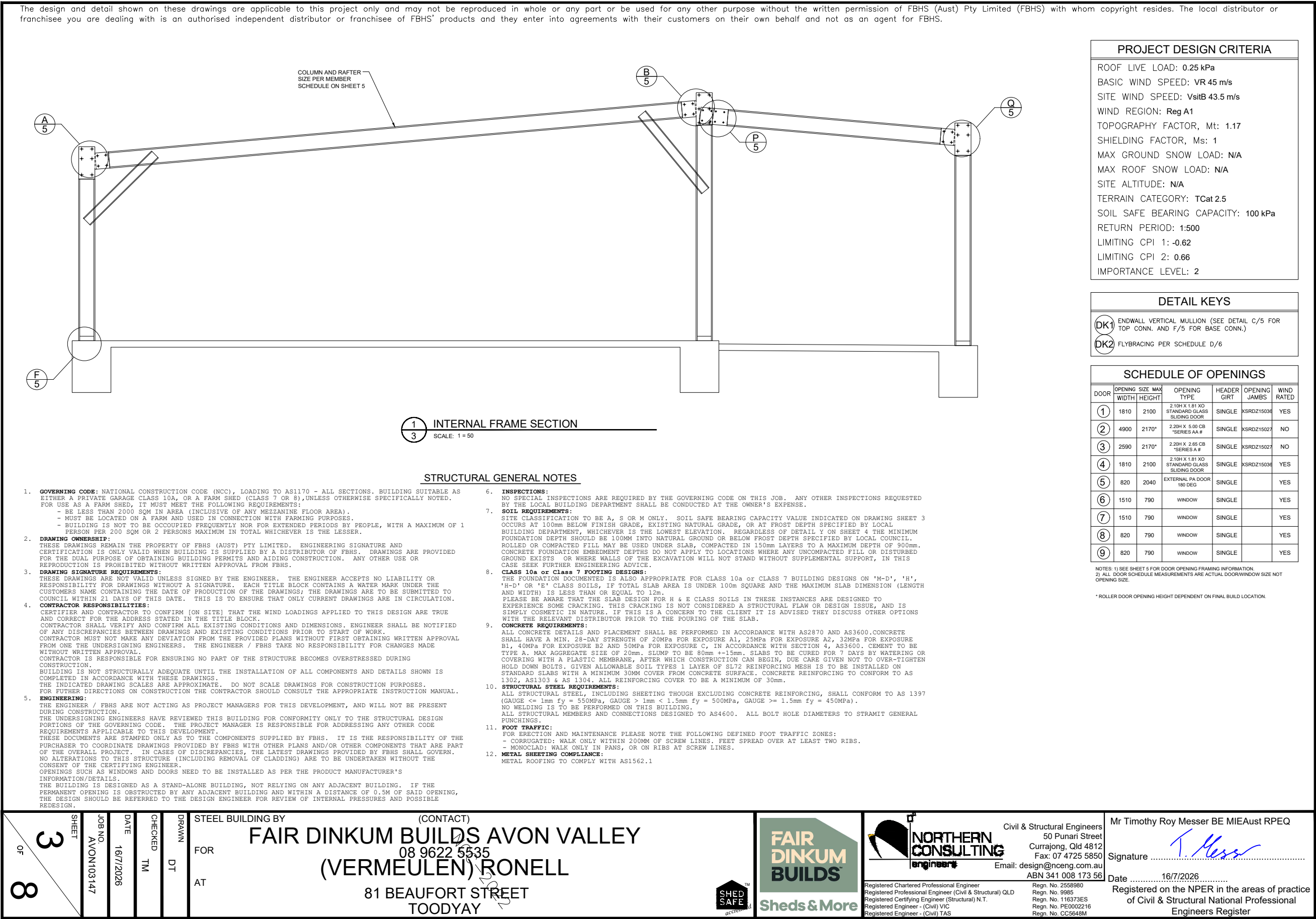
















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'BOLTED' FRAME

DWG NO. K40BB

A

HAUNCH CONNECTION

DWG NO. K40BB

'BOLTED' FRAME

DWG NO. MK40BB

B

HAUNCH CONNECTION

DWG NO. MK40BB

Refer to member schedule for bolt size

DWG NO. MMFA4

C

MULLION FIXING ANGLE BRACKET

DWG NO. MMFA4

NOTES:  
1. 4x14 GAUGE TEK SCREW FOR TOTAL LAP AND CONNECTION  
2. SCREWS IN LAP LOCATED 25mm FROM END OF LAP

DWG NO. PCON9LD

D

PURLIN CONNECTION DETAIL

DWG NO. PCON9LD

NOTE: Non-cyclonic = 2x14g TEK SCREWS each side  
Cyclonic = 3x14g TEK SCREWS each side

End Wall Girt Bracket

DWG NO. EG9

E

END WALL GIRT CONNECTION

DWG NO. EG9

NOTE: Refer to Member Schedule for Screw Anchors and Frame Bolts.

DWG NO. BC30

F

BASE CONNECTION

DWG NO. BC30

SCREW ARRANGEMENTS FOR ROOF SHEETS

DWG NO. RNC3

G

ROOF SHEETING PROFILE

DWG NO. RNC3

SCREW ARRANGEMENTS FOR WALL SHEETS

DWG NO. WNC3

H

WALL SHEET PROFILE

DWG NO. WNC3

DWG NO. DFRS

I

SIDE DOOR SUPPORT CONNECTION

DWG NO. DFRS

DWG NO. PADD1

K

PERSONAL ACCESS DOOR

DWG NO. PADD1

DETAIL SHOWN FROM INSIDE THE BUILDING

DWG NO. PGBL

L

BRIDGING LAP DETAIL

DWG NO. PGBL

'BOLTED' FRAME

DWG NO. MA.5.150.250

M

MONO ATTACHMENT DETAIL

DWG NO. MA.5.150.250

DWG NO. WADZ

N

WINDOW FRAME ATTACHMENT DETAIL

DWG NO. WADZ

DWG NO. EPB-PH

O

EAVE PURLIN BRACKET

DWG NO. EPB-PH

BOLTED FRAME

DWG NO. PLTL29FB

P

LEAN TO CONNECTION

DWG NO. PLTL29FB

'BOLTED' FRAME

DWG NO. HLT40NB

Q

HAUNCH CONNECTION

DWG NO. HLT40NB

MEMBER AND MATERIAL SCHEDULE

ITEM TO CHANGE IN BOM

|    |                                       |                                                     |   |
|----|---------------------------------------|-----------------------------------------------------|---|
| 1  | END WALL RAFTER                       | Single C25019                                       |   |
| 2  | C.S. FRAME RAFTER                     | Double C25019                                       | X |
| 3  | END FRAME COLUMN (C2)                 | Single C25019                                       |   |
| 4  | END FRAME MONO COLUMN (C2)            | Single C25019                                       |   |
| 5  | C.S. FRAME COLUMN (C3)                | Double C25024                                       |   |
| 6  | C.S. FRAME MONO COLUMN (C3)           | Double C25024                                       |   |
| 7  | MULLION (C4)                          | Single C20024                                       | X |
| 8  | LL END FRAME OPEN CORNER COLUMN (C1)  | Double C25019                                       |   |
| 9  | LL OPEN BAY COLUMN (C1)               | Double C25019                                       |   |
| 10 | ROTATE PORTAL COLUMN (RPC)            | Single C25024                                       | X |
| 11 | ROTATE PORTAL HEADER (RPH)            | Single C25024                                       | X |
| 12 | C.S. FRAME KNEE BRACE                 | Double C15012 @ 1.48 LONG 3 bolts each end          |   |
| 13 | KNEE BRACE HEIGHT UP COLUMN           | 1.84m                                               |   |
| 14 | KNEE BRACE LENGTH UP RAFTER           | 0.87m                                               |   |
| 15 | C.S. FRAME APEX BRACE                 | Double C15012 @ 1.54 LONG 3 bolts each end          |   |
| 16 | APEX POSITION FROM RAFTER END         | 1.66m                                               |   |
| 17 | END WALL LL RAFTER                    | Single C25019                                       |   |
| 18 | C.S. LL RAFTER                        | Double C25019                                       |   |
| 19 | ANCHOR BOLTS (# PER DETS.)            | Screw Anchor 16mm x 100 Galv                        |   |
| 20 | LOWER EAVE PURLIN                     | C15019 (Eave Purlin Bracket 0mm from top of column) |   |
| 21 | UPPER EAVE PURLIN                     | C20024                                              | X |
| 22 | LEFT LEANTO EAVE PURLIN               | C20024                                              | X |
| 23 | TYP. ROOF PURLIN SIZE                 | Z15015 (1 rows of bridging)                         |   |
| 24 | MAIN BLDG. PURLIN SPACING             | 0.912 m. (10 rows) (Max Allow. 1.000m)              |   |
| 25 | ROOF PURLIN BRIDGING                  | Tophat 64 x 0.75                                    |   |
| 26 | LEFT LEANTO PURLIN SPACING            | 0.763 m. (5 rows) (Max Allow. 1.000m)               |   |
| 27 | TYP. SIDEWALL GIRT SIZE               | Z15015 (1 rows of bridging)                         |   |
| 28 | MAIN BLDG. SIDEWALL GIRT SPACING      | 0.907 m. (3 rows) (Max Allow. 1.241m)               |   |
| 29 | MAIN BLDG. HIGH SIDEWALL GIRT SPACING | 1.199 m. (3 rows)                                   |   |
| 30 | SIDEWALL GIRT BRIDGING                | Tophat 64 x 0.75                                    |   |
| 31 | LEFT LEANTO SIDEWALL GIRT SPACING     | 0.512 m. (0 rows) (Max Allow. 0.573m)               |   |
| 32 | TYP. ENDWALL GIRT SIZE                | Z15015 (1 rows of bridging)                         |   |
| 33 | MAIN BLDG. ENDWALL GIRT SPACING       | 1.072 m. (3 rows) (Max Allow. 1.506m)               |   |
| 34 | MAIN BLDG. ENDWALL GIRT LENGTH        | 4.89 m. (0.3m Overlap)                              |   |
| 35 | ENDWALL GIRT BRIDGING                 | Tophat 64 x 0.75                                    |   |
| 36 | FRAME SCREW FASTENERS                 | 14-13x22 Hex C/S (SP HD 5/16" Hex Drive)            |   |
| 37 | FRAME BOLT FASTENERS                  | 8.8 Hex BN M16x45 Z/P                               |   |
| 38 | PURLIN/GIRT FASTENERS                 | Purlin Assy M16x30 Z/P                              |   |
| 39 | X-BRACING STRAP AND FASTENERS         | 38x1.6MM Strap with 5 X 14g Tek Screws Each End     | X |
| 40 | WALL COLOUR                           | CLASSIC_CREAM                                       |   |
| 41 | ROOF COLOUR                           | CLASSIC_CREAM                                       |   |
| 42 | ROLLER DOOR COLOUR                    | PAPERBARK                                           |   |
| 43 | P.A. DOOR COLOUR                      | PAPERBARK                                           |   |
| 44 | WINDOW COLOUR                         | PAPERBARK                                           |   |
| 45 | GLASS SLIDING DOOR COLOUR             | PAPERBARK                                           |   |
| 46 | DOWNPIPE COLOUR                       | PAPERBARK                                           |   |
| 47 | GUTTER COLOUR                         | PAPERBARK                                           |   |
| 48 | CORNER FLASHING COLOUR                | PAPERBARK                                           |   |
| 49 | BARGE FLASHING COLOUR                 | PAPERBARK                                           |   |
| 50 | OPENING FLASHING COLOUR               | PAPERBARK                                           |   |
| 51 | OPEN BAY HEADER HEIGHT                | 0.5                                                 |   |

PURLIN AND GIRT LENGTHS

| BAY | WIDTH | PURLIN LENGTH     | GIRT LENGTH       |
|-----|-------|-------------------|-------------------|
| 1   | 6m    | 6.4 m. (0.4m Lap) | 6.4 m. (0.4m Lap) |
| 2   | 4m    | 4.6 m. (0.6m Lap) | 4.6 m. (0.6m Lap) |

STEEL BUILDING BY (CONTACT) FAIR DINKUM BUILDS AVON VALLEY 08 9622 5535 (VERMEULEN) RONELL 81 BEAUFORT STREET TOODYAY

FOR AT

5 OF 8

SHEET

JOB NO. AVON103147

DATE 16/7/2026

CHECKED TM

DRAWN DT

SHED SAFE

FAIR DINKUM BUILDS

Sheds & More

NORTHERN CONSULTING engineers

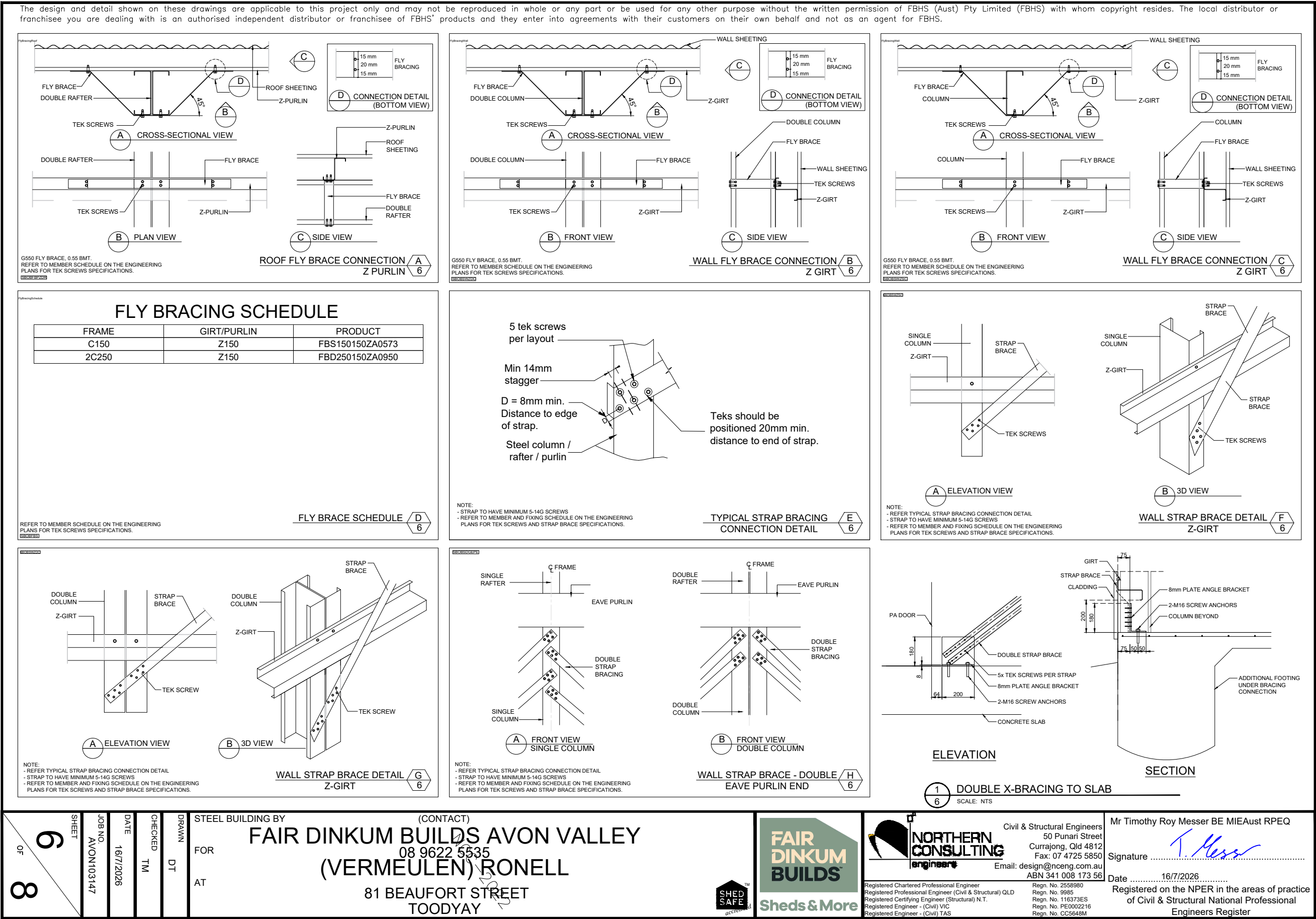
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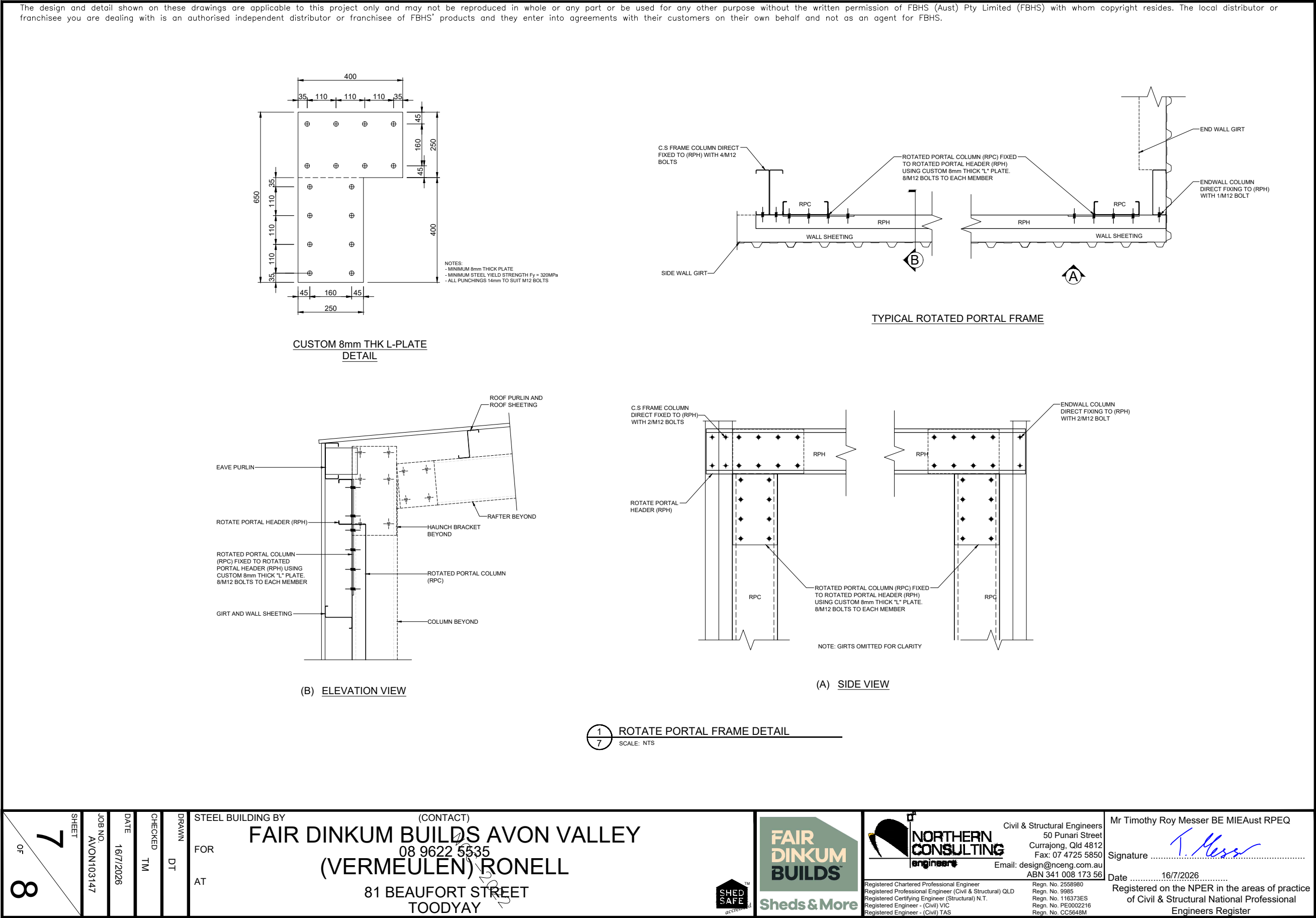
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Mr Timothy Roy Messer BE MIEAust RPEQ Signature T. Messer Date 16/7/2026 Registered on the NPER in the areas of practice of Civil & Structural National Professional Engineers Register

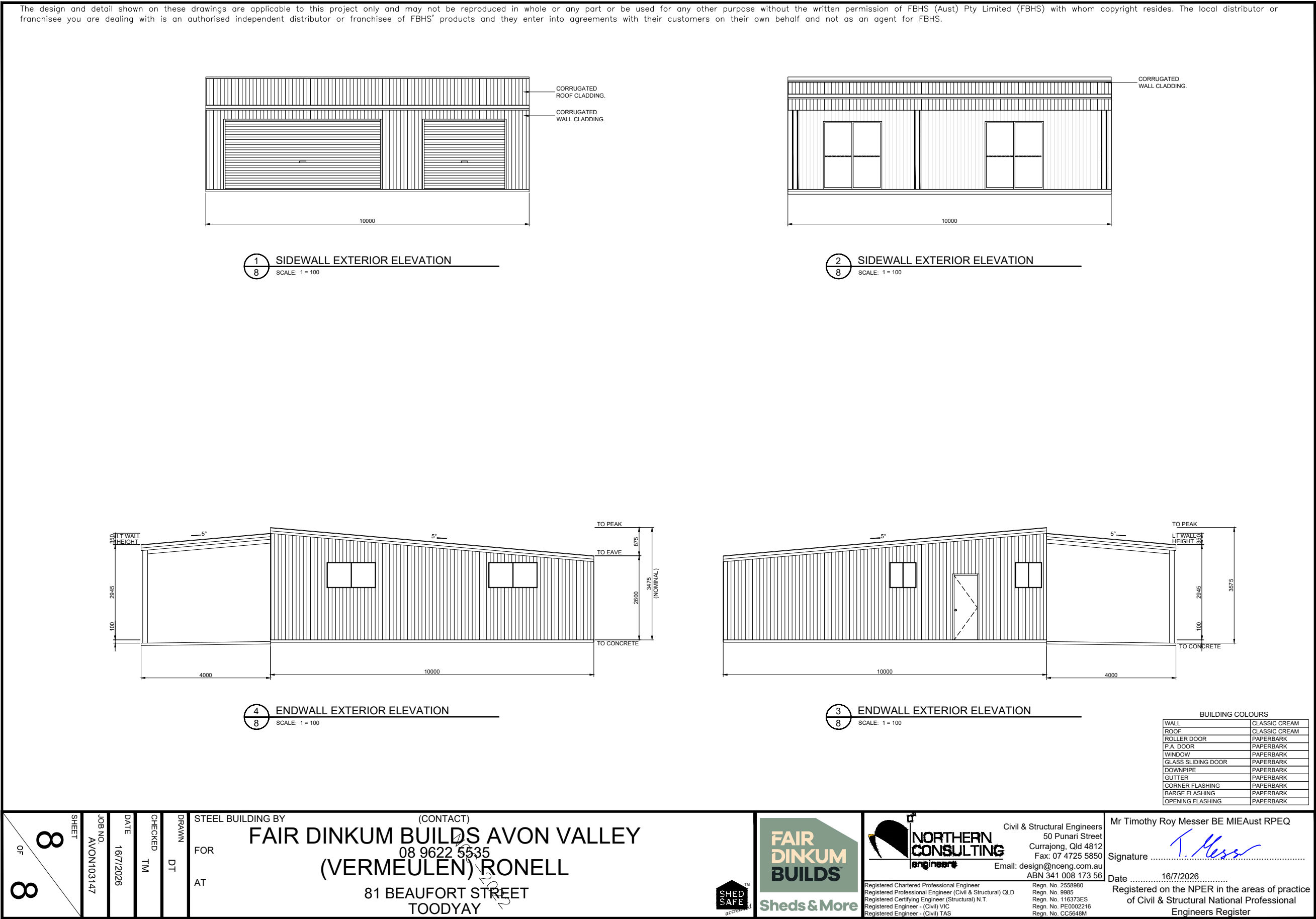
Item 10.1.1 - Attachment 3Outbuilding Drawings.

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**NOTES:**  
**BRACING MATERIALS** - THE SHED ERECTOR TO SUPPLY SPECIFIC BRACING.  
SUITABLE RIGID MEMBERS CAPABLE OF TENSION AND COMPRESSION OR OPPOSING CHAINS OR OPPOSING LOAD RATED RATCHET STRAPS TO BE USED. (RIGID BRACING AS SHOWN ON DIAGRAM) ROPE BRACING SUITABLE ONLY FOR SMALLER STRUCTURES IN IDEAL CONDITIONS.

**BRACING LOCATION** - TEMPORARY BRACING TO BE ERECTED AS CLOSE TO 45 DEGREE ANGLE AND FIXED TO THE TOP OF THE COLUMN OR MULLION TO ACHIEVE THE OPTIMUM EFFECTIVENESS. IF THERE IS NOT ENOUGH SPACE FOR A 45 DEGREE ANGLE, THEN 20 DEGREE ANGLE IS TO BE THE MINIMUM ANGLE ALLOWED (REFER TO DIAGRAM). RIGID TEMPORARY BRACING MEMBER TO BE BOLTED TO HEAVY ANGLE PEGS HAMMERED INTO THE GROUND OR TO A BRACKET, MASONRY ANCHORED TO THE SLAB.

**BRACING REMOVAL** - TEMPORARY BRACING TO REMAIN IN PLACE UNTIL CLADDING IS FULLY INSTALLED WHERE POSSIBLE. IN NO CASE SHOULD TEMPORARY BRACING BE REMOVED UNTIL ALL PURLINS, GIRTS (AND PERMANENT CROSS BRACING WHERE USED) ARE FIXED.

**SITE SAFETY** - DUE CONSIDERATION TO BE GIVEN TO SITE SAFETY IN REGARD TO LOCATIONS OF BRACING AND PEGS.

**GUIDE APPLICATION** - TEMPORARY BRACING AS DESCRIBED IS A MINIMUM REQUIREMENT FOR AN AVERAGE, STANDARD SITE CONDITION. PROVIDE ADDITIONAL BRACING FOR MORE SEVERE AND/OR HIGH EXPOSURE SITE CONDITIONS. ADDITIONAL BRACING TO BE USED AS AND WHERE NECESSARY TO ENSURE THAT ENTIRE FRAME IS RIGID THROUGHOUT CONSTRUCTION. RESPONSIBILITY FOR ENSURING STABILITY OF STRUCTURE REMAINS WITH THE BUILDER.

**TILT UP METHOD**  
FOR STRUCTURES UNDER 9M SPAN, LESS THAN 3M HIGH AND LESS THAN 12M LONG

A. ASSEMBLE THE FIRST SIDEWALL FRAME (COMPLETE WITH WALL SHEETING, BRACING AND GUTTER) ON THE GROUND AND LIFT ASSEMBLED SIDEWALL FRAME INTO POSITION. FIX OFF TEMPORARY SIDE BRACING TO EACH END (REFER TO DIAGRAM). FIX BASE CLEATS.  
B. ASSEMBLE THE SECOND SIDEWALL FRAME AS PER FIRST SIDEWALL FRAME. LIFT INTO POSITION. FIX OFF TEMPORARY WALL BRACING TO EACH END (REFER TO DIAGRAM) FIX BASE CLEATS.  
C. FIX GABLE END RAFTERS TO COLUMNS TO TIE WALLS. PROP APEX UNTIL ENDWALL MULLION AND APEX TEMPORARY BRACE ARE FIXED OFF. IF NO MULLION IS REQUIRED THEN PROP AND BRACE APEX UNTIL CLADDING IS COMPLETE.  
D. INSTALL REMAINING RAFTERS. AS EACH RAFTER PAIR IS INSTALLED, AT LEAST ONE PURLIN PER 3M OF RAFTER LENGTH IS TO BE INSTALLED TO SECURE RAFTERS.  
E. INSTALL REMAINING PURLINS  
F. INSTALL KNEE AND APEX BRACES IF AND WHERE APPLICABLE.  
G. REPEAT FOR LEANTO'S.

**FRAME FIRST METHOD**  
FOR STRUCTURES OVER 9M SPAN, GREATER THAN 3M HIGH AND GREATER THAN 12M LONG

A. ASSEMBLE PORTAL FRAMES ON THE GROUND (WITH KNEE AND APEX BRACES IF AND WHERE APPLICABLE). LIFT THE FIRST PORTAL FRAME ASSEMBLY INTO POSITION. FIX OFF TEMPORARY END BRACING (REFER TO DIAGRAM). FIX BASE CLEATS.  
B. PROP APEX UNTIL ENDWALL MULLION AND APEX TEMPORARY BRACE ARE FIXED OFF. IF NO MULLION IS REQUIRED THEN PROP AND BRACE APEX UNTIL CLADDING IS COMPLETE.  
C. THE SECOND PORTAL FRAME ASSEMBLY TO BE LIFTED INTO POSITION. FIX EAVE PURLINS AND AT LEAST ONE PURLIN PER 3M OF RAFTER TO SECURE FRAME ASSEMBLY. FIX BASE CLEATS. FIX TEMPORARY SIDEWALL BRACING.  
D. STAND REMAINING PORTAL FRAME ASSEMBLY AS PER STEP C, FIXING TEMPORARY SIDE WALL BRACING TO EVERY SECOND BAY. BRACE OTHER END PORTAL FRAME AS PER FIRST PORTAL FRAME.  
E. INSTALL REMAINING PURLINS AND GIRTS.  
F. REPEAT FOR LEANTO'S.

NOT PART OF COUNCIL APPLICATION DOCUMENTATION

# GUIDE TO THE INSTALLATION OF TEMPORARY BRACING

(REFER TO INSTALLATION GUIDE MANUAL FOR THE TWO METHODS OF CONSTRUCTION)

1C TILT UP METHOD DIAGRAM  
1 TEMPORARY BRACING LOCATION

2C FRAME FIRST METHOD DIAGRAM  
1 TEMPORARY BRACING LOCATION

JOB NO.  
AVON103147

DATE  
16/7/2026

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DT

STEEL BUILDING BY  
**FAIR DINKUM BUILDS AVON VALLEY**  
FOR  
**(VERMEULEN) RONELL**  
AT  
81 BEAUFORT STREET  
TOODYAY

SHED SAFE  
ACCREDITED

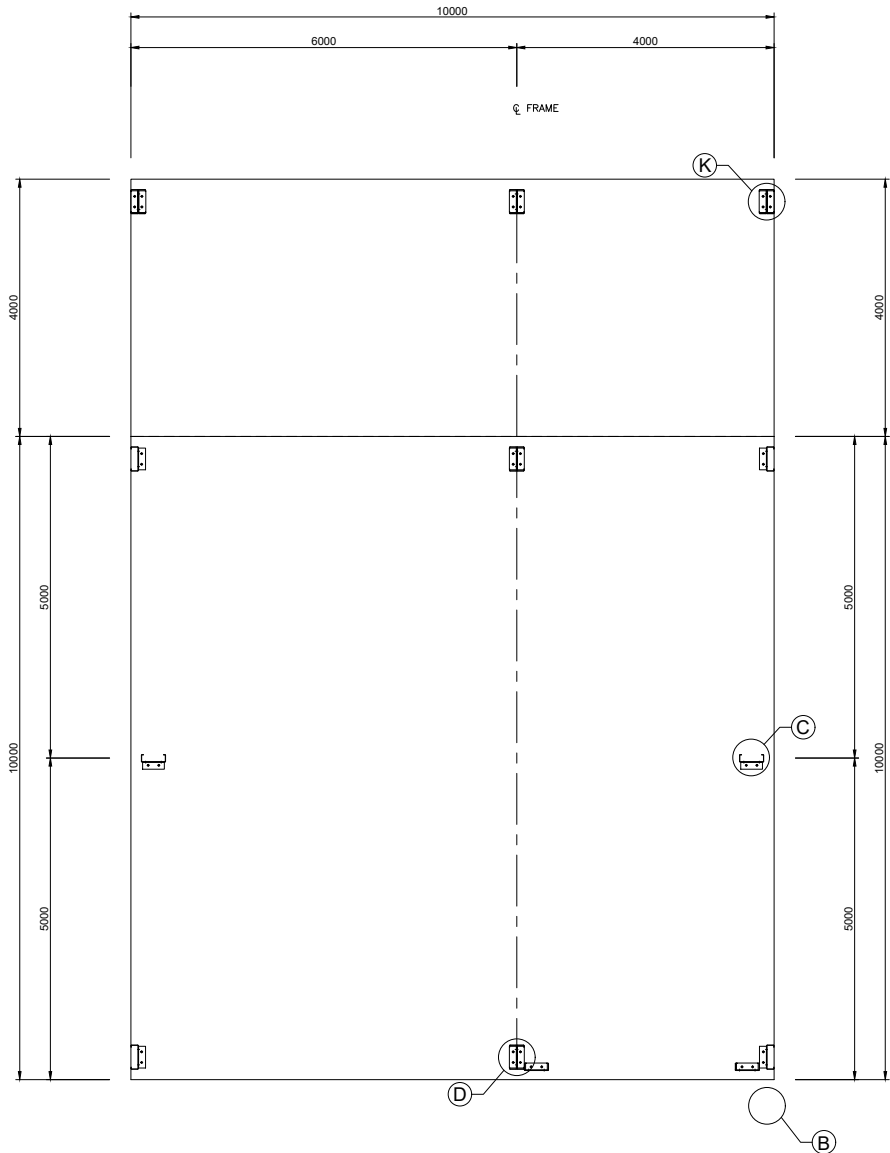
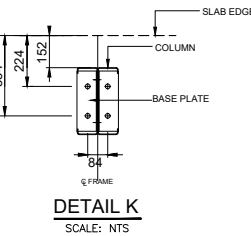
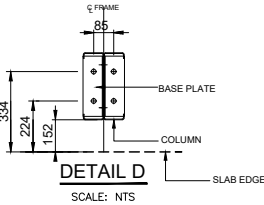
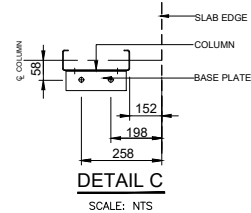
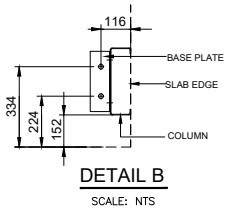
**FAIR DINKUM BUILDS**  
Sheds & More

# TEMP BRACING

**DOWNLOAD  
YOUR SAFETY  
PACK NOW**

Please review prior  
to commencing  
your build

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1 BOLT LAYOUT PLAN  
1 SCALE: 1 = 100

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IF YOU HAVE A ROLLER DOOR IN THE GABLE END OF YOUR SHED, CONTACT YOUR DISTRIBUTOR TO SEE IF MULLION NEEDS TO BE ROTATED FOR USE AS A DOOR JAMB.

|                       |                   |               |             |                                                                                                                                       |
|-----------------------|-------------------|---------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------|
| JOB NO.<br>AVON103147 | DATE<br>16/7/2026 | CHECKED<br>TM | DRAWN<br>DT | STEEL BUILDING BY<br><b>FAIR DINKUM BUILDS AVON VALLEY</b><br>FOR<br><b>(VERMEULEN) RONELL</b><br>AT<br>81 BEAUFORT STREET<br>TOODYAY |
|-----------------------|-------------------|---------------|-------------|---------------------------------------------------------------------------------------------------------------------------------------|

Sheds & More

# BOLT LAYOUT PLAN

| COMPLIANCE CERTIFICATE FOR BUILDING DESIGN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|-------|--------------------|--|--|-------------------------------|-------------------------------|--|--|-----------------|----------------------------------|--|--|-----------------|--------------------|--|--|-------------------|--------------|--|--|----------------|-----|--|--|-------------|--------------|--|--|----------------|---------------------|--|--|---------------------------------|---------|----------------------|----------|--|--|--|---------------------------------------------------------------------|
| <b>Property Description</b><br>Street address (include number, street, suburb/locality & postcode)                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  | 81 BEAUFORT STREET<br>TOODYAY Postcode : 6566                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| <b>Description of Component/s Certified</b><br>Clearly describe the extent of work covered by this certificate.                                                                                                                                                                                                                                                                                                                                                                                                                       |                                  | Steel Portal Frame Structure.<br>10m span x 10m O/A length x 3.0m eaves height.<br>Consisting of 2 bays at 6m, 4m spacings.<br>Left leanto with 4m span.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| <b>Basis of Certification</b><br>Detail the basis for giving the certificate and the extent to which tests, specifications, rules, standards, codes of practice and other publications, were relied upon.                                                                                                                                                                                                                                                                                                                             |                                  | Australian Standards (list) AS/NZS 4600-2018, AS/NZS 1170.0, 1-2002, 1170.2-2021, 1170.3-2003, 1170.4-2007, AS2870-2011, AS3600-2018, AS5216-2021<br>2022 National Construction Code of Australia NCC Building Classification: Class 10a<br>Region AS1170.2 = Reg A1 Factor for Region = NA<br>NCC Importance Level = 2 NCC Equivalent Wind class = N/A<br>Annual Probability Exceedance wind = 1:500 Design Roof Live Load = 0.25 kPa<br>Regional 3 s Gust Wind Speed for annual probability of exceedance $V_R = 45$ m/s<br>Wind directional multipliers for the 8 cardinal directions $M_d = 0.95$<br>Terrain/Height multiplier ( $M_z$ , Cat) = 0.87 Shielding Multiplier $M_s = 1$<br>Topographic multiplier $M_t = 1.17$ Design Wind Speed = 43.5 m/s<br>Ext. Pressure Coefficient $c_{pe} = -0.65, 0.70$ Int. Pressure Coefficient $c_{pi} = -0.62, 0.66$      |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| <b>Reference Documentation</b><br>Clearly identify any relevant documentation, e.g numbered structural engineering plans                                                                                                                                                                                                                                                                                                                                                                                                              |                                  | Drawing Nos: 'Fair Dinkum Builds' Structural Design Drawing<br>To be read in conjunction with Pages 1 to 8<br>For Job Number: AVON103147 DATED : 16/7/2026<br>Specifications:<br>Computations:<br>Test Reports:<br>Other Documentation:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| <b>Competent Person Details</b><br>A competent person for building work, means a person who is assessed by the building certifier for the work as competent to practise in aspect of the design, building or inspection of the building work because of the person's skill and experience in the aspect. The competent person must also be registered or licensed under a law applying in the state to practice the aspect.<br><br>A COPY OF A CURRENT CV AND PROFESSIONAL REGISTRATION DETAILS MUST BE PROVIDED WITH THE CERTIFICATE |                                  | <table border="1"> <tr><td>Name:</td><td colspan="3">Timothy Roy Messer</td></tr> <tr><td>Company Name (if applicable):</td><td colspan="3">Northern Consulting Engineers</td></tr> <tr><td>Postal Address:</td><td colspan="3">50 Punari Street, Currajong 4812</td></tr> <tr><td>Contact Person:</td><td colspan="3">Timothy Roy Messer</td></tr> <tr><td>Telephone Number:</td><td colspan="3">07 4725 5550</td></tr> <tr><td>Mobile Number:</td><td colspan="3">N/A</td></tr> <tr><td>Fax Number:</td><td colspan="3">07 4725 5850</td></tr> <tr><td>Email Address:</td><td colspan="3">design@nceng.com.au</td></tr> <tr> <td>License or Registration Number:</td> <td>2558980</td> <td>Copy of CV Attached:</td> <td>Tick Box</td> </tr> <tr> <td colspan="3"></td> <td>Y <input type="checkbox"/> or N <input checked="" type="checkbox"/></td> </tr> </table> |                                                                     | Name: | Timothy Roy Messer |  |  | Company Name (if applicable): | Northern Consulting Engineers |  |  | Postal Address: | 50 Punari Street, Currajong 4812 |  |  | Contact Person: | Timothy Roy Messer |  |  | Telephone Number: | 07 4725 5550 |  |  | Mobile Number: | N/A |  |  | Fax Number: | 07 4725 5850 |  |  | Email Address: | design@nceng.com.au |  |  | License or Registration Number: | 2558980 | Copy of CV Attached: | Tick Box |  |  |  | Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> |
| Name:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Timothy Roy Messer               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| Company Name (if applicable):                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Northern Consulting Engineers    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| Postal Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 50 Punari Street, Currajong 4812 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| Contact Person:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Timothy Roy Messer               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| Telephone Number:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 07 4725 5550                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| Mobile Number:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| Fax Number:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 07 4725 5850                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| Email Address:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | design@nceng.com.au              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| License or Registration Number:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2558980                          | Copy of CV Attached:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Tick Box                                                            |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Y <input type="checkbox"/> or N <input checked="" type="checkbox"/> |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| <b>Signature of Competent Person</b><br>This form may be used by competent persons to certify the design of a material, system, method of building, building element design or other thing.<br><br>If the competent person is a licensed company the authorised person of the company is to sign the form.                                                                                                                                                                                                                            |                                  | I certify that the item/s described above, if installed or carried out in accordance with the information contained in this certificate, including any referenced documentation, will comply with the National Construction Code of Australia/relevant Australian or International Standard.<br><br>Signature of competent person:  Date: 16/7/2026                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| LOCAL GOVERNMENT USE ONLY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |
| Date received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                  | Reference Number/s                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                     |       |                    |  |  |                               |                               |  |  |                 |                                  |  |  |                 |                    |  |  |                   |              |  |  |                |     |  |  |             |              |  |  |                |                     |  |  |                                 |         |                      |          |  |  |  |                                                                     |







15 January 2026

Australian Taxation Office

GPO 9990

Perth WA 6000

Dear Sir/Madam,

**Re: GST unclaimed Credits- Shire of Toodyay ABN 97 352 024 603**

The Shire of Toodyay has recently undertaken a review of GST credits from 2019 and has found that there were unclaimed credits dating back as far as June 2021. As part of this review amended Bas returns have been lodged from January 2022 onwards to amend the GST credits, however there are unclaimed credits from June 2021 to December 2021 that the Shire would like to Claim, however under Miscellaneous Taxation Ruling MT 2024/01 and section 93-5 of the New Tax System (Goods and Services Tax) Act 1999 (GST Act) there is a time limit of 4 years to claim credits.

We do understand that there are some exceptions to the act where a tax credit does not lapse and the Shire is seeking approval from the Australian Taxation Office to claim these credits. The credits that remain unclaimed are as follows for each month.

| Month          | GST Credit       |
|----------------|------------------|
| June 2021      | \$30,510         |
| July 2021      | \$14,440         |
| August 2021    | \$49,425         |
| September 2021 | \$7,905          |
| October 2021   | \$72,411         |
| November 2021  | \$6,541          |
| December 2021  | \$13,121         |
|                |                  |
| <b>TOTAL</b>   | <b>\$194,353</b> |

The Shire is unsure why these credits were not claimed at the time, as BAS returns were lodged during this period. This was however the same period of the implementation of a new Finance System and transactions that were posted to the previous month after the monthly bas was completed, were not identified during the subsequent months BAS return and the GST credits were not claimed.

The Shire is seeking approval to claim this amount as it is a significant amount of funds that if the Shire has to write off it will affect the Shire's ability to provide services to the community.

I look forward to your favourable response and if you have any questions in relation to this matter I can be contacted on 08 9574 9300 or [a.hart@toodyay.wa.gov.au](mailto:a.hart@toodyay.wa.gov.au)

Yours Sincerely

**Alan Hart**

**Executive Manager Finance and Corporate Services**

**From:** [redacted] <[redacted]@ato.gov.au>

**Sent:** Tuesday, 17 February 2026 7:45 AM

**To:** [redacted] <[redacted]@toodyay.wa.gov.au>

**Subject:** CM: [External]-RE: Unclaimed GST credits and 4-year limit  
[SEC=OFFICIAL:Sensitive]

Good morning Alan

Thank you for your enquiry received on 28 January 2026 regarding the four-year credit time limit. Your reference number is 7910173694156.

Taxation legislation sets time limits on both the Commissioner's ability to recover unpaid amounts and a taxpayer's entitlement to a refund or credit. Different rules apply depending on whether a tax period started before or on or after 1 July 2012. The information below explains the rules relevant to input tax credits for tax periods starting on or after 1 July 2012.

### General Guidance

#### Tax periods that start on or after 1 July 2012

##### **Increasing amount at Label 1B on an Activity Statement**

A time limit applies to an entity's entitlement to input tax credits for creditable acquisitions. Under [section 93-5 of the A New Tax System \(Goods and Services Tax\) Act 1999](#), an entity's entitlement to an input tax credit ceases to the extent that the credit is not taken into account in an assessment within four years after **the due date (or extended due date)** of the activity statement to which the credit is attributable under subsection 29-10(1) or (2), having regard to the entity's GST accounting basis.

The due dates for the January to December 2021 monthly activity statements are set out in the table below. As there are no recorded extensions to these due dates, the four-year time limit has expired for each of these periods. As a result, the entitlement to the relevant input tax credits has ceased, and the Commissioner is unable to increase Label 1B for those activity statements as requested.

| BAS Period | Due Date |
|------------|----------|
| Jun 2021   | 21/7/21  |
| July2021   | 23/8/21  |
| Aug 2021   | 21/9/21  |
| Sep 2021   | 21/10/21 |
| Oct 2021   | 22/11/21 |
| Nov 2021   | 21/12/21 |
| Dec 2021   | 21/1/22  |

[Miscellaneous Taxation Ruling MT 2024/1](#) identifies only limited statutory exceptions to the four-year credit time limit. Based on the information provided in your correspondence, none of these exceptions apply to your circumstances.



**From:** Alan Hart < >  
**Sent:** Wednesday, 24 December 2025 12:15 PM  
**To:** [walgatax@moore-australia.com.au](mailto:walgatax@moore-australia.com.au)  
**Subject:** Claiming GST Credits over four years

Hi

The Shire has recently undertaken a reconciliation of the GST receivable account for from 2019-2025 and have found that there is approximately \$195,000 in unclaimed credits, which were never claimed in the relevant financial years.

It is possible to claim those credits or request special dispensation from the Commissioner of Taxation to claim those credits as it is over the four-year rule as set down by the commissioners ruling.

From what we can see is the credits were unclaimed due to continual back processing of transactions after end of month and the BAS returns were not amended to reflect the unclaimed credits.

Regards

---

**From:** The WALGA Tax Team <w>  
**Sent:** Tuesday, 6 January 2026 3:30 PM  
**To:** Alan Hart  
**Subject:** [External]-RE: Claiming GST Credits over four years

Hi Alan

Thank you for submitting your query to the WALGA tax service.

As we understand the facts:

- The Shire (local government authority).
- GST receivable account reconciliation covering 2019–2025.
- Approximately \$195k in unclaimed GST credits discovered.
- Continual back processing of transactions after end-of-month resulted in unclaimed credits
- BAS returns were not amended to include these credits.
- Credits relate to periods beyond the four-year time limit set by the Commissioner's ruling.

You would like to know:

- Can these credits still be claimed post the four-year period?
- Is it possible to request special dispensation from the Commissioner to claim credits outside the four-year rule?

Please see below for summary

Time limit on entitlements - Division 93

Per Division 93 GST Act, the commissioner has set out very stringent rules for when income tax credits (ITCs) can be claimed.

According to [s93-5](#), the primary rule is that the applicant, in this case the Shire of Toodyay would cease be entitled to an input tax credit for a creditable acquisition if that credit has not been taken into account in an assessment of the net amount within four years after the due

date for lodging the relevant GST returns. This rule is absolute and overrides the general entitlements rules outlined in s 11-20 GSTA.

Limited Exceptions

Per [s93-10](#) of GSTA, there are some narrow exceptions where an input tax credit entitlement does not lapse, even if it is past the four year mark. These exceptions include:

1. Supply reclassification
  - a. Suppose a supply was initially treated as input-taxed and later reclassified (by Commissioner's amendment) as taxable after the four-year period, the resulting additional ITC may still be claimed.
2. Tax Invoice treatment request
  - a. If, within the four-year window, you requested the Commissioner to treat a document as a tax invoice (under s29-70), and this is granted after four years, then the ITC remains claimable

These are the only two exceptions which would see the input tax credits being able to be claimed post the four-year period.

Conclusion:

Based on our understanding of the limited facts provided to us, we are unable to determine the specific periods to which the \$195,000 in input tax credits are from. Therefore, as a rule of thumb, tax credits that fall within the four-year limitation period remain claimable under the relevant provisions. Conversely, credits outside this timeframe should not be eligible as they do not satisfy the requirements of s93-5 of the GST Act. Furthermore, since the failure to claim these older credits resulted from administrative oversight (i.e. ongoing back processing and unamended BAS statements) it is unlikely that the circumstances would meet the exceptions outlined in section 93-10 of the GST Act.

We hope that this general information meets your needs. If your issue requires comprehensive tax advice, a private ruling, or a tax compliance review; subscribers can access these services by contacting the WALGA Tax Team at Moore Australia direct.

Kind Regards

## ORDINARY COUNCIL MEETING MINUTES

18 DECEMBER 2025

**10.6.2 Debt Write off - Australian Taxation Office**

|                                  |                                                           |
|----------------------------------|-----------------------------------------------------------|
| Date of Report:                  | 1 December 2025                                           |
| Applicant or Proponent:          | Shire of Toodyay                                          |
| File Reference:                  | TAX5                                                      |
| Author:                          | A Hart – Executive Manager Finance and Corporate Services |
| Responsible Officer:             | A Hart – Executive Manager Finance and Corporate Services |
| Previously Before Council:       | Nil                                                       |
| Author's Disclosure of Interest: | Nil                                                       |
| Council's Role in the matter:    | Quasi-Judicial                                            |
| Attachments:                     | Nil                                                       |

**PURPOSE OF THE REPORT**

To write off monies owed to the Shire by the Australian Taxation Office (ATO).

**BACKGROUND**

As part of Councils standard end of year procedure, a reconciliation should have been completed to ensure that all monies owed to the Shire by the ATO in the form of GST credits have been claimed and if not lodge revised Business Activity Statements (BAS) to ensure those monies are claimed and received by the Shire.

**COMMENTS AND DETAILS**

An investigation has found that no reconciliation of GST has occurred, and records have found that a significant amount of funds are being held by the ATO that is owed to the Shire in the form of GST credits for purchases made by the Shire. The reconciliation showed that \$633,000 was owed to the Shire by the ATO dating back to 2020.

Under the ATO rules, the Shire is able to amend BAS returns dating back 4 years. Funds owing from before December 2021 cannot be claimed by the Shire and this equates to \$195,000.

It is noted that this should have been picked up by management when preparing the Annual Financial Statements each year, however there is no evidence that this has occurred and more importantly was not detected by the auditors in undertaking previous years audits and reporting this to Council in the management report.

This reconciliation was supplied to the auditors as part of the 2024/25 audit and the auditors have accepted the reconciliation as part of their audit testing. In addition, we have supplied to the auditors all BAS returns and amended BAS returns as evidence of claiming all previously unclaimed GST.

**ORDINARY COUNCIL MEETING MINUTES****18 DECEMBER 2025**

To ensure this does not happen again, as part of the Shire's end of financial year processes, a reconciliation of GST receivable and payable has been included. In addition, when preparing the current months BAS, a review of the previous months BAS will also be undertaken to ensure that all funds have been claimed.

In order to tidy this up, it is necessary to seek Councils approval to write off any GST that cannot be claimed from the ATO due to it being past the timeframe that amendments can be made to the BAS return. This amount is approximately \$195,000.

It is therefore recommended that the Committee recommend to Council to write-off up to \$195,000 in GST owing to the Shire from the Australian Taxation Office.

**IMPLICATIONS TO CONSIDER****Consultative:**

Office of Auditor General

Audit Risk and Improvement Committee

**Strategic:**

**Plan for the Future: Shire of Toodyay Council Plan 2023-2033**

**Outcome 9. Responsible and effective leadership and governance.**

9.2 Govern Shire finances, assets and operations responsibly.

**Policy related:**

Financial Governance

**Financial:**

Expenditure for this is not included in the 2025-26 Annual Budget, if Council approves the write-off of \$195,000 this will need to be included in the 2025-26 mid-year budget review for consideration.

**General Function:**

Nil

**Legal and Statutory:**

Section 6.12 (1) (c) of the *Local Government Act 1995* as amended, grants the power of Council to write off any amount of money\*

*\*Absolute Majority Required*

**Risk related:**

Without proper processes and suitably trained staff in place to continually monitor and undertake reconciliations of this type at least annually, the risk in the form of lost revenue is high for the Shire.

**Workforce related:**

Nil.



## ORDINARY COUNCIL MEETING MINUTES

18 DECEMBER 2025

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION

That Council, by absolute majority, write-off up to \$195,000 in GST owing to the Shire from the Australian Taxation Office from the period of June 2020 to December 2021.

**AUDIT, RISK AND IMPROVEMENT COMMITTEE RECOMMENDATION/COUNCIL RESOLUTION NO. OCM241/12/25****MOVED** Cr M Dival**SECONDED** Cr R Madacsi

That the CEO undertakes further detailed investigation and seeks external advice on this issue and provides a detailed report back to the ARIC meeting of 12 February 2026.

Voted For: Crs M McKeown, M Dival, R Madacsi, J Prater, R Mills and S Van der Heyden

Voted Against: Nil

**MOTION CARRIED 6/0**

### Investigation Into Findings Of

#### Business Activity Statement Reconciliation of 30 June 2025

During the 2024/2025 final audit, the auditors requested a copy of the BAS reconciliation for the year ending 30 June 2025 as the balance of GST receivable listed was considered material.

A full reconciliation was undertaken which revealed that the GST claimed back from the Australian Taxation Office did not agree to the general ledger transactions. This resulted in a review of all BAS returns against the system from June 2021 to June 2025.

Once the reconciliation was finalised, Shire staff tried to amend / adjust prior year BAS returns. Staff could not go back further than four years on the ATO website to amend previous BAS returns so initial contact was made asking that the earlier returns be made available (June 2021 to December 2021).

Shire staff were advised that BAS returns could only be amended as far back as four years and access was not given.

Shire staff contacted the ATO in writing and received the same advice via email.

Shire staff also contacted the WALGATAX Helpline (run by Moore Australia) who also advised that the time to claim could not extend beyond the four years.

The claiming period was December 2025 so GST credits totaling \$194,353 for June 2021-December 2021 could not be claimed.

During the investigation, there were several areas of concern that were identified:

- Poor implementation of Datascape;
- Lack of skills & knowledge of Datascape;
- System limitations in GST reporting;
- Unskilled staff;
- Lack of end of month reconciliations; and
- Lack of manual GST reconciliation.

The compounding error was only picked up by new staff once they obtained access to the ATO.

Lack of ATO access was another identified problem. We now have more than one staff member with access to the ATO to prevent delays in report lodgment.

Prior to this, there was an almost four-month delay in getting access.



**Creditor Payment Report - Warrant Listing**  
01 August 2026 to 31 August 2026

| Cheque Payments |            |                      |                  |                                   |                  |
|-----------------|------------|----------------------|------------------|-----------------------------------|------------------|
| Payment Number  | Date       | Inv / Cheque Number  | Creditor Name    | Invoice Description               | Inclusive Amount |
| CP.402          | 13/08/2026 | 2026.5-chq.13118     | Old Gaol Museum  | Gaol Honorariums - August 2026    | 500.00           |
| CP.402          | 13/08/2026 | PC 2026_04-chq.13119 | Shire of Toodyay | Petty Cash admin recoup           | 66.49            |
| CP.403          | 21/08/2026 | 2026.6-chq.13120     | Old Gaol Museum  | Gaol Honorariums - September 2026 | 400.00           |
| Cheque Total    |            |                      |                  |                                   | 966.49           |

| Electronic Funds Transfer Payments |           |                  |                                            |                                                                          |                  |
|------------------------------------|-----------|------------------|--------------------------------------------|--------------------------------------------------------------------------|------------------|
| Payment Number                     | Date      | Invoice No       | Creditor Name                              | Invoice Description                                                      | Inclusive Amount |
| CP.401                             | 6/08/2026 | INV-8530         | Cloud Collections Pty Ltd                  | Debt recovery costs 2025/26                                              | 1,351.63         |
| CP.401                             | 6/08/2026 | 230169           | Country Copiers                            | CRC copier meter reading 2026/2027                                       | 248.85           |
| CP.401                             | 6/08/2026 | INV-9252         | Creighan Holdings Pty Ltd                  | NCC Compliance Assessment & Issue of CDC & Building Permit               | 1,320.00         |
| CP.401                             | 6/08/2026 | INV-3764         | CSS Tech                                   | Shire Phone Message On Hold August 2026                                  | 154.00           |
| CP.401                             | 6/08/2026 | INV1819692       | Datacom Solutions (AU) Pty Ltd             | Datacom Pay Processing fee and direct access for 2026/2027               | 853.78           |
| CP.401                             | 6/08/2026 | 1013686          | Department of the Premier & Cabinet        | Advertising - Shire Parking and Parking Facilities Local Law             | 2,547.72         |
| CP.401                             | 6/08/2026 | 2026.29.08       | Fernview Environmental Pty Ltd             | Tipping Fees - July 2026                                                 | 1,779.36         |
| CP.401                             | 6/08/2026 | SIN001566712     | Gold Corporation                           | Citizenship Coins for September Ceremony                                 | 68.13            |
| CP.401                             | 6/08/2026 | 53378989         | Hays Specialist Recruitment (Aust) Pty Ltd | Staff hire - senior finance officer                                      | 2,892.01         |
| CP.401                             | 6/08/2026 | 30088923         | Hays Specialist Recruitment (Aust) Pty Ltd | temp to term - senior finance officer                                    | 22,422.40        |
| CP.401                             | 6/08/2026 | 43811            | Integrated ICT                             | Power BI Annual Licence                                                  | 24.26            |
| CP.401                             | 6/08/2026 | 39722            | Jtagz Pty Ltd                              | 2029 (3yr) dog and cat registration tags                                 | 388.58           |
| CP.401                             | 6/08/2026 | 78380459         | Landgate                                   | Valuations and Land Search FY 2026/2027                                  | 99.60            |
| CP.401                             | 6/08/2026 | 78393806         | Landgate                                   | Valuations and Land Search FY 2026/2027                                  | 68.05            |
| CP.401                             | 6/08/2026 | 1608092          | Landgate                                   | Land Search FY 2026/2027                                                 | 33.90            |
| CP.401                             | 6/08/2026 | INV-0271         | Mandy Wynne                                | Preparation of Financial Statements - June 2026/Budget                   | 4,458.08         |
| CP.401                             | 6/08/2026 | 153082           | Mcleods Barristers & Solicitors            | Legal advice                                                             | 404.37           |
| CP.401                             | 6/08/2026 | 153217           | Mcleods Barristers & Solicitors            | Legal advice regarding RSL Indenture Deed                                | 3,690.50         |
| CP.401                             | 6/08/2026 | 1967720          | Omnicom Media Group Australia Pty Ltd      | Advertising - Notice of Intention to Impose Differential Rates 2026/2027 | 798.44           |
| CP.401                             | 6/08/2026 | 1967721          | Omnicom Media Group Australia Pty Ltd      | Advertising - Cat Local Law 2026                                         | 930.35           |
| CP.401                             | 6/08/2026 | 1967722          | Omnicom Media Group Australia Pty Ltd      | Advertising - Dog Local Law 2026                                         | 903.99           |
| CP.401                             | 6/08/2026 | 1967723          | Omnicom Media Group Australia Pty Ltd      | Advertising - Fencing Local Law 2026                                     | 1,114.51         |
| CP.401                             | 6/08/2026 | 1967724          | Omnicom Media Group Australia Pty Ltd      | Advertising - Health Local Law 2026                                      | 1,238.20         |
| CP.401                             | 6/08/2026 | 1967725          | Omnicom Media Group Australia Pty Ltd      | Advertising - Local Government Property Local Law 2026                   | 1,139.26         |
| CP.401                             | 6/08/2026 | P744407          | Pentanet Limited                           | mntly NBN for Shire Office - August 2026                                 | 357.00           |
| CP.401                             | 6/08/2026 | STY5166          | PMSI Pty Ltd                               | Design and build Management Reporting System in Power BI                 | 1,761.65         |
| CP.401                             | 6/08/2026 | 40610            | Professional Pc Support Pty Ltd (X12)      | Ubiquity for the Museum                                                  | 618.20           |
| CP.401                             | 6/08/2026 | 651655 - 07.2026 | Public Transport Authority Of Wa           | TransWA ticket sales for July 2026                                       | 60.00            |
| CP.401                             | 6/08/2026 | INV-4543         | Rawtec Pty Ltd                             | AMP-UP - Facilities and Resource Recovery Plan - claim 2                 | 19,792.41        |
| CP.401                             | 6/08/2026 | 4062858          | Sonic Healthplus Pty Ltd                   | pre-employment health assessment                                         | 277.20           |
| CP.401                             | 6/08/2026 | INVOICE0257      | Toodyay Agricultural Society Inc           | 2026 Prize Donation - sponsorship agreement                              | 500.00           |
| CP.401                             | 6/08/2026 | MF20260726       | Toodyay Event Planning Inc                 | Community Funding for Moondyne Festival 2026                             | 15,000.00        |
| CP.401                             | 6/08/2026 | 3582             | Wajon Publishing                           | VC Book Stock                                                            | 214.00           |
| CP.401                             | 6/08/2026 | IN-230030        | Wheatbelt Office & Business Machines       | lease for Library photocopier 2026/2027                                  | 117.59           |
| CP.401                             | 6/08/2026 | 230153           | Wheatbelt Office & Business Machines       | copy cost Jul 2026 - Library                                             | 389.15           |
| CP.401                             | 6/08/2026 | 9050992364       | Winc Australia P/L                         | Stationery / Office supplies                                             | 345.40           |

| Electronic Funds Transfer Payments |            |                  |                                                               |                                                                       |                  |
|------------------------------------|------------|------------------|---------------------------------------------------------------|-----------------------------------------------------------------------|------------------|
| Payment Number                     | Date       | Invoice No       | Creditor Name                                                 | Invoice Description                                                   | Inclusive Amount |
| CP.402                             | 13/08/2026 | 78117            | Avon Waste - Stondon Pty Ltd                                  | rubbish collection 13/7/26-24/7/26                                    | 20,397.61        |
| CP.402                             | 13/08/2026 | 78142            | Avon Waste - Stondon Pty Ltd                                  | Avon Waste Recycle Collection Calendars 2026- 2027                    | 1,683.00         |
| CP.402                             | 13/08/2026 | 8544             | Bitutek Pty Ltd                                               | Toodyay-Bindi Bindi Rd - Traffic Management                           | 5,603.40         |
| CP.402                             | 13/08/2026 | 7491             | Brightmark Group Pty Ltd                                      | Contract Cleaning Jul 2026                                            | 13,861.47        |
| CP.402                             | 13/08/2026 | 7493             | Brightmark Group Pty Ltd                                      | Contractor Cleaning - Servicing of Sanitary Disposal Units - Jul 2026 | 288.20           |
| CP.402                             | 13/08/2026 | 579              | Broderick Waste Solutions                                     | Management of Waste Transfer Station f/e 21/7/26                      | 6,050.00         |
| CP.402                             | 13/08/2026 | 585              | Broderick Waste Solutions                                     | Management of Waste Transfer Station f/e 04/08/26                     | 6,050.00         |
| CP.402                             | 13/08/2026 | 584              | Broderick Waste Solutions                                     | Waste cartage Toodyay Transfer Station to Northam - Jul 2026          | 9,115.92         |
| CP.402                             | 13/08/2026 | 2440_01193102    | Bunnings - Midland                                            | toilet stall locks                                                    | 159.52           |
| CP.402                             | 13/08/2026 | 2440_01193118    | Bunnings - Midland                                            | wheel barrow tyres                                                    | 189.02           |
| CP.402                             | 13/08/2026 | INV-00052771     | Carrington's (WA) Pty Ltd                                     | Traffic Management - Toodyay Bindi Bindi Rd - 06/07/26                | 996.82           |
| CP.402                             | 13/08/2026 | INV-00052836     | Carrington's (WA) Pty Ltd                                     | Toodyay-Bindi Bindi Rd - sign hire                                    | 1,057.54         |
| CP.402                             | 13/08/2026 | 484556           | Conplant Pty Ltd                                              | Windscreen replacement - T0026                                        | 641.30           |
| CP.402                             | 13/08/2026 | 105951           | Corsign (WA) Pty Ltd                                          | School crossing bollards                                              | 3,839.00         |
| CP.402                             | 13/08/2026 | INV-9290         | Creighan Holdings Pty Ltd                                     | NCC Compliance Assessment & Issue of CDC & Building Permit            | 3,465.00         |
| CP.402                             | 13/08/2026 | 10005682         | CSS Tech                                                      | Support for Ring Central Phone System                                 | 1,760.00         |
| CP.402                             | 13/08/2026 | 39598            | D&L Studio Pty Ltd                                            | Stationary / Office supplies                                          | 78.10            |
| CP.402                             | 13/08/2026 | INV-4933         | Danhire Pty Ltd                                               | Mulching Green Waste                                                  | 36,960.00        |
| CP.402                             | 13/08/2026 | 409              | Darren Charles Prater                                         | Tree removal - cemetery                                               | 1,980.00         |
| CP.402                             | 13/08/2026 | 410              | Darren Charles Prater                                         | Tree pruning - Waste Transfer Station                                 | 1,100.00         |
| CP.402                             | 13/08/2026 | 417              | Darren Charles Prater                                         | Tree pruning - Stirlingia Drive                                       | 1,760.00         |
| CP.402                             | 13/08/2026 | 222835           | Davric Australia Pty Ltd                                      | VC Stock - magnets                                                    | 445.50           |
| CP.402                             | 13/08/2026 | 01446500         | Dunning Investments Pty Ltd                                   | Distillate bulk                                                       | 13,022.99        |
| CP.402                             | 13/08/2026 | DISHIRTO 07.2026 | Dunning Investments Pty Ltd                                   | fuel/fuel cards Jul 2026                                              | 1,952.65         |
| CP.402                             | 13/08/2026 | 01449123         | Dunning Investments Pty Ltd                                   | Distillate bulk                                                       | 8,681.99         |
| CP.402                             | 13/08/2026 | 6379             | EAG Electrical Air-Conditioning & Gas                         | Heartlands Vet - Diagnose A/C issue                                   | 209.00           |
| CP.402                             | 13/08/2026 | 6387             | EAG Electrical Air-Conditioning & Gas                         | Waste Transfer Station - de-gas Fridges & A/C                         | 440.00           |
| CP.402                             | 13/08/2026 | SO319907         | Extreme Marquees Pty Ltd                                      | SES - LGGS - Storm Trailer Marquee                                    | 3,486.22         |
| CP.402                             | 13/08/2026 | 50613            | Farmarama Pty Ltd                                             | Depot - 8x 20L Round up & 2x Bags of Simazine                         | 2,016.74         |
| CP.402                             | 13/08/2026 | 2026.30.09       | Fernview Environmental Pty Ltd                                | Tipping fees - July 2026                                              | 2,591.82         |
| CP.402                             | 13/08/2026 | 2026.31.07       | Fernview Environmental Pty Ltd                                | Tipping fees - July 2026                                              | 1,960.20         |
| CP.402                             | 13/08/2026 | 21381705         | Fulton Hogan Industries Pty Ltd                               | Bulk Ez Street Pothole Repair                                         | 4,224.00         |
| CP.402                             | 13/08/2026 | 00040273         | GGD Contracting Pty Ltd                                       | Dozer hire                                                            | 6,336.00         |
| CP.402                             | 13/08/2026 | 53394521         | Hays Specialist Recruitment (Aust) Pty Ltd                    | Staff hire - senior finance officer                                   | 1,517.12         |
| CP.402                             | 13/08/2026 | 31062            | Hesperian Press                                               | VC Stock - Historical Books                                           | 525.60           |
| CP.402                             | 13/08/2026 | SINV-16294       | Industrial Automation Group                                   | Commercial standpipe - replaced meter                                 | 2,443.32         |
| CP.402                             | 13/08/2026 | 4934             | Information Proficiency                                       | Content Manager Annual Support Renewal - 12 months                    | 8,186.34         |
| CP.402                             | 13/08/2026 | INV-27392        | Interfire Agencies Pty Ltd                                    | LGGS - BFB - Firefighting foam                                        | 3,789.98         |
| CP.402                             | 13/08/2026 | INV-4283         | Leyland Engineering Services                                  | LGGS - BFB - Fire Truck Annual Service - Julimar T7861                | 2,326.00         |
| CP.402                             | 13/08/2026 | INV-4284         | Leyland Engineering Services                                  | LGGS - BFB - Fire Truck Annual Service - Morangup T7851               | 1,520.00         |
| CP.402                             | 13/08/2026 | INV-4285         | Leyland Engineering Services                                  | T0026 - Investigate air leak on diff lock circuit                     | 520.00           |
| CP.402                             | 13/08/2026 | INV-4289         | Leyland Engineering Services                                  | LGGS - BFB - Annual Service Fire Trucks T7852                         | 1,696.00         |
| CP.402                             | 13/08/2026 | INV-4290         | Leyland Engineering Services                                  | LGGS - BFB - Annual Service Fire Trucks Morangup 2.4 T7093            | 1,665.00         |
| CP.402                             | 13/08/2026 | INV-4292         | Leyland Engineering Services                                  | Essential service - T0000                                             | 325.00           |
| CP.402                             | 13/08/2026 | INV-4293         | Leyland Engineering Services                                  | LGGS - BFB - Annual Service Fire Trucks Coondle - T8035               | 2,330.00         |
| CP.402                             | 13/08/2026 | INV-4294         | Leyland Engineering Services                                  | LGGS - BFB - Annual Service Fire Trucks Toodyay Central - T7853       | 1,695.00         |
| CP.402                             | 13/08/2026 | 100-165931       | LGISWA                                                        | EAP for 32 employees and 7 Elected Members from Jul-Dec 2026          | 1,999.31         |
| CP.402                             | 13/08/2026 | 1332263          | Newground Facilities Management Pty Ltd                       | Weed Spraying - Hockey and Showgrounds Oval                           | 2,145.00         |
| CP.402                             | 13/08/2026 | 631234089        | Officeworks                                                   | Office equipment                                                      | 174.00           |
| CP.402                             | 13/08/2026 | APAU-000231091   | One Music Australia - Australasian Performing Right Assoc Ltd | Councils Music Rural Licence FY 2026-2027                             | 819.59           |
| CP.402                             | 13/08/2026 | INV-7256         | Toodyay Bakery & Cafe                                         | LGGS - BFB - Catering for DFES Courses                                | 405.00           |



| Electronic Funds Transfer Payments |            |             |                                                  |                                                                      |                  |
|------------------------------------|------------|-------------|--------------------------------------------------|----------------------------------------------------------------------|------------------|
| Payment Number                     | Date       | Invoice No  | Creditor Name                                    | Invoice Description                                                  | Inclusive Amount |
| CP.402                             | 13/08/2026 | 10765221    | Toodyay Hardware & Farm                          | Depot consumables Jul 2026                                           | 13.45            |
| CP.402                             | 13/08/2026 | 10765776    | Toodyay Hardware & Farm                          | Depot consumables Jul 2026                                           | 31.07            |
| CP.402                             | 13/08/2026 | 10766039    | Toodyay Hardware & Farm                          | Depot consumables Aug 2026                                           | 14.75            |
| CP.402                             | 13/08/2026 | 10766621    | Toodyay Hardware & Farm                          | Depot consumables Aug 2026                                           | 57.85            |
| CP.402                             | 13/08/2026 | 102002004   | Toodyay Traders                                  | Depot consumables Aug 2026                                           | 46.20            |
| CP.402                             | 13/08/2026 | INV-10705   | Toodyay Tyre & Exhaust                           | Radial repairs - T0001                                               | 40.00            |
| CP.402                             | 13/08/2026 | 22000077    | Uniforms @ Work                                  | staff workwear                                                       | 29.65            |
| CP.402                             | 13/08/2026 | 22000078    | Uniforms @ Work                                  | staff workwear                                                       | 153.65           |
| CP.402                             | 13/08/2026 | INV-3675    | Vapour Plumbing And Gas                          | Toodyay standpipe - diagnose flow issue                              | 220.00           |
| CP.402                             | 13/08/2026 | 7217        | WA Contract Ranger Services Pty Ltd              | Staff hire - ranger services                                         | 8,757.38         |
| CP.402                             | 13/08/2026 | 7222        | WA Contract Ranger Services Pty Ltd              | Staff hire - ranger services                                         | 12,490.50        |
| CP.402                             | 13/08/2026 | 7249        | WA Contract Ranger Services Pty Ltd              | Staff hire - ranger services                                         | 4,933.50         |
| CP.402                             | 13/08/2026 | 1422        | Wacwil Landscaping & Earthworks Pty Ltd          | Jubilee Street - drainage works                                      | 11,330.00        |
| CP.402                             | 13/08/2026 | 1432        | Wacwil Landscaping & Earthworks Pty Ltd          | Fernie Rd - drainage works                                           | 4,950.00         |
| CP.402                             | 13/08/2026 | 9050951616  | Winc Australia P/L                               | Stationary / Office Supplies                                         | 321.46           |
| CP.403                             | 21/08/2026 | 879196      | Able Sales Pty Ltd                               | LGGs - BFB - Generators Parts                                        | 115.00           |
| CP.403                             | 21/08/2026 | VC-July2026 | Alexandra Jean Hurley                            | VC Consignment - July 2026                                           | 23.00            |
| CP.403                             | 21/08/2026 | VC-July2026 | Alison Barbara Downie                            | VC Consignment - July 2026                                           | 10.78            |
| CP.403                             | 21/08/2026 | VC-July2026 | Anne Jeffreys                                    | VC Consignment - July 2026                                           | 21.00            |
| CP.403                             | 21/08/2026 | INV-2812    | Australia Day Council Of Wa                      | Membership subscription 2026/2027                                    | 836.00           |
| CP.403                             | 21/08/2026 | 1014884508  | Australia Post                                   | Postage Jul 2026                                                     | 402.16           |
| CP.403                             | 21/08/2026 | INV-8980    | Avon Valley Windscreens                          | T0024 - windscreen replacement                                       | 1,144.00         |
| CP.403                             | 21/08/2026 | 587         | Broderick Waste Solutions                        | Management of Waste Transfer Station f/e 18/8/26                     | 6,050.00         |
| CP.403                             | 21/08/2026 | 2018        | Cemeteries & Crematoria Association of WA        | Membership subscription 2026/2027                                    | 130.00           |
| CP.403                             | 21/08/2026 | VC-July2026 | Cindy May Harders                                | VC Consignment - July 2026                                           | 314.92           |
| CP.403                             | 21/08/2026 | INV-9338    | Creighan Holdings Pty Ltd                        | NCC Compliance Assessment & Issue of CDC & Building Permit           | 440.00           |
| CP.403                             | 21/08/2026 | INV-0167    | D.E.C Contracting Pty Ltd                        | Tree pruning - Salt Valley Road                                      | 33,168.37        |
| CP.403                             | 21/08/2026 | 1722        | Dcm Carpentry and Maintenance Pty Ltd            | Memorial Hall - roof repair                                          | 1,045.00         |
| CP.403                             | 21/08/2026 | 1739        | Dcm Carpentry and Maintenance Pty Ltd            | Morangup SES / BFB Building - roof repair                            | 1,716.00         |
| CP.403                             | 21/08/2026 | RI008335    | Department of Water and Environmental Regulation | Waste Transfer Station - annual licence 2025-2026 - late payment fee | 434.50           |
| CP.403                             | 21/08/2026 | 6412        | EAG Electrical Air-Conditioning & Gas            | Community shed - fix power issue / no Lights                         | 421.30           |
| CP.403                             | 21/08/2026 | 6413        | EAG Electrical Air-Conditioning & Gas            | Showgrounds oval - inspect light towers                              | 132.00           |
| CP.403                             | 21/08/2026 | 6414        | EAG Electrical Air-Conditioning & Gas            | Newcastle Gaol Museum - power point and network cabling works        | 1,270.00         |
| CP.403                             | 21/08/2026 | 78711       | Emerg Solutions Pty Ltd                          | LGGs - BFB - BART app licenses renewal 2026/2027                     | 3,472.00         |
| CP.403                             | 21/08/2026 | 2026.32.06  | Fernview Environmental Pty Ltd                   | Tipping fees - Aug 2026                                              | 2,255.88         |
| CP.403                             | 21/08/2026 | 2026.33.05  | Fernview Environmental Pty Ltd                   | Tipping fees - Aug 2026                                              | 3,014.88         |
| CP.403                             | 21/08/2026 | VC-July2026 | Fred & Liliana Rea Family Trust                  | VC Consignment - July 2026                                           | 42.50            |
| CP.403                             | 21/08/2026 | VC-July2026 | G & C Steytler                                   | VC Consignment - July 2026                                           | 42.00            |
| CP.403                             | 21/08/2026 | VC-July2026 | Glenoran Leather                                 | VC Consignment - July 2026                                           | 154.00           |
| CP.403                             | 21/08/2026 | 49745       | Herseys Safety Pty Ltd                           | T0023 - Beacons/UHF Radio                                            | 632.50           |
| CP.403                             | 21/08/2026 | 47671       | Herseys Safety Pty Ltd                           | PPE / Workshop / P&G Consumables                                     | 1,076.84         |
| CP.403                             | 21/08/2026 | VC-July2026 | Ian Gregory McGillivray                          | VC Consignment - July 2026                                           | 188.00           |
| CP.403                             | 21/08/2026 | VC-July2026 | Isobel Winifred Roberts                          | VC Consignment - July 2026                                           | 70.23            |
| CP.403                             | 21/08/2026 | VC-July2026 | Joanne Crowe                                     | VC Consignment - July 2026                                           | 101.60           |
| CP.403                             | 21/08/2026 | VC-July2026 | Jolanda Keeble                                   | VC Consignment - July 2026                                           | 135.00           |
| CP.403                             | 21/08/2026 | VC-July2026 | June Foote                                       | VC Consignment - July 2026                                           | 46.05            |
| CP.403                             | 21/08/2026 | ARIC 2026.6 | Kirsten Michelle Barrack                         | Audit, Risk & Improvement Committee - meeting allowance 13/8/26      | 404.95           |
| CP.403                             | 21/08/2026 | INV-4296    | Leyland Engineering Services                     | LGGs - BFB - Annual Service Fire Trucks Toodyay Central 4.4 T7854    | 2,230.00         |
| CP.403                             | 21/08/2026 | INV-4298    | Leyland Engineering Services                     | Essential service - T0015                                            | 469.00           |
| CP.403                             | 21/08/2026 | INV-4299    | Leyland Engineering Services                     | LGGs - BFB - Annual service fire trucks - Toodyay Central - T7855    | 2,200.00         |
| CP.403                             | 21/08/2026 | VC-July2026 | Lindsay Burke                                    | VC Consignment - July 2026                                           | 11.53            |

| Electronic Funds Transfer Payments |            |               |                                              |                                                                           |                  |
|------------------------------------|------------|---------------|----------------------------------------------|---------------------------------------------------------------------------|------------------|
| Payment Number                     | Date       | Invoice No    | Creditor Name                                | Invoice Description                                                       | Inclusive Amount |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Michelle Lorraine Ellery                     | VC Consignment - July 2026                                                | 100.50           |
| CP.403                             | 21/08/2026 | ARIC 2026.6   | Natalie Ursula Mills                         | Audit, Risk & Improvement Committee - meeting allowance 13/8/26           | 404.95           |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Natural Intentions Beauty Range - Gina Large | VC Consignment - July 2026                                                | 93.83            |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Nicola Cowie                                 | VC Consignment - July 2026                                                | 49.00            |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Oztology Pty Ltd                             | VC Consignment - July 2026                                                | 30.00            |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Patricia Rose                                | VC Consignment - July 2026                                                | 45.00            |
| CP.403                             | 21/08/2026 | 40714         | Professional PC Support Pty Ltd (XL2)        | Office IT equipment - laptops                                             | 11,884.40        |
| CP.403                             | 21/08/2026 | 40716         | Professional PC Support Pty Ltd (XL2)        | Office IT equipment - monitors                                            | 1,359.60         |
| CP.403                             | 21/08/2026 | 40783M        | Professional PC Support Pty Ltd (XL2)        | Agreement managed ICT support Sep 2026                                    | 12,374.05        |
| CP.403                             | 21/08/2026 | SI-02125996   | QPC Group                                    | Photocopier for Medical Centre                                            | 5,397.70         |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Quilts By Robyn                              | VC Consignment - July 2026                                                | 322.00           |
| CP.403                             | 21/08/2026 | 67436         | Redfish Technologies Pty Ltd                 | recording and AV system council chambers - support agreement FY 2026/2027 | 2,481.60         |
| CP.403                             | 21/08/2026 | 67442         | Redfish Technologies Pty Ltd                 | recording and AV system council chambers - additional speakers            | 6,405.58         |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Regan Woolcock                               | VC Consignment - July 2026                                                | 46.20            |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Southern Sharpening Services                 | VC Consignment - July 2026                                                | 38.50            |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Stable Hand Studio                           | VC Consignment - July 2026                                                | 45.00            |
| CP.403                             | 21/08/2026 | T-8426        | Station Motors (1974) Pty Ltd                | Isuzu MUX 25.5MY 4X4 LSU T000 incl trade-in                               | 5,885.00         |
| CP.403                             | 21/08/2026 | SIN-4341632   | Stewart & Heaton Clothing Co Pty Ltd         | LGGS - BFB - PPE/PPC                                                      | 5,467.47         |
| CP.403                             | 21/08/2026 | SIN-4343279   | Stewart & Heaton Clothing Co Pty Ltd         | LGGS - BFB - Personal Protective Clothing                                 | 323.64           |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Tammar Publications                          | VC Consignment - July 2026                                                | 133.90           |
| CP.403                             | 21/08/2026 | VC-Jul2026    | Tanya Michelle Stuart                        | VC Consignment - July 2026                                                | 32.64            |
| CP.403                             | 21/08/2026 | VC-Jul2026    | The Toodyay Historical Society Inc           | VC Consignment - July 2026                                                | 25.00            |
| CP.403                             | 21/08/2026 | 10766815      | Toodyay Hardware & Farm                      | Depot consumables Aug 2026                                                | 30.51            |
| CP.403                             | 21/08/2026 | 10766877      | Toodyay Hardware & Farm                      | Depot consumables Aug 2026                                                | 8.95             |
| CP.403                             | 21/08/2026 | 10766893      | Toodyay Hardware & Farm                      | Depot consumables Aug 2026                                                | 9.95             |
| CP.403                             | 21/08/2026 | 10767020      | Toodyay Hardware & Farm                      | Reflective numbers - rural street numbering signs                         | 319.50           |
| CP.403                             | 21/08/2026 | 30212         | Toodyay Herald                               | Advertising Aug 2026                                                      | 672.75           |
| CP.403                             | 21/08/2026 | 2026_07       | Toodyay IGA                                  | Purchases July 2026                                                       | 1,288.10         |
| CP.403                             | 21/08/2026 | 104006867     | Toodyay Traders                              | LGGS - BFB - truck equipment - Coondle 1.4 bold cutters                   | 76.75            |
| CP.403                             | 21/08/2026 | INV-10495     | Toodyay Tyre & Exhaust                       | battery                                                                   | 323.00           |
| CP.403                             | 21/08/2026 | INV21008      | Total Green Recycling                        | e-waste recycling Aug 2026                                                | 1,116.72         |
| CP.403                             | 21/08/2026 | INV-3732      | Vapour Plumbing And Gas                      | CRC - replace electric hot water system                                   | 1,430.00         |
| CP.403                             | 21/08/2026 | INV-3727      | Vapour Plumbing And Gas                      | Duidee Park - Unblocked Toilets                                           | 110.00           |
| CP.403                             | 21/08/2026 | INV-3735      | Vapour Plumbing And Gas                      | Pelham Reserve - unblocked urinal/toilets                                 | 236.50           |
| CP.403                             | 21/08/2026 | INV-1610      | Vision Investments Pty Ltd                   | Grader Hire - July 2026                                                   | 16,500.00        |
| CP.403                             | 21/08/2026 | 9051079065    | Winc Australia P/L                           | Stationary / office supplies                                              | 487.26           |
| CP.404                             | 26/08/2026 | 25568         | Avon Skip Bins                               | empty skip bin - Depot - Jul 2026                                         | 70.00            |
| CP.404                             | 26/08/2026 | 25569         | Avon Skip Bins                               | empty skip bins - Sports Oval - Jul 2026                                  | 140.00           |
| CP.404                             | 26/08/2026 | 329537        | BDO Trading Pty Ltd                          | Toodyay Medical Centre - waiting room chairs                              | 2,828.00         |
| CP.404                             | 26/08/2026 | 7601          | Brightmark Group Pty Ltd                     | Cleaning Contract - Consumables - Jul 2026                                | 3,424.64         |
| CP.404                             | 26/08/2026 | INV-9374      | Creighan Holdings Pty Ltd                    | NCC Compliance Assessment & Issue of CDC & Building Permit                | 2,970.00         |
| CP.404                             | 26/08/2026 | INV1825618    | Datacom Solutions (AU) Pty Ltd               | Datascape monthly SaaS fee Aug 2026                                       | 4,118.05         |
| CP.404                             | 26/08/2026 | 58910012722   | Deltown Pty Ltd                              | LGGS - BFB - TCL Top Mount Fridge                                         | 795.00           |
| CP.404                             | 26/08/2026 | 119           | Early Mist Cafe                              | Catering AMP-UP meeting 24/8/26                                           | 119.90           |
| CP.404                             | 26/08/2026 | 118           | Early Mist Cafe                              | Catering for Ascentive workshop - CRC 20/8/26                             | 191.84           |
| CP.404                             | 26/08/2026 | AU003-0371653 | JLL Public Sector Valuations Pty Ltd         | full property valuation reports for 7 potential disposals                 | 11,880.00        |
| CP.404                             | 26/08/2026 | INV-4305      | Leyland Engineering Services                 | LGGS - BFB - Annual Service Fire Truck Bejoording T6818                   | 3,300.00         |
| CP.404                             | 26/08/2026 | INV-4310      | Leyland Engineering Services                 | repairs T0002                                                             | 1,320.00         |
| CP.404                             | 26/08/2026 | INV-4311      | Leyland Engineering Services                 | Annual service FSV1 - T7168                                               | 505.00           |
| CP.404                             | 26/08/2026 | INV-4316      | Leyland Engineering Services                 | LGGS - BFB - Annual service fire trucks Julimar - T7124                   | 3,500.00         |
| CP.404                             | 26/08/2026 | 153400        | Mcleods Barristers & Solicitors              | Legal advice                                                              | 4,629.90         |

| Electronic Funds Transfer Payments |            |               |                                   |                                                            |                  |
|------------------------------------|------------|---------------|-----------------------------------|------------------------------------------------------------|------------------|
| Payment Number                     | Date       | Invoice No    | Creditor Name                     | Invoice Description                                        | Inclusive Amount |
| CP.404                             | 26/08/2026 | 463667        | Midland Tools Pty Ltd             | Depot - Diesel Pump Nozzle freight                         | 20.00            |
| CP.404                             | 26/08/2026 | 463667AA      | Midland Tools Pty Ltd             | Depot - Diesel Pump Nozzle                                 | 310.00           |
| CP.404                             | 26/08/2026 | 10078578      | North Metropolitan Tafe           | CRC traineeship - TAFE enrolment fees                      | 975.00           |
| CP.404                             | 26/08/2026 | 2026-014      | Northams Avon Descent Association | Bond refund - use of Cobbler Pool Reserve 2026             | 5,000.00         |
| CP.404                             | 26/08/2026 | 84865-1       | Offroad Trucks Australia Pty Ltd  | LGGS - BFB Julimar - batteries - diagnosis and replacement | 1,911.12         |
| CP.404                             | 26/08/2026 | INV-2492      | Playmaster Pty Ltd                | Duidegee Park - Playground Repairs                         | 1,903.00         |
| CP.404                             | 26/08/2026 | 00113135      | Professional Lockservice          | Rec Centre fobs / keys                                     | 206.80           |
| CP.404                             | 26/08/2026 | 02551803      | Shred-X Pty Ltd                   | paper shredding Jul 2026                                   | 515.77           |
| CP.404                             | 26/08/2026 | FAINV01439957 | St John Ambulance WA              | LGGS - BFB - first aid training                            | 180.00           |
| CP.404                             | 26/08/2026 | FAINV01439958 | St John Ambulance WA              | LGGS - BFB - first aid training                            | 180.00           |
| CP.404                             | 26/08/2026 | 96804527      | Swan Materials Pty Ltd            | Supply 108T - 7mm Aggregate                                | 1,991.68         |
| CP.404                             | 26/08/2026 | 0650-S587470  | Team Global Express Pty Ltd       | LGGS - BFS - PPC/PPE freight charges                       | 86.34            |
| CP.404                             | 26/08/2026 | 18691         | The Trustee for the KFarms Trust  | VC stock - seeds                                           | 213.00           |
| CP.404                             | 26/08/2026 | 10767730      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 39.00            |
| CP.404                             | 26/08/2026 | 10767741      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 7.75             |
| CP.404                             | 26/08/2026 | 10767795      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 1.45             |
| CP.404                             | 26/08/2026 | 10768189      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 10.55            |
| CP.404                             | 26/08/2026 | 10768194      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 20.20            |
| CP.404                             | 26/08/2026 | 10768312      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 28.45            |
| CP.404                             | 26/08/2026 | 10768315      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 7.80             |
| CP.404                             | 26/08/2026 | 10768400      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 18.35            |
| CP.404                             | 26/08/2026 | 10768422      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 67.70            |
| CP.404                             | 26/08/2026 | 10768439      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 15.55            |
| CP.404                             | 26/08/2026 | 10768438      | Toodyay Hardware & Farm           | Depot consumables Aug 2026                                 | 20.15            |
| CP.404                             | 26/08/2026 | INV-10772     | Toodyay Tyre & Exhaust            | replacement tyres - T0010                                  | 1,124.00         |
| CP.404                             | 26/08/2026 | INV21108      | Total Green Recycling             | e-waste recycling - 19/8/26                                | 1,289.24         |
| CP.404                             | 26/08/2026 | INV-1622      | Vision Investments Pty Ltd        | grader hire - 3/8/26-5/8/26                                | 2,475.00         |
| EFT Total                          |            |               |                                   |                                                            | 526,424.07       |

| Payroll        |            |            |               |                                       |                  |
|----------------|------------|------------|---------------|---------------------------------------|------------------|
| Payment Number | Date       | Invoice No | Creditor Name | Invoice Description                   | Inclusive Amount |
|                | 12/08/2026 |            | Payroll       | Payroll PPE 11/08/2026                | 129,247.66       |
|                | 13/08/2026 |            | Super Choice  | Payroll PPE 11/08/2026                | 26,717.60        |
|                | 18/08/2026 |            | Payroll       | Payroll PPE 18/08/2026-manual payment | 40,994.13        |
|                | 26/08/2026 |            | Payroll       | Payroll PPE 25/08/2026                | 127,249.74       |
|                | 27/08/2026 |            | Super Choice  | Payroll PPE 25/08/2026                | 31,114.66        |
| Payroll Total  |            |            |               |                                       | 355,323.79       |

| Direct Debit   |           |            |                        |                                                                   |                  |
|----------------|-----------|------------|------------------------|-------------------------------------------------------------------|------------------|
| Payment Number | Date      | Invoice No | Creditor Name          | Invoice Description                                               | Inclusive Amount |
|                | 1/08/2026 |            | BPAY                   | monthly biller fee                                                | 352.50           |
|                | 1/08/2026 |            | Bendigo Bank           | bank fees                                                         | 15.00            |
|                | 1/08/2026 |            | Bendigo Bank           | bank fees                                                         | 15.00            |
|                | 1/08/2026 |            | Bendigo Bank           | bank fees                                                         | 10.00            |
|                | 3/08/2026 |            | CBA                    | merchant fees                                                     | 20.50            |
|                | 3/08/2026 |            | Bendigo Bank           | bank fees                                                         | 3.50             |
|                | 4/08/2026 |            | QPC Group              | photocopier lease                                                 | 4,019.24         |
|                | 5/08/2026 |            | HPE Financial Services | photocopier lease                                                 | 1,116.84         |
|                | 6/08/2026 |            | Synergy                | Electricity usage Recreation Centre - 450458120 - 18/6/26-15/7/26 | 2,980.09         |
|                | 6/08/2026 |            | Bendigo Bank           | bank fees                                                         | 3.19             |

| Direct Debit       |            |            |                                               |                                                                       |                  |
|--------------------|------------|------------|-----------------------------------------------|-----------------------------------------------------------------------|------------------|
| Payment Number     | Date       | Invoice No | Creditor Name                                 | Invoice Description                                                   | Inclusive Amount |
|                    | 7/08/2026  |            | Tyro                                          | EFTPOS fees                                                           | 704.47           |
|                    | 11/08/2026 |            | QPC Group                                     | photocopier lease                                                     | 1,584.00         |
|                    | 11/08/2026 |            | Superloop                                     | nbn service at shire depot Aug 2026                                   | 97.00            |
|                    | 12/08/2026 |            | QPC Group                                     | freight charges toner                                                 | 33.00            |
|                    | 12/08/2026 |            | Bendigo Bank                                  | bank fees                                                             | 6.49             |
|                    | 13/08/2026 |            | Bendigo Bank                                  | bank fees                                                             | 4.62             |
|                    | 17/08/2026 |            | Old Gaol Museum                               | Gaol Honorarium - August 2026                                         | 500.00           |
|                    | 17/08/2026 |            | Petty Cash-recoup                             |                                                                       | 66.50            |
|                    | 17/08/2026 |            | Synergy                                       | Electricity 802970900 Group Account Jun-Jul 2026                      | 2,042.09         |
|                    | 17/08/2026 |            | Bpoint                                        | transaction fees                                                      | 33.07            |
|                    | 18/08/2026 |            | Bendigo Bank                                  | bank fees                                                             | 0.11             |
|                    | 19/08/2026 |            | QPC Group                                     | freight charges toner                                                 | 33.00            |
|                    | 19/08/2026 |            | QPC Group                                     | freight charges toner                                                 | 33.00            |
|                    | 21/08/2026 |            | Department of Transport                       | license renewal                                                       | 449.55           |
|                    | 21/08/2026 |            | Water Corporation                             | TRC - 9025407668 - Trade Waste Permit 63339 fee - 50 Burt Pwy, Nunile | 371.91           |
|                    | 21/08/2026 |            | Department of Transport                       | license renewal                                                       | 89.05            |
|                    | 21/08/2026 |            | Water Corporation                             | water charges pool Jul 2026                                           | 963.68           |
|                    | 21/08/2026 |            | Bendigo Bank                                  | bank fees                                                             | 6.27             |
|                    | 24/08/2026 |            | Old Gaol Museum                               | Gaol Honorarium - August 2026                                         | 400.00           |
|                    | 24/08/2026 |            | Telstra                                       | phone/internet charges Aug 2026 - 0293288400                          | 3,724.49         |
|                    | 26/08/2026 |            | Synergy                                       | Electricity usage street lights - 25/6/26-24/7/26                     | 5,064.00         |
|                    | 26/08/2026 |            | Bendigo Bank                                  | bank fees                                                             | 9.02             |
|                    | 28/08/2026 |            | Total Tools Midland                           | rejected payment-funds return                                         | -330.00          |
|                    | 31/08/2026 |            | Australian Communications and Media Authority | Apparatus licence mobile tower system 2026/2027                       | 118.00           |
|                    | 31/08/2026 |            | Paymate                                       | paymate subscription fee Aug 2026                                     | 88.00            |
|                    | 31/08/2026 |            | Total Tools Midland                           | re-submitted rejected payment                                         | 330.00           |
| Direct Debit Total |            |            |                                               |                                                                       | 24,957.18        |

| Credit Card    |            |            |                                               |                                            |                  |
|----------------|------------|------------|-----------------------------------------------|--------------------------------------------|------------------|
| Payment Number | Date       | Invoice No | Creditor Name                                 | Invoice Description                        | Inclusive Amount |
|                | 2/08/2026  |            | Credit Card - TCEO - A Hart - August 2026     | Officeworks-Office equipment               | 470.75           |
|                | 4/08/2026  |            |                                               | Investintech A2E P-Computer license        | 290.67           |
|                | 4/08/2026  |            |                                               | International Transaction Fee              | 8.72             |
|                | 5/08/2026  |            |                                               | Investintech A2E P-Computer license refund | -290.67          |
|                | 12/08/2026 |            |                                               | Officeworks-Office equipment               | 197.00           |
|                | 14/08/2026 |            |                                               | Bunnings-Office equipment                  | 330.94           |
|                | 14/08/2026 |            |                                               | Safety Culture-Subscription 2026/2027      | 31.90            |
|                | 16/08/2026 |            |                                               | Starlink-internet August 2026              | 192.50           |
|                | 26/08/2026 |            |                                               | Seek AU-Advertising                        | 676.50           |
|                | 30/08/2026 |            |                                               | Bendigo Bank-card fee                      | 4.00             |
|                | 5/08/2026  |            | Credit Card - EMFCS - C Delmage - August 2026 | SP UN Tech-Office equipment                | 316.00           |
|                | 9/08/2026  |            |                                               | Atlas-Fuel-T0                              | 137.08           |
|                | 12/08/2026 |            |                                               | Red dot-Office equipment                   | 34.99            |
|                | 18/08/2026 |            |                                               | Bunnings-Office equipment                  | 83.55            |
|                | 21/08/2026 |            |                                               | Officeworks-Office IT equipment            | 268.00           |
|                | 22/08/2026 |            |                                               | Officeworks-Office equipment               | 58.00            |
|                | 22/08/2026 |            |                                               | Kmart-Library prizes                       | 39.00            |
|                | 22/08/2026 |            |                                               | Officeworks-Library prizes                 | 436.50           |
|                | 27/08/2026 |            |                                               | The West-Newspaper advertising             | 413.50           |
|                | 30/08/2026 |            |                                               | Bendigo Bank-card fee                      | 4.00             |
|                | 2/08/2026  |            | Credit card - MIAS - M Burgess - August 2026  | Booking.com-staff training accommodation   | 410.00           |

| Credit Card    |            |            |                                              |                                     |                  |
|----------------|------------|------------|----------------------------------------------|-------------------------------------|------------------|
| Payment Number | Date       | Invoice No | Creditor Name                                | Invoice Description                 | Inclusive Amount |
|                | 30/08/2026 |            |                                              | Bendigo Bank-card fee               | 4.00             |
|                | 5/08/2026  |            | Credit Card - MPRS - P Nuttall - August 2026 | Coles-CRC STEM day supplies         | 120.35           |
|                | 5/08/2026  |            |                                              | Woolworths-CRC STEM day supplies    | 14.70            |
|                | 6/08/2026  |            |                                              | Reject shop-CRC STEM day supplies   | 9.00             |
|                | 7/08/2026  |            |                                              | Red dot-CRC STEM day supplies       | 95.85            |
|                | 7/08/2026  |            |                                              | Aldi-CRC STEM day supplies          | 33.84            |
|                | 11/08/2026 |            |                                              | Starlink-internet August 2026       | 85.00            |
|                | 30/08/2026 |            |                                              | Bendigo Bank-card fee               | 4.00             |
|                | 9/08/2026  |            | Credit Card - CESM - S Roberts - August 2026 | DWER-Waste Transfer Station license | 347.60           |
|                | 30/08/2026 |            |                                              | Bendigo Bank-card fee               | 4.00             |
|                | 30/08/2026 |            | Credit Card - CEO - A Bowman - August 2026   | Bendigo Bank-card fee               | 4.00             |
|                |            |            |                                              | Credit Card Total                   | 4,835.27         |
|                |            |            |                                              | Grand Total                         | 912,506.80       |



**SHIRE OF TOODYAY****MONTHLY FINANCIAL REPORT**

(Containing the required statement of financial activity and statement of financial position)

**For the period ended 31 August 2026**

*LOCAL GOVERNMENT ACT 1995*

*LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996*

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**SHIRE OF TOODYAY**  
**STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 AUGUST 2026**

|                                                              | Adopted<br>Budget<br>Estimates | YTD<br>Budget<br>Estimates | YTD<br>Actual      | Variance*<br>\$    | Variance*<br>%       | Var. |
|--------------------------------------------------------------|--------------------------------|----------------------------|--------------------|--------------------|----------------------|------|
| Note                                                         | (a)<br>\$                      | (b)<br>\$                  | (c)<br>\$          | (c) - (b)<br>\$    | ((c) - (b))/(b)<br>% |      |
| <b>OPERATING ACTIVITIES</b>                                  |                                |                            |                    |                    |                      |      |
| <b>Revenue from operating activities</b>                     |                                |                            |                    |                    |                      |      |
| General rates                                                | 8,656,035                      | 8,655,539                  | 8,655,539          | 0                  | 0.00%                |      |
| Grants, subsidies and contributions                          | 1,002,949                      | 167,158                    | 497,019            | 329,861            | 197.33%              | ▲    |
| Fees and charges                                             | 2,056,060                      | 342,677                    | 1,306,399          | 963,722            | 281.23%              | ▲    |
| Interest revenue                                             | 280,745                        | 46,791                     | 46,071             | (720)              | (1.54%)              |      |
| Other revenue                                                | 341,143                        | 56,857                     | 56,250             | (607)              | (1.07%)              |      |
| Profit on asset disposals                                    | 8,168                          | 1,361                      | 0                  | (1,361)            | (100.00%)            |      |
|                                                              | <b>12,345,100</b>              | <b>9,270,383</b>           | <b>10,561,278</b>  | <b>1,290,895</b>   | <b>13.92%</b>        |      |
| <b>Expenditure from operating activities</b>                 |                                |                            |                    |                    |                      |      |
| Employee costs                                               | (5,319,829)                    | (886,638)                  | (877,406)          | 9,232              | 1.04%                |      |
| Materials and contracts                                      | (5,681,441)                    | (946,907)                  | (803,441)          | 143,466            | 15.15%               | ▲    |
| Utility charges                                              | (562,249)                      | (93,708)                   | (20,316)           | 73,392             | 78.32%               | ▲    |
| Depreciation                                                 | (3,254,356)                    | (542,393)                  | (260,675)          | 281,718            | 51.94%               | ▲    |
| Finance costs                                                | (115,480)                      | (19,247)                   | 0                  | 19,247             | 100.00%              | ▲    |
| Insurance                                                    | (443,700)                      | (73,950)                   | (231,698)          | (157,748)          | (213.32%)            | ▼    |
| Other expenditure                                            | (384,153)                      | (64,026)                   | (69,835)           | (5,809)            | (9.07%)              |      |
| Loss on asset disposals                                      | (243,814)                      | (40,636)                   | 0                  | 40,636             | 100.00%              | ▲    |
|                                                              | <b>(16,005,022)</b>            | <b>(2,667,505)</b>         | <b>(2,263,371)</b> | <b>404,134</b>     | <b>15.15%</b>        |      |
| Non cash amounts excluded from operating activities          | 2(c) 3,490,002                 | 299,950                    | 236,574            | (63,376)           | (21.13%)             | ▼    |
| <b>Amount attributable to operating activities</b>           | <b>(169,920)</b>               | <b>6,902,828</b>           | <b>8,534,481</b>   | <b>1,631,653</b>   | <b>23.64%</b>        |      |
| <b>INVESTING ACTIVITIES</b>                                  |                                |                            |                    |                    |                      |      |
| <b>Inflows from investing activities</b>                     |                                |                            |                    |                    |                      |      |
| Proceeds from capital grants, subsidies and contributions    | 5,063,149                      | 843,858                    | 269,373            | (574,485)          | (68.08%)             | ▼    |
| Proceeds from disposal of assets                             | 1,431,000                      | 1,192,500                  | 34,545             | (1,157,955)        | (97.10%)             | ▼    |
|                                                              | <b>6,494,149</b>               | <b>2,036,358</b>           | <b>303,918</b>     | <b>(1,732,440)</b> | <b>(85.08%)</b>      |      |
| <b>Outflows from investing activities</b>                    |                                |                            |                    |                    |                      |      |
| Acquisition of property, plant and equipment                 | (4,668,644)                    | (3,890,537)                | (83,037)           | 3,807,500          | 97.87%               | ▲    |
| Acquisition of infrastructure                                | (4,138,172)                    | (3,448,477)                | (180,538)          | 3,267,939          | 94.76%               | ▲    |
|                                                              | <b>(8,806,816)</b>             | <b>(7,339,013)</b>         | <b>(263,575)</b>   | <b>7,075,438</b>   | <b>96.41%</b>        |      |
| <b>Amount attributable to investing activities</b>           | <b>(2,312,667)</b>             | <b>(5,302,655)</b>         | <b>40,343</b>      | <b>5,342,998</b>   | <b>100.76%</b>       |      |
| <b>FINANCING ACTIVITIES</b>                                  |                                |                            |                    |                    |                      |      |
| <b>Inflows from financing activities</b>                     |                                |                            |                    |                    |                      |      |
| Transfer from reserves                                       | 1,836,700                      | 0                          | 0                  | 0                  | 0.00%                |      |
|                                                              | <b>1,836,700</b>               | <b>0</b>                   | <b>0</b>           | <b>0</b>           | <b>0.00%</b>         |      |
| <b>Outflows from financing activities</b>                    |                                |                            |                    |                    |                      |      |
| Repayment of borrowings                                      | (304,822)                      | 0                          | 0                  | 0                  | 0.00%                |      |
| Transfer to reserves                                         | (1,939,000)                    | (15,067)                   | (15,067)           | 0                  | 0.00%                |      |
|                                                              | <b>(2,243,822)</b>             | <b>(15,067)</b>            | <b>(15,067)</b>    | <b>0</b>           | <b>0.00%</b>         |      |
| <b>Amount attributable to financing activities</b>           | <b>(407,122)</b>               | <b>(15,067)</b>            | <b>(15,067)</b>    | <b>0</b>           | <b>0.00%</b>         |      |
| <b>MOVEMENT IN SURPLUS OR DEFICIT</b>                        |                                |                            |                    |                    |                      |      |
| <b>Surplus or deficit at the start of the financial year</b> | 2(a) 2,889,709                 | 2,889,709                  | 3,974,206          | 1,084,497          | 37.53%               | ▲    |
| Amount attributable to operating activities                  | 1,097,120                      | 6,902,828                  | 8,534,481          | 1,631,653          | 23.64%               | ▲    |
| Amount attributable to investing activities                  | (3,013,807)                    | (5,302,655)                | 40,343             | 5,342,998          | 100.76%              | ▲    |
| Amount attributable to financing activities                  | (343,085)                      | (15,067)                   | (15,067)           | 0                  | 0.00%                |      |
| <b>Surplus or deficit after imposition of general rates</b>  | <b>0</b>                       | <b>4,474,815</b>           | <b>12,533,963</b>  | <b>8,059,148</b>   | <b>180.10%</b>       | ▲    |

**KEY INFORMATION**

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

▲ Indicates a variance with a positive impact on the financial position.

▼ Indicates a variance with a negative impact on the financial position.

Refer to Note 3 for an explanation of the reasons for the variance.

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

**SHIRE OF TOODYAY  
STATEMENT OF FINANCIAL POSITION  
FOR THE PERIOD ENDED 31 AUGUST 2026**

|                                         | Actual<br>30 June 2026<br>\$ | Actual as at<br>31 August 2026<br>\$ |
|-----------------------------------------|------------------------------|--------------------------------------|
| <b>CURRENT ASSETS</b>                   |                              |                                      |
| Cash and cash equivalents               | 8,841,197                    | 8,663,823                            |
| Trade and other receivables             | 2,007,045                    | 11,203,354                           |
| Inventories                             | 195,979                      | 196,287                              |
| Other assets                            | 590,501                      | 590,675                              |
| <b>TOTAL CURRENT ASSETS</b>             | <b>11,634,722</b>            | <b>20,654,139</b>                    |
| <b>NON-CURRENT ASSETS</b>               |                              |                                      |
| Trade and other receivables             | 359,941                      | 359,941                              |
| Other financial assets                  | 116,383                      | 116,383                              |
| Property, plant and equipment           | 36,074,730                   | 36,109,045                           |
| Infrastructure                          | 153,383,042                  | 153,351,625                          |
| Right-of-use assets                     | 74                           | 74                                   |
| <b>TOTAL NON-CURRENT ASSETS</b>         | <b>189,934,170</b>           | <b>189,937,068</b>                   |
| <b>TOTAL ASSETS</b>                     | <b>201,568,892</b>           | <b>210,591,207</b>                   |
| <b>CURRENT LIABILITIES</b>              |                              |                                      |
| Trade and other payables                | 936,095                      | 1,332,695                            |
| Capital grant/contributions liabilities | 1,803,313                    | 1,803,314                            |
| Other liabilities                       | 1,519,024                    | 1,549,128                            |
| Borrowings                              | 609,642                      | 609,642                              |
| Employee related provisions             | 227,223                      | 221,010                              |
| <b>TOTAL CURRENT LIABILITIES</b>        | <b>5,095,297</b>             | <b>5,515,789</b>                     |
| <b>NON-CURRENT LIABILITIES</b>          |                              |                                      |
| Borrowings                              | 3,751,506                    | 3,751,506                            |
| Employee related provisions             | 24,875                       | 24,875                               |
| <b>TOTAL NON-CURRENT LIABILITIES</b>    | <b>3,776,381</b>             | <b>3,776,381</b>                     |
| <b>TOTAL LIABILITIES</b>                | <b>8,871,678</b>             | <b>9,292,170</b>                     |
| <b>NET ASSETS</b>                       | <b>192,697,214</b>           | <b>201,299,037</b>                   |
| <b>EQUITY</b>                           |                              |                                      |
| Retained surplus                        | 70,266,026                   | 78,852,782                           |
| Reserve accounts                        | 3,419,972                    | 3,435,039                            |
| Revaluation surplus                     | 119,011,216                  | 119,011,216                          |
| <b>TOTAL EQUITY</b>                     | <b>192,697,214</b>           | <b>201,299,037</b>                   |

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

**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 AUGUST 2026**

**1 BASIS OF PREPARATION AND MATERIAL ACCOUNTING POLICIES**

**BASIS OF PREPARATION**

This prescribed financial report has been prepared in accordance with the *Local Government Act 1995* and accompanying regulations.

**Local Government Act 1995 requirements**

Section 6.4(2) of the *Local Government Act 1995* read with the *Local Government (Financial Management) Regulations 1996*, prescribe that the financial report be prepared in accordance with the *Local Government Act 1995* and, to the extent that they are not inconsistent with the Act, the Australian Accounting Standards. The Australian Accounting Standards (as they apply to local governments and not-for-profit entities) and Interpretations of the Australian Accounting Standards Board were applied where no inconsistencies exist.

The *Local Government (Financial Management) Regulations 1996* specify that vested land is a right-of-use asset to be measured at cost, and is considered a zero cost concessionary lease. All right-of-use assets under zero cost concessionary leases are measured at zero cost rather than at fair value, except for vested improvements on concessionary land leases such as roads, buildings or other infrastructure which continue to be reported at fair value, as opposed to the vested land which is measured at zero cost. The measurement of vested improvements at fair value is a departure from AASB 16 which would have required the Shire to measure any vested improvements at zero cost.

*Local Government (Financial Management) Regulations 1996*, regulation 34 prescribes contents of the financial report. Supplementary information does not form part of the financial report.

Accounting policies which have been adopted in the preparation of this financial report have been consistently applied unless stated otherwise. Except for cash flow and rate setting information, the financial report has been prepared on the accrual basis and is based on historical costs, modified, where applicable, by the measurement at fair value of selected non-current assets, financial assets and liabilities.

**PREPARATION TIMING AND REVIEW**

Date prepared: All known transactions up to 10 September 2026

**THE LOCAL GOVERNMENT REPORTING ENTITY**

All funds through which the Shire controls resources to carry on its functions have been included in the financial statements forming part of this financial report.

All monies held in the Trust Fund are excluded from the financial statements.

**MATERIAL ACCOUNTING POLICES**

Material accounting policies utilised in the preparation of these statements are as described within the 2024-25 Annual Budget. Please refer to the adopted budget document for details of these policies.

**Critical accounting estimates and judgements**

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and assumptions that effect the application of policies and reported amounts of assets and liabilities, income and expenses.

The estimates and associated assumptions are based on historical experience and various other factors believed to be reasonable under the circumstances; the results of which form the basis of making the judgements about carrying values of assets and liabilities that are not readily apparent from other sources. Actual results may differ from these estimates.

As with all estimates, the use of different assumptions could lead to material changes in the amounts reported in the financial report.

The following are estimates and assumptions that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year and further information on their nature and impact can be found in the relevant note:

- Fair value measurement of assets carried at reportable value including:
  - Property, plant and equipment
  - Infrastructure
- Impairment losses of non-financial assets
- Expected credit losses on financial assets
- Assets held for sale
- Investment property
- Estimated useful life of intangible assets
- Measurement of employee benefits
- Measurement of provisions
- Estimation uncertainties and judgements made in relation to lease accounting

SHIRE OF TOODYAY  
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY  
FOR THE PERIOD ENDED 31 AUGUST 2026

2 NET CURRENT ASSETS INFORMATION

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

|                                               | Adopted<br>Budget<br>Opening<br>1 July 2026 | Actual<br>as at<br>30 June 2026 | Actual<br>as at<br>31 August 2026 |
|-----------------------------------------------|---------------------------------------------|---------------------------------|-----------------------------------|
| Note                                          | \$                                          | \$                              | \$                                |
| <b>Current assets</b>                         |                                             |                                 |                                   |
| Cash and cash equivalents                     | 8,099,717                                   | 8,841,197                       | 8,663,823                         |
| Trade and other receivables                   | 2,696,072                                   | 2,007,045                       | 11,203,354                        |
| Inventories                                   | 204,753                                     | 195,979                         | 196,287                           |
| Other assets                                  | 0                                           | 590,501                         | 590,675                           |
|                                               | 11,000,542                                  | 11,634,722                      | 20,654,139                        |
| <b>Less: current liabilities</b>              |                                             |                                 |                                   |
| Trade and other payables                      | (4,527,847)                                 | (936,095)                       | (1,332,695)                       |
| Other liabilities                             | 0                                           | (3,322,337)                     | (3,352,442)                       |
| Borrowings                                    | (148,997)                                   | (609,642)                       | (609,642)                         |
| Employee related provisions                   | 63,011                                      | (227,223)                       | (221,010)                         |
|                                               | (4,613,833)                                 | (5,095,297)                     | (5,515,789)                       |
| Net current assets                            | 6,386,709                                   | 6,539,425                       | 15,138,350                        |
| Less: Total adjustments to net current assets | 2(b) (3,497,000)                            | (2,565,219)                     | (2,604,387)                       |
| <b>Closing funding surplus / (deficit)</b>    | <b>2,889,709</b>                            | <b>3,974,206</b>                | <b>12,533,963</b>                 |

(b) Current assets and liabilities excluded from budgeted deficiency

|                                                                            |                         |                    |                    |
|----------------------------------------------------------------------------|-------------------------|--------------------|--------------------|
| <b>Adjustments to net current assets</b>                                   |                         |                    |                    |
| Less: Reserve accounts                                                     | (3,600,161)             | (3,419,972)        | (3,435,039)        |
| Less: Current assets not expected to be received at end of year            |                         |                    |                    |
| - Other liabilities                                                        | 17,175                  | 0                  |                    |
| Add: Current liabilities not expected to be cleared at the end of the year |                         |                    |                    |
| - Current portion of borrowings                                            | 148,997                 | 609,642            | 609,642            |
| - Current portion of employee benefit provisions held in reserve           | (63,011)                | 245,111            | 221,010            |
| <b>Total adjustments to net current assets</b>                             | <b>2(a) (3,497,000)</b> | <b>(2,565,219)</b> | <b>(2,604,387)</b> |

(c) Non-cash amounts excluded from operating activities

|                                                                  | Adopted<br>Budget<br>Estimates<br>30 June 2027 | YTD<br>Budget<br>Estimates<br>31 August 2026 | YTD<br>Actual<br>31 August 2026 |
|------------------------------------------------------------------|------------------------------------------------|----------------------------------------------|---------------------------------|
|                                                                  | \$                                             | \$                                           | \$                              |
| <b>Adjustments to operating activities</b>                       |                                                |                                              |                                 |
| Less: Profit on asset disposals                                  | (8,168)                                        | (1,361)                                      | 0                               |
| Less: Movement in liabilities associated with restricted cash    | 0                                              | 0                                            | (24,101)                        |
| Add: Loss on asset disposals                                     | 243,814                                        | 40,636                                       | 0                               |
| Add: Depreciation on fixed assets                                | 3,254,356                                      | 260,675                                      | 260,675                         |
| <b>Total non-cash amounts excluded from operating activities</b> | <b>3,490,002</b>                               | <b>299,950</b>                               | <b>236,574</b>                  |

CURRENT AND NON-CURRENT CLASSIFICATION

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



**SHIRE OF TOODYAY**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 31 AUGUST 2026**

**3 EXPLANATION OF MATERIAL VARIANCES**

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date actual materially.  
The material variance adopted by Council for the 2026-27 year is \$10,000 and 10.00% whichever is the greater.

| Description                                                                                                                                                         | Var. \$     | Var. %    |   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------|---|
|                                                                                                                                                                     | \$          | %         |   |
| <b>Revenue from operating activities</b>                                                                                                                            |             |           |   |
| <b>Grants, subsidies and contributions</b>                                                                                                                          | 329,861     | 197.33%   | ▲ |
| Increase in Financial Assistance Grant & receipt of LRCIP Phase 3 FY23 & FY24                                                                                       |             |           |   |
| <b>Fees and charges</b>                                                                                                                                             | 963,722     | 281.23%   | ▲ |
| Budget spread creating timing difference. Wastes Services included in raising of rates.                                                                             |             |           |   |
| <b>Expenditure from operating activities</b>                                                                                                                        |             |           |   |
| <b>Materials and contracts</b>                                                                                                                                      | 143,466     | 15.15%    | ▲ |
| Underspend due to timing of project commencement & waiting on budget adoption.                                                                                      |             |           |   |
| <b>Utility charges</b>                                                                                                                                              | 73,392      | 78.32%    | ▲ |
| Water charges for swimming pool & standpipes currently under budget due to timing.                                                                                  |             |           |   |
| <b>Insurance</b>                                                                                                                                                    | (157,748)   | (213.32%) | ▼ |
| Budget spread creating timing difference. Bulk insurance payments August & November                                                                                 |             |           |   |
| <b>Loss on asset disposals</b>                                                                                                                                      | 40,636      | 100.00%   | ▲ |
| Timing - disposed asset has not been processed in the accounts at the end of August due to prior year work fixed asset register requiring completion.               |             |           |   |
| <b>Inflows from investing activities</b>                                                                                                                            |             |           |   |
| <b>Proceeds from capital grants, subsidies and contributions</b>                                                                                                    | (574,485)   | (68.08%)  | ▼ |
| Recognition of grants, subsidies and contributions depends on the obligations of the revenue and if applicable the timing of the related expenditure.               |             |           |   |
| <b>Proceeds from disposal of assets</b>                                                                                                                             | (1,157,955) | (97.10%)  | ▼ |
| Timing of disposal of assets not always be consistent with year to date budget estimate.                                                                            |             |           |   |
| <b>Acquisition of property, plant and equipment</b>                                                                                                                 | 3,807,500   | 97.87%    | ▲ |
| Timing - budgeted projects do not commence until annual budget is adopted & funding secured.                                                                        |             |           |   |
| <b>Acquisition of infrastructure</b>                                                                                                                                | 3,267,939   | 94.76%    | ▲ |
| Timing - budgeted projects do not commence until annual budget is adopted & funding secured. Majority road construction projects commence during the dryer /months. |             |           |   |
| <b>Surplus or deficit at the start of the financial year</b>                                                                                                        | 1,084,497   | 37.53%    | ▲ |
| Surplus was estimated at the time of compiling the budget and will be reviewed in the annual budget review.                                                         |             |           |   |
| <b>Surplus or deficit after imposition of general rates</b>                                                                                                         | 8,059,148   | 180.10%   | ▲ |
| Opening surplus not yet audited so the opening and closing balance may change.                                                                                      |             |           |   |

**SHIRE OF TOODYAY**  
**SUPPLEMENTARY INFORMATION**

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| 4 | Key information - graphical | 5 |

**BASIS OF PREPARATION - SUPPLEMENTARY INFORMATION**

Supplementary information is presented for information purposes. The information does not comply with the disclosure requirements of the Australian Accounting Standards.

SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

1 KEY INFORMATION

Funding Surplus or Deficit Components

| Funding surplus / (deficit) |                |                |                |                 |
|-----------------------------|----------------|----------------|----------------|-----------------|
|                             | Adopted Budget | YTD Budget (a) | YTD Actual (b) | Var. \$ (b)-(a) |
| Opening                     | \$2.89 M       | \$2.89 M       | \$3.97 M       | \$1.08 M        |
| Closing                     | \$0.00 M       | \$4.47 M       | \$12.53 M      | \$8.06 M        |

Refer to Statement of Financial Activity

| Cash and cash equivalents |          |            |
|---------------------------|----------|------------|
|                           | \$       | % of total |
| Unrestricted Cash         | \$8.56 M |            |
| Restricted Cash           | \$5.12 M | 59.9%      |
|                           | \$3.44 M | 40.1%      |

Refer to 3 - Cash and Financial Assets

| Payables       |               |
|----------------|---------------|
|                | % Outstanding |
| Trade Payables | \$1.29 M      |
| 0 to 30 Days   | \$0.52 M      |
| Over 30 Days   | 100.0%        |
| Over 90 Days   | 0.0%          |

Refer to 9 - Payables

| Receivables      |               |
|------------------|---------------|
|                  | % Collected   |
| Rates Receivable | \$1.33 M      |
| Trade Receivable | \$9.88 M      |
| Over 30 Days     | (1.9%)        |
| Over 90 Days     | % Outstanding |
|                  | 77.5%         |
|                  | 9.7%          |

Refer to 7 - Receivables

Key Operating Activities

| Amount attributable to operating activities |                |                |                 |
|---------------------------------------------|----------------|----------------|-----------------|
| Adopted Budget                              | YTD Budget (a) | YTD Actual (b) | Var. \$ (b)-(a) |
| (\$0.17 M)                                  | \$6.90 M       | \$8.53 M       | \$1.63 M        |

Refer to Statement of Financial Activity

| Rates Revenue |          |            |
|---------------|----------|------------|
| YTD Actual    | \$       | % Variance |
| YTD Budget    | \$8.66 M | 0.0%       |

| Grants and Contributions |          |            |
|--------------------------|----------|------------|
| YTD Actual               | \$       | % Variance |
| YTD Budget               | \$0.50 M | 494.7%     |
|                          | \$0.08 M |            |

Refer to 13 - Grants and Contributions

| Fees and Charges |          |            |
|------------------|----------|------------|
| YTD Actual       | \$       | % Variance |
| YTD Budget       | \$1.31 M | 281.2%     |
|                  | \$0.34 M |            |

Refer to Statement of Financial Activity

Key Investing Activities

| Amount attributable to investing activities |                |                |                 |
|---------------------------------------------|----------------|----------------|-----------------|
| Adopted Budget                              | YTD Budget (a) | YTD Actual (b) | Var. \$ (b)-(a) |
| (\$2.31 M)                                  | (\$5.30 M)     | \$0.04 M       | \$5.34 M        |

Refer to Statement of Financial Activity

| Proceeds on sale |          |         |
|------------------|----------|---------|
| YTD Actual       | \$       | %       |
| Adopted Budget   | \$0.03 M |         |
|                  | \$1.43 M | (97.6%) |

Refer to 6 - Disposal of Assets

| Asset Acquisition |          |         |
|-------------------|----------|---------|
| YTD Actual        | \$       | % Spent |
| Adopted Budget    | \$0.18 M |         |
|                   | \$4.14 M | (95.6%) |

Refer to 5 - Capital Acquisitions

| Capital Grants |          |            |
|----------------|----------|------------|
| YTD Actual     | \$       | % Received |
| Adopted Budget | \$0.27 M |            |
|                | \$5.06 M | (94.7%)    |

Refer to 5 - Capital Acquisitions

Key Financing Activities

| Amount attributable to financing activities |                |                |                 |
|---------------------------------------------|----------------|----------------|-----------------|
| Adopted Budget                              | YTD Budget (a) | YTD Actual (b) | Var. \$ (b)-(a) |
| (\$0.41 M)                                  | (\$0.02 M)     | (\$0.02 M)     | \$0.00 M        |

Refer to Statement of Financial Activity

| Borrowings           |          |
|----------------------|----------|
| Principal repayments | \$0.00 M |
| Interest expense     | \$0.00 M |
| Principal due        | \$4.36 M |

Refer to 10 - Borrowings

| Reserves         |          |
|------------------|----------|
| Reserves balance | \$3.44 M |
| Net Movement     | \$0.00 M |

Refer to 4 - Cash Reserves

| Lease Liability      |          |
|----------------------|----------|
| Principal repayments | \$0.00 M |
| Interest expense     | \$0.00 M |
| Principal due        | \$0.00 M |

Refer to Note 11 - Lease Liabilities

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

SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

2 KEY INFORMATION - GRAPHICAL



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

**SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026**

**3 CASH AND FINANCIAL ASSETS AT AMORTISED COST**

| Description                                          | Classification            | Unrestricted     | Reserve Accounts | Total            | Trust    |
|------------------------------------------------------|---------------------------|------------------|------------------|------------------|----------|
|                                                      |                           | \$               | \$               | \$               | \$       |
| Bank Account - Toodyay Shire Council - 110482809     | Cash and cash equivalents | 3,596,956        |                  | 3,596,956        |          |
| Terminal Control                                     | Cash and cash equivalents | (1,710)          |                  | (1,710)          |          |
| Cash on hand                                         | Cash and cash equivalents | 3,150            |                  | 3,150            |          |
| EFTPOS Clearing                                      | Cash and cash equivalents | 194,812          |                  | 194,812          |          |
| BPay Receipts                                        | Cash and cash equivalents | 30,851           |                  | 30,851           |          |
| BPOINT Receipts                                      | Cash and cash equivalents | 56,380           |                  | 56,380           |          |
| Terminal Control Visitor Centre                      | Cash and cash equivalents | (782)            |                  | (782)            |          |
| EFTPOS Clearing Visitor Centre                       | Cash and cash equivalents | 13,543           |                  | 13,543           |          |
| Bank Account - Toodyay Shire Council - At Call Accou | Cash and cash equivalents | 28,452           |                  | 28,452           |          |
| EFTPOS Clearing Planning & Develop Dept              | Cash and cash equivalents | (139,905)        |                  | (139,905)        |          |
| Bank Account - Reserve Restricted Account            | Cash and cash equivalents | 0                | 2,300,589        | 2,300,589        |          |
| Bank Account Trust Fund                              | Cash and cash equivalents | (878)            |                  | (878)            |          |
| Bank Account - Municipal Term Deposits               | Cash and cash equivalents | 908              |                  | 908              |          |
| MUNICIPAL Savings Account                            | Cash and cash equivalents | 114,056          |                  | 114,056          |          |
| Term Deposit Account - T100 BGC                      | Cash and cash equivalents | 63,175           |                  | 63,175           |          |
| Term Deposit Account - T214 Toodyay Stone            | Cash and cash equivalents | 55,610           |                  | 55,610           |          |
| Term Deposit Account - T4 Opal Vale - Sam Mangion    | Cash and cash equivalents | 140,604          |                  | 140,604          |          |
| Term Deposit Account - T114 Vernice P/L              | Cash and cash equivalents | 234,232          |                  | 234,232          |          |
| Term Deposit Account - T458 Boral Resources          | Cash and cash equivalents | 507,820          |                  | 507,820          |          |
| Term Deposit Account - T797 Ironbridge Property      | Cash and cash equivalents | 36,964           |                  | 36,964           |          |
| Term Deposit Account - T805 Vernice Pty Ltd          | Cash and cash equivalents | 27,585           |                  | 27,585           |          |
| Term Deposit Account - T809 Opal Vale Landfill Bonc  | Cash and cash equivalents | 139,743          |                  | 139,743          |          |
| Term Deposit Account - T811 TAQWA Holdings-Lanc      | Cash and cash equivalents | 10,374           |                  | 10,374           |          |
| Term Deposit Account - T820 Avon Earthworks          | Cash and cash equivalents | 11,063           |                  | 11,063           |          |
| Term Deposit - Sale Lot 108 Stirling Terrace         | Cash and cash equivalents | (0)              | 527,932          | 527,932          |          |
| Term Deposit - Sale 5 Piesse Street                  | Cash and cash equivalents | 0                | 606,518          | 606,518          |          |
| Municipal Term Deposit - Investment                  | Cash and cash equivalents | 0                |                  | 0                |          |
| <b>Total</b>                                         |                           | <b>5,123,004</b> | <b>3,435,039</b> | <b>8,558,043</b> | <b>0</b> |
| <b>Comprising</b>                                    |                           |                  |                  |                  |          |
| Cash and cash equivalents                            |                           | 5,123,004        | 3,435,039        | 8,558,043        | 0        |
|                                                      |                           | <b>5,123,004</b> | <b>3,435,039</b> | <b>8,558,043</b> | <b>0</b> |

**KEY INFORMATION**

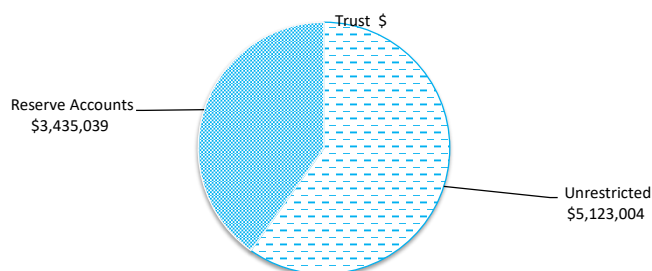
Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid ir with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant changes in value.

Bank overdrafts are reported as short term borrowings in current liabilities in the statement of net current assets.

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

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

Financial assets at amortised cost held with registered financial institutions are listed in this note other financial assets at amortised cost are p in Note 8 - Other assets.





SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

4 RESERVE ACCOUNTS

| Reserve account name                          | Adopted Budget   |                 |                  |                    |                  | Actual              |                 |                  |                   |                  |
|-----------------------------------------------|------------------|-----------------|------------------|--------------------|------------------|---------------------|-----------------|------------------|-------------------|------------------|
|                                               | Opening Balance  | Interest In (+) | Transfers In (+) | Transfers Out (-)  | Closing Balance  | Opening Balance     | Interest In (+) | Transfers In (+) | Transfers Out (-) | Closing Balance  |
|                                               | \$               | \$              |                  | \$                 | \$               | \$                  |                 | \$               | \$                | \$               |
| <b>Reserve accounts restricted by Council</b> |                  |                 |                  |                    |                  |                     |                 |                  |                   |                  |
| Employee Entitlement Reserve                  | 274,670          | 6,867           |                  |                    | 281,537          | 276,051.00          | 1,475           |                  |                   | 277,526          |
| Asset Development Reserve                     | 470,800          | 11,770          |                  |                    | 482,570          | 467,295.00          | 2,449           |                  |                   | 469,744          |
| CCTV Reserve                                  | 378              | 10              |                  |                    | 388              | 0.00                | 0               |                  |                   | 0                |
| Emergency Management Reserve                  | 83,686           | 2,092           |                  |                    | 85,778           | 83,051.00           | 444             |                  |                   | 83,495           |
| Newcastle Footbridge & Pedestrian Overpass Re | 48,169           | 1,204           | 200,000          |                    | 249,373          | 47,804.00           | 255             |                  |                   | 48,059           |
| Heritage Reserve                              | 12,401           | 310             |                  |                    | 12,711           | 12,306.00           | 66              |                  |                   | 12,372           |
| Information technology reserve                | 3,326            | 83              |                  |                    | 3,409            | 0.00                | 0               |                  |                   | 0                |
| Plant Reserve                                 | 64,381           | 1,609           | 1,000,000        | (393,000)          | 672,990          | 0.00                | 2,180           |                  |                   | 2,180            |
| Recreation Development Reserve                | 304,140          | 7,603           |                  |                    | 311,743          | 301,837.00          | 1,610           |                  |                   | 303,447          |
| Refuse Reserve                                | 128,143          | 3,203           |                  |                    | 131,346          | 127,171.00          | 680             |                  |                   | 127,851          |
| Road Contribution Reserve                     | 575,085          | 14,376          | 100,000          | (300,000)          | 389,461          | 472,651.00          | 2,516           |                  |                   | 475,167          |
| Strategic Access & Egress Reserve             | 329,231          | 8,230           | 10,000           | (47,000)           | 300,461          | 230,398.00          | 1,980           |                  |                   | 232,378          |
| Drainage and Sewerage Reserve                 | 164,452          | 4,111           |                  |                    | 168,563          | 163,210.00          | 868             |                  |                   | 164,078          |
| Biosecurity Reserve                           | 73               | 2               |                  |                    | 75               | 0.00                | 0               |                  |                   | 0                |
| Roads Reserve                                 | 120,670          | 3,017           |                  |                    | 123,687          | 98,570.00           | 517             |                  |                   | 99,087           |
| Buildings Reserve                             | 1,020,556        | 25,513          | 539,000          | (1,096,700)        | 488,369          | 1,139,628.00        | 27              |                  |                   | 1,139,655        |
|                                               | <b>3,600,161</b> | <b>90,000</b>   | <b>1,849,000</b> | <b>(1,836,700)</b> | <b>3,702,461</b> | <b>3,419,972.00</b> | <b>15,067</b>   | <b>0</b>         | <b>0</b>          | <b>3,435,039</b> |

SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS

| Capital acquisitions                                | Adopted Budget   |                  | YTD Actual     | YTD Variance       |
|-----------------------------------------------------|------------------|------------------|----------------|--------------------|
|                                                     | Budget           | YTD Budget       |                |                    |
|                                                     | \$               | \$               | \$             | \$                 |
| Land                                                | 2,146,944        | 1,789,120        | 0              | (2,146,944)        |
| Buildings                                           | 721,700          | 601,417          | 20,174         | (701,526)          |
| Furniture and equipment                             | 480,000          | 400,000          | 0              | (480,000)          |
| Plant and equipment                                 | 1,320,000        | 1,100,000        | 62,863         | (1,257,137)        |
| <b>Acquisition of property, plant and equipment</b> | <b>4,668,644</b> | <b>3,890,537</b> | <b>83,037</b>  | <b>(4,585,607)</b> |
| Infrastructure - roads                              | 3,569,419        | 2,974,516        | 170,238        | (3,399,181)        |
| Infrastructure - drainage                           | 30,000           | 25,000           | 10,300         | (19,700)           |
| Infrastructure - bridges                            | 170,000          | 141,667          | 0              | (170,000)          |
| Infrastructure - other                              | 368,753          | 307,294          | 0              | (368,753)          |
| <b>Acquisition of infrastructure</b>                | <b>4,138,172</b> | <b>3,448,477</b> | <b>180,538</b> | <b>(3,957,634)</b> |
| <b>Total capital acquisitions</b>                   | <b>8,806,816</b> | <b>7,339,013</b> | <b>263,575</b> | <b>(8,543,241)</b> |
| <b>Capital Acquisitions Funded By:</b>              |                  |                  |                |                    |
| Capital grants and contributions                    | 5,063,149        | 843,858          | 269,373        | (4,793,776)        |
| Other (disposals & C/Fwd)                           | 1,431,000        | 1,192,500        | 34,545         | (1,396,455)        |
| Reserve accounts                                    |                  |                  |                | 0                  |
| Plant Reserve                                       | 393,000          | 327,500          | 0              | (393,000)          |
| Strategic Access & Egress Reserve                   | 47,000           | 39,167           | 0              | (47,000)           |
| Buildings Reserve                                   | 1,096,700        | 913,917          | 0              | (1,096,700)        |
| Contribution - operations                           | 475,967          | 3,772,072        | (40,343)       | (516,310)          |
| <b>Capital funding total</b>                        | <b>8,806,816</b> | <b>7,339,013</b> | <b>263,575</b> | <b>(8,543,241)</b> |

**KEY INFORMATION**

**Initial recognition**

An item of property, plant and equipment or infrastructure that qualifies for recognition as an asset is measured at its cost.

Upon initial recognition, cost is determined as the amount paid (or other consideration given) to acquire the assets, plus costs incidental to the acquisition. The cost of non-current assets constructed by the Shire includes the cost of all materials used in construction, direct labour on the project and an appropriate proportion of variable and fixed overheads. For assets acquired at zero cost or otherwise significantly less than fair value, cost is determined as fair value at the date of acquisition.

Assets for which the fair value as at the date of acquisition is under \$5,000 are not recognised as an asset in accordance with *Local Government (Financial Management) Regulation 17A(5)*. These assets are expensed immediately.

Where multiple individual low value assets are purchased together as part of a larger asset or collectively forming a larger asset exceeding the threshold, the individual assets are recognised as one asset and capitalised.

Individual assets that are land, buildings and infrastructure acquired between scheduled revaluation dates of the asset class in accordance with the Shire's revaluation policy, are recognised at cost and disclosed as being at reportable value.

**Measurement after recognition**

Plant and equipment including furniture and equipment and right-of-use assets (other than vested improvements) are measured using the cost model as required under *Local Government (Financial Management) Regulation 17A(2)*. Assets held under the cost model are carried at cost less accumulated depreciation and any impairment losses being their reportable value.

**Reportable Value**

In accordance with *Local Government (Financial Management) Regulation 17A(2)*, the carrying amount of non-financial assets that are land and buildings classified as property, plant and equipment, investment properties, infrastructure or vested improvements that the local government controls.

Reportable value is for the purpose of *Local Government (Financial Management) Regulation 17A(4)* is the fair value of the asset at its last valuation date minus (to the extent applicable) the accumulated depreciation and any accumulated impairment losses in respect of the non-financial asset subsequent to its last valuation date.

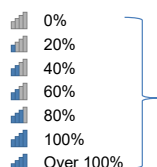
SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

INVESTING ACTIVITIES

5 CAPITAL ACQUISITIONS (CONTINUED) - DETAILED

Capital expenditure total

Level of completion indicators



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

| Work Order                      | Work Order Description                                          | Adopted          |                | YTD Actual     | Variance<br>(Under)/Over |
|---------------------------------|-----------------------------------------------------------------|------------------|----------------|----------------|--------------------------|
|                                 |                                                                 | Budget           | YTD Budget     |                |                          |
|                                 |                                                                 | \$               | \$             | \$             | \$                       |
| <b>Land &amp; Buildings</b>     |                                                                 |                  |                |                |                          |
| WO.10027                        | Key Worker Accommodation                                        | 596,700          | 49,725         |                | (596,700)                |
| WO.10003                        | Batty Pass Land Development                                     | 2,146,944        | 178,912        | 20,174         | (2,126,770)              |
| WO.10021                        | Accessible Public Toilet Construction                           | 110,000          | 9,167          |                | (110,000)                |
| WO.10102                        | Toodyay Club- electrical Upgrade (Lighting and Airconditioning) | 15,000           | 1,250          |                | (15,000)                 |
| <b>Furniture &amp; Fittings</b> |                                                                 |                  |                |                |                          |
| WO.10098                        | Replacement of Councils ERP (Datascope)                         | 400,000          | 33,333         |                | (400,000)                |
| WO.10030                        | Furniture and Equipment-Internal refurbishment                  | 50,000           | 4,167          |                | (50,000)                 |
| WO.10099                        | Media Player and Projection System at Museum                    | 7,500            | 625            |                | (7,500)                  |
| WO.10100                        | AV System for Recreation Centre                                 | 15,000           | 1,250          |                | (15,000)                 |
| WO.10030                        | Replace Meeting Room Chairs at CRC (60 Chairs)                  | 7,500            | 625            |                | 625                      |
| <b>Motor vehicles</b>           |                                                                 |                  |                |                |                          |
| WO.10090                        | Isuzu D-Max Extra Cab (T0024)                                   | 50,000           | 4,167          |                | (50,000)                 |
| WO.10091                        | Isuzu D-Max Extra Cab (T0003)                                   | 50,000           | 4,167          |                | (50,000)                 |
| WO.10092                        | Isuzu D-Max Dual Cab (T0022)-Coordinator Assets and Infrastruc  | 110,000          | 9,167          |                | (110,000)                |
| WO.10093                        | Isuzu D-Max Extra Cab (T0020)-Leading Hand                      | 50,000           | 4,167          |                | (50,000)                 |
| WO.10094                        | Isuzu D-Max Extra Cab -Ranger (T0001)                           | 55,000           | 4,583          |                | (55,000)                 |
| WO.10095                        | Isuzu D-Max Extra Cab -Ranger (T0002)                           | 55,000           | 4,583          |                | (55,000)                 |
| WO.10087                        | Isuzu MU-X (T0)-CEO (2 Changeovers)                             | 110,000          | 9,167          |                | (110,000)                |
| WO.10087                        | Isuzu MU-X (T00)-EMFCS (2 Changeovers)                          | 110,000          | 9,167          |                | (110,000)                |
| WO.10088                        | Isuzu MU-X (T000)-EMCS (2 Changeovers)                          | 110,000          | 9,167          | 5,396          | (104,604)                |
| WO.10089                        | Isuzu MU-X (T0000)-EMPR (2 Changeovers)                         | 110,000          | 9,167          |                | (110,000)                |
| WO.10096                        | Isuzu MU-X (T0003)-EMAIS (2 Changeovers)                        | 110,000          | 9,167          | 57,467         | (52,533)                 |
| WO.10097                        | Minor Plant Purchases for Works                                 | 15,000           | 1,250          |                | (15,000)                 |
| <b>Plant</b>                    |                                                                 |                  |                |                |                          |
| WO.10032                        | Events Trailer                                                  | 20,000           | 1,667          |                | (20,000)                 |
| WO.10009                        | Hino FS2844-Tipper                                              | 150,000          | 12,500         |                | (150,000)                |
| WO.10011                        | Zero Turn Mower (Trade in John Deere)                           | 35,000           | 2,917          |                | (35,000)                 |
| WO.10025                        | Skidsteer - Positrak                                            | 180,000          | 15,000         |                | (180,000)                |
| <b>Roads</b>                    |                                                                 |                  |                |                |                          |
| WO.10072                        | Toodyay Bindi-Bindi Road (Carried Forward)                      | 778,340          | 64,862         | 20,060         | (758,280)                |
| WO.10082                        | Fernie Road - Extractive Industry Funding                       | 150,000          | 12,500         | 39,205         | (110,795)                |
| WO.10083                        | Salt Valley Road                                                | 150,000          | 12,500         | 51,590         | (98,410)                 |
| WO.10074                        | Gravel Resheet-Telegraph Road                                   | 84,475           | 7,040          | 21,453         | (63,022)                 |
| WO.10075                        | Gravel Resheet-Red Gully Road                                   | 178,070          | 14,839         |                | (178,070)                |
| WO.10076                        | Gravel Resheet-Picnic Hill Road                                 | 127,745          | 10,645         | 9,000          | (118,745)                |
| WO.10077                        | Gravel Resheet-Old Plains Road                                  | 138,045          | 11,504         | 9,000          | (129,045)                |
| WO.10078                        | Gravel Resheet-Chatcup Road                                     | 129,923          | 10,827         | 9,000          | (120,923)                |
| WO.10079                        | Bitumen Seal-Salt Valley Road                                   | 367,320          | 30,610         |                | (367,320)                |
| WO.10080                        | Bitumen Seal-Fernie Road                                        | 49,115           | 4,093          |                | (49,115)                 |
| WO.3051                         | Bindoon Dewars Pool Road                                        | 279,000          | 23,250         |                | (279,000)                |
| WO.10050                        | Bindoon Dewars Pool Road                                        | 0                | 0              | 10,930         | 10,930                   |
| WO.10081                        | Toodyay Bindi-Bindi Road Reconstruction SLK 31.63 to SLK 29.8   | 1,008,386        | 84,032         |                | (1,008,386)              |
| WO.3244                         | Access and Egress Projects-Road Upgrades -Fitzgerald Road       | 94,000           | 7,833          |                | (94,000)                 |
| WO.10084                        | Convert 2 Parking Bays to Alfresco seating in Stirling Tce      | 20,000           | 1,667          |                | (20,000)                 |
| WO.10085                        | Toodyay Race Club - Cattleyards for Arena                       | 15,000           | 1,250          |                | (15,000)                 |
| <b>Drainage</b>                 |                                                                 |                  |                |                |                          |
| WO.3245                         | Toodyay Street Drainage                                         | 30,000           | 2,500          | 10,300         | (19,700)                 |
| <b>Bridges</b>                  |                                                                 |                  |                |                |                          |
| WO.10035                        | Urgent Bridge Repairs (Various Bridges)                         | 170,000          | 14,167         |                | (170,000)                |
| <b>Other Infrastructure</b>     |                                                                 |                  |                |                |                          |
| WO.3251                         | Swimming Pool /Parks and Gardens Shade Structures               | 30,000           | 2,500          |                | (30,000)                 |
| WO.10004                        | Standpipe Upgrades/Refurbishments                               | 160,000          | 13,333         |                | (160,000)                |
| WO.10033                        | Replace Niche Wall                                              | 30,000           | 2,500          |                | (30,000)                 |
| WO.10102                        | Julimar Fire Station Replace 2 existing Tanks                   | 108,753          | 9,063          |                | (108,753)                |
| WO.3250                         | CCTV Improvements                                               | 40,000           | 3,333          |                | (40,000)                 |
|                                 |                                                                 | <b>8,806,816</b> | <b>733,901</b> | <b>263,575</b> | <b>(8,535,116)</b>       |

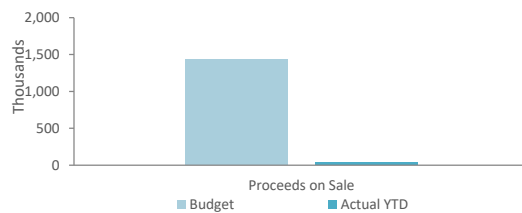
7

SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

OPERATING ACTIVITIES

6 DISPOSAL OF ASSETS

| Asset Ref. | Asset description          | Amended Budget   |                  |              |                  | YTD Actual     |               |          |          |
|------------|----------------------------|------------------|------------------|--------------|------------------|----------------|---------------|----------|----------|
|            |                            | Net Book Value   | Proceeds         | Profit       | (Loss)           | Net Book Value | Proceeds      | Profit   | (Loss)   |
|            |                            | \$               | \$               | \$           | \$               | \$             | \$            | \$       | \$       |
|            | <b>Buildings</b>           |                  |                  |              |                  |                |               |          |          |
|            | Various                    | 539,000          | 539,000          | 0            | 0                |                |               | 0        | 0        |
|            | <b>Plant and equipment</b> |                  |                  |              |                  |                |               |          |          |
|            | Various                    | 640,018          | 892,000          | 8,168        | (243,814)        |                |               | 0        | 0        |
|            | Unrealised                 | 0                | 0                | 0            | 0                | 34,545         | 34,545        | 0        | 0        |
|            |                            | <b>1,179,018</b> | <b>1,431,000</b> | <b>8,168</b> | <b>(243,814)</b> | <b>34,545</b>  | <b>34,545</b> | <b>0</b> | <b>0</b> |



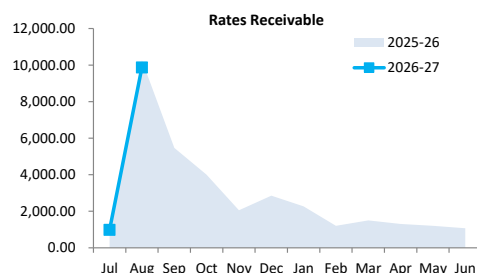
**SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026**

**OPERATING ACTIVITIES**

**7 RECEIVABLES**

**Rates receivable**

|                                              | 30 Jun 2026      | 31 Aug 2026      |
|----------------------------------------------|------------------|------------------|
|                                              | \$               | \$               |
| Opening arrears previous year                | 1,138,409        | 1,036,103        |
| Levied this year                             | 8,273,998        | 8,655,539        |
| Less - collections to date                   | (8,376,304)      | 183,632          |
| Gross rates collectable                      | <b>1,036,103</b> | <b>9,875,274</b> |
| Allowance for impairment of rates receivable | 0                | 0                |
| <b>Net rates collectable</b>                 | <b>1,036,103</b> | <b>9,875,274</b> |
| % Collected                                  | 89.0%            | (1.9%)           |



**Receivables - rates**

|                    | Credit | Current   | 1 Year  | 2 Years | 3 Years plus | Total     |
|--------------------|--------|-----------|---------|---------|--------------|-----------|
|                    | \$     | \$        | \$      | \$      | \$           | \$        |
| Rates aged by year | 0      | 8,681,873 | 559,388 | 152,297 | 481,716      | 9,875,274 |
| Percentage         | 0.0%   | 0.0%      | 0.0%    | 0.0%    | 0.0%         | 0.0%      |

**Receivables - general**

|                                              | Credit | Current | 30 Days | 60 Days | 90+ Days | Total            |
|----------------------------------------------|--------|---------|---------|---------|----------|------------------|
|                                              | \$     | \$      | \$      | \$      | \$       | \$               |
| Receivables - general                        | 0      | 108,285 | 336     | 325,616 | 46,539   | 480,776          |
| Percentage                                   | 0.0%   | 22.5%   | 0.1%    | 67.7%   | 9.7%     |                  |
| <b>Balance per trial balance</b>             |        |         |         |         |          |                  |
| Trade and Other Receivables                  |        |         |         |         |          | 480,776          |
| GST receivable                               |        |         |         |         |          | 328,751          |
| Rates rebates receivable                     |        |         |         |         |          | 518,553          |
| <b>Total receivables general outstanding</b> |        |         |         |         |          | <b>1,328,080</b> |

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

Council's software reports the rates aged information once the year end data is rolled over in the ledger. Year to date accruals on a yearly basis, including rates paid which are in arrears, are not reported correctly in the current year and therefore, the rates information aged by year is adjusted in the current category to match the rates outstanding in the general ledger.

*Rates aged reports report as per the day they are run and the monthly statements report on period end so there is an adjustment for the aging report to match the general ledger at the end of period.*

*The aged general receivables report includes prepayments which is a negative number so there is an adjustment on the aged chart for the prepayments which is reported as a payable.*

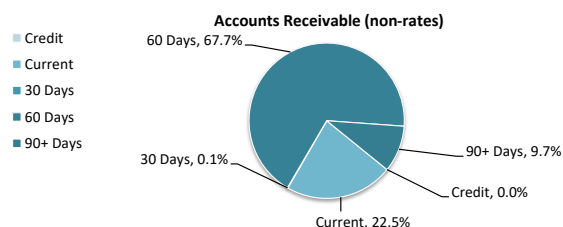
Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for goods sold and services performed in the ordinary course of business.

Trade receivables are recognised at original invoice amount less any allowances for uncollectable amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

**Classification and subsequent measurement**

Receivables which are generally due for settlement within 30 days except rates receivables which are expected to be collected within 12 months are classified as current assets. All other receivables such as, deferred pensioner rates receivable after the end of the reporting period are classified as non-current assets.

Trade and other receivables are held with the objective to collect the contractual cashflows and therefore the Shire measures them subsequently at amortised cost using the effective interest rate method.



SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

OPERATING ACTIVITIES

8 OTHER CURRENT ASSETS

|                                                    | Opening<br>Balance<br>1 July 2026 | Asset<br>Increase | Asset<br>Reduction | Closing<br>Balance<br>31 August 2026 |
|----------------------------------------------------|-----------------------------------|-------------------|--------------------|--------------------------------------|
|                                                    | \$                                | \$                | \$                 | \$                                   |
| <b>Other current assets</b>                        |                                   |                   |                    |                                      |
| <b>Inventory</b>                                   |                                   |                   |                    |                                      |
| Stores and materials                               | 162,172                           | 308               |                    | 162,480                              |
| Visitor centre                                     | 33,807                            |                   |                    | 33,807                               |
| <b>Other assets</b>                                |                                   |                   |                    |                                      |
| Prepayments                                        | 0                                 | 174               |                    | 174                                  |
| Accrued income                                     | 14,875                            |                   |                    | 14,875                               |
| Contract assets                                    | 575,626                           |                   |                    | 575,626                              |
| <b>Total other current assets</b>                  | <b>786,480</b>                    | <b>482</b>        | <b>0</b>           | <b>786,962</b>                       |
| Amounts shown above include GST (where applicable) |                                   |                   |                    |                                      |

**KEY INFORMATION**

**Inventory**

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

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



**SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026**

**OPERATING ACTIVITIES**

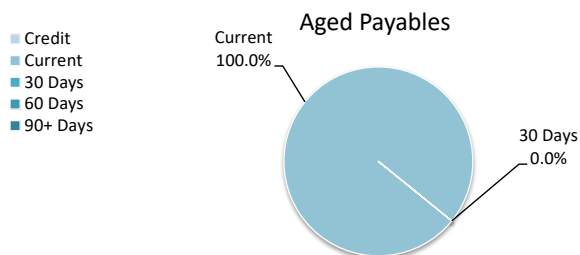
**9 PAYABLES**

| Payables - general                        | Credit | Current | 30 Days | 60 Days | 90+ Days | Total            |
|-------------------------------------------|--------|---------|---------|---------|----------|------------------|
|                                           | \$     | \$      | \$      | \$      | \$       | \$               |
| Payables - general                        | 0      | 520,123 | 0       | 0       | 0        | 520,123          |
| Percentage                                | 0.0%   | 100.0%  | 0.0%    | 0.0%    | 0.0%     |                  |
| <b>Balance per trial balance</b>          |        |         |         |         |          |                  |
| Sundry creditors                          |        |         |         |         |          | 520,123          |
| Accrued salaries and wages                |        |         |         |         |          | 127,861          |
| ATO liabilities                           |        |         |         |         |          | 178,584          |
| Other payables                            |        |         |         |         |          | 328,017          |
| Accrued Expenses                          |        |         |         |         |          | 137,178          |
| <b>Total payables general outstanding</b> |        |         |         |         |          | <b>1,291,763</b> |

Amounts shown above include GST (where applicable)

**KEY INFORMATION**

Trade and other payables represent liabilities for goods and services provided to the Shire prior to the end of the period that are unpaid and arise when the Shire becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured, are recognised as a current liability and are normally paid within 30 days of recognition. The carrying amounts of trade and other payables are considered to be the same as their fair values, due to their short-term nature.



SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

## FINANCING ACTIVITIES

## 10 BORROWINGS

## Repayments - borrowings

## Information on borrowings

| Particulars            | Loan No. | 1 July 2026      | New Loans |                | Principal Repayments |                  | Principal Outstanding |                  | Interest Repayments |                  |
|------------------------|----------|------------------|-----------|----------------|----------------------|------------------|-----------------------|------------------|---------------------|------------------|
|                        |          |                  | Actual    | Adopted Budget | Actual               | Adopted Budget   | Actual                | Adopted Budget   | Actual              | Adopted Budget   |
|                        |          | \$               | \$        | \$             | \$                   | \$               | \$                    | \$               | \$                  | \$               |
| Depot stage 2          | 71       | 347,720          |           |                |                      | (47,146)         | 347,720               | 300,574          |                     | (15,190)         |
| Land - Rec precinct    | 72       | 452,996          |           |                |                      | (56,491)         | 452,996               | 396,505          |                     | (19,357)         |
| Recreation precinct    | 75B      | 3,560,432        |           |                |                      | (201,185)        | 3,560,432             | 3,359,247        |                     | (80,933)         |
| <b>Total</b>           |          | <b>4,361,148</b> | <b>0</b>  | <b>0</b>       | <b>0</b>             | <b>(304,822)</b> | <b>4,361,148</b>      | <b>4,056,326</b> | <b>0</b>            | <b>(115,480)</b> |
| Current borrowings     |          | 609,642          |           |                |                      |                  | 609,642               |                  |                     |                  |
| Non-current borrowings |          | 3,751,506        |           |                |                      |                  | 3,751,506             |                  |                     |                  |
|                        |          | <b>4,361,148</b> |           |                |                      |                  | <b>4,361,148</b>      |                  |                     |                  |

All debenture repayments were financed by general purpose revenue.

## KEY INFORMATION

The Shire has elected to recognise borrowing costs as an expense when incurred regardless of how the borrowings are applied.

Fair values of borrowings are not materially different to their carrying amounts, since the interest payable on those borrowings is either close to current market rates or the borrowings are of a short term nature.

SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

OPERATING ACTIVITIES

12 OTHER CURRENT LIABILITIES

|                                                    | Note | Opening<br>Balance<br>1 July 2026 | Liability<br>transferred<br>from/(to)<br>non current | Liability<br>Increase | Liability<br>Reduction | Closing<br>Balance<br>31 August 2026 |
|----------------------------------------------------|------|-----------------------------------|------------------------------------------------------|-----------------------|------------------------|--------------------------------------|
|                                                    |      | \$                                | \$                                                   | \$                    | \$                     | \$                                   |
| <b>Other current liabilities</b>                   |      |                                   |                                                      |                       |                        |                                      |
| <b>Other liabilities</b>                           |      |                                   |                                                      |                       |                        |                                      |
| Capital grant/contributions liabilities            |      | 1                                 | 0                                                    | 0                     | 0                      | 1                                    |
| Other liabilities - Bonds and Deposits             |      | 1,548,815                         | 0                                                    | 313                   | 0                      | 1,549,128                            |
| Other Liabilities [describe]                       |      | 1,773,521                         | 0                                                    | 29,792                | 0                      | 1,803,313                            |
| <b>Total other liabilities</b>                     |      | 3,322,337                         | 0                                                    | 30,105                | 0                      | 3,352,442                            |
| <b>Employee Related Provisions</b>                 |      |                                   |                                                      |                       |                        |                                      |
| Provision for annual leave                         |      | 199,581                           | 0                                                    | 0                     | (19,886)               | 179,695                              |
| Provision for long service leave                   |      | 27,642                            | 0                                                    | 13,673                |                        | 41,315                               |
| <b>Total Provisions</b>                            |      | 227,223                           | 0                                                    | 13,673                | (19,886)               | 221,010                              |
| <b>Total other current liabilities</b>             |      | <b>3,549,560</b>                  | <b>0</b>                                             | <b>43,778</b>         | <b>(19,886)</b>        | <b>3,573,452</b>                     |
| Amounts shown above include GST (where applicable) |      |                                   |                                                      |                       |                        |                                      |

A breakdown of contract liabilities and associated movements is provided on the following pages at Note 14

**KEY INFORMATION**

**Employee Related Provisions**

**Short-term employee benefits**

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

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

**Other long-term employee benefits**

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

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

**Capital grant/contribution liabilities**

Grants to acquire or construct recognisable non-financial assets to identified specifications be constructed to be controlled by the Shire are recognised as a liability until such time as the Shire satisfies its obligations under the agreement.

SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

OPERATING ACTIVITIES

13 GRANTS, SUBSIDIES AND CONTRIBUTIONS

Grants, subsidies and contributions

| Provider                                              | Adopted<br>Budget<br>Revenue | YTD<br>Budget | YTD Revenue<br>Actual |
|-------------------------------------------------------|------------------------------|---------------|-----------------------|
|                                                       | \$                           | \$            | \$                    |
| <b>Grants and subsidies</b>                           |                              |               |                       |
| <b>General Purpose Funding</b>                        |                              |               |                       |
| General Purpose Grant - Federal Grant                 | 122,060                      | 10,172        | 67,267                |
| Road Improvement Grant - Federal Grant                | 20,220                       | 1,685         | 29,638                |
| <b>Law Order &amp; Public Safety</b>                  |                              |               |                       |
| Emergency Management - State Grants Operating         | 353,530                      | 29,461        | 0                     |
| Other Grants - Operating                              | 0                            | 0             | 75,883                |
| <b>Education &amp; Welfare</b>                        |                              |               |                       |
| Welfare Other Grants - Operating                      | 180,843                      | 15,070        | 1,148                 |
| <b>Transport</b>                                      |                              |               |                       |
| Streets, roads, bridges, depots - Other Grants        | 211,296                      | 17,608        | 222,667               |
| Streets, roads, bridges, depots - Other Contributions | 100,000                      | 8,333         | 100,416               |
| <b>Economic Services</b>                              |                              |               |                       |
| Community Development - State Grants Operating        | 5,000                        | 417           | 0                     |
| Community Development - Other Grants Operating        | 10,000                       | 833           | 0                     |
|                                                       | <b>1,002,949</b>             | <b>83,579</b> | <b>497,019</b>        |
| <b>TOTALS</b>                                         | <b>1,002,949</b>             | <b>83,579</b> | <b>497,019</b>        |

SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

INVESTING ACTIVITIES

14 CAPITAL GRANTS, SUBSIDIES AND CONTRIBUTIONS

| Provider                                                      | Capital grants, subsidies and contributions revenue |                |                    |
|---------------------------------------------------------------|-----------------------------------------------------|----------------|--------------------|
|                                                               | Adopted Budget Revenue                              | YTD Budget     | YTD Revenue Actual |
|                                                               | \$                                                  | \$             | \$                 |
| <b>Capital grants and subsidies</b>                           |                                                     |                |                    |
| <b>Law Order &amp; Public Safety</b>                          |                                                     |                |                    |
| Bushfire Risk Management - State Grants Capital               | 75,000                                              | 6,250          | 0                  |
| Fire and Land Management - State Grats Capital                | 50,000                                              | 4,167          | 0                  |
| <b>Community Amenities</b>                                    |                                                     |                |                    |
| Community Sponsorship - State Grants Capital                  | 5,000                                               | 417            | 0                  |
| <b>Transport</b>                                              |                                                     |                |                    |
| Streets Roads Bridges Depots - State Grants Capital           | 2,576,205                                           | 214,684        | 269,373            |
| <b>Economic Services</b>                                      |                                                     |                |                    |
| Economic Development - State Grants Capital                   | 2,256,944                                           | 188,079        | 0                  |
| Standpipes and Other Economic Services - State Grants Capital | 100,000                                             | 8,333          | 0                  |
|                                                               | <b>5,063,149</b>                                    | <b>421,929</b> | <b>269,373</b>     |
| <b>TOTALS</b>                                                 | <b>5,063,149</b>                                    | <b>421,929</b> | <b>269,373</b>     |

SHIRE OF TOODYAY  
SUPPLEMENTARY INFORMATION  
FOR THE PERIOD ENDED 31 AUGUST 2026

14 BUDGET AMENDMENTS

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

| Description                             | Council Resolution | Classification | Non Cash Adjustment | Increase in Available Cash | Decrease in Available Cash | Amended Budget Running Balance |
|-----------------------------------------|--------------------|----------------|---------------------|----------------------------|----------------------------|--------------------------------|
|                                         |                    |                | \$                  | \$                         | \$                         | \$                             |
| Budget adoption to actual surplus b/fwd |                    |                |                     |                            |                            | 1,084,497                      |
|                                         |                    |                |                     |                            |                            | 1,084,497                      |
|                                         |                    |                |                     | 0                          | 0                          | 1,084,497                      |





LOCAL GOVERNMENT ACT 1995

## **Shire of Toodyay**

# **Health Local Law**

# **2027**



Gazette Date: TBC

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
 LOCAL GOVERNMENT ACT 1995  
 Shire of Toodyay.  
 HEALTH LOCAL LAWS 2026

## ARRANGEMENT

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

## PART 1 - PRELIMINARY

### 1.1 Citation

These local laws may be cited as the *Shire of Toodyay Health Local Laws 2027*

### 1.2 Commencement

This local law comes into operation in accordance with the Act and the *Interpretation Act 1984*, 14 days following its publication in the *Government Gazette*.

### 1.3 Purpose

The purpose of these local laws is to protect, promote and improve public and environmental health within the district by regulating public health risks and nuisances, sanitation and housing standards, lodging houses and short-term accommodation, public buildings and events, animals, vectors and pests, offensive trades and associated activities.

### 1.4 Effect:

The effect of these local laws is to ensure that people living in, working in or visiting the district must comply with requirements designed to prevent or minimise public health risks, and the local government is empowered to administer, enforce and give effect to those requirements through notices, directions, and penalties where necessary.

### 1.5 Repeal

The *Shire of Toodyay Health Local Laws 2017*, as published in the *Government Gazette* on 22 December 2017 is repealed.

### 1.6 Interpretation

(1) In these local laws, unless the context otherwise requires –

**Act** means *Health (Miscellaneous Provisions) Act 1911* and includes subsidiary legislation made under the *Health (Miscellaneous Provisions) Act 1911*;

**Adequate Supply of Water** means a flow of water of not less than 0.076 litres per second;

**Approved** means approved by the Local government of the Shire of Toodyay;

**AS or AS/NZS** means Australian Standard or Australian/ New Zealand Standard published by the Standards Association of Australia;

**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;

**CEO** means the Chief Executive Officer of the Shire of Toodyay and includes an Acting Chief Executive Officer;

**Council** means the local government of the Shire of Toodyay;

**District** means the district of the local government under the *Local Government Act 1995*;

**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;



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**Energy Safety WA** means the *Energy Safety* division of the Department of Commerce- now known as Department of Local Government, Industry Regulation and Safety;

**Environmental Health Officer** means an Environmental Health Officer appointed by the Local government under the Act and included an Acting or Assistant Environmental Health Officer;

**Food Standards Code** means the *Australian New Zealand Food Standards Code* as defined in the *Commonwealth Food Standards Australia New Zealand 1991* as amended from time to time;

**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; but
- (b) Excludes a bathroom, laundry, water closet, 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 at a temperature of at least 65 degrees Celsius;

**Local Government** means the Shire of Toodyay;

**Local Planning Scheme** has the meaning given to it by the *Planning and Development Act 2005*;

**Medical Officer** means the Medical Officer appointed by the Local government and includes an Acting Medical Officer so appointed;

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

**Sanitary Convenience** includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pit, ash-tub, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

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

**Sewer** includes sewers and drains of every description, , except stormwater drains, also water channels constructed of stone, brick, concrete, or any other material, including the property of 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 water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these are located;

**Townsite** means all townsites within the district which are –

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*;

**Water** means drinking water within the meaning of the Australian Drinking Water Guidelines 2011 as amended or updated and published by the National Health and Medical Research Local government; and

**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 the building to the room concerned when in the closed position.

- (2) Where in these local laws, 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.

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- (3) Where under these local laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of these 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 Interpretation**

In this Part, unless the context otherwise requires –

**festival** includes a fair, function, or event;

**organiser** means a person –

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

**public sanitary convenience** means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not;

**temporary sanitary convenience** means a sanitary convenience, temporarily placed for use by –

- (a) patrons in conjunction with a festival; or
- (b) employees at construction sites or the like; and

**urinal** may be –

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

**2.2 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 lighting.

**2.3 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 of Australia and this Part;
- (b) the toilets required by these local laws are situated within close proximity 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;
- (ii) provided with an adequate supply of water supplied by taps located over each basin;
- (iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

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- (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 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 basin.

**2.4 Outdoor Festivals**

- (1) The organiser of an outdoor festival must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's Guidelines for concerts, events, and organised gatherings.
- (2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

**2.5 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;
- (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 the 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 as amended from time to time; 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.

**2.6 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 Department of Health Guideline for the management of public health risks associated with temporary toilets in Western Australia

**2.7 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 Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.
- (2) The owner of premises shall –

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- (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.

**2.8 Ventilation of Toilet**

A toilet in any premises shall be ventilated in accordance with the Building Code.

**2.9 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 sanitary fittings on 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 is was intended.

**2.10 Lighting**

The owner and the occupier of a premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain sufficient natural or a minimum of 80 lux of artificial lighting for persons using the convenience.

**2.11 Installation**

Every temporary sanitary convenience shall be installed in accordance with the requirements of the Country Areas *Water Supply Act 1947* and the *Water Services Act 2012* and shall have an adequate supply of water.

*Division 2 – Bathrooms, Laundries, and Kitchens*

**2.12 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 an adequate ceiling;
  - (b) complies with 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 basin, and similar sanitary fittings shall be provided with an adequate supply of hot and cold water.

**2.13 Laundries**

- (1) A laundry must conform to the provisions of the Building Code of Australia.
- (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 or room where food is stored or consumed by a wall extending from the floor to the roof or ceiling.

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- (3) Where there is an opening in a wall between a laundry and a kitchen or room where food is prepared 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.

**2.14 Kitchens**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with –
  - (a) a cooking facility; and
  - (b) a sink which shall –
    - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
    - (ii) have an adequate supply of hot and cold water.
- (2) The occupier of a dwelling house shall ensure that the cooking facility and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall –
  - (a) be installed in accordance with the requirements of Energy Safety WA and the manufacturer's written specifications; and
  - (b) not be installed in any other room other than a kitchen.
- (4) Mechanical ventilation is to be provided in a kitchen, and the exhaust air shall be –
  - (a) carried to the outside air as directly as practicable unless adequately filtered for recirculation; and
  - (b) boxed throughout.
- (5) In this section, a cooking facility includes a stove, oven, facility, or appliance used for or in connection with the cooking of food.

**PART 3 - HOUSING AND GENERAL**

*Division 1 – Maintenance of Houses*

**3.1 Dwelling House Maintenance**

The owner or occupier of a dwelling house shall maintain the dwelling house any appurtenant buildings in sound condition and fit for use and, in particular, shall –

- (a) maintain all roofs and where required to be provided, guttering and downpipes in sound weatherproof conditions;
- (b) maintain any footing, 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 verandah, roof, walls, steps, handrails, floors, or their supports with material of sound quality;
- (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of controlling 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 ventilators in good order and repair;
- (h) maintain all floors even in surface and free from cracks;

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- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage, or sewerage so that they comply with all aspects with the provisions of the *Water Services Act 2012* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services, and fittings to comply in all respects with the requirements of Energy Safety WA.

**3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater**

The owner or occupier of a shall –

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

*Division 2 – Ventilation of Houses*

**3.3 Exemption for Short Term Hostels and Recreation Campsites**

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

**3.4 Overcrowding**

The owner or occupier of a property shall not permit –

- (a) a room in the house that is not a habitable room to be used for sleeping purposes; or
- (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 meters of air space per person; and
  - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic meters of air space per person; or
- (c) any garage or shed to be used for sleeping purposes or used as a dwelling, without local government approval, and complied (in case a conditional consent is given) with such conditions as the local government has seen fit to impose

**3.5 Calculate Sufficient Space**

For the purposes of Section 3.4, in calculating the space required for each area –

- (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) a deduction shall be made for the space occupied by furniture, fittings, and projections of the walls into a room.

**3.6 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 purposes of sub-section (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 with AS 1668.2:2012.

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- (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 in accordance with AS/NSZ 3666.2:2011 as amended from time to time; and
  - (b) in use at all times the building is occupied.
- (4) If, in the opinion of an Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to –
  - (a) provide a different, or additional method of ventilations; or
  - (b) cease using the house until it is properly ventilated.
- (5) The owner shall comply with a notice under subsection (4).

**3.7 Sub-Floor Ventilation**

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

*Division 3 – Water Supply*

**3.8 Water Supply**

- (1) The owner of a dwelling house shall provide a continuous supply of potable drinking water obtained from –
  - (a) a licensed water service operator;
  - (b) an underground bore;
  - (c) a rainwater storage system with a storage capacity to the satisfaction of the local government; and
 such supply shall be reticulated for use in connection with all sewerage and drainage fixtures.
- (2) The water supply shall at all times be capable of delivering 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 a source other than drinking water.

**3.9 Rain Water Tanks**

- (1) The owner or occupier of a dwelling house for which part of the water supply is drawn from a rain water tank shall ensure that it is managed and maintained so as to meet the relevant standards in the Australian Drinking Water Guidelines developed by the National Health and Medical Research Council 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 rain water tank is fitted with tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing, or maintaining the tanks;
  - (c) thoroughly clean and disinfect each tank when appropriate, or when directed by an Environmental Health Officer to do so.



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- (2) The owner or occupier of a dwelling house for which its entire water supply is drawn from a rain water tank shall ensure that the storage capacity of the tank is not less than 90,000 litres.
- (3) The owner or occupier of any non-residential premises in which rainwater and/or bore water is used for human consumption shall –
  - (a) once every calendar month, and prior to first use, have the bacterial quality of each individual water source tested in accordance with the Australian Drinking Water Guidelines 2011, as amended from time to time, published by the National Health and Medical Research Council;
  - (b) disinfect the water supply prior to entry into the premises and monitor and record the level of disinfection and pH of the water on a daily basis;
  - (c) where chlorine is used as the method of disinfection, ensure a free residual chlorine level of between 0.2 milligrams per litre and 0.5 milligram per litre in the water received from any outlet used for drinking purposes; and
  - (d) ensure the pH of the water received from any outlet used for drinking purposes is maintained between 7.2 and 7.8.

**3.10 Bores and Wells**

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

- (a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director, Public Health; and
- (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.
- (c) tested in accordance with the Australian Drinking Water Guidelines 2011, as amended from time to time, published by the National Health and Medical Research Council for bacterial and chemical quality, or as directed by an Environmental Health Officer.

**3.11 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*

**3.12 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 vectors of disease.

**3.13 Prohibition of 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 vectors of disease.

*Division 5 – Morgues*

**3.14 Licensing of Morgues**

- (1) All morgues, other than those of any public hospital or any local government morgues or police morgue, shall be licensed annually in accordance with the requirements of this Division.

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- (2) The annual fee for a licence for a place for the temporary reception and keeping of bodies of the dead awaiting burial or cremation shall be the fee as fixed from time to time by the local government under section 344C of the Act.
- (3) An application for a morgue licence shall be in the form set out in Schedule (8).
- (4) A licence shall –
  - (a) be in the form set out in Schedule (9); and
  - (b) expire on 30 June next after the date of its issue.
- (5) A licence shall not be granted in respect of any premises unless –
  - (a) provision has been made for the keeping of bodies of the dead at temperature not exceeding zero degrees Celsius;
  - (b) the walls are constructed of stone or brickwork or other approved materials;
  - (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 impervious material, having a fall to an outlet discharging over a trapped gully;
  - (e) the premises are adequately ventilated by direct communication with the outside air.

**PART 4 - WASTE FOOD AND REFUSE**

*Division 1 – Liquid Refuse*

**4.1 Interpretation**

In this Division, unless the context otherwise requires –

**approved carrier** means a carrier licensed under the *Environmental Protection (Controlled Waste) Regulations 2004*;

**liquid refuse** includes all washings 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; and

**liquid waste** means 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.

**4.2 Drainage of Liquid Refuse**

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

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

**4.3 Disposal of Liquid Waste**

- (1) The owner or occupier of premises shall –
  - (a) provide, by one of the methods prescribed in this section, for the disposal of all liquid waste produced on the premises; and
  - (b) 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 –

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- (a) discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service provider;
- (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Chief Health Officer; or
- (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer.

**4.4 Approval for Septic Tank Pump Outs 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 pump outs from holding tanks or an apparatus for the treatment of sewage and other liquid wastes.

*Division 2 – Disposal of Refuse***4.5 Interpretation**

In this division, unless the context otherwise requires –

**collection time**, where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the local government or its contractors;

**public place** includes a street, way, or place which the public are allowed to use, whether street, way or place is or is not on private property;

**receptacle**, where used in connection with any premises, means –

- (a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 240 litres; or
- (b) a container provided by the Local government or its contractor for the deposit, collection, and recycling of specific materials;

**refuse disposal site** means land set apart by the Local government under the Act as a site for the deposit of rubbish or refuse;

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

**street** includes –

- (a) a highway;
- (b) a thoroughfare;

which the public are allowed to use and included every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it; and

**street alignment** means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed.

**4.6 Receptacles**

An owner or occupier of premises shall –

- (a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;

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- (b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located –
  - (i) behind the street alignment and so as not be visible from a street or public place; or
  - (ii) in such other position as is approved by the Local government;
- (c) within a reasonable period prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any footpath, cycle way, right-of-way, or carriage way;
- (d) ensure that the premises is provided with an adequate number of receptacles and maintain the receptacles in a serviceable condition.

**4.7 Exemption**

- (1) An owner or occupier of premises may apply in writing to the Local government for an exemption from compliance with the requirements of Section 4.2.2 (b) and (c).
- (2) The Local government may grant or refuse, with or without conditions, an application from exemption from compliance under this section.
- (3) An exemption granted under this section shall state –
  - (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the Local government.
- (4) The Local government may rescind the exemption or from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom the exemption was given.

**4.8 Use of Receptacles**

An owner or occupier shall –

- (a) not deposit or permit to be deposited in a receptacle –
  - (i) more than 70 kilograms of rubbish or refuse;
  - (ii) hot or burning ashes;
  - (iii) oil, motor spirit, or other flammable liquid;
  - (iv) liquid including liquid paint or other solvent;
  - (v) bricks, concrete, building rubble, earth, or other like substances;
  - (vi) drugs, dressings, bandages, swabs, or blood samples unless placed in a sealed impervious and leak-proof container;
  - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious leak-proof container;
  - (viii) syringes, needles, surgical hardware, broken glass, sharps, or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
  - (ix) cytotoxics, radioactive substances and dangerous chemicals;
  - (x) sewage, manure, nightsoil, faeces, or urine;
  - (xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed;
  - (xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container; or

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- (xiii) hazardous products including ammunition or flares;
- (b) at all times keep the receptacle in a clean condition;
- (c) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise, and apply a residual insecticide to the receptacle;
- (d) take all reasonable steps to prevent –
  - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents, and other vectors of disease; and
  - (ii) the emission of offensive and noxious odours from the receptacle; and
- (e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

**4.9 Ownership of Receptacles**

- (1) A receptacle supplied by the local government or its contractor, remains the property of the local government or its contractor, as the case may be.
- (2) The owner or occupier of a premises supplied with a receptacle remains responsible for any rubbish or refuse placed or deposited in the receptacle until such time as it has been removed by local government or its contractor.

**4.10 Damage to Receptacles**

A person, other than the local government or its contractor, shall not –

- (a) damage, destroy or interfere with a receptacle; or
- (b) except as permitted by this section or as authorised by an Environmental Health Officer, remove a receptacle from any premises.

**4.11 Use of Other Containers**

- (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the CEO may authorise rubbish or refuse to be deposited in a container other than a receptacle.
- (2) The owner or occupier of a premises who is authorised under this section to deposit rubbish or refuse in a container shall –
  - (a) unless approved by the CEO, not deposit or permit to be deposited in the container anything specified in section 4.8(a)(ii)-(xii);
  - (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;
  - (c) whenever directed by an Environmental Health Officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
  - (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the CEO;
  - (e) ensure that the container is not visible from the street but is readily accessible for the purpose of collection; and
  - (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.
- (3) An owner or occupier shall –
  - (a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;
  - (b) ensure that each container on the premises –
    - (i) has a close-fitting lids; and

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- (ii) is constructed of non-absorbent and non-corrosive material;
- (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
- (d) place any rubbish or refuse in, and only in, a container marked for that purpose;
- (e) keep the cover on each container except when it is necessary to place something in, or remove something from it; and
- (f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

**4.12 Suitable Enclosure**

- (1) An owner or occupier of premises –
  - (a) consisting of more than 3 dwelling that have not been provided with individual receptacles; or
  - (b) used for commercial, industrial, or as a food premises,
 shall, if required by the local government, provide a suitable enclosure for the storage and cleaning of receptacles on the premises.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this section, a "suitable enclosure" means an enclosure –
  - (a) a sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Local government;
  - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Local government;
  - (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
  - (d) containing a smooth, non-slip and impervious floor –
    - (i) of not less than 75 millimetres in thickness; and
    - (ii) which is evenly graded to an approved liquid refuse disposal system;
  - (e) which is easily accessible to allow for the removal of the receptacles; and
  - (f) provided with a tap connected to an adequate supply of water.

**4.13 Building Construction**

- (1) During all periods of construction on any building site, the builder shall –
  - (a) when requested by an Environmental Health Officer, provide and maintain on such site a rubbish disposal bin, being either -
    - (i) a bin of not less than 4 cubic metres in capacity; or
    - (ii) a receptacle or other container approved by the CEO;
  - (b) keep such site free of rubbish and offensive matter; and
  - (c) maintain the street verge immediately adjacent to such site free of rubbish or offensive matter.
- (2) On completion of construction, the builder shall immediately clear the site and the adjacent street verge of all rubbish, waste materials and offensive matter and all rubbish bins provided by the builder.

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- (3) In sub-sections (1) and (2), “rubbish” includes all discarded stone, brick, lime, timber, metal, tiles, bags, plastics, and any broken, used, or discarded matter.

**4.14 Deposit of Refuse**

- (1) 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.
- (2) The driver of a vehicle, upon entering a refuse disposal site, shall present or display a current pass issued by the Local government, to the attendant or person in charge of the site and shall not deposit any rubbish or refuse until authorised to do so by the attendant or person in charge.
- (3) A person shall not deposit refuse or rubbish in or on a refuse disposal site except –
- (a) at such on the site as may be directed by the person in charge of the site; or
  - (b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

**4.15 Removal from Refuse Disposal Site**

- (1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the local government.
- (2) A person who obtains approval from the Local government shall comply with any conditions imposed by the local government and set out in the approval.

**4.16 Removal of Rubbish from Premises or Receptacle**

- (1) A person shall not remove any rubbish or refuse from premises unless that person is –
- (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the Local government.
- (2) A person shall not, without the approval of the Local government or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

**4.17 Burning or Rubbish or Refuse**

- (1) A person shall not
- (a) without the approval of the Local government; and
  - (b) except in accordance with the terms and condition to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either –
    - (i) in any incinerator; or
    - (ii) on the ground.
- (2) Subject to subsection (3), an approval of the Local government is issued subject to the following conditions –
- (a) the material to be burnt –
    - (i) does not include any plastic, rubber, food scraps, dry green waste 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’s refuse collection service; and
  - (b) there is no other appropriate means of disposal.



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- (3) Burning shall not take place, unless approved by the Local government, -
  - (a) during any period for which an air dispersion alert for the area has been issued by the Bureau of Meteorology;
  - (b) where there is no current dispersion alert outside of the house of 10:00am to 3:00pm; or
  - (c) a Total Fire Ban has been declared by Department of Fire and Emergency Services.
- (4) An incinerator used for burning must meet the Australian Standards for Domestic incinerators (fire safety) specified in AS 1875-1976; and
  - (a) be located at least 3 metres from any boundary, building or inflammable matter; and
  - (b) in such a position so as not to create a nuisance or be offensive to other persons.

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*Division 3 – Transport of Butchers’ Waste*

**4.18 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 from an abattoir.

**4.19 Restriction of Vehicles**

A person shall not use, for the transport of butcher’ waste –

- (a) a vehicle or container other than a vehicle or container which meets the requirements of section 4.20; 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;

**4.20 Transport of Butchers’ Waste**

- (1) A person shall not transport butchers’ waste otherwise than in –
  - (a) a compartment complying with the following specifications –
    - (i) all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;
    - (ii) all joints to be sealed and made watertight;
    - (iii) the loading door, if any, to be water-tight and kept closed at all times except when loading; and
    - (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by an Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
  - (b) a water-tight metal container 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 section, are –
  - (a) maintained in good working 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; or
  - (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.

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## PART 5 - NUISANCES AND GENERAL

### *Division 1 – Nuisances*

#### 5.1 Interpretation

In this division, unless the context otherwise requires –

**fertiliser** includes manure; and

**public vehicle** means any vehicle to which the public ordinarily has access, whether by payment of a fee or not and includes a taxi or bus.

#### 5.2 Footpaths etc. to be kept clean

An owner or occupier of premises shall take reasonable steps to keep any footpath, pavement, area or right of way immediately adjacent to the premises, clear of any rubbish, matter or other things coming from or belonging to the premises.

#### 5.3 Escape of Smoke etc.

An owner or occupier shall not cause or permit the escape of smoke, dust, sand, 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.

#### 5.4 Public Vehicles to be kept clean

The owner or person in control of a public vehicle shall –

- (a) maintain the vehicle at all time –
  - (i) in a clean condition; and
  - (ii) free from vectors of disease; and
- (b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

#### 5.5 Transportation, Use and Storage or Offal or Blood

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.

#### 5.6 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;
- (b) human faeces; or
- (c) urine.

#### 5.7 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 all internal surfaces are constructed of durable and non-absorbent materials finished internally with a smooth surface; and
  - (ii) that protects it from the absorption of moisture; and
  - (iii) that is adequately ventilated;

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- (b) take proper precautions to prevent the emissions 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 as to prevent any nuisance arising during transit.

**5.8 Storage of Fertiliser in a House**

The owner or occupier of a house where fertiliser or compost is stored or used shall –

- (a) prevent the escape of odours, dust or particles of fertiliser or compost;
- (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; 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 Environmental Health Officer.

*Division 2 – Keeping of Animals and Birds*

**5.9 Interpretation**

In this Division, unless the context otherwise requires –

**animal** includes cats, dogs, rabbits and ferrets; and

**bird** includes galahs, parrots, budgerigars, finches, pigeons and doves and other domesticated birds.

**5.10 Cleanliness**

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

- (a) keep the premises free of excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;
- (b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and
- (c) keep the premises, so far from flies or other 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.

**5.11 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.
- (2) The owner or occupier of premises, where animals or birds are kept shall, when directed by an Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals and birds.

**5.12 Slaughter of Animals**

- (1) Subject to sub-section (2), a person, unless exempted under the Regulation 20 of the *Food Regulations 2009*, shall not slaughter any animal within the district.
- (2) Subsection (1) does not apply to –
  - (a) euthanasia of animals by veterinarians or other duly authorised persons;
  - (b) farmers, pastoralists and the like who slaughter for their own consumption;

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- (c) slaughter of animals for the purposes of pet meat and game meat operations; and
- (d) slaughter of animals for human consumption in abattoirs approved by the Local government.

**5.13 Disposal of Dead Animals**

- (1) An owner or occupier of premises, other than a veterinary practise, on which there is a dead animal shall immediately remove the carcass as soon as possible, for its disposal at a local government approved disposal site.
- (2) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours shall refrigerate the carcasses prior to their removal and disposal, at a local government approved disposal site.
- (3) An owner, or a person having the care of any animal that dies or is killed in a public or private place shall, as soon as possible, remove the carcass and arrange for its disposal at an approved disposal site, except where it may be buried on broadacre farmland by the owner or occupier.

*Division 3 – Keeping of Large Animals*

**5.14 Interpretation**

In this Division, unless the context otherwise requires –

**cow** includes an ox, calf or bull; and

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

**large animal** includes an alpaca, cow, horse, sheep, goat, pig, deer, camel, llama, emu, ostrich, kangaroo or the like.

**5.15 Keeping of Pigs**

An owner or occupier of premises within a townsite shall not keep a pig except with approval from Local government.

**5.16 Keeping of Large Animals and Provision of Stables**

- (1) An owner or occupier of premises within a townsite shall –
  - (a) keep large animals in a manner so as not to create a nuisance and in this respect the Local government may limit or vary the number of large animals that may be kept on an allotment;
  - (b) not keep a horse or cow on those premises without the written approval of the Local government and such approval notice shall prescribe the number of horses or cows permitted to be kept; and
  - (c) not keep a horse or cow on an allotment of less than 2,000m<sup>2</sup> save that Local government may, at its discretion, waive strict compliance with this requirement with respect to any stable in existence prior to the day of this section coming into force.
- (2) Subject to subsection (3) an owner or occupier of premises shall not permit a large animal to be kept within 15 metres of a dwelling house.
- (3) Local government may permit the keeping of native animals within 15 metres of a dwelling house, if it is satisfied the keeping of such animal(s) would not adversely affect the health or amenity of residents in the area.
- (4) An owner or occupier of premises who is required to and has obtained approval to keep a horse shall provide for its use a stable which shall –
  - (a) not be situated within 15 metres of a house or other premises;

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- (b) have a proper separate stall for each horse or cow and the floor area of which shall be a minimum of 11 square metres;
  - (c) have each wall and roof constructed of an impervious material;
  - (d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height; and
  - (e) subject to subsection (3), have a floor, the upper surface of which shall –
    - (i) be raised at least 75 millimetres above the surface of the ground;
    - (ii) be constructed of approved material; and when required
    - (iii) have a fall of 1 in 100 to a drain which shall empty in a trapped gully outside the stable and shall discharge in a manner approved by the Local government.
- (5) The construction of any stable with a sand floor may be permitted by Local government, subject to the following conditions -
  - (a) the site must be well drained with the highest known water table no closer than 1.5 metres off the ground or sand floor level, which may be achieved artificially;
  - (b) whether natural or imported sand, it must be clean, coarse and free of dust;
  - (c) footings to each stable shall be a minimum of 450mm below ground level;
  - (d) the stable design must allow for the access of small machinery, such a bobcat, into each individual stall to maintain the correct floor height;
  - (e) the minimum floor area of each stall shall not be less than 28 metres and wall shall not be less than 50% of the floor area; and
  - (f) in all other respects, sub-section (2) shall apply to the stable building.
- (6) The owner or occupier of premises on which a stable is located shall –
  - (a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;
  - (b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying a residual insecticide or other effective means; and
  - (c) when so ordered by an Environmental Health Officer, spray the stable or such parts as may be directed, with a residual insecticide.
- (7) In areas other than residential areas, the Local government may vary the requirements to provide a stable.

**5.17 Manure Receptacle**

An owner or occupier of premises on which an approved animal is kept 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 cover, and with no part of the receptacle base being lower than 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 becoming 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

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- (e) cause all manure produced on the premises to be collected daily and placed in the receptacle.

*Division 4 – Keeping of Poultry and Pigeons*

**5.18 Interpretation**

In this Division, unless the context otherwise requires –

**affiliated person** means any person who is a member of –

- (a) The Pigeon Racing Federation of Western Australia;
- (b) The Fancy Utility Pigeon Club of Western Australia; or
- (c) any other properly constituted Pigeon Club, Bantam Club and the like.

**poultry** includes fowls, peafowls, turkeys, geese, ducks and other domestic fowls.

**5.19 Limitation on Numbers of Poultry**

An owner or occupier of premises within a townsite shall not keep a combined total of more than 6 poultry and pigeons without the approval of Local government, on any one lot of land;

**5.20 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 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
- (b) all poultry is kept in properly constructed and securely fastened structure or enclosure;
- (c) the structure or enclosure is in the yard having an otherwise obstructed area of at least 30 square metres;
- (d) where pigeons are kept in accordance with the Code of Practise – and where there is any inconsistency with these Local Laws and the Code of Practise, the provisions of these Local Laws shall prevail;
- (e) all enclosure 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 Environmental Health Officer; and
- (f) no poultry is able to approach within 1 metre of boundary of the premises.



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**5.21 Keeping of Poultry within a Townsite**

- (1) An owner or 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 goose or gander;
  - (b) a turkey;
  - (c) a peacock or peahen; or
  - (d) 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 any one or more birds as specified in sub-subsection (1).
- (3) A person who has been granted approval under this section 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 section if it is of the opinion that the keeping of birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

**5.22 Roosters**

- (1) An owner or occupier of premises shall not –
  - (a) without the written approval of the Local government; or
  - (b) except in accordance with any conditions imposed by the Local government in connection with the approval under paragraph (a), or
  - (c) not keep more than 20 pigeons (exclusive of young birds) unless being an Affiliated Person.keep or permit a rooster to be kept on the premises.
- (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 a specified number of roosters.

**5.23 Pigeons or Doves**

A person who keeps, or permits to be kept, pigeons or doves shall ensure that –

- (a) none is able to approach within 15 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 properly constructed pigeon lofts or dovecote that –
  - (i) is in a yard having an otherwise unobstructed area of at least 30 metres; and
  - (ii) is maintained in such a manner as not to create a nuisance by emission of dust, effluvia or odours.

**5.24 Removal of Non-Conforming Structures or Enclosures**

- (1) If a structure or enclosure is used for the keeping of poultry or pigeons or doves contrary to the provision of section 5.4.3 and 5.4.6, the Local government may direct the owner or occupier to remove it.
- (2) An owner or occupier shall comply with a direction from the Local government under this section.

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**5.25 Restrictions on Pigeon Nesting or Perching**

- (1) The Local government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier shall comply with the Local government order under this section.

*Division 5 – Car Parks*

**5.26 Interpretation**

In this division, unless the context otherwise requires –

**car parks** means premises, or part of premises, set aside for parking or 3 or more vehicles; and

**occupier** means a person having charge, management or control of a car park.

**5.27 Ventilation**

- (1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either –
  - (a) natural ventilation; or
  - (b) mechanical ventilation
 in accordance with AS1688.2 – 2002 as amended from time to time.
- (2) If, in the opinion of the Local government, a car park is not properly ventilated, the Local government may by notice require the occupier within a specified time to –
  - (a) provide a different or additional method of ventilation; and
  - (b) cease using the car park until it is properly ventilated.
- (3) An occupier shall comply with a notice under subsection (2).

**5.28 Exhaust Air Discharge Points and Exhaust Registers**

An owner or occupier shall ensure that –

- (a) all exhaust air that is discharged from a car park shall be discharged at discharge points
- (a) in accordance with AS1688.2 – 2002 as amended from time to time; and
- (b) located so that the hourly average exhaust flow rate is not reduced below the minimum requirements of AS1688.2 – 2002 as amended from time to time, at a velocity and in a direction so as not to be a danger to health or a nuisance.
- (b) exhaust registers are located as far as possible from the source of supply air;
- (c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and
- (d) any mechanical ventilation is –
  - (i) maintained in good working condition; and
  - (ii) in operation at all times when the car park is in use.

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**PART 6 - PEST CONTROL**

*Division 1 – Flies*

**6.1 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.

**6.2 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 the 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.

**6.3 Measures to be taken by an Occupier**

An owner or occupier of 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 thinly out;
- (d) fertilisers are dug well into soil
- (e) compost heaps are kept well 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.

**6.4 Officer may give Notice directing Measures to be taken**

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

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

**6.5 Local government may Execute Work and Recover Costs**

(1) Where -

- (a) a person is required under this Division or directed by a notice under section 6.4, to execute any work; and
  - (b) that person fails or neglects to comply with the requirement,
- the Local government may execute the work and recover from the person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.

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- (2) The costs and expenses incurred by the Local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).
- (3) The Local government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Local government under this section.

*Division 2 – Mosquitoes*

**6.6 Interpretation**

In the Division, unless the context otherwise requires –

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

**6.7 Premises to be kept free of Mosquito Breeding Matter**

An owner or occupier of premises shall keep the premises free of –

- (a) refuse; and
- (b) water located as to be,

liable to become the breeding place of mosquitoes.

**6.8 Measures to be taken to prevent Mosquito Breeding**

- (1) An owner or occupier of premises shall ensure that the premises is kept free from possible mosquito breeding sites and shall –
  - (a) follow any direction of an Environmental Health Officer for the purpose of:
    - (i) controlling the prevalence of mosquitoes;
    - (ii) eradication; or
    - (ii) effectively preventing the breeding of mosquitoes.
  - (b) assist the Environmental Health Officer to locate any possible mosquito breeding sites that may be present in or about the premises.
- (2) An owner or 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.
- (3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in sound condition at all times, and mesh having openings no larger than 1.2mm covers any educt vent to the system.
- (4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

**6.9 Local government may execute and Recover costs**

- (1) Where –
  - (a) a person is required under this division or directed by a notice under 6.7 to execute any work; ad
  - (b) that person fails or neglects to comply with the requirement;
 the Local government may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.

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- (2) The costs and expenses incurred by the Local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from that person.
- (3) The Local government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Local government.

*Division 3 – Rodents*

**6.10 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 animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pet animals of that kind.

**6.11 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) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this section.

**6.12 Food and Wastes to be kept in Rodent Proof Receptacles**

A person shall not place or caused to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises -

- (a) any waste food, refuse, or other waste matter which might attract rodents to the premises, or which might afford harbourage for rodents; or
- (b) any food intended for birds or other animals

unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

**6.13 Restrictions on the Keeping of Rats**

A person or body which keeps rodents shall –

- (a) at all times ensure that all live rodents are kept in the effective control of a person or locked in cages; and
- (b) if a rodent escapes, forthwith comply with the requirements of section 6.3 and ensure that all reasonable steps are taken to destroy or recapture the rodent.

**6.14 Food Premises etc. to be cleaned after Use**

An owner or occupier of a food premises, 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.

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*Division 4 – Cockroaches*

**6.15 Interpretation**

In this division, unless the context otherwise requires –

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

**6.16 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 Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever actions that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.
- (3) An owner or occupier shall within the specified time comply with any direction given by an Environmental Health Officer under this section.

*Division 5 – Argentine Ants*

**6.17 Interpretation**

In this division, unless the context otherwise requires –

**Argentine Ants** means an ant belonging to the species *Iridomyrmex humilis*.

**6.18 Measures to be taken to keep premises free from Argentine Ants**

An owner or occupier of premises shall ensure that premises are kept free from Argentine Ants colonies and shall –

- (a) take all steps to locate any nests, if Argentine Ants are noticed in, on or about the premises;
- (b) properly treat all nests of Argentine Ants with an approved residual-based insecticide; and
- (c) whenever directed by an Environmental Health Officer –
  - (i) treat any area or infestation with an insecticide referred to in paragraph (b); and
  - (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from the Environmental Health Officer.

*Division 6 – European Wasps*

**6.19 Interpretation**

In this division, unless the context otherwise requires –

**European Wasps** means a wasp *Vespula germanica*.

**6.20 Measures to be taken to keep premises free from European Wasp Nests**

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

- (a) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and
- (b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

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*Division 7 – Bee Keeping*

**6.21 Interpretation**

In this division, unless the context otherwise requires –

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

**footpath** includes a path used by, or set aside or intended for use by, pedestrians, cyclists or both pedestrians and cyclists;

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

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

**private street** has the meaning given to it by the *Local Government (Miscellaneous Provisions) Act 1960*.

**6.22 Limitation on number of Hives**

- (1) A person shall not keep or permit the keeping of bees except on a lot in accordance with this division.
- (2) Subject to subsections (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
- (3) The Local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which equal to or greater than 2,000m<sup>2</sup> in area
- (4) A person shall comply with any conditions imposed by the Local government under subsection (3).

**6.23 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 supplies on the lot within 10 metres of the hives;
- (b) the hive is kept –
  - (i) outside, and at least 10 metres from, any building other than a fence;
  - (ii) at least 10 metres from any footpath, street, private street or public place; and
  - (ii) 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.

**6.24 Bees which cause a nuisance are not to be kept**

- (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) If, in the opinion of an Environmental Health Officer, the approved hives are causing a nuisance, the Local government may direct any bees or approved hives to be removed.
- (3) A person shall comply with a direction within the time specified.



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*Division 8 – Arthropod Vectors of Disease*

**6.25 Interpretation**

In this division, unless the context otherwise requires –

**arthropod vectors of disease** includes –

- (a) fleas (*Siphonaptera*);
- (b) bedbugs (*Cimex lectularius*);
- (c) crab lice (*Phthirus pubis*);
- (d) body lice (*Pediculus humanus var. corporis*);
- (e) head lice (*Pediculus humanus var. capitis*); and
- (f) any other insect prescribed by the Local government.

**6.26 Responsibility of the Owner or Occupier**

The owner or occupier of premises shall –

- (a) keep the premises and any person residing in or on the premises free from any vectors of disease; and
- (b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purposes of destroying any vectors of disease.

**PART 7 - INFECTIOUS DISEASES**

*Division 1 – General Provisions*

**7.1 Requirement for an Owner or Occupier to clean, disinfect and disinfest**

- (1) The Council or an Environmental Health 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 disinfest –
  - (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 Environmental Health Officer.
- (2) An owner or occupier shall comply with a notice given under subsection (1).

**7.2 Environmental Health Officers may disinfect or disinfest premises**

- (1) Where the Local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Local government or the Medical Officer may direct an Environmental Health Officer, other Local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
- (2) An owner or occupier shall permit, and provide access to enable, an Environmental Health Officer, other Local government officer or other person to carry out the direction given under subsection (1).
- (3) The Local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.
- (4) The Local government shall not be 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 or any of its staff or employees under this section.

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**7.3 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 an Environmental Health Officer considers that a house is insanitary, the officer may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to amend the house.
- (3) Where an Environmental Health Officer considers that –
  - (a) a house or premises is not being maintained in a sanitary condition; or
  - (b) any thing 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 to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

**7.4 Medical Officer may authorise disinfecting**

- (1) where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and manner directed by the Medical Officer.
- (2) A person shall comply with any direction of the Medical Officer under this section.

**7.5 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 –

- (a) shall obey such instructions or directions as the Local government or the Medical Officer may issue;
- (b) may be removed, at the direction of the Local government or the Medical Officer 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 Medical Officer otherwise directs.

**7.6 Declaration of infected house or premises**

- (1) To prevent or check the spread of infectious disease, the Local government or the Medical Officer 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 the Medical Officer or an Environmental Health Officer.

**7.7 Destruction of infected animals**

- (1) An Environmental Health 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 in 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 animals destroyed and disposed of –

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- (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.
- (2) A person who has in his or her possession or upon premises occupied by him or her, an animal which is the subject of a notice under subsection (1) shall comply with the terms of the notice.

**7.8 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 subsection (2), cause the body to be buried or disposed of in such a manner, within such time and with such precautions as may be directed by the Medical Officer.
- (2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

**7.9 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 this section may be recovered in a court of competent jurisdiction from the persons referred to in subsection (1).
- (3) The Local government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Local government under this section.

*Division 2 – Disposal of used condoms and needles*

**7.10 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 the Local government.
- (2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

**7.11 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.

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## PART 8 - LODGING HOUSES

### *Division 1 – Registration*

#### 8.1 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;

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

**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;

**lodging house** includes a recreational campsite, a serviced apartment and a short-term hostel and means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include – ;

(a) premises licenced under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the *Liquor Licensing Act 1988*; or

(b) residential accommodation for students in a non-government school within the meaning of the *School Education Act 1999*; or

(c) any building comprising of residential flats; or

(d) any Class 1 building as defined by the Building Code;

**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;

(c) but does not include a camp or caravan within the meaning of *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;

**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 backpackers hostels; and

**vectors 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, body lice and head lice.

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- (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.

**8.2 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 section 8.4;
- (c) the name of the person keeping or proposing to keep 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 by an Environmental Health 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.

**8.3 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.

**8.4 Approval of Application**

The Local government may approve, with or without conditions, an application under section 8.4 by issuing to the applicant a certificate in the form prescribed Schedule 2.

**8.5 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.

**8.6 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 Local government written notice in the form prescribed in Schedule 3 or the full name, address and occupation of the person to whom the lodging house has been, or is to be sold or transferred.

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**8.7 Revocation of Registration**

- (1) Subject to subsection (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 subsection (1), the Local government may revoke a registration upon one or more of the following ground –
  - (a) that the lodging house has not, to the satisfaction of the Local government, 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;
    - (ii) not complied with a requirement of this Part; or
    - (iii) not complied with a condition of registration.
  - (c) that the Local government, having regards 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, additions, or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of an Environmental Health Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this section, 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 revoked the registration of a lodging house, it shall give the keeper notice of 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*

**8.8 General Construction Requirements**

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

**8.9 Insect Screening**

The keeper shall provide and maintain in good working order and conditions windows and external doors that are screened with wire mesh having openings no larger than 1.2 millimetres.

**8.10 Sanitary Conveniences**

- (1) A keeper shall maintain in good working order and condition and in convenient position on the premises –
  - (a) toilets; and
  - (b) bathrooms, each fitted with a shower, bath and 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 subsection (1).
- (3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.

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- (4) The walls of each shower or bath shall be of an impervious material to a minimal height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall –
  - (a) be so situated, separated and screened 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) Paragraphs 5(b) and 5(c) do not apply to a serviced apartment.

**8.11 Laundry**

- (1) A keeper shall –
  - (a) subject to subsection (2) –
    - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least 45 litre stainless steel trough; and
    - (ii) in any other case, provide a laundry unit for each 15 lodgers;
  - (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
  - (c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and
  - (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste or other appropriate means of disposal.
- (2) An Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.
- (3) In this section –
 

**laundry unit** means a group of facilities consisting of –

  - (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
  - (b) one wash trough of not less than 35 litres capacity, connected to both hot and cold water; and
  - (c) either an electric drying cabinet or not less than 30 metres of clothes line, and for which a hot water system is provided that –
    - (d) is capable of delivering 136 litres of water per hour at a temperature of at least 75 degrees Celsius for each washing machine provided with the communal facilities; and
    - (e) has a delivery rate of not less than 18 litres per minute to each washing machine.

**8.12 Kitchen**

The keeper of a lodging house shall provide in that lodging house a kitchen which –

- (a) has a minimum floor area of –
  - (i) where lodgers prepare their own meals – 0.65 square metres per person;
  - (ii) where meals are provided by the keeper of manager – 0.35 square metres per person; or
  - (iii) where a kitchen and dining room are combined – 1 square metre per person, but in any case not less than 16 square metres;
- (b) has adequate -

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- (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
- (ii) refrigerator space for storage of perishable goods;
- (c) complies with the requirements of the Food Standards Australia New Zealand Safe Food Australia Code Standard 3.2.3 Food Premises and Equipment; and
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water.

**8.13 Cooking Facilities**

- (1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and oven approved by the Environmental Health Officer in accordance with the following table –

| NO. OF LODGERS | OVENS | 4 BURNER STOVES                                                |
|----------------|-------|----------------------------------------------------------------|
| 1 – 15         | 1     | 1                                                              |
| 16 – 30        | 1     | 2                                                              |
| 31 – 45        | 2     | 3                                                              |
| 46 – 60        | 2     | 4                                                              |
| Over 60        | 2     | 4 + 1 for each additional 15 lodgers (or part thereof) over 60 |

- (2) The keeper of a lodging house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Environmental Health Officer.



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**8.14 Dining Room**

The keeper of a lodging house shall provide in that lodging house a dining room –

- (a) located in close proximity to, or combined with, the kitchen;
- (b) the floor area of which shall be not less than the greater of –
  - (i) 0.5 square meters per person; or
  - (ii) 10 square metres; and
- (c) which shall be –
  - (i) adequately furnish to accommodate, at any one time, half of the number of lodgers; and
  - (ii) provided with a suitable floor covering.

**8.15 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 room 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 the 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.

**8.16 Fire prevention and control**

- (1) A keeper shall –
  - (a) in each passage in the lodging house provide an emergency light –
    - (i) in such a position and of such a pattern, as approved by the Environmental Health Officer; and
    - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
  - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and
  - (c) ensure that each exit sign and firefighting appliance 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 approved by the local government.

**8.17 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 occupying the lodging house.

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**8.18 Fitting of locks**

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

**8.19 Restrictions on use of Rooms for Sleeping**

- (1) Subject to subsection (3) and section 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 short-term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
  - (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre or unobstructed glass to every 1.0 square metres of floor area;
  - (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
  - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good working 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 Environmental Health Officer.
- (2) For the purposes of this section two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

**8.20 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; and
  - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subsection (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 of 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 subsection (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:

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- (a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided 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
  - (b) mechanical ventilation in lieu of fixed ventilation, subject to Local government's approval.
- (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 metre; 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) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
  - (b) ensure 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. The passageway shall be kept clear of obstruction at all times; and
  - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper of a short-term hostel or recreational campsite shall ensure that –
  - (a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3, as amended from time to time, as follows –
    - (i) drapes, curtains, blinds and bed covers - a maximum Flammability Index of 6;
    - (ii) upholstery and bedding - a maximum Spread of Flame Index of 6;  
- a maximum Smoke Developed Index of 5;
    - (iii) floor coverings - a maximum Spread of Flame Index of 7;  
- a maximum Smoke Developed Index of 5;

Fire retardant coating used to make a material comply with these indices must be –

    - (i) certified by the manufacturer as approved for use 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 2001.5.4-1997, Procedure 7A, using ECE reference detergent; and
    - (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specifications
  - (b) emergency lighting is provided in accordance with the Building Code
  - (c) no person shall smoke in any dormitory, kitchen or dining room, within a short-term hostel or recreational campsite. The keeper may permit

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smoking in a meeting or assembly hall area, within a short-term hostel;  
and

- (d) all mattresses are fitted with mattress protectors.

**8.21 Furnishing etc. of Sleeping Apartments**

- (1) A keeper shall –
- (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
  - (b) ensure that each bed –
    - (i) has a bed head, mattress and pillow; and
    - (ii) is provided with a pillow case, mattress cover, two sheets, two blankets or equivalent; and
  - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used as sleeping apartments other than in a lodging house used exclusively as a short-term hostel or recreational campsite.

**8.22 Ventilation**

- (1) If, in the opinion of an Environmental Health 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.
- (2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

**8.23 Numbers to be placed on Doors**

- (1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that –
- (a) the number “1” is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
  - (b) the number continue in sequence throughout each floor (if there is more than one) of the lodging house.
- (2) The numbers are to be placed on the doors under subsection (1) shall be –
- (a) not less than 40 millimetres in height;
  - (b) 1.5 metres from the floor; and
  - (c) permanently fixed either by being painted on the doors or by other legible means.

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*Division 3 – Management and Care*

**8.24 Keeper or Manager to Reside in the Lodging House**

Whenever there is 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.

**8.25 Register of Lodgers**

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

**8.26 Keeper Report**

A keeper shall, whenever required by the Local government, report to the Local government in the form prescribed in Schedule (5), the name of each lodger who lodged in the lodging house during the preceding day or night.

**8.27 Certificate in Respect of Sleeping Accommodation**

- (1) At Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form prescribed in Schedule (6) or Schedule (7) if over 20 sleeping apartments.
- (2) The certificate issued under subsection (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 Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place.
- (4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

**8.28 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 Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

**8.29 Room Occupancy**

- (1) A keeper shall not –
  - (a) cause, suffer or permit more than the maximum numbers of persons permitted by the Certificate of Registration of the 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 quality 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

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- (c) use or cause, suffer or permit to be used for sleeping purposes a room that
  - 
  - (i) has not been certified for that purpose; and
  - (ii) the Local government or the Medical Officer has forbidden to be used as a sleeping apartment.
- (2) For the purpose of this section, two children under 10 years of age shall be counted as one lodger.

**8.30 Infectious Disease**

A keeper shall immediately after becoming aware that a lodger or resident is suffering from a notifiable disease notify an Environmental Health Officer.

**8.31 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 subsection (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.

**8.32 Cleaning and Maintenance Requirements**

- (1) In this section –
 

**bed linen** includes sheets, pillow cases, mattress protectors and mattress covers.
- (2) A keeper of a lodging house shall –
  - (a) maintain in a clean, sound and undamaged condition –
    - (i) the floors, walls, ceilings, woodwork and painted surfaces;
    - (ii) the floor coverings and window treatments; and
    - (iii) the toilet seats;
  - (b) maintain in a clean condition and in a good working order -
    - (i) all fixtures and fittings; and
    - (ii) windows, doors and furniture;
  - (c) ensure that the internal walls of each bathroom and toilet have a smooth impervious washable surface;
  - (d) whenever there is one or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;
  - (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;

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- (iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept in clean, in good repair and free from vectors of disease;
- (v) when any vectors of disease are found in 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 Environmental Health 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 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 Environmental Health Officer.

**8.33 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, obnoxious or offensive;
- (c) use a bath or wash hand 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 or any purposes other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
- (f) deposit rubbish or waste food other than into proper rubbish receptacle;
- (g) in a kitchen or other place where food is kept –
  - (i) wash or permit the washing of clothing or bedding; or
  - (ii) keep or permit to be kept any soiled clothing or bedding;
- (h) subject to section 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 or furniture, that is infested with vectors of disease;
- (j) store or keep such a quantity of furniture, materials or good 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;

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- (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 within the written approval of the keeper.

**8.34 Approval for storage of food**

- (1) An Environmental Health 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 a nuisance or vector of disease infestation is food to exist in the lodging house.
- (2) The keeper or 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 Interpretation**

In this Part, unless the context otherwise requires –

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

**premises** includes houses.

*Division 2 – General Duties of an Occupier*

**9.2 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

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

**9.3 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.

**9.4 Rats and Other Vectors of Disease**

The occupier shall –



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- (a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
- (b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

**9.5 Sanitary Conveniences and Wash Basins**

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

**9.6 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 Environmental Health Officer.

**9.7 Effluvia, Vapours or Gases**

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.

**9.8 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 air-tight 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 receptacle to be removed from the premises at least once in every working day at such more frequent intervals as may be directed by an Environmental Health Officer.
- (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

**9.9 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 smell or otherwise and so as to prevent the creation of a nuisance.

**9.10 Specified Offensive Trade**

- (1) For the purposes of this section, 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 trade, the occupier shall –
  - (a) cause the floor of the premises to –

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- (i) be properly paved and drained with impervious material;
- (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;
- (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be covered to a radius of not less than 25 millimetres; and
- (c) cause all liquid refuse to be –
  - (i) cooled to a temperature not exceeding 26 degrees Celsius and by in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Board By-Laws 1981* before being discharged into any drain outlet from any part of the premises; and
  - (ii) directed through such screening or purifying treatment as an Environmental Health Officer may from time to time direct.

**9.11 Directions**

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

**9.12 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.

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*Division 3 – Fish Premises*

**9.13 Interpretation**

In this Division, unless the context otherwise requires –

**fish premises** may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment.

**9.14 Duties of an Occupier**

The occupier of a fish premises shall –

- (a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;
- (b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and
- (c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

**9.15 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 9.2.7 and disposed of in accordance with that section; or
- (b) kept in a frozen state in an approved enclosure before its removal from the premises.

**9.16 Fish Containers**

The occupier of a fish premises shall not allow any 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.

*Division 4 – Laundries, Dry Cleaning Establishments and Dye Works*

**9.17 Interpretation**

In this Division, unless the context otherwise requires –

**dry cleaning establishment** –

- (i) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

**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 there from, into a public sewer;

**exempt laundromat** means a premises in which –

- (a) laundering is carried out by members of the public using, 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;
- (c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

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**laundromat** means a public place with coin operated washing machines, spin dryers or dry-cleaning machines; and

**laundry** means any places where articles are laundered for the purpose of trade but does not include an exempt laundromat.

**9.18 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 Local government who may at any time by written notice withdraw such permission.

**9.19 Reception Room**

- (1) The occupier of a laundry or 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 Environmental Health Officer to be thoroughly disinfected to the satisfaction of that officer.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

**9.20 Walls and Floors**

The occupier of a laundry, dry cleaning establishments 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 to a height of 2 metres with a smooth impervious surface;
- (b) the floor to be constructed of concrete and finished with a smooth impervious 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 or be deposited on it.

**9.21 Laundry Floor**

The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, at least 910 millimetres in width and so constructed as to prevent any person from standing in water on the floor.

**9.22 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.

**9.23 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 Environmental Health Officer for that purpose.

**9.24 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 –

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- (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.

**9.25 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 5 – Piggeries*

**9.26 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.

**9.27 Limitation to Approval**

No premises shall be registered as a piggery unless every portion of such piggery is –

- (a) greater than 200 metres from the lot boundary of the lot upon which the piggery is to be situated;
- (b) greater than 100 metres from any dwelling house, dairy or other premises where food for human consumption is prepared, stored or sold;
- (c) outside the gazetted townsite of Toodyay and an area of 5 km wide surrounding and contiguous to the boundary of this townsite; and
- (d) outside that land described as being of the rural living zones in the Shire of Toodyay Town Planning Scheme and an area 1 km wide surrounding and contiguous to the boundaries of the rural living zones.

**9.28 Conditions of Approval**

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.

**9.29 Sties, Enclosures or Sheds**

- (1) The occupier of every piggery shall provide either –
  - (i) sties and enclosures;
  - (ii) enclosures; or
  - (iii) shedswithin which pigs shall be kept.
- (2) Where sties and enclosures are provided –

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- (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 300millimetres 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.
- (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 Environmental Health Officer.
- (4) Where sheds are provided, then –
  - (a) the floor of the shed shall comply with subsection 2(a);
  - (b) all buildings and yards shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease;
  - (c) drainage and treatment of effluent waste shall be carried out and maintained so as to prevent a nuisance.

**9.30 Slaughtering**

The occupier of any piggery shall not permit any slaughtering of animals on the premises.

**9.31 Feed**

The occupier of any piggery shall –

- (a) not receive, or allow to be received on such premises, any carcase or part of a carcase of a diseased animal;
- (b) not feed the pigs upon the flesh or offal of diseased animals;
- (c) not receive, 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.

**9.32 Fencing**

Every piggery occupier shall securely fence all the enclosures.

**9.33 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.

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**9.34 Feeding Troughs**

- (1) Every such occupier shall –
- (a) where sties and enclosures are provided under the provisions of subsection 9.6.4(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 sites or enclosures;
  - (b) where enclosures are provided under the provisions of subsection 9.6.4(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 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 section.
- (2) Notwithstanding the provisions of subsection (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.

**9.35 Prevention of Nuisances**

An owner or occupier must ensure that odours, dust, and effluent are adequately prevented from becoming a nuisance to health or amenity.

**PART 10 - OFFENCES AND PENALTIES**

**10.1 Offences and Penalties**

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under subsection (1) is liable to –
- (a) A penalty which is not more than \$5,000 and not less than –
    - (i) in the case of a first offence, \$500;
    - (ii) in the case of a second such offence, \$1,000; and
    - (iii) in the case of a third or subsequent offence, \$2,500; and
  - (b) if the offence is a continuing offence, a daily penalty which is not more than \$500 and not less than \$250 for each day during which, the offence continues.

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**Schedule 1***Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive Officer  
 Shire of Toodyay

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 Areas               | .....  | ..... |
| Other (Specify)             | .....  | ..... |

**Rooms for lodgers**

|                 | Number | Area  |
|-----------------|--------|-------|
| Bedrooms        | .....  | ..... |
| Dining Rooms    | .....  | ..... |
| Kitchens        | .....  | ..... |
| Sitting Rooms   | .....  | ..... |
| Other (Specify) | .....  | ..... |

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**Sanitary Conveniences for male lodgers**

Toilets .....  
Urinals .....  
Baths .....  
Showers .....  
Hand Wash Basins .....

**Sanitary Conveniences for female lodgers**

Toilets .....  
Baths .....  
Showers .....  
Hand Wash Basins .....

**Laundry Facilities**

Coppers .....  
Wash troughs .....  
Washing machines .....  
Drying cabinets or .....  
Clothes lines .....

**Additional Details**

- (a) Lodgers' meals will be provided by the managers/ keepers/ 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)

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 Shire of Toodyay.  
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(Section 133)

**Schedule 2**  
*Shire of Toodyay*  
 Health (Miscellaneous Provisions) Act 1911  
**CERTIFICATE OF REGISTRATION OF A LODGING HOUSE**

THIS is to certify that the premises situated at

.....  
 .....

Is registered as a

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 Toodyay, 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 is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping compartments for lodgers is .....; and
5. That the maximum number of lodgers accommodated on the premises shall not exceed .....

This Certificate of Registration is issued subject to the Health Local Laws of the Shire of Toodyay and is not transferable.

Dated ..... 20.....

.....  
 Environmental Health Officer  
 Shire of Toodyay

Fee received: \$.....

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(Section 135)

**Schedule 3**

*Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive Officer  
 Shire of Toodyay

I/We .....

(Full name of Applicant/s)

of.....

.....

(Residential Address of Applicant/s)

am/are the new owner/s of the premises situated at

.....

.....

which are registered in the name of

.....

.....

For the carrying on of the lodging house business.

.....

(Signature of Applicant/s)

.....

(Date)

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(Section 154)

**Schedule 4**

*Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**REGISTER OF LODGERS**

Location of Lodging House:

.....  
.....  
.....

| Date of<br>Arrival | Name  | Previous<br>Address | Signature | Room No. | Date of<br>Departure |
|--------------------|-------|---------------------|-----------|----------|----------------------|
| .....              | ..... | .....               | .....     | .....    | .....                |
| .....              | ..... | .....               | .....     | .....    | .....                |
| .....              | ..... | .....               | .....     | .....    | .....                |
| .....              | ..... | .....               | .....     | .....    | .....                |
| .....              | ..... | .....               | .....     | .....    | .....                |

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**Schedule 5**  
*Shire of Toodyay*  
Health (Miscellaneous Provisions) Act 1911  
**LIST OF LODGERS**

The Chief Executive Officer  
Shire of Toodyay

The following is the name of every person who resided in the lodging house at

.....  
.....  
.....  
.....

on the ..... day of ..... 20.....

(Signed).....

(Keeper)

Date: .....

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 Shire of Toodyay.  
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(Section 156)

**Schedule 6**  
*Shire of Toodyay*  
 Health (Miscellaneous Provisions) Act 1911  
**CERTIFICATE OF SLEEPING ACCOMMODATION**

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:**

Date: .....

.....

Principal Environmental Health Officer

Shire of Toodyay

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(Section 156)

**Schedule 7**  
*Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH  
MORE THAN 20 SLEEPING APARTMENTS**

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:**

Date: .....

.....

Environmental Health Officer

Shire of Toodyay

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(Section 33)

**Schedule 8**  
*Shire of Toodyay*  
Health (Miscellaneous Provisions) Act 1911  
**APPLICATION FOR LICENCE OF A MORGUE**

To: Chief Executive Officer

Shire of Toodyay

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)



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Shire of Toodyay.  
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(Section 33)

**Schedule 9**

*Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**CERTIFICATE OF LICENCE OF A MORGUE**

This is to certify that the following premises is licenced as a Morgue from the

..... day of ..... 20..... Until 30<sup>th</sup> day of June 20.....

Address of premises:

.....  
.....

Name of premises:

.....  
.....

Dated this..... day of ..... 20.....

.....

Environmental Health Officer

Shire of Toodyay

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911**  
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 Shire of Toodyay.  
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**Schedule 10**  
**OFFENCES IN RESPECT OF WHICH A MODIFIED PENALTY APPLIES**  
 (clause 10.1.3(1))

|    | CLAUSE    | NATURE OF OFFENCE                                                                                               | MODIFIED<br>PENALTY<br>\$ |
|----|-----------|-----------------------------------------------------------------------------------------------------------------|---------------------------|
| 1  | 2.7(1)(b) | Failing to comply with a direction                                                                              | 500                       |
| 2  | 2.9(1)    | Damaging, defacing, fouling, or vandalising any part of a public sanitary convenience                           | 500                       |
| 3  | 3.1       | Failing to sufficiently maintain the dwelling house or appurtenant buildings in sound condition and fit for use | 500                       |
| 4  | 3.2(a)    | Failing to maintain guttering, downpipes or drains                                                              | 500                       |
| 5  | 3.2 (b)   | Causing or permitting rainwater to discharge onto footpath, street, or other property                           | 500                       |
| 6  | 3.11      | Polluting or rendering unfit for human consumption water from a well or other underground source                | 500                       |
| 7  | 3.12      | Sale of second-hand furniture, bedding or clothing that is filthy or infested with vectors of disease           | 500                       |
| 8  | 3.13      | Possessing second-hand furniture, bedding, or clothing that is filthy or infested with vectors of disease       | 500                       |
| 9  | 3.14      | Failing to licence morgue                                                                                       | 500                       |
| 10 | 3.14(5)   | Failing to comply with condition of licence of morgue                                                           | 500                       |
| 11 | 4.2       | Depositing or causing or permitting to be deposited liquid refuse or liquid waste                               | 500                       |
| 12 | 4.6(a)    | Failing to keep receptacles behind street alignment or in position approved by local government                 | 500                       |
| 13 | 4.8(a)    | Depositing or permitting to be deposited any materials listed from 4.2.4(a)(i) to (xiii)                        | 500                       |
| 14 | 4.10      | Damaging, destroying, or interfering with a receptacle                                                          | 500                       |

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|    | CLAUSE                    | NATURE OF OFFENCE                                                                                                                                                                                            | MODIFIED<br>PENALTY<br>\$ |
|----|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 15 | 4.13(1)(a)                | Failing to provide a rubbish disposal bin on a building site                                                                                                                                                 | 500                       |
| 16 | 4.13(1)(b)                | Failing to maintain a building site free of rubbish and offensive matter                                                                                                                                     | 500                       |
| 17 | 4.17(1)                   | Causing or permitting rubbish or refuse to be set fire to or caused to be set on fire in an incinerator or on the ground without approval                                                                    | 500                       |
| 18 | 4.17(2), (3), (4) and (5) | Failing to comply with conditions of approval                                                                                                                                                                | 500                       |
| 19 | 4.19(a), (b) and (c)      | Failing to comply with requirements for transporting butchers waste                                                                                                                                          | 500                       |
| 20 | 5.2                       | Failing to keep footpath, pavement, area or right of way adjacent premise clear of rubbish, matter or any other things belonging from the premises                                                           | 500                       |
| 21 | 5.3                       | Causing or permitting the escape of smoke, dust, sand, fumes, offensive or foul odours, liquid waste, or liquid refuse from the premises in such a quantity or of such a nature to cause or to be a nuisance | 500                       |
| 22 | 5.4                       | Failing to maintain a public vehicle                                                                                                                                                                         | 500                       |
| 23 | 5.5                       | Transporting or storing of unsterilized offal or blood                                                                                                                                                       | 500                       |
| 24 | 5.6(a), (b) and (c)       | Using or keeping pig manure, human faeces, or urine for the use as fertiliser                                                                                                                                | 500                       |
| 25 | 5.7(a), (b) and (c)       | Failing to comply with conditions of keeping artificial fertiliser                                                                                                                                           | 500                       |
| 26 | 5.8(a), (b) and (c)       | Failing to comply with conditions of keeping fertiliser in a dwelling house                                                                                                                                  | 500                       |
| 27 | 5.10(a), (b), (c) and (d) | Failing to keep an animal or bird in a clean and sanitary condition                                                                                                                                          | 500                       |
| 28 | 5.15                      | Keeping a pig in a premises within a townsite                                                                                                                                                                | 500                       |
| 29 | 5.16(1)(a)                | Keeping a large animal that creates a nuisance                                                                                                                                                               | 500                       |
| 30 | 5.19                      | Keeping more than 6 poultry on a premises within a townsite without approval                                                                                                                                 | 500                       |

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|    | CLAUSE                            | NATURE OF OFFENCE                                                                                  | MODIFIED<br>PENALTY<br>\$ |
|----|-----------------------------------|----------------------------------------------------------------------------------------------------|---------------------------|
| 31 | 5.20(a), (b),<br>(c), (d) and (e) | Failing to comply with conditions of keeping and permitting poultry to be kept                     | 500                       |
| 32 | 5.21(1)                           | Keeping or permitting to be kept any unapproved fowl within a premises in a townsite               | 500                       |
| 33 | 5.22(1)                           | Keeping or permitting to be kept a rooster without approval                                        | 500                       |
| 34 | 5.23(1)(a), (b)<br>and (c)        | Failing to comply with conditions of keeping or permitting to be kept pigeons or doves             | 500                       |
| 35 | 5.25(2)                           | Failing to comply with an order                                                                    | 500                       |
| 36 | 6.2                               | Causing or permitting any matter or thing to attract or be a breeding place for flies              | 500                       |
| 37 | 6.4                               | Failing to comply with a notice                                                                    | 500                       |
| 38 | 6.8(1)(a)                         | Failing to comply with a direction                                                                 | 500                       |
| 39 | 6.11(2)                           | Failing to comply with a direction                                                                 | 500                       |
| 40 | 6.16(2)                           | Failing to comply with a direction                                                                 | 500                       |
| 41 | 6.18(c)                           | Failing to comply with a direction                                                                 | 500                       |
| 42 | 6.20(a)                           | Failing to comply with a direction                                                                 | 500                       |
| 43 | 6.22(4)                           | Failing to comply with a direction                                                                 | 500                       |
| 44 | 6.24(3)                           | Failing to comply with a direction                                                                 | 500                       |
| 45 | 6.26(b)                           | Failing to comply with a direction                                                                 | 500                       |
| 46 | 7.1(2)                            | Failing to comply with a notice                                                                    | 500                       |
| 47 | 7.3(4)                            | Failing to comply with a notice                                                                    | 500                       |
| 48 | 7.4(2)                            | Failing to comply with a direction                                                                 | 500                       |
| 49 | 7.5(a)                            | Failing to comply with instruction or a direction                                                  | 500                       |
| 50 | 7.6(2)                            | Entering or leaving any dwelling house or premises declared to be infected without written consent | 500                       |
| 51 | 7.7(2)                            | Failing to comply with a notice                                                                    | 500                       |

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|    | CLAUSE  | NATURE OF OFFENCE                                                      | MODIFIED<br>PENALTY<br>\$ |
|----|---------|------------------------------------------------------------------------|---------------------------|
| 52 | 7.10(2) | Failing to dispose of a used condom in accordance with clause 7.2.1(1) | 500                       |
| 53 | 7.11    | Failing to dispose of used syringe or needle in correct manner         | 500                       |

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#### AUTHORISATION

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on (Date) to make the *Health Local Laws 2027*.

Dated this .....day of .....2027

The Common Seal of the )  
Shire of Toodyay was )  
affixed in the presence of: )

\_\_\_\_\_  
Cr M McKeown, Shire President

\_\_\_\_\_  
Mr A Hart  
Temporary Chief Executive Officer



LOCAL GOVERNMENT ACT 1995

## **Shire of Toodyay**

# **Health Local Law**

# **2027**



Gazette Date: TBC

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
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## PART 1 - PRELIMINARY

### 1.1 Citation

- (1) These local laws may be cited as the "*Shire of Toodyay Health Local Laws 2027*"

### 1.2 Purpose

- (1) The purpose of these local laws is to protect, promote and improve public and environmental health within the district by regulating public health risks and nuisances, sanitation and housing standards, lodging houses and short-term accommodation, public buildings and events, animals, vectors and pests, offensive trades and associated activities.

### 1.3 Effect:

- (1) The effect of these local laws is to ensure that people living in, working in or visiting the district must comply with requirements designed to prevent or minimise public health risks, and the local government is empowered to administer, enforce and give effect to those requirements through notices, directions, and penalties where necessary.

### 1.4 Repeal

The *Shire of Toodyay Health Local Laws 2017*, as published in the Government Gazette on 22 December 2017 is repealed.

### 1.5 Interpretation

- (1) In these local laws, unless the context otherwise requires –

**Act** means *Health (Miscellaneous Provisions) Act 1911* and includes subsidiary legislation made under the *Health (Miscellaneous Provisions) Act 1911*;

**Adequate Supply of Water** means a flow of water of not less than 0.076 litres per second;

**Approved** means approved by the Local government of the Shire of Toodyay;

**AS or AS/NZS** means Australian Standard or Australian/ New Zealand Standard published by the Standards Association of Australia;

**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;

**CEO** means the Chief Executive Officer of the Shire of Toodyay and includes an Acting Chief Executive Officer;

**Council** means the local government of the Shire of Toodyay;

**District** means the district of the local government under the *Local Government Act 1995*;

**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;

**Energy Safety WA** means the *Energy Safety* division of the Department of Commerce- now known as Department of Local Government, Industry Regulation and Safety;

**Environmental Health Officer** means an Environmental Health Officer appointed by the Local government under the Act and included an Acting or Assistant Environmental Health Officer;

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**Food Standards Code** means the *Australian New Zealand Food Standards Code* as defined in the *Commonwealth Food Standards Australia New Zealand 1991* as amended from time to time;

**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; but
- (b) Excludes a bathroom, laundry, water closet, 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 at a temperature of at least 65 degrees Celsius;

**Local Government** means the Shire of Toodyay;

**Local Planning Scheme** has the meaning given to it by the *Planning and Development Act 2005*;

**Medical Officer** means the Medical Officer appointed by the Local government and includes an Acting Medical Officer so appointed;

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

**Sanitary Convenience** includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pit, ash-tub, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

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

**Sewer** includes sewers and drains of every description, , except stormwater drains, also water channels constructed of stone, brick, concrete, or any other material, including the property of 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 water closet, earth closet, privy or urinal and includes a room or cubicle in which one or more of these are located;

**Townsite** means all townsites within the district which are –

- (a) constituted under section 26(2) of the *Land Administration Act 1997*; or
- (b) referred to in clause 37 of Schedule 9.3 of the *Local Government Act 1995*;

**Water** means drinking water within the meaning of the Australian Drinking Water Guidelines 2011 as published by the National Health and Medical Research Local government; and

**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 the building to the room concerned when in the closed position.

- (2) Where in these local laws, 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 these local laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of these 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.

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## PART 2 - SANITATION

### *Division 1 – Sanitary Conveniences*

#### 2.1 Interpretation

- (1) In this Part, unless the context otherwise requires –
- festival** includes a fair, function, or event;
- organiser** means a person –
- (a) to whom approval has been granted by the Local government to conduct the festival; or
  - (b) responsible for the conduct of the festival;
- public sanitary convenience** means a sanitary convenience to which the public ordinarily have access, whether by payment of a fee or not;
- temporary sanitary convenience** means a sanitary convenience, temporarily placed for use by –
- (a) patrons in conjunction with a festival; or
  - (b) employees at construction sites or the like; and
- urinal** may be –
- (a) an individual stall or wall-hung urinal; or
  - (b) each 600mm length or a continuous urinal trough; or
  - (c) a closet pan used in place of a urinal.

#### 2.2 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 lighting.

#### 2.3 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 of Australia and this Part;
  - (b) the toilets required by these local laws are situated within close proximity 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;
    - (ii) provided with an adequate supply of water supplied by taps located over each basin;
    - (iv) separate from any trough, sink or 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 premises other than a dwelling house shall ensure that –
  - (a) clean toilet paper is available at all times in each cubicle;

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- (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 basin.

**2.4 Outdoor Festivals**

- (1) The organiser of an outdoor festival must provide sanitary conveniences in accordance with the recommendations contained within the Department of Health's Guidelines for concerts, events, and organised gatherings.
- (2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

**2.5 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;
- (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 the 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 as amended from time to time; 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.

**2.6 Temporary Works**

- (1) 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 Department of Health Guideline for the management of public health risks associated with temporary toilets in Western Australia

**2.7 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 Environmental Health 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.



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**2.8 Ventilation of Toilet**

- (1) A toilet in any premises shall be ventilated in accordance with the Building Code.

**2.9 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 sanitary fittings on 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 is was intended.

**2.10 Lighting**

- (1) The owner and the occupier of a premises in which a sanitary convenience or a public sanitary convenience is located shall provide and maintain sufficient natural or a minimum of 80 lux of artificial lighting for persons using the convenience.

**2.11 Installation**

- (1) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Country Areas Water Supply Act 1947* and the *Water Services Act 2012* and shall have an adequate supply of water.

*Division 2 – Bathrooms, Laundries, and Kitchens*

**2.12 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 an adequate ceiling;
  - (b) complies with 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 basin, and similar sanitary fittings shall be provided with an adequate supply of hot and cold water.

**2.13 Laundries**

- (1) A laundry must conform to the provisions of the Building Code of Australia.
- (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 or room where food is stored or consumed by a wall extending from the floor to the roof or ceiling.
- (3) Where there is an opening in a wall between a laundry and a kitchen or room where food is prepared or consumed, the opening shall –

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- (a) not be more than 1,220 millimetres wide; and
- (b) have a door which when closed shall completely fill the opening.

**2.14 Kitchens**

- (1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with –
  - (a) a cooking facility; and
  - (b) a sink which shall –
    - (i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and
    - (ii) have an adequate supply of hot and cold water.
- (2) The occupier of a dwelling house shall ensure that the cooking facility and sink are kept clean, in good order and repair and fit for use.
- (3) A cooking facility shall –
  - (a) be installed in accordance with the requirements of Energy Safety WA and the manufacturer's written specifications; and
  - (b) not be installed in any other room other than a kitchen.
- (4) Mechanical ventilation is to be provided in a kitchen, and the exhaust air shall be -
  - (a) carried to the outside air as directly as practicable unless adequately filtered for recirculation; and
  - (b) boxed throughout.
- (5) In this section, a cooking facility includes a stove, oven, facility, or appliance used for or in connection with the cooking of food.

**PART 3 - HOUSING AND GENERAL**

*Division 1 – Maintenance of Houses*

**3.1 Dwelling House Maintenance**

- (1) The owner or occupier of a dwelling house shall maintain the dwelling house any appurtenant buildings in sound condition and fit for use and, in particular, shall –
  - (a) maintain all roofs and where required to be provided, guttering and downpipes in sound weatherproof conditions;
  - (b) maintain any footing, 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 verandah, roof, walls, steps, handrails, floors, or their supports with material of sound quality;
  - (d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of controlling 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 ventilators in good order and repair;
  - (h) maintain all floors even in surface and free from cracks;

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- (i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;
- (j) maintain all doors and windows in good working order and weatherproof condition;
- (k) retain all natural lighting free from any obstruction which would reduce the natural lighting below the ratio of 10% of the floor area;
- (l) maintain all pipes, fittings and fixtures connected with water supply, drainage, or sewerage so that they comply with all aspects with the provisions of the *Water Services Act 2012* and any other legal requirements to which they are subject; and
- (m) maintain all electric wiring, gas services, and fittings to comply in all respects with the requirements of Energy Safety WA.

**3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater**

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

*Division 2 – Ventilation of Houses*

**3.3 Exemption for Short Term Hostels and Recreation Campsites**

- (1) This Division shall not apply to short term hostels and recreational campsites to in Division 2 of Part 8.

**3.4 Overcrowding**

- (1) The owner or occupier of a property shall not permit –
  - (a) a room in the house that is not a habitable room to be used for sleeping purposes; or
  - (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 meters of air space per person; and
    - (ii) for every person between the ages of 1 and 10 years there is at least 8 cubic meters of air space per person; or
  - (c) any garage or shed to be used for sleeping purposes or used as a dwelling, without local government approval, and complied (in case a conditional consent is given) with such conditions as the local government has seen fit to impose

**3.5 Calculate Sufficient Space**

- (1) For the purposes of Section 3.4, in calculating the space required for each area –
  - (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) a deduction shall be made for the space occupied by furniture, fittings, and projections of the walls into a room.

**3.6 Ventilation**

- (1) A person shall not use or occupy, or permit to be used or occupied, a house unless the house is properly ventilated.

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- (2) For the purposes of sub-section (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 with AS 1668.2:2012.
- (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 in accordance with AS/NSZ 3666.2:2011 as amended from time to time; and
  - (b) in use at all times the building is occupied.
- (4) If, in the opinion of an Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to –
  - (a) provide a different, or additional method of ventilations; or
  - (b) cease using the house until it is properly ventilated.
- (5) The owner shall comply with a notice under subsection (4).

**3.7 Sub-Floor Ventilation**

- (1) The owner or occupier of a house with sub-floors shall make provisions for sub-floor ventilation by ensuring that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt, excessive moisture, and the like.

*Division 3 – Water Supply*

**3.8 Water Supply**

- (1) The owner of a dwelling house shall provide a continuous supply of potable drinking water obtained from –
  - (a) a licensed water service operator;
  - (b) an underground bore;
  - (c) a rainwater storage system with a storage capacity to the satisfaction of the local government; and
 such supply shall be reticulated for use in connection with all sewerage and drainage fixtures.
- (2) The water supply shall at all times be capable of delivering 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 a source other than drinking water.

**3.9 Rain Water Tanks**

- (1) The owner or occupier of a dwelling house for which part of the water supply is drawn from a rain water tank shall ensure that it is managed and maintained so as to meet the relevant standards in the Australian Drinking Water Guidelines developed by the National Health and Medical Research Council 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;

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- (b) ensure that each rain water tank is fitted with tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing, or maintaining the tanks;
  - (c) thoroughly clean and disinfect each tank when appropriate, or when directed by an Environmental Health Officer to do so.
- (2) The owner or occupier of a dwelling house for which its entire water supply is drawn from a rain water tank shall ensure that the storage capacity of the tank is not less than 90,000 litres.
- (3) The owner or occupier of any non-residential premises in which rainwater and/or bore water is used for human consumption shall –
  - (a) once every calendar month, and prior to first use, have the bacterial quality of each individual water source tested in accordance with the Australian Drinking Water Guidelines 2011, as amended from time to time, published by the National Health and Medical Research Council;
  - (b) disinfect the water supply prior to entry into the premises and monitor and record the level of disinfection and pH of the water on a daily basis;
  - (c) where chlorine is used as the method of disinfection, ensure a free residual chlorine level of between 0.2 milligrams per litre and 0.5 milligram per litre in the water received from any outlet used for drinking purposes; and
  - (d) ensure the pH of the water received from any outlet used for drinking purposes is maintained between 7.2 and 7.8.

**3.10 Bores and Wells**

- (1) The owner or occupier of any premises shall not use or permit for human consumption the use of the water of any bore or well unless the bore or well is –
  - (a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director, Public Health; and
  - (b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.
  - (c) tested in accordance with the Australian Drinking Water Guidelines 2011, as amended from time to time, published by the National Health and Medical Research Council for bacterial and chemical quality, or as directed by an Environmental Health Officer.

**3.11 Pollution**

- (1) 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*

**3.12 Prohibition on Sale**

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

**3.13 Prohibition of Possession**

- (1) 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 vectors of disease.

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*Division 5 – Morgues*

**3.14 Licensing of Morgues**

- (1) All morgues, other than those of any public hospital or any local government morgues or police morgue, shall be licensed annually in accordance with the requirements of this Division.
- (2) The annual fee for a licence for a place for the temporary reception and keeping of bodies of the dead awaiting burial or cremation shall be the fee as fixed from time to time by the local government under section 344C of the Act.
- (3) An application for a morgue licence shall be in the form set out in Schedule (8).
- (4) A licence shall –
  - (a) be in the form set out in Schedule (9); and
  - (b) expire on 30 June next after the date of its issue.
- (5) A licence shall not be granted in respect of any premises unless –
  - (a) provision has been made for the keeping of bodies of the dead at temperature not exceeding zero degrees Celsius;
  - (b) the walls are constructed of stone or brickwork or other approved materials;
  - (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 impervious material, having a fall to an outlet discharging over a trapped gully;
  - (e) the premises are adequately ventilated by direct communication with the outside air.

**PART 4 - WASTE FOOD AND REFUSE**

*Division 1 – Liquid Refuse*

**4.1 Interpretation**

- (1) In this Division, unless the context otherwise requires –
 

**approved carrier** means a carrier licensed under the *Environmental Protection (Controlled Waste) Regulations 2004*;

**liquid refuse** includes all washings 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; and

**liquid waste** means 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.

**4.2 Drainage of Liquid Refuse**

- (1) A person shall not deposit or cause or permit to be deposited liquid refuse or liquid waste –
  - (a) on a street;
  - (b) in a stormwater disposal system;
  - (c) on any land or place other than a place or depot duly authorised for that purpose.

**4.3 Disposal of Liquid Waste**

- (1) The owner or occupier of premises shall –

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- (a) provide, by one of the methods prescribed in this section, for the disposal of all liquid waste produced on the premises; and
  - (b) 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 sewerage system of a licensed water service operator in a manner approved by the licensed water service provider;
  - (b) discharging it into an apparatus for the treatment of sewage and disposal of effluent and liquid waste approved by the Chief Health Officer; or
  - (c) collection and disposal at an approved liquid waste disposal site in a manner approved by the Chief Health Officer.

**4.4 Approval for Septic Tank Pump Outs and Removal of Liquid Waste**

- (1) 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 pump outs from holding tanks or an apparatus for the treatment of sewage and other liquid wastes.

*Division 2 – Disposal of Refuse*

**4.5 Interpretation**

- (1) In this division, unless the context otherwise requires –
- collection time**, where used in connection with any premises, means the time when rubbish or refuse is collected and removed from the premises by the local government or its contractors;
- public place** includes a street, way, or place which the public are allowed to use, whether street, way or place is or is not on private property;
- receptacle**, where used in connection with any premises, means –
- (a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 240 litres; or
  - (b) a container provided by the Local government or its contractor for the deposit, collection, and recycling of specific materials;
- refuse disposal site** means land set apart by the Local government under the Act as a site for the deposit of rubbish or refuse;
- rubbish or refuse** includes any filth, dirt, ashes, waste material, waste food, sludge, offensive matter, cinders, wood or metal shavings and sawdust but does not include liquid waste or liquid refuse;
- street** includes –
- (a) a highway;
  - (b) a thoroughfare;
- which the public are allowed to use and included every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it; and

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**street alignment** means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960*, means the new street alignment so prescribed.

**4.6 Receptacles**

- (1) An owner or occupier of premises shall –
  - (a) at all times keep the lid of the receptacle closed except when depositing rubbish or refuse or cleaning the receptacle;
  - (b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located –
    - (i) behind the street alignment and so as not be visible from a street or public place; or
    - (ii) in such other position as is approved by the Local government;
  - (c) within a reasonable period prior to collection time, place the receptacle in the street as close as practicable to the street alignment of the premises but so that it does not obstruct any footpath, cycle way, right-of-way, or carriage way;
  - (d) ensure that the premises is provided with an adequate number of receptacles and maintain the receptacles in a serviceable condition.

**4.7 Exemption**

- (1) An owner or occupier of premises may apply in writing to the Local government for an exemption from compliance with the requirements of Section 4.2.2 (b) and (c).
- (2) The Local government may grant or refuse, with or without conditions, an application from exemption from compliance under this section.
- (3) An exemption granted under this section shall state –
  - (a) the premises to which the exemption applies;
  - (b) the period during which the exemption applies; and
  - (c) any conditions imposed by the Local government.
- (4) The Local government may rescind the exemption or from time to time vary conditions imposed by it under this section by giving written notice of the variation to the person to whom the exemption was given.

**4.8 Use of Receptacles**

- (1) An owner or occupier shall –
  - (a) not deposit or permit to be deposited in a receptacle –
    - (i) more than 70 kilograms of rubbish or refuse;
    - (ii) hot or burning ashes;
    - (iii) oil, motor spirit, or other flammable liquid;
    - (iv) liquid including liquid paint or other solvent;
    - (v) bricks, concrete, building rubble, earth, or other like substances;
    - (vi) drugs, dressings, bandages, swabs, or blood samples unless placed in a sealed impervious and leak-proof container;
    - (vii) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed impervious leak-proof container;



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- (viii) syringes, needles, surgical hardware, broken glass, sharps, or other sharp objects unless placed in a sealed impervious leak-proof and impenetrable container;
- (ix) cytotoxics, radioactive substances and dangerous chemicals;
- (x) sewage, manure, nightsoil, faeces, or urine;
- (xi) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed;
- (xii) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container; or
- (xiii) hazardous products including ammunition or flares;
- (b) at all times keep the receptacle in a clean condition;
- (c) whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise, and apply a residual insecticide to the receptacle;
- (d) take all reasonable steps to prevent –
  - (i) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents, and other vectors of disease; and
  - (ii) the emission of offensive and noxious odours from the receptacle; and
- (e) ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

**4.9 Ownership of Receptacles**

- (1) A receptacle supplied by the local government or its contractor, remains the property of the local government or its contractor, as the case may be.
- (2) The owner or occupier of a premises supplied with a receptacle remains responsible for any rubbish or refuse placed or deposited in the receptacle until such time as it has been removed by local government or its contractor.

**4.10 Damage to Receptacles**

- (1) A person, other than the local government or its contractor, shall not –
  - (a) damage, destroy or interfere with a receptacle; or
  - (b) except as permitted by this section or as authorised by an Environmental Health Officer, remove a receptacle from any premises.

**4.11 Use of Other Containers**

- (1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the CEO may authorise rubbish or refuse to be deposited in a container other than a receptacle.
- (2) The owner or occupier of a premises who is authorised under this section to deposit rubbish or refuse in a container shall –
  - (a) unless approved by the CEO, not deposit or permit to be deposited in the container anything specified in section 4.8(a)(ii)-(xii);
  - (b) take all reasonable steps to prevent fly breeding in, and the emission of offensive or noxious odours from, the container;

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- (c) whenever directed by an Environmental Health Officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;
  - (d) cause the container to be located on the premises in an enclosure constructed and located as approved by the CEO;
  - (e) ensure that the container is not visible from the street but is readily accessible for the purpose of collection; and
  - (f) ensure that the container does not cause a nuisance to an occupier of adjoining premises.
- (3) An owner or occupier shall –
- (a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;
  - (b) ensure that each container on the premises –
    - (i) has a close-fitting lids; and
    - (ii) is constructed of non-absorbent and non-corrosive material;
  - (c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
  - (d) place any rubbish or refuse in, and only in, a container marked for that purpose;
  - (e) keep the cover on each container except when it is necessary to place something in, or remove something from it; and
  - (f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

**4.12 Suitable Enclosure**

- (1) An owner or occupier of premises –
  - (a) consisting of more than 3 dwelling that have not been provided with individual receptacles; or
  - (b) used for commercial, industrial, or as a food premises,
 shall, if required by the local government, provide a suitable enclosure for the storage and cleaning of receptacles on the premises.
- (2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.
- (3) For the purposes of this section, a “suitable enclosure” means an enclosure –
  - (a) a sufficient size to accommodate all receptacles used on the premises but in any event having a floor area not less than a size approved by the Local government;
  - (b) constructed of brick, concrete, corrugated compressed fibre cement sheet or other material of suitable thickness approved by the Local government;
  - (c) having walls not less than 1.5 metres in height and having an access way of not less than 1 metre in width and fitted with a self-closing gate;
  - (d) containing a smooth, non-slip and impervious floor –
    - (i) of not less than 75 millimetres in thickness; and
    - (ii) which is evenly graded to an approved liquid refuse disposal system;
  - (e) which is easily accessible to allow for the removal of the receptacles; and
  - (f) provided with a tap connected to an adequate supply of water.

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**4.13 Building Construction**

- (1) During all periods of construction on any building site, the builder shall –
  - (a) when requested by an Environmental Health Officer, provide and maintain on such site a rubbish disposal bin, being either –
    - (i) a bin of not less than 4 cubic metres in capacity; or
    - (ii) a receptacle or other container approved by the CEO;
  - (b) keep such site free of rubbish and offensive matter; and
  - (c) maintain the street verge immediately adjacent to such site free of rubbish or offensive matter.
- (2) On completion of construction, the builder shall immediately clear the site and the adjacent street verge of all rubbish, waste materials and offensive matter and all rubbish bins provided by the builder.
- (3) In sub-sections (1) and (2), “rubbish” includes all discarded stone, brick, lime, timber, metal, tiles, bags, plastics, and any broken, used, or discarded matter.

**4.14 Deposit of Refuse**

- (1) 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.
- (2) The driver of a vehicle, upon entering a refuse disposal site, shall present or display a current pass issued by the Local government, to the attendant or person in charge of the site and shall not deposit any rubbish or refuse until authorised to do so by the attendant or person in charge.
- (3) A person shall not deposit refuse or rubbish in or on a refuse disposal site except –
  - (a) at such on the site as may be directed by the person in charge of the site; or
  - (b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

**4.15 Removal from Refuse Disposal Site**

- (1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the local government.
- (2) A person who obtains approval from the Local government shall comply with any conditions imposed by the local government and set out in the approval.

**4.16 Removal of Rubbish from Premises or Receptacle**

- (1) A person shall not remove any rubbish or refuse from premises unless that person is –
  - (a) the owner or occupier of the premises;
  - (b) authorised to do so by the owner or occupier of the premises; or
  - (c) authorised in writing to do so by the Local government.
- (2) A person shall not, without the approval of the Local government or the owner of a receptacle, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

**4.17 Burning or Rubbish or Refuse**

- (1) A person shall not
  - (a) without the approval of the Local government; and

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- (b) except in accordance with the terms and condition to which the approval is subject, set fire to, or cause to be set on fire, any rubbish or refuse either –
    - (i) in any incinerator; or
    - (ii) on the ground.
- (2) Subject to subsection (3), an approval of the Local government is issued subject to the following conditions –
  - (a) the material to be burnt –
    - (i) does not include any plastic, rubber, food scraps, dry green waste 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's refuse collection service; and
  - (b) there is no other appropriate means of disposal.
- (3) Burning shall not take place, unless approved by the Local government, -
  - (a) during any period for which an air dispersion alert for the area has been issued by the Bureau of Meteorology;
  - (b) where there is no current dispersion alert outside of the house of 10:00am to 3:00pm; or
  - (c) a Total Fire Ban has been declared by Department of Fire and Emergency Services.
- (4) An incinerator used for burning must meet the standards specified in AS 1875-1976 as amended from time to time; and
  - (a) be located at least 3 metres from any boundary, building or inflammable matter; and
  - (b) in such a position so as not to create a nuisance or be offensive to other persons.

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*Division 3 – Transport of Butchers’ Waste*

**4.18 Interpretation**

- (1) In this Division, unless the context otherwise requires –
- butchers’ waste** includes animal skeletons and rib cages from a boning room and the inedible products from an abattoir.

**4.19 Restriction of Vehicles**

- (1) A person shall not use, for the transport of butcher’ waste –
- (a) a vehicle or container other than a vehicle or container which meets the requirements of section 4.20; 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;

**4.20 Transport of Butchers’ Waste**

- (1) A person shall not transport butchers’ waste otherwise than in –
- (a) a compartment complying with the following specifications –
    - (i) all internal surfaces to be constructed of an approved, smooth, impervious material not less than 910 millimetres high;
    - (ii) all joints to be sealed and made watertight;
    - (iii) the loading door, if any, to be water-tight and kept closed at all times except when loading; and
    - (iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by an Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or
  - (b) a water-tight metal container 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 section, are –
- (a) maintained in good working 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; or
  - (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.

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## PART 5 - NUISANCES AND GENERAL

### *Division 1 – Nuisances*

#### 5.1 Interpretation

- (1) In this division, unless the context otherwise requires –
- fertiliser** includes manure; and
- public vehicle** means any vehicle to which the public ordinarily has access, whether by payment of a fee or not and includes a taxi or bus.

#### 5.2 Footpaths etc. to be kept clean

- (1) An owner or occupier of premises shall take reasonable steps to keep any footpath, pavement, area or right of way immediately adjacent to the premises, clear of any rubbish, matter or other things coming from or belonging to the premises.

#### 5.3 Escape of Smoke etc.

- (1) An owner or occupier shall not cause or permit the escape of smoke, dust, sand, 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.

#### 5.4 Public Vehicles to be kept clean

- (1) The owner or person in control of a public vehicle shall –
- (a) maintain the vehicle at all time –
- (i) in a clean condition; and
- (ii) free from vectors of disease; and
- (b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

#### 5.5 Transportation, Use and Storage or 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.

#### 5.6 Use or Storage of Fertiliser

- (1) An owner or occupier of premises shall not use or keep for the purpose of use, as fertiliser any –
- (a) pig manure;
- (b) human faeces; or
- (c) urine.

#### 5.7 Storage and Dispatch of Artificial Fertiliser

- (1) 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 all internal surfaces are constructed of durable and non-absorbent materials finished internally with a smooth surface; and
- (ii) that protects it from the absorption of moisture; and

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(iii) that is adequately ventilated;

- (b) take proper precautions to prevent the emissions 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 as to prevent any nuisance arising during transit.

**5.8 Storage of Fertiliser in a House**

- (1) The owner or occupier of a house where fertiliser or compost is stored or used shall –
  - (a) prevent the escape of odours, dust or particles of fertiliser or compost;
  - (b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; 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 Environmental Health Officer.

*Division 2 – Keeping of Animals and Birds*

**5.9 Interpretation**

- (1) In this Division, unless the context otherwise requires –
 

**animal** includes cats, dogs, rabbits and ferrets; and

**bird** includes galahs, parrots, budgerigars, finches, pigeons and doves and other domesticated birds.

**5.10 Cleanliness**

- (1) An owner or occupier of premises in or on which an animal or bird is kept shall –
  - (a) keep the premises free of excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;
  - (b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and
  - (c) keep the premises, so far from flies or other 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.

**5.11 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.
- (2) The owner or occupier of premises, where animals or birds are kept shall, when directed by an Environmental Health Officer, pave, grade and drain the floors of all structures and the surface of the ground of all enclosures used for the keeping of animals and birds.

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**5.12 Slaughter of Animals**

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

**5.13 Disposal of Dead Animals**

- (1) An owner or occupier of premises, other than a veterinary practise, on which there is a dead animal shall immediately remove the carcass as soon as possible, for its disposal at a local government approved disposal site.
- (2) An owner or operator of a veterinary practice where dead animals are kept for more than 12 hours shall refrigerate the carcasses prior to their removal and disposal, at a local government approved disposal site.
- (3) An owner, or a person having the care of any animal that dies or is killed in a public or private place shall, as soon as possible, remove the carcass and arrange for its disposal at an approved disposal site, except where it may be buried on broadacre farmland by the owner or occupier.

*Division 3 – Keeping of Large Animals*

**5.14 Interpretation**

- (1) In this Division, unless the context otherwise requires –
 

**cow** includes an ox, calf or bull; and

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

**large animal** includes an alpaca, cow, horse, sheep, goat, pig, deer, camel, llama, emu, ostrich, kangaroo or the like.

**5.15 Keeping of Pigs**

- (1) An owner or occupier of premises within a townsite shall not keep a pig except with approval from Local government.

**5.16 Keeping of Large Animals and Provision of Stables**

- (1) An owner or occupier of premises within a townsite shall –
  - (a) keep large animals in a manner so as not to create a nuisance and in this respect the Local government may limit or vary the number of large animals that may be kept on an allotment;
  - (b) not keep a horse or cow on those premises without the written approval of the Local government and such approval notice shall prescribe the number of horses or cows permitted to be kept; and
  - (c) not keep a horse or cow on an allotment of less than 2,000m<sup>2</sup> save that Local government may, at its discretion, waive strict compliance with this requirement with respect to any stable in existence prior to the day of this section coming into force.



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- (2) Subject to subsection (3) an owner or occupier of premises shall not permit a large animal to be kept within 15 metres of a dwelling house.
- (3) Local government may permit the keeping of native animals within 15 metres of a dwelling house, if it is satisfied the keeping of such animal(s) would not adversely affect the health or amenity of residents in the area.
- (4) An owner or occupier of premises who is required to and has obtained approval to keep a horse shall provide for its use a stable which shall –
  - (a) not be situated within 15 metres of a house or other premises;
  - (b) have a proper separate stall for each horse or cow and the floor area of which shall be a minimum of 11 square metres;
  - (c) have each wall and roof constructed of an impervious material;
  - (d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height; and
  - (e) subject to subsection (3), have a floor, the upper surface of which shall –
    - (i) be raised at least 75 millimetres above the surface of the ground;
    - (ii) be constructed of approved material; and when required
    - (iii) have a fall of 1 in 100 to a drain which shall empty in a trapped gully outside the stable and shall discharge in a manner approved by the Local government.
- (5) The construction of any stable with a sand floor may be permitted by Local government, subject to the following conditions -
  - (a) the site must be well drained with the highest known water table no closer than 1.5 metres off the ground or sand floor level, which may be achieved artificially;
  - (b) whether natural or imported sand, it must be clean, coarse and free of dust;
  - (c) footings to each stable shall be a minimum of 450mm below ground level;
  - (d) the stable design must allow for the access of small machinery, such a bobcat, into each individual stall to maintain the correct floor height;
  - (e) the minimum floor area of each stall shall not be less than 28 metres and wall shall not be less than 50% of the floor area; and
  - (f) in all other respects, sub-section (2) shall apply to the stable building.
- (6) The owner or occupier of premises on which a stable is located shall –
  - (a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;
  - (b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying a residual insecticide or other effective means; and
  - (c) when so ordered by an Environmental Health Officer, spray the stable or such parts as may be directed, with a residual insecticide.
- (7) In areas other than residential areas, the Local government may vary the requirements to provide a stable.

**5.17 Manure Receptacle**

- (1) An owner or occupier of premises on which an approved animal is kept shall –
  - (a) provide in a position convenient to the stable a receptacle for manure, constructed of smooth, impervious, durable material that is easily

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cleanable and provided with a tight-fitting cover, and with no part of the receptacle base being lower than 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 becoming 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.

*Division 4 – Keeping of Poultry and Pigeons*

**5.18 Interpretation**

- (1) In this Division, unless the context otherwise requires –

**affiliated person** means any person who is a member of –

- (a) The Pigeon Racing Federation of Western Australia;
- (b) The Fancy Utility Pigeon Club of Western Australia; or
- (c) any other properly constituted Pigeon Club, Bantam Club and the like.

**poultry** includes fowls, peafowls, turkeys, geese, ducks and other domestic fowls.

**5.19 Limitation on Numbers of Poultry**

- (1) An owner or occupier of premises within a townsite shall not keep a combined total of more than 6 poultry and pigeons without the approval of Local government, on any one lot of land;

**5.20 Conditions of Keeping Poultry in Limited Numbers**

- (1) A person who keeps poultry or permits poultry to be kept shall ensure that –
- (a) no poultry is able to approach within 15 metres of a dwelling house, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;
  - (b) all poultry is kept in properly constructed and securely fastened structure or enclosure;
  - (c) the structure or enclosure is in the yard having an otherwise obstructed area of at least 30 square metres;
  - (d) where pigeons are kept in accordance with the Code of Practise – and where there is any inconsistency with these Local Laws and the Code of Practise, the provisions of these Local Laws shall prevail;
  - (e) all enclosure 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 Environmental Health Officer; and
  - (f) no poultry is able to approach within 1 metre of boundary of the premises.

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**5.21 Keeping of Poultry within a Townsite**

- (1) An owner or 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 goose or gander;
  - (b) a turkey;
  - (c) a peacock or peahen; or
  - (d) 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 any one or more birds as specified in sub-subsection (1).
- (3) A person who has been granted approval under this section 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 section if it is of the opinion that the keeping of birds specified in the approval is causing a nuisance or is injurious, offensive or dangerous to health.

**5.22 Roosters**

- (1) An owner or occupier of premises shall not –
  - (a) without the written approval of the Local government; or
  - (b) except in accordance with any conditions imposed by the Local government in connection with the approval under paragraph (a), or
  - (c) not keep more than 20 pigeons (exclusive of young birds) unless being an Affiliated Person.keep or permit a rooster to be kept on the premises.
- (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 a specified number of roosters.

**5.23 Pigeons or Doves**

- (1) A person who keeps, or permits to be kept, pigeons or doves shall ensure that –
  - (a) none is able to approach within 15 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 properly constructed pigeon lofts or dovecote that –
    - (i) is in a yard having an otherwise unobstructed area of at least 30 metres; and
    - (ii) is maintained in such a manner as not to create a nuisance by emission of dust, effluvia or odours.

**5.24 Removal of Non-Conforming Structures or Enclosures**

- (1) If a structure or enclosure is used for the keeping of poultry or pigeons or doves contrary to the provision of section 5.4.3 and 5.4.6, the Local government may direct the owner or occupier to remove it.
- (2) An owner or occupier shall comply with a direction from the Local government under this section.

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**5.25 Restrictions on Pigeon Nesting or Perching**

- (1) The Local government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.
- (2) An owner or occupier shall comply with the Local government order under this section.

*Division 5 – Car Parks*

**5.26 Interpretation**

- (1) In this division, unless the context otherwise requires –  
  
**car parks** means premises, or part of premises, set aside for parking or 3 or more vehicles; and  
**occupier** means a person having charge, management or control of a car park.

**5.27 Ventilation**

- (1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either –
  - (a) natural ventilation; or
  - (b) mechanical ventilationin accordance with AS1688.2 – 2002 as amended from time to time.
- (2) If, in the opinion of the Local government, a car park is not properly ventilated, the Local government may by notice require the occupier within a specified time to –
  - (a) provide a different or additional method of ventilation; and
  - (b) cease using the car park until it is properly ventilated.
- (3) An occupier shall comply with a notice under subsection (2).

**5.28 Exhaust Air Discharge Points and Exhaust Registers**

- (1) An owner or occupier shall ensure that –
  - (a) all exhaust air that is discharged from a car park shall be discharged at discharge points
  - (a) in accordance with AS1688.2 – 2002 as amended from time to time; and
  - (b) located so that the hourly average exhaust flow rate is not reduced below the minimum requirements of AS1688.2 – 2002 as amended from time to time, at a velocity and in a direction so as not to be a danger to health or a nuisance.
  - (b) exhaust registers are located as far as possible from the source of supply air;
  - (c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and
  - (d) any mechanical ventilation is –
    - (i) maintained in good working condition; and
    - (ii) in operation at all times when the car park is in use.

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## PART 6 - PEST CONTROL

### *Division 1 – Flies*

#### 6.1 Interpretation

- (1) In this division, unless the context otherwise requires –

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

#### 6.2 Fly Breeding Matter not to be left on Premises unless covered or Treated

- (1) 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 the 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.

#### 6.3 Measures to be taken by an Occupier

- (1) An owner or occupier of 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 thinly out;
  - (d) fertilisers are dug well into soil
  - (e) compost heaps are kept well 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.

#### 6.4 Officer may give Notice directing Measures to be taken

- (1) Where in the opinion of an Environmental Health Officer, flies are prevalent or are breeding on any premises, the Environmental Health Officer may give to the owner or occupier notice in writing directing him or her to take, within the time specified in the notice, such measures as in the opinion of the Environmental Health Officer are necessary to –
- (a) control the prevalence;
  - (b) effect the eradication; or
  - (c) effectively prevent the breeding of flies.

#### 6.5 Local government may Execute Work and Recover Costs

- (1) Where -
- (a) a person is required under this Division or directed by a notice under section 6.4, to execute any work; and
  - (b) that person fails or neglects to comply with the requirement,
- the Local government may execute the work and recover from the person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.

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- (2) The costs and expenses incurred by the Local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).
- (3) The Local government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Local government under this section.

*Division 2 – Mosquitoes*

**6.6 Interpretation**

- (1) In the Division, unless the context otherwise requires –  
**mosquitoes** means any of the two-winged insects constituting the family Diptera Culicidae commonly known as mosquitos.

**6.7 Premises to be kept free of Mosquito Breeding Matter**

- (1) An owner or occupier of premises shall keep the premises free of –
  - (a) refuse; and
  - (b) water located as to be, liable to become the breeding place of mosquitoes.

**6.8 Measures to be taken to prevent Mosquito Breeding**

- (1) An owner or occupier of premises shall ensure that the premises is kept free from possible mosquito breeding sites and shall –
  - (a) follow any direction of an Environmental Health Officer for the purpose of:
    - (i) controlling the prevalence of mosquitoes;
    - (ii) eradication; or
    - (ii) effectively preventing the breeding of mosquitoes.
  - (b) assist the Environmental Health Officer to locate any possible mosquito breeding sites that may be present in or about the premises.
- (2) An owner or 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.
- (3) An owner or occupier of premises where a septic tank is installed shall ensure the fixture is in sound condition at all times, and mesh having openings no larger than 1.2mm covers any educt vent to the system.
- (4) An owner or occupier of land shall cause all drains and channels in or on the land to be kept in good order and free from obstruction.

**6.9 Local government may execute and Recover costs**

- (1) Where –
  - (a) a person is required under this division or directed by a notice under 6.7 to execute any work; ad
  - (b) that person fails or neglects to comply with the requirement;
 the Local government may execute the work and recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable.

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- (2) The costs and expenses incurred by the Local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from that person.
- (3) The Local government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Local government.

*Division 3 – Rodents*

**6.10 Interpretation**

- (1) 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 animals (other than rats) kept as pets in an enclosure designed for the purpose of keeping as pet animals of that kind.

**6.11 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) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.
- (3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this section.

**6.12 Food and Wastes to be kept in Rodent Proof Receptacles**

- (1) A person shall not place or caused to be placed in or on any premises, and an owner or occupier of premises shall not permit to remain in or on the premises -
  - (a) any waste food, refuse, or other waste matter which might attract rodents to the premises, or which might afford harbourage for rodents; or
  - (b) any food intended for birds or other animals
 unless it is contained in a rodent proof receptacle or a compartment which is kept effectively protected against access by rodents.

**6.13 Restrictions on the Keeping of Rats**

- (1) A person or body which keeps rodents shall –
  - (a) at all times ensure that all live rodents are kept in the effective control of a person or locked in cages; and
  - (b) if a rodent escapes, forthwith comply with the requirements of section 6.3 and ensure that all reasonable steps are taken to destroy or recapture the rodent.

**6.14 Food Premises etc. to be cleaned after Use**

- (1) An owner or occupier of a food premises, 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.

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*Division 4 – Cockroaches*

**6.15 Interpretation**

- (1) In this division, unless the context otherwise requires –

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

**6.16 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 Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever actions that, in the opinion of the Environmental Health Officer, is necessary or desirable to prevent or deter the presence of cockroaches in or on the premises.
- (3) An owner or occupier shall within the specified time comply with any direction given by an Environmental Health Officer under this section.

*Division 5 – Argentine Ants*

**6.17 Interpretation**

- (1) In this division, unless the context otherwise requires –

**Argentine Ants** means an ant belonging to the species *Iridomyrmex humilis*.

**6.18 Measures to be taken to keep premises free from Argentine Ants**

- (1) An owner or occupier of premises shall ensure that premises are kept free from Argentine Ants colonies and shall –
- (a) take all steps to locate any nests, if Argentine Ants are noticed in, on or about the premises;
- (b) properly treat all nests of Argentine Ants with an approved residual-based insecticide; and
- (c) whenever directed by an Environmental Health Officer –
- (i) treat any area or infestation with an insecticide referred to in paragraph (b); and
- (ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from the Environmental Health Officer.

*Division 6 – European Wasps*

**6.19 Interpretation**

- (1) In this division, unless the context otherwise requires –

**European Wasps** means a wasp *Vespula germanica*.

**6.20 Measures to be taken to keep premises free from European Wasp Nests**

- (1) An owner or occupier of premises shall ensure that the premises are kept free from European Wasp nests and shall –
- (a) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and



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- (b) assist an Environmental Health Officer to trace any nest that may be present in, on or about the premises.

*Division 7 – Bee Keeping*

**6.21 Interpretation**

- (1) In this division, unless the context otherwise requires –

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

**footpath** includes a path used by, or set aside or intended for use by, pedestrians, cyclists or both pedestrians and cyclists;

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

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

**private street** has the meaning given to it by the *Local Government (Miscellaneous Provisions) Act 1960*.

**6.22 Limitation on number of Hives**

- (1) A person shall not keep or permit the keeping of bees except on a lot in accordance with this division.
- (2) Subject to subsections (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.
- (3) The Local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which equal to or greater than 2,000m<sup>2</sup> in area
- (4) A person shall comply with any conditions imposed by the Local government under subsection (3).

**6.23 Restrictions on keeping of Bees in Hives**

- (1) 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 supplies on the lot within 10 metres of the hives;
- (b) the hive is kept –
- (i) outside, and at least 10 metres from, any building other than a fence;
- (ii) at least 10 metres from any footpath, street, private street or public place; and
- (ii) 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.

**6.24 Bees which cause a nuisance are not to be kept**

- (1) A person shall not keep, or permit the keeping of, bees which cause a nuisance.
- (2) If, in the opinion of an Environmental Health Officer, the approved hives are causing a nuisance, the Local government may direct any bees or approved hives to be removed.
- (3) A person shall comply with a direction within the time specified.

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*Division 8 – Arthropod Vectors of Disease*

**6.25 Interpretation**

- (1) In this division, unless the context otherwise requires –
- arthropod vectors of disease** includes –
- (a) fleas (Siphonaptera);
  - (b) bedbugs (Cimex lectularius);
  - (c) crab lice (Phthirus pubis);
  - (d) body lice (Pediculus humanus var. corporis);
  - (e) head lice (Pediculus humanus var. capitis); and
  - (f) any other insect prescribed by the Local government.

**6.26 Responsibility of the Owner or Occupier**

- (1) The owner or occupier of premises shall –
- (a) keep the premises and any person residing in or on the premises free from any vectors of disease; and
  - (b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purposes of destroying any vectors of disease.

**PART 7 - INFECTIOUS DISEASES**

*Division 1 – General Provisions*

**7.1 Requirement for an Owner or Occupier to clean, disinfect and disinfest**

- (1) The Council or an Environmental Health 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 disinfest –
- (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 Environmental Health Officer.
- (2) An owner or occupier shall comply with a notice given under subsection (1).

**7.2 Environmental Health Officers may disinfect or disinfest premises**

- (1) Where the Local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Local government or the Medical Officer may direct an Environmental Health Officer, other Local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.
- (2) An owner or occupier shall permit, and provide access to enable, an Environmental Health Officer, other Local government officer or other person to carry out the direction given under subsection (1).
- (3) The Local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.
- (4) The Local government shall not be 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 or any of its staff or employees under this section.

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**7.3 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 an Environmental Health Officer considers that a house is insanitary, the officer may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to amend the house.
- (3) Where an Environmental Health Officer considers that –
  - (a) a house or premises is not being maintained in a sanitary condition; or
  - (b) any thing 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 to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

**7.4 Medical Officer may authorise disinfecting**

- (1) where the Medical Officer believes that a person is or may be infected by an infectious disease, the Officer may direct the person to have his or her body, clothing and effects disinfected at a place and manner directed by the Medical Officer.
- (2) A person shall comply with any direction of the Medical Officer under this section.

**7.5 Persons in contact with an infectious disease sufferer**

- (1) 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 –
  - (a) shall obey such instructions or directions as the Local government or the Medical Officer may issue;
  - (b) may be removed, at the direction of the Local government or the Medical Officer 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 Medical Officer otherwise directs.

**7.6 Declaration of infected house or premises**

- (1) To prevent or check the spread of infectious disease, the Local government or the Medical Officer 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 the Medical Officer or an Environmental Health Officer.

**7.7 Destruction of infected animals**

- (1) An Environmental Health 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 in

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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 animals 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.
- (2) A person who has in his or her possession or upon premises occupied by him or her, an animal which is the subject of a notice under subsection (1) shall comply with the terms of the notice.

**7.8 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 subsection (2), cause the body to be buried or disposed of in such a manner, within such time and with such precautions as may be directed by the Medical Officer.
- (2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

**7.9 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 this section may be recovered in a court of competent jurisdiction from the persons referred to in subsection (1).
- (3) The Local government shall not be liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the Local government under this section.

*Division 2 – Disposal of used condoms and needles*

**7.10 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 the Local government.
- (2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

**7.11 Disposal of used needles**

- (1) 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.

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## PART 8 - LODGING HOUSES

### *Division 1 – Registration*

#### 8.1 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;

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

**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;

**lodging house** includes a recreational campsite, a serviced apartment and a short-term hostel and means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include – ;

- (a) premises licenced under a publican's general licence, limited hotel licence, or wayside-house licence, granted under the *Liquor Licensing Act 1988*; or
- (b) residential accommodation for students in a non-government school within the meaning of the *School Education Act 1999*; or
- (c) any building comprising of residential flats; or
- (d) any Class 1 building as defined by the Building Code;

**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;
- (c) but does not include a camp or caravan within the meaning of *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;

**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 backpackers hostels; and

**vectors 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, body lice and head lice.

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- (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.

**8.2 Lodging House Not to be Kept Unless Registered**

- (1) 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 section 8.4;
  - (c) the name of the person keeping or proposing to keep 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 by an Environmental Health 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.

**8.3 Application for Registration**

- (1) 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.

**8.4 Approval of Application**

- (1) The Local government may approve, with or without conditions, an application under section 8.4 by issuing to the applicant a certificate in the form prescribed Schedule 2.

**8.5 Renewal of Registration**

- (1) 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.

**8.6 Notification upon Sale or Transfer**

- (1) 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 Local government written notice in the

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form prescribed in Schedule 3 or the full name, address and occupation of the person to whom the lodging house has been, or is to be sold or transferred.

**8.7 Revocation of Registration**

- (1) Subject to subsection (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 subsection (1), the Local government may revoke a registration upon one or more of the following ground –
  - (a) that the lodging house has not, to the satisfaction of the Local government, 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;
    - (ii) not complied with a requirement of this Part; or
    - (iii) not complied with a condition of registration.
  - (c) that the Local government, having regards 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, additions, or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of an Environmental Health Officer, unfit to remain registered.
- (3) Before revoking the registration of a lodging house under this section, 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 revoked the registration of a lodging house, it shall give the keeper notice of 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*

**8.8 General Construction Requirements**

- (1) The general construction requirements of a lodging house shall comply with the Building Code and the Act.

**8.9 Insect Screening**

- (1) The keeper shall provide and maintain in good working order and conditions windows and external doors that are screened with wire mesh having openings no larger than 1.2 millimetres.

**8.10 Sanitary Conveniences**

- (1) A keeper shall maintain in good working order and condition and in convenient position on the premises –
  - (a) toilets; and
  - (b) bathrooms, each fitted with a shower, bath and wash basin,
 in accordance with the requirements of the Building Code.

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- (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 subsection (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 or bath shall be of an impervious material to a minimal height of 1.8 metres above the floor level.
- (5) Each toilet and bathroom shall –
  - (a) be so situated, separated and screened 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) Paragraphs 5(b) and 5(c) do not apply to a serviced apartment.

**8.11 Laundry**

- (1) A keeper shall –
  - (a) subject to subsection (2) –
    - (i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least 45 litre stainless steel trough; and
    - (ii) in any other case, provide a laundry unit for each 15 lodgers;
  - (b) at all times maintain each laundry in a proper sanitary condition and in good repair;
  - (c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and
  - (d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste or other appropriate means of disposal.
- (2) An Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.
- (3) In this section –
 

**laundry unit** means a group of facilities consisting of –

  - (a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;
  - (b) one wash trough of not less than 35 litres capacity, connected to both hot and cold water; and
  - (c) either an electric drying cabinet or not less than 30 metres of clothes line, and for which a hot water system is provided that –
    - (d) is capable of delivering 136 litres of water per hour at a temperature of at least 75 degrees Celsius for each washing machine provided with the communal facilities; and
    - (e) has a delivery rate of not less than 18 litres per minute to each washing machine.

**8.12 Kitchen**

- (1) The keeper of a lodging house shall provide in that lodging house a kitchen which –
  - (a) has a minimum floor area of –



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- (i) where lodgers prepare their own meals – 0.65 square metres per person;
- (ii) where meals are provided by the keeper of manager – 0.35 square metres per person; or
- (iii) where a kitchen and dining room are combined – 1 square metre per person, but in any case not less than 16 square metres;
- (b) has adequate -
  - (i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and
  - (ii) refrigerator space for storage of perishable goods;
- (c) complies with the requirements of the Food Standards Code Standard 3.2.3; and
- (d) has a wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water.

**8.13 Cooking Facilities**

- (1) The keeper of a lodging house where lodgers prepare their own meals shall provide a kitchen with electrical, gas or other stoves and oven approved by the Environmental Health Officer in accordance with the following table –

| NO. OF LODGERS | OVENS | 4 BURNER STOVES                                                |
|----------------|-------|----------------------------------------------------------------|
| 1 – 15         | 1     | 1                                                              |
| 16 – 30        | 1     | 2                                                              |
| 31 – 45        | 2     | 3                                                              |
| 46 – 60        | 2     | 4                                                              |
| Over 60        | 2     | 4 + 1 for each additional 15 lodgers (or part thereof) over 60 |

- (2) The keeper of a lodging house where meals are provided by the keeper or manager shall provide a kitchen with cooking appliances of a number and type approved by the Environmental Health Officer.

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**8.14 Dining Room**

- (1) The keeper of a lodging house shall provide in that lodging house a dining room –
- (a) located in close proximity to, or combined with, the kitchen;
  - (b) the floor area of which shall be not less than the greater of –
    - (i) 0.5 square meters per person; or
    - (ii) 10 square metres; and
  - (c) which shall be –
    - (i) adequately furnish to accommodate, at any one time, half of the number of lodgers; and
    - (ii) provided with a suitable floor covering.

**8.15 Lounge Room**

- (1) 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 room 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 the 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.

**8.16 Fire prevention and control**

- (1) A keeper shall –
- (a) in each passage in the lodging house provide an emergency light –
    - (i) in such a position and of such a pattern, as approved by the Environmental Health Officer; and
    - (ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;
  - (b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and
  - (c) ensure that each exit sign and firefighting appliance 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 approved by the local government.

**8.17 Obstruction of Passages and Stairways**

- (1) 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,

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

**8.18 Fitting of locks**

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

**8.19 Restrictions on use of Rooms for Sleeping**

- (1) Subject to subsection (3) and section 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 short-term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;
  - (f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre or unobstructed glass to every 1.0 square metres of floor area;
  - (g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;
  - (h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good working 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 Environmental Health Officer.
- (2) For the purposes of this section two children under the age of 10 years shall be counted as one lodger.
- (3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

**8.20 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; and
  - (b) 2.5 square metres per person in dormitories utilising bunks.
- (2) The calculation of floor space in subsection (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.

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- (4) The minimum floor area requirements in subsection (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 metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided 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
  - (b) mechanical ventilation in lieu of fixed ventilation, subject to Local government's approval.
- (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 metre; 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) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;
  - (b) ensure 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. The passageway shall be kept clear of obstruction at all times; and
  - (c) ensure all doors, windows and ventilators are kept free of obstruction.
- (8) The keeper of a short-term hostel or recreational campsite shall ensure that –
  - (a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3, as amended from time to time, as follows –
    - (i) drapes, curtains, blinds and bed covers - a maximum Flammability Index of 6;
    - (ii) upholstery and bedding - a maximum Spread of Flame Index of 6;  
- a maximum Smoke Developed Index of 5;
    - (iii) floor coverings - a maximum Spread of Flame Index of 7;  
- a maximum Smoke Developed Index of 5;

Fire retardant coating used to make a material comply with these indices must be –

  - (i) certified by the manufacturer as approved for use 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 2001.5.4-1997, Procedure 7A, using ECE reference detergent; and

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- (iii) certified by the applicator as having been carried out in accordance with the manufacturer's specifications
- (b) emergency lighting is provided in accordance with the Building Code
- (c) no person shall smoke in any dormitory, kitchen or dining room, within a short-term hostel or recreational campsite. The keeper may permit smoking in a meeting or assembly hall area, within a short-term hostel; and
- (d) all mattresses are fitted with mattress protectors.

**8.21 Furnishing etc. of Sleeping Apartments**

- (1) A keeper shall –
  - (a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;
  - (b) ensure that each bed –
    - (i) has a bed head, mattress and pillow; and
    - (ii) is provided with a pillow case, mattress cover, two sheets, two blankets or equivalent; and
  - (c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.
- (2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used as sleeping apartments other than in a lodging house used exclusively as a short-term hostel or recreational campsite.

**8.22 Ventilation**

- (1) If, in the opinion of an Environmental Health 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.
- (2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

**8.23 Numbers to be placed on Doors**

- (1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that –
  - (a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and
  - (b) the number continue in sequence throughout each floor (if there is more than one) of the lodging house.
- (2) The numbers are to be placed on the doors under subsection (1) shall be –
  - (a) not less than 40 millimetres in height;
  - (b) 1.5 metres from the floor; and
  - (c) permanently fixed either by being painted on the doors or by other legible means.

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*Division 3 – Management and Care*

**8.24 Keeper or Manager to Reside in the Lodging House**

- (1) Whenever there is 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.

**8.25 Register of Lodgers**

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

**8.26 Keeper Report**

- (1) A keeper shall, whenever required by the Local government, report to the Local government in the form prescribed in Schedule (5), the name of each lodger who lodged in the lodging house during the preceding day or night.

**8.27 Certificate in Respect of Sleeping Accommodation**

- (1) At Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form prescribed in Schedule (6) or Schedule (7) if over 20 sleeping apartments.
- (2) The certificate issued under subsection (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 Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place.
- (4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

**8.28 Duplicate keys and inspection**

- (1) 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 Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

**8.29 Room Occupancy**

- (1) A keeper shall not –
- (a) cause, suffer or permit more than the maximum numbers of persons permitted by the Certificate of Registration of the 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 quality of bedding,

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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) use or cause, suffer or permit to be used for sleeping purposes a room that
  - (i) has not been certified for that purpose; and
  - (ii) the Local government or the Medical Officer has forbidden to be used as a sleeping apartment.

- (2) For the purpose of this section, two children under 10 years of age shall be counted as one lodger.

**8.30 Infectious Disease**

- (1) A keeper shall immediately after becoming aware that a lodger or resident is suffering from a notifiable disease notify an Environmental Health Officer.

**8.31 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 subsection (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.

**8.32 Cleaning and Maintenance Requirements**

- (1) In this section –
 

**bed linen** includes sheets, pillow cases, mattress protectors and mattress covers.
- (2) A keeper of a lodging house shall –
  - (a) maintain in a clean, sound and undamaged condition –
    - (i) the floors, walls, ceilings, woodwork and painted surfaces;
    - (ii) the floor coverings and window treatments; and
    - (iii) the toilet seats;
  - (b) maintain in a clean condition and in a good working order -
    - (i) all fixtures and fittings; and
    - (ii) windows, doors and furniture;
  - (c) ensure that the internal walls of each bathroom and toilet have a smooth impervious washable surface;
  - (d) whenever there is one or more lodgers in a lodging house, ensure that the laundry floor is cleaned daily;
  - (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;

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- (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 in clean, in good repair and free from vectors of disease;
- (v) when any vectors of disease are found in 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 Environmental Health 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 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 Environmental Health Officer.

**8.33 Responsibilities of Lodgers and Residents**

- (1) 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, obnoxious or offensive;
  - (c) use a bath or wash hand 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 or any purposes other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
  - (f) deposit rubbish or waste food other than into proper rubbish receptacle;
  - (g) in a kitchen or other place where food is kept –
    - (i) wash or permit the washing of clothing or bedding; or
    - (ii) keep or permit to be kept any soiled clothing or bedding;
  - (h) subject to section 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 or furniture, that is infested with vectors of disease;
  - (j) store or keep such a quantity of furniture, materials or good 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

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(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 within the written approval of the keeper.

**8.34 Approval for storage of food**

(1) An Environmental Health 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 a nuisance or vector of disease infestation is food to exist in the lodging house.

(2) The keeper or 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 Interpretation**

(1) In this Part, unless the context otherwise requires –

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

**premises** includes houses.

*Division 2 – General Duties of an Occupier*

**9.2 Interpretation**

(1) 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

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

**9.3 Cleanliness**

(1) 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;

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- (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.

**9.4 Rats and Other Vectors of Disease**

- (1) The occupier shall –
  - (a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and
  - (b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies and other vectors of disease.

**9.5 Sanitary Conveniences and Wash Basins**

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

**9.6 Painting of Walls etc.**

- (1) 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 Environmental Health Officer.

**9.7 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.

**9.8 Offensive Material**

- (1) 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 air-tight 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 receptacle to be removed from the premises at least once in every working day at such more frequent intervals as may be directed by an Environmental Health Officer.
  - (e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

**9.9 Storage of Materials**

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

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**9.10 Specified Offensive Trade**

- (1) For the purposes of this section, 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 trade, the occupier shall –
- (a) cause the floor of the premises to –
    - (i) be properly paved and drained with impervious material;
    - (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;
  - (b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be covered to a radius of not less than 25 millimetres; and
  - (c) cause all liquid refuse to be –
    - (i) cooled to a temperature not exceeding 26 degrees Celsius and by in accordance with the *Metropolitan Water Supply, Sewerage and Drainage Board By-Laws 1981* before being discharged into any drain outlet from any part of the premises; and
    - (ii) directed through such screening or purifying treatment as an Environmental Health Officer may from time to time direct.

**9.11 Directions**

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

**9.12 Other Duties of Occupier**

- (1) 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.

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*Division 3 – Fish Premises*

**9.13 Interpretation**

- (1) In this Division, unless the context otherwise requires –

**fish premises** may include a fish processing establishment, fish curing establishment and a shellfish and crustacean processing establishment.

**9.14 Duties of an Occupier**

- (1) The occupier of a fish premises shall –
- (a) not suffer or permit any decomposing fish to be kept on the premises where his trade is carried on for a longer period than is reasonably necessary to dispose of them;
  - (b) cause all decomposing fish, to be immediately deposited in an impervious receptacle furnished with an airtight cover; and
  - (c) cause the brine of pickle to be removed as often as is necessary to prevent it from becoming offensive.

**9.15 Disposal of Waste**

- (1) 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 9.2.7 and disposed of in accordance with that section; or
  - (b) kept in a frozen state in an approved enclosure before its removal from the premises.

**9.16 Fish Containers**

- (1) The occupier of a fish premises shall not allow any 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.

*Division 4 – Laundries, Dry Cleaning Establishments and Dye Works*

**9.17 Interpretation**

- (1) In this Division, unless the context otherwise requires –

**dry cleaning establishment** –

- (i) means premises where clothes or other articles are cleaned by use of solvents without using water; but
- (ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a fully enclosed machine operating on a full cycle;

**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 there from, into a public sewer;

**exempt laundromat** means a premises in which –

- (a) laundering is carried out by members of the public using, machines or equipment provided by the owners or occupiers of those establishments;

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(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons;

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

**laundromat** means a public place with coin operated washing machines, spin dryers or dry-cleaning machines; and

**laundry** means any places where articles are laundered for the purpose of trade but does not include an exempt laundromat.

**9.18 Receiving Depot**

(1) 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 Local government who may at any time by written notice withdraw such permission.

**9.19 Reception Room**

- (1) The occupier of a laundry or 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 Environmental Health Officer to be thoroughly disinfected to the satisfaction of that officer.
- (2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

**9.20 Walls and Floors**

- (1) The occupier of a laundry, dry cleaning establishments 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 to a height of 2 metres with a smooth impervious surface;
  - (b) the floor to be constructed of concrete and finished with a smooth impervious 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 or be deposited on it.

**9.21 Laundry Floor**

(1) The occupier of a laundry shall provide in front of each washing machine a non-corrosive grating, at least 910 millimetres in width and so constructed as to prevent any person from standing in water on the floor.

**9.22 Escape of Dust**

(1) 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.

**9.23 Precautions against Combustion**

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- (1) 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 Environmental Health Officer for that purpose.

**9.24 Trolleys**

- (1) 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.

**9.25 Sleeping on Premises**

- (1) 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 5 – Piggeries*

**9.26 Interpretation**

- (1) 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.

**9.27 Limitation to Approval**

- (1) No premises shall be registered as a piggery unless every portion of such piggery is –
- (a) greater than 200 metres from the lot boundary of the lot upon which the piggery is to be situated;
  - (b) greater than 100 metres from any dwelling house, dairy or other premises where food for human consumption is prepared, stored or sold;
  - (c) outside the gazetted townsite of Toodyay and an area of 5 km wide surrounding and contiguous to the boundary of this townsite; and
  - (d) outside that land described as being of the rural living zones in the Shire of Toodyay Town Planning Scheme and an area 1 km wide surrounding and contiguous to the boundaries of the rural living zones.

**9.28 Conditions of Approval**

- (1) 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 –
- (i) details of the approximate number of pigs to be kept;
  - (ii) details of the drainage and effluent disposal system to be installed; and
  - (iii) details of the method by which cleanliness of the piggery shall be maintained.

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**9.29 Sties, Enclosures or Sheds**

- (1) The occupier of every piggery shall provide either –
  - (i) sties and enclosures;
  - (ii) enclosures; or
  - (iii) shedswithin 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 300millimetres 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.
  - (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 Environmental Health Officer.
- (4) Where sheds are provided, then –
  - (a) the floor of the shed shall comply with subsection 2(a);
  - (b) all buildings and yards shall be maintained in a structurally sound and clean condition free of infestation with flies and other vectors of disease;
  - (c) drainage and treatment of effluent waste shall be carried out and maintained so as to prevent a nuisance.

**9.30 Slaughtering**

- (1) The occupier of any piggery shall not permit any slaughtering of animals on the premises.

**9.31 Feed**

- (1) The occupier of any piggery shall –
  - (a) not receive, or allow to be received on such premises, any carcase or part of a carcase of a diseased animal;
  - (b) not feed the pigs upon the flesh or offal of diseased animals;
  - (c) not receive, suffer, or permit to be received on the premises, putrid matter for any purpose; and

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- (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.

**9.32 Fencing**

- (1) Every piggery occupier shall securely fence all the enclosures.

**9.33 Water Supply**

- (1) 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.

**9.34 Feeding Troughs**

- (1) Every such occupier shall –
  - (a) where sties and enclosures are provided under the provisions of subsection 9.6.4(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 sites or enclosures;
  - (b) where enclosures are provided under the provisions of subsection 9.6.4(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 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 section.
- (2) Notwithstanding the provisions of subsection (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.

**9.35 Prevention of Nuisances**

- (1) An owner or occupier must ensure that odours, dust, and effluent are adequately prevented from becoming a nuisance to health or amenity.

**PART 10 - OFFENCES AND PENALTIES**

**10.1 Offences and Penalties**

- (1) A person who fails to do anything required of directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who commits an offence under subsection (1) is liable to –
  - (a) A penalty which is not more than \$5,000 and not less than –
    - (i) in the case of a first offence, \$500;
    - (ii) in the case of a second such offence, \$1,000; and
    - (iii) in the case of a third or subsequent offence, \$2,500; and
  - (b) if the offence is a continuing offence, a daily penalty which is not more than \$500 and not less than \$250 for each day during which, the offence continues.



**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911**  
**LOCAL GOVERNMENT ACT 1995**  
 Shire of Toodyay.  
**HEALTH LOCAL LAWS 2027**

(Section 132)

**Schedule 1***Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive Officer  
 Shire of Toodyay

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 Areas               | .....  | ..... |
| Other (Specify)             | .....  | ..... |

**Rooms for lodgers**

|                 | Number | Area  |
|-----------------|--------|-------|
| Bedrooms        | .....  | ..... |
| Dining Rooms    | .....  | ..... |
| Kitchens        | .....  | ..... |
| Sitting Rooms   | .....  | ..... |
| Other (Specify) | .....  | ..... |

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**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995**

Shire of Toodyay.

**HEALTH LOCAL LAWS 2027**

**Sanitary Conveniences for male lodgers**

Toilets .....  
Urinals .....  
Baths .....  
Showers .....  
Hand Wash Basins .....

**Sanitary Conveniences for female lodgers**

Toilets .....  
Baths .....  
Showers .....  
Hand Wash Basins .....

**Laundry Facilities**

Coppers .....  
Wash troughs .....  
Washing machines .....  
Drying cabinets or .....  
Clothes lines .....

**Additional Details**

- (a) Lodgers' meals will be provided by the managers/ keepers/ 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)

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911**  
**LOCAL GOVERNMENT ACT 1995**  
 Shire of Toodyay.  
**HEALTH LOCAL LAWS 2027**

(Section 133)

**Schedule 2**  
*Shire of Toodyay*  
 Health (Miscellaneous Provisions) Act 1911  
**CERTIFICATE OF REGISTRATION OF A LODGING HOUSE**

THIS is to certify that the premises situated at

.....  
 .....

Is registered as a

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 Toodyay, 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 is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping compartments for lodgers is .....; and
5. That the maximum number of lodgers accommodated on the premises shall not exceed .....

This Certificate of Registration is issued subject to the Health Local Laws of the Shire of Toodyay and is not transferable.

Dated ..... 20.....

.....  
 Environmental Health Officer  
 Shire of Toodyay

Fee received: \$.....

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HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
 LOCAL GOVERNMENT ACT 1995  
 Shire of Toodyay.  
 HEALTH LOCAL LAWS 2027

(Section 135)

**Schedule 3**

*Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**APPLICATION FOR REGISTRATION OF A LODGING HOUSE**

To: Chief Executive Officer  
 Shire of Toodyay

I/We .....

(Full name of Applicant/s)

of.....

.....

(Residential Address of Applicant/s)

am/are the new owner/s of the premises situated at

.....

.....

which are registered in the name of

.....

.....

For the carrying on of the lodging house business.

.....

(Signature of Applicant/s)

.....

(Date)

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995  
Shire of Toodyay.  
HEALTH LOCAL LAWS 2027

(Section 154)

**Schedule 4**

*Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**REGISTER OF LODGERS**

Location of Lodging House:

.....  
.....  
.....

| Date of<br>Arrival | Name  | Previous<br>Address | Signature | Room No. | Date of<br>Departure |
|--------------------|-------|---------------------|-----------|----------|----------------------|
| .....              | ..... | .....               | .....     | .....    | .....                |
| .....              | ..... | .....               | .....     | .....    | .....                |
| .....              | ..... | .....               | .....     | .....    | .....                |
| .....              | ..... | .....               | .....     | .....    | .....                |
| .....              | ..... | .....               | .....     | .....    | .....                |

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HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995  
Shire of Toodyay.  
HEALTH LOCAL LAWS 2027

(Section 155)

**Schedule 5**  
*Shire of Toodyay*  
Health (Miscellaneous Provisions) Act 1911  
**LIST OF LODGERS**

The Chief Executive Officer  
Shire of Toodyay

The following is the name of every person who resided in the lodging house at

.....  
.....  
.....  
.....

on the ..... day of ..... 20.....

(Signed).....

(Keeper)

Date: .....

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995  
Shire of Toodyay.  
HEALTH LOCAL LAWS 2027

(Section 156)

**Schedule 6**  
*Shire of Toodyay*  
Health (Miscellaneous Provisions) Act 1911  
**CERTIFICATE OF SLEEPING ACCOMMODATION**

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:**

Date: .....

.....

Principal Environmental Health Officer

Shire of Toodyay

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HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995  
Shire of Toodyay.  
HEALTH LOCAL LAWS 2027

(Section 156)

**Schedule 7**  
*Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE WITH  
MORE THAN 20 SLEEPING APARTMENTS**

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:**

Date: .....

.....

Environmental Health Officer

Shire of Toodyay

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HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995  
Shire of Toodyay.  
HEALTH LOCAL LAWS 2027

(Section 33)

**Schedule 8**  
*Shire of Toodyay*  
Health (Miscellaneous Provisions) Act 1911  
**APPLICATION FOR LICENCE OF A MORGUE**

To: Chief Executive Officer

Shire of Toodyay

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)

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995

Shire of Toodyay.

HEALTH LOCAL LAWS 2027

(Section 33)

**Schedule 9**

*Shire of Toodyay*

Health (Miscellaneous Provisions) Act 1911

**CERTIFICATE OF LICENCE OF A MORGUE**

This is to certify that the following premises is licenced as a Morgue from the

..... day of ..... 20..... Until 30<sup>th</sup> day of June 20.....

Address of premises:

.....  
.....

Name of premises:

.....  
.....

Dated this..... day of ..... 20.....

.....

Environmental Health Officer

Shire of Toodyay

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911**  
**LOCAL GOVERNMENT ACT 1995**

Shire of Toodyay.

**HEALTH LOCAL LAWS 2027**

Schedule 10  
**OFFENCES IN RESPECT OF WHICH A MODIFIED PENALTY APPLIES**  
 (clause 10.1.3(1))

|    | CLAUSE    | NATURE OF OFFENCE                                                                                               | MODIFIED<br>PENALTY<br>\$ |
|----|-----------|-----------------------------------------------------------------------------------------------------------------|---------------------------|
| 1  | 2.7(1)(b) | Failing to comply with a direction                                                                              | 500                       |
| 2  | 2.9(1)    | Damaging, defacing, fouling, or vandalising any part of a public sanitary convenience                           | 500                       |
| 3  | 3.1       | Failing to sufficiently maintain the dwelling house or appurtenant buildings in sound condition and fit for use | 500                       |
| 4  | 3.2(a)    | Failing to maintain guttering, downpipes or drains                                                              | 500                       |
| 5  | 3.2 (b)   | Causing or permitting rainwater to discharge onto footpath, street, or other property                           | 500                       |
| 6  | 3.11      | Polluting or rendering unfit for human consumption water from a well or other underground source                | 500                       |
| 7  | 3.12      | Sale of second-hand furniture, bedding or clothing that is filthy or infested with vectors of disease           | 500                       |
| 8  | 3.13      | Possessing second-hand furniture, bedding, or clothing that is filthy or infested with vectors of disease       | 500                       |
| 9  | 3.14      | Failing to licence morgue                                                                                       | 500                       |
| 10 | 3.14(5)   | Failing to comply with condition of licence of morgue                                                           | 500                       |
| 11 | 4.2       | Depositing or causing or permitting to be deposited liquid refuse or liquid waste                               | 500                       |
| 12 | 4.6(a)    | Failing to keep receptacles behind street alignment or in position approved by local government                 | 500                       |
| 13 | 4.8(a)    | Depositing or permitting to be deposited any materials listed from 4.2.4(a)(i) to (xiii)                        | 500                       |
| 14 | 4.10      | Damaging, destroying, or interfering with a receptacle                                                          | 500                       |

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**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911**  
**LOCAL GOVERNMENT ACT 1995**

Shire of Toodyay.

**HEALTH LOCAL LAWS 2027**

|    | CLAUSE                    | NATURE OF OFFENCE                                                                                                                                                                                            | MODIFIED<br>PENALTY<br>\$ |
|----|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 15 | 4.13(1)(a)                | Failing to provide a rubbish disposal bin on a building site                                                                                                                                                 | 500                       |
| 16 | 4.13(1)(b)                | Failing to maintain a building site free of rubbish and offensive matter                                                                                                                                     | 500                       |
| 17 | 4.17(1)                   | Causing or permitting rubbish or refuse to be set fire to or caused to be set on fire in an incinerator or on the ground without approval                                                                    | 500                       |
| 18 | 4.17(2), (3), (4) and (5) | Failing to comply with conditions of approval                                                                                                                                                                | 500                       |
| 19 | 4.19(a), (b) and (c)      | Failing to comply with requirements for transporting butchers waste                                                                                                                                          | 500                       |
| 20 | 5.2                       | Failing to keep footpath, pavement, area or right of way adjacent premise clear of rubbish, matter or any other things belonging from the premises                                                           | 500                       |
| 21 | 5.3                       | Causing or permitting the escape of smoke, dust, sand, fumes, offensive or foul odours, liquid waste, or liquid refuse from the premises in such a quantity or of such a nature to cause or to be a nuisance | 500                       |
| 22 | 5.4                       | Failing to maintain a public vehicle                                                                                                                                                                         | 500                       |
| 23 | 5.5                       | Transporting or storing of unsterilized offal or blood                                                                                                                                                       | 500                       |
| 24 | 5.6(a), (b) and (c)       | Using or keeping pig manure, human faeces, or urine for the use as fertiliser                                                                                                                                | 500                       |
| 25 | 5.7(a), (b) and (c)       | Failing to comply with conditions of keeping artificial fertiliser                                                                                                                                           | 500                       |
| 26 | 5.8(a), (b) and (c)       | Failing to comply with conditions of keeping fertiliser in a dwelling house                                                                                                                                  | 500                       |
| 27 | 5.10(a), (b), (c) and (d) | Failing to keep an animal or bird in a clean and sanitary condition                                                                                                                                          | 500                       |
| 28 | 5.15                      | Keeping a pig in a premises within a townsite                                                                                                                                                                | 500                       |
| 29 | 5.16(1)(a)                | Keeping a large animal that creates a nuisance                                                                                                                                                               | 500                       |
| 30 | 5.19                      | Keeping more than 6 poultry on a premises within a townsite without approval                                                                                                                                 | 500                       |

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**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995**

Shire of Toodyay.

**HEALTH LOCAL LAWS 2027**

|    | CLAUSE                            | NATURE OF OFFENCE                                                                                  | MODIFIED<br>PENALTY<br>\$ |
|----|-----------------------------------|----------------------------------------------------------------------------------------------------|---------------------------|
| 31 | 5.20(a), (b),<br>(c), (d) and (e) | Failing to comply with conditions of keeping and permitting poultry to be kept                     | 500                       |
| 32 | 5.21(1)                           | Keeping or permitting to be kept any unapproved fowl within a premises in a townsite               | 500                       |
| 33 | 5.22(1)                           | Keeping or permitting to be kept a rooster without approval                                        | 500                       |
| 34 | 5.23(1)(a), (b)<br>and (c)        | Failing to comply with conditions of keeping or permitting to be kept pigeons or doves             | 500                       |
| 35 | 5.25(2)                           | Failing to comply with an order                                                                    | 500                       |
| 36 | 6.2                               | Causing or permitting any matter or thing to attract or be a breeding place for flies              | 500                       |
| 37 | 6.4                               | Failing to comply with a notice                                                                    | 500                       |
| 38 | 6.8(1)(a)                         | Failing to comply with a direction                                                                 | 500                       |
| 39 | 6.11(2)                           | Failing to comply with a direction                                                                 | 500                       |
| 40 | 6.16(2)                           | Failing to comply with a direction                                                                 | 500                       |
| 41 | 6.18(c)                           | Failing to comply with a direction                                                                 | 500                       |
| 42 | 6.20(a)                           | Failing to comply with a direction                                                                 | 500                       |
| 43 | 6.22(4)                           | Failing to comply with a direction                                                                 | 500                       |
| 44 | 6.24(3)                           | Failing to comply with a direction                                                                 | 500                       |
| 45 | 6.26(b)                           | Failing to comply with a direction                                                                 | 500                       |
| 46 | 7.1(2)                            | Failing to comply with a notice                                                                    | 500                       |
| 47 | 7.3(4)                            | Failing to comply with a notice                                                                    | 500                       |
| 48 | 7.4(2)                            | Failing to comply with a direction                                                                 | 500                       |
| 49 | 7.5(a)                            | Failing to comply with instruction or a direction                                                  | 500                       |
| 50 | 7.6(2)                            | Entering or leaving any dwelling house or premises declared to be infected without written consent | 500                       |
| 51 | 7.7(2)                            | Failing to comply with a notice                                                                    | 500                       |

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995**

Shire of Toodyay.

**HEALTH LOCAL LAWS 2027**

|    | CLAUSE  | NATURE OF OFFENCE                                                      | MODIFIED<br>PENALTY<br>\$ |
|----|---------|------------------------------------------------------------------------|---------------------------|
| 52 | 7.10(2) | Failing to dispose of a used condom in accordance with clause 7.2.1(1) | 500                       |
| 53 | 7.11    | Failing to dispose of used syringe or needle in correct manner         | 500                       |

HEALTH (MISCELLANEOUS PROVISIONS) ACT 1911  
LOCAL GOVERNMENT ACT 1995  
Shire of Toodyay.  
HEALTH LOCAL LAWS 2027

#### AUTHORISATION

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on .....to make the Health Local Laws 2027.

Dated this .....day of .....2027

The Common Seal of the )  
Shire of Toodyay was )  
affixed in the presence of: )

\_\_\_\_\_  
Cr M McKeown, Shire President

\_\_\_\_\_  
Mr A Hart  
Temporary Chief Executive Officer

## Schedule of Submissions Local Government Property Local Law 2026

| No | Contact | Submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Recommendation                                                                                                                                                                                                             |
|----|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | LGIRS   | <p><b>Assistance dogs</b></p> <p>Several clauses in the Shire's local law place restrictions on the use of dogs, either explicitly or by implication.</p> <p>Any clause of this nature must account for the possibility that a dog is an assistance dog, which has access rights enshrined in both State and Federal law. For this reason, it is recommended that the Shire add the following clause to the local law to cover this possibility:</p> <p><b>Clause 1.X Assistance animals</b></p> <p>This local law is subject to any written law and law of the Commonwealth about assistance animals as defined in the Disability Discrimination Act 1992 (Commonwealth) section 9(2).</p>         | <p>The submission identifies that the local law contains provisions regulating dogs, including saleyard controls and activities on local government property.</p> <p>Commonwealth and State legislation provides protections for assistance animals. Inclusion of an overarching clause will improve legal certainty and minimise any risk of inconsistency with higher legislation. Clause 1.8 already addresses inconsistency with written laws but an express assistance animal provision would provide additional clarity.</p> | <p><b>Support.</b> Insert a new clause immediately following clause 1.8 or within Part 1 providing that the local law is subject to Commonwealth and State laws relating to assistance animals.</p>                        |
| 2. | LGIRS   | <p><b>Clause 10.3 – Lack of specified penalty</b></p> <p>Clause 10.3 provides for a general penalty. However, instead of specifying what the maximum unmodified penalty is, the clause makes a reference to the "maximum penalty permitted under the Act".</p> <p>This is an unusual way of specifying an unmodified penalty and it is uncertain whether this will have legal implications. It would be preferable for the clause to set out a specific unmodified penalty which will apply to breaches of the local law. Currently, the Act allows for an unmodified penalty of up to \$10,000.</p> <p>In determining what maximum penalty to set, the Shire should keep in mind that modified</p> | <p>Clause 10.3 presently refers to the "maximum penalty permitted under the Act" rather than specifying a monetary amount. LGIRS has correctly noted that most contemporary local laws state a specific maximum penalty. This provides certainty for enforcement and ensures modified penalties remain proportionate. Clause 10.3 currently adopts a general reference only.</p>                                                                                                                                                   | <p><b>Support.</b> Amended clause 10.3 to specify a maximum penalty amount consistent with section 9.17 of the Local Government Act 1995 and reviewed modified penalties to ensure compliance with legislative limits.</p> |



## Schedule of Submissions

## Local Government Property Local Law 2026

| No | Contact | Submission                                                                                                                                                                                | Comments                                                                                                                                                                                                                                                                                                           | Recommendation                                                                                                                               |
|----|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|    |         | penalties should not exceed 20% of the maximum unmodified penalty.                                                                                                                        |                                                                                                                                                                                                                                                                                                                    |                                                                                                                                              |
| 3. | LGIRS   | Enabling clause: The reference to "2 July 2026" can be deleted, as this was the date the Shire voted to advertise the draft local law, rather than the date the final local law was made. | The date "2 July 2026" appears in the authorisation section and refers to Council's resolution to advertise the proposed local law, not the date the local law is ultimately made. This should be removed from the enabling text and replaced with the date on which Council resolves to make the final local law. | <b>Support.</b> Delete the reference to 2 July 2026 and replace with the final adoption date when the local law is made.                     |
| 4. | LGIRS   | Clause 1.1: Citation should be in italics.                                                                                                                                                | Citation formatting should comply with legislative drafting conventions. The citation in clause 1.1 is not currently italicised.                                                                                                                                                                                   | <b>Support.</b> Amend formatting to italicise the citation.                                                                                  |
| 5. | LGIRS   | Clause 1.1: Citation should be in italics.                                                                                                                                                | Clause 1.3(2)(c) references legislation that should be formatted in accordance with legislative drafting standards.                                                                                                                                                                                                | <b>Support.</b> Amend formatting to italicise the legislative citation.                                                                      |
| 6. | LGIRS   | Clause 1.3(2)(c): Change citation to italics.                                                                                                                                             | Clause 1.5 contains an unnecessary "(1)" designation where there are no subsequent subclauses. LGIRS' comment is consistent with good legislative drafting practice. The references to the Gazette should also be formatted consistently.                                                                          | <b>Support.</b> Remove the subclause numbering and update formatting to italicise the legislative references and <i>Government Gazette</i> . |

## Schedule of Submissions Local Government Property Local Law 2026

| No  | Contact | Submission                                                                                                                                                                                                                                                                                                                                                                                                            | Comments                                                                                                                                                                                                                                                                                                                                                                           | Recommendation                                                                                                                                                                                                                                                           |
|-----|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7.  |         | <p>Clause 1.5: Remove the designation "(1)" as this clause does not have any subclauses. This issue also appears in other clauses.</p> <ul style="list-style-type: none"> <li>Change the citation and the phrase "Government Gazette" to italics.</li> </ul>                                                                                                                                                          | Supported.                                                                                                                                                                                                                                                                                                                                                                         | <b>Support.</b> Amend numbering and formatting for consistency.                                                                                                                                                                                                          |
| 8.  | LGIRS   | <p>Clause 5.3 appears to have no purpose and can be deleted. If the Shire ever wishes to insert new clauses, it can easily achieve this either by:</p> <ul style="list-style-type: none"> <li>adding the new clause at the end of existing clauses (e.g. adding new clause 5.8 after clause 5.7); or</li> </ul> <p>adding the new clause between two existing clauses (e.g. adding clause 5.2A after clause 5.2).</p> | Clause 5.3 has been included as a reserved clause for possible future use. While LGIRS notes that reserved clauses are generally unnecessary because clauses can be inserted later through amendment, the Shire may legitimately retain reserved provisions where it wishes to preserve the numbering structure of a model document. Clause 5.3 currently has no operative effect. | <b>Officer recommendation: Support deletion.</b> Remove clause 5.3 as it serves no operational purpose. Alternatively, if Council wishes to retain consistent numbering for future amendments, the clause could remain without affecting the operation of the local law. |
| 9.  | LGIRS   | Clause 6.6: Redesignate subclause (a) as subclause (2) and realigning for consistency                                                                                                                                                                                                                                                                                                                                 | LGIRS has identified an inconsistency in clause 6.6. The drafting structure would be improved by redesignating subclause (a) as subclause (2), creating consistency with the remainder of the local law.                                                                                                                                                                           | <b>Support.</b> Amend numbering and formatting for consistency.                                                                                                                                                                                                          |
| 10. | LGIRS   | Clause 7.1(3) contains an incorrect reference to Regulation 34 of the Functions and General Regulations. This regulation is not related to the review of decisions but rather, relates to the use                                                                                                                                                                                                                     | The submission correctly identifies that regulation 34 of the Local Government (Functions and General) Regulations 1996 does not deal with reconsideration of                                                                                                                                                                                                                      | <b>Support.</b> Amend clause 7.3(1) to ensure the legislative reference is correct and consistent with the Regulations.                                                                                                                                                  |

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## Schedule of Submissions Local Government Property Local Law 2026

| No  | Contact           | Submission                                                                                                                                                                                    | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|     |                   | of the common seal. The Shire should correct subclause (3) and paragraph (b) accordingly.<br>Clause 7.3(1) also contains an incorrect reference to Regulation 34 which needs to be corrected. | decisions. Regulation 34 relates to unauthorised use of a common seal, while regulation 33 prescribes the form and manner of lodging objections. References to regulation 34 are therefore incorrect and should be removed.<br><br>The submission correctly identifies that clause 7.3(1) incorrectly refers to regulation 34 of the Functions and General Regulations. Regulation 34 does not establish any objection or reconsideration process. The local law should instead directly state the reconsideration process to be followed by the local government. | <b>Support.</b> Amend clause 7.1(3) to remove references to regulation 34 and replace with a general reference to section 9.5 of the Act and the Functions and General Regulations, or alternatively delete the subclause<br><br>Support. Replace clause 7.3(1) with a provision requiring the local government to reconsider an objection received under section 9.5 of the Act and determine whether to confirm, amend or revoke the original decision. |
| 11. | Morangup Resident | 1.4 (3) Date missing after the word "Regulations".                                                                                                                                            | The submission correctly identifies that clause 1.4(3) refers to the Local Government (Regional Subsidiaries) Regulations without including the year of the regulations. Consistent citation of legislation improves drafting accuracy and clarity.                                                                                                                                                                                                                                                                                                                | <b>Support.</b> Amend clause 1.4(3) to include the full title <i>Local Government (Regional Subsidiaries) Regulations 2025</i> (or relevant year as applicable).                                                                                                                                                                                                                                                                                          |
| 12  | Morangup Resident | Clause 1.6:<br>Building (c) jetty: the Shire does not have a jetty;<br>Fauna (a): Spurious dash;<br>Regulations: dates missing; and                                                           | The submission identifies several drafting matters. The reference to "jetty" may be unnecessary given the Shire does not currently own or manage a jetty; however, the definition is intended to                                                                                                                                                                                                                                                                                                                                                                   | <b>Partially support.</b> Correct typographical and citation issues and remove the spurious dash. Retain the references to "jetty" and "Vehicle" as they provide future                                                                                                                                                                                                                                                                                   |

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| No | Contact           | Submission                                                                                                                                       | Comments                                                                                                                                                                                                                                                                                                                                                                              | Recommendation                                                                                                  |
|----|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
|    |                   | Vehicles Includes: This term is not anywhere within the document                                                                                 | accommodate future infrastructure and does not adversely affect the operation of the local law. The dash in the fauna definition appears to be a formatting error. Legislative citation dates should be inserted for consistency. The defined term "Vehicle" is used throughout the local law, particularly in clauses 2.7, 2.8 and 3.13, therefore the definition remains necessary. | flexibility and support operative provisions within the local law.                                              |
| 13 | Morangup Resident | 2.1 (1, 2, 3) Inconsistent terminators                                                                                                           | The submission correctly notes inconsistent punctuation and clause terminators within clause 2.1. Consistency improves readability and legislative drafting quality.                                                                                                                                                                                                                  | <b>Support.</b> Amend formatting and punctuation to ensure consistent clause terminators throughout clause 2.1. |
| 14 | Morangup Resident | 2.2 (1) Space missing at the beginning of the second sentence.                                                                                   | The formatting issue identified in clause 2.2 appears to be a typographical spacing error resulting from document formatting. It does not affect the meaning or operation of the provision.                                                                                                                                                                                           | <b>Support.</b> Correct formatting and spacing prior to finalisation of the local law.                          |
| 15 | Morangup Resident | 2.5 Suggest a new subclause (4): "A copy of the register in subclause (1) is to be published and maintained on the local government's website.". | The submission is acknowledged. The purpose of clause 2.5 is to ensure that a register of determinations is maintained and is publicly available for inspection. This objective is already achieved through clauses 2.2 and 2.5, which require public notice of proposed                                                                                                              | <b>Do not support. Retain clause 2.5 as drafted as publication of the register is not legislated.</b>           |

## Schedule of Submissions

## Local Government Property Local Law 2026

| No | Contact           | Submission                               | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Recommendation                                                                                                         |
|----|-------------------|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
|    |                   |                                          | and adopted determinations and provide for public inspection of the register. The local law should establish the substantive legal requirements relating to determinations, while administrative matters such as the method of publication are more appropriately managed operationally. Requiring publication on a website may unnecessarily limit future administrative flexibility and may require amendment of the local law should publication methods or legislative requirements change. The Shire may publish the register on its website as an administrative practice where appropriate. |                                                                                                                        |
| 16 | Morangup Resident | 2.7 (g, h) Misaligned with (a – f)       | The submission identifies a formatting alignment issue affecting paragraphs (g) and (h) in clause 2.7. The issue is administrative only and has no impact on interpretation.                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Support.</b> Correct formatting and alignment prior to gazettal.                                                    |
| 17 | Morangup Resident | 3.1 (1) This subclause refers to itself. | The submission correctly identifies that clause 3.1(1) refers to "subclause (1)", creating a circular reference. It appears the clause should refer to written agreements under clause 1.4(4) rather than itself. The current wording may create ambiguity.                                                                                                                                                                                                                                                                                                                                        | <b>Support.</b> Amend clause 3.1(1) to refer to clause 1.4(4) or the relevant provision concerning written agreements. |

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| No | Contact           | Submission                                                         | Comments                                                                                                                                                                                                                                                               | Recommendation                                                                           |
|----|-------------------|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| 18 | Morangup Resident | 3.4 (1) (h) Spurious “and” at the end                              | The word "and" at the end of clause 3.4(1)(i) appears redundant and should be removed for consistency with legislative drafting practice.                                                                                                                              | <b>Support.</b> Remove the unnecessary conjunction.                                      |
| 19 | Morangup Resident | 3.5 (2) Uses the spelling “sub-clause” unlike elsewhere            | The term "sub-clause" in clause 3.5(2) is inconsistent with the drafting convention used elsewhere in the local law, where "subclause" is used. Consistent terminology assists interpretation.                                                                         | <b>Support.</b> Amend "sub-clause" to "subclause".                                       |
| 20 | Morangup Resident | 3.7 (1) (a) Spurious comma                                         | The comma identified in clause 3.7(1)(a) appears unnecessary and can be removed without affecting the meaning of the provision.                                                                                                                                        | <b>Support.</b> Remove the unnecessary punctuation.                                      |
| 21 | Morangup Resident | 3.8 (1) Spurious semicolon                                         | The semicolon at the end of clause 3.8(1) is unnecessary given the sentence structure and clause format. This is a drafting correction only.                                                                                                                           | <b>Support.</b> Remove the semicolon and replace with appropriate punctuation.           |
| 22 | Morangup Resident | 3.12 (3) Should the word “given” be replaced by the word “served”? | Both "given" and "served" are recognised legislative drafting terms. The term "given" is used consistently throughout the local law and aligns with contemporary drafting practice. Replacing it with "served" would not materially alter the operation of the clause. | <b>Do not support.</b> Retain the word "given" for consistency throughout the local law. |

## Schedule of Submissions

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| No | Contact           | Submission                                                                                                                | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Recommendation                                                                                                                          |
|----|-------------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| 23 | Morangup Resident | 4.3 (2) Suggest a new a subclause (c) where a person takes a sick or injured fauna to a vet for prompt medical attention. | The submission raises a practical consideration for members of the public seeking veterinary treatment for sick or injured fauna. However, clause 4.3(2)(a) already excludes actions authorised under another written law. Wildlife rescue and veterinary transport activities are generally undertaken pursuant to other legislative authorisations. Adding a specific exemption is therefore unnecessary and may create unintended interpretation issues. | <b>Do not support.</b> Retain clause 4.3 as drafted. Existing exemptions adequately address authorised treatment and rescue activities. |
| 24 | Morangup Resident | 10.3 (1) <b>(a-b)</b> Inappropriate change of font                                                                        | The inconsistent font in clause 10.3(1)(a)-(b) is a formatting issue only and has no effect on the meaning or enforceability of the provision.                                                                                                                                                                                                                                                                                                              | <b>Support.</b> Correct formatting before publication.                                                                                  |
| 25 | Morangup Resident | 10.4 (3) (a) Inappropriate capitalisation of the first word                                                               | The capitalisation identified in clause 10.4(3)(a) appears inconsistent with normal drafting conventions and should be corrected for consistency.                                                                                                                                                                                                                                                                                                           | <b>Support.</b> Correct the capitalisation prior to finalisation of the local law.                                                      |



LOCAL GOVERNMENT ACT 1995

## **Shire of Toodyay**

### **Local Government Property**

### **Local Law 2026**



Gazette Date t.b.a.



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

## PART 1. PRELIMINARY

### 1.1 Citation

This local law may be cited as the *Shire of Toodyay Local Government Property Local Law 2026*.

### 1.2 Commencement

This local law comes into operation in accordance with the Act and the *Interpretation Act 1984*, 14 days following its publication in the Government Gazette.

### 1.3 Purpose and Intent

- (1) The purpose of this local law is to regulate the care, control and management of local government property within the district, so as to –
  - (a) promote its safe, orderly and respectful use and enjoyment by the community;
  - (b) protect local government property from damage, misuse and inappropriate activities; and
  - (c) provide for the efficient management and operation of local government property, including saleyards.
- (2) The intent of this local law is to ensure that persons using local government property do so in a manner that is consistent with –
  - (a) the good governance of the district;
  - (b) the safety and amenity of the community; and
  - (c) applicable written laws, including the *Graffiti Vandalism Act 2016* and Regulations made under the Act.

### 1.4 Application

- (1) This local law applies throughout the district.
- (2) Subject to subclause (3), this local law applies to local government property that is owned by, vested in, or under the care, control or management of the local government.
- (3) Without limiting subclause (2), this local law applies, to the extent permitted by law, to local government property that is managed on behalf of the local government by a regional

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subsidiary established in accordance with the Local Government (Regional Subsidiaries) Regulations 2017 (or relevant year as applicable)

- (4) Notwithstanding anything to the contrary in this local law, the local government may –
  - (a) hire or otherwise authorise the use of local government property by any person; or
  - (b) enter into a written agreement with any person about the use of local government property,
- (5) A written agreement referred to in subclause (4) may include conditions about the use of local government property, provided those conditions are not inconsistent with this local law or any other written law.
- (6) Policies or administrative procedures adopted by the local government may guide the preparation and administration of written agreements under this clause, but do not create, vary or remove any obligation under this local law or override this local law.

**1.5 Repeal**

The Shire of Toodyay *Local Government Property Local Law 2001*, as published in the *Government Gazette* on 25 October 2001 (page 5681-5683) is repealed.

**1.6 Terms used**

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

**Act** means the *Local Government Act 1995*.

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

**Animal** means any living thing that is not a human being or a plant.

**Applicant** means a person who applies for a permit under clause 3.2.

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

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

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

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

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

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

**Council** means the council of the local government;

**Date of Publication** means where local public notice is required to be given of a matter under this local law, the date on which notice of the matter is first published in a newspaper circulating generally throughout the district or is otherwise given in accordance with the Act.

**Determination** means a determination made under clause 2.1.

**Detrimental to the property includes**

- (a) Removing any thing from local government property, such as a rock, a plant or a seat provided for the use of any person;
- (b) destroying, defacing or damaging any thing on local government property, such as a plant, a seat provided for the use of any person or a building; and
- (c) marking, painting, tagging or otherwise applying any inscription, figure or symbol on local government property without the prior approval of the local government, whether or not the conduct constitutes an offence under the Graffiti Vandalism Act 2016.

**District** means the district of the local government.

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

**Fauna** means any animal indigenous to, or which periodically migrates to, any State or Territory of the Commonwealth or the territorial waters of the Commonwealth and includes, in relation to any such animal:-

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

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

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

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

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

**Local Government** means the Shire of Toodyay;

**Local Government Property** means anything except a thoroughfare within the meaning of the Act: –

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

but does not include anything to which the Uniform Local Provisions Regulations apply.

**Local Law** means this Shire of Toodyay *Local Government Property Local Law 2026*.

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

**Permit** means a permit issued under this local law.

**Permit Holder** means a person who holds a valid permit.

**Person** includes a body corporate and an association or body of persons, whether incorporated or not, but does not include the local government.

**Pool Area** means any swimming and wading pools and spas and all buildings, structures, fittings, fixtures, machinery, chattels, furniture and equipment forming part of, or used

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in connection with, such swimming and wading pools and spas which are local government property.

**Policy** means a policy of the local government adopted by the Council containing conditions subject to which an application for a permit may be approved.

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

**Regulations** other than in the defined terms

Local Government (Administration) Regulations,

Local Government (Functions and General) Regulations,

Local Government (Model Code of Conduct) Regulations,

Local Government (Regional Subsidiaries) Regulations and

Local Government (Uniform Local Provisions) Regulations,

means subsidiary legislation made under the Act.

**Sale** means a sale by way of auction.

**Saleyard** means local government property which is used for the sale of stock.

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

**Stock** has the meaning given to “livestock” in the *Auction Sales Act 1973*.

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

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

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

**Uniform Local Provisions Regulations** means the *Local Government (Uniform Local Provisions) Regulations 1996*.

**Vehicle** Includes

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



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- (b) an animal being ridden or driven,  
but does not include: –
  - (c) a wheelchair or any device designed for use, by a physically impaired person with a disability on a footpath;
  - (d) a pram, a stroller or a similar device.
- (2) A term that is used in this local law and is not defined in this clause but is defined in the Act or in any Regulations referred to in this clause, has the same meaning as it has in the Act or those Regulations.

**1.7 Interpretation**

- (1) Unless the context otherwise requires, a reference in this local law to local government property includes a reference to any part of that local government property.
- (2) A reference in this local law to a written law, or to a provision of a written law, is a reference to that written law or provision as it may be amended from time to time, and includes any subsidiary legislation made under it.
- (3) Notes, headings and examples in this local law are provided for convenience only and do not limit the operation of any provision.

**1.8 Relationship with other written laws**

- (1) Nothing in this local law limits the operation of –
  - (a) the Administration Regulations;
  - (b) the Functions and General Regulations;
  - (c) the Model Code Regulations;
  - (d) the Regional Subsidiaries Regulations;
  - (e) the Uniform Local Provisions Regulations; or
  - (f) the Graffiti Vandalism Act.
- (2) To the extent of any inconsistency between this local law and any written law referred to in subclause (1), that written law prevails.

**1.9 Assistance animals**

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

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#### **1.10 Administrative Procedures**

- (1) The CEO may prepare, amend or revoke administrative procedures to support the efficient administration of this local law.
- (2) Administrative procedures may include operational guidelines, forms, templates and information requirements.
- (3) Administrative procedures are for guidance only and do not create, vary or remove any obligation under this local law.
- (4) A person performing a function under this local law may have regard to any administrative procedure prepared by the CEO.

## **PART 2. DETERMINATIONS IN RESPECT OF LOCAL GOVERNMENT PROPERTY**

### ***Division 1 - Determinations***

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

- (1) The local government may make a determination in accordance this Part in relation to the use of specified local government property.
- (2) Without limiting subclause (1), a determination may:
  - (a) set aside specified local government property for the pursuit of all or any of the activities referred to in clause 2.7;
  - (b) prohibit a person from pursuing all or any of the activities referred to in clause 2.8 on specified local government property;
  - (c) deal with the extent to which, and the manner in which, an activity referred to in clauses 2.7 and 2.8 may be pursued or is prohibited; and
  - (d) make provision about any matter that is ancillary or necessary to give effect to a determination, including conditions applicable to the use of the local government property.
- (3) The determinations set out in Schedule 2:
  - (a) are taken to have been made in accordance with clause 2.2; and

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- (b) may be amended or revoked in accordance with clause 2.6.

**2.2 Procedure for making a determination**

- (1) The local government is to give local public notice of its intention to make a determination. The local public notice referred to in subclause (1) is to state that –the local government intends to make a determination, the purpose and effect of the proposed determination, summarised in sufficient detail in the notice to enable a person to understand its general nature;
  - (b) a copy of the proposed determination may be inspected and obtained from the offices of the local government during normal business hours; and
  - (c) submissions in writing about the proposed determination may be lodged with the local government within 21 days after the date of publication.
- (3) If no submissions are received in accordance with subclause (2)(d), the Council is to decide whether to –
  - (a) give local public notice that the proposed determination has effect as a determination on and from the date of publication;
  - (b) amend the proposed determination, in which case subclause (5) applies; or
  - (c) not proceed with the proposed determination.
- (4) If submissions are received in accordance with subclause (2)(d) the Council is to –
  - (a) consider those submissions; and
  - (b) decide –
    - (i) whether or not to amend the proposed determination; or
    - (ii) not to proceed with the proposed determination.
- (5) If the Council decides to amend the proposed determination, it is to give local public notice –
  - (a) of the effect of the amendments; and
  - (b) that the proposed determination, as amended, has effect as a determination on and from the date of publication.

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- (6) If the Council decides not to amend the proposed determination, it is to give local public notice that the proposed determination has effect as a determination on and from the date of publication.
- (7) A proposed determination has effect as a determination on and from the date of publication of the local public notice referred to in subclauses (3), (5) and (6), as the case requires.
- (8) A decision of the Council under subclause (3) or (4) is not to be delegated.
- (9) A determination must not be inconsistent with the Act, any Regulations, or this local law, and to the extent of any inconsistency the Act, those Regulations or this local law prevail.

**2.3 Signs giving notice of determinations**

- (1) The local government may erect or place a sign on local government property to give notice of the effect of a determination that applies to that property.
- (2) A sign erected or placed under subclause (1) may summarise the effect of the determination in ordinary language, and may include diagrams, symbols or other information to assist in its understanding.
- (3) A sign erected or placed under this clause is for the purpose of giving notice of the effect of a determination and does not limit the operation of the determination.

**2.4 Compliance with determinations**

- (1) A person must comply with a determination that applies to that person or to the local government property on which the person is present.
- (2) A person who fails to comply with a determination commits an offence.

**2.5 Register of determinations**

- (1) The local government is to keep and maintain a register of determinations made under clause 2.1, and of any amendments to or revocations of determinations made under clause 2.6.
- (2) The register referred to in subclause (1) is to be made available for inspection by members of the public during normal business hours, and copies or extracts may be made available on request.
- (3) Sections 5.94 and 5.95 of the Act apply to the register referred to in subclause (1) and for that purpose the register

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is to be taken to be information within section 5.94(u)(i) of the Act.

**2.6 Amendment or revocation of a determination**

- (1) The Council may amend or revoke a determination.
- (2) The provisions of clause 2.2 apply with any necessary modifications to a proposed amendment of a determination as if the amendment were a proposed determination.
- (3) If the Council revokes a determination, it is to give local public notice of the revocation and, on and from the date of publication of that local public notice, the determination ceases to have effect.

***Division 2 - Activities which may be authorised or prohibited under a determination*****2.7 Activities that may be authorised on specified local government property**

- (1) A determination may provide that specified local government property is set aside as an area on which a person may –
  - (a) bring, ride or drive an animal;
  - (b) take, ride or drive a vehicle, or a particular class of vehicle;
  - (c) fly or use a motorised model aeroplane or similar device;
  - (d) use a children's playground, provided that the person using the equipment is under an age specified in the determination, but the determination is not to apply to a person having the charge of a person under the specified age;
  - (e) deposit refuse, rubbish or liquid waste, whether or not of particular classes, and whether or not in specified areas of that local government property;
  - (f) play or practice –
    - (i) golf or archery;
    - (ii) pistol or rifle shooting, subject to the person's compliance with the *Firearms Act 2024* and any other applicable written law; or
    - (iii) a similar activity, specified in the determination, involving the use of a projectile that, in the

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opinion of the local government, may cause injury or damage to a person or property;

- (g) ride a bicycle, a skateboard, rollerblades, a sandboard or a similar device; and
  - (h) be without clothing in an area so designated for that purpose.
- (2) A determination made under subclause (1) may specify –
- (a) the days and times during which the activity may be pursued;
  - (b) whether the activity may be pursued on a class of local government property, specified local government property or all local government property;
  - (c) that an activity is to be taken to be prohibited on all local government property other than that specified in the determination;
  - (d) any limitation of the activity to a class of vehicles, equipment or things, or an extension to all vehicles, equipment or things;
  - (e) whether the activity may be pursued by a class of persons or by all persons; and
  - (f) distinctions between different classes or forms of the activity.

## 2.8 Activities that may be prohibited on specified local government property

- (1) A determination may provide that a person is prohibited from pursuing all or any of the following activities on specified local government property -
- (a) smoking on premises;
  - (b) riding a bicycle, a skateboard, rollerblades, a sandboard or a similar device;
  - (c) taking, riding or driving a vehicle on the property or a particular class of vehicle;
  - (d) riding or driving a vehicle of a particular class or any vehicle above a specified speed;
  - (e) the playing or practice of -
    - (i) golf, archery, pistol shooting or rifle shooting; or

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- (ii) a similar activity, specified in the determination, involving the use of a projectile that, in the opinion of the local government may cause injury or damage to a person or property;
  - (f) the playing or practice of any ball game which may cause detriment to the property or any fauna on the property; and
  - (g) the traversing of sand dunes or land which, in the opinion of the local government, has environmental value warranting protection, either absolutely or except by paths, tracks or areas provided for that purpose.
- (2) A determination made under subclause (1) may specify –
- (a) the days and times during which the activity is prohibited;
  - (b) whether the activity is prohibited on a class of local government property, specified local government property or all local government property;
  - (c) whether the activity is prohibited in respect of a class of vehicles, equipment or things, or all vehicles, equipment or things;
  - (d) whether the activity is prohibited in respect of a class of persons or all persons; and
  - (e) distinctions between different classes or forms of the activity.

***Division 3 - Transitional*****2.9 Signs taken to be determinations**

- (1) Where a sign erected on local government property was erected under a local law of the local government that is repealed by this local law, then, on and from the commencement day, the sign is taken to be, and to have effect as, a determination under clause 2.1 to the extent that:–
  - (a) the sign could lawfully have been made the subject of a determination under this local law; and
  - (b) the sign is not inconsistent with any provision of this local law or any determination made under clause 2.1.

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

## **PART 3. PERMITS**

### ***Division 1 - Preliminary***

#### **3.1 Application of this Part**

- (1) Policies or administrative guidelines may inform the preparation and administration of written agreements under subclause 1.4(4) but do not override this local law or impose mandatory requirements on any person.
- (2) Nothing in this Part prevents the local government from requiring a permit in addition to, or instead of, a written agreement where it considers this appropriate.

### ***Division 2 - Applying for a permit***

#### **3.2 Application for a permit**

- (1) Where a person is required to obtain a permit under this local law, that person must apply for a permit in accordance with this clause.
- (2) An application for a permit under this local law is to -
- (a) be made in the form determined by the local government;
  - (b) be signed by the applicant or by a person lawfully authorised to sign on the applicant's behalf;
  - (c) provide the information required by the application form approved by the local government and
  - (d) be lodged with the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (3) The local government may require an applicant to provide additional information that is reasonably related to an application before determining an application for a permit.
- (4) The local government may refuse to consider an application for a permit which is not in accordance with this clause, or which is incomplete.

#### **3.3 Determination of application for permit**



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- (1) The local government may –
  - (a) approve an application for a permit with or without conditions; or
  - (b) refuse to approve an application for a permit.
- (2) In determining an application, the local government may have regard to any relevant matters concerning the care, control or management of local government property.
- (3) Without limiting subclause (1), the local government may refuse to approve an application for a permit on any one or more of the following grounds –
  - (a) that the application does not comply with this local law or any other written law;
  - (b) that the use or activity for which the permit is sought is, in the opinion of the local government, likely to –
    - (i) cause a nuisance;
    - (ii) cause damage to local government property; or
    - (iii) pose an unacceptable risk to the safety or amenity of persons;
  - (c) that the use or activity for which the permit is sought is, in the opinion of the local government, not in the public interest;
  - (d) that the applicant has previously failed to comply with a permit, a notice or a requirement under this local law or another written law in connection with the use of local government property; or
  - (e) any other reasonable ground that relates to the care, control or management of local government property.
- (4) If the local government approves an application for a permit, it is to issue to the applicant, a permit in the form determined by the local government.
- (5) If the local government refuses to approve an application for a permit, it is to give the applicant written notice of its decision and the reasons for the refusal.
- (6) A decision under this clause is a decision to which Part 9, Division 1 of the Act and regulations 33 and 34 of the Functions and General Regulations apply.

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### ***Division 3 - Conditions***

#### **3.4 Conditions on which permits may be issued**

- (1) Without limiting the generality of 3.3(1)(a), the local government may approve an application for a permit to be issued subject to conditions that are necessary or convenient for the care, control or management of local government property, including conditions relating to ----
  - (a) the payment of a fee, bond or security;
  - (b) compliance with a standard or a policy of the local government adopted by the local government;
  - (c) the duration and commencement of the permit;
  - (d) the commencement of the permit being contingent on the happening of an event or the satisfaction of a requirement;
  - (e) the rectification, remedying or restoration of a situation or circumstance reasonably related to the application;
  - (f) the approval of another application for a permit which may be required by the local government under any written law;
  - (g) the area of the district to which the permit applies;
  - (h) where a permit is issued for an activity that will or may cause damage to local government property, the payment of a deposit or bond against such damage in an amount determined by the local government;
  - (i) the obtaining and maintenance of public risk insurance in an amount and on terms reasonably required by the local government, and the provision of evidence of that insurance to the local government; and
  - (j) any standard conditions or requirements set out in an administrative procedure approved by the CEO for the purposes of this local law.
- (2) Without limiting clause 3.3(1)(a) and subclause (1), a permit may be issued subject to conditions that are necessary or convenient for the care, control or management of local government property, including conditions related to –
  - (a) when and how fees and charges are to be paid;
  - (b) compliance with relevant written laws;

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- (c) payment of a bond against possible damage or cleaning expenses or both;
- (d) restrictions on the erection of materials, external decorations, or signage;
- (e) requirements governing the use of furniture, plant, equipment and effects;
- (f) limitations on the number of persons who may attend any function in or on local government property;
- (g) the duration and commencement of the permit to hire and the times during which the property may be occupied;
- (h) restoration or remediation requirements;
- (i) approval of any other permit required under written law;
- (j) the protection of public safety or amenity;
- (k) the right of the local government to cancel a booking including during the course of an annual or seasonal booking, if it sees fit to do so in the reasonable exercise of its discretion;
- (l) a prohibition on the sale, supply or consumption of liquor unless a liquor licence or permit has first been obtained for that purpose under the *Liquor Control Act 1988*;
- (m) whether or not the hire is for the exclusive use of the local government property;
- (n) the obtaining of a policy of insurance in the names of both the local government and the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer; and
- (o) the provision of an indemnity from the hirer, indemnifying the local government in respect of any injury to any person or any damage to any property which may occur in connection with the hire of the local government property by the hirer.

**3.5 Advice of standard conditions**

- (1) The local government may publish guidance material describing standard conditions commonly applied to permits.

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- (2) Guidance material published under subclause (1) does not create mandatory conditions and does not limit the discretion of local government.
- (3) Where the local government approves an application for a permit subject to conditions, it is to provide the permit holder with written notice of those conditions.

**3.6 Compliance with and variation of conditions**

- (1) Where an application for a permit has been approved subject to conditions, the permit holder must comply with each of those conditions.
- (2) The local government may vary, amend, or revoke the conditions of a permit, by giving written notice to the permit holder, and the permit holder must comply with the conditions as varied, amended, or substituted.
- (3) Before varying the conditions of a permit in a way that is likely to significantly and adversely affect the permit holder, the local government is to, where practicable –
  - (a) give the permit holder written notice of the proposed variation; and
  - (b) provide the permit holder with a reasonable opportunity to make submissions in respect of the proposed variation.

***Division 4 - General*****3.7 Agreement for building on local government property**

Where a person applies for a permit to erect a building or structure on local government property the local government may enter into a written agreement with the permit holder in respect of ---

- (a) the ownership of the materials in the building or structure; and
- (b) any other matters the local government considers appropriate for the care, control and management of the local government property.

**3.8 Duration of permit**

- (1) Subject to subclauses (2) and (3), a permit is valid for one year from the date on which it is issued.
- (2) A permit may specify a shorter or longer period of validity, including a single event or series of events, if the local government considers this appropriate.

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- (3) A permit ceases to be valid if it is cancelled under clause 3.12.

**3.9 Renewal of permit**

- (1) A permit holder may apply to the local government in writing for the renewal of a permit prior to expiry of a permit.
- (2) The provisions of this Part apply with any necessary modifications to an application for the renewal of a permit as if it were an application for a new permit.

**3.10 Transfer of permit**

- (1) An application for the transfer of a valid permit is to -
  - (a) be made in writing;
  - (b) be signed by the permit holder and the proposed transferee of the permit;
  - (c) provide such information as the local government may require to enable the application to be determined; and
  - (d) be lodged with the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.
- (2) The local government may:-
  - (a) approve an application for the transfer of a permit, with or without conditions; and
  - (b) refuse to approve an application for the transfer of a permit.
- (3) Where the local government approves an application for the transfer of a permit, the transfer may be effected by endorsement on the permit signed by the CEO or in such other manner as the local government determines.
- (4) Where the local government approves the transfer of a permit, it is not required to refund any part of any fee paid by the former permit holder.

**3.11 Production of permit**

A permit holder must produce the permit for inspection, immediately upon being required to do so, to an authorised person.

**3.12 Cancellation of permit**

- (1) Subject to clause 9.1, the local government may cancel a permit if the permit holder has not complied with -
  - (a) condition of the permit; or

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- (b) a determination or a provision of any written law which may relate to the activity regulated by the permit.
- (2) The local government is to give written notice to the permit holder of the cancellation of the permit and, where practicable, the reasons for the cancellation.
- (3) The cancellation of a permit takes effect on the date specified in the notice, or if no date is specified, on the date on which the notice is given.
- (4) On the cancellation of a permit the permit holder must, as soon as practicable -
  - (a) cease the activity authorised by the permit; and
  - (b) return the permit to the CEO.
- (5) On cancellation of a permit, the permit holder is taken to have forfeited any fees paid in respect of the permit, unless the local government determines otherwise in a particular case.

***Division 5 - When a permit is required*****3.13 Activities requiring a permit**

- (1) A person must not without a permit –
  - (a) subject to subclause (3), hire or otherwise use local government property for a function or organised activity;
  - (b) advertise anything by any means on local government property;
  - (c) erect a structure for public amusement, entertainment or for any performance, whether for gain or otherwise, on local government property;
  - (d) teach, coach or train, for profit, any person in a pool area or an indoor recreation facility which is local government property;
  - (e) plant any plant or sow any seeds on local government property;
  - (f) carry on any trading on local government property unless the trading is conducted –
    - (i) with the consent of a person who holds a permit to conduct a function, and where the trading is carried on under and in accordance with that permit; or

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- (ii) by a person who has a licence or permit to carry on trading on local government property under any written law;
  - (g) unless an employee or contractor of the local government acting in the course of their duties or on an area set aside for that purpose –
    - (i) drive, ride or take any vehicle on to local government property; or
    - (ii) park or stand any vehicle on local government property;
  - (h) conduct a function on local government property;
  - (i) charge any person for entry to local government property, unless the charge is for entry to land or a building hired by a voluntary non-profit organisation;
  - (j) light a fire on local government property except in a facility or area provided or approved for that purpose;
  - (k) parachute, hang glide, abseil or base jump from or on to local government property;
  - (l) erect a building or a refuelling site on local government property;
  - (m) make any excavation on or erect or remove any fence on local government property;
  - (n) erect or install any structure above or below ground, which is local government property, for the purpose of supplying any water, power, sewer, communication, television or similar service to a person; or
  - (o) depasture any horse, pony, sheep, cattle, goat, camel, ass or mule on local government property.
- (2) The local government may, on written application, exempt a person from compliance with subclause (1) either generally or in respect of a particular occasion, subject to any conditions it considers appropriate.
- (3) The local government may exempt specified local government property or a class of local government property from the application of subclause (1)(a).

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

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- (1) In this clause –"facility" has the same meaning as is given to it in section 5(1) of the *Caravan Parks and Camping Grounds Act 1995*.
- (2) This clause does not apply to a facility operated by the local government.
- (3) A person must not, without a permit -
  - (a) camp on, lodge at, or occupy any structure at night for the purpose of sleeping on, local government property; or
  - (b) erect any tent, camp, hut or similar structure on local government property other than a beach shade or windbreak erected for use during the hours of daylight and which is dismantled during those hours on the same day.
- (4) The maximum period for which the local government may approve an application for a permit under subclause (3) is that provided in regulation 11(2)(a) of the *Caravan Parks and Camping Grounds Regulations 1997*.

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

A person, on local government property, must not consume any liquor or have in their possession or under their control any liquor, unless –

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



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

#### **3.16 Responsibilities of permit holder**

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

- (a) ensure that an authorised person has unobstructed access to the local government property for the purpose of inspecting the property or enforcing any provision of this local law;
- (b) ensure that the local government property is left in a clean and tidy condition after its use including by removing any rubbish, equipment or other items brought on to the property by or on behalf of the permit holder;
- (c) promptly report to the local government any damage to, or defacement of, the local government property of which the permit holder is aware;
- (d) prevent the consumption of any liquor on the local government property unless the permit allows it, and a licence or permit has been obtained under the *Liquor Control Act 1988* for that purpose;
- (e) comply with any reasonable direction of an authorised person given in connection with the use of the local government property; and
- (f) ensure that every person who uses the local government property under the permit complies with the requirements of this local law and any conditions of the permit.

## **PART 4. BEHAVIOUR ON ALL LOCAL GOVERNMENT PROPERTY**

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

#### **4.1 Behaviour which interferes with others**

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

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- (2) Without limiting subclause (1), a person behaves in a manner that interferes with the use and enjoyment of local government property if the person –
  - (a) acts in a disorderly, offensive, threatening or abusive manner;
  - (b) makes unreasonable noise or otherwise disturbs the peace or good order of the area; or
  - (c) engages in conduct that a reasonable person would consider to be a nuisance in the circumstances.

**4.2 Behaviour detrimental to property**

- (1) A person must not, in or on local government property, behave in a way which is, or might be, detrimental to the property.
- (2) Without limiting subclause (1) behaviour that is detrimental to the property includes –
  - (a) removing any thing from local government property, such as a rock, a plant, sign, fixture or seat provided for the use of any person, without the prior approval of the local government; and
  - (b) destroying, defacing or damaging any thing on the local government property, such as a plant, sign, seat provided for the use of any person or a building; or
  - (c) marking, painting, tagging, scratching, engraving or otherwise applying any inscription, figure or symbol on local government property, without the prior approval of the local government, whether or not the conduct constitutes an offence under the Graffiti Vandalism Act; and
  - (d) placing or leaving any substance, thing or object on local government property so as to cause, or be likely to cause, damage to the property or a risk to the safety of any person.
- (3) Nothing in this clause limits the operation of the Graffiti Vandalism Act.

**4.3 Taking or injuring fauna**

- (1) A person must not, on or above any local government property, take, injure or kill, or attempt to take, injure or kill, any fauna, unless that person is authorised to do so under a written law or by the local government.
- (2) For the avoidance of doubt, this clause does not apply to –

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- (a) a person acting under the authority of a licence, permit or other approval granted under a written law; or
- (b) activities carried out by, or on behalf of, the local government for the purposes of pest control, conservation or land management in accordance with a written law.

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

- (1) A person must not enter or remain on local government property while under the influence of liquor or a prohibited drug.
- (2) For the purposes of subclause (1), a person is under the influence of liquor or a prohibited drug if the person's faculties are, by reason of the consumption of liquor or a prohibited drug, so impaired that they are incapable of exercising effective control over their behaviour, or their behaviour is likely to cause a nuisance or a risk to the safety of any person.

**4.5 No prohibited drugs**

- (1) A person must not bring a prohibited drug on to, or consume or use a prohibited drug on, local government property.
- (2) In this clause, prohibited drug has the same meaning as it has in the *Misuse of Drugs Act 1981*.

***Division 2 - Signs*****4.6 Signs**

- (1) The local government may erect or place a sign on local government property specifying any conditions of use which apply to that property including conditions imposed –
  - (a) by or under this local law;
  - (b) by or under a determination; or
  - (c) by or under any other written law.
- (2) A person must comply with a sign erected or placed under subclause (1).
- (3) A condition of use specified on a sign erected or placed under subclause (1) is –
  - (a) not to be inconsistent with any provision of this local law or any determination; and

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- (b) to be taken to be for the purpose of giving notice of the effect of a provision of this local law, a determination or another written law.

## **PART 5. MATTERS RELATING TO PARTICULAR LOCAL GOVERNMENT PROPERTY**

### ***Division 1 - Swimming pool areas***

#### **5.1 Refusal of entry and removal from pool areas**

- (1) A Manager or an authorised person must refuse admission to a pool area, may direct a person to leave a pool area, or may remove or cause the removal of a person from a pool area, where in their opinion that person –
  - (a) is under 6 years of age and is not accompanied by a responsible person over the age of 14 years;
  - (b) is suffering from any contagious, infectious or cutaneous disease or complaint, or is in an unclean condition; or
  - (c) is under the influence of liquor or a prohibited drug; or
  - (d) is to be refused admission under, or removed in accordance with, a decision of the local government for breaching any clause of this local law.
- (2) A person must comply with a direction given under subclause (1).
- (3) For the purposes of this clause, responsible person means a person who is at least 14 years of age and who accepts responsibility for the supervision of a child under 6 years of age.

### ***Division 2 - Fenced or closed property***

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

- (1) A person must not enter local government property that has been fenced, barricaded, locked, taped or otherwise closed to the public, unless authorised to do so by the local government.
- (2) A person must not remove, interfere with or damage any sign, barrier, tape, lock, fencing or other thing used to close or restrict access to local government property.

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- (3) A person must comply with any sign, notice or direction indicating that local government property is closed, restricted or otherwise not available for public access.

***Division 3 – Additional provisions for controlled or restricted access areas***

**5.3 Entry to controlled access areas**

- (1) The local government may, by sign or written notice, designate any local government property, or part of local government property, as a controlled access area for the purposes of public safety, maintenance, protection of environmental values, or protection of local government assets.
- (2) A person must not enter or remain in a controlled access area except –
- (a) in accordance with the terms of the sign or written notice;
  - (b) with the authorisation of the local government; or
  - (c) as an employee, contractor or agent of the local government acting in the course of their duties.

**5.4 Activities prohibited in controlled access areas**

A person must not, in a controlled access area –

- (a) remove, disturb, damage or interfere with any installation, equipment, plant, structure, landscaping or environmental feature; or
- (b) conduct any activity contrary to any sign or notice placed by the local government.

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***Division 4 – Maintenance, cleanliness and exclusive-use areas***

**5.5 Cleanliness and hygiene in facilities**

- (1) A person using any toilet block, change room, shower facility, parent room, pool area or similar facility on local government property must –
  - (a) use the facility in a clean, orderly and hygienic manner;
  - (b) take reasonable steps to prevent damage, soiling or misuse; and
  - (c) comply with any sign, instruction or direction relating to hygiene or facility use.
- (2) A person must not deposit any human waste, hazardous substance, sanitary product or offensive matter on local government property except in a receptacle or facility provided for that purpose.

**5.6 Exclusive-use or reserved-use areas**

- (1) The local government may designate an area of local government property as an exclusive-use or reserved-use area for any period, by sign or written notice.
- (2) A person must not enter or use an exclusive-use or reserved-use area unless –
  - (a) that person is a permit holder and the permit authorises access; or
  - (b) the person is otherwise authorised by the local government.
- (3) A person must comply with any condition stated on a sign, permit or written notice relating to the use of an exclusive-use or reserved-use area.

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## **PART 6. FEES FOR ENTRY ON TO LOCAL GOVERNMENT PROPERTY**

### **6.1 Entry to functions or events for which a fee is charged**

- (1) A person must not enter local government property on any days, or during any time, on which the property has been set aside for a function or event for which an entry fee has been lawfully imposed, unless the person –
  - (a) enters through the proper entrance designated for that purpose; and
  - (b) pays the entry fee applicable at the time of entry.
- (2) A person must not remain on local government property during a function or event for which an entry fee is payable unless the person has paid the applicable entry fee.
- (3) Subclauses (1) and (2) do not apply where –
  - (a) the local government has granted a permit or other written authorisation exempting a person from the requirement to pay an entry fee; or
  - (b) the person is an employee, contractor, agent or volunteer of the local government acting in the course of their duties.

### **6.2 Fees to be imposed in accordance with the Act**

- (1) Any fee, charge or entry fee payable under this Part, or otherwise under this local law, must be imposed and determined by the local government in accordance with sections 6.16 to 6.19 of the Act.
- (2) Without limiting subclause (1), the local government may impose and determine –
  - (a) entry fees for admission to events, functions, performances or activities conducted on local government property;
  - (b) hire fees and related charges for the use of local government property; and
  - (c) concession rates, waiver conditions, refund conditions or other fee-related arrangements, consistent with the Act.

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### **6.3 Notice of fees and charges**

- (1) The local government may give notice of any fee or charge imposed under this local law by any one or more of the following means –
  - (a) publication in the annual Schedule of Fees and Charges adopted as part of the local government's annual budget;
  - (b) local public notice;
  - (c) signage at, or near, the entrance to the relevant local government property;
  - (d) notice on the local government's website; or
  - (e) any other method the local government considers appropriate for informing the public.
- (2) A sign or notice stating the amount of a fee or charge applying to local government property is, unless the contrary is proved, evidence of the amount of the fee or charge.

### **6.4 Payment of fees**

- (1) A person liable to pay a fee or charge under this local law must pay the fee or charge at the time, and in the manner, determined by the local government.
- (2) Where a person fails to pay a fee or charge in accordance with subclause (1), the local government may refuse that person entry to, or require that person to leave, the relevant local government property.

### **6.5 Enforcement of non-payment**

- (1) A person who enters or remains on local government property without paying an applicable fee or charge commits an offence.
- (2) A person who falsely claims to be exempt from paying a fee or charge under this local law commits an offence.
- (3) A person who, having been required to leave local government property under this clause, fails to do so immediately commits an offence.

### **6.6 Waiver, reduction or refund of fees**

- (1) The local government may, in any particular case or class of cases, waive, reduce or refund a fee or charge imposed under this local law.



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- (2) In making a decision under subclause (1) the local government may have regard to any relevant considerations relating to equity, hardship, community benefit or operational circumstances.
- (3) The local government is not required to grant a waiver, reduction or refund, and may refuse an application even if similar applications have been approved in the past.

## **PART 7. OBJECTIONS AND APPEALS**

### **7.1 Application of Division 1 of Part 9 of the Act**

- (1) When the local government makes a decision under this local law that is a decision to which Part 9, Division 1 of the Act applies, the provisions of that Division apply to that decision.
- (2) Without limiting subclause (1), the following decisions made under this local law are decisions to which Part 9, Division 1 of the Act applies —
  - (a) a decision to grant, renew, refuse, vary, transfer or cancel a permit under Part 3;
  - (b) a decision to give a person a direction, notice or requirement under this local law that directly affects the interests of that person; and
  - (c) any other decision under this local law that the Act identifies as being subject to objection or review.
- (3) Any objection made under this Part is to be made in accordance with section 9.5 of the Act and the Functions and General Regulations.
  - (a) .

### **7.2 Right of objection**

- (1) A person who is adversely affected by a decision of the local government to which this Part applies may object to the decision in accordance with section 9.5 of the Act and regulation 33 of the Functions and General Regulations.
- (2) An objection must —
  - (a) be made in writing;
  - (b) set out the grounds on which the person objects to the decision; and
  - (c) be lodged with the local government within the period prescribed under the Act.

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- (1) Upon receiving an objection under section 9.5 of the Act, the local government is to reconsider the decision and determine whether to confirm, amend or revoke the decision.  
.
- (2) The local government is to give the person written notice of its decision made under this clause, including —
  - (a) the reasons for the decision; and
  - (b) advice of the person's right to apply for a review by the State Administrative Tribunal under section 9.7 of the Act, if applicable.

**7.4 Review by the State Administrative Tribunal**

- (1) A person who is dissatisfied with a decision of the local government made under clause 7.3 may apply to the State Administrative Tribunal for a review of that decision, to the extent permitted by section 9.7 of the Act.
- (2) Nothing in this local law limits the operation of section 9.7 of the Act or any written law relating to external review rights.

**7.5 No limitation of other review rights**

This Part does not limit any right of review or appeal that a person may have under any other written law.

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## PART 8. SALEYARDS

### *Division 1 - Preliminary*

#### 8.1 Terms used

In this Part -

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

**sale** means a sale by way of auction;

**saleyard** means local government property which is used for the sale, holding and management of stock;

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

**stock agent** means a person appointed by the owner of stock to sell, manage, transport or otherwise handle that stock at a saleyard.

### *Division 2 - Sale of stock*

#### 8.2 Auctioneer's licence required

- (1) A person must not sell, or attempt to sell, any stock by auction at a saleyard unless that person is the holder of an auctioneer's licence to sell stock under the Auction Sales Act 1973.
- (2) A person who conducts, facilitates, or otherwise participates in a sale in contravention of subclause (1) commits an offence.

#### 8.3 Approval of sale days and times

- (1) Sales of stock at a saleyard may only be conducted on such days and at such times as may be approved by the CEO.
- (2) A stock agent must not conduct, or attempt to conduct, a sale at a time not approved under subclause (1).

#### 8.4 Order of sales

- (1) The order in which stock agents conduct sales on any sale day is ----
  - (a) the order agreed between the stock agents; or
  - (b) in default of agreement, the order determined by the CEO or an authorised person.
- (2) A stock agent must comply with any order determined under subclause (1).

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### ***Division 3 - Care of and responsibility for stock***

#### **8.5 Diseased or injured stock**

- (1) A person must not -
  - (a) offer for sale any stock which is diseased, emaciated, injured or suffering from ill health; or
  - (b) deliver to a saleyard any stock which is diseased, emaciated, injured or suffering from ill health.
- (2) Where an authorised person forms the opinion that stock in a saleyard is diseased, emaciated, injured or suffering from ill health, the authorised person may direct the stock agent, owner, or person apparently in control of the stock, to remove the stock from the saleyard immediately.
- (3) A person given a direction under subclause (2) must comply with the direction.

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

- (1) A stock agent or, if there is no stock agent, the owner of stock in a saleyard must ensure that the stock is properly cared for at all times -
- (2) Where stock is kept in a saleyard for more than 24 hours, the person responsible for the stock must ensure the provision of adequate food and water.

#### **8.7 Responsibility for stock following sale**

A purchaser of stock becomes responsible for that stock from the time the contract of sale is entered into.

#### **8.8 Removal of stock after sale**

- (1) A purchaser must remove stock purchased at a saleyard by 5.00pm on the day after the day of sale, or by such later time as may be allowed by an authorised person.
- (2) A purchaser who fails to comply with subclause (1) commits an offence.

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

- (1) Where stock yarded offered for sale remains unsold, the stock agent or, if there is no stock agent, the owner of the stock must —
  - (a) care for the stock in accordance with clause 8.6; and
  - (b) remove the stock from the saleyard as soon as practicable.

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- (2) Where stock has died or has been maimed, its removal must occur immediately —
  - (a) by the stock agent or owner, if the stock is unsold; or
  - (b) by the purchaser, if the stock has been sold.

***Division 4 - Payment of yard fees*****8.10 Payment of yard fees and submission of stock statements**

- (1) A stock agent or owner who brings stock into a saleyard must, within 7 days give the local government a written statement signed by the stock agent or owner advising -
  - (a) the total number of stock, by class, brought into the saleyard; and
  - (b) the date on which the stock was brought into the saleyard.
- (2) The stock agent or owner must, within 28 days of bringing stock into a saleyard, pay the local government the applicable yard fees determined under sections 6.16 to 6.19 of the Act.
- (3) A person who fails to give a written statement or to pay fees in accordance with this clause commits an offence.

**8.11 Inspection of documents**

- (1) The stock agent or owner must, on demand by the CEO, make available for inspection such documents as may be necessary to verify a statement given under clause 8.10.
- (2) A person who fails to comply with a requirement under subclause (1) commits an offence.

***Division 5 - Control of dogs*****8.12 Only working dogs permitted**

- (1) A person must not bring a dog into a saleyard unless the dog is a working dog that is actively required for the management of stock on the day it is brought in.
- (2) A person who contravenes subclause (1) commits an offence.

**8.13 Diseased dogs prohibited**

A person must not bring, or permit to be brought, into a saleyard any dog that is diseased.

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### ***Division 6 – General conduct requirements***

#### **8.14 Compliance with directions of authorised persons**

- (1) A person in a saleyard must comply with any lawful direction of an authorised person relating to —
  - (a) the safety or welfare of persons;
  - (b) the treatment, care or movement of stock;
  - (c) the maintenance of order; or
  - (d) compliance with this Part.
- (2) A person who fails to comply with a direction given under subclause (1) commits an offence.

## **PART 9. MISCELLANEOUS**

#### **9.1 Compliance with directions of authorised persons**

- (1) A person on local government property must comply with any lawful direction given by an authorised person in the performance of their functions under this local law or any other written law.
- (2) A person must not in any way obstruct, hinder, threaten, abuse or refuse to give their name and address (or give a false name or address) to an authorised person who is lawfully performing a function under this local law or any other written law.
- (3) A person who contravenes subclause (1) or (2) commits an offence.

#### **9.2 Direction to leave local government property**

- (1) An authorised person may direct a person to leave local government property where the authorised person reasonably suspects that the person: -
  - (a) has contravened a provision of this local law or any other written law; or
  - (b) is behaving in a manner that is likely to —
    - (i) endanger the safety of any person;
    - (ii) cause damage to local government property; or
    - (iii) unduly interfere with the reasonable use and enjoyment of the property by any other person.

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- (2) A person who is given a direction under subclause (1) must leave the local government property immediately and must not re-enter that property for the period (if any) specified in the direction, being a period not exceeding 24 hours, unless otherwise authorised by the local government.
- (3) Nothing in this clause limits the power of the local government or an authorised person to take any other action, including action under another written law, in relation to a person's conduct on local government property.
- (4) A person who contravenes subclause (2) commits an offence.

**9.3 Disposal of lost property**

- (1) An article or thing found on, or left upon, any local government property, and delivered to the local government or an authorised person is to be dealt with in accordance with this clause, unless another written law applies to its custody or disposal.
- (2) The local government is to make reasonable endeavours to identify and notify the owner of any article or thing referred to in subclause (1).
- (3) If an article or thing is not claimed within a period of 3 months from the date it is found or received by the local government, the local government may dispose of it in any manner it thinks fit, including by sale, destruction or donation for charitable purposes.
- (4) Any money received by the local government from the sale of an article or thing under this clause, after deducting any reasonable expenses incurred in respect of the article or thing, is to be dealt with in accordance with the Act.
- (5) No person is entitled to any compensation from the local government in respect of —
  - (a) the disposal of an article or thing under this clause; or
  - (b) any loss or damage resulting from the local government's custody, retention or disposal of an article or thing under this clause, unless caused by the negligence of the local government.

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

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

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- (a) pay to the local government the costs of reinstating the property to the state it was in immediately prior to the damage occurring; or
  - (b) pay to the local government the costs of replacing the property.
- (2) Unless there is proof to the contrary, a person is taken to have damaged local government property within the meaning of subclause (1) where –
  - (a) the damage is caused by a vehicle or a boat and at the time the damage occurred, the person was the person responsible, for the control and management of the vehicle or the boat; or
  - (b) the damage occurred in connection with an activity carried out under a permit, and the person is the permit holder in relation to that permit.
- (3) If a person fails to comply with a notice given under subclause (1), the local government may –
  - (a) carry out or cause to be carried out the work necessary to reinstate or replace the property; and
  - (b) recover the costs referred to in subclause (1) as a debt due to the local government in a court of competent jurisdiction.
- (4) The giving of a notice, or the recovery of costs, under this clause does not limit –
  - (a) the operation of any other provision of this local law;
  - (b) any civil remedy the local government may have against any person; or
  - (c) any criminal liability that a person may incur in respect of their conduct.



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## **PART 10. ENFORCEMENT**

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

#### **10.1 Failure to comply with a notice**

- (1) Where this local law requires or empowers the local government to give a person a notice requiring the person to do, or to refrain from doing, any thing, the person must comply with the requirements of the notice within the time specified in the notice.
- (2) A person who fails to comply with a notice issued under this local law commits an offence.

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

- (1) If a person fails to comply with a notice referred to in clause 10.1, the local government may do, or cause to be done, the thing specified in the notice.
- (2) The costs and expenses incurred by the local government in taking action under subclause (1) may be recovered from the person to whom the notice was given, as a debt due to the local government.
- (3) The taking of action under this clause does not limit —
  - (a) the liability of the person for an offence under clause 10.1; or
  - (b) any other action the local government may take under a written law.

### ***Division 2 - Offences and penalties***

#### ***Subdivision 1 - General***

#### **10.3 Offences and general penalty**

- (1) A person who —
  - (a) fails to do anything required or directed to be done under this local law; or
  - (b) does anything that this local law prohibits a person from doingcommits an offence.
- (2) A person who commits an offence under this local law is liable, upon conviction, to a penalty of \$2,000, and, if the offence is of a continuing nature, to a further daily penalty

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of \$200 for each day or part of a day during which the offence continues.

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

#### **10.4 Prescribed offences**

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

#### **10.5 Form of infringement notices and related notices**

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

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

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#### **10.6 Evidence of a determination**

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

### ***Division 4 – General enforcement provisions***

#### **10.7 Further action not limited**

The giving of a notice, the issuing of an infringement notice, the commencement of proceedings, or the taking of any other step under this Part does not limit the ability of the local government or any other person or agency to take any action or to exercise any power under any other written law.

#### **10.8 Offences by corporations and responsible officers**

- (1) Where a body corporate commits an offence under this local law, each director, manager, secretary or other officer concerned in the management of the body corporate is taken to have also committed the offence, unless that person proves that —
  - (a) they did not authorise or permit the commission of the offence; and
  - (b) they exercised all reasonable diligence to prevent the commission of the offence.
- (2) Nothing in this clause limits the liability of the body corporate itself.

#### **10.9 Defence of honest and reasonable mistake of fact**

It is a defence to a charge under this local law for the accused to prove, on the balance of probabilities, that the accused had an honest and reasonable but mistaken belief about facts which, if true, would have made the conduct lawful.

#### **10.10 Continuing offences**

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Where a person commits an offence under this local law and the offence continues, the person is liable to a further penalty for each day or part of a day for which the offence continues, in addition to any other penalty imposed under this local law or the Act.

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## PART 11. SCHEDULE 1 – PRESCRIBED OFFENCES

| Item | CLAUSE  | DESCRIPTION                                                                                                 | MODIFIED PENALTY \$ |
|------|---------|-------------------------------------------------------------------------------------------------------------|---------------------|
| 1    | 2.4 (1) | Failure to comply with determination                                                                        | 220                 |
| 2    | 3.6 (1) | Failure to comply with a condition of a permit                                                              | 220                 |
| 3    | 3.13(1) | Engaging in an activity requiring a permit without holding a permit                                         | 220                 |
| 4    | 3.14(3) | Camping, lodging or erecting a structure for sleeping on local government property without a permit         | 220                 |
| 5    | 3.15(1) | Possessing or consuming liquor on local government property without a permit                                | 220                 |
| 6    | 3.16    | Failure of a permit holder to comply with responsibilities under a permit                                   | 220                 |
| 7    | 4.1(1)  | Behaviour interfering with others' use or enjoyment of local government property                            | 220                 |
| 8    | 4.2(1)  | Behaviour detrimental to local government property (includes graffiti, vandalism, defacement)               | 220                 |
| 9    | 4.4(1)  | Entering or remaining on local government property while under the influence of liquor or a prohibited drug | 220                 |
| 10   | 4.5(1)  | Bringing, consuming or using a prohibited drug on local government property                                 | 420                 |
| 11   | 4.6(2)  | Failure to comply with a sign on local government property                                                  | 220                 |
| 12   | 5.1(2)  | Failure to comply with a direction of Manager/authorised person in a pool area                              | 220                 |
| 13   | 5.2(1)  | Unauthorised entry to fenced, closed, or restricted local government property                               | 220                 |
| 14   | 5.2(2)  | Interfering with barriers, fencing, tape or closure devices                                                 | 420                 |
| 15   | 5.5(2)  | Entering a controlled-access area contrary to a sign or without authorisation                               | 220                 |
| 16   | 5.6     | Prohibited activities within a controlled-access area                                                       | 220                 |

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| Item | CLAUSE  | DESCRIPTION                                                                                             | MODIFIED<br>PENALTY<br>\$ |
|------|---------|---------------------------------------------------------------------------------------------------------|---------------------------|
| 17   | 8.2(1)  | Selling stock by auction without a valid auctioneer's licence                                           | 420                       |
| 18   | 8.8(1)  | Failure to remove purchased stock within the prescribed period                                          | 420                       |
| 19   | 8.9(2)  | Failure to immediately remove dead or maimed stock                                                      | 420                       |
| 20   | 8.10(1) | Failure to provide written stock statement within 7 days                                                | 420                       |
| 21   | 8.10(2) | Failure to pay applicable yard fees within required period                                              | 420                       |
| 22   | 8.11(1) | Failure to produce documents for inspection                                                             | 420                       |
| 23   | 8.12(1) | Bringing a non-working dog into a saleyard                                                              | 220                       |
| 24   | 8.13    | Bringing a diseased dog into a saleyard                                                                 | 220                       |
| 25   | 9.1     | Failure to comply with direction of an authorised person; obstructing or hindering an authorised person | 420                       |
| 26   | 9.2(2)  | Failure to comply with direction to leave local government property                                     | 420                       |
| 27   | 10.1(2) | Failure to comply with a notice issued under the local law                                              | 420                       |
| 28   | 10.3(2) | A person who commits an offence under this local law                                                    | \$2,000                   |
| 29   | 10.3(2) | A person who continues to commits an offence under this local law (Daily penalty)                       | \$200                     |

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## PART 12. SCHEDULE 2 - DETERMINATIONS

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

### PART 1 – PRELIMINARY

#### 1.1 Definitions

- (1) In this Schedule, unless the context otherwise requires –  
**local law** means the *Shire of Toodyay Local Government Property Local Law 2026*;  
**terms used but not defined in this Schedule** has the meaning given to it in the local law.

#### 1.2 Interpretation

- (1) Unless the context otherwise requires, where a term is used in a determination and that term is defined in the local law, the term has the meaning given to it in the local law.
- (2) A reference in a determination to local government property includes a reference to any part of that property.

### PART 2 — DETERMINATIONS MADE UNDER CLAUSE 2.1

#### 2.1 General

- (1) The determinations in this Schedule are taken to have been made by the local government under clause 2.1 of the local law.
- (2) These determinations may be amended or revoked in accordance with clause 2.6 of the local law.
- (3) These determinations do not limit the power of the local government to make further determinations under the local law.

#### 2.2 Activities authorised on specified local government property

The following activities may be authorised on specified local government property by determination —

- (a) bringing, riding or driving an animal, subject to any conditions imposed by the local government;
- (b) taking, riding or driving a vehicle, or a class of vehicle, within an authorised area;

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- (c) flying or using a motorised model aeroplane, drone, model vehicle or similar device, in accordance with any conditions of use, including safety and noise restrictions;
- (d) using children's playground equipment, in accordance with age restrictions specified by the local government;
- (e) depositing refuse, rubbish or liquid waste in designated areas, where expressly authorised for that purpose;
- (f) playing or practising —
  - (i) golf or archery;
  - (ii) pistol or rifle shooting, subject to compliance with the *Firearms Act 2024*; or
  - (iii) any similar activity involving a projectile, where the local government is satisfied that public safety and property can be protected;
- (g) riding a bicycle, skateboard, rollerblades, sandboard or similar device within an authorised area;
- (h) being without clothing in any designated area set aside by the local government for that purpose.

### 2.3 Activities prohibited on specified local government property

A determination may prohibit the following activities on specified local government property —

- (a) smoking in or on premises designated as smoke-free areas;
- (b) riding a bicycle, skateboard, rollerblades, sandboard or similar device;
- (c) taking, riding or driving a vehicle, or a particular class of vehicle, on property not designated for that purpose;
- (d) riding or driving a vehicle above a specified speed limit;
- (e) playing or practising —
  - (i) golf, archery, pistol shooting or rifle shooting; or
  - (ii) similar projectile-based activities, where the local government considers the activity may cause injury or damage;
- (f) playing or practising any ball game which may cause —
  - (i) detriment to the property; or
  - (ii) harm to any fauna on the property;
- (g) traversing sand dunes or environmentally sensitive land, except on paths or tracks provided for that purpose.



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#### **2.4 Extent and manner of authorised or prohibited activities**

A determination may specify —

- (a) the days and times during which an activity may be pursued or is prohibited;
- (b) whether the activity applies to a class of local government property, specified property, or all property;
- (c) limitations or extensions applying to particular classes of vehicles, equipment, or persons;
- (d) distinctions between different types or classes of activities; and
- (e) any conditions considered necessary for the safety of persons or the protection of local government property.

### **PART 3 — ADMINISTRATION**

#### **3.1 Register of determinations**

- (1) All determinations included in this Schedule are to be recorded in the register maintained under clause 2.5 of the local law.
- (2) Any amendment or revocation of a determination is to be entered in the register.

#### **3.2 Relationship with signs**

- (1) Where a sign is erected or placed to give effect to a determination, the sign may summarise the determination in ordinary language.
- (2) A sign referred to in subclause (1) does not limit the effect of the determination itself.

#### **3.3 Transitional provision — signs under repealed local laws**

A sign erected under a repealed local law has effect as a determination under clause 2.9 of the local law to the extent provided for in that clause.

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### *AUTHORISATION*

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on \_\_\_\_\_ to make the Local Government Property Local Law 2026.

Dated this ..... day of ..... 2026

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

\_\_\_\_\_  
Cr M McKeown  
**Shire President**

\_\_\_\_\_  
Mr Alan Hart  
**Temporary Chief Executive Officer**

## Schedule of Submissions      Fencing Local Law 2026

| No | Contact | Submission                                                                                                                                                          | Comments                                                                                                                                                                                                               | Recommendation                                                                                                                                    |
|----|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| 1  | LGIRS   | Clause 4.1 refers to Australian Standards. Standards should be current, fully titled at least once, and the Shire website should indicate where they can be viewed. | The submission is valid. The draft references AS/NZS 1170.0 and AS/NZS 3016 but does not provide the full title of each standard in the definitions section and should ensure website access information is available. | <b>Supported.</b> Amend the local law to ensure full titles are provided at first reference and publish viewing information on the Shire website. |
| 2  | LGIRS   | Remove reference to the Dividing Fences Act 1961 from the enabling clause and remove reference to 2 July 2026.                                                      | The submission is valid. The Dividing Fences Act 1961 is not an enabling Act for making the local law. The date cited relates to the Council decision to advertise the local law rather than making the local law.     | <b>Supported.</b> Amend the authorising provisions accordingly.                                                                                   |
| 3  | LGIRS   | Clause 1.3 should italicise "Government Gazette" and add a closing bracket after page 5466.                                                                         | Editorial correction only. The repeal clause currently contains a typographical error.                                                                                                                                 | <b>Supported.</b> Correct drafting and formatting errors.                                                                                         |
| 4  | LGIRS   | Clause 1.4 definitions should be bold and italicised and not presented in a table, or alternatively each definition should be itemised.                             | This is consistent with Parliamentary Counsel drafting conventions and improves future amendment capability.                                                                                                           | <b>Supported.</b> Reformat definitions into a numbered list or individually itemised entries.                                                     |
| 5  | LGIRS   | Clauses 3.1, 3.2, 3.3, 3.4 and 3.5 should not contain "(1)" where there is only a single paragraph.                                                                 | This is a drafting convention issue and improves readability.                                                                                                                                                          | <b>Supported.</b> Remove unnecessary numbering.                                                                                                   |
| 6  | LGIRS   | Clause 3.4 could merge subclause (1) and paragraph (a).                                                                                                             | This is a minor drafting improvement and simplifies the clause structure.                                                                                                                                              | <b>Supported.</b> Amend clause structure.                                                                                                         |
| 7  | LGIRS   | Delete clause 8.1(3) concerning section 71 of the Land Administration Act 1997.                                                                                     | The submission is valid. Offences under the Land Administration Act 1997 are enforced under that Act and should not be duplicated within a local law offence provision.                                                | <b>Supported.</b> Delete clause 8.1(3).                                                                                                           |

## Schedule of Submissions      Fencing Local Law 2026

| No | Contact           | Submission                                                                                                                                 | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                          | Recommendation                                                                                                                                                                                              |
|----|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8  | Morangup Resident | Definition of "dangerous" should expressly include collapse caused by a tree, car or truck. Also notes Special Rural lots no longer exist. | <p>The definition already includes a fence that is likely to collapse or fall "<b>from any cause</b>". This wording is sufficiently broad to capture damage caused by trees, vehicles and any other source. No amendment is considered necessary.</p> <p><b>Supported.</b> References to Special Rural Lots should be reviewed against the current Local Planning Scheme and removed if the zoning classification no longer exists.</p>           | <p><b>Partially Supported.</b></p> <p>No amendment required to the definition of dangerous.</p> <p>Review and remove references to "Special Rural Lot" if the land use classification no longer exists.</p> |
| 9  | Morangup Resident | Clause 3.2 is silent on gates that swing both inward and outward.                                                                          | <p>Clause 3.2 already regulates the direction in which gates may open. A gate that is capable of opening outward over a thoroughfare or public place is prohibited by clause 3.2(a). The clause is therefore not considered silent on gates that swing both inward and outward.</p>                                                                                                                                                               | <p><b>Not Supported.</b> No amendment required.</p>                                                                                                                                                         |
| 10 | Morangup Resident | Clause 6.5(a) meaning is unclear.                                                                                                          | <p>The intent of clause 6.5 is that an approval attaches to the land rather than to an individual owner. This is established through clause 6.5(a) and is further clarified by clauses 6.5(b) and (c), which provide that the approval may be relied upon by, and enforced against, subsequent owners and occupiers. The clause is considered sufficiently clear and consistent with commonly used local government and planning terminology.</p> | <p><b>Not Supported.</b> The meaning is clarified by clauses 6.5(b) and (c), which explain the effect of an approval running with the lot.</p>                                                              |
| 11 | Morangup Resident | Schedule 4 refers to Special Rural Lots which no longer exist in the Shire.                                                                | <p>Schedule 4 includes references to Special Rural Lots. If these zones are not recognised under the current Local Planning Scheme the reference is unnecessary and may create uncertainty.</p>                                                                                                                                                                                                                                                   | <p><b>Supported.</b> Remove references to Special Rural Lots and rely on current zoning terminology in the Local Planning Scheme.</p>                                                                       |

**Schedule of Submissions****Fencing Local Law 2026**

The draft local law still contains references to **Special Rural Lots** in both the definitions and Schedule 4. If the Shire's current Local Planning Scheme no longer contains a Special Rural zone, those references should be removed throughout the document, not only in Schedule 4.

I would recommend that the report to Council conclude that all LGIRS submissions be accepted and that the resident's submissions be incorporated where they improve clarity or reflect the current zoning framework, without altering the substantive policy intent of the local law.



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# **FENCING LOCAL LAW**

## **2026**



Gazette Date:

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Under the powers conferred by the *Local Government Act 1995* ~~and the *Dividing Fences Act 1961*~~ and under all other powers enabling it, the Council of the Shire of Toodyay resolved on ~~2 July 2026~~ \_\_\_\_\_ to make the following local law.

## PART 1 PRELIMINARY

### 1.1 Citation

This local law may be cited as the *Shire of Toodyay Fencing Local Law 2026*, the purpose and effect of which is as follows:

- (1) The purpose of this local law is to prescribe the minimum standards for a sufficient fence and to regulate the construction, maintenance, and materials of fences within the district so as to ensure safety, amenity, and consistency with applicable legislation.
- (2) The effect of this local law is to establish—
  - (a) the requirements for the construction and maintenance of dividing fences and boundary fences;
  - (b) the circumstances in which approval is required for certain types of fencing;
  - (c) the standards for fencing materials, including electrified and razor wire fencing; and
  - (d) the obligations of owners and occupiers in relation to fences.
- (3) This local law applies throughout the district.

### 1.2 Commencement

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

### 1.3 Repeal

On the commencement of this local law, the Shire of Toodyay Local Laws Related to Fencing published in the *Government Gazette* on 1 November 1999 (page 5461/5466) is repealed.

### 1.4 Interpretation (Definitions)

In this local law, unless the context otherwise requires :

*Act* *Local Government Act 1995.*

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|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i><b><u>applicant</u></b></i>            | <u>A person who makes an application for an approval or licence under this local law.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <i><b><u>AS or AS/NZS</u></b></i>         | <u>An Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time, and available at the Standards Australia store.</u>                                                                                                                                                                                                                                                                                                                                                                     |
| <i><b><u>authorised person</u></b></i>    | <u>A person authorised by the local government under section 9.10 of the <i>Local Government Act 1995</i> for the purposes of this local law.</u>                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i><b><u>barbed wire fence</u></b></i>    | <u>A wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <i><b><u>boundary fence</u></b></i>       | <u>Has the meaning given to it for the purposes of the Act.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <i><b><u>Building Surveyor</u></b></i>    | <u>An authorised Building Surveyor working in or for the local government.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <i><b><u>CEO</u></b></i>                  | <u>The Chief Executive Officer of the local government.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <i><b><u>commercial lot</u></b></i>       | <u>A lot where a commercial use is permitted under the local planning scheme.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i><b><u>dangerous</u></b></i>            | <u>In relation to a fence means:</u><br><u>(a) an electrified fence other than a fence approved by the local government under this local law;</u><br><u>(b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;</u><br><u>(c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or</u><br><u>(d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause.</u> |
| <i><b><u>development approval</u></b></i> | <u>An approval for development granted under a local planning scheme made under the <i>Planning and Development Act 2005</i>.</u>                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i><b><u>district</u></b></i>             | <u>The district of the local government.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <i><b><u>dividing fence</u></b></i>       | <u>Has the meaning given to it by the Act.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|                                                |                                                                                                                                                                                                                                                                                       |
|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i><b><u>electrified fence</u></b></i>         | <u>A fence carrying or designed to carry an electric charge.</u>                                                                                                                                                                                                                      |
| <i><b><u>fence</u></b></i>                     | <u>Any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate.</u>                                                                                                                                        |
| <i><b><u>front boundary</u></b></i>            | <u>The boundary line between a lot and the thoroughfare upon which that lot abuts or in the case of a lot abutting more than one thoroughfare, the boundary line between the lot and the primary thoroughfare.</u>                                                                    |
| <i><b><u>front fence</u></b></i>               | <u>A fence erected on the front boundary of a lot or on a line adjacent to the front boundary.</u>                                                                                                                                                                                    |
| <i><b><u>front setback area</u></b></i>        | <u>The area as defined in the Local Planning Scheme or the Residential Design Codes of WA as being from the edge of the thoroughfare to the line where structures are permitted to be constructed.</u>                                                                                |
| <i><b><u>height</u></b></i>                    | <u>In relation to a fence means the vertical distance between:</u><br><u>(a) the top of the fence at any point; and</u><br><u>(b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point.</u> |
| <i><b><u>industrial lot</u></b></i>            | <u>A lot where an industrial use is permitted under the local planning scheme.</u>                                                                                                                                                                                                    |
| <i><b><u>licence</u></b></i>                   | <u>An approval issued under this local law to construct or use an electrified fence or a razor wire fence.</u>                                                                                                                                                                        |
| <i><b><u>local government</u></b></i>          | <u>The Shire of Toodyay established under the Local Government Act 1995.</u>                                                                                                                                                                                                          |
| <i><b><u>local government property</u></b></i> | <u>Anything except a thoroughfare—</u><br><u>(a) which belongs to the local government;</u><br><u>(b) of which the local government is the management body under the Land Administration Act 1997;</u>                                                                                |

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|                                     |                                                                                                                                                                                                                                              |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | <u>(c) which is an “otherwise unvested facility” under section 3.53 of the Local Government Act 1995.</u>                                                                                                                                    |
| <b><i>local planning scheme</i></b> | <u>A local planning scheme made by the local government under the Planning and Development Act 2005.</u>                                                                                                                                     |
| <b><i>lot</i></b>                   | <u>has the meaning given to it in the Planning and Development Act 2005.</u>                                                                                                                                                                 |
| <b><i>notice of breach</i></b>      | <u>A notice referred to in clause 7(1).</u>                                                                                                                                                                                                  |
| <b><i>occupier</i></b>              | <u>Has the meaning given to it in the Local Government Act 1995.</u>                                                                                                                                                                         |
| <b><i>owner</i></b>                 | <u>Has the meaning given to it in the Local Government Act 1995.</u>                                                                                                                                                                         |
| <b><i>premises</i></b>              | <u>Means land or buildings, including any structure, yard, or enclosure, and includes premises described in the application for a licence made under clause 5.1, 6.1 and Schedule 4 of the Shire of Toodyay Fencing Local Law.</u>           |
| <b><i>razor wire fence</i></b>      | <u>A fence made of or incorporating coiled strong wire with pieces of sharp cutting edges set across it at close intervals.</u>                                                                                                              |
| <b><i>Residential Lot</i></b>       | <u>A lot where a Residential use is permitted under the local planning scheme.</u>                                                                                                                                                           |
| <b><i>retaining wall</i></b>        | <u>Any structure which prevents the movement of soil or retains soil or structures to allow ground levels of different elevations to exist adjacent to one another.</u>                                                                      |
| <b><i>rural lot</i></b>             | <u>A lot where a Rural use is permitted under the local planning scheme.</u>                                                                                                                                                                 |
| <b><i>rural use</i></b>             | <u>Includes forestry, broadacre farming, water catchment, environmental purposes, rural industry and related uses consistent with State rural planning guidelines.</u>                                                                       |
| <b><i>schedule</i></b>              | <u>A Schedule to this local law.</u>                                                                                                                                                                                                         |
|                                     | <u><b><i>sufficient fence</i></b> a fence prescribed by this local law as a sufficient fence; or where no such fence is prescribed in relation to a particular lot, a fence agreed upon by the owners of the adjoining lots, and has the</u> |

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*thoroughfare* same meaning as in section 5 of the Act insofar as it applies to dividing fences.

Has the meaning given to it in the *Local Government Act 1995* but does not include a private thoroughfare which is not under the management or control of the local government.

| <i>Term</i>              | <i>Meaning</i>                                                                                                                                        |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Act</i>               | <i>The Dividing Fences Act 1961.</i>                                                                                                                  |
| <i>applicant</i>         | <del>A person who makes an application for an approval or licence under this local law.</del>                                                         |
| <i>AS or AS/NZS</i>      | <del>An Australian Standard or Australian/New Zealand Standard published by Standards Australia, as amended from time to time.</del>                  |
| <i>authorised person</i> | <del>A person authorised by the local government under section 9.10 of the <i>Local Government Act 1995</i> for the purposes of this local law.</del> |
| <i>barbed wire fence</i> | <del>A wire or strand of wires having small pieces of sharply pointed wire twisted around it at short intervals.</del>                                |
| <i>boundary fence</i>    | <del>Has the meaning given to it for the purposes of the Act.</del>                                                                                   |
| <i>Building Surveyor</i> | <del>An authorised Building Surveyor working in or for the local government.</del>                                                                    |
| <i>CEO</i>               | <del>The Chief Executive Officer of the local government.</del>                                                                                       |
| <i>commercial lot</i>    | <del>A lot where a commercial use is permitted under the local planning scheme.</del>                                                                 |

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| <i><b>Term</b></i>                 | <i><b>Meaning</b></i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i><b>dangerous</b></i>            | <del>In relation to a fence means:</del><br><del>(a) an electrified fence other than a fence approved by the local government under this local law;</del><br><del>(b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;</del><br><del>(c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or</del><br><del>(d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause.</del> |
| <i><b>development approval</b></i> | <del>An approval for development granted under a local planning scheme made under the <i>Planning and Development Act 2005</i>.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i><b>district</b></i>             | <del>The district of the local government.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <i><b>dividing fence</b></i>       | <del>Has the meaning given to it by the Act.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <i><b>electrified fence</b></i>    | <del>A fence carrying or designed to carry an electric charge.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <i><b>fence</b></i>                | <del>Any structure, including a retaining wall, used or functioning as a barrier, irrespective of where it is located and includes any gate.</del>                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <i><b>front boundary</b></i>       | <del>The boundary line between a lot and the thoroughfare upon which that lot abuts or in the case of a lot abutting more than one thoroughfare, the boundary line between the lot and the primary thoroughfare.</del>                                                                                                                                                                                                                                                                                                                                                   |
| <i><b>front fence</b></i>          | <del>A fence erected on the front boundary of a lot or on a line adjacent to the front boundary.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <i><b>front setback area</b></i>   | <del>The area as defined in the Local Planning Scheme or the Residential Design Codes of WA as being from the edge of the thoroughfare to the line where structures are permitted to be constructed.</del>                                                                                                                                                                                                                                                                                                                                                               |

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| <i><b>Term</b></i>                      | <i><b>Meaning</b></i>                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i><b>height</b></i>                    | <del>In relation to a fence means the vertical distance between:</del><br><del>(a) the top of the fence at any point; and</del><br><del>(b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point.</del>                                                  |
| <i><b>industrial lot</b></i>            | <del>A lot where an industrial use is permitted under the local planning scheme.</del>                                                                                                                                                                                                                                                             |
| <i><b>licence</b></i>                   | <del>An approval issued under this local law to construct or use an electrified fence or a razor wire fence.</del>                                                                                                                                                                                                                                 |
| <i><b>local government</b></i>          | <del>The Shire of Toodyay established under the <i>Local Government Act 1995</i>.</del>                                                                                                                                                                                                                                                            |
| <i><b>local government property</b></i> | <del>Anything except a thoroughfare —</del><br><del>(a) which belongs to the local government;</del><br><del>(b) of which the local government is the management body under the <i>Land Administration Act 1997</i>;</del><br><del>(c) which is an “otherwise unvested facility” under section 3.53 of the <i>Local Government Act 1995</i>.</del> |
| <i><b>local planning scheme</b></i>     | <del>A local planning scheme made by the local government under the <i>Planning and Development Act 2005</i>.</del>                                                                                                                                                                                                                                |
| <i><b>lot</b></i>                       | <del>has the meaning given to it in the <i>Planning and Development Act 2005</i>.</del>                                                                                                                                                                                                                                                            |
| <i><b>notice of breach</b></i>          | <del>A notice referred to in clause 7(1).</del>                                                                                                                                                                                                                                                                                                    |
| <i><b>occupier</b></i>                  | <del>Has the meaning given to it in the <i>Local Government Act 1995</i>.</del>                                                                                                                                                                                                                                                                    |
| <i><b>owner</b></i>                     | <del>Has the meaning given to it in the <i>Local Government Act 1995</i>.</del>                                                                                                                                                                                                                                                                    |
| <i><b>premises</b></i>                  | <del>Means land or buildings, including any structure, yard, or enclosure, and includes premises described in the application for a licence made</del>                                                                                                                                                                                             |

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| <i><b>Term</b></i>              | <i><b>Meaning</b></i>                                                                                                                                                                                                                                                                                           |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 | <del>under clause 5.1, 6.1 and Schedule 4 of the Shire of Toodyay Fencing Local Law.</del>                                                                                                                                                                                                                      |
| <i><b>razor wire fence</b></i>  | <del>A fence made of or incorporating coiled strong wire with pieces of sharp cutting edges set across it at close intervals.</del>                                                                                                                                                                             |
| <i><b>Residential Lot</b></i>   | <del>A lot where a Residential use is permitted under the local planning scheme.</del>                                                                                                                                                                                                                          |
| <i><b>retaining wall</b></i>    | <del>Any structure which prevents the movement of soil or retains soil or structures to allow ground levels of different elevations to exist adjacent to one another.</del>                                                                                                                                     |
| <i><b>rural lot</b></i>         | <del>A lot where a Rural use is permitted under the local planning scheme.</del>                                                                                                                                                                                                                                |
| <i><b>rural use</b></i>         | <del>Includes forestry, broadacre farming, water catchment, environmental purposes, rural industry and related uses consistent with State rural planning guidelines.</del>                                                                                                                                      |
| <i><b>schedule</b></i>          | <del>A Schedule to this local law.</del>                                                                                                                                                                                                                                                                        |
| <i><b>special rural lot</b></i> | <del>A lot where a Special Rural use is permitted under the local planning scheme.</del>                                                                                                                                                                                                                        |
| <i><b>sufficient fence</b></i>  | <del>(a) a fence prescribed by this local law as a sufficient fence; or<br/>(b) where no such fence is prescribed in relation to a particular lot, a fence agreed upon by the owners of the adjoining lots, and has the same meaning as in section 5 of the Act insofar as it applies to dividing fences.</del> |
| <i><b>thoroughfare</b></i>      | <del>Has the meaning given to it in the Local Government Act 1995 but does not include a private thoroughfare which is not under the management or control of the local government.</del>                                                                                                                       |

### 1.5 Application of this local law

This local law applies to all fencing within the district, including dividing fences and boundary fences, but does not—

- (a) affect the operation of the Act as between adjoining owners; or



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- (b) require an owner or occupier of land to erect a fence where no fence presently exists.

## 1.6 Licence fees and charges

All licence fees and charges under this local law are to be determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*.

# PART 2 SUFFICIENT FENCES

## 2.1 Sufficient Fences

- (1) An owner or occupier of a lot must not erect, or cause to be erected, a dividing fence or a boundary fence that is not a sufficient fence.
- (2) Subject to sub-clauses (3) and (4), a sufficient fence:
  - (a) on a Residential Zoned Lot is a dividing fence or a boundary fence constructed and maintained in accordance with Schedule 2.
  - (b) on any Commercial Lot or on any Industrial Lot is a dividing fence or a boundary fence constructed and maintained in accordance with Schedule 3;
  - (c) on any Rural or conservation Lot or is a dividing fence or a boundary fence constructed and maintained in accordance with Schedule 4;
- (3) Where a fence is erected on or near the boundary between:
  - (a) a Residential Lot and an Industrial Lot, a sufficient fence is to comply with Schedule 2;
  - (b) a Residential Lot and a Commercial Lot, a sufficient fence is to comply with Schedule 3;
  - (c) a Residential Lot and any Rural Lot, a sufficient fence is to comply with Schedule 4;
- (4) An owner or occupier may apply under Part 6 for Development Approval to construct a fence that varies from the specifications contained in Schedules 2, 3 or 4.
- (5) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclause (3) is a dividing fence constructed in accordance with Schedule 2.
- (6) Despite any other provision in this local law, a fence constructed of masonry, stone or concrete is a sufficient fence only if it—

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- (a) does not exceed 1,800 millimetres in height unless otherwise approved under subclause (7); and
- (b) is designed by a suitably qualified structural engineer and constructed in accordance with that design where—
  - (i) the fence exceeds 1,800 millimetres in height; or
  - (ii) the Building Surveyor requires such design.
- (7) A dividing fence or boundary fence must not exceed 1,800 millimetres in height unless the approval of the local government has been obtained under Part 6 for such a fence.
- (8) A further 400mm of height can be added only when a 'fence extender' is at least 50% transparent or has apertures of a minimum 50% of the surface area of the fence extender.

## **2.2 Requirement for fencing**

- (1) All residential lots shall be fenced on both sides and all rear boundaries and provide a tapered fence height forward of the building line to 1.2 metres, except where a development application has been approved.
- (2) All rural and conservation lots shall be fenced on their perimeter or the perimeter of multiple lots that form one ownership, except for a portion of the lot where there is a dwelling in proximity of a road and there is a clear path towards the dwelling
- (3) All industrial lots must be fenced on all sides, and can provide side and rear fencing forward of the approved structures where access to the facility or structures is required
- (4) All commercial lots can be fenced behind the property line in accordance with a development approval.
- (5) All other zones, fencing shall be determined by a development approval.

## **PART 3 GENERAL**

### **3.1 Fences within front setback areas**

- (+) A person must not, without a Development Approval of the local government, erect a free-standing fence greater than 1,200 millimetres in height within the front setback area of a Residential Lot, except instances under Subclause 2.2(1)

### **3.2 Gates in fences**

- (+) A person must not erect a gate in a fence that—
  - (a) opens outward over any thoroughfare or public place; or

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(b) when opened, does not either open into the lot or slide parallel and on the inside of the fence.

(c) Opens onto a public reserve or Crown land without consent.

### 3.3 Depositing fencing material on public place

~~(+)~~ A person must not deposit or permit the deposit of any materials used in the construction or maintenance of a fence on any thoroughfare, public place, or local government property without the prior approval of the local government.

### 3.4 Fences on all Rural Lots

~~(+)~~—A person must not, without the written approval of the local government, erect a fence on a Rural Lot—

~~(+)~~ of a height greater than 1,500 millimetres.

### 3.5 Maintenance of Fences

~~(+)~~ An owner of a lot on which a fence is erected must maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated, or unsightly, having regard to the amenity of the locality.

### 3.6 General discretion of the local government

(1) Despite clause 2.1, the local government may approve the erection, alteration or repair of a dividing fence that is not a sufficient fence where all owners of the lots to be separated by the fence join in an application under Part 6.

(2) In determining an application under subclause (1) or any application for approval under this local law, the local government may have regard to whether the proposed fence would have an adverse effect on—

- (a) the safe or convenient use of any land; or
- (b) the safety or convenience of any person; or
- (c) the visual amenity of the locality.

## PART 4 FENCING MATERIALS

### 4.1 Structural design

~~(+)~~ Where required by the Building Surveyor, fencing designs are to be certified by a practising structural engineer as being suitable for the relevant site conditions and wind loadings for the district, in accordance with AS/NZS 1170.0:2002 Structural design actions, Part 0:— General principles, as amended from time to time and available from the Standards Australia store.

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**4.2 Pre-used fencing materials**

- (1) A person must not construct a fence on any Lot from pre-used materials without the approval of the local government.
- (2) Where the local government approves the use of pre-used materials, that approval may be conditional on the applicant painting, treating or otherwise finishing the materials as directed by the Building Surveyor.

**4.3 General Fencing Materials**

- (1) materials can only be constructed from conventional materials unless approved by the local government.
- (2) The use of materials that are excessively rusted, rotten or otherwise degraded such that they detract from the amenity of the locality are not permitted.

**4.4 Barbed Wire, spiked or jagged materials and broken glass**

- (1) This clause does not apply to a fence constructed wholly or partly of razor wire, which is dealt with in Part 5.
- (2) An owner or occupier of any Residential or any Commercial Lot must not erect, affix or permit to remain on any fence on such a lot any barbed wire or other materials with spiked or jagged projections, unless approved by the local government.
- (3) An owner or occupier of an Industrial Lot must not erect, affix or permit to remain as part of any fence on that Lot any barbed wire or other materials with spiked or jagged projections unless—
  - (a) the posts used to carry the barbed wire, or other materials are angled at not more than 45 degrees inward to the vertical;
  - (b) the barbed wire or other materials are not less than 2,000 millimetres above ground level; and
  - (c) the lowest strand of barbed wire or other materials is set back at least 150 millimetres from the face of the fence.
- (4) If the barbed wire or other materials referred to in subclause (3) are angled towards the outside of the lot bounded by the fence, the face of the fence must be set back from the boundary a sufficient distance to ensure no part of the posts, barbed wire or other materials encroaches onto adjoining land or a thoroughfare or Crown land.
- (5) An owner or occupier of a lot must not affix or allow to remain as part of any fence or wall, whether internal or external, any broken glass.

## **PART 5 ELECTRIFIED AND RAZOR WIRE FENCES**

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**5.1 Electrified fences**

- (1) An owner or occupier of a lot, other than any Rural Lot, must not construct, install, or use an electrified fence on that lot without the approval of the local government under Part 6.
- (2) The local government must not approve an electrified fence—
  - (a) on a lot that is, or that abuts, a Residential Lot; or
  - (b) unless the fence complies with AS/NZS 3016:2002 Electrical installations – Electric security fences, as amended from time to time and available from Standards Australia store; and
  - (c) unless provision is made so that the electrified fence can be rendered inoperable during the normal hours of business operations on the lot, if any.

**5.2 Razor wire fences**

- (1) An owner or occupier of a lot must not construct or erect a fence wholly or partly of razor wire without the approval of the local government under Part 6.
- (2) The local government must not approve a razor wire fence—
  - (a) where any razor wire used in the construction of the fence would be less than 2,000 millimetres or more than 2,400 millimetres above ground level.

**5.3 Prohibited fencing materials**

A person must not affix or use broken glass in the construction of any fence.

## PART 6 APPROVALS

**6.1 When approval is required**

- (1) An approval of the local government is required under this Part where a person seeks to—
  - (a) construct a fence that varies from a specification in Schedules 2, 3 or 4;
  - (b) construct, install or use an electrified fence;
  - (c) construct or erect a razor wire fence;
  - (d) construct a fence within the front setback area contrary to clause 3.1;
  - (e) construct a fence on a Rural Lot contrary to clause 3.4; or
  - (f) construct a fence from pre-used materials under clause 4.2.

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- (2) The local government may specify additional circumstances in which its approval is required by policy, provided that the policy is consistent with this local law and any written law.

**6.2 Application for approval**

- (1) A person required to obtain an approval under this local law must lodge a development application to the Shire of Toodyay.
- (2) An application must—
  - (a) be in the form approved by the local government;
  - (b) be signed by the applicant and the owner of the lot (if different);
  - (c) include sufficient information to demonstrate compliance with this local law, including a site plan, elevations, materials, and construction details where required; and
  - (d) be accompanied by any fee imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government may require an applicant to provide additional information reasonably related to the application before determining it.
- (4) The local government may refuse to consider an application that does not comply with this clause.

**6.3 Determination of application**

- (1) The local government may—
  - (a) approve an application unconditionally;
  - (b) approve an application subject to conditions; or
  - (c) refuse to approve an application.
- (2) The local government must give written notice of its decision to the applicant.
- (3) Where an application is approved, the notice of approval must include any conditions to which the approval is subject.
- (4) Conditions may relate to matters including, but not limited to—
  - (a) the design, materials, height, or location of the fence;
  - (b) safety and visibility for pedestrians and vehicles;
  - (c) maintenance and appearance of the fence; or
  - (d) the duration of the approval.

**6.4 Compliance with approval**

An applicant, and the owner or occupier of the lot to which an approval relates, must comply with all terms and conditions of that approval.

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**6.5 Duration of approval**

Unless otherwise stated in the approval—

- (a) an approval runs with the lot to which it relates;
- (b) may be relied upon by any subsequent owner or occupier of the lot; and
- (c) may be enforced by the local government against any subsequent owner or occupier of the lot.

**6.6 Transfer and cancellation of licence – electrified and razor wire fences**

- (1) A licence granted for an electrified fence or razor wire fence may be transferred to another owner or occupier of the same lot, upon written application to the local government and payment of any prescribed transfer fee.
- (2) Subject to the *Local Government Act 1995* and any applicable regulations, the local government may cancel a licence if—
  - (a) the fence is no longer constructed or operated in accordance with this local law, the approval, or any relevant standard; or
  - (b) the licence holder has breached a condition of the licence.
- (3) The local government must give written notice of a cancellation, and the cancellation takes effect on the date specified in that notice.

## PART 7 NOTICES OF BREACH

**7.1 Notices of Breach**

- (1) Where the local government is satisfied that a person has breached a provision of this local law in relation to a fence on a lot, the local government may give a written notice of breach to the owner of that lot.
- (2) The notice of breach must:
  - (a) specify the provision of this local law that has been breached;
  - (b) specify the particulars of the breach; and
  - (c) state steps that must be taken to remedy the breach and the period within which those steps must be completed.
- (3) If the owner fails to comply with a notice of breach, the local government may—
  - (a) enter the lot with its employees, agents or contractors and take whatever remedial action is necessary to ensure compliance; and

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- (b) recover the costs of doing so from the owner in a court of competent jurisdiction.
- (4) This clause is subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 to the *Local Government Act 1995*, and any entry on to land is to be in accordance with Part 3, Division 3 of that Act.

## PART 8 OFFENCES AND PENALTIES

### 8.1 Offences and Penalties

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) A person who fails to comply with a notice of breach commits an offence.
- ~~(3) The use of fencing to obstruct a thoroughfare is an offence under Clause 71 of the *Land Administration Act 1997*.~~

### 8.2 General Penalty

A person who commits an offence under this local law is liable on conviction to a penalty not exceeding \$5,000, and if the offence is a continuing offence, to an additional daily penalty not exceeding \$500 for each day or part of a day during which the offence continues after the day on which the person is convicted.

### 8.3 Modified Penalties

- (1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16 of the *Local Government Act 1995*.
- (2) The amount appearing in the final column of Schedule 1, directly opposite an offence described in that Schedule, is the modified penalty for that offence.
- (3) Before giving an infringement notice to a person for a prescribed offence, an authorised person should be satisfied that—
  - (a) the commission of the offence is a relatively minor matter; and
  - (b) only straightforward issues of law and fact are involved in determining whether the offence was committed, and the facts in issue are readily ascertainable.

### 8.4 Forms of Notices

- ~~(+)~~ For the purposes of this local law –



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- (a) the form of an infringement notice under sections 9.16 and 9.17 of the *Local Government Act 1995* is to be in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of a withdrawal of infringement notice under section 9.20 of the *Local Government Act 1995* is to be in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

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## PART 9 OBJECTIONS AND REVIEW

### 9.1 Objections and review

Where the local government makes a decision under this local law as to the grant, refusal, cancellation or condition of an approval or licence, the provisions of Part 9, Division 1 of the *Local Government Act 1995*, and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

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## SCHEDULE 1 – OFFENCES AND MODIFIED PENALTIES

(Clause 8.3)

| Item | Clause            | Description of offence                                                                                     | Modified penalty (\$) |
|------|-------------------|------------------------------------------------------------------------------------------------------------|-----------------------|
| 1    | 2.1(1)            | Erect a fence that is not a sufficient fence                                                               | 250                   |
| 2    | 3.1               | Erect a fence within a front setback area contrary to approval requirements                                | 250                   |
| 3    | 3.2               | Erect a gate in a fence that does not open into the lot or slide parallel inside the fence                 | 200                   |
| 4    | 3.3               | Deposit fencing materials on a thoroughfare, public place, or local government property without approval   | 250                   |
| 5    | 3.5               | Fail to maintain a fence in good condition, resulting in a dangerous, dilapidated, or unsightly fence      | 250                   |
| 6    | 4.2(1)            | Construct a fence from pre-used materials without approval                                                 | 250                   |
| 7    | 4.4(2)            | Erect or use barbed wire or spiked or jagged materials on a Residential or Commercial Lot without approval | 250                   |
| 8    | 4.4(5)            | Affix or use broken glass in a fence                                                                       | 250                   |
| 9    | 5.1(1)            | Construct, install or use an electrified fence without approval                                            | 250                   |
| 10   | 5.2(1)            | Construct or erect a razor wire fence without approval                                                     | 250                   |
| 11   | 6.4               | Fail to comply with a term or condition of an approval                                                     | 250                   |
| 12   | 7.1(2),<br>7.1(3) | Fail to comply with a notice of breach                                                                     | 250                   |
|      |                   |                                                                                                            |                       |

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## SCHEDULE 2 – SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

(Clause 2.1(2)(a))

Each fence described in this Schedule is a sufficient fence on a Residential Lot, provided that where required by the Building Surveyor the design is certified by a practising structural engineer as suitable for the site conditions and wind loadings in accordance with AS/NZS 1170.2:2021 [Structural design actions, Part 2: Wind actions as amended from time to time and available on the Standards Australia store.](#)<sup>9</sup>.

### 1. Timber picket fence

A timber fence that—

- (a) uses corner posts not less than 125mm x 125mm x 2400mm and intermediate posts not less than 125mm x 75mm x 2400mm at centres not exceeding 2,400mm;
- (b) has posts embedded at least 600 millimetres into the ground;
- (c) provides rails of not less than 75 x 50 millimetres with joints staggered and fixed to each post;
- (d) is fitted with vertical timber pickets not less than 75 x 20 millimetres in section, fixed securely to the rails at spacings not exceeding 75 millimetres; and
- (e) has an overall height of 1,800 millimetres, except within the front setback area where clause 3.1 applies.

### 2. Corrugated sheeting fence

A fence constructed of corrugated fibre-reinforced cement or steel sheeting that—

- (a) has a minimum in-ground depth of 600 millimetres or 25 per cent of the total height of the sheet, whichever is greater;
- (b) consists of a single continuous sheet for the full height of the fence;
- (c) is lapped and capped using proprietary capping in accordance with the manufacturer's written instructions; and
- (d) has an overall height of 1,800 millimetres, except within the front setback area where clause 3.1 applies

### 3. Brick, stone, or concrete fence

A fence constructed of brick, stone, or concrete that—

- (a) has footings and foundations designed in accordance with AS 2870: *Residential slabs and footings*, as amended;
- (b) provides engaged piers or offsets at centres not exceeding 3,000 millimetres;
- (c) incorporates expansion joints as required by the manufacturer's or engineer's recommendations; and
- (d) has an overall height of 1,800 millimetres, except within the front setback area where clause 3.1 applies.

### 4. Composite fence

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A composite fence combining masonry piers and another infill material that—

- (a) includes brick or stone piers of not less than 345 x 345 millimetres at centres not exceeding 1,800 millimetres, bonded to a base wall of not less than 514 millimetres in height;
- (b) provides appropriate reinforcement of piers and foundations in accordance with engineering design; and
- (c) has an overall height of 1,800 millimetres, except within the front setback area where clause 3.1 applies.
- (d) A further 400mm of height can be added only when a 'fence extender' is at least 50% transparent or has apertures of a minimum 50% of the surface area of the fence extender.

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**SCHEDULE 3 – SPECIFICATIONS FOR A SUFFICIENT  
FENCE ON A COMMERCIAL OR INDUSTRIAL LOT**

*(Clause 2.1(2)(b))*

Each fence described in this Schedule is a sufficient fence on a Commercial or Industrial Lot.

**1. Mesh fence with barbed wire**

A fence constructed of galvanised or PVC-coated chain mesh, link mesh, or steel mesh that -

- (a) uses corner posts of not less than 50 millimetres nominal bore with footings not less than 225 millimetres in diameter and 900 millimetres in depth;
- (b) uses intermediate posts of not less than 37 millimetres nominal bore at centres not exceeding 3,500 millimetres with footings not less than 225 millimetres in diameter and 600 millimetres in depth;
- (c) provides struts at each corner post and each gate post;
- (d) attaches mesh to posts and straining wires so as to provide a taut, secure barrier to a height of 2,000 millimetres; and
- (e) includes three strands of barbed wire above the mesh, carried on angled extensions, to an overall height not exceeding 2,400 millimetres, installed in accordance with clause 4.4. or
- (f) is approved by the Shire of Toodyay through a development application.

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## SCHEDULE 4 – SPECIFICATIONS FOR A SUFFICIENT FENCE ON ANY RURAL LOT

(Clause 2.1(2)(c))

Each fence described in this Schedule is a sufficient fence on any Rural Lot.

### 1. Non-electrified wire fence

A fence constructed of posts and wire that—

- (a) uses high tensile wire of not less than 2.5 millimetres diameter;
- (b) has at least five strands of wire, generally with the lower wires spaced closer together to prevent smaller stock passing through;
- (c) uses posts of indigenous timber, concrete, steel star pickets or other suitable material, not less than 1,800 millimetres long, set at least 600 millimetres in the ground and providing a fence height of at least 1,200 millimetres; and
- (d) uses strainer posts of not less than 2,250 millimetres in length and 150 millimetres diameter (or 50 millimetres diameter for tubular steel) set at least 1,000 millimetres in the ground at ends and changes of direction.

### 2. Electrified wire fence

An electrified fence on a Rural ~~or Special Rural~~ Lot is a sufficient fence if—

- (a) it has at least four wires and is otherwise constructed generally in accordance with the specifications for a non-electrified fence; and
- (b) any associated energiser and installation comply with AS/NZS 3016:2002 Electrical Installations – Electric security fences, as amended from time to time and found on the Standards Australia store together with ~~and~~ any other applicable standard.

**LOCAL GOVERNMENT ACT 1995**  
**SHIRE OF TOODYAY**  
**FENCING LOCAL LAW 2026**

## **SCHEDULE 5 – LICENCE FOR APPROVED ELECTRIFIED FENCE**

Clause 5.1, 6.1 and Schedule 4 of the Shire of Toodyay Fencing Local Law  
 This licence is given to a person who applies for it to have and use an electrified fence.

### **Certification**

This is to certify that: *Name:* \_\_\_\_\_  
*Of address:* \_\_\_\_\_  
 is licensed, subject to the conditions set out below, to have and use an electrified fence on:  
 Address of Property: \_\_\_\_\_  
 From (Date): \_\_\_\_\_ and until this licence is transferred or cancelled.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Chief Executive Officer  
 Shire of Toodyay

### **Conditions of Licence**

The holder of the licence must—

- (a) display the licence in a prominent position on the land or premises on which the electrified fence has been erected;
- (b) upon the request of a Building Surveyor produce to him or her the licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes;
- (d) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence; and
- (e) comply with AS/NZS 3016:2002 Electrical installations - Electric security fences.

### **Transfer by Endorsement**

Name: \_\_\_\_\_  
 The licence is transferred to: of Address: \_\_\_\_\_  
 From and including the date of this endorsement.  
 Date of endorsement: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Chief Executive Officer  
 Shire of Toodyay



**LOCAL GOVERNMENT ACT 1995**  
**SHIRE OF TOODYAY**  
**FENCING LOCAL LAW 2026**

**SCHEDULE 6 – LICENCE FOR APPROVED RAZOR WIRE FENCE**

Clause 5.1, 6.1 and Schedule 4 of the Shire of Toodyay Fencing Local Law  
 This licence is given to a person who applies for it to have a fence constructed wholly or partially of razor wire.

**Certification**

This is to certify that: *Name:* \_\_\_\_\_  
*Of address:* \_\_\_\_\_

is licensed, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire at:

Address of Property: \_\_\_\_\_

From (Date): \_\_\_\_\_ and until this licence is transferred or cancelled.

Signature: \_\_\_\_\_  
 Chief Executive Officer  
 Shire of Toodyay

Date: \_\_\_\_\_

**Conditions of Licence**

The holder of the licence must—

- (a) display the licence in a prominent position on the land or premises on which the fence has been erected;
- (b) upon the request of a Building Surveyor produce to him or her the licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes; and
- (d) obtain the written consent of the local government prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

**Transfer by Endorsement**

Name: \_\_\_\_\_

The licence is transferred to: of Address: \_\_\_\_\_

From and including the date of this endorsement.

Date of endorsement: \_\_\_\_\_

Signature: \_\_\_\_\_  
 Chief Executive Officer  
 Shire of Toodyay

Date: \_\_\_\_\_

LOCAL GOVERNMENT ACT 1995  
SHIRE OF TOODYAY  
FENCING LOCAL LAW 2026

**AUTHORISATION**

Under the powers conferred by the *Local Government Act 1995* and the *Dividing Fences Act 1961* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on ..... to make the Fencing Local Law 2026.

Dated this                                  day of                                  2026.

The Common Seal of the                                  )  
Shire of Toodyay was                                        )  
affixed in the presence of:                                )

.....  
Cr Michael McKeown  
Shire President

.....  
Mr Alan Hart  
Temporary Chief Executive Officer

**SHIRE OF TOODYAY  
LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011  
Shire of Toodyay Cat Local Law Amendment Local Law 2027**

---

Under the powers conferred by the Local Government Act 1995, the *Cat Act 2011* and under all other powers enabling it, the Council of the Shire of Toodyay makes the following local law.

## **PART 1 PRELIMINARY**

### **1.1 Citation**

This local law may be cited as the **Shire of Toodyay Cat Local Law Amendment Local Law 2027**.

### **1.2 Commencement**

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

### **1.3 Principal Local Law**

In this local law, the **Principal Local Law** means the Shire of Toodyay Cat Local Law 2026.

### **1.4 Purpose**

The purpose of this local law is to amend the Shire of Toodyay Cat Local Law 2026.

### **1.5 Effect**

The effect of this local law is to correct drafting errors, amend provisions identified by the Joint Standing Committee on Delegated Legislation and ensure compliance with the Cat Act 2011.

## **PART 2 AMENDMENTS TO THE CAT LOCAL LAW 2026**

### **3.1 Clause 4.1 Interpretation**

Delete:

section 3 of the Act

and insert:

section 3(1) of the Act

SHIRE OF TOODYAY  
LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011  
Shire of Toodyay Cat Local Law Amendment Local Law 2027

---

### 3.2 Clause 4.5(a)

Delete:

Local Planning Scheme

and insert:

local planning scheme

### 3.3 Clause 5.1 Interpretation

Delete clause 5.1 and replace with:

#### 5.1 Interpretation

In this Part—

**infringement notice** means the notice referred to in clause 5.4; and

**notice of withdrawal** means the notice referred to in clause 5.5.

### 3.4 Schedule 4

Delete the modified penalties appearing in Items 1 to 5 and substitute:

| Item | Clause       | Nature of Offence                                                          | Modified Penalty |
|------|--------------|----------------------------------------------------------------------------|------------------|
| 1    | 2.6(2)       | Failing to comply with conditions of an approval for additional cats       | \$500            |
| 2    | 3.1(4)       | Failure to comply with a notice to abate a cat nuisance                    | \$200            |
| 3    | 3.2(1) & (2) | Cat in a cat prohibited place                                              | \$200            |
| 4    | 4.2          | Operating a Cat Management Facility without a licence                      | \$500            |
| 5    | 4.7          | Failing to comply with the conditions of a Cat Management Facility licence | \$200            |

Items 6 and 7 remain unchanged.

**SHIRE OF TOODYAY**  
**LOCAL GOVERNMENT ACT 1995**  
**CAT ACT 2011**  
**Shire of Toodyay Cat Local Law Amendment Local Law 2027**

---

**AUTHORISATION**

The Common Seal of the Shire of Toodyay was affixed by authority of a resolution of Council passed on the \_\_\_\_ day of \_\_\_\_\_ 202\_ in the presence of:

The Common Seal of the                    )  
Shire of Toodyay was                        )  
affixed in the presence of:                )

.....  
Cr Michael McKeown  
Shire President

.....  
Mr Alan Hart  
Temporary Chief Executive Officer

**SHIRE OF TOODYAY****LOCAL GOVERNMENT ACT 1995****PROPOSED CAT LOCAL LAW AMENDMENT LOCAL LAW 2027**

The Shire of Toodyay proposes to make the **Shire of Toodyay Cat Local Law Amendment Local Law 2027**.

**Purpose:** to amend the Shire of Toodyay Cat Local Law 2026 to correct drafting errors, amend statutory references and adjust modified penalties to ensure consistency with the Cat Act 2011 and the Local Government Act 1995.

**Effect:** to improve the administrative operation and legal compliance of the Shire of Toodyay Cat Local Law 2026 while maintaining its overall intent relating to the keeping, control and management of cats within the district.

A copy of the proposed local law may be inspected at the Shire Administration Office during normal business hours and is available on the Shire's website at [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au).

Submissions on the proposed local law may be made in writing to the Chief Executive Officer and must be received by **5.00pm on Friday 13 November 2026**.

Submissions may be:

- emailed to [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au);
- posted to PO Box 96, Toodyay WA 6566; or
- delivered to the Shire Administration Office, 15 Fiennes Street, Toodyay.

**Alan Hart**

Temporary Chief Executive Officer

**SHIRE OF TOODYAY  
LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976  
Shire of Toodyay Dog Amendment Local Law 2027**

---

Under the powers conferred by the Local Government Act 1995, the Dog Act 1976 and under all other powers enabling it, the Council of the Shire of Toodyay makes the following local law.

## **PART 1 PRELIMINARY**

### **1.1 Citation**

This local law may be cited as the **Shire of Toodyay Dog Local Law Amendment Local Law 2027**.

### **1.2 Commencement**

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

### **1.3 Principal Local Law**

In this local law, the **Principal Local Law** means the Shire of Toodyay Dog Local Law 2026.

### **1.4 Purpose**

The purpose of this local law is to amend the Shire of Toodyay Dog Local Law 2026.

### **1.5 Effect**

The effect of this local law is to correct drafting errors, amend provisions identified by the Joint Standing Committee on Delegated Legislation and ensure compliance with the Dog Act 1976.

## **PART 2 AMENDMENTS TO THE DOG LOCAL LAW 2026**

### **2.1 Clause 1.3 Definitions**

- (a) Delete the definition of **District** and insert:

**District** has the meaning given to it in section 3(1) of the Act.

- (b) Delete the definition of **kennel establishment** and insert:

SHIRE OF TOODYAY  
LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976  
Shire of Toodyay Dog Amendment Local Law 2027

---

**kennel establishment** means an approved kennel establishment in section 27 of the Act.

**2.2 Clause 4.1 Dogs to be Confined**

Delete clause 4.1(1)(c) and insert:

- (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises (unless the gate is temporarily opened in a manner that ensures that the dog remains confined), and is fitted with a proper latch or other means of fastening it;

**2.3 Clause 4.3 Limitation on Number of Dogs**

- (a) In clause 4.3(1)(a) delete:

Part 4

and insert:

Part 5

- (b) In clause 4.3(3) delete:

Item

and insert:

clause

**2.4 Clause 5.9**

Delete clause 5.9 and insert:

**5.9 Reviews and Objections**

- (1) Applications for a review of the approval of a kennel establishment are contained in Part 14 of the *Planning and Development Act 2005*.
- (2) Objections and review of the issue of a licence to operate are within the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996*.



**SHIRE OF TOODYAY  
LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976  
Shire of Toodyay Dog Amendment Local Law 2027**

---

**2.5 Clause 1.1(3)**

Delete the words:

determine dog exercise and prohibited areas

and

identifies dog exercise and prohibited areas

**2.6 Part 6**

Delete clauses 6.1 and 6.2 in their entirety.

Insert new clause 6.1 as follows:

**6.1 Specified Dog Areas**

- (1) For the purposes of sections 31 and 32 of the *Dog Act 1976*, Council shall specify a public place, or class of public place, under the care, control or management of the Shire of Toodyay to be:
  - (a) places where dogs are prohibited, whether at all times or specified times; and
  - (b) places designated as dog exercise areas.
- (2) Areas specified under subclause (1) are not set out in this local law and shall be specified by a Council notice adopted by absolute majority.

**2.7 Clause 7.2**

Delete:

Penalty: \$200.

Insert:

Penalty: \$2,000.

**2.8 Clause 8.1**

Renumber current clause 8.1 as clause 8.1(1).

Insert new clause 8.1(2):

- (2) A person who commits a breach of any provision of this local law shall upon conviction be liable to a penalty not exceeding \$5,000

**SHIRE OF TOODYAY**  
**LOCAL GOVERNMENT ACT 1995**  
**DOG ACT 1976**  
**Shire of Toodyay Dog Amendment Local Law 2027**

---

and, if the offence is of a continuing nature, a further penalty not exceeding \$500 for each day or part of a day during which the offence continues.

## **2.9 Schedule 2**

In the heading to Schedule 2 delete:

(clause 5.1(2))

and insert:

(clause 5.2(1))

## **2.10 Schedule 3**

(a) Delete the entry:

Offence 6.1

in its entirety.

(b) Amend the entry:

Offence 5.7

to read:

Offence 5.2

(c) Amend modified penalties as follows:

| <b>Offence</b>    | <b>Existing</b> | <b>New</b> |
|-------------------|-----------------|------------|
| 3.4(1)(b)         | \$2,000         | \$500      |
| 4.1               | \$1,000         | \$100      |
| 5.2               | \$1,000         | \$500      |
| Dangerous Dog 4.1 | \$2,000         | \$200      |

**SHIRE OF TOODYAY**  
**LOCAL GOVERNMENT ACT 1995**  
**DOG ACT 1976**  
**Shire of Toodyay Dog Amendment Local Law 2027**

---

**AUTHORISATION**

The Common Seal of the Shire of Toodyay was affixed by authority of a resolution of Council passed on the \_\_\_\_ day of \_\_\_\_\_ 202\_ in the presence of:

The Common Seal of the                    )  
Shire of Toodyay was                        )  
affixed in the presence of:                )

.....  
Cr Michael McKeown  
Shire President

.....  
Mr Alan Hart  
Temporary Chief Executive Officer

**SHIRE OF TOODYAY**  
**LOCAL GOVERNMENT ACT 1995**  
**PROPOSED DOG LOCAL LAW AMENDMENT LOCAL LAW 2027**

The Shire of Toodyay proposes to make the **Shire of Toodyay Dog Local Law Amendment Local Law 2027**.

**Purpose:** to amend the Shire of Toodyay Dog Local Law 2026 to correct drafting errors, amend modified penalties, clarify review provisions, update provisions relating to dog exercise and prohibited areas, and ensure consistency with the Dog Act 1976 and the Local Government Act 1995.

**Effect:** to improve the administrative operation and legal compliance of the Shire of Toodyay Dog Local Law 2026 while maintaining its overall intent relating to the keeping, control and management of dogs within the district.

A copy of the proposed local law may be inspected at the Shire Administration Office during normal business hours and is available on the Shire's website at [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au).

Submissions on the proposed local law may be made in writing to the Chief Executive Officer and must be received by **5.00pm on Friday 13 November 2026**.

Submissions may be:

- emailed to [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au);
- posted to PO Box 96, Toodyay WA 6566; or
- delivered to the Shire Administration Office, 15 Fiennes Street, Toodyay.

**Alan Hart**  
Temporary Chief Executive Officer

**SHIRE OF TOODYAY**  
**COUNCIL NOTICE**  
**DOG ACT 1976**  
**SECTIONS 31 AND 32**  
**SPECIFIED DOG AREAS**

**Council Resolution No. [INSERT]**

Pursuant to sections 31 and 32 of the *Dog Act 1976* and clause 6.1 of the *Shire of Toodyay Dog Local Law 2026*, the Shire of Toodyay specifies the following public places under the care, control or management of the Shire as dog prohibited areas and dog exercise areas.

**1. DOG PROHIBITED AREAS**

Dogs are prohibited from entering or remaining in the following public places except where expressly authorised by the *Dog Act 1976*:

- (a) Public Buildings**  
Any public building under the care, control or management of the Shire.
- (b) Food Premises**  
Any premises or vehicle classified as a food premises or food vehicle under the *Food Act 2008*.
- (c) Public Swimming Pool Facilities**  
All public swimming pool facilities owned, occupied or managed by the Shire.
- (d) Toodyay Showgrounds Sporting Oval**  
The cricket oval and football oval area within Reserve 27015, Toodyay Street, Toodyay, as identified on Map 2 attached to this Notice.

**2. DOG EXERCISE AREAS**

The following public places are designated dog exercise areas:

- (a) Drummond Street Dog Exercise Area**  
A portion of Reserve 48170, Drummond Street, Toodyay, as shown on Map 1 attached to this Notice.
- (b) Toodyay Showgrounds Dog Exercise Area**  
A portion of Reserve 27015, Toodyay Street, Toodyay, as shown on Map 2 attached to this Notice.
- (c) Toodyay Recreation Centre Dog Exercise Area**  
Located at Burt, Park Way, Toodyay WA 6566 as shown on Map 3 attached to this Notice.

**3. EXCLUSIONS**

The dog exercise areas specified in section 2 do not include:

- (a)** land set apart as a children's playground;
- (b)** areas being used for organised sporting or other approved activities during the times of such use; and
- (c)** associated car parking areas.

**4. ASSISTANCE DOGS**

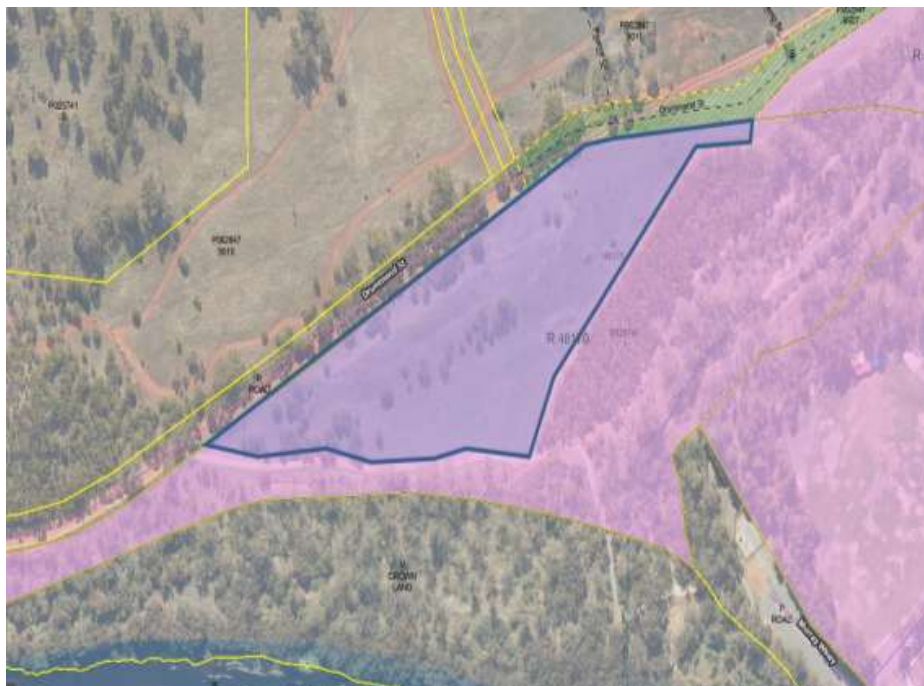
Nothing in this Notice applies to assistance dogs to the extent provided for under the *Dog Act 1976* or any other written law.

**5. COMMENCEMENT**

This Notice comes into effect on the date adopted by Council by absolute majority and remains in force until amended or revoked by Council resolution.

**MAP 1 – DRUMMOND STREET DOG EXERCISE AREA**

(a) A portion of Reserve Number 48170 Drummond Street, Toodyay as per the map below; and

**MAP 2 – TOODYAY SHOWGROUNDS DOG AREA**

Blue Area = Dog Exercise Area

Red Area = Dog Prohibited Area



## MAP 3 – TOODYAY RECREATION CENTRE DOG AREA



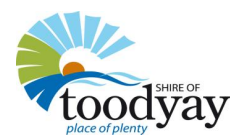
Green Area = Dog Exercise Area

Other areas = Dog Prohibited Areas

6. Caravan Parks and Camping Grounds

Nothing in this Notice affects the keeping of dogs within a caravan park or camping ground where authorised under the Caravan Parks and Camping Grounds Regulations 1997.

A person who owns, keeps or has control of a dog within a caravan park or camping ground must comply with the requirements of the Caravan Parks and Camping Grounds Regulations 1997, including requirements relating to the restraint or confinement of dogs.



2027 Meeting Schedule  
Council and Committee Meetings

| 2027      | Agenda Forum                           | Ordinary Council Meetings          | Councillor Briefings (Workshops)   | Audit, Risk and Improvement Committee                     | Heritage Advisory Working Group                              | Infrastructure and Works Committee                        | Bush Fire Advisory Committee                              | Local Emergency Management Committee                      |
|-----------|----------------------------------------|------------------------------------|------------------------------------|-----------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|
| ACRONYM   | AGFM                                   | OCM                                | CW                                 | ARIC                                                      | HAWKG                                                        | IAWC                                                      | BFAC                                                      | LEMC                                                      |
| Time      | 5.30pm                                 | 5.30pm                             | 5.30pm                             | 10.30am                                                   | 4.00pm                                                       | 4.00 pm                                                   | 6.00pm                                                    | 6.00pm                                                    |
| Venue     | Council Chambers                       | Council Chambers                   | Council Chambers                   | Council Chambers                                          | Council Chambers                                             | Council Chambers                                          | Council Chambers                                          | Council Chambers                                          |
| JAN       | 28/01/2027                             | No meeting                         | none                               | none                                                      |                                                              |                                                           |                                                           |                                                           |
| FEB       | 25/02/2027                             | 4/02/2027                          | 18/02/2027                         | 11/02/2027                                                |                                                              |                                                           |                                                           |                                                           |
| MAR       | 25/03/2027                             | 4/03/2027                          | 18/03/2027                         | 11/03/2027                                                | 11/03/2027                                                   |                                                           |                                                           | 11/03/2027                                                |
| APR       | 22/04/2027                             | 1/04/2027                          | 15/04/2027                         | 8/04/2027                                                 |                                                              | 8/04/2027                                                 | 8/04/2027                                                 |                                                           |
| MAY       | 27/05/2027                             | 6/05/2027                          | 20/05/2027                         | 13/05/2027                                                | 13/05/2027                                                   |                                                           |                                                           | 13/05/2027                                                |
| JUNE      | 24/06/2027                             | 3/06/2027                          | 17/06/2027                         | 10/06/2027                                                |                                                              | 10/06/2027                                                | 10/06/2027                                                |                                                           |
| JULY      | 22/07/2027                             | 1/07/2027                          | 15/07/2027                         | 8/07/2027                                                 | 8/07/2027                                                    |                                                           |                                                           | 8/07/2027                                                 |
| AUG       | 26/08/2027                             | 5/08/2027                          | 19/08/2027                         | 12/08/2027                                                |                                                              | 12/08/2027                                                | 12/08/2027                                                |                                                           |
| SEPT      | 23/09/2027                             | 2/09/2027                          | 16/09/2027                         | 9/09/2027                                                 | 9/09/2027                                                    |                                                           |                                                           | 9/09/2027                                                 |
| OCT       | 28/10/2027                             | 7/10/2027                          | 21/10/2027                         | 14/10/2027                                                |                                                              | 14/10/2027                                                | 14/10/2027                                                |                                                           |
| NOV       | 25/11/2027                             | 4/11/2027                          | 18/11/2027                         | 11/11/2027                                                |                                                              |                                                           |                                                           |                                                           |
| DEC       | none                                   | 2/12/2027                          | none                               | none                                                      |                                                              |                                                           |                                                           |                                                           |
| Frequency | LAST Thursday EVERY month (Except Dec) | 1st Thurs EVERY month (Except Jan) | 3rd Thurs EVERY month (Except Dec) | 2nd Thursday of THE YEAR, except for January and December | 2nd Thursday in the months of March, May, July and September | 2nd Thurs of the months of April, June August and October | 2nd Thurs of the months of April, June August and October | 2nd Thurs of the months of March, May, July and September |





# Lease Agreement

Toodyay Golf Club



Between the

**Shire of Toodyay and the Toodyay Golf Club**

For the term below

**1 October 2026 to 30 September 2031**

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course****Table of Contents**

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**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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|      |                                                  |    |
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**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

---

THIS Agreement is made on the:

---

*Day*

---

*Month*

---

*Year*

**1. Parties**

This agreement is between:

- (a) **The Shire of Toodyay** located at 15 Fiennes Street, Toodyay WA 6566 in the State of Western Australia (the **Lessor**) as Owner.
- (b) **Toodyay Golf Club Inc**, PO Box 358, Toodyay WA 6566 (the **Lessee**)

**2. Premises**

- (a) The Shire has management and control of the freehold land, including the premises more particularly described as Toodyay Golf Club, Lot 110 on Deposited Plan 13653 being the whole of the land comprised in Certificate of Title Volume 1606 Folio 069 (Avon Location 1953); and the adjoining portion of Lot 28962 shown on the attached plan.
- (b) The leased premises include:
  - (i) the golf course;
  - (ii) clubhouse;
  - (iii) sheds;
  - (iv) irrigation infrastructure;
  - (v) fixtures;
  - (vi) improvements; and
  - (vii) associated facilities within the lease area.
- (c) The lease area is shown in Appendix A.
- (d) The Lessor agrees to grant to the Lessee a right to use the Premises subject to the terms, and conditions set out in this lease (hereinafter called "the **Agreement**").
- (e) The Lessee will ensure that any new Committee Members are provided with a copy of the Agreement.
- (f) Unless expressly modified by the Shire, the terms and conditions of this Agreement shall remain unchanged and in full force and effect.

Page 3 of 20

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

---

- (g) This Agreement shall be effective upon execution and shall continue for five (5) years, unless terminated sooner by either party.

**3. Definitions**

In this agreement unless the contrary appears:

**Agreement** means this Lease Agreement, including any appendices, schedules and plans attached to it.

**Authorised Person** means an employee, contractor, agent or representative of the Shire, or any person authorised by the Shire to enter the Premises.

**CEO** means the Chief Executive Officer of the Shire of Toodyay or a person authorised to act on behalf of the Chief Executive Officer.

**Club** means the Toodyay Golf Club Inc. and includes its members, committee members, employees, volunteers, contractors, visitors and guests.

**Commencement Date** means 1 October 2026.

**Further Term** means the term the Lessee may request renewal of in Clause 4 of this agreement.

**Golf Course** means the golf course located within the Premises and includes all fairways, greens, tees, bunkers, practice areas, irrigation infrastructure and associated facilities.

**Key Holder** means a person authorised by the Club to hold keys, access devices, alarm codes or security credentials for the Premises.

**Lease** means this Agreement.

**Lessee** means the Toodyay Golf Club Inc.

**Lessor** means the Shire of Toodyay.

**Premises** means Lot 110 on Deposited Plan 13653 being the whole of the land comprised in Certificate of Title Volume 1606 Folio 069 (Avon Location 1953) together with the adjoining portion of Lot 28962 as shown on Appendix A and includes:

- the golf course;
- clubhouse;
- sheds;
- irrigation infrastructure;
- fixtures;
- improvements; and
- associated facilities within the leased area.

**Public Liability Insurance** means insurance held by the Club for an amount of not less than \$20,000,000 covering liability for injury, death, property damage or loss arising from the Club's use of the Premises.

**Reasonable notice** means within 24 hours.

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

---

**Rent** means the annual rent payable under this Lease.

**Shire** means the Shire of Toodyay.

**Term** means the lease period as specified in Clause 4 of this Agreement.

**Unless the contrary intention appears:**

- a reference to the singular includes the plural and vice versa;
- a reference to one gender includes all genders;
- a reference to a person includes an incorporated association, company, government authority, local government or other legal entity;
- a reference to legislation includes any amendment, replacement or re-enactment of that legislation; and
- headings are included for convenience only and do not affect interpretation.

**3.1 Nature of Lease**

- (a) This Agreement grants the Club the right to occupy and use the Premises for the purposes set out in this Lease.
- (b) Nothing in this Lease:
  - (i) transfers ownership of any land or improvements to the Club;
  - (ii) limits the Shire's ownership of the Premises; or
  - (iii) prevents the Shire from exercising its statutory responsibilities.
- (c) The Club acknowledges that the Premises remain the property of the Shire at all times.

**4. Term and Further Term**

- (a) This Lease term commences on **1 October 2026** and expires on **30 September 2031**;
- (b) The parties may agree, in writing, to renew the Lease for a further five (5) years.

**5. Rent**

- (a) The annual rent is \$550.00 per annum (GST inclusive) in accordance with the Shire's Schedule of Fees and Charges; and
- (b) The rent is payable on 1 July each year following receipt of an invoice from the Shire.

**6. Use of Premises**

**6.1 Permitted Use**

- (a) The premises may only be used for:

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

---

- (i) operating and managing a golf course;
  - (ii) operating a golf club;
  - (iii) golf competitions and events;
  - (iv) club functions;
  - (v) social activities associated with golf; and
  - (vi) activities approved by the Shire.
- (b) No other use is permitted without prior written approval of the Shire.

**6.2 Club Responsibilities**

- (a) The Club must:
- (i) maintain the course in a safe and presentable condition;
  - (ii) maintain the existing 18-hole golf course layout;
  - (iii) maintain all buildings and improvements in good condition;
  - (iv) conduct activities in a responsible and orderly manner;
  - (v) maintain the premises free of rubbish;
  - (vi) ensure the premises are secure when not in use;
  - (vii) immediately report hazards, accidents or maintenance issues to the Shire through works request processes; and
- (b) provide updated office bearer details whenever they change.

**6.3 Utilities and Outgoings**

- (a) The Club is responsible for:
- (i) electricity;
  - (ii) gas; and
  - (iii) other costs arising from its use of the premises.
- (b) The Shire remains responsible for rates relating to ownership of the land.

**6.4 Compliance with Laws**

The Club must comply with all applicable legislation, regulations, local laws, permits, licences and approvals relevant to its occupation and use of the Premises, including:

- (a) *the Local Government Act 1995;*
- (b) *the Bush Fires Act 1954;*
- (c) *the Work Health and Safety Act 2020;*

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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- (d) *the Food Act 2008*;
- (e) *the Liquor Control Act 1988*;
- (f) environmental protection legislation; and
- (g) any other law applying to the Premises or the Club's activities.

**6.5 Alcohol**

- (a) The Club may sell, serve or consume alcohol from the Premises only where all required licences, permits and approvals are held.
- (b) The Club must ensure compliance with the *Liquor Control Act 1988*.
- (c) Where required by law, responsible service of alcohol practices must be followed.
- (d) The Club indemnifies the Shire against any breach of liquor licensing legislation arising from the Club's activities.

**6.6 Dogs**

- (a) Dogs may be permitted on the golf course provided they remain under effective control at all times.
- (b) Dogs are not permitted within food preparation areas, kitchens or areas where food is prepared or stored, except assistance dogs.
- (c) The Club may establish additional rules relating to dogs on the golf course provided such rules are reasonable and clearly communicated.

**6.7 Signage and Sponsorship**

- (a) The Club must not erect, install, display or remove any external signage, sponsorship signage, advertising structure, banner or similar item without the prior written approval of the Shire.
- (b) The Shire may impose reasonable conditions regarding the location, size, appearance and installation of signage.
- (c) The Club is responsible for maintaining approved signage in a safe and presentable condition.
- (d) The Club must remove signage upon request by the Shire where it becomes unsafe, damaged or no longer serves its intended purpose.



**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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**7. Acknowledgement of Shire support****7.1 Acknowledgement**

The Club acknowledges that the Shire provides access to the Facility at a subsidised rate to support community recreation, sporting and social activities within the district.

**7.2 Recognition of Support**

The Club must acknowledge the Shire's support of events, competitions, programs and activities conducted under this Agreement on promotional and marketing material relating to major events conducted by the Club.

**7.3 Required Acknowledgement**

The acknowledgement required under clause 8.2 must include:

- (a) use of the Shire logo in accordance with any branding requirements advised by the Shire; and
- (b) the statement: **"Proudly supported by the Shire of Toodyay."**

**7.4 Invitations to Significant Events**

Where the Club conducts a significant event, major competition, official opening, anniversary celebration, presentation function or similar community event, the Club must invite the Shire President and Chief Executive Officer, or their delegates, to attend the event.

**7.5 Speaking Opportunities**

Where appropriate to the nature of the event, the Club should provide the Shire President or their delegate with a reasonable opportunity to address attendees and acknowledge the Shire's support of the event and the community.

**7.6 Failure to Acknowledge Support**

Failure to provide acknowledgement in accordance with this clause may be taken into consideration by the Shire when assessing future requests for facility use, funding, sponsorship, grants or other support.

**8. Access by the Shire**

- (a) The Club acknowledges that the Shire may enter the premises:
  - (i) at any time in an emergency;
  - (ii) after reasonable notice for inspections;
  - (iii) to undertake maintenance or repairs;
  - (iv) to investigate hazards, damage or complaints;
  - (v) to verify compliance with this Lease; or
  - (vi) for any purpose authorised under this Lease.

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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- (b) The Shire will take reasonable steps to minimise disruption to the Club's activities.

**8.1 Community Access**

- (a) The Club acknowledges that the golf course forms part of a community reserve.
- (b) Subject to safety requirements and golf operations, the public may continue to access those areas not required for active golf activities.
- (c) Nothing in this Lease prevents the Shire, emergency services or authorised contractors from accessing the Premises for legitimate purposes.

**9. Casual Hire**

- (a) The Club may hire the clubhouse or facilities on a casual basis provided:
  - (i) hirers comply with all relevant laws;
  - (ii) the Club remains responsible for the premises; and
  - (iii) liquor licensing requirements are met where applicable.

**10. Assignment**

- (a) The Club must not:
  - (i) assign the Lease;
  - (ii) sublease the premises; or
  - (iii) grant any exclusive occupation rights without prior written approval of the Shire.

**11. Access to the Golf Course and Facilities****11.1 Responsibilities**

- (a) The Golf Course is a community facility owned by the Shire and operated by the Toodyay Golf Club.
- (b) The Club acknowledges that:
  - (i) membership of the Club is not required to access the golf course;
  - (ii) members of the public may use the course in accordance with the Club's playing conditions, green fee arrangements and course availability;

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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- (iii) the Club is responsible for managing casual play, competition play and member access;
- (iv) the Club is encouraged to maintain up-to-date contact details and information regarding course access on any website, social media page or other public platform operated by the Club;
- (v) the Club must respond within a reasonable time to enquiries regarding public access to the course; and
- (vi) the Club must not unreasonably restrict public access to the golf course outside approved competitions, maintenance activities or safety closures.

**11.2 Clubhouse Access**

- (a) The Club is responsible for managing access to the clubhouse, sheds, storage areas and other leased facilities.
- (b) The Club may establish reasonable conditions for use of the clubhouse and associated facilities provided those conditions are consistent with this Lease and any applicable law.

**12. Keys**

- (a) The Club must:
  - (i) ensure keys are only held by authorised office bearers or persons authorised by the Club;
  - (ii) not permit unauthorised use of keys;
- (b) Within fourteen (14) days of each Annual General Meeting, the Club must provide the Shire with:
  - (i) the names of current office bearers;
  - (ii) current contact details for office bearers;
  - (iii) the names of all authorised key holders; and
  - (iv) an emergency contact list.
- (c) The Club must notify the Shire within fourteen (14) days of any change to those details.

**13. Opening, Closing and Securing the Premises**

- (a) The Club is responsible for opening, closing and securing all leased buildings and facilities.
- (b) Whenever the premises are vacated, the Club must ensure, where applicable, that:
  - (i) all lights are turned off, except security lighting;
  - (ii) all water taps are turned off;

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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- (iii) all electrical appliances not required to remain operating are switched off;
- (iv) all doors and windows are secured;
- (v) all storage areas are locked; and
- (vi) the premises are left in a safe and secure condition.

**14. Cleaning**

- (a) The Club must keep all leased buildings in a clean, safe and hygienic condition.
- (b) Following each use the Club must, where applicable:
  - (i) remove rubbish and place it in approved bins;
  - (ii) clean tables, benches and food preparation areas;
  - (iii) clean kitchen areas used by the Club;
  - (iv) sweep and mop floors as required;
  - (v) clean amenities and changerooms used by the Club;
  - (vi) remove Club materials and equipment not approved for storage; and
  - (vii) leave the premises in a condition suitable for the next user.
- (c) If additional cleaning is required due to the Club's use, the Shire may recover the reasonable costs from the Club.

**15. Maintenance Responsibilities**

- (a) The Club is responsible for:
  - (i) obtaining approval from the Shire prior to undertaking burning and clearing activities;
  - (ii) routine maintenance of the golf course to minimise fire hazards;
  - (iii) fairways, greens, tees and bunkers;
  - (iv) gardening, landscaping and control of noxious weeds;
  - (v) irrigation maintenance associated with the operation of the golf course;
  - (vi) maintaining buildings in a clean and operational condition;
  - (vii) replacing minor fittings and consumable items;
  - (viii) pest and vermin control; and
  - (ix) general upkeep necessary for the safe operation of the Club.
- (b) The Club must promptly report any significant maintenance issue to the Shire.

**15.1 Damage to Premises**

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**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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- (a) The Club is responsible for any loss or damage caused to the Premises by:
  - (i) the Club;
  - (ii) its members;
  - (iii) volunteers;
  - (iv) contractors;
  - (v) guests; or
  - (vi) persons attending activities conducted by the Club.
- (b) The Club must promptly notify the Shire of any damage.
- (c) The Shire may, at the request of the club, undertake repairs and recover the reasonable costs from the Club.
- (d) Fair wear and tear excepted.

**15.2 Dangerous Goods**

- (a) The Club must not store or permit the storage of:
  - (i) explosives;
  - (ii) hazardous substances;
  - (iii) dangerous goods;
  - (iv) firearms; or
  - (v) ammunitionon the Premises unless required for approved operational purposes; and all statutory approvals have been obtained.
- (b) The Shire may require the removal of any item considered unsafe.

**16. Shire Responsibilities**

- (a) The Shire remains responsible for:
  - (i) major structural repairs to buildings;
  - (ii) improvements in infrastructure;
  - (iii) structural defects;
  - (iv) replacement of major building infrastructure where required due to age or fair wear and tear; and
  - (v) matters relating to ownership of the land.

**17. Hazard Reporting**

- (a) The Club must notify the Shire as soon as practicable of:
  - (i) any serious incident;

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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- (ii) any injury requiring emergency services attendance;
- (iii) damage to buildings or infrastructure;
- (iv) vandalism;
- (v) theft;
- (vi) dangerous trees;
- (vii) fire; or
- (viii) any circumstance likely to create a risk to persons or property.

**18. Alterations and Improvements**

- (a) The Club must not:
  - (i) construct buildings;
  - (ii) install permanent infrastructure;
  - (iii) alter existing buildings;
  - (iv) remove trees (other than fairway maintenance); or
  - (v) undertake major workswithout prior written approval from the Shire.
- (b) Any approved improvements become the property of the Shire unless otherwise agreed.

**19. Insurance****19.1 Public Liability Insurance**

The Club must obtain public liability insurance with a minimum coverage of \$20,000,000.00. A copy of the certificate of currency must be provided to the Shire.

**19.2 Property and Equipment Insurance**

The Club is responsible for insuring its own equipment and contents kept on the Premises.

The Shire's insurance does not cover any equipment or property owned by the Lessee or users of the golf club and course.

**19.3 Indemnity**

- (a) The Club occupies and uses the Premises at its own risk.
- (b) To the fullest extent permitted by law, the Club indemnifies and holds harmless the Shire, its employees, contractors, officers and agents against all claims, losses, liabilities, damages, costs and expenses arising from:
  - (i) the Club's occupation or use of the Premises;
  - (ii) acts or omissions of the Club;
  - (iii) injury to persons;

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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- (iv) damage to property; or
- (v) breach of this Lease.
- (c) This indemnity does not apply to the extent any loss or damage arises from the negligence or wilful misconduct of the Shire.

**19.4 Insurance Notification**

- (a) The Club must immediately notify the Shire of any event likely to give rise to an insurance claim.
- (b) The Club must provide any information reasonably requested by the Shire in relation to an insurance claim affecting the Premises.

**20. Reporting Obligations**

- (a) The Club must provide:
  - (i) *annual financial statements if requested;*
  - (ii) *updated committee details;*
  - (iii) *a Certificate of Currency;*
  - (iv) *notifications of any significant incidents; and*
  - (v) any information reasonably requested by the Shire.

**21. Default**

- (i) The Shire may terminate the Lease where:
  - (i) rent remains unpaid;
  - (ii) insurance is not maintained;
  - (iii) the Club ceases operating;
  - (iv) the Club breaches this Lease and fails to rectify the breach; or
  - (v) unlawful activities occur on the premises.

**21.1 Insolvency, Inactivity or Dissolution**

The Shire may terminate this Lease where:

- (a) the Club is wound up;
- (b) the Club ceases to operate; or
- (c) the Club becomes deregistered or incorporated status is cancelled.

**22. Termination Provisions**

- (a) Either party may terminate the Lease by giving six months written notice.

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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- (b) The Lease may be terminated immediately where a serious breach remains unresolved after notice has been given.

**23. End of Lease**

- (a) At the end of the Lease the Club must:
  - (i) vacate the Premises;
  - (ii) return all keys;
  - (iii) remove Club equipment, stock, records and personal property unless otherwise agreed in writing by the Shire;
  - (iv) remove all rubbish and waste;
  - (v) remove temporary structures and signage not owned by the Shire;
  - (vi) repair any damage caused by removal activities;
  - (vii) leave the Premises in a clean, safe and tidy condition; and
  - (viii) provide vacant possession to the Shire.
- (b) Fair wear and tear is accepted.

**24. Disputes**

- (a) If a dispute arises:
  - (i) the parties will attempt to resolve it through discussion;
  - (ii) if unresolved, the matter will be referred to the Chief Executive Officer; and
- (b) if still unresolved, mediation may be arranged by mutual agreement.

**25. Holding Over**

If the Club remains in occupation after expiry of the Lease with the Shire's consent, the occupation shall continue on a month-to-month basis until a new agreement is entered into or either party gives one month's written notice.

**26. Notices**

- (a) A notice under this Lease must be in writing.
- (b) Notices may be delivered:
  - (i) by hand;
  - (ii) by post; or
  - (iii) by email.
- (c) The Club's notice details shall be:
 

Toodyay Golf Club  
PO Box 358  
TOODYAY WA 6566  
Email: toodyaygolfclub2@gmail.com



**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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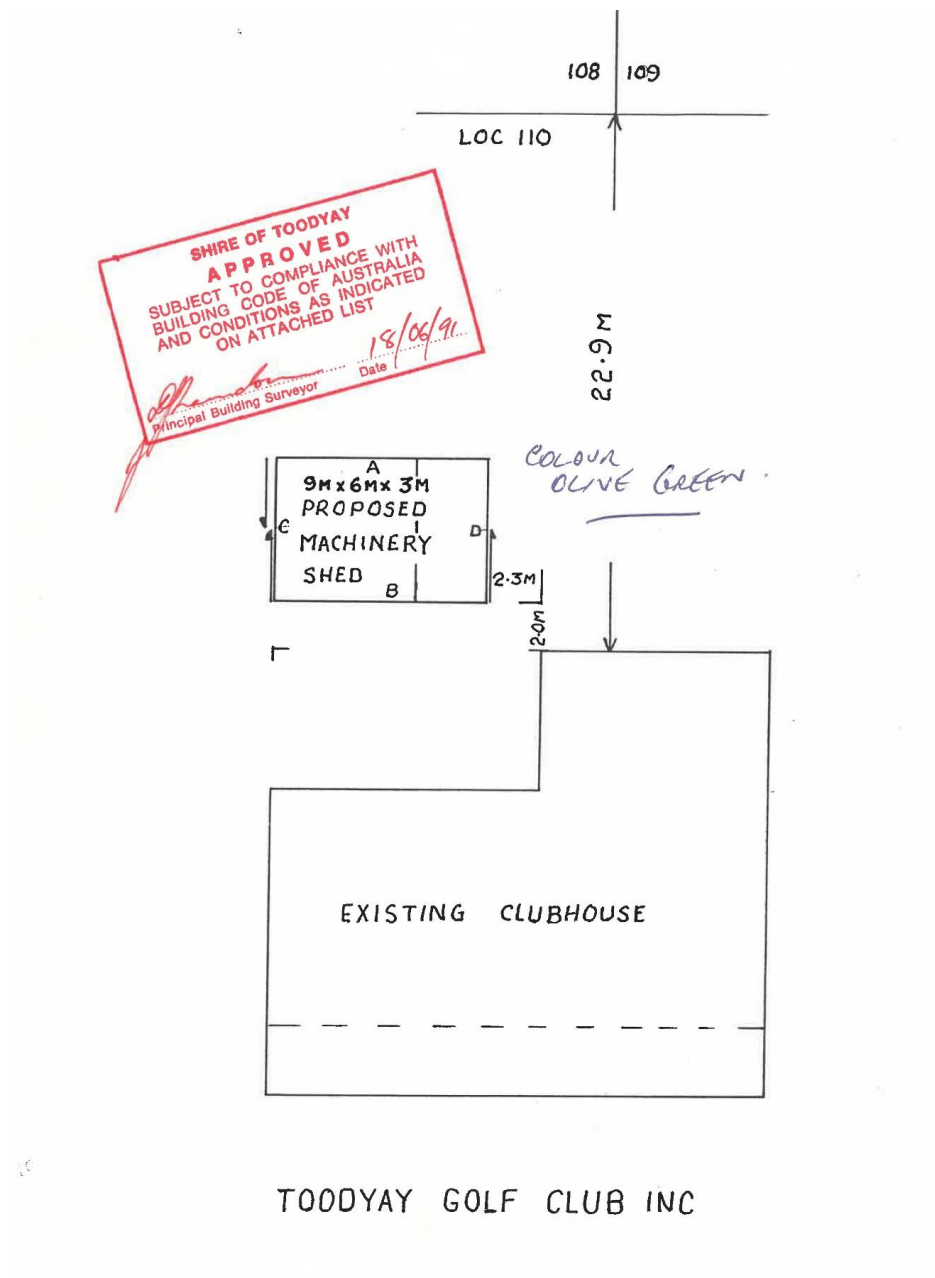
- (d) The Shire's notice details shall be:  
Chief Executive Officer  
Shire of Toodyay  
PO Box 96  
Toodyay WA 6566  
Email: [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)
- (e) A notice sent by email is deemed received on the day transmitted unless transmitted after 5.00 pm, in which case it is deemed received on the next business day.

**27. Appendix A – Location of the Course**

## Lease Agreement

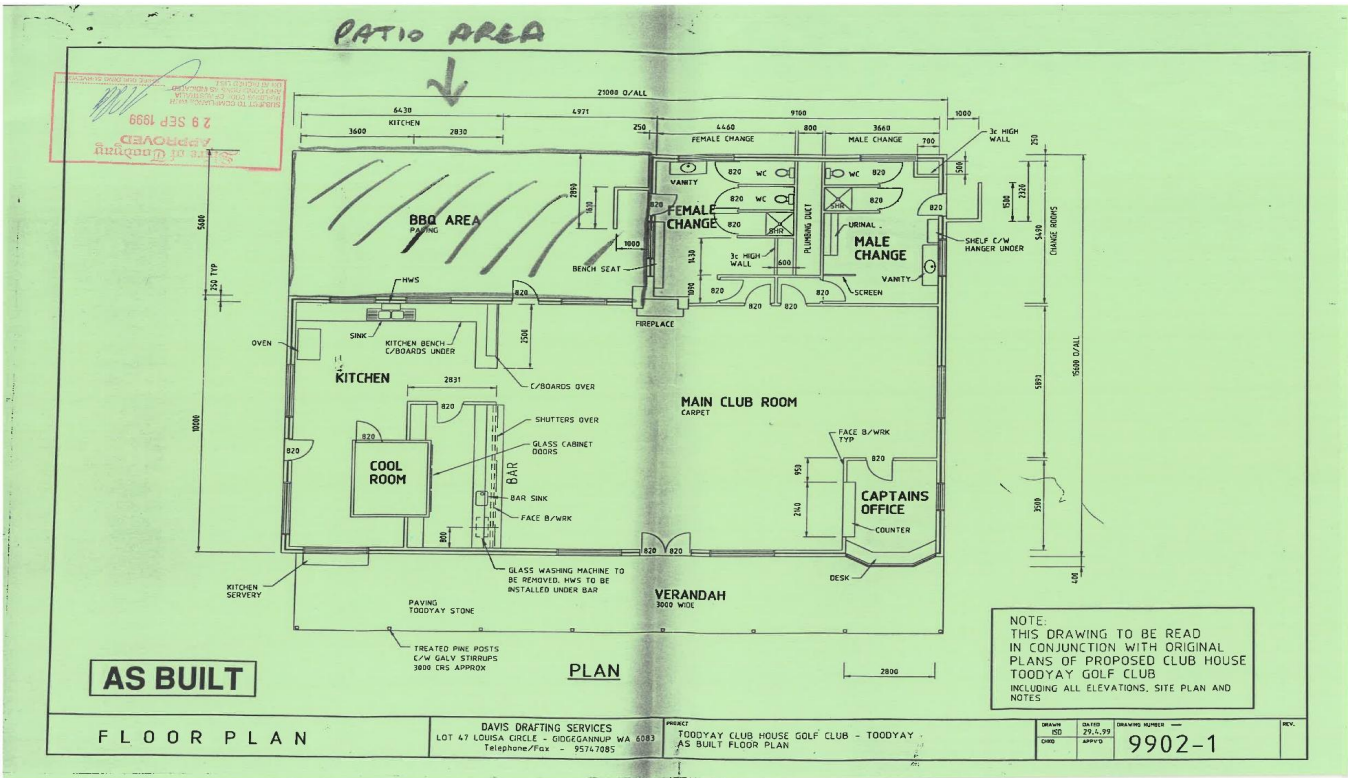
## Toodyay Golf Club and Toodyay Golf Course

## 28. Appendix B – Shed – part of the Premises



Lease Agreement  
Toodyay Golf Club and Toodyay Golf Course

29. Appendix C– Club house – Premises Plan



**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course**

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**30. Executed as an Agreement****Signed** pursuant to section 9.49A of the *Local Government Act 1995*

THE COMMON SEAL of the )  
**SHIRE OF TOODYAY** )  
 was hereunto affixed by authority )  
 of a resolution of Council )  
 and in the presence of )

---

Cr McKeown  
**Shire President**

---

Date

---

Mr A Hart  
**Temporary Chief Executive Officer**

---

Date

This agreement is signed under the Authority of the following representatives of the  
**TOODYAY GOLF CLUB**

---

Representative

---

Representative

---

Position / Role (PLEASE PRINT)

---

Position / Role (PLEASE PRINT)

---

Name of Representative(PLEASE  
 PRINT)

---

Name of Representative(PLEASE  
 PRINT)

---

Date

---

Date

**Lease Agreement****Toodyay Golf Club and Toodyay Golf Course****31. Certificate of Currency**

INSURER: CGU Australia Pty Ltd  
ABN 62 004 478 960  
AFSL 700014  
Trading as CGU Insurance  
181 WILLIAM ST,  
MELBOURNE VIC 3000

**BUSINESS INSURANCE****Certificate of Currency**

Issue Date  
24 August 2026

The policy referred to is current as at the date of issue of this certificate and whilst an expiry date has been indicated it should be noted that the policy may be cancelled in the future. Accordingly, reliance should not be placed on the expiry date.

**Policy Details**

**Policy Number:** 15T8708902  
**Type of Policy:** Business Insurance  
**Expiry Date:** 31 July 2027  
**Insured:** Toodyay Golf Club inc T/AS Toodyay Golf Club

**Cover Details****Section 5 - Liability**

Public Liability  
Products Liability

**Sum Insured**

\$ 20,000,000  
\$ 20,000,000

This is to certify cover has been granted in terms of the Company's Standard Policy, a copy of which is available on request. This certificate is not a substitute for the Policy of Insurance issued to you. The Policy, not this certificate, details your rights and obligations and the extent of your insurance cover.



**Next phase of local government reforms to reduce voter fatigue**

News story

Four-year election cycles and measures to support local government amalgamations to improve long-term sector sustainability

First published: 17 September 2026

Last updated: 17 September 2026



The WA Government has announced the next phase of local government reforms

The WA Government has announced new reforms to strengthen long-term financial sustainability and effectiveness of the local government sector.

Changes include amendments to the Local Government Act 1995 and repeal of the Local Government (Miscellaneous Provisions) Act 1960 to:

- introduce 'all up' four-year election cycles from 2031;
- remove barriers to voluntary local government boundary changes and amalgamations;
- increase opportunities to 'backfill' extraordinary vacancies with next in line candidates; and
- modernise how local government is run.

Overall voter turnout in local government elections is generally low, with participation in the 2025 Local Government elections at only 29.6 per cent and down from 31.2 per cent in 2023.

A significant factor in low voter participation is the current two-year election cycle and only being able to vote on half of the councillor positions. The double up on State Elections every four years is also a complicating factor.

The proposed amendments include introducing 'all up' four-year local government election cycles from October 2031 with the Western Australian Electoral Commission conducting all polls.

**Next phase of local government reforms to reduce voter fatigue**

News story

Four-year election cycles and measures to support local government amalgamations to improve long-term sector sustainability

First published: 17 September 2026

Last updated: 17 September 2026

Changes will also be made to improve privacy protections for electors, candidates, council members and employees. This includes the ability to use a PO Box instead of a home address on printed material.

The WA Government will also introduce changes allowing technology-assistance to help people with disability to vote.

These changes are targeted at reducing voter fatigue, improving democratic participation, and minimising costs.

The WA Government will also remove the 'Dadour poll' provision - which can effectively allow a minority of electors to undermine amalgamation proposals - to facilitate voluntary amalgamations between local governments.

The number and boundaries of local governments in WA have remained largely unchanged since Federation.

Further reforms will modernise the legislation to improve governance and service delivery, financial management and privacy protections for electors, candidates, council members and employees.

These reforms build on previous local government reforms that have seen the largest changes to local government in 25 years.

Previous reforms include the creation of the office of the Local Government Inspector, the reintroduction of preferential voting in local government and the implementation of standards for the employment of CEOs.

The next phase of local government reforms is expected to be introduced into Parliament this year.



## Complaints of alleged breach of the Code of Conduct for Council Members, Committee Members and Candidates

### Introduction

To establish the approach the Shire will take for dealing with complaints about alleged breaches of the Division 3 behavioural requirements under the *Local Government (Model Code of Conduct) Regulations 2021*, in accordance with Part 8A of the *Local Government Act 1995* and the *Local Government (Local Government Inspector) Regulations 2025*."

### Objective

To ensure transparency, fairness, and accountability in handling complaints of alleged breaches of the Code of Conduct for Council Members, Committee Members and Candidates.

### Scope

This policy only applies to Division 3 behavioural complaints made pursuant to the *Local Government (Model Code of Conduct) Regulations 2021* and the Code of Conduct for Council Members, Committee Members and Candidates.

### Definitions

| Term               | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Candidate          | an individual is considered a candidate once their nomination for election is accepted, by a Returning Officer, under s.4.49 of the Act. The Code of Conduct for Council Members, Committee Members and Candidates applies to the individual from that point. Any alleged breach of the Code of Conduct for Council Members, Committee Members and Candidates may only be addressed if and when the individual is elected as a council member. |
| Complaints Officer | The person or persons authorised to deal with complaints under Division 3 of the <i>Local Government (Model Code of Conduct) Regulations 2021</i>                                                                                                                                                                                                                                                                                              |
| Evidence           | references to 'evidence' in the Regulations means the available facts or information indicating whether an allegation is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as other relevant information, to decide whether an alleged breach of the Code of Conduct for Council Members, Committee Members and Candidates has occurred.                 |

Adopted by Council on: 05/02/2026 (OCM013/02/26)

Page 1 of 13

Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and Candidates

\*\*\* This Document is not controlled once it has been printed \*\*\*



| Term                                                                                                                                                                                                                                                                                                              | Definition                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Investigator                                                                                                                                                                                                                                                                                                      | is a suitably qualified person or organisation appointed by the Chief Executive Officer to review and consider complaints. |
| Refer to the Shire of Toodyay (Shire) Glossary (Definitions) located on the Shire website for definitions not listed: <a href="https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)">https://www.toodyay.wa.gov.au/documents/470/corporate-documents-glossary-(definitions)</a> |                                                                                                                            |

### Policy Statement

The Shire is committed to upholding the highest behavioural standards and accountability.

This policy is limited to Division 3 complaints about breaches of the Shire's Code of Conduct for Council Members, Committee Members and Candidates.

The following matters are not dealt with by this policy:

- Complaints that must be referred to the Local Government Inspector under Part 8A of the Act (e.g., Conduct Breaches, Specified Breaches, or Behavioural Breaches where escalation criteria apply); and
- Allegations of minor misconduct by public officers (refer to Public Sector Commission guidance)."

Further information on the Local Government Inspector's role is available at: <https://www.wa.gov.au/organisation/local-government-inspector/making-complaint>

*Note: The Governance Coordinator may update these references on a regular basis without the need for the policy returning to Council.*

### 1. Complaint management principles

The Shire's complaint management principles include the following:

- a person can make a complaint without worrying about any backlash;
- complaints will be addressed quickly and handled fairly and impartially;
- complaints will be considered based on the order in which they are received; and
- complaints relating to candidates will only be addressed if and when the individual is elected as a member.

### 2. Who receives the Complaint

Complaints are recorded and forwarded to the person authorised to deal with complaints under Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*.

### 3. What is a Complaint?

- A complaint that shows or implies that conduct on the part of a Member, Committee Member or Candidate in connection with their role or the exercise of their functions may be perceived to constitute a breach of the standards of conduct prescribed under Division 3 of the Code of Conduct for Council Members, Committee Members and Candidates.

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Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates

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- 
- (b) Prior to making a complaint, the complainant must discuss the complaint with the Shire's Complaints Officer to determine whether the complaint is a Division 3 complaint.
  - (c) If the Complaints Officer has a conflict of interest in the matter, the complainant is to discuss the complaint with the Shire's Governance Coordinator.
  - (d) An individual making a complaint must demonstrate whether they have made any efforts to resolve their complaint with the Respondent and provide reasons for why they have chosen not to make efforts to resolve the issue with the person complained about.

#### **4. What complaints may be declined at the outset?**

The Complaints Officer may decline to deal with the complaint if they are satisfied that:

- (a) it is an unacceptable complaint in accordance with this policy; or
- (b) is misconceived or considered trivial, or frivolous, or vexatious or not made in good faith; or
- (c) is not made in a way that would allow the alleged behaviour and any alleged breaches of the Code to be readily identified.

#### **5. What is an Acceptable Complaint**

An acceptable complaint is:

- (a) made within one month after the alleged breach of the Code has occurred;
- (b) made by completing the Shire's complaint form, ensuring that sufficient detail and supporting evidence is included to facilitate an assessment of the complaint by the appointed Complaints Officer; and
- (c) lodged by the person making a complaint and not a representative of that person by providing the completed complaint to the Shire via [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

#### **6. What is an Unacceptable Complaint**

An unacceptable complaint is:

- (a) a complaint lodged anonymously;
- (b) where the complainant has made a complaint under the rules of conduct division 4 of the code that relates to the same or similar circumstances of the complaint made under division 3 of the code of conduct;
- (c) a complaint made with the intent of addressing personal grievances or disagreements;
- (d) a complaint made to express dissatisfaction with a member, or committee member's, lawfully made decisions or performance of their role; and
- (e) a complaint made where behaviour occurred at a council or committee meeting and the behaviour was dealt with by the presiding member at that meeting; and
- (f) a complaint about the policies or procedures of council;

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**Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates**

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- 
- (g) a complaint about the alleged behaviour of a member arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of division 3 standards within the code of conduct.

## **7. Financial Implications**

- (a) No fee will be charged to lodge a complaint under this policy.
- (b) The Council will set aside money in the annual municipal budget for the purpose of engaging an Independent Investigator to deal with complex complaints, at the discretion of the Complaints Officer.

## **8. Acknowledgement and Processing of Complaint**

- (a) The Shire's Complaints Officer must within ten working days:
  - (i) contact the complainant acknowledging that the complaint has been received;
  - (ii) contact the person who is the subject of the complaint and provide them with a copy of the complaint made; and
  - (iii) provide a copy of the Shire's Complaints of alleged breach of the Code of Conduct Policy to both parties; and
- (b) The Shire's Complaints Officer may, at their discretion, choose to engage a suitably qualified and experienced independent consultant in accordance with the Shire's Purchasing Policy to act as Independent Investigator to assist with the assessment of complaints and preparation of reports for Council.
- (c) In the event an appropriate consultant cannot be engaged or is not available the Complaints Officer may refer the matter to a Shire Officer as determined by the Chief Executive Officer, to assist in assessing and processing the complaint.
- (d) If the person subject to the complaint has been found to have committed two or more Behavioural Breaches since 1 January 2026, the Complaints Officer must refer the complaint to the Local Government Inspector under section 8A.12 of the Act for escalation.

### **8.1 Mediation Processes**

Mediation will occur prior to a finding being made, consistent with section 8A.15 of the Act and regulation 7 of the *Local Government (Local Government Inspector) Regulations 2025*.

The person handling or assessing the complaint will:

- (a) give the person being complained about a chance to respond to the allegations and provide their own comments and evidence within ten working days of being notified;
- (b) arrange a mediation session for both parties to attend after receipt of that response; and

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- 
- (c) if both parties are satisfied with the resolution during mediation, the complainant must withdraw the complaint in writing to the Complaints Officer.
  - (d) If the complaint is not withdrawn following the mediation session, the person handling the complaint will assess whether the alleged breach of the Code happened or not and write a report on their findings.

## 8.2 Report on Findings

The person handling or assessing the complaint will:

- (a) Within ten working days following mediation, create a report in which they will explain their reasons for their assessment.
- (b) This finding must be based on evidence showing it is more likely than not that the breach occurred.
- (c) If it is concluded there was a breach of the Code, a recommendation for further action must be included in the report, and a plan to address the behaviour of the person involved is to be created as an attachment to that report.
- (d) The finding can be that the Council dismiss the complaint pursuant to the *Local Government (Model Code of Conduct) Regulations 2021*.

## 8.3 Action Plans

- (a) When creating an action plan the person the complaint is about must be included in the process when scheduling meetings or training.
- (b) The action plan may require the person to:
  - i. participate in further mediation;
  - ii. get counselling;
  - iii. attend training; or
  - iv. take other actions considered appropriate.
- (c) The action plan should outline the professional and ethical behaviour expected of Council Members, Committee Members, or Candidates.
- (d) The plan should outline:
  - i. the behaviour(s) of concern;
  - ii. the actions to address the behaviour(s);
  - iii. who is responsible for these actions; and
  - iv. a timeline for completing the actions.

## 9. Withdrawing a complaint

A complainant may withdraw their complaint at any time before Council considers it. The withdrawal of a complaint must be in writing and addressed to the Complaints Officer.

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## 10. Reporting to Council

- (a) The Complaints Officer will inform Council of the complaint by writing a confidential report to the next available Ordinary Council Meeting that will include a “report on findings”.
- (b) The recommendation based on the report findings must either recommend that Council find that:
  - (i) no breach of the Code has occurred; or
  - (ii) a breach of the code has occurred and that no further action should be taken; or
  - (iii) a breach has occurred, and the Action Plan as received, be implemented.

## 11. Written Notice

The Complaints Officer must write to the complainant, and the person about whom the complaint was made; summarising the finding made and the reasons behind that finding, together with a copy of Council’s decision.

## 12. Review and Appeal

- (a) Decisions made through the complaints management process will be final and binding.
- (b) Both parties have no rights to request a review or appeal of the decision.

## 13. Confidentiality and Privacy

- (a) It is an offence for a person to disclose that a complaint has been made and/or any details of a complaint unless Council have made a formal finding of a breach in respect of the complaint.
- (b) All parties involved in the complaints management process must maintain confidentiality and respect the privacy of individuals involved.
- (c) Information related to complaints and investigations will be handled in accordance with relevant privacy laws and regulations.
- (d) Unauthorised disclosure of complaint details or providing false or misleading information is an offence under sections 8A.36 and 8A.38 of the Act and may result in a penalty of up to \$10,000.

## 14. Follow up and Further Action

- (a) The Complaints Officer is responsible for monitoring the actions and timeframes set out in the action plan adopted by Council.
- (b) Where a Council Member, Committee Member or Candidate does not undertake the actions required by the Council following a breach of the Code, this may constitute a Conduct Breach under Part 8A of the Act and may be referred to the Local Government Inspector.

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- 
- (c) The Complaints Officer for the Shire of Toodyay will comply with the provisions of the *Local Government Act 1995* in respect to an alleged Behavioural Breach or conduct breach.

### 15. Training and Awareness

- (a) The Shire will provide training and awareness programs to Members and stakeholders on the Code of Conduct and complaints management procedures.
- (b) Regular updates and communication will be issued to ensure understanding and compliance with the policy.

### 16. Record Keeping

- (a) The Shire will maintain accurate records of all complaints received, actions taken, and outcomes achieved.
- (b) Records will be securely stored and accessible only to authorised personnel.

### 17. Compliance and Review

This policy may be cancelled or reviewed regularly to ensure alignment with legislative requirements, industry standards, and best practices. Members and Workers will be notified of any variation to this policy by the normal correspondence method.

### 18. Implementation

This policy will be disseminated to all employees, elected officials, contractors, volunteers, and stakeholders of the Shire.

### Reference Information

- [Legal Representation and Costs Indemnification Policy](#) (ADM4);
- [Shire of Toodyay Customer Service Charter](#);
- Shire of Toodyay [Code of Conduct](#) for Council Members, Committee Members and Candidates;
- [Risk Management](#) Policy (ADM18) – containing the Risk Matrix tables.

*Note: The Governance Coordinator may update these references on a regular basis without the need for the policy returning to Council.*

### Legislation

[Local Government Act 1995](#) – Part 8A

[Local Government \(Model Code of Conduct\) Regulations 2021.](#)

[Local Government \(Local Government Inspector\) Regulations 2025](#)

[Local Government \(Administration\) Regulations 1996](#)

*Note: The Governance Coordinator may update these references on a regular basis without the need for the policy returning to Council.*

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### Associated documents

Complaint About Alleged Breach Form ([Attachment A](#)).

| Document control information                                    |                                                                                                       |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Document Category                                               | Governance                                                                                            |
| Document Title                                                  | Complaints of alleged breach of Code of Conduct for Council Members, Committee Members and Candidates |
| Document ID                                                     | GOV4                                                                                                  |
| Document Owner (position title)                                 | Chief Executive Officer                                                                               |
| Author (position title)                                         | Chief Executive Officer                                                                               |
| Initial Council Adoption<br>(including Date and Resolution No.) | 27 April 2022 (CRN: OCM061/04/22)                                                                     |
| Last Council Review<br>(including Date and Resolution No.)      | 27 February 2025 (CRN. OCM035/02/25)                                                                  |
| Date of approval                                                | 05/02/2026 (CRN. OCM013/02/26)                                                                        |
| Approving authority                                             | Council                                                                                               |
| Absolute or Simple Majority Decision:                           | Absolute                                                                                              |
| Access restrictions                                             | Nil                                                                                                   |
| Date Published                                                  | 6 February 2026                                                                                       |
| Date of next review                                             | as changes are made through local government reform                                                   |

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Complaints of Alleged Breach of Code of Conduct for Council Members, Committee Members and Candidates

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## Council Policy: Complaints of Alleged Breach of Code of Conduct for Members, Committee Members and Candidates

### Attachment A

## Complaint Form - Alleged Breach of the Code of Conduct For Council Members, Committee Members and Candidates

(Division 3 – Behavioural Breaches) of the Local Government (Model Code of Conduct) Regulations 2021

### Important Information – Please Read Before Completing This Form

- Complaints must be lodged within one month of the alleged breach occurring.
- Complaints alleging Behavioural Breaches under Division 3 of the Code of Conduct are generally managed by the Shire.
- Escalation Rule: If the person who is the subject of the complaint has been found to have committed two or more Behavioural Breaches since 1 January 2026, this complaint must be referred to the Local Government Inspector under section 8A.12 of the Local Government Act 1995 for escalation and possible formal adjudication.
- Confidentiality requirements apply under section 8A.36 of the Act. Disclosure of complaint details is an offence and may result in penalties of up to \$10,000.
- Providing false or misleading information is an offence under section 8A.38 of the Act and may result in penalties of up to \$10,000

#### Name and Details of person making the complaint

Full Name: \_\_\_\_\_  
(include Title, initials and surname of the person making the complaint)

Main Address: \_\_\_\_\_  
(Residential / Premises Address including Suburb and Postcode)

Postal Address: \_\_\_\_\_  
(if different from above)

Phone (H): \_\_\_\_\_ (M): \_\_\_\_\_ (W): \_\_\_\_\_

Email: \_\_\_\_\_

#### Name of person alleged to have committed the breach:

Full Name: \_\_\_\_\_  
(include Title, initials and surname)

Position: ☐ Council Member ☐ Committee Member ☐ Candidate



**Administration Centre**  
15 Fiennes Street (PO Box 96)  
TOODYAY WA 6566

**T** (08) 9574 9300  
**E** complaints@toodyay.wa.gov.au  
**W** www.toodyay.wa.gov.au



Name of person alleged to have committed the breach: \_\_\_\_\_

Date that the alleged behaviour breach occurred: \_\_\_\_\_

Location where the alleged breach occurred: \_\_\_\_\_

**Which of the behaviours prescribed in Division 3 of the Shire of Toodyay's Code of Conduct do you allege this person has breached?**

**Clause 8. Personal integrity**

(1) A council member, committee member or candidate —

|                                                                                                              |                          |
|--------------------------------------------------------------------------------------------------------------|--------------------------|
| (a) must ensure that their use of social media and other forms of communication complies with this code; and | <input type="checkbox"/> |
| (b) must only publish material that is factually correct                                                     | <input type="checkbox"/> |

(2) A council member or committee member —

|                                                                                               |                          |
|-----------------------------------------------------------------------------------------------|--------------------------|
| (a) must not be impaired by alcohol or drugs in the performance of their official duties; and | <input type="checkbox"/> |
| (b) must comply with all policies, procedures, and resolutions of the local government.       | <input type="checkbox"/> |

**Clause 9. Relationship with others**

As a representative of the Shire of Toodyay, a council member, committee member or candidate —

|                                                                                                                                                                                                         |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| (a) must not bully or harass another person in any way; and                                                                                                                                             | <input type="checkbox"/> |
| (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and                                                               | <input type="checkbox"/> |
| (c) must not use offensive or derogatory language when referring to another person; and                                                                                                                 | <input type="checkbox"/> |
| (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and           | <input type="checkbox"/> |
| (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties. | <input type="checkbox"/> |

**Clause 10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —

|                                                                                  |                          |
|----------------------------------------------------------------------------------|--------------------------|
| (a) must not act in an abusive or threatening manner towards another person; and | <input type="checkbox"/> |
|----------------------------------------------------------------------------------|--------------------------|

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Attachment A – Complaint Form - Alleged Breach of the Code of Conduct

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| Which of the behaviours prescribed in Division 3 of the Shire of Toodyay's Code of Conduct do you allege this person has breached?                        |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and                    | <input type="checkbox"/> |
| (c) must not repeatedly disrupt the meeting; and                                                                                                          | <input type="checkbox"/> |
| (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and | <input type="checkbox"/> |
| (e) must comply with any direction given by the person presiding at the meeting; and                                                                      | <input type="checkbox"/> |
| (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.                              | <input type="checkbox"/> |

[illegible]

**List any additional information you have provided as part of this complaint:**  
Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.

**List any additional information you have provided as part of this complaint:**

*Please ensure all information relevant to the alleged breach has been attached. This information will be the basis on which the complaint is considered.*

---



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**Have you made any efforts to resolve the complaint with the Respondent?**

*Please note, you MUST complete this section*

|            |                          |                                                                                                                                                                                   |
|------------|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>YES</b> | <input type="checkbox"/> | <p><i>If yes, please describe the efforts that you have made.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>                                                                         |
| <b>NO</b>  | <input type="checkbox"/> | <p><i>If no, please include a brief statement explaining why you have not made any efforts to resolve the issue with the person complained about.</i></p> <hr/> <hr/> <hr/> <hr/> |

*The Shire of Toodyay has a policy that the Complainant and the Respondent are to participate in a mediation process before the complaint is dealt with.*

*The objective is to support both parties to reach a mutually satisfactory outcome that resolves the issues and restores the relationship between them. An outcome may be that as the Complainant; you will have absolute discretion to withdraw or continue with this Complaint.*

**Desired outcome of the Complaint***What would you like to happen as a result of lodging this complaint?*

|  |
|--|
|  |
|  |
|  |
|  |
|  |
|  |

**Declaration by Complainant *please sign and date***

I declare that the information provided is true and correct to the best of my knowledge.

Complainant's Signature: \_\_\_\_\_

Date of signing: \_\_\_\_\_

**Completed and signed complaint form is to be forwarded to:**

Email: [complaints@toodyay.wa.gov.au](mailto:complaints@toodyay.wa.gov.au)

Post: Complaints Officer, Shire of Toodyay PO Box 96 Toodyay WA 6566

By Hand: Complaints Officer, Shire of Toodyay, Admin Centre, 15 Fiennes St, Toodyay WA 6566

**Confidentiality Notice**

*This form contains information relating to a complaint under the Local Government Act 1995. Disclosure or use of any details of this complaint without lawful authority is prohibited under section 8A.36 of the Act and may result in penalties of up to \$10,000.*

**OFFICE USE ONLY: *Received by the Council Appointed Complaints Officer***

Authorised Officer's Name: \_\_\_\_\_

Authorised Officer's Signature: \_\_\_\_\_

Date received: \_\_\_\_\_

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Attachment A – Complaint Form - Alleged Breach of the Code of Conduct

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**Local Government  
Inspector**

# **GUIDELINE: BREACH COMPLAINTS**

A guide to the breach complaints process

1 January 2026

**Guideline:  
Breach Complaints**

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**Guideline:  
Breach Complaints**

## Guideline: Breach Complaints

### *A guide to the breach complaints process*

An important function of the Local Government Inspector (Inspector) is to receive and deal with complaints under Part 8A of the *Local Government Act 1995* (Act).

Breach complaints can be made to the Inspector if a person has reason to believe that a council member has committed a behavioural, conduct or a specified breach. The alleged breach can occur during the period when the individual was a candidate for election, but the complaint must be made while they are a current council member.

The complaint can still be dealt with even if the council member resigns, is disqualified, fails to be re-elected, or otherwise leaves office after the complaint is made.

## Types of breaches

Each breach type is defined with its own criteria, helping to distinguish between interpersonal issues, breaches of conduct rules, and other non-compliance with the Act. The type of breach will also guide how it is dealt with.

### Behavioural breaches

#### **Section 8A.2**

A behavioural breach occurs when a council member fails to meet the behavioural standards set out in their local government's adopted code of conduct.

This code must incorporate the model code prescribed in the Local Government (Model Code of Conduct) Regulations 2021 which outlines behavioural expectations in three key areas:

- personal integrity
- relationships with others
- council or committee meetings.

Local governments may also include additional requirements, provided they align with the model code.

## Guideline: Breach Complaints

### Conduct breaches and recurrent breaches

#### Section 8A.3

A council member commits a conduct breach if they:

- contravene a rule of conduct in the model code of conduct prescribed in the Local Government (Model Code of Conduct) Regulations 2021.
- violate a local law made under the Act relating to conduct at council or committee meetings.

The rules of conduct include:

- misuse of local government resources
- securing personal advantage or disadvantaging others
- prohibition against involvement in administration
- relationship with local government employees
- disclosure of information
- disclosure of interests
- compliance with plan requirement.

A recurrent breach happens when a council member commits a conduct breach after already being found to have committed two or more previous conduct breaches.

### Specified breaches

#### Section 8A.4

A council member who commits a specified offence commits a specified breach. A specified offence is:

- an offence under a provision listed in Schedule 8A.1 of the Act.
- an offence under a written law, other than a local law, that is prescribed by regulations as a specified offence.

A list of all specified offences is available on the Inspector's [website](#).

## Making a breach complaint

The Inspector determines the manner and form for lodging a breach complaint.

The process below explains how to submit a breach complaint with the approved [Breach Complaint Form](#) and what happens once it is received.



## Guideline: Breach Complaints

### Complete and lodge a complaint form

#### Section 8A.5

The Breach Complaint Form can be found on the Inspector's [website](#). The form can be completed online, or a hardcopy form can be lodged by email or post.

When completing the form, the following information must be provided:

- who is making the complaint
- which council member is the subject of the complaint
- what the alleged breach or breaches are.

It is important to include as much relevant information as possible.

Each complainant must lodge their own complaint.

A complaint may include one or more breaches but should relate to a singular incident.

### Acknowledgment

#### Section 8A.6

A written acknowledgment of the complaint will be provided to the complainant within 14 days of its receipt.

### Preliminary assessment

#### Section 8A.7

When a breach complaint is received, a preliminary assessment will be conducted to decide which type of breach is alleged and whether the complaint will be accepted.

During this assessment, inquiries may be made, and relevant matters may be examined as necessary. In some cases, a written request may be sent asking someone to attend a meeting or provide specific documents or information.

If the complaint is accepted, both the person who made the complaint and the council member it relates to will be notified<sup>1</sup>, along with the type of breach alleged.

### Declining a complaint

#### Sections 8A.8 and 8A.9

The Inspector **may** not accept a breach complaint if they are satisfied that:

- it is frivolous, trivial, vexatious, misconceived, or without substance
- there is not enough evidence to proceed

<sup>1</sup> Section 8A.37(2) of the Act sets out circumstances in which the requirements to notify do not apply.

### Guideline: Breach Complaints

- the matter has already been the subject of a previous breach complaint, and it is not appropriate to consider it again
- the complainant has not complied with a request for information during the preliminary assessment.

The Inspector **must** decline to accept a breach complaint if the complaint is:

- related to a conduct breach and the conduct occurred more than 12 months before it was received
- received after the time limit for starting proceedings for the alleged offence had expired
- alleging a conduct or specified breach and the respondent has already been prosecuted, is being prosecuted, or the matter has been resolved by an infringement notice
- alleging a commissioner has committed a behavioural breach or a conduct breach.

Once a complaint has been accepted, the Inspector **may** stop dealing with it at any time before it is referred or dealt with if the complainant does not provide required information, fails to follow a direction, or otherwise fails to cooperate.

If the Inspector declines to accept a complaint, the complainant will be notified along with the reason.

If an accepted complaint ceases being dealt with, both the complainant and the respondent will be notified<sup>2</sup> and provided with the reason.

Discretionary decisions to decline or not continue dealing with a complaint cannot be reviewed by the State Administrative Tribunal (SAT).

## Monitors

### Section 8A.10

The acceptance or handling of a complaint may be deferred if:

- a request for a monitor from the relevant local government is pending
- a monitor has been appointed, and the Inspector is awaiting a report on the outcome of the monitoring assignment.

Further details about monitors are available on the Inspector's [website](#).

---

<sup>2</sup> Section 8A.37(2) of the Act sets out circumstances in which the requirements to notify do not apply.

**Guideline:  
Breach Complaints****Certain complaints referred to local government****Section 8A.11**

The Inspector may refer a complaint that alleges a conduct breach or a specified breach to the local government concerned if the Inspector is satisfied that it is more appropriate for the local government to deal with the complaint.

The Inspector cannot refer a complaint that alleges a conduct or specified breach if:

- the complaint has been referred to the Principal Adjudicator
- an allegation has been made to the SAT
- the complaint has been dealt with following an investigator's report
- a prosecution has occurred or been commenced
- an infringement notice has been issued
- the complaint must be declined to be accepted.

If the Inspector refers a complaint to the local government, the Inspector will no longer deal with it. The Inspector will notify<sup>3</sup> the complainant and the respondent of the referral and the reason why.

**Dealing with a breach complaint**

How a breach complaint is dealt with depends on the type of breach the Inspector determines is being alleged. The process below outlines the different ways a behavioural, conduct, recurrent and specified breach is dealt with.

**Behavioural breach allegation****Section 8A.12**

When a behavioural breach complaint is made about a council member, it is usually referred to the relevant local government to be managed under its adopted code of conduct.

However, if the council member has been found to have breached behaviour standards on at least two occasions since 1 January 2026, and the Inspector believes the new complaint should be treated more seriously, it will be referred to the Principal Adjudicator to be dealt with as if it were alleging a conduct breach.

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<sup>3</sup> Section 8A.37(2) of the Act sets out circumstances in which the requirements to notify do not apply.

**Guideline:  
Breach Complaints****Conduct breach allegation****Referral****Section 8A.13**

If the Inspector determines that a breach complaint alleges a conduct breach that is not a recurrent breach, they will refer the complaint to the Principal Adjudicator along with any relevant information or documents.

Principal Adjudicator may handle the complaint themselves or assign it to a Deputy Adjudicator to deal with.

**Mediation****Section 8A.15**

An adjudicator may request both the complainant and the respondent to participate in mediation and, if they agree to the request, the adjudicator may defer making a finding until the mediation process is complete

**Withdrawal****Section 8A.16**

A complainant can withdraw their complaint any time before a finding is made by submitting their withdrawal in writing directly to the adjudicator.

The adjudicator will confirm the withdrawal in writing to the complainant and notify the respondent that the complaint has been withdrawn.

However, if the adjudicator decides the complaint should still be dealt with despite the withdrawal request, they may continue the process as if it was not withdrawn and will notify the complainant of this decision instead.

**Making a finding and ordering sanctions****Section 8A.18**

The adjudicator will decide whether the breach occurred. Before making that finding or issuing any orders, the adjudicator will give the respondent reasonable opportunity to present their own submissions.

The adjudicator's finding must be based on evidence that makes it more likely than not that the breach occurred.

If the adjudicator finds that a conduct breach occurred, they will either order that no sanction be imposed, or order one or more of the following sanctions:

- public censure
- public apology

**Guideline:  
Breach Complaints**

- counselling
- training
- withholding fees and allowances for up to 3 months
- banning the person from attending committee meetings for up to 3 months
- suspension for up to 3 months.

If the adjudicator orders an apology, counselling, or training, the respondent must notify the Inspector once they have complied. If the respondent is unable to apologise personally, the local government may do so on their behalf and notify the Inspector themselves.

The adjudicator will inform the complainant, the respondent, and the Inspector of the outcome and any sanctions imposed.

**Reviewing a decision****Section 8A.22**

Either the person who made the complaint or the respondent can apply to the SAT to review an adjudicator's decision to make an order.

**Failure to comply with an order****Section 8A.21**

When a person fails to comply with an order to apologise publicly, undertake counselling or complete training, the Inspector can refer the matter to the SAT.

If the SAT is satisfied that the person did not comply with the order, it may order that no sanction be imposed or treat the non-compliance as if it were a specified breach and order one or more of the following sanctions:

- lose entitlement to fees and allowances for up to 6 months
- be barred from attending council committee meetings for up to 6 months
- suspension for a period of up to 6 months
- disqualification from being a council member for up to 5 years
- disqualification from serving as Mayor or President for the remainder of their term, if that role is filled by council election
- disqualification from serving as Deputy Mayor or Deputy President for the rest of their term.

**Guideline:  
Breach Complaints****Recurrent breach allegation****Section 8A.14**

If the Inspector believes a complaint alleges a conduct breach that is a recurrent breach, they will either:

- refer the complaint to be handled as a conduct breach, or
- make an allegation to the SAT that the council member has committed a recurrent breach.

The Inspector will notify<sup>4</sup> both the complainant and the respondent of the action taken. Even if the complainant does not want the matter referred to the SAT, the Inspector can still proceed with making the allegation.

The SAT will determine whether the council member committed a recurrent breach. If the SAT finds that a recurrent breach occurred, it may treat it as a specified breach and either order that no sanction be imposed or impose one or more of the sanctions relevant to a specified breach.

**Specified breach allegation****Investigation****Section 8A.23**

When a complaint involves a specified breach allegation, the Inspector can either assign the complaint to an investigator for investigation and report, or take other actions permitted under the Act.

To assist with an investigation, the Inspector can direct certain people to:

- appear in person before an investigator
- give evidence (including evidence on oath) to an investigator
- produce to an investigator, or enable access to, specified documents, information or property.

The investigator will prepare a report for the Inspector. After receiving the report, the complaint may be dealt with by:

- making an allegation to the SAT
- commencing a prosecution for an offence
- issuing an infringement notice
- issuing a caution

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<sup>4</sup> Section 8A.37(2) of the Act sets out circumstances in which the requirements to notify do not apply.

**Guideline:  
Breach Complaints**

- deciding to take no further action.

The complainant and the respondent will be notified<sup>5</sup> of any action taken.

**SAT findings and ordering sanctions****Section 8A.25**

If the SAT finds that a specified breach has been committed, it can order that no sanction be imposed, or order one or more of the following sanctions:

- public censure
- public apology
- counselling
- training
- lose entitlement to fees and allowances for up to 6 months
- be barred from attending council committee meetings for up to 6 months
- suspension for a period of up to 6 months
- disqualification from being a council member for up to 5 years
- disqualification from serving as Mayor or President for the remainder of their term, if that role is filled by council election
- disqualification from serving as Deputy Mayor or Deputy President for the rest of their term.

If the SAT orders an apology, counselling, or training, the person must notify the Inspector once they have complied. If the person is unable to apologise personally, the local government may do so on their behalf and notify the Inspector themselves.

**Failure to comply with an order****Section 8A.27**

When a person fails to comply with an order to apologise publicly, undertake counselling or complete training, the Inspector can refer the matter to the SAT.

If the SAT is satisfied that the person did not comply with the order, it may order that no sanction be imposed or treat the non-compliance as if it were a specified breach and order one or more of the following sanctions:

- lose entitlement to fees and allowances for up to 6 months
- be barred from attending council committee meetings for up to 6 months

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<sup>5</sup> Section 8A.37(2) of the Act sets out circumstances in which the requirements to notify do not apply.

### Guideline: Breach Complaints

- suspension for a period of up to 6 months
- disqualification from being a council member for up to 5 years
- disqualification from serving as Mayor or President for the remainder of their term, if that role is filled by council election
- disqualification from serving as Deputy Mayor or Deputy President for the rest of their term.

## False or misleading information

### Section 8A.38

A person is committing an offence if they knowingly provide information that is consequently false or misleading in any of the following situations:

- making a complaint
- giving information for investigation purposes
- providing information to the Inspector or an adjudicator for the purposes of dealing with a complaint.

The maximum penalty for providing false or misleading information is a fine of \$10,000.

## Confidentiality of complaints

### Section 8A.36

A complainant, respondent or any other person who becomes aware of details relating to a complaint, must not disclose or use that information. Unauthorised disclosure or use is an offence and may result in a maximum penalty of \$10,000.

Confidentiality requirements do not apply to complaint information that is already public or is presented in a statistical form that does not identify any individual.

There are limited circumstances where disclosure or use of complaint information is permitted while a complaint is being considered. These include:

- carrying out functions under the Act
- the Minister for Local Government performing a function in relation to a local government
- as required under a written law
- obtaining or providing legal advice or representation



**Guideline:  
Breach Complaints**

- legal proceedings under the Act
- where the Inspector directs that disclosure is in the public interest.

A breach complaint, or information related to a breach complaint, is no longer subject to confidentiality requirements once any of the following occurs:

- the complaint is dismissed or withdrawn under the local government's adopted code of conduct
- a finding is made under the local government's code of conduct as to whether the alleged breach occurred
- a sanction is imposed under a local government's code of conduct, by an adjudicator, or by the SAT
- the Inspector declines to accept the complaint
- the Inspector decides not to continue dealing with the complaint
- an adjudicator accepts withdrawal of the complaint
- the Inspector publishes findings, orders, or censures relating to the complaint
- the SAT refuses to find that a specified breach was committed

## Inspector publication of decisions

The Inspector is required to publish certain information on their website in relation to complaint outcomes.

### Adjudicator decisions

#### **Section 8A.20**

The Inspector publishes on their website:

- any finding by an adjudicator as to whether or not a conduct breach has occurred
- any order made by an adjudicator to impose a sanction or impose no sanction
- the terms of any censure ordered by an adjudicator.

The information will be kept on the Inspector's website for the period of 12 years from publication.

If an application is made for a review of a decision to make an order, the Inspector must also publish the following on the Inspector's website:

- a note that the application has been made
- a note of the outcome of the application.

**Guideline:  
Breach Complaints**

The published note must be kept on the Inspector's website with the published order.

**SAT decisions****Section 8A.26**

The Inspector publishes on their website:

- any finding or order made by the SAT relating to a recurrent breach, specified breach or failure to comply with certain orders made by an adjudicator or the SAT.
- the terms of any censure ordered by the SAT.

The Inspector will not publish any part of a finding or order if:

- it contains protected matter (as defined in the *State Administrative Tribunal Act 2004*), or
- the SAT has directed that the order, or parts of it, must not be published.

A finding or order will be published within 14 days of being provided to the Inspector. If the finding or order is under appeal, the publication will include a note stating that it is subject to appeal. The Inspector must update the publication with the outcome of the appeal as soon as practicable.

The information will be kept on the Inspector's website for the period of 12 years from publication.



## Local Government Inspector

### Contact us



[www.lginspector.wa.gov.au](http://www.lginspector.wa.gov.au)



[contact@lginspector.wa.gov.au](mailto:contact@lginspector.wa.gov.au)



**+61 8 9222 3333**

Inspector enquiries relating to new complaints or  
existing matters only

**1300 762 511**

Local Government Advisory Hotline  
for local governments only



**Local Government Inspector**

Locked Bag 14

CLOISTERS SQUARE PERTH WA 6850



## Complaint Form - Alleged Breach of the Code of Conduct For Council Members, Committee Members and Candidates

*(Division 3 – Behavioural Breaches) of the Local Government (Model Code of Conduct) Regulations 2021*

### Important Information – Please Read Before Completing This Form

- Before completing this form, please note:
- Complaints must relate to a behavioural requirement prescribed in Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*.
- Complaints must be lodged within one month of the alleged breach occurring.
- Complaints must be submitted in writing.
- The complaint must contain sufficient information to allow the allegation to be properly assessed.
- Supporting evidence should be provided wherever possible.
- Confidentiality requirements apply under Part 8A of the *Local Government Act 1995*.
- Providing false or misleading information may constitute an offence.
- Where the respondent is a candidate, the complaint cannot be dealt with unless the candidate is subsequently elected as a council member.
- A complainant may withdraw a complaint at any time before the Council makes a finding. Withdrawals must be made in writing to an authorised officer.

### PART A – COMPLAINANT DETAILS

*Name and Details of person making the complaint*

Full Name: \_\_\_\_\_  
(include Title, initials and surname of the person making the complaint)

Residential Address: \_\_\_\_\_

Postal Address  
(If different) \_\_\_\_\_

Contact No: \_\_\_\_\_  
(Home) (Mobile) (Work)

Email: \_\_\_\_\_

### PART B – RESPONDENT DETAILS

*Name of person complained about*

Full Name: \_\_\_\_\_  
(include Title, initials and surname)

Position: ☐ Council Member ☐ Committee Member ☐ Candidate

If known, what role or committee does the person hold?

T (08) 9574 9300  
E records@toodyay.wa.gov.au

A 'The Old Court House', 15 Fiennes Street, TOODYAY WA 6566  
P PO Box 96, TOODYAY WA 6566

<https://www.toodyay.wa.gov.au/>

**PART B – RESPONDENT DETAILS**

Name of person complained about

---

**PART C DETAILS OF ALLEGED BREACH**

Was the matter dealt with by the Presiding Member at the meeting?

☐ Yes☐ No☐ Unknown

Date that the alleged behaviour breach occurred:

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Location where the alleged breach occurred:

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Was the conduct:

☐ In a Council Meeting☐ In a Committee Meeting☐ At a Council Function☐ On Social Media☐ In Written Correspondence☐ Verbal Communication☐ Other (Details below)

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**PART D – BEHAVIOURAL REQUIREMENT ALLEGED TO HAVE BEEN BREACHED**

Tick any provisions you believe have been breached.

**Clause 8. Personal integrity**

(1) A council member, committee member or candidate —

(a) must ensure that their use of social media and other forms of communication complies with this code; and

☐

(b) must only publish material that is factually correct

☐

(2) A council member or committee member —

(a) must not be impaired by alcohol or drugs in the performance of their official duties; and

☐

(b) must comply with all policies, procedures, and resolutions of the local government.

☐

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**PART D – BEHAVIOURAL REQUIREMENT ALLEGED TO HAVE BEEN BREACHED**

*Tick any provisions you believe have been breached.*

**Clause 9. Relationship with others**

As a representative of the Shire of Toodyay, a council member, committee member or candidate —

|                                                                                                                                                                                                         |                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| (a) must not bully or harass another person in any way; and                                                                                                                                             | <input type="checkbox"/> |
| (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and                                                               | <input type="checkbox"/> |
| (c) must not use offensive or derogatory language when referring to another person; and                                                                                                                 | <input type="checkbox"/> |
| (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and           | <input type="checkbox"/> |
| (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties. | <input type="checkbox"/> |

**Clause 10. Council or committee meetings**

When attending a council or committee meeting, a council member, committee member or candidate —

|                                                                                                                                                           |                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| (a) must not act in an abusive or threatening manner towards another person; and                                                                          | <input type="checkbox"/> |
| (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and                    | <input type="checkbox"/> |
| (c) must not repeatedly disrupt the meeting; and                                                                                                          | <input type="checkbox"/> |
| (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and | <input type="checkbox"/> |
| (e) must comply with any direction given by the person presiding at the meeting; and                                                                      | <input type="checkbox"/> |
| (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.                              | <input type="checkbox"/> |

**PART E – DESCRIPTION OF ALLEGED BREACH**

*Please describe what happened? Who was involved? What was said or done? and why you believe the behaviour breached the Code?*

**Provide dates, times, locations and relevant circumstances where known.**

*Attach any supporting evidence to your complaint form.*

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|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |

**PART G – SUPPORTING EVIDENCE**

Please identify any supporting evidence attached.

- |                                                   |                                            |                                             |
|---------------------------------------------------|--------------------------------------------|---------------------------------------------|
| <input type="checkbox"/> Email correspondence     | <input type="checkbox"/> Letters           | <input type="checkbox"/> Screenshots        |
| <input type="checkbox"/> Meeting Minutes          | <input type="checkbox"/> Meeting Recording | <input type="checkbox"/> Social Media Posts |
| <input type="checkbox"/> Photographs              | <input type="checkbox"/> Other Documents   |                                             |
| <input type="checkbox"/> Other Evidence (Details) |                                            |                                             |

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**PART H – OUTCOME SOUGHT**

What outcome are you seeking?

- |                                                       |                                                      |                                    |
|-------------------------------------------------------|------------------------------------------------------|------------------------------------|
| <input type="checkbox"/> No particular outcome sought | <input type="checkbox"/> Apology                     | <input type="checkbox"/> Mediation |
| <input type="checkbox"/> Training                     | <input type="checkbox"/> Behavioural Management Plan |                                    |
| <input type="checkbox"/> Other (Details)              |                                                      |                                    |

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**Please note: The requested outcome will be considered but is not binding on Council.**

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P PO Box 96, TOODYAY WA 6566

<https://www.toodyay.wa.gov.au/>



**PART I – PRIOR REPORTING**

Has this matter previously been reported to the Shire? ☐ Yes ☐ No

If yes, provide details:

|  |
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**PRIVACY COLLECTION NOTICE**

The Shire of Toodyay is collecting the personal information contained in this form for the purpose of receiving, assessing, investigating and determining complaints relating to alleged behavioural breaches under Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021* and Part 8A of the *Local Government Act 1995*.

The information collected may be used by the Shire, Council, authorised officers, legal advisers, investigators, the Local Government Inspector, or any other person or body authorised by law, for the purpose of administering and determining the complaint and complying with legislative obligations.

The information provided may be disclosed to:

- the person who is the subject of the complaint;
- Council Members who are required to consider the complaint;
- authorised Shire officers;
- legal advisers, investigators or other professional advisers engaged by the Shire;
- the Local Government Inspector;
- government agencies or statutory bodies where disclosure is authorised or required by law; and
- any other person or body to whom disclosure is authorised or required under the *Local Government Act 1995* or any other written law.

Provision of the requested information is necessary to enable the Shire to assess and manage the complaint. If sufficient information is not provided, the Shire may be unable to process or determine the complaint.

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Information relating to behavioural complaints is subject to the confidentiality provisions contained in Part 8A of the *Local Government Act 1995*. Persons involved in a complaint process may be prohibited from disclosing complaint information except as authorised by law.

Any enquiries regarding the collection, use or disclosure of personal information should be directed to the Chief Executive Officer, Shire of Toodyay, PO Box 96, Toodyay WA 6566, telephone (08) 9574 9300.

Further information about how the Shire manages personal information is available in the Shire's Privacy Policy at: <https://www.toodyay.wa.gov.au/privacy-statement.aspx>

#### Privacy Acknowledgement

I acknowledge that I have read and understood the Privacy Collection Notice and consent to the Shire collecting, using and disclosing my personal information for the purposes described above.

**Complainant Signature**

**Complainant Printed Name**

**Date**

\_\_\_\_\_

#### PART J – DECLARATION

I declare that:

- the information contained in this complaint is true and correct to the best of my knowledge;
- the complaint is made in good faith;

any documents attached are true copies of the originals.

Complainant's Signature: \_\_\_\_\_

Date of signing: \_\_\_\_\_

#### Completed and signed complaint form is to be forwarded to:

Email: [complaints@toodyay.wa.gov.au](mailto:complaints@toodyay.wa.gov.au)

Post: Complaints Officer, Shire of Toodyay PO Box 96 Toodyay WA 6566

By Hand: Complaints Officer, Shire of Toodyay, Admin Centre, 15 Fiennes St, Toodyay WA 6566

T (08) 9574 9300  
E [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au)

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P PO Box 96, TOODYAY WA 6566

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**OFFICE USE ONLY:** *Received by the Council Appointed Complaints Officer*

**Complaint Reference Number** \_\_\_\_\_

**Date Received** \_\_\_\_\_

☐ **Complaint lodged within one month**

☐ **Complaint relates to Division 3 behavioural requirements**

☐ **Candidate complaint (Clause 15 review undertaken)**

☐ **Complaint referred to Inspector under Clause 11(5)**

**Received By**

Authorised Officer's Name: \_\_\_\_\_

Authorised Officer's Position: \_\_\_\_\_

Authorised Officer's Signature: \_\_\_\_\_

Initial Assessment Completed

☐ Yes

☐ No

Complaint Appears Valid Under Clause 11(2)

☐ Yes

☐ No

Council Report written for Meeting date: \_\_\_\_\_

Referred to Local Government Inspector

☐ Yes

☐ No

Inspector Referral Date \_\_\_\_\_

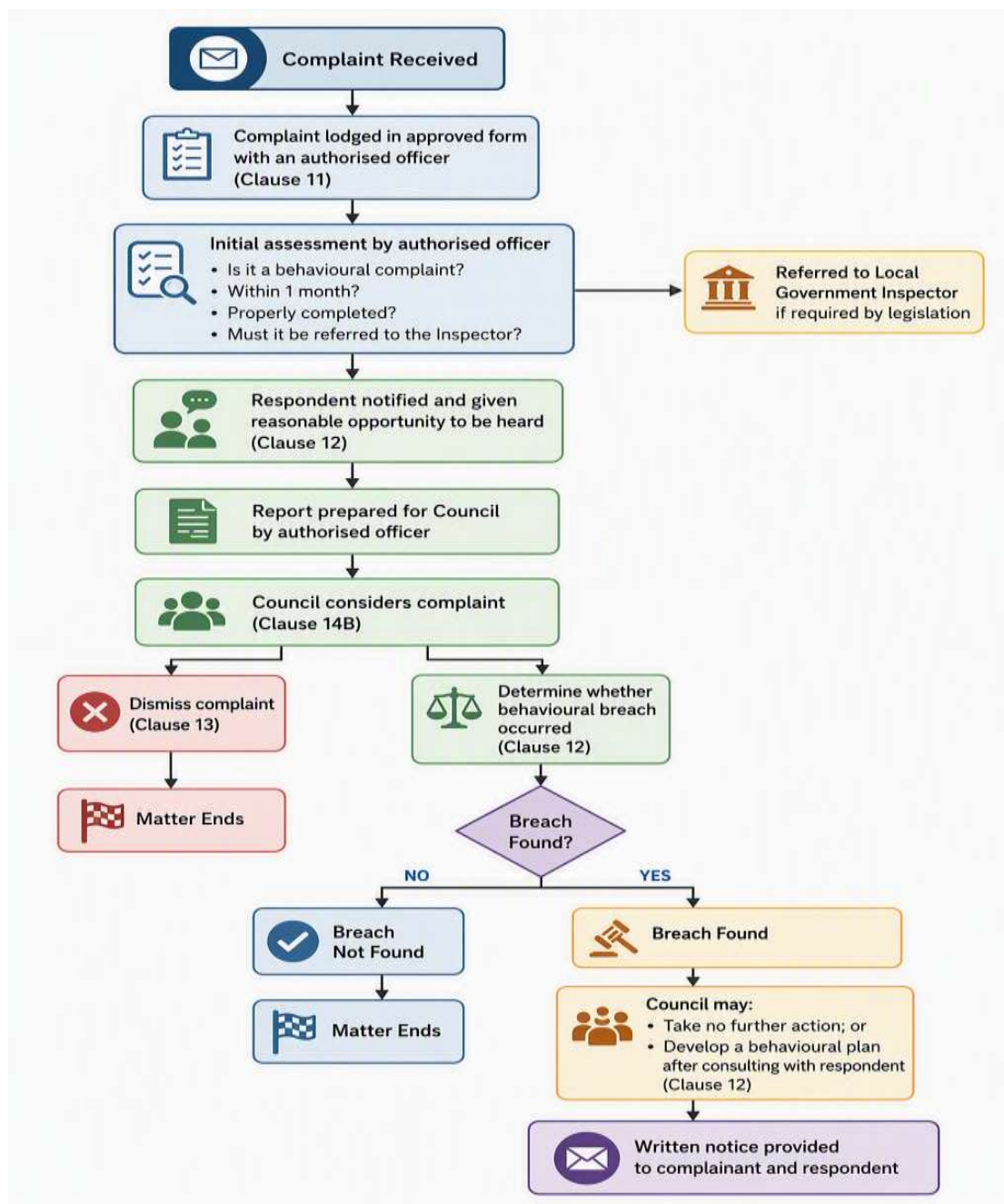
Notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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## Audit, Risk and Improvement Committee (ARIC) Charter

Approved and adopted by Council on Thursday 27 March 2025 (CRN: OCM/061/03/25)

### 1. Introduction

- 1.1 Council must establish an Audit, Risk and Improvement Committee (ARIC) of 3 or more persons to assist the Council, pursuant to section 7.1A(1) of the *Local Government Act 1995*.

### 2. Role

- 2.1 The Committee assists the Council in fulfilling its oversight responsibilities in relation to the systems of risk management and internal control, the Shire's processes for monitoring compliance with laws and regulations, including the code of conduct, financial and performance reporting, and audit. The committee is not responsible for the management of these functions and cannot involve itself in management processes or procedures;
- 2.2 The Committee will engage with management in a constructive and professional manner to perform its responsibilities;
- 2.3 The Committee is responsible to and reports to Council;
- 2.4 Members of the Committee are expected to:
- (a) understand the legal and regulatory obligations of the Council for governing the Shire of Toodyay;
  - (b) understand the Shire of Toodyay governance arrangements that support achievement of the Shire of Toodyay strategies and objectives;
  - (c) exercise due care, diligence and skill when performing their duties;
  - (d) adhere to the Shire of Toodyay's Code of Conduct for Council Members, Committee Members and Candidates, and the Code of Ethics of any professional body which they are a member of;
  - (e) help to set the right tone in the Shire of Toodyay, by demonstrating behaviours which reflect the Shire of Toodyay's vision, primary values and desired culture;
  - (f) be aware of contemporary and relevant issues impacting the local government sector; and
  - (g) respect that information provided to the Committee is to be used only to carry out their responsibilities, unless expressly agreed by Council; and
- 2.5 The Committee ~~may utilise a will prepare an annual work plan to assist in scheduling and monitoring that outlines when it will perform key activities relevant to its statutory functions, in consultation with Council.~~

**Commented [MR1]:** REASON: Current legislation has formally transitioned Audit Committees to ARICs.

**Commented [MR2]:** REASON: Neither the Act nor the Regulations require a work plan. A work plan is an administrative and governance tool, not a statutory obligation. The Charter should not elevate administrative processes into legislated responsibilities.



### 3. Authority

~~3.1 3.1~~ The Committee ~~is an advisory and assurance committee established under section 7.1A of the Local Government Act 1995;~~

~~3.2 The Committee does not possess executive, operational or financial management powers and does not implement decisions, direct employees or perform functions assigned to the Chief Executive Officer under section 5.41 of the Act.~~

~~— does not have executive powers or authority to implement actions in areas over which the Chief Executive Officer has legislative responsibility and does not have any delegated financial responsibility or powers pursuant to section 7.1C of the Local Government Act 1995.~~

~~3.3 3.2~~ The Committee ~~may~~ Council authorises the Committee, in accordance with this Charter, to:

(a) ~~Obtain information, reports and explanations relevant to the performance of its statutory functions in accordance with section 7.1C of the Act any information it requires (subject to any legal obligation to protect information) for the purpose of fulfilling its duties, in consultation with the Chief Executive Officer;~~

(b) ~~request attendance by officers, auditors, consultants or other persons where relevant to its functions;~~

(c) ~~provide findings, advice and recommendations directly to Council; and~~

(b) ~~utilise a work plan to assist in scheduling activities relevant to its statutory functions, request the attendance of any official, including the Council, at committee meetings in consultation with the Chief Executive Officer; and~~

(c)(d) ~~provide advice and guidance to Council in terms of achieving Council's strategic direction which is illustrated via the adoption of the Shire of Toodyay Council Plan 2023-2033 and associated Integrated Planning Strategic documents.~~

~~3.4 3.3~~ The Committee ~~may recommend that Council obtain independent legal, audit or specialist advice where appropriate to support its functions;~~

~~3.5 The Audit, Risk and Improvement Committee may undertake additional other activities whereas requested by the Council and where those activities remain consistent with Regulation 16 of the Local Government (Audit) Regulations 1996, subject to section 7.1C of the Local Government Act 1995 "Delegation to Audit, Risk and Improvement Committee."~~

### 4. Title of Committee

The committee shall be known as the 'Audit, Risk and Improvement Committee.'

### 5. Decisions made by the Committee

Decisions made by the Audit, Risk and Improvement Committee are to be made pursuant to 7.1CA of the Local Government Act 1995.

### 6. Membership

**Commented [MR3]:** REASONS: Updated the Authority section to align the Charter with the Audit, Risk and Improvement Committee framework introduced under Division 1A of Part 7 of the Local Government Act 1995, including recognition of the Committee's statutory establishment under s.7.1A, information-gathering powers under s.7.1C, its advisory role to Council, and the functions prescribed by Regulation 16 of the Local Government (Audit) Regulations 1996. The amendments also clarify that the Committee does not exercise executive or CEO functions and operates as an assurance and governance oversight body only.





Membership shall consist of up to seven members.

#### 6.1 Committee Members

- (a) ~~Members of the Committee are to be appointed by Council by absolute majority in accordance with the requirements of the *Local Government Act 1995*. No employee of the Shire may be appointed as a member of the Committee and no member may be appointed to represent, or be nominated by, an employee of the Shire.~~

~~When members of the Committee are formally appointed by Council under absolute majority most of the members must be Councillors pursuant to s.7.1A(2) of the *Local Government Act 1995*;~~

- (a) ~~No employee of the Shire may be appointed as a member of the Committee and no member may be appointed to represent, or be nominated by, an employee of the Shire.~~

- (b) Council is required to review the membership of the Committee after every ordinary election day in accordance with s.5.11 of the *Local Government Act 1995*;

- (c) Where Council reviews the membership of the Committee, they may choose to re-appoint members based on their ability to contribute to the work of the committee. This ensures an appropriate balance between continuity of membership, the contribution of fresh perspectives and a suitable mix of qualifications, knowledge, skills, and experience.

- (d) The total length of time an independent community member can sit on the committee shall not exceed 6 years;

- (e) Where a person is appointed as a member of a committee the person's membership of the committee continues until:

- i. the person resigns from membership of the committee; or
  - ii. Council removes the person from the office of committee member, or the office of committee member otherwise becomes vacant; or
  - iii. the committee is disbanded; or
  - iv. the next ordinary elections day,
- whichever happens first.

- (f) Where a vacancy arises for independent community members the process at 6.2.6 (b) of this charter applies;

- (g) Committee members will collectively have a broad range of skills, knowledge, and experience to competently perform their duties.

- ~~(g)(h) Council may enter into an agreement with one or more local governments to establish and operate a shared Audit, Risk and Improvement Committee in accordance with section 7.1CB of the *Local Government Act 1995* and the *Local Government (Audit) Regulations 1996*.~~

**Commented [MR4]:** REASON: Section 7.1A(2) does not state that most members must be councillors. The current provision deals with employee restrictions and representation of employees. The reference to "most members must be Councillors" appears to be carried over from the former Audit Committee provisions and should be removed unless another provision of the Act expressly requires it.

**Commented [MR5]:** REASON: This is a mandatory requirement under s.7.1A(2).

**Commented [MR6]:** REASON: Shared ARICs are now expressly authorised under s.7.1CB of the Act.



## 6.2 Appointment of Presiding and Deputy Presiding Member

### 6.2.1 Appointment made by Council

~~(a) Council must appoint a member of the Audit, Risk and Improvement Committee to be the Presiding Member of the Committee. The Presiding Member must not be a council member of the Shire of Toodyay or of any other local government.~~

(a) Council must appoint a member of a committee to be the Presiding Member of the Committee pursuant to section 5-12(1) of the *Local Government Act 1995* however the Presiding Member must be an independent Presiding Member pursuant to section 7.1A(3);

~~(b) Council must appoint a member of the Audit, Risk and Improvement Committee to be the Deputy Presiding Member of the Committee. The Deputy Presiding Member must not be a council member of the Shire of Toodyay or of any other local government. Council must appoint a member of the Committee to be the Deputy Presiding Member of the Committee (to chair the meeting if the independent presiding member is unable to do so) pursuant to section 7.1B(1) of the *Local Government Act 1995* however the Deputy Presiding Member must also be an independent Deputy Presiding Member pursuant to section 7.1A(4);~~

**Commented [MR7]:** REASON: Section 7.1A(3) does not refer to an "independent Presiding Member". It specifically requires that the Presiding Member cannot be a councillor of the local government or any other local government. The revised wording reflects the legislation directly.

**Commented [MR8]:** REASON: Section 7.1A(4) requires that the Deputy Presiding Member not be a council member of the Shire or any other local government. The term "independent Deputy Presiding Member" is not the wording used in the Act

### 6.2.2 Knowledge and skills

The following criteria will be used when assessing applications:

- relevant professional qualifications (such as accounting, auditing, legal, Information technology, and business);
- relevant professional knowledge and expertise;
- understanding of / or experience in local government;
- understanding of the role of corporate governance in organisations; and
- previous experience on similar committees.

### 6.2.3 Independence

To ensure the committee maintains its independence and is seen as being independent, neither the Presiding nor Deputy Presiding Member can be:

- A councillor of the Shire or of any other local government;
- An employee of the Shire or someone who is nominated by, or is to be appointed to represent any employee of the Shire;
- Have any operating responsibilities within the Shire;





- Provide any paid services to the Shire either directly or indirectly in any other role.

#### 6.2.4 Term

- appointments of the Presiding Member and the Deputy Presiding Member shall be for a maximum term of two years, with terms coinciding with the electoral cycle of the Shire.
- A maximum of three terms (6 years) is to be set as the maximum for either position.

#### 6.2.5 Remuneration

- ~~Independent members may be paid allowances and reimbursed expenses in accordance with the Shire of Toodyay Local Government Payments and Gifts to Members Policy and any applicable provisions of the Local Government Act 1995, Local Government (Administration) Regulations 1996, Salaries and Allowances Act 1975 and determinations of the Salaries and Allowances Tribunal.~~

- ~~The Independent members upon submission of relevant paperwork will be reimbursed for the following:~~

- ~~Mileage to and from audit risk and improvement committee meetings at the rate set out in the salaries and allowance tribunal determination for Elected members; and~~
- ~~85% of the maximum allowance permitted to pay the independent members per the Salaries and Allowance Act 1975.~~

**Commented [MR9]:** REASON: Removing specific payment rates from the Charter ensures consistency between governance documents, reduces the risk of conflicting provisions, and allows remuneration arrangements to be updated through the Council policy framework without requiring consequential amendments to the Charter.

#### 6.2.6 Recruitment process

- If the Committee is of the view that current independent members meet the criteria set out in this guidelines then it may recommend to Council the continued appointment of the independent members for a further two years if the current member wishes to.
- Where a vacancy arises, the following process will be undertaken:
  - The vacancy shall be publicly advertised pursuant to s.1.7 of the Local Government Act 1995;
  - Applications shall be reviewed and assessed by an internal panel of Shire Officers that will include: The Chief Executive Officer, Executive Manager Finance and Corporate Services, and the Governance Coordinator;
  - A report shall be provided to the Selection Panel which will consist of the Chief Executive Officer and the Shire President; making a recommendation of shortlisted candidates for interview;
  - The Chief Executive Officer will prepare a report on the selection process and make a recommendation for the



appointment of the Presiding and Deputy Presiding Members. The report shall be submitted directly to Council;

- v. The Chief Executive Officer will send out letters of appointment;
- vi. The Chief Executive Officer will conduct an induction with the appointed Presiding and Deputy Presiding Members.

### 6.3 Meeting Attendees

6.3.1 While the CEO, nor his or her delegate, must not be a member of the Committee, it is important that they attend meetings to provide context on important issues impacting the Shire of Toodyay;

6-36.3.2 The Presiding Member of the Committee may, through the office of the Chief Executive Officer, invite other Council representatives, the CEO, Shire Officers, an Officer from the Auditor-General's Office, or the Auditor to present information to the meeting or to attend as an observer;

6-46.3.3 The Committee will be administratively supported by a Shire Officer nominated by the Chief Executive Officer;

6-56.3.4 Committee members can request attendance by electronic means pursuant to regulation 14C(2)(b) of the Local Government (Administration) Regulations 1996, when authorised to attend the meeting electronically by the Shire President or by Council; ~~however Council, however the Shire President or Council cannot~~ authorise a member to attend a meeting electronically ~~under Regulation 14C(2)(b) where that if the member's attendance would result in the member attending more than half of the meetings (including the proposed meeting) of the committee Committee during the relevant period as defined in scheduled for the calendar year, pursuant to the provisions of Regulation 14C(3) of the Local Government (Administration) Regulations 1996; and~~

6-66.3.5 Members must not attend the meeting or the closed part of the meeting unless, before the meeting, or the part of the meeting is closed, the member declares that the member can maintain confidentiality during the meeting or the closed part of the meeting pursuant to regulation 14CA(5) of the Local Government (Administration) Regulations 1996.

## 7. Responsibilities

7.1 ~~The functions of the Audit, Risk and Improvement Committee are those prescribed by is an independent committee whose functions are in accordance with Regulation 16 of the Local Government (Audit) Regulations 1996 and any other functions conferred by the local Governemnt Act 1995 or another written law.~~

7.2 The Committee assists Council in fulfilling its responsibilities in relation to:

**Commented [MR10]:** REASON: When checking what was presented to ARIC and Council in March 2025 this should have been this way but when track changes were accepted, the numbering was incorrect and not noticed at the time before publication. It now needs to be amended.

**Commented [MR11]:** REASON: Clause 6.5 has been amended to align with Regulation 14C of the Local Government (Administration) Regulations 1996. The current Charter refers to the "calendar year", whereas the Regulations now apply the limitation on electronic attendance by reference to the "relevant period", being the 12-month period ending on the day of the proposed meeting. The amendment ensures consistency between the Charter and the current legislative requirements.

**Commented [MR12]:** REASON: Regulation 16 was substantially amended in 2025 and now specifically requires ARICs to monitor implementation of audit findings, CEO review findings and compliance audit outcomes



(a) **Risk management, fraud and internal control**

- i. providing oversight on significant risk exposures and control issues, including fraud risks, corporate governance issues, or other matters as necessary when requested by the Chief Executive Officer or Council;
- ii. ~~Receive and review reports prepared under Regulation 17 of the Local Government (Audit) Regulations 1996 regarding the appropriateness and effectiveness of the Shire's systems and procedures relating to financial management, legislative compliance and risk management, and make recommendations to Council~~ review financial policies, governance policies, complaints management, conflict of interest, or public interest disclosure policies and make a recommendation to Council;
- iii. reviewing summary reports from the Chief Executive Officer on communication from external parties including regulators (i.e. LGIS, Office of the Auditor General, LGIS, Corruption and Crime Commission, etc) that indicate problems in the internal control system or inappropriate management of risk actions in accordance with Regulation 16 (c) of the *Local Government (Audit) Regulations 1996*;
- iv. annually reviewing the Shire of Toodyay's assurance map to ensure that risk and control activities are coordinated, communicated, and managed effectively;
- v. bi-annually reviewing the Shire of Toodyay's risk management framework and risk register dashboard to ensure that the Shire will achieve its strategic objectives related to governance;
- vi. reviewing the effectiveness of business operations and oversight frameworks, as the third line of defence within the Shire's risk management framework by considering and reviewing, at least once every four years, reports from the Chief Executive Officer on the appropriateness and effectiveness of the Shire's systems and procedures in relation to financial management, risk management, risk profiles, internal control, and legislative compliance. The Committee will make a recommendations to Council on the results of those reviews;
- vii. monitoring changes in government strategies, the economic and business environment and other trends and factors related to the Shire's risk profile by meeting periodically with key management, internal auditors, the OAG, and compliance staff, to understand and discuss the impact of these changes or trends on the risk profile;
- viii. reviewing whether Council has an effective Risk Management Framework, and, based on knowledge and understanding of the Shire's risks, that material business risks are appropriately reflected in the risk profile and reported to Council;
- ix. reviewing and assessing the effectiveness of processes for identifying, managing, treating, and mitigating the Shire's risks in accordance with

**Commented [MR13]:** REASON: Regulation 16 now specifically links ARIC responsibilities to CEO reviews undertaken under Regulation 17.

**Commented [MR14]:** REASON: The clause has been amended to align with Regulations 16 and 17 of the Local Government (Audit) Regulations 1996. The amendment expressly includes financial management as one of the systems and procedures to be reviewed and recognises the statutory review cycle applicable to CEO reviews of financial management, legislative compliance and risk management systems. This ensures consistency between the Charter and the Committee's legislated oversight responsibilities.



the Shire's Risk Management Framework and ensuring that remaining risks align with the Shire's risk appetite;

x. receiving and reviewing reports on actions required under section 7.12A of the Local Government Act 1995 and recommending improvements in relation to implementation of those actions.

\*xi. considering the adequacy and effectiveness of internal controls and the risk management framework by:

- a. Reviewing reports from the Administration, Internal Audit, consultants, regulators, and the OAG and/or auditor.
- b. ensuring risk registers consider risks that may impact whether the Shire of Toodyay will achieve its strategic objectives.
- c. reviewing Shire's response to IT risks, including cyber risks.
- d. monitoring the Administration responses and ensuring timely correction actions are taken by the Administration.
- e. understanding the process of managing insurable risks and assessing whether the Shire of Toodyay has adequate insurance cover for these risks.
- f. assessing whether the Administration has controls in place for non-routine types of transactions and/or any potential transactions that might carry an unacceptable degree of risk.
- g. enquiring with the Administration and the OAG and/or auditor regarding their assessment of the risk of material misstatement in the financial report due to fraud.
- h. enquiring with the Administration and the OAG and/or auditor about whether they are aware of any actual, suspected, or alleged fraud or corruption affecting the Shire, including any response to the matters.
- i. reviewing the Shire's processes and systems to detect, capture and respond to fraud risks, including preventative measures.

\*xi.xii. reviewing the business continuity planning process and be assured that material risks are identified and appropriate business continuity plans, including disaster recovery plans, are in place;

\*xi.xiii. reviewing summary reports on all suspected, alleged, and actual frauds, thefts, and breaches of or non-compliance with laws, regulations and standards and ensuring these are reported to the Council and/or relevant authorities; and

xiv. reviewing summary reports on communication from external parties including regulators that indicate problems in the internal control systems or inappropriate management actions.

**Commented [MR15]:** REASON: Current Regulation 16 now expressly requires oversight of implementation actions arising from audit reports, compliance audits, CEO reviews and statutory responses.

xiii.

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**(b) Compliance and ethics**

- i. understanding Council's compliance framework including its obligations, the officers responsible for compliance activities and Administration oversight and review of these processes;
- ii. considering the impact of Council's culture on compliance processes;
- iii. aware of the Shire's processes for communication and the Shire's Code of Conduct;
- iv. assessing the effectiveness of, and compliance with, the Shire of Toodyay's Code of Conduct;
- v. obtain updates from the Complaints Officer appointed by Council;
- vi. overseeing compliance by reviewing arrangements that monitor the impact of changes in key laws, regulations, internal policies, and accounting standards affecting Shire of Toodyay operations;

vii. Review the Compliance Audit Return and recommend its adoption by Council in accordance with the *Local Government (Audit) Regulations 1996*.

~~vii. review the annual Compliance Audit Return in accordance with the *Local Government (Audit) Regulations 1996* and report to the Council the results of that review;~~

- viii. obtaining updates from the Chief Executive Officer on matters of compliance and ethical matters that may have material impact on the Council's financial statements, strategy, operations, health and safety or reputation; and
- ix. review of the Disclosure of Interests Register and the Delegation and Returns Register.

**(c) Financial and performance reporting**

- i. reviewing the annual financial statements and provide advice to the Council about whether they should be accepted by Council. This review includes assessing:
  - a. whether the financial statements comply with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996* and the Australian Accounting Standards;
  - b. whether the financial statements accurately reflects the Shire of Toodyay's financial position and performance, and if not, whether additional disclosures are required;
  - c. the appropriateness of accounting policies and disclosures, including changes to accounting policies;
  - d. areas of significant judgement, estimation and significant or non-routine transactions;

**Commented [MR16]:** REASON: Current regulations place the review function clearly with ARIC before Council adoption.



- e. whether appropriate Administration action has been taken in response to any issues raised by the OAG and/or auditor, including financial statement adjustments or revised disclosures;
  - f. the quality of the Shire of Toodyay's processes for preparing the financial statements, including how Administration has checked that they comply with relevant requirements; and
  - g. significant issues, errors or discrepancies in the draft financial statements and ensuring members understand the reasons why these occurred.
- ii. receive and review the report from the Chief Executive Officer in regard to the review of the appropriateness and effectiveness of the Shire's systems and procedures in relation to financial management, internal control, and legislative compliance; and
  - iii. determine whether appropriate action has been taken in response to any issues reported by the Chief Executive Officer in terms of the quality of the Shire's processes for preparing financial statements, and how significant issues, errors or discrepancies in the financial statements are communicated to members.

**(d) Audit**

The Committee will have an opportunity to meet with the OAG's Auditor at least once in every year to be able to discuss the results of financial and performance audits conducted within the Shire of Toodyay, including any difficulties encountered during the conduct of the audit, restrictions on scope of activities or access to information.

Other committee responsibilities may include:

- i. liaising with the CEO to ensure the effective and efficient management of the local government's financial accounting systems and compliance with legislation;
- ii. receiving the Administration's response to OAG and/or Auditor findings and recommendations; receiving reports from the OAG and/or Auditor including Auditor's reports, closing reports and Administration letters, and discussing any significant resolved, or unresolved disagreements within the reports provided to the Shire;
- iii. receiving a copy of representation letters signed by the Chief Executive Officer;
- iv. reviewing performance audits conducted at the Shire of Toodyay and ensuring that agreed recommendations are implemented;
- v. reviewing results of relevant OAG and/or auditor's audit reports and better practice publications for guidance on good practices, including any self-assessment by the Administration;



- vi. reviewing the form and content of the Auditor's report on the local government's financial and performance report. This may include any proposed modification, emphasis of matter, key audit matters, other matters, and uncorrected misstatements in other information;
- vii. examine the reports of External Auditors after receiving a report from the Chief Executive Officer on the matters to:
  - (a) determine if any matters raised require action to be taken by the Council;
  - (b) review the implementation of any action so determined in respect of those matters; and
  - (c) determine whether appropriate action has been taken in response to any issues raised by the Office of the Auditor General and/or External Auditors, including financial statement adjustments or revised disclosures.

(e) Other responsibilities

Perform other activities related to the role of this Charter as requested by the Council.

## 8. Meetings

8.1 The Committee will meet at least 4 times each calendar year. Meeting dates are set by Council; and

8.2 A meeting of the Committee may be called at any time in accordance with the *Shire of Toodyay Standing Orders Local Law 2008*;

8.3 Committee meetings are to be conducted in accordance with Part 2 of the *Local Government (Administration) Regulations 1996* and any applicable requirements of the *Local Government Act 1995*;

8.4 Meetings of the Committee are to be open to the public unless a matter is permitted to be considered behind closed doors under section 5.23 of the *Local Government Act 1995*;

## 9. Independence and conflicts of interest

9.1 External members should consider past employment, consultancy arrangements and related party issues when making these declarations to the Council. In consultation with the Presiding Member, the Council should be satisfied that there are sufficient processes in place to manage any actual, perceived, or potential conflicts of interest;

9.2 At the start of each Committee meeting, members are required to declare any personal interests that may apply to specific matters on the meeting agenda. The Presiding Member, in consultation with the Committee where appropriate, is responsible for deciding if the members should excuse themselves from the meeting or from the committee's consideration of the relevant agenda item(s); and

9.3 Details of any personal interests declared by the Presiding Member and other members, and actions taken to manage the conflicts, should be appropriately

**Commented [MR17]:** REASON: Ensures future legislative amendments automatically flow through. It future proofs the charter and ensures consistency with meeting requirements

**Commented [MR18]:** REASON: Ensures consistency with current meeting transparency requirements. It reflects the governance reforms and committee meeting transparency requirements.



recorded in the meeting minutes and the Register of Financial Interests in accordance with Section 5.88(2)(b) of the *Local Government Act 1995*.

#### 10. Performance Assessment arrangements

- 10.1 The Presiding Member of the Committee, in consultation with the Council, will review the performance of the Committee annually;
- 10.2 The review is performed with appropriate input from Council, Committee Members, Shire Officers, and other relevant stakeholders;
- 10.3 The Presiding Member will provide advice to the Council on the members' performance, particularly for external members, or members where an extension of tenure is being considered; and
- 10.4 The Committee will always consider the costs and benefits of activities the Committee performs.

#### 11. Reporting

- 11.1 The Committee will, as often as necessary, and at least once a year, report to the Council on its operations and activities during the year and confirm to the Council that all functions outlined in this charter have been satisfactorily addressed; and
- 11.2 The Committee may at any time, report to the Council on any other matters it deems to be sufficiently important. In addition, any individual Committee members may request a meeting with the Council at any time.

#### 12. Review of charter

- 12.1 The Committee will review the charter once every two years following local government ordinary elections or more frequently if required, with appropriate input from Committee Members and Shire Officers, and other relevant stakeholders;
- 12.2 The Shire will ensure that this charter complies with relevant legislative and regulatory requirements and will consider proposed amendments from the Committee when necessary to ensure that it accurately reflects the committee's role and responsibilities; and
- 12.3 Council will review and formally approve this charter.

Approval by Council – Resolution No OCM061/03/25

\_\_\_\_\_  
Signature – Shire President

\_\_\_\_\_  
Date

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Received by the Audit, Risk and Improvement Committee:

Signature – Audit, Risk and  
Improvement Committee Presiding  
Member

Date

#### Reference Information

- ~~Committee Book endorsed by Council.~~
- [Risk Management Framework](#) endorsed by Council.

#### Legislation

- [Local Government Act 1995](#)
- [Local Government \(Audit\) Regulations 1996](#)
- [Local Government \(Administration\) Regulations 1996](#)

#### Associated documents

- [Shire of Toodyay Standing Orders](#) (Local Law) 2008(3.4, Part 13, and 17.6);
- [Code of Conduct for Council Members, Committee Members and Candidates](#)
- [Statement of Business Ethics](#)

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## Audit, Risk and Improvement Committee Charter

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### 1. Introduction

- 1.1 In accordance with section 7.1A of the *Local Government Act 1995*, Council must establish an Audit, Risk and Improvement Committee of three or more persons to provide independent oversight, assurance and advice to Council on matters of audit, risk, internal control, financial reporting, legislative compliance, governance and continuous improvement.
- 1.2 The Committee is led by an independent Presiding Member and an independent Deputy Presiding Member, neither of whom may be a Councillor or employee of any local government, in accordance with the Local Government Act 1995 and the leadership criteria set out in section 6 of this Charter. Membership composition is set out in section 6.

### 2. Role

- 2.1 The Committee assists Council to fulfil its statutory oversight responsibilities under section 7.1A of the Act and Regulation 16 of the Local Government (Audit) Regulations 1996, including oversight of risk management, internal control, financial and performance reporting, integrity and legislative compliance, and monitoring the CEO's implementation of actions required under section 7.12A.
- 2.2 The Committee is a Council committee and is independent of the CEO and administration. It performs oversight functions only and must not involve itself in operational management, administrative decision-making, or the direction of employees.
- 2.3 The Committee will conduct its oversight role in a professional and respectful manner. In performing its responsibilities, the Committee may engage with management as required, while maintaining its independence and its right to seek information, reports and explanations directly in accordance with section 7.1C of the Act. Engagement with management must not limit the Committee's ability to question, challenge or scrutinise matters within its remit.
- 2.4 The Committee is responsible to, and reports directly to, Council. All findings, recommendations and reports of the Committee are provided to Council in the form approved by the Committee.
- 2.5 Members of the Committee are expected to:
  - (a) understand the legal and regulatory obligations relevant to the Committee's oversight role;
  - (b) understand the Shire's governance, risk and assurance frameworks to the extent necessary to perform their oversight responsibilities;
  - (c) exercise due care, diligence and skill in carrying out their duties;
  - (d) comply with the Shire of Toodyay's Code of Conduct for Council Members, Committee Members and Candidates, and any applicable professional codes of ethics;
  - (e) remain informed of contemporary issues and developments relevant to local government governance, audit, risk and integrity;
  - (f) maintain confidentiality only in relation to information that is lawfully confidential or considered in a closed meeting under section 5.23(2) of the Act, while retaining the right and obligation to report matters directly to Council in accordance with this Charter and the Act; and

- (g) be provided with an induction on appointment, coordinated by the Presiding Member, covering the Committee's functions, legislative framework, the Shire's governance and risk arrangements, and the obligations of Committee membership.

### 3. Authority

- 3.1 The Committee does not have executive powers, operational responsibilities or authority to implement actions, direct employees or make decisions on behalf of the local government. The Committee operates strictly as an advisory body and has no delegated authority under the Act.
- 3.2 The Committee's role is oversight. In performing this role, the Committee may review, question and seek assurance regarding any matter within its remit, including matters for which the Chief Executive Officer has administrative or legislative responsibility. The Committee may obtain information, documents and explanations in accordance with section 7.1C of the Act and may make findings and recommendations directly to Council.
- 3.3 The Council expressly authorises the Committee, for the purpose of performing its functions under section 7.1A and Regulation 16, to:
  - (a) obtain any information, documents or explanations it reasonably requires to perform its oversight responsibilities, subject only to lawful confidentiality obligations and legal professional privilege;
  - (b) request attendance or participation by relevant persons where reasonably necessary and lawfully available at Committee meetings, including employees, auditors, consultants, regulators or elected members, as reasonably required to perform its functions;
  - (c) develop, maintain and amend its rolling work plan, and to determine the timing, scope and content of matters to be considered by the Committee; and
  - (d) make findings and recommendations directly to Council on any matter within its remit, including risk, internal control, financial reporting, integrity, legislative compliance and governance improvement.

The Chief Executive Officer must provide the Committee with the information and assistance it reasonably requires to perform its functions, in accordance with section 7.1C of the Act.

- 3.4 The Committee may undertake additional oversight activities within its statutory remit on its own initiative or at the request of Council. Any additional activities must relate to audit, risk, internal control, financial and performance reporting, integrity, legislative compliance or governance improvement.
- 3.5 Where necessary to perform its oversight functions, the Committee may recommend to Council that independent legal or specialist advice be obtained. Once approved by Council, the Chief Executive Officer must facilitate access to such advice in accordance with section 5.41 of the Act.
- 3.6 The Committee cannot be delegated executive, operational or financial powers and must not be assigned responsibilities that fall within the administrative functions of the Chief Executive Officer under the Act.
- 3.7 The Committee is to be provided with information, documents and explanations reasonably necessary to enable it to perform its statutory oversight functions, subject to the Local Government Act 1995, applicable legislation, lawful confidentiality obligations and legal professional privilege.
- 3.8 Internal resolutions of the Committee, including resolutions requesting

information, documents, reports or explanations, are not recommendations to Council and must not be referred to Council unless the Committee expressly resolves to make a recommendation.

- 3.9 The inclusion of Committee minutes in the Council agenda does not authorise placement of internal Committee resolutions before Council for amendment, adoption or rejection. Only resolutions expressly adopted as recommendations may be presented for Council consideration.
- 3.10 Nothing in this Charter prevents Committee members from undertaking preparation, briefing, training, technical discussion or collaborative oversight discussions outside formal meetings, provided that no formal decision-making or consensus-building occurs and the Committee's findings, recommendations and positions are determined at properly convened Committee meetings in accordance with the Act.
- 3.11 In the event of inconsistency between this Charter, the *Local Government Act 1995*, regulations or the Shire's Standing Orders Local Law, the Act, regulations and Local Law prevail.

#### **4. Title of Committee**

The Committee shall be known as the 'Audit, Risk and Improvement Committee.'

#### **5. Decisions made by the Committee**

- 5.1 Decisions of the Committee are to be made in accordance with section 7.1CA of the Act. A decision of the Committee requires a simple majority of the members present and voting. If votes are equally divided, the person presiding must cast a second vote in accordance with section 5.21(3) of the Act.
- 5.2 Quorum and voting procedures are governed by section 5.19 of the Act.
- 5.3 Committee decisions are recommendations or determinations of the Committee within its statutory role and must be recorded accurately in the minutes.

#### **6. Membership**

Membership shall consist of up to seven members.

##### **6.1 Committee Members**

- (a) The Committee will consist of Councillors and independent community members appointed by Council in accordance with section 7.1A of the Act and this Charter.
- (b) In accordance with sections 7.1A(3) and 7.1A(4) of the Act, the Presiding Member and Deputy Presiding Member must be independent community members. The independence criteria for these positions are set out in section 6.2. Independent leadership of the Committee is a defining feature of the ARIC framework introduced by the *Local Government Amendment Act 2024*.
- (c) Council will review the membership of the Committee after each ordinary election day in accordance with section 5.11 of the Act.
- (d) When reviewing membership, Council may reappoint members based on their ability to contribute to the Committee's work, ensuring an appropriate balance between continuity, fresh perspectives and a suitable mix of qualifications, knowledge, skills and experience.
- (e) As a matter of governance policy, and not by statutory requirement, an independent community member will ordinarily serve in a leadership capacity (as Presiding Member or Deputy Presiding Member) for a maximum cumulative period of six years. Council retains its statutory

power under section 5.12 of the Act to reappoint a Presiding Member or Deputy Presiding Member beyond this period where Council considers it appropriate to do so, for example where no suitable replacement is available. There is no maximum cumulative term for an ordinary independent community member, subject to the biennial appointment review process set out in clause 6.1(c).

- (f) A person's membership continues until whichever of the following occurs first:
  - i. the person resigns;
  - ii. Council removes the person from office or the office otherwise becomes vacant;
  - iii. the Committee is disbanded; or
  - iv. the next ordinary election day.
- (g) Where a vacancy arises for an independent community member, the recruitment and appointment process set out in clause 6.2 applies.
- (h) Committee members will collectively possess a broad range of skills, knowledge and experience to competently perform the Committee's oversight responsibilities.

## 6.2 Independent Community Members

### 6.2.1 Appointment of Presiding and Deputy Presiding Member

- (a) In accordance with section 5.12 of the Act, Council must appoint a Presiding Member of the Committee. In accordance with section 7.1A(3), the Presiding Member cannot be a council member of the Shire or of any other local government.
- (b) In accordance with section 7.1B of the Act, Council must appoint a Deputy Presiding Member of the Committee. In accordance with section 7.1B(2), the Deputy Presiding Member cannot be a council member of the Shire or of any other local government.
- (c) The Chief Executive Officer has no role in the nomination, selection or appointment of the Presiding Member or Deputy Presiding Member.

### 6.2.2 Knowledge and skills

When assessing applications for independent community member positions, including the Presiding Member and Deputy Presiding Member roles, Council will consider the applicant's:

- (a) Relevant qualifications or experience in areas such as audit, risk, governance, finance, accounting, law, business, information technology or cyber security.
- (b) Understanding of corporate governance and oversight principles.
- (c) Understanding of, or experience in, local government.
- (d) Previous experience on audit, risk, governance or similar Committees.
- (e) Demonstrated independence, sound judgement and high ethical standards.

### 6.2.3 Independence

To ensure the Committee maintains its independence and is seen to be

independent, neither the Presiding Member nor the Deputy Presiding Member may be:

- (a) A Councillor of the Shire or of any other local government.
- (b) An employee of the Shire, or a person nominated by, or appointed to represent, any employee of the Shire.
- (c) A person with any operational responsibilities within the Shire.
- (d) A person who provides paid services to the Shire, either directly or indirectly, in any other capacity.

#### 6.2.4 Term

- (a) The Presiding Member and Deputy Presiding Member are appointed for a term of up to two years, with each term concluding at the next ordinary election day.
- (b) A person may serve a maximum of three terms (six years in total) in either role. This limit applies to time served as Presiding Member or Deputy Presiding Member and does not prevent the person from continuing as an ordinary independent member of the Committee, subject to clause 6.1(e).

#### 6.2.5 Remuneration

Independent Committee members are entitled to remuneration in accordance with section 5.100 of the *Local Government Act 1995*, the Salaries and Allowances Tribunal Determination for Independent Committee Members, and the Shire's policy governing payments to committee members. Independent members are also entitled to reimbursement of expenses incurred in attending Committee meetings, to the extent that such expenses are of a kind prescribed as reimbursable and in accordance with section 5.100 of the Act and any applicable Salaries and Allowances Tribunal determination. No payment or reimbursement may be made to a Committee member except in accordance with section 5.100.

#### 6.2.6 Recruitment process

- (a) Where a vacancy arises in an independent community member position, the Shire will publicly advertise the vacancy.
- (b) Applications will be reviewed and assessed by a Selection Panel consisting of the Shire President, the Deputy Shire President, and one Councillor appointed by Council. The Panel may request administrative support from Shire officers for coordination and compliance purposes. Officers may provide administrative support but will not participate in assessment or decision-making.
- (c) The Selection Panel will identify the applicants it considers suitable for appointment and will recommend preferred candidates to Council for appointment.
- (d) Council will appoint independent community members in accordance with this Charter and the Act.
- (e) Administrative tasks associated with the recruitment process will be undertaken by Shire officers under the administrative supervision of the Chief Executive Officer, in consultation with the Shire President.

#### 6.2.7 Reserve Pool of suitable applicants

- (a) Where a recruitment process results in more than the required number of suitably qualified applicants, the Selection Panel may identify additional applicants as suitable for appointment and recommend that Council retain them in a reserve pool for the remainder of the term.
- (b) If a vacancy arises in an independent community member position during the same term, Council may appoint a person from the reserve pool without undertaking a further public recruitment process, provided the person remains eligible and willing to serve.

#### 6.2.8 Meeting attendees

- (a) The Chief Executive Officer and Shire officers are not members of the Committee. The Presiding Member may invite the Chief Executive Officer or Shire officers to attend and to participate in the meeting for specific items where information, context or clarification is required.
  - (b) External parties such as the Office of the Auditor General, the Shire's contracted external auditor, internal auditors, or specialist advisors may attend Committee meetings when invited by the Presiding Member for matters relevant to their role.
  - (c) All proposed external attendees must be notified to, and approved by, the Presiding Member prior to being included on the agenda or invited to attend.
- 6.3 The Committee will be provided with administrative support by a Shire officer nominated by the Chief Executive Officer. The administrative support officer will assist with coordination, minute-taking, agenda preparation and other administrative functions, under the guidance of the Presiding Member.
- 6.4 The administrative support officer is expected to perform their duties with accuracy, impartiality and responsiveness to the Committee's requirements. If the Presiding Member considers that the nominated officer is unable to meet these expectations, the Presiding Member may request that the Chief Executive Officer nominate an alternative officer to support the Committee. The Chief Executive Officer retains full discretion in relation to the nomination, supervision and management of Shire officers, including any officer nominated to support the Committee, in accordance with section 5.41 of the Act. If the matter cannot be resolved between the Presiding Member and the Chief Executive Officer, the Presiding Member may refer the matter to Council.
- 6.5 Committee members may attend a meeting by electronic means in accordance with Regulation 14C of the *Local Government (Administration) Regulations 1996*. A member must request approval to attend electronically under Regulation 14C(2)(b), and may only do so when authorised by the Shire President or by Council.
- 6.6 The Shire President must not authorise electronic attendance if doing so would result in the member attending more than half of the Committee meetings held in any rolling 12-month period by electronic means, as required by Regulation 14C(3) of the *Local Government (Administration) Regulations 1996*.
- 6.7 A Committee member attending a meeting by electronic means must, before the meeting or before the meeting is closed to the public, declare that they can maintain confidentiality during the meeting, in accordance with Regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*.
- 6.8 The Presiding Member may require any member attending a closed session, whether in person or electronically, to confirm that they are able to maintain confidentiality for the duration of the closed session.



## 7. Responsibilities

7.1 The Committee is an independent Committee established under sections 7.1A-7.1C of the *Local Government Act 1995*. Its functions are those set out in Regulation 16 of the *Local Government (Audit) Regulations 1996*, being to provide independent oversight, advice and recommendations to Council on the effectiveness of the Shire's systems for risk management, internal control, legislative compliance, financial reporting and audit.

### 7.1.1 Risk management, internal control and legislative compliance systems

The Committee is responsible for providing independent oversight of the Shire's systems and processes for managing risk, internal control and compliance, including:

- (a) reviewing the appropriateness and effectiveness of the Shire's systems for risk management, internal control and legislative compliance, including the Chief Executive Officer's reports prepared under Regulation 17;
- (b) monitoring the implementation of improvements arising from these reviews; and
- (c) considering significant risk events and internal control failures, including those relating to fraud, corruption, governance or legislative compliance, that may impact the Shire's operations or risk profile;
- (d) reviewing the Shire's risk management framework, risk profile and key strategic risks; and
- (e) considering reports from regulators or external bodies that identify control weaknesses or governance concerns.

### 7.1.2 Financial and performance reporting

The Committee assists Council in overseeing the integrity of the Shire's financial and performance reporting by:

- (a) reviewing the annual financial statements and advising Council on whether they should be accepted;
- (b) considering significant accounting matters, judgements or disclosures raised during the preparation or audit of the financial statements;
- (c) reviewing the effectiveness of the Shire's financial reporting processes, including how Administration ensures compliance with relevant legislation and accounting standards; and
- (d) considering the Chief Executive Officer's reports on the appropriateness and effectiveness of the Shire's financial management systems.

### 7.1.3 Audit (external and internal)

The Committee provides oversight of both external and internal audit functions by:

- (a) reviewing the audit plan, audit scope and audit reports prepared by the Office of the Auditor General or its contracted auditor;
- (b) meeting with the auditor at least once each year to discuss audit findings and matters relevant to the Committee's functions;
- (c) meeting privately with the external auditor or internal auditor,

without the presence of the Chief Executive Officer or Shire officers, where the Committee considers it necessary to support its oversight functions;

- (d) overseeing the internal audit function where one exists, including reviewing and endorsing the internal audit plan, assessing the adequacy of internal audit resourcing, and receiving all internal audit reports directly. The Committee may recommend or request specific internal audit work within the approved internal audit budget. Where the Committee has concerns about the independence or adequacy of the internal audit function, it must report those concerns and any recommendations to Council in accordance with Regulation 16.
- (e) monitoring the implementation of audit recommendations, including those required under section 7.12A of the *Local Government Act 1995*; and
- (f) considering the results of performance audits and other relevant reports issued by the Office of the Auditor General.

#### 7.1.4 Other advisory functions

The Committee may:

- (a) provide independent advice and recommendations to Council on matters within the Committee's functions; and
- (b) perform any other functions assigned to the Committee by Council that are consistent with Regulation 16.

#### 7.1.5 Public Interest Disclosures

- (a) The Committee maintains a systems-level oversight role regarding the Shire's Public Interest Disclosure (PID) framework, ensuring that appropriate arrangements exist for the secure and lawful escalation of matters relating to the conduct of the Chief Executive Officer or senior officers. In accordance with the *Public Interest Disclosure Act 2003 (WA)*, the Committee is not an operational recipient or investigator of individual disclosures. Disclosures concerning the Chief Executive Officer must be directed to the Shire President as the proper authority under the Act, or to an external integrity body. The Committee will periodically review the Shire's PID policy and framework to ensure they provide effective and compliant pathways for reporting high-level governance or integrity concerns.
- (b) The Committee will ensure that appropriate arrangements exist within the Shire for the secure, lawful and effective handling of Public Interest Disclosures, and that the Shire's Public Interest Disclosure policy is reviewed periodically as part of the Committee's compliance oversight responsibilities. The Committee will report to Council on the operation of the PID framework as part of its annual report.
- (c) The Committee is not responsible for investigating disclosures, and its role in relation to Public Interest Disclosures is limited to oversight of the Shire's PID framework. The Committee has no operational role in receiving, managing or investigating disclosures.

## 8. Meetings

- 8.1 Given the breadth and frequency of the Committee's statutory functions under Regulation 16 of the *Local Government (Audit) Regulations 1996*, the Committee will meet monthly to ensure timely and effective oversight.
- 8.2 Special meetings may be convened at any time, in accordance with the *Shire of Toodyay Standing Orders Local Law 2008*.
- 8.3 The Committee will adopt its annual meeting schedule at its last meeting each calendar year.
- 8.4 Agenda
  - 8.4.1 Agenda items will ordinarily relate to the Committee's adopted work plan, matters referred by Council, statutory reporting obligations, or matters otherwise considered relevant to the Committee's statutory functions. The agenda is not a vehicle for operational updates or administrative reports unless specifically requested by the Committee or required by legislation.
  - 8.4.2 Prior to publication, the Presiding Member must approve the final agenda. The Presiding Member may request that items be added, removed or recategorised to reflect the Committee's work plan and oversight priorities. The Chief Executive Officer retains responsibility for preparing the draft agenda under section 5.41 of the Act and for ensuring all required supporting materials are included. The Presiding Member will review and endorse the agenda prior to circulation, while the Chief Executive Officer retains responsibility for the lawful preparation and publication of agendas under the Act.
- 8.5 Council Referral
  - 8.5.1 Council may, by resolution, formally refer any matter within the Committee's statutory functions to the Committee for oversight, review or advice. Such referrals must be included in the Committee's work plan and addressed within a timeframe specified in the referral resolution or, if not specified, within two ordinary meeting cycles. The Committee will report back to Council on the outcome of all formally referred matters.

## 9. Work Plan

- 9.1 The Committee will maintain a rolling work plan covering a minimum forward period of 12 months. The work plan will outline the timing, scope and sequencing of the Committee's key oversight activities, including risk management, internal control, financial reporting, performance reporting, integrity matters, legislative compliance and audit follow-up in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*.
- 9.2 The Committee is responsible for developing, approving and amending its work plan within its statutory functions and having regard to Council priorities, emerging risks and operational practicability. The work plan is not subject to approval by the Chief Executive Officer or the administration and may be updated by the Committee at any time to respond to emerging risks, audit findings, integrity matters, changes in the control environment, or Council priorities.
- 9.3 Council may formally refer matters to the Committee for inclusion in the work plan by resolution, in accordance with section 8 of this Charter.
- 9.4 The work plan must remain predictable, transparent and continuously current to ensure effective oversight and to provide clarity to Council, the administration and the community regarding the Committee's forward program of work.
- 9.5 The Committee may request information, reports, officer attendance or external advice as needed. Provision of such support is governed by section 3 of this

Charter.

- 9.6 The Committee will review its work plan at each meeting to ensure it remains aligned with the Committee's statutory functions, emerging risks, audit recommendations, integrity matters and Council expectations.

#### **10. Independence and conflicts of interest**

- 10.1 Committee members must comply with the *Local Government Act 1995*, the *Local Government (Model Code of Conduct) Regulations 2021*, the Shire's Code of Conduct and all relevant policies relating to conflicts of interest, impartiality, and ethical conduct. Members must consider past employment, consultancy arrangements, financial relationships and related-party matters when assessing and declaring interests
- 10.2 At the start of each meeting, members must declare any financial, proximity or impartiality interests in accordance with Part 5, Division 6 of the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*.
- 10.3 Where a financial or proximity interest is disclosed, the disclosing member must leave the meeting while the matter is considered and voted upon, unless participation is authorised by an absolute majority of the remaining members under section 5.68 of the Act, or by the Minister under section 5.69.
- 10.4 Impartiality interests are to be declared and managed by the disclosing member in accordance with the Model Code of Conduct. The Presiding Member may provide procedural guidance to ensure declarations are made and recorded, but has no authority to override statutory requirements relating to financial or proximity interests.
- 10.5 All declared interests, and the actions taken to manage them, must be recorded in the minutes and in the appropriate registers, including the Register of Financial Interests maintained under section 5.88 of the *Local Government Act 1995*.

#### **11. Performance Assessment arrangements**

- 11.1 The Presiding Member will coordinate an annual assessment of the Committee's performance, having regard to its functions under Regulation 16 of the *Local Government (Audit) Regulations 1996* and the effectiveness of its oversight activities.
- 11.2 The assessment will draw on input from Committee members, Council, Shire officers and other relevant stakeholders, as appropriate.
- 11.3 Following the assessment, the Presiding Member will provide advice to Council on the performance of Committee members, including external members and any members whose tenure is being considered for extension or renewal.
- 11.4 In undertaking its work, the Committee will consider the costs and benefits of its activities and the efficiency and effectiveness of its processes.

#### **12. Reporting**

- 12.1 The Committee will, as often as necessary and at least annually, report to Council on its operations and activities, including its review of the Compliance Audit Return, its monitoring of improvement actions under section 7.12A of the *Local Government Act 1995*, and the manner in which it has carried out the functions set out in this Charter.
- 12.2 Following Council's consideration and adoption of the Compliance Audit Return, the local government must submit the return to the Local Government Inspector by 31 March of the year following the audit period, in accordance with regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*. The

submission must include the Committee's recommendations, the relevant Council meeting minutes, and any explanatory or qualifying information required by the Inspector.

- 12.3 Where the Committee identifies a matter of significant risk, integrity concern or governance failure, it may report the matter directly to Council outside the normal reporting cycle.
- 12.4 The Committee may, at any time, report to Council on any matter it considers to be of sufficient importance or urgency.
- 12.5 Committee reports to Council are to be presented substantially in the form approved by the Committee. Administrative formatting, procedural advice or statutory commentary may be added by the Chief Executive Officer where reasonably necessary to support Council's consideration of the matter.

### **13. Review of charter**

The following process applies to the review and amendment of this Charter.

- 13.1 The Committee will review this Charter every two years following local government ordinary elections, or more frequently if required, with input from Committee members and, where appropriate, Shire officers and other relevant stakeholders.
- 13.2 The Shire may review the Charter and provide advice regarding legislative compliance, governance, operational implementation and administrative considerations prior to the Charter being returned to the Committee for further review.
- 13.3 Council will review and formally approve this Charter following consideration of the Committee's final recommended version.

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**Maria Rebane**

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**From:** LG - Hotline <LGHOTline@lgirs.wa.gov.au>  
**Sent:** Wednesday, 19 August 2026 12:41 PM  
**To:** Maria Rebane  
**Subject:** [External]-RE: [External]-RE: [External]-RE: URGENT: Audit Risk and Improvement Committee Charter

Good afternoon Maria,

Thank you for your patience on this matter.

The preparation and wording of an ARIC Charter are not detailed under the *Local Government Act 1995* (the Act) and would be a matter between administration and the committee to resolve.

It should be noted that the following is to be considered general advice, not legal.

Please see the below responses to your queries:

**The charter gives the Committee more authority than what 7.1A-C say and what Reg 17 says. I wouldn't want the Committee to believe it has authority to require certain actions while Council or the CEO believes those matters remain within their discretion.**

The role of an ARIC is prescribed under part 7 of the Act and Regulation 17 of the Local Government (Audit) Regulations 1996.

If the charter implies any functions outside of this scope, it would be recommended that it be removed.

**The charter creates a perception that the Presiding Member can direct officers.**

The Presiding Member cannot direct local government employees and would need to refer employment matters to CEO.

**The charter states the Presiding Member must approve the final agenda and may request items be added, removed or recategorized. Having done meetings procedures training through WALGA recently I thought (and was taught) that the CEO remains responsible for lawful agenda preparation, so I was concerned that the wording in the charter creates uncertainty over who ultimately determines agenda content.**

While no provision of the Local Government Act 1995 expressly states that the CEO "prepares the agenda", section 5.41 makes the CEO responsible for the management of the local government's administration and for ensuring council receives the information necessary to make decisions. Accordingly, the preparation and coordination of council meeting agendas is generally the responsibility of the CEO acting through governance and administrative staff.

Given this, it is our view that the CEO should be the responsible officer for the approval of agendas though may wish to consult with the presiding member.

**The charter allows meetings with auditors without the CEO or officers being present which is normal but it was not clear that outcomes must be reported through normal committee processes.**

The meeting with the auditor can be delegated to the ARIC under Part 7 of the Act. Whilst this does not specifically detail the reporting requirements, it would be recommended that some sort of report

is prepared for council from a good governance perspective noting that some matters from this meeting may be of a contentious or confidential nature.

**Some clauses appear advocacy driven rather than governance focused. Examples include "independent leadership is a defining feature"; repeated references to independence from administration; and detailed protections around Committee resolutions and discussions.**

Neither the Act or Regulation prescribe for the Charter or how it is to be written. It is our view that if a charter is to be prepared that it covers the basic requirements of the ARIC and whilst highlighting the importance of independent members should not be considered an advocacy position.

**The charter states The Presiding Member provides advice to Council regarding performance of Committee members. For independent members this is reasonable, but for councillor members it could create sensitivity regarding who is evaluating elected members.**

The Act is silent on this.

It should be noted that council appoint members to the ARIC and would therefore be the overall authority as to the ARIC's performance and membership and that any such review of performance by the Chair should be made to Council.

#### **Query as to PID**

The Department of Local Government Industry Regulation and Safety can make limited comment as to PID legislation as it falls outside of our authority.

It is our view that the ARIC would not be considered a PID Officer and would therefore not be able to receive PID submissions directly. However, the required review by the CEO of systems and procedures for legislative compliance under Regulation 17(1) would include that of a PID framework. As per Regulation 17(3) a report of a review of this framework would need to be provided to the ARIC.

I hope this information is of assistance.

If the Shire have further concerns as to this matter, they may wish to seek independent legal advice.

Regards,

**lg hotline**

[LGHotline@lgirs.wa.gov.au](mailto:LGHotline@lgirs.wa.gov.au)

[www.lgirs.wa.gov.au](http://www.lgirs.wa.gov.au)



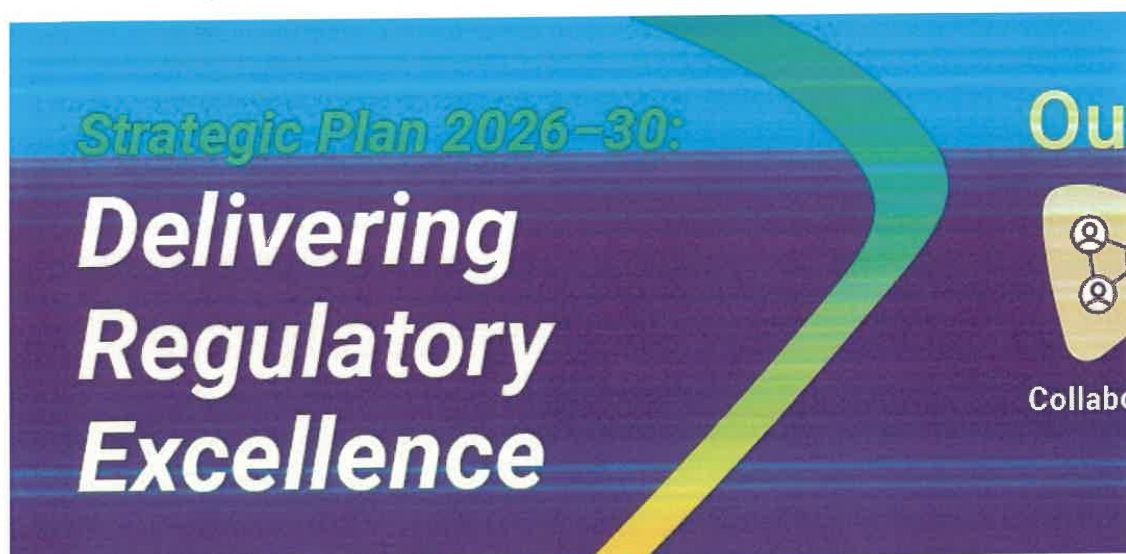
**Department of Local Government,  
Industry Regulation and Safety**

We respectfully acknowledge Aboriginal peoples as being the traditional custodians of Western Australia.

We acknowledge the enduring connection Aboriginal people continue to share with the land, sea and sky through both their ancestral ties and custodianship to Country.

We pay our respect to Elders both past and present, and acknowledge the value brought through the collective contribution of Aboriginal and Torres Strait Islander peoples across Western Australia.





**From:** Maria Rebane <M.Rebane@toodyay.wa.gov.au>  
**Sent:** Friday, 14 August 2026 12:20 PM  
**To:** LG - Hotline <LGHotline@lgirs.wa.gov.au>  
**Subject:** RE: [External]-RE: [External]-RE: URGENT: Audit Risk and Improvement Committee Charter

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Good morning

Thanks for your viewpoint. I was just concerned that :

- the charter gives the Committee more authority than what 7.1A-C say and what Reg 17 says. I wouldn't want the Committee to believe it has authority to require certain actions while Council or the CEO believes those matters remain within their discretion.
- the charter creates a perception that the Presiding Member can direct officers.
- The charter states the Presiding Member must approve the final agenda and may request items be added, removed or recategorized. Having done meetings procedures training through WALGA recently I thought (and was taught) that the CEO remains responsible for lawful agenda preparation, so I was concerned that the wording in the charter creates uncertainty over who ultimately determines agenda content.
- The charter allows meetings with auditors without the CEO or officers being present which is normal but it was not clear that outcomes must be reported through normal committee processes.
- Some clauses appear advocacy driven rather than governance focused. Examples include "independent leadership is a defining feature"; repeated references to independence from administration; and detailed protections around Committee resolutions and discussions.



- The charter states The Presiding Member provides advice to Council regarding performance of Committee members. For independent members this is reasonable, but for councillor members it could create sensitivity regarding who is evaluating elected members.
- The charter said the Committee maintains a systems-level oversight role regarding the Shire's Public Interest Disclosure (PID) framework, ensuring that appropriate arrangements exist for the secure and lawful escalation of matters relating to the conduct of the Chief Executive Officer or senior officers. In accordance with the *Public Interest Disclosure Act 2003 (WA)*, the Committee is not an operational recipient or investigator of individual disclosures. Disclosures concerning the Chief Executive Officer must be directed to the Shire President as the proper authority under the Act, or to an external integrity body. The Committee will periodically review the Shire's PID policy and framework to ensure they provide effective and compliant pathways for reporting high-level governance or integrity concerns. My concern is that Section 5(3) specifies the persons who may receive an appropriate disclosure of public interest information. In relation to a public authority (including a local government), disclosures are made to:

"a person who occupies a position specified under section 23(1)(a) in relation to that authority" Section 23 then requires the **principal executive officer** of the public authority to: "designate the occupant of a specified position with the authority as the person responsible for receiving disclosures of public interest information The Act therefore contemplates:

- the CEO designating a PID Officer;
- disclosures being made to the designated responsible officer; or
- one of the other prescribed proper authorities.

It does **not** provide a mechanism for a Committee of Council, including an ARIC, to be designated as a "proper authority"

the PID Act already identifies the proper authority framework.

Further, allegations concerning a CEO are particularly sensitive.

The ARIC should not be perceived as a parallel disclosure pathway.

You do not want a staff member thinking:

"I can disclose my PID to the ARIC."

because that would be legally incorrect. Information the Shire has on their website is here:

<https://www.toodyay.wa.gov.au/documents/public-interest-disclosure>

Is it part of ARIC's role under the Audit regs to do this?

Mrs Maria Rebane  
Governance Coordinator  
Executive Services

15 Fiennes Street, Toodyay WA 6566

E: [m.rebane@toodyay.wa.gov.au](mailto:m.rebane@toodyay.wa.gov.au)

T: (08) 9574 9305

W: [www.toodyay.wa.gov.au](http://www.toodyay.wa.gov.au)



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**From:** LG - Hotline <[LGHOTline@lgirs.wa.gov.au](mailto:LGHOTline@lgirs.wa.gov.au)>

**Sent:** Friday, 14 August 2026 11:54 AM

**To:** Maria Rebane <[M.Rebane@toodyay.wa.gov.au](mailto:M.Rebane@toodyay.wa.gov.au)>

**Subject:** [External]-RE: [External]-RE: URGENT: Audit Risk and Improvement Committee Charter

Good morning Maria,

Whilst we appreciate your request for responses to the individual comments in the charter, we do not provide in depth reviews for ARIC Charters.

If there is a specific query as to the legislation surrounding ARIC we would be able to provide general advice.

Any comments that we can make as to the Shire's ARIC charter have been made in the previous email.

Regards,

**lg hotline**

[LGHOTline@lgirs.wa.gov.au](mailto:LGHOTline@lgirs.wa.gov.au)

[www.lgirs.wa.gov.au](http://www.lgirs.wa.gov.au)

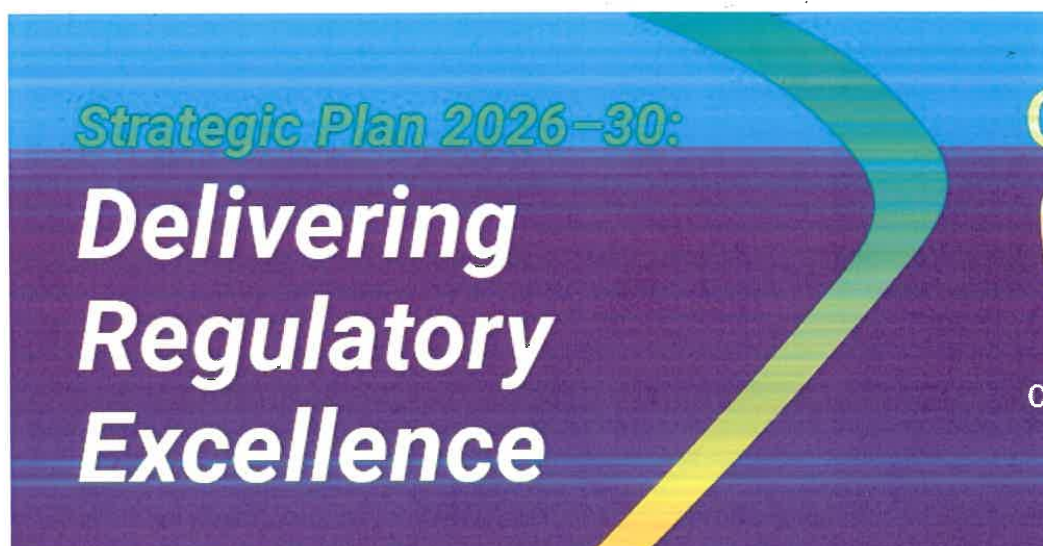


**Department of Local Government,  
Industry Regulation and Safety**

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We pay our respect to Elders both past and present, and acknowledge the value brought through the collective contribution of Aboriginal and Torres Strait Islander peoples across Western Australia.



**From:** Maria Rebane <[M.Rebane@toodyay.wa.gov.au](mailto:M.Rebane@toodyay.wa.gov.au)>  
**Sent:** Friday, 14 August 2026 11:04 AM  
**To:** LG - Hotline <[LGHOTline@lgirs.wa.gov.au](mailto:LGHOTline@lgirs.wa.gov.au)>  
**Subject:** RE: [External]-RE: URGENT: Audit Risk and Improvement Committee Charter

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Good morning

I will refrain from sending detailed emails to you from now on.

The attached is the charter the Chair has created with my comments against clauses.

Would you have time to review it and make responses in the notes that I have made so I understand moving forward.

That way I can change the report.

Thanks in advance.

Mrs Maria Rebane  
Governance Coordinator  
Executive Services

15 Fiennes Street, Toodyay WA 6566

E: [m.rebane@toodyay.wa.gov.au](mailto:m.rebane@toodyay.wa.gov.au)

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**From:** LG - Hotline <[LGHHotline@lgirs.wa.gov.au](mailto:LGHHotline@lgirs.wa.gov.au)>  
**Sent:** Friday, 14 August 2026 10:51 AM  
**To:** Maria Rebane <[M.Rebane@toodyay.wa.gov.au](mailto:M.Rebane@toodyay.wa.gov.au)>  
**Subject:** [External]-RE: URGENT: Audit Risk and Improvement Committee Charter

Good morning Maria,

Thank you for the below email.

Please note that the advice provided is of a general nature and shall not be considered of a legal one. If the Shire requires legal advice, it would be recommended that independent legal advice is sought.

Upon a brief review of your comments, it is our general view that they are in line with the requirements of the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and *Local Government (Audit) Regulations 1996*.

However, this is not to say that any of the proposed charter by the Chair directly contravened legislation apart from clause 6.1(a) which as you have noted seems to have been carried over from a previous charter.

As there is no model charter prescribed or required by the legislation, how these are worded and implemented would be a matter between the local government and their associated ARIC.

If there is a specific part of the charter that you are concerned about breaching legislation, please advise and we will see if further general comment can be made.

Lastly, please note that whilst we appreciate that this matter is considered urgent, we may not always be able to respond to these queries on the same day.

Regards,

**lg hotline**

[LGHHotline@lgirs.wa.gov.au](mailto:LGHHotline@lgirs.wa.gov.au)  
[www.lgirs.wa.gov.au](http://www.lgirs.wa.gov.au)

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Department of Local Government,  
Industry Regulation and Safety

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**From:** Maria Rebane <[M.Rebane@toodyay.wa.gov.au](mailto:M.Rebane@toodyay.wa.gov.au)>

**Sent:** Friday, 14 August 2026 9:02 AM

**To:** LG - Hotline <[lghotline@lgirs.wa.gov.au](mailto:lghotline@lgirs.wa.gov.au)>

**Subject:** FW: URGENT: Audit Risk and Improvement Committee Charter

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Dear Sir / Madam

Please see the email below. I had reviewed the current charter (see attached report) along with the ARIC Charter provided by the Chair.

Would it be possible to respond to the email below. I would like to know whether my assessment of the charter created by the ARIC Chair is correct.

Kind regards

Maria Rebane

**From:** Maria Rebane  
**Sent:** Thursday, 13 August 2026 12:33 PM  
**To:** LG - Statutory Approvals <[legislation@lgirs.wa.gov.au](mailto:legislation@lgirs.wa.gov.au)>  
**Cc:** Governance <[governance@walga.asn.au](mailto:governance@walga.asn.au)>  
**Subject:** URGENT: Audit Risk and Improvement Committee Charter

Dear Sir / Madam

I require URGENT advice regarding the attached charter, provided by the ARIC Chairperson to the Administration.

I had done up a report (attached) to take to the committee, but the Chair advised me that it is the wrong charter I was amending as I was unaware that the Chair had sent the attached word document to the Temporary CEO so he could bring a report to the Committee and then Council.

Just so you know, the Charter that I amended was the one that Council adopted on 27 March 2025. We had taken a charter to the Feb 2026 Council Meeting at which time Council adopted that charter, but ARIC recommended Council revert back to the one adopted in March 27 2025. *Council minutes are available on our website if you need more information, or please feel free to contact me.*

I see some issues with the charter that the Chair has provided.

What I require from you, if at all possible, is your thoughts on the process and also whether the charter that the ARIC Chair has provided aligns with legislation.

Kind regards

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## Audit, Risk and Improvement Committee Charter

### 1. Introduction

- 1.1 In accordance with section 7.1A of the *Local Government Act 1995*, Council must establish an Audit, Risk and Improvement Committee of three or more persons to provide independent oversight, assurance and advice to Council on matters of audit, risk, internal control, financial reporting, legislative compliance, governance and continuous improvement.
- 1.2 The Committee is led by an independent Presiding Member and an independent Deputy Presiding Member, neither of whom may be a Councillor or employee of any local government, in accordance with the *Local Government Act 1995* and the leadership criteria set out in section 6 of this Charter. Membership composition is set out in section 6.

### 2. Role

- 2.1 The Committee assists Council to fulfil its statutory oversight responsibilities under section 7.1A of the Act and Regulation 16 of the *Local Government (Audit) Regulations 1996*, including oversight of risk management, internal control, financial and performance reporting, integrity and legislative compliance, and monitoring the CEO's implementation of actions required under section 7.12A.
- 2.2 The Committee is a Council committee and is independent of the CEO and administration. It performs oversight functions only and must not involve itself in operational management, administrative decision-making, or the direction of employees.
- 2.3 The Committee will conduct its oversight role in a professional and respectful manner. In performing its responsibilities, the Committee may engage with management as required, while maintaining its independence and its right to seek information, reports and explanations directly in accordance with section 7.1C of the Act. Engagement with management must not limit the Committee's ability to question, challenge or scrutinise matters within its remit.
- 2.4 The Committee is responsible to, and reports directly to, Council. All findings, recommendations and reports of the Committee are provided to Council in the form approved by the Committee.
- 2.5 Members of the Committee are expected to:
  - (a) understand the legal and regulatory obligations relevant to the Committee's oversight role;
  - (b) understand the Shire's governance, risk and assurance frameworks to the extent necessary to perform their oversight responsibilities;
  - (c) exercise due care, diligence and skill in carrying out their duties;
  - (d) comply with the Shire of Toodyay's Code of Conduct for Council Members, Committee Members and Candidates, and any applicable professional codes of ethics;
  - (e) remain informed of contemporary issues and developments relevant to local government governance, audit, risk and integrity;
  - (f) maintain confidentiality only in relation to information that is lawfully confidential or considered in a closed meeting under section 5.23(2) of the Act, while retaining the right and obligation to report matters directly to Council in accordance with this Charter and the Act; and



- (g) be provided with an induction on appointment, coordinated by the Presiding Member, covering the Committee's functions, legislative framework, the Shire's governance and risk arrangements, and the obligations of Committee membership.

### 3. Authority

- 3.1 The Committee does not have executive powers, operational responsibilities or authority to implement actions, direct employees or make decisions on behalf of the local government. The Committee operates strictly as an advisory body and has no delegated authority under the Act.

- 3.2 The Committee's role is oversight. In performing this role, the Committee may review, question and seek assurance regarding any matter within its remit, including matters for which the Chief Executive Officer has administrative or legislative responsibility. The Committee may obtain information, documents and explanations in accordance with ~~section 7.1C~~ section 5.92 of the Act and may make findings and recommendations directly to Council in accordance with Section 5.20 and Section 7.1CA of the Act.

- 3.3 The Committee shall seek information and reports through the Chief Executive Officer to enable it to perform its functions under Regulation 16 of the Local Government (Audit) Regulations 1996.

- 3.3.4 The Council expressly authorises the Committee, in accordance with this Charter for the purpose of performing its functions under section 7.1A and Regulation 16, to:

- obtain any information, ~~documents or explanations~~ it reasonably requires to ~~perform its oversight responsibilities~~ fulfill its functions under Regulation 16, subject to any only to lawful confidentiality obligations and legal professional privilege;
- request attendance or participation by relevant persons where reasonably necessary and lawfully available at Committee meetings, including employees, auditors, consultants, regulators or elected members, as reasonably required to perform its functions;
- develop, maintain and amend its rolling work plan, and to determine the timing, scope and content of matters to be considered by the Committee; and
- make findings and recommendations directly to Council on any matter within its remit, including risk, internal control, financial reporting, integrity, legislative compliance and governance improvement.

~~The Chief Executive Officer must provide the Committee with the information and assistance it reasonably requires to perform its functions, in accordance with section 7.1C of the Act.~~

- 3.5 The Committee may consider matters referred by Council and matters relevant to the functions prescribed by Regulation 16.

- 3.4.3.6 The Committee may undertake additional oversight activities within its statutory remit on its own initiative or at the request of Council. Any additional activities must relate to audit, risk, internal control, financial and performance reporting, integrity, legislative compliance or governance improvement.

- 3.5.3.7 Where necessary to perform its oversight functions, the Committee may recommend to Council that independent legal or specialist advice be obtained. Once approved by Council, the Chief Executive Officer must facilitate access to such advice in accordance with section 5.41 of the Act.

**Commented [MR1]: REASON FOR DELETION:**  
Section 7.1C is only about the local government making a delegation to audit, risk and improvement committees.

The parameters within which Council and Committee members may obtain information and documents comes from section 5.92 of the Local Government Act 1995 (called Access to information by council, committee members).

In regard to decisions the committee makes it is section 5.20 of the Local Government Act 1995 (Decisions of Councils and committees) that specifies how a decision of a committee is made, not section 7.1C.

**Section 5.20 (2) states:**

(2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.

**AND - Section 7.1CA "Decisions of audit, risk and improvement committee" states:**

Despite section 5.20, a decision of the audit, risk and improvement committee is to be made by a simple majority.

**Commented [MR2]: REASON FOR ADDING:** The Department's concern is that the charter READ like a delegation of power when Regulation 16 only confers review and recommendation functions.

The functions performed by the Committee are only contained under Regulation 16 of the Local Government (Audit) Regulations 1996 (see legal and statutory section of the report). Section 7.1A only refers to Council establishing the audit, risk and improvement committee, not its functions and not its authority.

**Commented [MR3]: REASON FOR AMENDMENT:**  
The functions performed by the Committee are only contained under Regulation 16 of the Local Government (Audit) Regulations 1996 (see legal and statutory section of the report). Section 7.1A only refers to Council establishing the audit, risk and improvement committee, not its functions and not its authority.

**Commented [MR4]: NOTE** that Clauses 3.2 and 3.9 also use the words findings and making recommendations to Council. However, the remit of ARIC is as per the functions under Regulation 16.

**Commented [MR5]: DELETED** because functions of the ARIC are only as per Regulation 16 and this charter is supposed to represent the role of the ARIC, not the role of the CEO as the CEO's role is ONLY to be what is within Section 5.41 of the Local Government Act 1995. The removal does not mean the CEO will not provide the committee with information. Please note that at (a) above where it talks about obtaining information - this information would be obtained through the CEO as that is the process by which section 5.92 is carried out because under section 5.41(1) it states:

The CEO, as the local government's chief executive ...

**Commented [MR6]:** The current wording implied an ability to expand its role independently. The Department have advised that a charter should only be within the scope of the role of ARIC prescribed under part 7 of the Act and Regulation 17 of the Local Government (Audit) Regulations 1996. If the charter implies any functions outside of the scope it was recommended they be removed.

3-63.8 The Committee cannot be delegated executive, operational or financial powers and must not be assigned responsibilities that fall within the administrative functions of the Chief Executive Officer under the Act.

3-73.9 The Committee is to be provided with information, documents and explanations reasonably necessary to enable it to perform its statutory oversight functions, subject to the Local Government Act 1995, applicable legislation, lawful confidentiality obligations and legal professional privilege.

3-83.10 Internal resolutions of the Committee, including resolutions requesting information, documents, reports or explanations, are not recommendations to Council and must not be referred to Council unless the Committee expressly resolves to make a recommendation.

3-93.11 The inclusion of Committee minutes in the Council agenda does not authorise placement of internal Committee resolutions before Council for amendment, adoption or rejection. Only resolutions expressly adopted as recommendations may be presented for Council consideration.

3-403.12 Nothing in this Charter prevents Committee members from undertaking preparation, briefing, training, technical discussion or collaborative oversight discussions outside formal meetings, provided that no formal decision-making or consensus-building occurs and the Committee's findings, recommendations and positions are determined at properly convened Committee meetings in accordance with the Act.

3-413.13 In the event of inconsistency between this Charter, the *Local Government Act 1995*, regulations or the Shire's Standing Orders Local Law, the Act, regulations and Local Law prevail.

#### 4. Title of Committee

The Committee shall be known as the 'Audit, Risk and Improvement Committee.'

#### 5. Decisions made by the Committee

5.1 Decisions of the Committee are to be made in accordance with section 7.1CA of the Act. A decision of the Committee requires a simple majority of the members present and voting. If votes are equally divided, the person presiding must cast a second vote in accordance with section 5.21(3) of the Act.

5.2 Quorum and voting procedures are governed by section 5.19 of the Act.

5.3 Committee decisions are recommendations or determinations of the Committee within its statutory role and must be recorded accurately in the minutes.

#### 6. Membership

Membership shall consist of up to seven members.

##### 6.1 Committee Members

- (a) The Committee will consist of Councillors and independent community members appointed by Council in accordance with section 7.1A of the Act and this Charter.
- (b) In accordance with sections 7.1A(3) and 7.1A(4) of the Act, the Presiding Member and Deputy Presiding Member must be independent community members. The independence criteria for these positions are set out in section 6.2. ~~Independent leadership of the Committee is a defining feature of the ARIC framework introduced by the Local Government Amendment Act 2024.~~
- (c) Council will review the membership of the Committee after each ordinary election day in accordance with section 5.11 of the Act.

**Commented [MR7]:** REMOVED because the amendment act is irrelevant. Clauses mentioned (e.g. 7.1A(3) and 7.1A(4) as well as 7.1B(2) and (4) do not mention the word independent. They only say that the deputy cannot be a council member of the local government or of any other local government.

- (d) When reviewing membership, Council may reappoint members based on their ability to contribute to the Committee's work, ensuring an appropriate balance between continuity, fresh perspectives and a suitable mix of qualifications, knowledge, skills and experience.
- (e) As a matter of governance policy, and not by statutory requirement, an independent community member will ordinarily serve in a leadership capacity (as Presiding Member or Deputy Presiding Member) for a maximum cumulative period of six years. Council retains its statutory power under section 5.12 of the Act to reappoint a Presiding Member or Deputy Presiding Member beyond this period where Council considers it appropriate to do so, for example where no suitable replacement is available. There is no maximum cumulative term for an ordinary independent community member, subject to the biennial appointment review process set out in clause 6.1(c).
- (f) A person's membership continues until whichever of the following occurs first:
  - i. the person resigns;
  - ii. Council removes the person from office or the office otherwise becomes vacant;
  - iii. the Committee is disbanded; or
  - iv. the next ordinary election day.
  - iv- in accordance with the Local Government Act 1995.
- (g) Where a vacancy arises for an independent community member, the recruitment and appointment process set out in clause 6.2 applies.
- (h) Committee members will collectively possess a broad range of skills, knowledge and experience to competently perform the Committee's oversight responsibilities.

**Commented [MR8]:** Important to say this as it is the local government act, not the charter, that provides tenure for membership on committees established by Council.

## 6.2 Independent Community Members

### 6.2.1 Appointment of Presiding and Deputy Presiding Member

- (a) In accordance with section 5.12 of the Act, Council must appoint a Presiding Member of the Committee. In accordance with section 7.1A(3), the Presiding Member cannot be a council member of the Shire or of any other local government.
- (b) In accordance with section 7.1B of the Act, Council must appoint a Deputy Presiding Member of the Committee. In accordance with section 7.1B(2), the Deputy Presiding Member cannot be a council member of the Shire or of any other local government.
- (c) The Chief Executive Officer has no role in the nomination, selection or appointment of the Presiding Member or Deputy Presiding Member.

### 6.2.2 Knowledge and skills

When assessing applications for independent community member positions, including the Presiding Member and Deputy Presiding Member roles, Council will consider the applicant's:

- (a) Relevant qualifications or experience in areas such as audit, risk, governance, finance, accounting, law, business, information technology or cyber security.

- (b) Understanding of corporate governance and oversight principles.
- (c) Understanding of, or experience in, local government.
- (d) Previous experience on audit, risk, governance or similar Committees.
- (e) Demonstrated independence, sound judgement and high ethical standards.

#### 6.2.3 Independence

To ensure the Committee maintains its independence and is seen to be independent, neither the Presiding Member nor the Deputy Presiding Member may be:

- (a) A Councillor of the Shire or of any other local government.
- (b) An employee of the Shire, or a person nominated by, or appointed to represent, any employee of the Shire.
- (c) A person with any operational responsibilities within the Shire.
- (d) A person who provides paid services to the Shire, either directly or indirectly, in any other capacity.

#### 6.2.4 Term

- (a) The Presiding Member and Deputy Presiding Member are appointed for a term of up to two years, with each term concluding at the next ordinary election day.
- (b) A person may serve a maximum of three terms (six years in total) in either role. This limit applies to time served as Presiding Member or Deputy Presiding Member and does not prevent the person from continuing as an ordinary independent member of the Committee, subject to clause 6.1(e).

#### 6.2.5 Remuneration

Remuneration and reimbursement of Committee members will be determined in accordance with applicable legislation and Local Government Payments and Gifts to Members Council Policy.

~~Independent Committee members are entitled to remuneration in accordance with section 5.100 of the Local Government Act 1995, the Salaries and Allowances Tribunal Determination for Independent Committee Members, and the Shire's policy governing payments to committee members. Independent members are also entitled to reimbursement of expenses incurred in attending Committee meetings, to the extent that such expenses are of a kind prescribed as reimbursable and in accordance with section 5.100 of the Act and any applicable Salaries and Allowances Tribunal determination. No payment or reimbursement may be made to a Committee member except in accordance with section 5.100.~~

**Commented [MR9]:** Remuneration is already governed by:

- section 5.100;
- SAT determinations;
- Council's payments policy,

For clarity it is important to streamline this in accordance with the Act and Council Policy.

#### 6.2.6 Recruitment process

- (a) Where a vacancy arises in an independent community member position, the Shire will publicly advertise the vacancy.
- (b) Applications will be reviewed and assessed by a Selection Panel consisting of the Shire President, the Deputy Shire President, and one Councillor appointed by Council. The Panel

may request administrative support from Shire officers for coordination and compliance purposes. Officers may provide administrative support but will not participate in assessment or decision-making.

- (c) The Selection Panel will identify the applicants it considers suitable for appointment and will recommend preferred candidates to Council for appointment.
- (d) Council will appoint independent community members in accordance with this Charter and the Act.
- (e) Administrative tasks associated with the recruitment process will be undertaken by Shire officers under the administrative supervision of the Chief Executive Officer, in consultation with the Shire President.

#### 6.2.7 Reserve Pool of suitable applicants

- (a) Where a recruitment process results in more than the required number of suitably qualified applicants, the Selection Panel may identify additional applicants as suitable for appointment and recommend that Council retain them in a reserve pool for the remainder of the term.
- (b) If a vacancy arises in an independent community member position during the same term, Council may appoint a person from the reserve pool without undertaking a further public recruitment process, provided the person remains eligible and willing to serve.

#### 6.2.8 Meeting attendees

- ~~(a)~~ The Chief Executive Officer and Shire officers are not members of the Committee.
- ~~(b)~~ The Presiding Member may invite the Chief Executive Officer or Shire officers to attend and to participate in the meeting for specific items where information, context or clarification is required.
- ~~(a)~~ The Presiding Member may invite, through the Chief Executive Officer, other Shire Officers to attend and to participate in the meeting for specific items where information, context or clarification is required.
- ~~(b)(c)~~ External parties such as the Office of the Auditor General, the Shire's contracted external auditor, internal auditors, or specialist advisors may attend Committee meetings when invited by the Presiding Member for matters relevant to their role.
- ~~(c)(d)~~ All proposed external attendees must be notified to, and approved by, the Presiding Member prior to being included on the agenda or invited to attend.

6.3 The Committee will be provided with administrative support by a Shire officer nominated by the Chief Executive Officer. The administrative support officer will assist with coordination, minute-taking, agenda preparation and other administrative functions, under the guidance of the Presiding Member.

6.4 The administrative support officer is expected to perform their duties with accuracy, impartiality and responsiveness to the Committee's requirements. If

**Commented [MR10]:** Staff are supervised by the CEO. The Presiding Member has no authority to guide and cannot be given authority to guide as section 5.41 states that The CEO's executive role includes the following — (a), (b), and

- (c) determining procedures and systems for —
  - (i) implementing the local government's policies as determined by the council; and
  - (ii) otherwise managing the local government's administration and operations;
- (d) being responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (e) ensuring that records and documents of the local government are properly kept for the purposes of this Act and any other written law.

the Presiding Member considers that the nominated officer is unable to meet these expectations, the Presiding Member may request that the Chief Executive Officer nominate an alternative officer to support the Committee. The Chief Executive Officer retains full discretion in relation to the nomination, supervision and management of Shire officers, including any officer nominated to support the Committee, in accordance with section 5.41 of the Act. If the matter cannot be resolved between the Presiding Member and the Chief Executive Officer, the Presiding Member may refer the matter to Council.

- 6.5 Committee members may attend a meeting by electronic means in accordance with Regulation 14C of the *Local Government (Administration) Regulations 1996*. A member must request approval to attend electronically under Regulation 14C(2)(b), and may only do so when authorised by the Shire President or by Council.
- 6.6 The Shire President must not authorise electronic attendance if doing so would result in the member attending more than half of the Committee meetings held in any rolling 12-month period by electronic means, as required by Regulation 14C(3) of the *Local Government (Administration) Regulations 1996*.
- 6.7 A Committee member attending a meeting by electronic means must, before the meeting or before the meeting is closed to the public, declare that they can maintain confidentiality during the meeting, in accordance with Regulation 14CA(5) of the *Local Government (Administration) Regulations 1996*.
- 6.8 The Presiding Member may require any member attending a closed session, whether in person or electronically, to confirm that they are able to maintain confidentiality for the duration of the closed session.

## 7. Responsibilities

- 7.1 The Committee is an independent Committee established under sections 7.1A-7.1C of the *Local Government Act 1995*. Its functions are those set out in Regulation 16 of the *Local Government (Audit) Regulations 1996*, being to provide independent oversight, advice and recommendations to Council on the effectiveness of the Shire's systems for risk management, internal control, legislative compliance, financial reporting and audit.

### 7.1.1 Risk management, internal control and legislative compliance systems

The Committee is responsible for providing independent oversight of the Shire's systems and processes for managing risk, internal control and compliance, including:

- (a) reviewing the appropriateness and effectiveness of the Shire's systems for risk management, internal control and legislative compliance, including the Chief Executive Officer's reports prepared under Regulation 17;
- (b) monitoring the implementation of improvements arising from these reviews; and
- (c) considering significant risk events and internal control failures, including those relating to fraud, corruption, governance or legislative compliance, that may impact the Shire's operations or risk profile;
- (d) reviewing the Shire's risk management framework, risk profile and key strategic risks; and
- (e) considering reports from regulators or external bodies that identify control weaknesses or governance concerns.

### 7.1.2 Financial and performance reporting

**Commented [MR11]:** This is exactly the type of provision that could create a perception that the Chair is exercising authority over employees.

The Committee assists Council in overseeing the integrity of the Shire's financial and performance reporting by:

- (a) reviewing the annual financial statements and advising Council on whether they should be accepted;
- (b) considering significant accounting matters, judgements or disclosures raised during the preparation or audit of the financial statements;
- (c) reviewing the effectiveness of the Shire's financial reporting processes, including how Administration ensures compliance with relevant legislation and accounting standards; and
- (d) considering the Chief Executive Officer's reports on the appropriateness and effectiveness of the Shire's financial management systems.

#### 7.1.3 Audit (external and internal)

The Committee provides oversight of both external and internal audit functions by:

- (a) reviewing the audit plan, audit scope and audit reports prepared by the Office of the Auditor General or its contracted auditor;
- (b) meeting with the auditor at least once each year to discuss audit findings and matters relevant to the Committee's functions;
- (c) meeting privately with the external auditor or internal auditor, without the presence of the Chief Executive Officer or Shire officers, where the Committee considers it necessary to support its oversight functions. Any matters requiring action, attention or Council consideration arising from such meetings must be reported to Council through the Committee's normal reporting processes, subject to any lawful confidentiality requirements;

~~(d)~~—

~~(e)~~(d) overseeing the internal audit function where one exists, including reviewing and endorsing the internal audit plan, assessing the adequacy of internal audit resourcing, and receiving all internal audit reports directly. The Committee may recommend or request specific internal audit work within the approved internal audit budget. Where the Committee has concerns about the independence or adequacy of the internal audit function, it must report those concerns and any recommendations to Council in accordance with Regulation 16.

~~(f)~~(e) monitoring the implementation of audit recommendations, including those required under section 7.12A of the *Local Government Act 1995*; and

~~(g)~~(f) considering the results of performance audits and other relevant reports issued by the Office of the Auditor General.

#### 7.1.4 Other advisory functions

The Committee may:

**Commented [MR12]:** REASON FOR ADDITION:  
There appeared no instruction as to what would happen when matters required urgent action or attention. This is inserted for clarity.

- (a) provide independent advice and recommendations to Council on matters within the Committee's functions; and
- (b) perform any other functions assigned to the Committee by Council that are consistent with Regulation 16.

#### 7.1.5 Public Interest Disclosures

(a) The Committee's role in relation to Public Interest Disclosures is limited to reviewing reports regarding the effectiveness and compliance of the local government's Public Interest Disclosure framework as part of the Committee's broader oversight of legislative compliance under Regulation 16 and the CEO reviews required under Regulation 17. The Committee has no role in receiving, assessing or investigating individual disclosures.

(a) The Committee maintains a systems-level oversight role regarding the Shire's Public Interest Disclosure (PID) framework, ensuring that appropriate arrangements exist for the secure and lawful escalation of matters relating to the conduct of the Chief Executive Officer or senior officers. In accordance with the *Public Interest Disclosure Act 2003 (WA)*, the Committee is not an operational recipient or investigator of individual disclosures. Disclosures concerning the Chief Executive Officer must be directed to the Shire President as the proper authority under the Act, or to an external integrity body. The Committee will periodically review the Shire's PID policy and framework to ensure they provide effective and compliant pathways for reporting high-level governance or integrity concerns.

(b) The Committee will ensure that appropriate arrangements exist within the Shire for the secure, lawful and effective handling of Public Interest Disclosures, and that the Shire's Public Interest Disclosure policy is reviewed periodically as part of the Committee's compliance oversight responsibilities. The Committee will report to Council on the operation of the PID framework as part of its annual report.

(c) The Committee is not responsible for investigating disclosures, and its role in relation to Public Interest Disclosures is limited to oversight of the Shire's PID framework. The Committee has no operational role in receiving, managing or investigating disclosures.

**Commented [MR13]:** This section has been summarised as the advice received from the Department states: ARIC would not be considered a PID Officer and would therefore not be able to receive PID submissions directly. However, the required review by the CEO of systems and procedures for legislative compliance under Regulation 17(1) would include that of a PID framework. This revise would occur as often as Regulation 17(3) requires it to when the CEO would provide a report of a review of this framework to the ARIC.

### 8. Meetings

- 8.1 Given the breadth and frequency of the Committee's statutory functions under Regulation 16 of the *Local Government (Audit) Regulations 1996*, the Committee will meet monthly to ensure timely and effective oversight.
- 8.2 Special meetings may be convened at any time, in accordance with the *Shire of Toodyay Standing Orders Local Law 2008*.
- 8.3 The Committee will adopt its annual meeting schedule at its last meeting each calendar year.
- 8.4 Agenda

8.4.1 The Chief Executive Officer is responsible for the preparation and publication of meeting agendas and supporting material. The Chief



~~Executive Officer shall consult with the Presiding Member regarding proposed agenda content and meeting priorities.~~

8.4.18.4.2 Agenda items will ordinarily relate to the Committee's adopted work plan, matters referred by Council, statutory reporting obligations, or matters otherwise considered relevant to the Committee's statutory functions. The agenda is not a vehicle for operational updates or administrative reports unless specifically requested by the Committee or required by legislation.

~~8.4.2 Prior to publication, the Presiding Member must approve the final agenda. The Presiding Member may request that items be added, removed or recategorised to reflect the Committee's work plan and oversight priorities. The Chief Executive Officer retains responsibility for preparing the draft agenda under section 5.41 of the Act and for ensuring all required supporting materials are included. The Presiding Member will review and endorse the agenda prior to circulation, while the Chief Executive Officer retains responsibility for the lawful preparation and publication of agendas under the Act.~~

#### 8.5 Council Referral

8.5.1 Council may, by resolution, formally refer any matter within the Committee's statutory functions to the Committee for oversight, review or advice. Such referrals must be included in the Committee's work plan and addressed within a timeframe specified in the referral resolution or, if not specified, within two ordinary meeting cycles. The Committee will report back to Council on the outcome of all formally referred matters.

#### 9. Work Plan

- 9.1 The Committee will maintain a rolling work plan covering a minimum forward period of 12 months. The work plan will outline the timing, scope and sequencing of the Committee's key oversight activities, including risk management, internal control, financial reporting, performance reporting, integrity matters, legislative compliance and audit follow-up in accordance with Regulation 16 of the *Local Government (Audit) Regulations 1996*.
- 9.2 The Committee is responsible for developing, approving and amending its work plan within its statutory functions and having regard to Council priorities, emerging risks and operational practicability. The work plan is not subject to approval by the Chief Executive Officer or the administration and may be updated by the Committee at any time to respond to emerging risks, audit findings, integrity matters, changes in the control environment, or Council priorities.
- 9.3 Council may formally refer matters to the Committee for inclusion in the work plan by resolution, in accordance with section 8 of this Charter.
- 9.4 The work plan must remain predictable, transparent and continuously current to ensure effective oversight and to provide clarity to Council, the administration and the community regarding the Committee's forward program of work.
- 9.5 The Committee may request information, reports, officer attendance or external advice as needed. Provision of such support is governed by section 3 of this Charter.
- 9.6 The Committee will review its work plan at each meeting to ensure it remains aligned with the Committee's statutory functions, emerging risks, audit recommendations, integrity matters and Council expectations.

#### 10. Independence and conflicts of interest

10.1 Committee members must comply with the *Local Government Act 1995*, the *Local*

**Commented [MR14]:** This is consistent with the Department's advice regarding section 5.41

**Commented [MR15]:** This has been deleted to be consistent with the advice provided by the Department that "While no provision of the Local Government Act 1995 expressly states that the CEO "prepares the agenda", section 5.41 makes the CEO responsible for the management of the local government's administration and for ensuring council receives the information necessary to make decisions.

Accordingly, the preparation and coordination of council meeting agendas is generally the responsibility of the CEO acting through governance and administrative staff.

Given this, it is our view that the CEO should be the responsible officer for the approval of agendas though may wish to consult with the presiding member."

This view is consistent with how other committee and council report and meeting preparation is generated in accordance with s.5.25 and reg 14 of the Admin Regulations.

*Government (Model Code of Conduct) Regulations 2021*, the Shire's Code of Conduct and all relevant policies relating to conflicts of interest, impartiality, and ethical conduct. Members must consider past employment, consultancy arrangements, financial relationships and related-party matters when assessing and declaring interests

- 10.2 At the start of each meeting, members must declare any financial, proximity or impartiality interests in accordance with Part 5, Division 6 of the *Local Government Act 1995* and the *Local Government (Model Code of Conduct) Regulations 2021*.
- 10.3 Where a financial or proximity interest is disclosed, the disclosing member must leave the meeting while the matter is considered and voted upon, unless participation is authorised by an absolute majority of the remaining members under section 5.68 of the Act, or by the Minister under section 5.69.
- 10.4 Impartiality interests are to be declared and managed by the disclosing member in accordance with the Model Code of Conduct. The Presiding Member may provide procedural guidance to ensure declarations are made and recorded, but has no authority to override statutory requirements relating to financial or proximity interests.
- 10.5 All declared interests, and the actions taken to manage them, must be recorded in the minutes and in the appropriate registers, including the Register of Financial Interests maintained under section 5.88 of the *Local Government Act 1995*.

#### 11. Performance Assessment arrangements

- 11.1 The Presiding Member will coordinate an annual assessment of the Committee's performance, having regard to its functions under Regulation 16 of the *Local Government (Audit) Regulations 1996* and the effectiveness of its oversight activities.
- 11.2 The assessment will draw on input from Committee members, Council, Shire officers and other relevant stakeholders, as appropriate.
- 11.3 The Presiding Member will provide observations to Council regarding Committee effectiveness and member participation.
- 11.4 In undertaking its work, the Committee will consider the costs and benefits of its activities and the efficiency and effectiveness of its processes.
- 11.5 Council may periodically review the effectiveness, membership and operation of the Committee and take into consideration any advice from the Presiding Member and / or Committee.
- 11.5 Following the assessment, the Presiding Member will provide advice to Council on the performance of Committee members, including external members and any members whose tenure is being considered for extension or renewal.

#### 12. Reporting

- 12.1 The Committee will, as often as necessary and at least annually, report to Council on its operations and activities, including its review of the Compliance Audit Return, its monitoring of improvement actions under section 7.12A of the *Local Government Act 1995*, and the manner in which it has carried out the functions set out in this Charter.
- 12.2 Following Council's consideration and adoption of the Compliance Audit Return, the local government must submit the return to the Local Government Inspector by 31 March of the year following the audit period, in accordance with regulations 14 and 15 of the *Local Government (Audit) Regulations 1996*. The submission must include the Committee's recommendations, the relevant

**Commented [MR16]:** Departments view is that Council appoint members to the ARIC and would therefore be the overall authority as to the ARIC's performance and membership and that any such review of performance by the Chair should be made to Council.

Council meeting minutes, and any explanatory or qualifying information required by the Inspector.

- 12.3 Where the Committee identifies a matter of significant risk, integrity concern or governance failure, it may report the matter directly to Council outside the normal reporting cycle.
- 12.4 The Committee may, at any time, report to Council on any matter it considers to be of sufficient importance or urgency.
- 12.5 Committee reports to Council are to be presented substantially in the form approved by the Committee. Administrative formatting, procedural advice or statutory commentary may be added by the Chief Executive Officer where reasonably necessary to support Council's consideration of the matter.

### **13. Review of charter**

The following process applies to the review and amendment of this Charter.

- 13.1 The Committee will review this Charter every two years following local government ordinary elections, or more frequently if required, with input from Committee members and, where appropriate, Shire officers and other relevant stakeholders.
- 13.2 The Shire may review the Charter and provide advice regarding legislative compliance, governance, operational implementation and administrative considerations prior to the Charter being returned to the Committee for further review.
- 13.3 Council will review and formally approve this Charter following consideration of the Committee's final recommended version.