



# APPENDICES

**23 MARCH 2021**

**ORDINARY COUNCIL MEETING**



## ALCOA WAROONA SUSTAINABILITY FUND ADVISORY COMMITTEE

### MINUTES

**MEETING HELD WEDNESDAY 3 MARCH 2021 AT 10AM AT THE  
SHIRE OF WAROONA**

#### 1. MEETING OPEN

The meeting opened at 10.00 am.

#### 2. RECORD OF ATTENDANCE

Mr Dean Unsworth, CEO (Shire of Waroona) non-voting Chairperson  
 Cr Mike Walmsley, Shire President (Shire of Waroona)  
 Cr Naomi Purcell, Councillor (Shire of Waroona)  
 Mr Scott Hansen, Community Relations & Communications, Willowdale Bauxite Mine (Alcoa)  
 Mr Tom Busher, Manager, Wagerup Community Relations (Alcoa)  
 Ms Christine Germain, Community Representative  
 Mrs Maree Ellis, Community Representative  
 Mrs Sue Cicolari, Minutes  
 Ms Kelly Shipway, Place & Community Development Coordinator  
 Mr Dave Arkwright, A/Director Place, Community & Economic Development

#### 3. APOLOGIES FOR NON ATTENDANCE

Nil.

#### 4. DECLARATIONS OF INTEREST

Mike Walmsley declared an interest affecting impartiality in item 7.1 as a social member of the Waroona Bowling Club and has a close family member (Mum) who is a member of the committee of the Waroona Historical society.

Naomi Purcell declared a financial interest in item 7.1 as a member of the Just Cruizin Car Club and the event organiser of the All Australian Car Day and an interest affecting impartiality as her son was a member of the Waroona Football and Netball Club.

Maree Ellis declared an interest affecting impartiality in item 7.1 as a member of the Waroona Historical Society.

**5. CONFIRMATION OF PREVIOUS MINUTES**

**Moved: Tom Busher  
Seconded: Mike Walmsley**

**That the minutes of the AWSF Advisory Committee meeting held on 15 October 2020 be confirmed as being a true and correct record of proceedings.**

**Motion Carried 6/0**

**6. FINANCIAL REPORT**

**Moved: Naomi Purcell  
Seconded: Mike Walmsley**

**That the financial report as provided be received.**

**Motion Carried 6/0**

**7. REPORTS**

Naomi Purcell declared a financial interest in Item 7.1 (Application 3) and left the room during discussion on this application, from 10.20 am – 10.24 am.

<b>7.1 Alcoa Waroona Micro Grant Fund (Feb 21 round)</b>	
<b>File Ref:</b>	98/1
<b>Previous Items:</b>	Nil
<b>Applicant:</b>	Local Community Groups
<b>Author and Title:</b>	Kelly Shipway, Place and Community Development Coordinator
<b>Declaration of Interest:</b>	
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	7.1

**COMMITTEE RESOLUTION**

**Moved: Naomi Purcell  
Seconded: Tom Busher**

**That the Alcoa Waroona Sustainability Fund Committee:**

- 1. supports a contribution of \$1500 to the Waroona Lights Committee to buy additional lights for the pine Christmas tree, subject to a risk assessment approved by the Shire of Waroona;**
- 2. supports a contribution of \$1000 to FRAGYLE for Play Stations along the Yalgorup Lake Trail;**
- 3. supports a contribution of \$1500 to Just Cruizin Street Machiners for the annual All Australian Car Day event;**
- 4. supports a contribution of \$2000 to the Preston Kiap Creatives for the Preston Beach Car Park beautification project;**
- 5. supports a contribution of \$1370 to the Preston Beach Community Gardens to install a rainwater tank;**
- 6. supports a contribution of \$1224 to the Lions Club of Waroona for renovations**

to Jim's Kitchen;

7. supports a contribution of \$906 to the Waroona Historical Society for uniform displays;
8. supports a contribution of \$1000 to the Waroona RSL for traffic management at the Anzac Day Parade;
9. does not support a contribution to the Waroona Football and Netball Club for a new ground entry hut/facility;
10. does not support a contribution to the Waroona Bowling Club for refurbishment of B Green synthetic surface as it is a maintenance issue and does not meet the grant guidelines;
11. supports a contribution of \$1000 to the SJPS Parents and Friends for Battle of the Sausages Chicken and Spaghetti night;
12. supports a contribution of \$1500 to the JKA Waroona Karate for an Invitational Shotokan Tournament;
13. supports a contribution of \$2000 to the Waroona Senior Citizens for new Disability Seating and Mobility Wheelchair.

**Motion Carried 6/0**

#### **COMMITTEE RESOLUTION**

**Moved: Tom Busher**

**Seconded: Naomi Purcell**

**That a recommendation be made to the Council to amend Council Policy COM005 - Alcoa Waroona Micro Grant Fund to exclude applications for funding of administration costs.**

**Motion Carried 6/0**

#### **IN BRIEF**

- Eligible community groups and organisations are invited twice per year to apply for funding through the Alcoa Waroona Micro Grant Fund (AWMGF)
- The inaugural round of funding closed 15 February 2021, attracting 13 applications
- The Alcoa Waroona Sustainability Fund Committee are requested to assess the Micro Grant Fund applications for the February 2021 round.

#### **BACKGROUND**

The Alcoa Waroona Micro Grant Fund (AWMGF) aims to assist community-based organisations in building vibrant, inclusive and healthy communities. The AWMGF is a partnership between Alcoa of Australia (Alcoa) and the Shire of Waroona, and supports groups to:

1. Build and strengthen their organisational capacity or sustainability; or
2. Deliver events, projects, programs or facilities that benefit the Waroona Community which address a well-evidenced need, effectively contributing to building a vibrant, inclusive and healthy community.

Community organisations are invited to apply for a maximum funding amount of \$2,000 in each financial year. Applications for multiple projects are considered, provided the total grant request

for the financial year is within the \$2,000 limit, and a separate application is submitted for each project. Projects are required to align with the Shire of Waroona 2030 Strategic Community Plan, with project objectives required to align with at least one of the following key priority areas:

- Pursue a social environment that is accessible and inclusive to all ages and abilities
- Grow and develop an age-friendly community
- Become a youth engaged and supportive community
- Develop and facilitate events of a local and regional scale
- Ensure the safety of the community
- Connect the natural assets, waterways, parks and reserves to the community
- Promote a mentally and physically healthy community
- Support local community, sporting and recreational groups and initiatives
- Foster and value our volunteers
- Support and enhance health services in Waroona
- Pursue actions to preserve areas and materials of historical significance throughout the Shire
- Foster arts and culture throughout the Shire
- Support, embrace and celebrate our local Aboriginal community

The partnership fund between Alcoa and the Shire of Waroona provides up to \$30,000 in small grant funding per financial year under the current agreement. The inaugural Micro Grant round closed 15 February 2021, attracting 13 applications requesting a total funding amount of \$23,765.

## **PROPOSAL**

Applications were received and reviewed by Shire of Waroona officers with the below recommendations put forward to the Alcoa Waroona Sustainability Committee for assessment.

<b>Applicant 1</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Lights Committee	Upgrade Pine Christmas Tree lights at the Visitor Information Bay	\$2000 (total budget cost \$4,000)	\$1500

The Waroona Lights Committee aim to upgrade decorative lights for the Christmas pine tree located at the Waroona Visitor Information Bay. The dressing of the pine tree is a much anticipated annual activity and an integral part of the Waroona Christmas light trail.

The purchase of additional led-light feature balls, sea stars and cabling will make it easier for technicians to fill blank spaces due to growth. The Waroona Lights are a drawcard for visitors and passing traffic and complement work being carried out to revitalise the Waroona Town Centre.

The proposed activity will benefit local residents, visitors and passing traffic from November through to January each year. The Waroona Lights Committee receives an annual budget allocation of \$2000 for maintenance, from the Shire.

*Partial funding of \$1500 is recommended.*

<b>Applicant 2</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
FRAGYLE	To develop play stations along the Yalgorup Lake Trail to encourage young people to be active in nature.	\$2000 (total project cost \$10,000)	\$1000

FRAGYLE, Friends of the Ramsar Action Group of the Yalgorup Lakes Environment, plan on installing play stations along the existing lakes trail to encourage young people to be active in nature. Nature play has proven health and well-being benefits for children with research suggesting it can assist with a range of challenges such as ADHD and anxiety.

In addition to outlined health benefits, the project will showcase the natural amenity of the Ramsar wetlands adding to Preston Beach's tourism product.

Although the project has merit, the Officer recommends a partial allocation of \$1000 with the application missing crucial information, such as a breakdown of the project budget, as well as a start and end date. Alternately, we can work with the group to attain further project detail to provide a complete funding allocation of \$2000.

*Partial funding of \$1000 is recommended.*

<b>Applicant 3</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Just Cruisin Street Machiners	All Australian Car Day event	\$2000 (total project cost \$13,640)	\$1,500

The All Australian Car Day event is one of Waroona's larger community events attracting around 5000 people. The longstanding event is well planned and well organised with demonstrated collaboration to support other local community groups.

The event organisers have requested funding to support event advertising, ambulance attendance, bouncy castle hire, liquor licence fee, potable water, hand sanitiser and toilethire.

The outlined budget captures increased cost to event organisers as a result of Covid-19, which demonstrates good planning to keep the community safe. The event organiser has been mindful of current requirements under the Covid-safe guidelines.

The group has received a \$250 fee waiver to reduce venue hire costs. Council also funds event bins and provides works support to deliver items and have the grounds ready. An application for \$3,000 from Alcoa is pending.

*Partial funding support of \$1500 is recommended.*

<b>Applicant 4</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Preston Kiap Creatives	A community-led art project to beautify the Preston Beach carpark area.	\$1999.70	\$1999.70

The Kiap Creatives are a new group passionate about the Preston Beach community. The group aims to bring residents together to beautify, activate and make improvements to the Preston Beach townsite, while working collectively to achieve fulfilment and connection to place.

Preston's Kiap Creatives are requesting funds to beautify the Preston Beach Car Park and picnic area by tidying up existing bollards and replacing missing ones and including an open-to-community Bollard Art Project.

The Preston Beach car park area is the focal point of the town site with day visitors and overnighters congregating in the area to access the beach. The group feels the area could use a tidy up and some embellishment to leave a positive and long lasting impression of their much loved town.

Although the group are not incorporated they will be auspiced under the local Progress Association who are fully supportive of this activity. A local artist will work with the creatives teaching painting techniques and ensuring the bollard art flows and fits with surrounds. Public Liability Insurance for the group is pending.

The group are embracing the Place movement by creating community-led positive change in their community. The Officer recommendation is to support the application to the full requested amount of \$1999.70

*Complete funding support of \$1999.70 is recommended.*

<b>Applicant 5</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Preston Beach Community Garden	Purchase and installation of 2500L water tank to support garden activities.	\$1370	\$1370

The Preston Beach Community Garden group have worked tirelessly over the last 18 months to secure a site to establish a Community Garden, where community members can come together to grow, learn and connect in an outdoor social environment.

The group were recently granted approval through Council to move forward with establishing the Community Garden at the Stables Road Reserve and have been working hard to leverage funds to bring their garden dream to fruition.

The group have requested funding through the Micro Grant Fund to purchase and install a 2500L water tank which will support garden activities and ensure volunteers have access to drinkable water when working on-site.

The rain tank will attach to a shed intended to be erected at the site, pending approval of Development Application to the Shire. The Officer recommendation is to support the new group with an allocation of \$1370.

*Complete funding support of \$1370 is recommended.*

<b>Applicant 6</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Lions Club of Waroona	Jim's Kitchen Renovation FinalPhase	\$2000  (total project cost \$4500)	\$1500

Jim's Kitchen opened in October 2013 and has since been used for events throughout the year as well as providing a space to cook and support volunteers during the Yarloop fires.

The kitchen has not been upgraded or improved over the last 6 years. In 2019, the Club decided to update the kitchen to make it easier to maintain and meet health requirements for a commercial kitchen license.

In 2019, the club replaced signage, tiled the floor and walls and installed new stainless steel benches which have cost around \$11,000 to date (partially grant funded). To complete the upgrade and make the kitchen dust free and meet current safe food handling requirements, the existing roller shutters need to be replaced with sealed servery windows.

The group is requesting \$2000 in Micro Grant funding to upgrade the servery windows. The Officer recommendation is to support a partial allocation of \$1500.

*Partial funding support of \$1500 is recommended.*

<b>Applicant 6</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Historical Society Inc.	Service to country and community	\$906  (total project cost \$1906)	\$906

The Waroona Historical Society collects records and displays the oral, written and photographic history of Waroona Shire. The group have recently acquired two service uniforms which have been donated to the museum.

The Group would like to purchase 2 mannequins to display the uniforms adding another dimension to the types of displays available at the museum and impetus for future displays.

The Waroona Historical Society opens once a month and assists community organisations with displays at events. The group is funding just over 50% of the total project cost. The Officer recommendation is to fund the request in full.

*Complete funding support of \$906 is recommended.*

<b>Applicant 7</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Hamel RSL	Traffic Management Plan for the ANZAC Day parade	\$2000  (total project cost \$3058)	\$1000

The Waroona Hamel RSL have applied for funding through the Micro Grant to support Traffic Management for the annual ANZAC Day event. Historically, the group have applied for Traffic Management support through Council's annual budget process.

Following Councillor feedback received at the Budget settling meeting in 2020, the group was requested to review the march route and/or consider seeking grant funding to support traffic management at the event, which is in excess of \$3K.

The annual ANZAC Parade is an opportunity for the community to pay respect to those who served and pays tribute to historical significance of past events. The Micro Grant application contains limited information on which road is being closed or where the march will take place.

The quote however indicates 3 vehicles and 6 crew to manage a deviation on a Public Holiday which suggests the road closure is for the main highway.

The Officer recommendation is to provide a partial allocation of \$1,000. It seems a meeting with the group to discuss potentially re-routing the march would minimise traffic management required for the event.

*Partial funding of \$1000 is recommended.*

<b>Applicant 8</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Football and Netball Club	New ground entry hut	\$1500 <small>(Total project cost \$2000)</small>	\$1500

The Waroona Football Club and Netball Club have identified the need for an entrance hut at the Parnell Street entrance for gate takings on game day. The groups plan is to design and build a small hut that is movable and will provide shelter for people controlling the gate entrance.

For a number of years, the group has used a make shift shelter for gate takings and would like to create something better suited to provide shelter from rain and wind for the gate controller on game day.

The shelter could potentially be used as advertising space for sponsors and local businesses. The project would result in less setup and pack down requirements for volunteers on game day.

Shift Engineering are donating their time to install. A plaque attached to the hut will acknowledge both Alcoa and the Shire for their contribution. With sport being an important facet of small and larger communities, the Officer recommends support in full amounting to \$1500.

*Complete funding support of \$1500 is recommended.*

<b>Applicant 9</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Bowling Club	Refurbishment of B Green synthetic surface	\$2000 <small>(total project cost \$3047)</small>	\$1000

The Waroona Bowling Club propose to carry out maintenance of the B Green synthetic surface to extend longevity of the green. The project proposes re-sanding the synthetic surface with silicon sand.

Over time, the B Green has slowly deteriorated with sand from the green washing away, causing ripples to occur in playing surface. The Waroona Bowling Club is an active Club and the project will benefit a large number of players.

The Officer recommendation is to reduce the overall allocation to \$1000 as the project could be classified as recurrent maintenance which is not eligible for funding. Given the group are forward planning to relocate to the Recreation Centre and are looking to refurbish with that long-term vision, a partial allocation is warranted.

*Partial funding of \$1000 is recommended.*

<b>Applicant 10</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
SJPS Parents and Friends Association	Battles of the Sausages Chicken and Spaghetti Night	\$2000 <small>(Total project cost \$2,000)</small>	\$2000

The Battle of the Sausages is a fun family and community event, which is set to take place at the Waroona Recreation Centre. The event, run by Friends and Parents of St Joseph's Primary School aims to fundraise to help cover costs of digital learning resources, classroom furniture and Tepees in the early learning hub.

The event celebrates diversity and the Italian Heritage of the school and community. The Battle of the Sausages event has been raised often at recent community engagement meetings and is fondly remembered by those who previously attended.

It is great to see this much loved event making a return in the Waroona community. The Officer recommends an allocation of \$2000 for the Battle of the Sausages, Chicken and Spaghetti Night.

*Complete funding support of \$2000 is recommended.*

<b>Applicant 11</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
JKA Waroona Karate	Waroona Invitational Shotokan Tournament	\$1990	\$1990

The JKA Waroona Karate has an active group of 22 members who train in traditional karate and compete in competitions.

The group recently trialled a small tournament in Waroona in 2020 which attracted 56 competitors, which was a good trial for the groups planning to run a larger event.

JKA Waroona Karate have requested funding through the Micro Grant Fund to run a Traditional Invitational Shotokan Tournament in May 2021 that will see approximately 200 competitors, coaches, officials and family members travelling to Waroona for the weekend.

The event will attract people into Waroona community bringing economic benefit to the club, accommodation providers and local business.

Currently regional opportunities for students to compete outside of the metropolitan area are limited. The Officer recommendation is to support the application to the full amount of

\$1990.

*Complete funding support of \$1990 is recommended.*

<b>Applicant 12</b>	<b>Proposed Project</b>	<b>Funding sought</b>	<b>Officer Recommendation</b>
Waroona Senior Citizens	New disability seating and mobility wheelchair	\$2000	\$2000

The Waroona Senior Citizens have identified a need to provide adequate seating with arms for the elderly to be able to stand up from a sitting position at the Senior Citizens Centre in Waroona.

Improving furnishings at the centre will create a safer environment for seniors attending meetings or activities at the Centre. In addition, Senior Citizens would like to purchase a lightweight wheel chair to be kept at the hall if needed by a senior person living in the community or attending the Centre.

The request for \$2000 is recommended to be supported by the Officer.

*Complete funding support of \$2000 is recommended.*

## **REPORT DETAIL**

The value of applications recommended in this round total \$19,266. A summary of the applications is as follows:

No.	Applicant	Project	Funding Request	Recommend Funding
1	Community Lights Project	Add LED lights to Pine Tree	\$2000	\$1500
2	FRAGYLE	Activity stations on walk trail	\$2000	\$1000
3	Just Cruisin Street Machiners	All Australian Car Day event	\$2000	\$1500
4	Kiap Creatives	Beautification of Beach Car Park	\$1999.70	\$1999.70
5	Preston Beach Community Gardens	Purchase and install water tank	\$1370	\$1370
6	Lions Club of Waroona	Final phase of Jims Kitchen upgrades	\$2000	\$1500
7	Historical Society	Purchase of display mannequins	\$906	\$906
8	Waroona RSL	Traffic Management ANZAC Day	\$2000	\$1000
9	Waroona Football and Netball	Gatekeeper Hut on Parnell St	\$1500	\$1500
10	Waroona Bowling Club	Green B refurbishment	\$2000	\$1000
11	SJPS Parents and Friends	Battle of the Sausages	\$2000	\$2000
12	JKA Waroona karate	Waroona Invitational Shotgun	\$1990	\$1990
13	Waroona Senior Citizens	Purchase chairs and wheel chair	\$2000	\$2000
			<b>\$23,765</b>	<b>\$19,266</b>

The funding recommendations are provided by the Place and Community Coordinator and the A/Director of Place, Community and Economic Development.

## **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Community
<b>Aspiration</b>	To have a connected and involved community that improves our quality of life through developing quality places and implementing quality town planning
<b>Objective</b>	1.1 Create a connected, safe and cohesive community with a strong sense of community pride
<b>Strategy</b>	1.4.4 Foster and value our volunteers
<b>Action</b>	

## **OTHER STRATEGIC LINKS**

Nil

## **STATUTORY ENVIRONMENT**

*Local Government Act 1995 – Part 6 Financial Management*

## **SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic - (Impact on the Economy of the Shire and Region)*

The proposed recommended projects are not likely to have an adverse economic impact. All projects engage with community at different levels and some potentially have capacity to retain or generate spending in the local areas as a result of the activities.

*Social - (Quality of life to community and/or affected landowners)*

The proposed funding requested by specific applicants enhances opportunities for social and community inclusion for all groups, their respective participants and spectators, and also provides opportunities for new relationships and skills development.

*Environment – (Impact on environment's sustainability)*

None of the proposals are expected to adversely impact on the environment.

*Policy Implications*

Policy COM005 - Alcoa Waroona Micro Grant Fund. These applications have been received through the Alcoa Waroona Micro Grant Fund as per policy COM005

*Risk Management Implications*

*(Please refer to the Shire of Waroona Risk Framework when reviewing this section)*

<i>Theme</i>	Reputation - Public perception, poor customer service, sub standard work, corruption
<i>Description</i>	Support or rejection of each application and whether it fits with Policy
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	3 - Possible
<i>Rating</i>	Low (1-3)
<i>Controls / Review</i>	Final assessment of grants carried out through AWSFC
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Project Manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

- A/Director Place, Community and Economic Development
- Individual applicants

## **RESOURCE IMPLICATIONS**

*Financial*

Council has provided an allocation of \$7,500 within the 2020/2021 budget for the purpose of community funding. An additional \$22,500 has been allocated through the Alcoa Waroona

Sustainability Fund to support a small grants program.

#### *Workforce*

No additional workforce allocations are required as a result of the recommendation.

#### **OPTIONS**

Alcoa Waroona Sustainability Fund Committee has the option of:

1. Supporting the requested amounts as per Policy COM005
2. Supporting a contribution less than the requested amounts; or
3. Not supporting a contribution

#### **CONCLUSION**

Council and Alcoa have traditionally supported community organisations to run events and conduct projects that build community capacity, spirit and engagement. By supporting the proposed projects, both organisations will continue to have a positive impact in our local community.

It is recommended that the Sustainability Fund Committee support and/or partially support 13 of the 13 applications received through the inaugural round of the AW Micro Grant Fund.

Successful recipients of the AW Micro Grant are required to acknowledge funding support and will be required to meet conditions and complete an acquittal of the grant within three months of the event or activity.

**8. OTHER BUSINESS**

**8.1 Funding Round for 2021 - Alcoa Waroona Sustainability Fund**

The meeting discussed having a large project funding round in 2021 given that a large amount was allocated in 2020.

**Moved: Tom Busher**  
**Seconded: Naomi Purcell**

**That consideration be given to having a large project funding round in the second half of 2021.**

**Motion Carried 6/0**

**9. NEXT MEETING**

To be advised.

**10. CLOSURE**

The meeting closed at 11.16 am.

Confirmed:..... Date:.....  
Chairperson



## **POLICY COM005 - ALCOA WAROONA MICRO GRANT FUND**

### **Related Management Practice**

Alcoa Waroona Micro Grant Fund Fact Sheet

### **Relevant Delegation**

Nil

### **POLICY INTENTION:**

To financially support community organisations in building engaged, vibrant, inclusive and healthy communities in partnership with Alcoa Australia.

### **POLICY:**

To support community groups to:

1. Build and strengthen their organisational capacity and sustainability; or
2. Deliver events, projects, programs or facilities that benefit the Waroona community or address a well evidenced need, and effectively contribute to building engaged, vibrant, inclusive and healthy communities.

### **APPLICATIONS:**

Applications will be invited two times each year, with a total funding pool of \$30,000. Funding rounds will close 15 February and 15 November. An applicant is entitled to apply for a maximum grant allocation of \$2,000 (approved) in any given financial year.

#### **3.1 Key Focus Areas**

Applications should meet at least one of the following priority focus areas in line with the 2030 Waroona Strategic Community Plan:

- Pursue a social environment that is accessible and inclusive to all ages and abilities
- Grow and develop and an age-friendly community
- Become a youth engaged and supportive community
- Develop and facilitate events of a local and regional scale
- Ensure the safety of the community
- Connect the natural assets, waterways, parks and reserves to the community
- Promote a mentally and physically healthy community
- Support local community, sporting and recreational groups and initiatives
- Foster and value our volunteers
- Support and enhance health services in Waroona
- Pursue actions to preserve areas and materials of historical significance throughout the Shire
- Foster arts and culture throughout the Shire
- Support, embrace and celebrate our local Aboriginal community

#### **3.2 Priorities**

For applications that meet the focus areas and have strong community benefit, priority will be given to:

- Events, projects and initiatives that are new and address a well evidenced need or gap within the Shire, which may include, but not be limited to the promotion or celebration of multiculturalism, the arts, health & wellbeing and/or the environment.
- Events, projects and initiatives that demonstrate sustainability in the future.

### 3.3 Eligibility

To be eligible, applicants must:

- Submit an application on the official application form, by the closing date;
- Be an incorporated not-for-profit organisation or au spiced through one;
- Hold current public liability insurance;
- Not have outstanding acquittals with the Shire or Alcoa Australia; and
- Agree to comply with Local, State and Commonwealth laws applicable to the approved project or event.

### 3.4 Additional Information

- Where applications require additional clarification, the Shire may seek further information during the assessment process. The responsibility for ensuring adequate information is provided in support of an application, remains with the applicant. It is highly recommended that applicants liaise with Shire Officers prior to lodgement, to ensure all relevant factors and information has been considered and prepared.
- The Shire reserves the right to request the applicant to submit the most current audited financial statement or the latest treasurer's report covering the previous 12 months should they deem it appropriate.
- Partnerships with other community organisations or evidence of other fundraising from other sources will be well regarded.
- Organisations wishing to submit funding applications for multiple projects should use a separate application form for each project or activity, with each application subsequently being assessed in its own right.
- A full breakdown of the proposed income and expenditure should be provided as part of the application. The income and expenditure should be clearly detailed and must balance. Provision of this information will be essential for the application to proceed.
- Alcoa Australia and Council reserve the right to part-fund an application.
- Events will generally be supported for up to five years, at which time the ongoing sustainability of the event will need to be demonstrated. Events will not be funded through this scheme for more than 5 years, as it is expected that they will either have progressed to a sustainable event and/or be deemed a regular, iconic event and provided separate annual funding under the Shire's budget.

Funding shall not be considered:

- Where applications are received after the closing date or are incomplete;
- For projects that have already commenced;
- For projects deemed the responsibility of another Government Department;
- Where projects are considered to be a private, commercial or individual responsibility;
- **For wages or administration costs;**
- For recurrent maintenance, operating **expenses** or bonds; or
- For events held outside the Shire of Waroona.

### 3.5 Conditions of Funding

Prior to any funding being released, recipients will be required to enter into a formal Grant Agreement with the Shire. This agreement will include a commitment to comply with the terms on which the funding is provided, including the lodgement of acquittal documentation.

### 3.6 Funding Assessment

Grants received through the Alcoa Waroona Micro Grant Fund will be assessed on merit through the Alcoa Waroona Sustainability Fund Committee prior to a recommendation being put forward to Council.

**Policy Administration**

Division: Community

Contact Officer Position: Place and Community Development Coordinator

Parent Legislation:

Other Relevant Documents: Grant Application Form, Acquittal Form, Agreement Form and Fact Sheet

Date Adopted:

Reviews/Amendments:



**MINUTES OF THE FINANCE & AUDIT COMMITTEE  
HELD ON TUESDAY 9 MARCH 2021  
AT WAROONA COUNCIL CHAMBERS AT 3.30PM**

**1. DECLARATION OF OPENING/ANNOUNCEMENTS**

The chairperson Cr Mike Walmsley declared the meeting open the time being 3.30pm.

**2. RECORD OF ATTENDANCE/APOLOGIES**

Cr Mike Walmsley	Chairperson/Shire President
Cr Vince Vitale	Member
Cr Karen Odorisio	Member
Cr Naomi Purcell	Member
Cr Laurie Snell	Member
Mr Dean Unsworth	Chief Executive Officer
Miss Ashleigh Nuttall	Director Corporate Services
Mr Patrick Steinbacher	Director Infrastructure Services
Mrs Kirsty Ferraro	Manager Corporate Services
Mr Rod Peake	Acting Director Planning & Sustainability
Mrs Sue Cicolari	Executive Support Officer

**APOLOGIES**

Cr Larry Scott	Member
Cr Noel Dew	Member
Cr John Mason	Member

**3. DISCLOSURE OF MEMBERS' & OFFICERS' INTERESTS**

Nil.

**4. CONFIRMATION OF MINUTES – MEETING HELD 15 DECEMBER 2020**

**Moved: Cr Purcell  
Seconded: Cr Snell**

**That the Minutes of the Finance & Audit Committee Meeting held 15 December 2020 be confirmed as a true and correct record.**

**CARRIED 5/0**

**5. REPORTS OF OFFICERS**

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

## 5.1 DIRECTOR CORPORATE SERVICES

<b>5.1.1 Local Government Compliance Audit Return – 1 January 2020 to 31 December 2020</b>	
<b>File Ref:</b>	193/1
<b>Previous Items:</b>	OCM20/02/020
<b>Applicant:</b>	N/A
<b>Author and Title:</b>	Ashleigh Nuttall – Director Corporate Services
<b>Declaration of Interest:</b>	N/A
<b>Voting Requirements:</b>	Simple Majority
<b>Appendix Number</b>	5.1.1

**Moved: Cr Odorisio**  
**Seconded: Cr Vitale**

**That Council adopt the Compliance Return for the period 1 January 2020 to 31 December 2020.**

**CARRIED 5/0**

### **IN BRIEF**

Council is requested to adopt the Compliance Audit return for the twelve month period 1<sup>st</sup> January 2020 to 31<sup>st</sup> December 2020.

### **BACKGROUND**

The Compliance Audit is a self-assessment tool that allows Council to monitor how the organisation is functioning in relation to meeting a range of its statutory obligations under the Local Government Act 1995 and its regulations.

This return is completed online through the Department of Local Government, Sport and Cultural Industries Smart Hub portal and then submitted once accepted by Council.

The Department assesses these returns to examine each Local Governments compliance and identify any areas of improvement with relation to regulatory compliance.

### **REPORT DETAIL**

Each year officers complete the annual compliance return which is then submitted to the Finance and Audit committee for endorsement. Once endorsed by the Finance and Audit Committee the return is tabled for Council consideration. Where there are any areas of non-compliance officer will make a recommendation on improvements to mitigate these non-compliance issues.

At present there are no areas of non-compliance and therefore Council will be submitting a clean compliance return to the Department of Local Government, Sport and Cultural Industries once adopted by Council.

### **STRATEGIC COMMUNITY PLAN & CORPORATE BUSINESS PLAN**

<b>Focus Area</b>	Our Leadership
<b>Aspiration</b>	To embed strong leadership through good governance, effective communication and ensuring value for money
<b>Objective</b>	5.2 Develop a skilled, safe and compliant organisation
<b>Strategy</b>	5.2.2 Promote an organisational culture of safety, best practice and continuous improvement
<b>Action</b>	Nil

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

**OTHER STRATEGIC LINKS**

Nil

**STATUTORY ENVIRONMENT****Local Government Act 1995**

## 7.13. Regulations as to audits

- (1) Regulations may make provision as follows —
  - (i) requiring local governments to carry out, in the prescribed manner and in a form approved by the Minister, an audit of compliance with such statutory requirements as are prescribed whether those requirements are —
    - (i) of a financial nature or not; or
    - (ii) under this Act or another written law.

**Local Government (Audit) Regulations 1996****13. Prescribed statutory requirements for which compliance audit needed (Act s. 7.13(1)(i))**

For the purposes of section 7.13(1)(i) the statutory requirements set forth in the Table to this regulation are prescribed.

Table can be found within the Local Government (Audit) Regulation at section 7.13

**14. Compliance audits by local governments**

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
- (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be —
  - (a) presented to the council at a meeting of the council; and
  - (b) adopted by the council; and
  - (c) recorded in the minutes of the meeting at which it is adopted.

**15. Certified copy of compliance audit return and other documents to be given to Departmental CEO**

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
  - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
  - (b) any additional information explaining or qualifying the compliance audit,
 is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
- (2) In this regulation —

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 Chairperson

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 Date

**certified** in relation to a compliance audit return means signed by —

- (a) the mayor or president; and
- (b) the CEO.

## **SUSTAINABILITY & RISK CONSIDERATIONS**

*Economic - (Impact on the Economy of the Shire and Region)*

Nil

*Social - (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment’s sustainability)*

Nil

*Policy Implications*

Nil

*Risk Management Implications*

<i>Theme</i>	Operational - Adverse effects on core business, business continuity, human resource risks, loss of knowledge
<i>Description</i>	There is moderate risk surrounding the annual compliance return. Officers have put in place good governance procedures to ensure that all legislative requirements are complied with. The annual return is a good instrument to review these procedures to ensure continued compliance.
<i>Consequence</i>	2 - Minor
<i>Likelihood</i>	2 - Unlikely
<i>Rating</i>	Moderate (4-9)
<i>Controls / Review</i>	Detail any measures in place / to be put in place to manage risk.
<i>Review Frequency</i>	Annually
<i>Risk Owner</i>	Operational manager
<i>Acceptance</i>	Accept - Risk acceptable with adequate controls

## **CONSULTATION**

Internal consultation with a number of officers.

## **RESOURCE IMPLICATIONS**

*Financial*

Nil

*Workforce*

Nil

## **OPTIONS**

Council has the option of:

1. Adopt the Compliance Return for the period 1 January 2020 to 31 December 2020.
2. Not adopt the Compliance Return for the period 1 January 2020 to 31 December 2020.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

**CONCLUSION**

In conclusion it is the officer's recommendation that the 2020 compliance return be adopted by Council and submitted to the Department of Local Government, Sport and Cultural Industries.

**6. CLOSURE OF MEETING**

The meeting closed at 3.34 pm.

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Chairperson

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Date



## Waroona - Compliance Audit Return 2020

### Certified Copy of Return

Please submit a signed copy to the Director General of the Department of Local Government, Sport and Cultural Industries together with a copy of the relevant minutes.

<b>Commercial Enterprises by Local Governments</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s3.59(2)(a) F&G Regs 7,9,10	Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2020?	N/A		Ashleigh Nuttall
2	s3.59(2)(b) F&G Regs 7,8,10	Has the local government prepared a business plan for each major land transaction that was not exempt in 2020?	N/A		Ashleigh Nuttall
3	s3.59(2)(c) F&G Regs 7,8,10	Has the local government prepared a business plan before entering into each land transaction that was preparatory to entry into a major land transaction in 2020?	N/A		Ashleigh Nuttall
4	s3.59(4)	Has the local government complied with public notice and publishing requirements for each proposal to commence a major trading undertaking or enter into a major land transaction or a land transaction that is preparatory to a major land transaction for 2020?	N/A		Ashleigh Nuttall
5	s3.59(5)	During 2020, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority?	N/A		Ashleigh Nuttall



<b>Delegation of Power/Duty</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.16	Were all delegations to committees resolved by absolute majority?	Yes	OCM20/11/197	Brad Vitale
2	s5.16	Were all delegations to committees in writing?	Yes	OCM20/11/197	Brad Vitale
3	s5.17	Were all delegations to committees within the limits specified in section 5.17?	Yes	OCM20/11/197	Brad Vitale
4	s5.18	Were all delegations to committees recorded in a register of delegations?	Yes	OCM20/11/197	Brad Vitale
5	s5.18	Has council reviewed delegations to its committees in the 2019/2020 financial year?	Yes	OCM20/11/197	Brad Vitale
6	s5.42(1) & s5.43 Admin Reg 18G	Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Act?	Yes	OCM19/12/162	Brad Vitale
7	s5.42(1)	Were all delegations to the CEO resolved by an absolute majority?	Yes	OCM20/11/197	Brad Vitale
8	s5.42(2)	Were all delegations to the CEO in writing?	Yes		Brad Vitale
9	s5.44(2)	Were all delegations by the CEO to any employee in writing?	Yes		Brad Vitale
10	s5.16(3)(b) & s5.45(1)(b)	Were all decisions by the council to amend or revoke a delegation made by absolute majority?	Yes		Brad Vitale
11	s5.46(1)	Has the CEO kept a register of all delegations made under Division 4 of the Act to the CEO and to employees?	Yes		Brad Vitale
12	s5.46(2)	Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2019/2020 financial year?	Yes		Brad Vitale
13	s5.46(3) Admin Reg 19	Did all persons exercising a delegated power or duty under the Act keep, on all occasions, a written record in accordance with Admin Reg 19?	Yes		Brad Vitale

<b>Disclosure of Interest</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s5.67	Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter?	Yes		Sue Cicolari



No	Reference	Question	Response	Comments	Respondent
2	s5.68(2) & s5.69 (5) Admin Reg 21A	Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by Admin Reg 21A, recorded in the minutes of the relevant council or committee meeting?	Yes		Sue Cicolari
3	s5.73	Were disclosures under section sections 5.65, 5.70 or 5.71A(3) recorded in the minutes of the meeting at which the disclosures were made?	Yes		Sue Cicolari
4	s5.75 Admin Reg 22, Form 2	Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?	Yes		Dean Unsworth
5	s5.76 Admin Reg 23, Form 3	Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2020?	Yes		Sue Cicolari
6	s5.77	On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return?	Yes		Sue Cicolari
7	s5.88(1) & (2)(a)	Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76?	Yes		Sue Cicolari
8	s5.88(1) & (2)(b) Admin Reg 28	Did the CEO keep a register of financial interests which contained a record of disclosures made under sections 5.65, 5.70, 5.71 and 5.71A, in the form prescribed in Admin Reg 28?	Yes		Sue Cicolari
9	s5.88(3)	When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76, did the CEO remove from the register all returns relating to that person?	Yes		Sue Cicolari
10	s5.88(4)	Have all returns removed from the register in accordance with section 5.88(3) been kept for a period of at least five years after the person who lodged the return(s) ceased to be a person required to lodge a return?	Yes		Sue Cicolari
11	s5.89A(1), (2) & (3) Admin Reg 28A	Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B, in the form prescribed in Admin Reg 28A?	Yes		Sue Cicolari
12	s5.89A(5) & (5A)	Did the CEO publish an up-to-date version of the gift register on the local government's website?	Yes		Sue Cicolari
13	s5.89A(6)	When a person ceases to be a person who is required to make a disclosure under section 5.87A or 5.87B, did the CEO remove from the register all records relating to that person?	Yes		Sue Cicolari



No	Reference	Question	Response	Comments	Respondent
14	s5.89A(7)	Have copies of all records removed from the register under section 5.89A (6) been kept for a period of at least five years after the person ceases to be a person required to make a disclosure?	Yes		Dean Unsworth
15	Rules of Conduct Reg 11(1), (2) & (4)	Where a council member had an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person, did they disclose the interest in accordance with Rules of Conduct Reg 11(2)?	Yes		Sue Cicolari
16	Rules of Conduct Reg 11(6)	Where a council member disclosed an interest under Rules of Conduct Reg 11 (2) was the nature of the interest recorded in the minutes?	Yes		Sue Cicolari
17	s5.70(2) & (3)	Where an employee had an interest in any matter in respect of which the employee provided advice or a report directly to council or a committee, did that person disclose the nature and extent of that interest when giving the advice or report?	Yes		Sue Cicolari
18	s5.71A & s5.71B (5)	Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under s5.71A(1) relates, did the application include details of the nature of the interest disclosed and any other information required by the Minister for the purposes of the application?	N/A		Dean Unsworth
19	s5.71B(6) & s5.71B(7)	Was any decision made by the Minister under subsection 5.71B(6) recorded in the minutes of the council meeting at which the decision was considered?	N/A		Dean Unsworth
20	s5.103 Admin Regs 34B & 34C	Has the local government adopted a code of conduct in accordance with Admin Regs 34B and 34C to be observed by council members, committee members and employees?	Yes		Sue Cicolari
21	Admin Reg 34B(5)	Has the CEO kept a register of notifiable gifts in accordance with Admin Reg 34B(5)?	Yes		Sue Cicolari

**Disposal of Property**

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



<b>Elections</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	Elect Regs 30G(1) & (2)	Did the CEO establish and maintain an electoral gift register and ensure that all disclosure of gifts forms completed by candidates and donors and received by the CEO were placed on the electoral gift register at the time of receipt by the CEO and in a manner that clearly identifies and distinguishes the forms relating to each candidate?	N/A		Ashleigh Nuttall
2	Elect Regs 30G(3) & (4)	Did the CEO remove any disclosure of gifts forms relating to an unsuccessful candidate, or a successful candidate that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years?	N/A		Ashleigh Nuttall
3	Elect Regs 30G(5) & (6)	Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with Elect Reg 30G(6)?	N/A		Ashleigh Nuttall

<b>Finance</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	s7.1A	Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Act?	Yes		Ashleigh Nuttall
2	s7.1B	Where the council delegated to its audit committee any powers or duties under Part 7 of the Act, did it do so by absolute majority?	N/A		Ashleigh Nuttall
3	s7.3(1) & s7.6(3)	Was the person or persons appointed by the local government to be its auditor appointed by an absolute majority decision of council?	Yes		Ashleigh Nuttall
4	s7.3(3)	Was the person(s) appointed by the local government under s7.3(1) to be its auditor a registered company auditor or an approved auditor?	Yes		Ashleigh Nuttall
5	s7.9(1)	Was the auditor's report for the financial year ended 30 June 2020 received by the local government by 31 December 2020?	Yes		Ashleigh Nuttall
6	s7.12A(3)	Where the local government determined that matters raised in the auditor's report prepared under s7.9 (1) of the Act required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters?	Yes		Ashleigh Nuttall



No	Reference	Question	Response	Comments	Respondent
7	s7.12A(4)(a)	Where matters identified as significant were reported in the auditor's report, did the local government prepare a report that stated what action the local government had taken or intended to take with respect to each of those matters?	Yes		Ashleigh Nuttall
8	s7.12A(4)(b)	Where the local government was required to prepare a report under s.7.12A(4)(a), was a copy of the report given to the Minister within three months of the audit report being received by the local government?	Yes		Ashleigh Nuttall
9	s7.12A(5)	Within 14 days after the local government gave a report to the Minister under s7.12A(4)(b), did the CEO publish a copy of the report on the local government's official website?	Yes		Ashleigh Nuttall
10	Audit Reg 7	Did the agreement between the local government and its auditor include the objectives and scope of the audit, a plan for the audit, details of the remuneration and expenses paid to the auditor, and the method to be used by the local government to communicate with the auditor?	Yes		Ashleigh Nuttall
11	Audit Reg 10(1)	Was the auditor's report for the financial year ending 30 June received by the local government within 30 days of completion of the audit?	Yes		Ashleigh Nuttall

### Integrated Planning and Reporting

No	Reference	Question	Response	Comments	Respondent
1	Admin Reg 19C	Has the local government adopted by absolute majority a strategic community plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	28/07/2020	Ashleigh Nuttall
2	Admin Reg 19DA (1) & (4)	Has the local government adopted by absolute majority a corporate business plan? If Yes, please provide the adoption date or the date of the most recent review in the Comments section?	Yes	28/07/2020	Ashleigh Nuttall
3	Admin Reg 19DA (2) & (3)	Does the corporate business plan comply with the requirements of Admin Reg 19DA(2) & (3)?	Yes		Ashleigh Nuttall



<b>Local Government Employees</b>						
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>	
1	Admin Reg 18C	Did the local government approve a process to be used for the selection and appointment of the CEO before the position of CEO was advertised?	N/A		Ashleigh Nuttall	
2	s5.36(4) & s5.37 (3) Admin Reg 18A	Were all CEO and/or senior employee vacancies advertised in accordance with Admin Reg 18A?	N/A	No vacancies within 2020	Ashleigh Nuttall	
3	Admin Reg 18E	Was all information provided in applications for the position of CEO true and accurate?	N/A		Ashleigh Nuttall	
4	Admin Reg 18F	Was the remuneration and other benefits paid to a CEO on appointment the same remuneration and benefits advertised for the position under section 5.36(4)?	N/A		Ashleigh Nuttall	
5	s5.37(2)	Did the CEO inform council of each proposal to employ or dismiss senior employee?	N/A	No designated senior employees were employed or dismissed in 2020.	Ashleigh Nuttall	
6	s5.37(2)	Where council rejected a CEO's recommendation to employ or dismiss a senior employee, did it inform the CEO of the reasons for doing so?	N/A	No designated senior employees were employed or dismissed in 2020.	Ashleigh Nuttall	

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

<b>Optional Questions</b>						



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No	Reference	Question	Response	Comments	Respondent
1	Financial Management Reg 5 (2)(c)	Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with Financial Management Reg 5(2)(c) within the three years prior to 31 December 2020? If yes, please provide the date of council's resolution to accept the report.	Yes	25/02/2020	Ashleigh Nuttall
2	Audit Reg 17	Did the CEO review the appropriateness and effectiveness of the local government's systems and procedures in relation to risk management, internal control and legislative compliance in accordance with Audit Reg 17 within the three years prior to 31 December 2020? If yes, please provide date of council's resolution to accept the report.	Yes	25/02/2020	Ashleigh Nuttall
3	s5.87C(2)	Where a disclosure was made under sections 5.87A or 5.87B, was the disclosure made within 10 days after receipt of the gift?	Yes		Ashleigh Nuttall
4	s5.87C	Where a disclosure was made under sections 5.87A or 5.87B, did the disclosure include the information required by section 5.87C?	Yes		Ashleigh Nuttall
5	s5.90A(2)	Did the local government prepare and adopt by absolute majority a policy dealing with the attendance of council members and the CEO at events?	Yes		Ashleigh Nuttall
6	s.5.90A(5)	Did the CEO publish an up-to-date version of the attendance at events policy on the local government's official website?	Yes		Ashleigh Nuttall
7	s5.96A(1), (2), (3) & (4)	Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4)?	Yes		Ashleigh Nuttall
8	s5.128(1)	Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?	Yes		Ashleigh Nuttall
9	s5.127	Did the local government prepare a report on the training completed by council members in the 2019/2020 financial year and publish it on the local government's official website by 31 July 2020?	Yes		Ashleigh Nuttall
10	s6.4(3)	By 30 September 2020, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2020?	Yes		Ashleigh Nuttall



<b>Tenders for Providing Goods and Services</b>					
<b>No</b>	<b>Reference</b>	<b>Question</b>	<b>Response</b>	<b>Comments</b>	<b>Respondent</b>
1	F&G Reg 11A(1) & (3)	Does the local government have a current purchasing policy that complies with F&G Reg 11A(3) in relation to contracts for other persons to supply goods or services where the consideration under the contract is, or is expected to be, \$250,000 or less or worth \$250,000 or less?	Yes		Ashleigh Nuttall
2	F&G Reg 11A(1)	Did the local government comply with its current purchasing policy in relation to the supply of goods or services where the consideration under the contract was, or was expected to be, \$250,000 or less or worth \$250,000 or less?	Yes		Ashleigh Nuttall
3	s3.57 F&G Reg 11	Subject to F&G Reg 11(2), did the local government invite tenders for all contracts for the supply of goods or services where the consideration under the contract was, or was expected to be, worth more than the consideration stated in F&G Reg 11(1)?	Yes		Ashleigh Nuttall
4	F&G Regs 11(1), 12(2), 13, & 14(1), (3), and (4)	When regulations 11(1), 12(2) or 13 required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with F&G Reg 14(3) and (4)?	Yes		Ashleigh Nuttall
5	F&G Reg 12	Did the local government comply with F&G Reg 12 when deciding to enter into multiple contracts rather than a single contract?	N/A		Ashleigh Nuttall
6	F&G Reg 14(5)	If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation?	N/A		Ashleigh Nuttall
7	F&G Regs 15 & 16	Did the local government's procedure for receiving and opening tenders comply with the requirements of F&G Regs 15 and 16?	Yes		Ashleigh Nuttall
8	F&G Reg 17	Did the information recorded in the local government's tender register comply with the requirements of F&G Reg 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website?	Yes		Ashleigh Nuttall
9	F&G Reg 18(1)	Did the local government reject any tenders that were not submitted at the place, and within the time, specified in the invitation to tender?	N/A		Ashleigh Nuttall



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No	Reference	Question	Response	Comments	Respondent
10	F&G Reg 18(4)	Were all tenders that were not rejected assessed by the local government via a written evaluation of the extent to which each tender satisfies the criteria for deciding which tender to accept?	Yes		Ashleigh Nuttall
11	F&G Reg 19	Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted?	Yes		Ashleigh Nuttall
12	F&G Regs 21 & 22	Did the local government's advertising and expression of interest processes comply with the requirements of F&G Regs 21 and 22?	N/A		Ashleigh Nuttall
13	F&G Reg 23(1) & (2)	Did the local government reject any expressions of interest that were not submitted at the place, and within the time, specified in the notice or that failed to comply with any other requirement specified in the notice?	N/A		Ashleigh Nuttall
14	F&G Reg 23(3)	Were all expressions of interest that were not rejected assessed by the local government?	N/A		Ashleigh Nuttall
15	F&G Reg 23(4)	After the local government considered expressions of interest, did the CEO list each person considered capable of satisfactorily supplying goods or services as an acceptable tenderer?	N/A		Ashleigh Nuttall
16	F&G Reg 24	Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with F&G Reg 24?	N/A		Ashleigh Nuttall
17	F&G Regs 24AD(2) & (4) and 24AE	Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with F&G Reg 24AD(4) and 24AE?	N/A		Ashleigh Nuttall
18	F&G Reg 24AD(6)	If the local government sought to vary the information supplied to the panel, was every reasonable step taken to give each person who sought detailed information about the proposed panel or each person who submitted an application notice of the variation?	N/A		Ashleigh Nuttall
19	F&G Reg 24AF	Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of F&G Reg 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application?	N/A		Ashleigh Nuttall
20	F&G Reg 24AG	Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of F&G Reg 24AG?	N/A		Ashleigh Nuttall



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**Local Government, Sport  
and Cultural Industries**

No	Reference	Question	Response	Comments	Respondent
21	F&G Reg 24AH(1)	Did the local government reject any applications to join a panel of pre-qualified suppliers that were not submitted at the place, and within the time, specified in the invitation for applications?	N/A		Ashleigh Nuttall
22	F&G Reg 24AH(3)	Were all applications that were not rejected assessed by the local government via a written evaluation of the extent to which each application satisfies the criteria for deciding which application to accept?	N/A		Ashleigh Nuttall
23	F&G Reg 24AI	Did the CEO send each applicant written notice advising them of the outcome of their application?	N/A		Ashleigh Nuttall
24	F&G Regs 24E & 24F	Where the local government gave regional price preference, did the local government comply with the requirements of F&G Regs 24E and 24F?	Yes		Ashleigh Nuttall

I certify this Compliance Audit Return has been adopted by council at its meeting on \_\_\_\_\_

\_\_\_\_\_  
Signed Mayor/President, Waroona

\_\_\_\_\_  
Signed CEO, Waroona



# Minutes

**Resource Sharing Alliance Committee  
4.00pm Tuesday 16 March 2021  
At the Shire of Waroona**

**Resource Sharing Alliance Committee – Tuesday 16 March 2021  
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## Minutes of the Resource Sharing Alliance Committee – Tuesday 16 March 2021

### 1. DECLARATION OF OPENING

Meeting opened at 4.01pm

### 2. ATTENDANCE/APOLOGIES

Cr D Bolt	Cr M Walmsley
Cr D Mclarty	Cr N Purcell
Cr B Cardilini	Cr L Snell
Mr D Unsworth, CEO Murray/Waroonna	

### 3. DISCLOSURE OF INTERESTS - MEMBERS AND OFFICERS

Nil

### 4. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

### 5. CONFIRMATION OF MINUTES

#### 5.1 CEO Resource Sharing Committee Meeting – 7 December 2020

##### Officer/Committee Recommendation

Moved: Cr D Bolt  
Seconded: Cr B Cardilini

Appendix 1

That the Minutes of the CEO Resource Sharing Committee Meeting held on Monday 7 December 2020 be received and noted.

CARRIED 6:0

**6. REPORTS OF OFFICERS**

**6.1 Alliance Progress Report**

File Ref: 1/2393  
 Previous Items: N/A  
 Applicant: N/A  
 Author and Title: Dean Unsworth, Chief Executive Officer  
 Voting Requirements: Simple Majority

**Officer/Committee Recommendation**

**Moved: Cr D McLarty**  
**Seconded: Cr L Snell**

**That the Resource Sharing Alliance Committee notes the CEO Resource Allocation Progress Report.**

**CARRIED 6:0**

**In Brief**

The resource sharing of the Chief Executive Officer between Murray and Waroona commenced on 12 September 2019 for an initial period of up to twelve months. On 28 February 2020 a five-year agreement was implemented to share the Chief Executive Officer.

**Background**

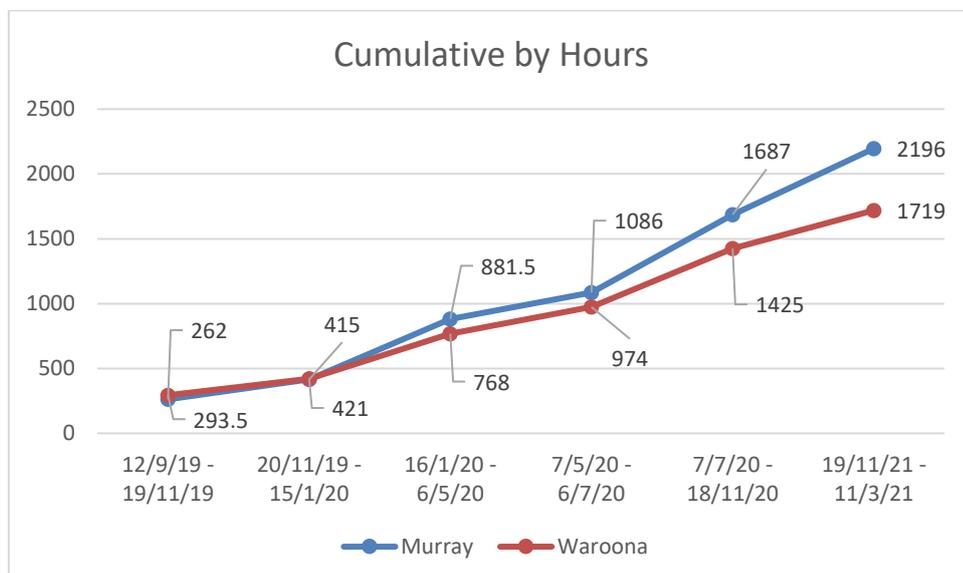
Under the terms of the Resource Sharing Agreement, the Purpose of the Committee is to:

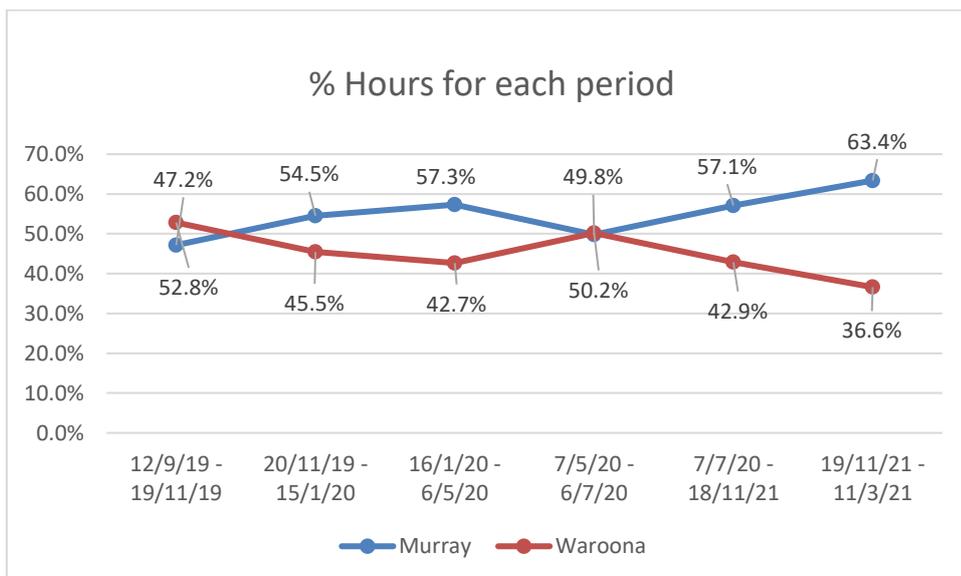
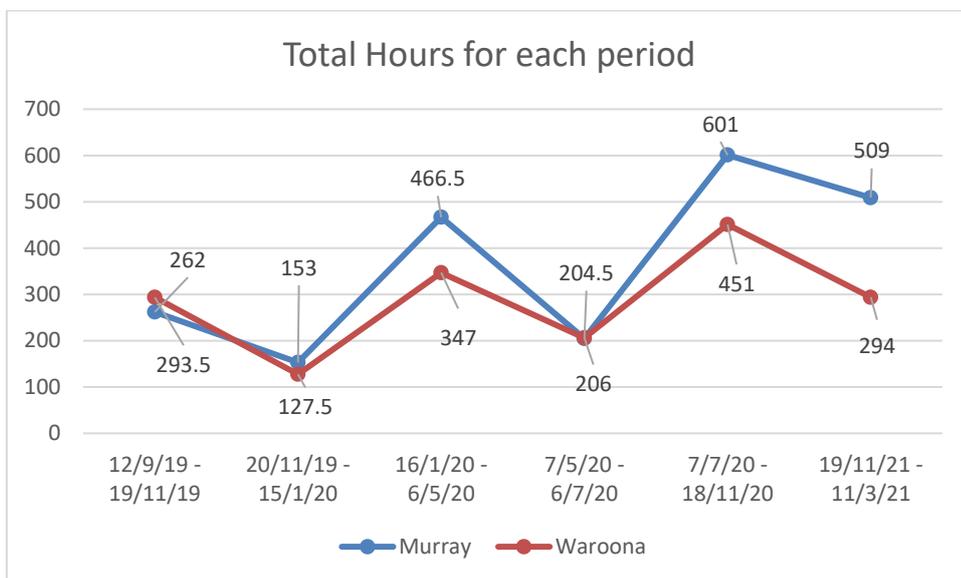
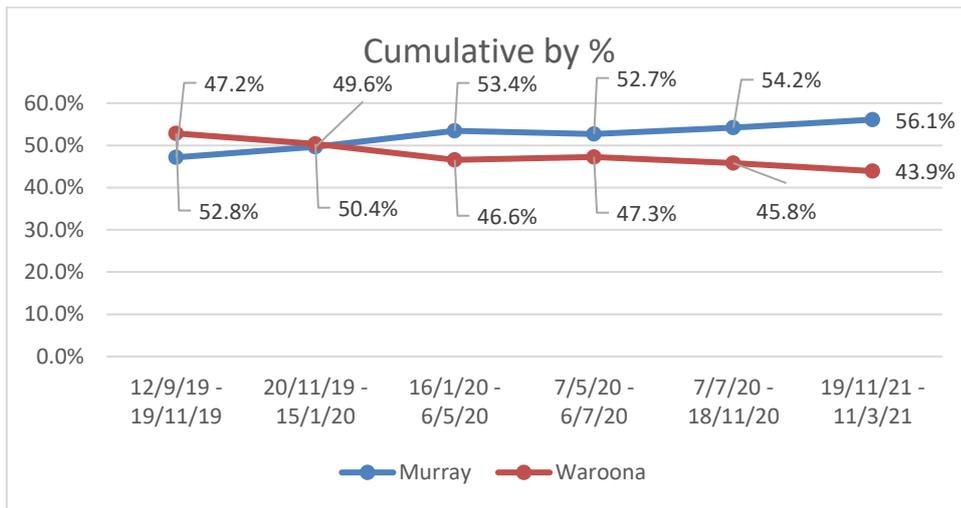
- (a) regularly review the operation of the Resource Sharing Arrangement;
- (b) regularly review the performance of the CEO in implementing the Resource Sharing Arrangement;
- (c) meet at least three times in each calendar year.

In 2020, meetings have been held on 16 January, 14 May, 8 July, and 7 December.

**Report Detail**

Following is an overview of the breakdown of hours that the CEO has undertaken since the commencement of the CEO Resource Sharing Agreement.





Further update since the last meeting includes:

- Both organisations were affected by the Covid-19 lockdown from 1 – 5 February. The process was seamless and most staff worked from home without any issues raised.

- A joint Murray-Waroona staff Strategic Planning workshop was held on 24 February. The workshop agenda was as follows:
  - a) Review of 2030 Strategic Community Plans  
The Shire of Murray is required to formally review its Strategic Community Plan by June 30. This formal review is required to be undertaken every two years, with the complete review every four years.  
  
The Shire of Waroona adopted its Plan in May 2020 and therefore Council is not required to formally review this year.
  - b) Review of 2020-2024 Corporate Business Plan  
Both Plans will be presented a new 2021-2025 Corporate Business Plan in May 2021.
  - c) Review of Alliance Strategy  
This review is presented at Item 6.2
  - d) Identification of current and future projects and line up with
    - Does it have a completed business case?
    - Is the business case in development stage? If so when will it be completed and what resources are required?
    - If no Business Case, identify what is required to complete this, and when.
  - e) Preparation of Key Performance Indicators for all Directorates for 2021/2022.
- Enactment of the structure (Option 4) that was endorsed by both Councils at their December 2020 meetings following detailed discussion at the previous CEO Resource Sharing Committee held 7 December 2020. This includes
  - a) Appointment of Mr Rod Peake as joint Director Planning & Sustainability
  - b) Appointment of Shared Manager Planning Mr Greg Delahunty
  - c) Sharing of Building Services
  - d) Advertising for Senior Planner (Waroona appointment) commencing 13 March and will be part of a shared Planning service.
  - e) Commencement of Ms Liz Storr as Director Place & Community for an initial 6-month period for 2-days per week, commencing 16 March.
- The Shire of Murray's Investment Attraction Manager, Mr David Arkwright has undertaken the role of Acting Director Place and Community & Economic Development and will continue to work on cross-district economic development projects, such as a regional water study, agricultural workers accommodation and a tourism strategy.
- Mr Tony Dowling has been undertaking the role as Acting Manager Planning with the Shire of Waroona. He will continue to the end of April at the Shire of Murray until a new Senior Planner has been appointed.
- Appointment of Occupational Safety & Health officer Ms Danette Thompson who will work 80% Murray and 20% Waroona. Internal staff capacity building in OSH is occurring as part of this agreement.

### **Statutory Environment**

Nil

### **Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Not Applicable

*Social - (Quality of life to community and/or affected landowners)*

Not Applicable

*Environment – (Impact on environment's sustainability)*

Not Applicable

*Policy Implications*

Nil

**Conclusion**

Self-evident within this report.

## 6.2 Resource Sharing Alliance Key Performance Indicators & Alliance Corporate Business Plan – Progress Report

File Ref: 1/2401  
 Previous Items: N/A  
 Applicant: N/A  
 Author and Title: Dean Unsworth, Chief Executive Officer  
 Voting Requirements: Simple Majority

### Appendix 2

#### Office/Committee Recommendation

Moved: Cr D Bolt  
 Seconded: Cr L Snell

**That the Resource Sharing Committee notes the Resource Sharing Alliance Key Performance Indicator Progress Report and Resource Sharing Alliance Report (Appendix 2).**

**CARRIED 6:0**

#### Introduction

Presented is an update on the Key Performance Indicators (KPI's) for the Alliance, as formally set in May 2020. Also presented is an update on the Alliance 4-year Corporate Business Plan.

#### Background

	Key Performance Indicator	Progress
1	Align Occupational Safety & Health and Risk Management Strategies.	OSH has been restructured within the Waroona Shire and is now being co-ordinated internally through the senior finance officer and guided by the newly appointed Shire of Murray Occupational Safety & Health coordinator in an 802/0 shared arrangement.
2	Develop a Murray-Waroona Sport & Recreation Strategy.	<p>In the 10 months since the Waroona Manager Recreation Centre added Club Development to his portfolio, and since the assistance of the Shire of Waroona Sport &amp; Recreation coordinator, the following has been achieved collectively:</p> <ul style="list-style-type: none"> <li>• 2 Club forums held December 2019 to introduce Daniel and the goals for assisting clubs in the Shire</li> <li>• Communication of COVID requirements for lockdown and moving back into operation. This included passing on all information, inspecting COVID Venue Plans, answering all club related COVID questions and assisting all clubs get back into full or modified seasons.</li> <li>• CSRFF application for a 3 bay cricket practice nets for the Waroona Cricket Club which was successful for \$13,000 and is currently underway</li> <li>• Assist the Preston Beach Golf Club with project planning for the 'Green Links</li> </ul>

	Key Performance Indicator	Progress
		<p>Project' to irrigate three fairways. Assistance with CSRFF application and Alcoa Sustainability Fund application (Successful - \$40,000)</p> <ul style="list-style-type: none"> <li>• Initiating (writing the Project Brief, calling for RFQ's, assessing submissions) and project managing the 'Waroona Sport and Recreation Precinct Master Plan' which is being undertaken by ABV Consultancy and due to be completed May 2021. Note that this involved consultation with 9 sports clubs. This included a survey which contains valuable information on the clubs future aspirations, membership numbers, and challenges.</li> <li>• Development of a Shire of Murray/Waroona Club Development Plan 2021 - 2023</li> <li>• Providing information on grants and club assistance from industry sources via direct email to clubs</li> </ul> <p><u>Every Club Grant Scheme 2020/21 – 2021/22</u>  A combined grant application from the Shire of Murray and Waroona to the Department of Local Government, Sport and Cultural Industries was successful and we have received \$10,000 over two years to implement the Shire of Murray/Waroona Club Development Plan.</p> <p>A two session Strategic Planning Workshop has been booked with a facilitator for May which will be offered to the Waroona Football clubs (senior and Junior) and Waroona Golf Club.</p> <p>If successful this will be extended to all sports clubs</p> <p><u>Waroona Sport and Recreation Precinct Master Plan</u>  This will provide guidance for the next 10 years and both Daniel and I will be implementing recommendations.</p> <p>It is also probably worth noting:</p> <ul style="list-style-type: none"> <li>• There has been no dedicated CDO for a few years</li> <li>• There is no budget allocated to Club Development for Waroona (Murray has \$2,500 per year)</li> <li>• Daniel is currently performing a number of roles: Manager Recreation Centre (with pool supervision duties), CDO, and managing three minor construction projects (3 Bay cricket practice nets, rec centre dry changeroom upgrade, pool</li> </ul>

	Key Performance Indicator	Progress
		<p>resurface). This was addressed at the Waroona CEO Performance Review and a presentation on this matter will be made to Waroona Councillors at the April Council meeting.</p>
3	<p>Demonstrate effective and high level Tourism marketing (subject to funding).</p>	<p>At the 14 May Resource Sharing Committee, and then endorsed by both Councils was the following</p> <p><i>That a Tourism Marketing Manager be advertised as soon as possible, based on a 3-5 year contract employed on an approximate \$110,000 cash salary and private use of a vehicle, and a further report be brought back to the Committee after further consideration of the proposal by the Shire of Waroona.</i></p> <ol style="list-style-type: none"> <li>2. <i>The CEO to benchmark the costs of undertaking the role of a Tourism Marketing Manager on a contract basis, and that a report be brought back to the Committee to consider these costs.</i></li> <li>3. <i>If Waroona do not support the 80/20 sharing of a Tourism Marketing Manager, that this employee be engaged on a full-time basis by the Shire of Murray.</i></li> <li>4. <i>That the Shire of Murray would purchase a vehicle for the Tourism Marketing Manager through the 2020/21 budget and that the operating costs be built into the employee overhead costs and on-charged as per the 80/20 basis if the Shire of Waroona agree to co-fund this position.</i></li> </ol> <p>However, following further consideration at the Shire of Waroona budget workshop, the following resolution was passed at the 8 July Resource Sharing Committee and then endorsed by both Councils' later that month:</p> <p><i>Officer/Committee Recommendation:</i></p> <p><i>Moved: Cr Walmsley</i>  <i>Seconded: Cr McLarty</i></p> <p><i>That the CEO Resource Sharing Committee notes and supports the operational decision to resource share the Shire of Murray's Tourism Destination Marketing Manager and the Shire of Waroona's Corporate Compliance Officer on a non-cash, 1 to 1.5 day a fortnight shared basis.</i></p> <p>With this above recommendation being passed by both Councils, it is not possible to achieve the</p>

	Key Performance Indicator	Progress
		aspirations within this Key Performance Indicator that was initially proposed at the May meeting.
4	Expand joint economic partnership opportunities across Murray and Waroona.	<p>There are a number of joint economic projects being developed that relate to:</p> <ul style="list-style-type: none"> <li>• Water</li> <li>• Workers accommodation</li> <li>• Agriculture development</li> <li>• Trails development – development of a Tourism/Trails Strategic Plan</li> <li>• Improved tourism websites</li> </ul>
5	Progress the Provision for Water for Murray and Waroona Business Case	<p>Both Shires are working closely with the Peel Development Commission, Department of Water, Water Corporation and a consultant to present a study into water availability south of Pinjarra. This is a long-term issue.</p> <p>An in-principle cash allocation of \$30,000 has been obtained from the PDC to assist Murray and Waroona to undertake a water needs analysis and economic outcome of increased water supply.</p>
6	Demonstrate positive progress of the Initiatives within the Murray-Waroona Resource Sharing Alliance Strategy.	Attached is an updated Alliance Strategy Business Plan progress report. ( <b>Appendix 2</b> ).

### 6.3 Review of Shire of Murray and Shire of Waroona Draft Key Performance Indicators – March 2021 to March 2022.

File Ref:

Previous Items: Nil.

Applicant: N/A

Author and Title: Dean Unsworth, Chief Executive Officer

Voting Requirements: Simple Majority

**Appendices 3 - 7**

#### **Officer/Committee Recommendation**

**Moved: Cr B Cardilini**

**Seconded: Cr L Snell**

#### **That the CEO Resource Sharing Committee**

1. **Notes and supports the Draft KPI's as set by the Shire of Murray and Shire of Waroona.**
2. **Notes and supports the Draft Summary Performance Review reports from the Shire of Murray and the Shire of Waroona.**

**CARRIED 6:0**

#### **In Brief**

On 9 and 11 March respectively, both the Shires of Waroona and Murray Councillors met with its consultant to undertake the annual CEO Performance Review.

This report is presented to the Committee as an opportunity for discussion of these KPI's and to give the Committee members a broad context in terms of what is expected to be fulfilled across both local governments for the coming twelve months.

#### **Background**

Attached is the following for review and/or discussion:

- Draft summary performance review report – Shire of Waroona (**Appendix 3**)
- Draft summary performance review report – Shire of Murray (**Appendix 4 - to be provided prior to this meeting**)
- Draft Shire of Waroona KPI's for March 2021 – March 2022 (**Appendix 5**)
- Draft Shire of Murray KPI's for March 2021 – March 2022 (**Appendix 6 - to be provided prior to this meeting**).
- Comparison of performance results between Shire of Waroona and Shire of Murray (**Appendix 7**).

#### **Report Detail**

As contained within the attached reports.

#### **Statutory Environment**

Nil

#### **Sustainability & Risk Considerations**

*Economic - (Impact on the Economy of the Shire and Region)*

Nil

*Social - (Quality of life to community and/or affected landowners)*

Nil

*Environment – (Impact on environment's sustainability)*

Nil

*Policy Implications*

Nil

### **Conclusion**

It is considered an opportunity for the CEO Resource Sharing Committee to review, and make any comment or any recommended changes to the individual Council Draft Performance Reviews and Key Performance Reviews before they are formally considered at the respective March Council meetings.

## **7. CONFIDENTIAL REPORTS**

Nil

## **8. GENERAL BUSINESS**

Nil

## **9. NEXT MEETING**

July 2021 at the Shire of Murray

## **10. CLOSURE**

The Chairman closed the meeting at 4.45pm.

# SHIRE OF WAROONA NOISE MANAGEMENT PLAN

To control the use of Bird Scaring devices within the Shire of  
Waroona



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## 1. Introduction

The purpose of this Noise Management Plan is to provide guidelines and set out acceptable bird deterring/scaring practices. The Shire acknowledges the usage of bird scaring/deterring practices are necessary techniques at controlling the impacts of cockatoos and other birds to farming, however recognizes the need to control and minimize their acoustic disruption to nearby residents.

This Noise Management Plan has considered the best practice principles, guidelines and local laws in Western Australia and other parts of Australia where farming and residential areas operate and exist within close proximity of each other.

This Noise Management Plan applies to all areas within the Shire. Perception to “noise” is subjective and consequently people react to noise in different ways. Noise in the environment can create nuisance to some persons but does not create nuisance to other persons. This Noise Management Plan recognises this fact. The level of “sound” can be objectively measured and quantified by a sound level meter and can be assessed against the *Environmental Protection (Noise) Regulations 1997*.

Council has discretion in the enforcement of the *Environmental Protection (Noise) Regulations 1997 (the Regulations)*, and will hereby consider this plan as the principal legislative policy document to control gas guns within the Shire.

## 2. Protected Bird Species

Any current or future farmer within the Shire must understand this Noise Management Plan does not provide their staff or guests license or authority to control protected birds in ways that contradict the Department of Biodiversity Conservation and Attractions Guidelines or the Environment Protection and Biodiversity Conservation Act.

There are three species of black cockatoo native to Western Australia and each species is classed as threatened and therefore protected; two are known to enter fruit crops.

The Shire recommends farmers contact the Department of Biodiversity Conservation and Attractions directly for further information on protected bird species that may exist within the area.

## 3. Open Lines of Communication

Given the potential for birds to damage crops and therefore farm yields, the need for farmers to use bird deterring devices is understood and to a certain degree, noise associated with working farms is to be expected.

Experience on this issue has shown open communication between fruit farmers and residents is an important tool to improve the level of good will and co-operation and therefore minimise complaints.

In this regard there is an expectation on fruit farmers informing residents of operational matters with gas guns prior to the season when fruit damage by birds is likely to occur. If complaints do arise they should first be directed to the farm manager. If the complaint cannot be solved at that level, they should then be directed to the Shire.

## 4. Councils preferred methods of Bird Control

### a) Tree and Orchard Netting

The total netting of fruit farming is Council's preferred solution on rural properties. This is because complaints are much less likely than when gas guns or manual firing of shot guns are used as the primary means of deterrent.

### b) Laser Pointers

Laser pointers control birds from 100 metres to 1 kilometre away, they use electronic laser pointers which scare the birds without hurting them and are the least intrusive in terms of noise pollution to adjoining properties.

### c) Electronic Bird Scarers

Electronic bird scarers use predator and distressed bird sounds, bells and sirens to interrupt and deter bird feeding. This form of bird control is less intrusive than gas guns.

### d) Gas Guns

The use of gas guns is the Shire's least preferred method of bird control.

## 5. Approval for the use of Gas Guns

The use of a gas gun(s) will require prior Council approval.

Gas guns should only be used for scaring birds and where justified as needed. The following documentation is required to be submitted with the application for approval:

- Evidence that birds are threatening orchards.
- Noise Management Plan, providing details of the following:
  - Days and times of operation of the bird scaring devices;
  - Operating rate of the bird scaring devices;
  - Orientation and rotation of the devices;
  - Timing, amount and method of notification of operating times provided to neighbours;
  - Complaint response procedure, including contact details for the farm manager for use as a first complaint contact point; and
  - Commitment to a strategy to reduce the impact of the bird scaring devices over time.

- Site plan drawn to scale and indicating the following:
  - Location of gas guns.
  - Distance of gas guns to the nearby residential dwellings.
- An acoustics report prepared by a suitably qualified Acoustics Engineer confirming the sound levels projected at nearby dwellings and other noise sensitive premises and the means used to minimize noise impacts.

## 6. Minimum Separation Distances

The greater the separation between the gas gun and the nearest residence, the greater the noise level reduction. Noise level will reduce noticeably for each doubling of this distance.

- Gas gun located a minimum of 300m from a residence in a 'Rural 2 – Irrigated Agriculture' zone (or similar), and must be orientated away from the residence.
- Gas gun located a minimum of 500m from a residence located in a residential and / or rural small holding zone (or similar), and must be orientated away from any residence.

The above distances are the absolute minimum and may need to be extended dependent on maximum noise levels projected by the Acoustic Report. .

## 7. Permitted Noise Management Operating Hours.

Bird management devices i.e. gas guns and lasers, can only be used during the following hours:

Mondays to Saturdays: 7:00am - 7:00pm.  
Sundays and Public Holidays: 9:00am - 7:00pm.

## 8. Calibration of Gas Guns

A gas gun must be set to not emit more than the number of blasts set out below.

- When a gas gun is used in isolation in the case of a single blast gas gun, time between blasts is no less than six (6) minutes.
- When a gas gun is used in conjunction and/or within 500 metres from another gas gun, in the case of a single blast gas gun, time between blasts to be no less than ten (10) minutes for all gas guns.
- In the case of double blast gas gun, time between blast sequences apply as per above.

## 9. Number of Gas Guns

The number of gas guns in use at any one time on a property is as follows:

- Where the area under crop is three hectares or less – one gas gun;

- Where the area under crop is more than three hectares and less than eight hectares – two gas guns;
- Where the area under crop is eight hectares or more - a maximum of three gas guns.

## 10. Management of Noise

Noise complaints or any issues regarding the use of gas guns are to be directed to Council, in writing, if issues cannot be resolved between each party.

## 11. Failure to comply with Noise Management Plan

Failure to comply with the Noise Management Plan may result in the local government enforcing the requirements of the *Environmental Protection (Noise) Regulations 1997* which carries the following penalties.

- Seizure of equipment, or any part of the equipment which is emitting, or contributing to the making of unreasonable noise under Section 81A or 99A of the Act;
- An Infringement Notice may be served under Section 99K of the Act, which carries a penalty of \$250.00 for the first offence and \$500.00 for the second and subsequent offences;
- A Noise Abatement Direction may be served directing members of the premises to cease making or contributing to the making of unreasonable noise (maximum penalty \$25,000);
- An Environmental Protection Notice specifying the action to be taken to abate the nuisance may be served. An Environmental Protection Notice while it exists, binds the occupiers upon whom it is served (maximum penalty \$62,500).

SCHEDULE OF SUBMISSIONS

Submitter	Summary of Comments	Assessing Officer Remarks	Recommendation
<p>M LeRoy Lot 7 McLure Road</p>	<ul style="list-style-type: none"> <li>• This draft Noise Management Plan developed by the Waroona Shire is a sound start to setting criteria that major fruit/intensive horticulture producers must comply with and reduce their noise impacts on their neighbours/community. I have some further comments to add for your consideration.</li>   <li>1. Section 3 Open Lines of Communications           <p>There is reference to fruit farmers, but this needs to be broadened to include intensive horticulture practises, such as water melons, rock melons producers. By using fruit farmers this is too narrow and to me refers to fruit trees (apples, pears, cherries etc).</p> <p>I support the third sentence relating to fruit farmers/intensive horticulture practises informing residents/neighbours prior to the season commencing.</p> </li> <li>2. Section 4 Council's preferred methods of bird control           <p>I support the Council's list of solutions for rural properties. I would like to see gas guns removed totally, but this may not be practical in some situations. Therefore controls on timing, position of guns (distance) and duration of blasts are needed.</p> </li> <li>3. Section 5 Approval for the Use of Gas Guns           <p>Support the Council's position that permission from the Shire must be sought to use gas guns. The criteria requested for the noise management plan with site locations of guns, closest neighbours and an acoustics report are all supported.</p> </li> <li>4. Section 6 Minimum Separation Distances           <p>I support the distances listed in this section</p> </li> <li>5. Section 7 Permitted Noise Management Operating Hours           <p>I support this section.</p> </li> </ul>	<ul style="list-style-type: none"> <li>• The intent is was for plan to cover any horticultural activity that may use bird scaring devices.</li>   <li>• Preference for alternative means of bird control noted. Studies have shown that a single method of bird control leads to birds becoming habituated and therefore do not tend to work as effectively as a range of different methods, particularly used in rotation. A range of controls on gas guns when this option is used can help to minimise impacts on nearby residents. To maximise the effectiveness of bird scaring devices noise should be irregular and random. The effectiveness needs to be monitored over time and once birds start to ignore a particular device it should be removed to ensure that birds do not begin to associate the noise with a good food source.</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

**SCHEDULE OF SUBMISSIONS**

	<p>6. Sections 8-11</p> <p>I support the procedures and actions required.</p> <ul style="list-style-type: none"> <li>I noted in version 1 of the draft that gas guns should be turned off between 11 – 3pm. As this is not a major feeding time for birds, this option should be considered.</li> <li>I place another scenario to you. If a resident is located between two uses of gas guns, how do you maintain the 6 or 10 minute gap between blasts?</li> </ul>	<ul style="list-style-type: none"> <li>Times when gas guns are used should be focussed on periods of the day when birds are most likely to be feeding.</li> <li>The wording could be simplified with a clear maximum number blast volleys per hour with a requirement to synchronise all guns on a farm.</li> </ul>	<ul style="list-style-type: none"> <li>Preclude the use of gas guns during the middle of the day.</li> <li>Simplify to include a clear maximum number blast per hour.</li> </ul>
<p>Joe Commisso</p>	<ul style="list-style-type: none"> <li>I think that gas guns should be banned entirely in the Shire of Waroona. As is stated in the draft there are other means available to scare off birds and they should be the only methods allowed. I also have issues with crows eating my watermelon so I bought a replica hanging crow and put it up in amongst the crop and they haven't touch one since. They are totally frightened off when they see what they think is one of their species dead. This is another option.</li> <li>Gas guns are so intrusive and impact on your life like you wouldn't believe. We get woken up at 5.30 in the morning by them and our dog is petrified to the point that we have to keep her inside the house 24/7 and turn the radio or TV on so she can't hear them inside. Yes even inside our house with doors and windows shut we can hear them. Unless you have had personal experience with your neighbours using gas guns for up to 14 hours a day nearly every day for months on end, you would have no idea of the torment that this creates.</li> <li>There have been some days when the conditions are right, the gun is so loud that it seems like the gun is located at my back door. It really is like being subjected to mental torture in your own home. Because the land is so flat the noise travels uninterrupted for kilometres on end. I've spoken to people that live 10 km away and they can hear them. This is why I say they should be banned full stop.</li> <li>However, having said that and if this doesn't happen then I would like to add the following:             <ol style="list-style-type: none"> <li>With regards to the open line of communication well I tried that with Bruno Capogreco for 5 years</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>Preference for alternative means of bird control noted. Studies have shown that a single method of bird control leads to birds becoming habituated and therefore do not tend to work as effectively as a range of different methods, particularly used in rotation.</li> </ul>	<ul style="list-style-type: none"> <li>Include limits on gas guns for early morning and middle of the day. Include a requirement for a review after the season and investigation toward alternatives.</li> </ul>

**SCHEDULE OF SUBMISSIONS**

	<p>and it got me nowhere except for a very heated and ugly argument over the phone so I can safely say that this option is off the table for me as we haven't spoken since.</p> <p>2. I do not understand the logic used with regards to the minimum distances that you have suggested. Why should someone who lives on 5 acres have a 500m spacing between them and a gas gun and me and my family because we live on more than 5 acres only have a 300m spacing.</p> <p>Obviously being 200m closer means the blasts are going to be much louder so why the discrimination between landholders. Tracey and I pay our rates accordingly so why should we be penalised? We are all ratepayers so we should all be treated equally and fairly. We value our lifestyle as just as much as the person on 5 acres.</p> <p>3 In the noise management plans that Donnybrook and Denmark implemented they prohibited the use of the guns between the hours of 11am and 3pm because it was determined that the birds were not as active during that time. In the first draft that was released on the shire website this was also applied but that was removed and replaced with another draft that did not contain this recommendation. Why? At least that would give us some reprieve for a few hours each day. 12 hours a day non-stop day after day really does your head in. Also as the days get shorter they shouldn't be allowed to operate the guns before sunrise or after sunset. I don't know if you are aware but these guns operate for 5 or so months of the year from January through til about May.</p> <p>4. The 6 minute spacing's are far too close as we live in between Capogrecos and Fruitico and we cop it from both of them. Once Fruitico finishes developing their property on the south side of Buller Road they will be even closer to us. Please correct me if I am wrong and I would appreciate that you do clarify this point with me prior to the Shire implementing this policy. Now, as it stands with this</p>	<ul style="list-style-type: none"> <li>• Improved information from farmers to impacted nearby residents does provide improved two way understanding and should be maintained.</li>   <li>• This is agreed. Separation distances should be maximised as far as possible with a uniform minimum.</li>   <li>• Times when gas guns are used should be focussed on periods of the day when birds are most likely to be feeding.</li>   <li>• The wording could be simplified with a clear maximum number blast volleys per hour with a requirement to synchronise all guns on a farm.</li> </ul>	<ul style="list-style-type: none"> <li>• Preclude the use of gas guns during the middle of the day.</li>   <li>• Simplify to include a clear maximum number blast per hour.</li> </ul>
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**SCHEDULE OF SUBMISSIONS**

	<p>draft, both of these businesses can operate 3 gas guns each and because their farms are so large they can actually situate them more than 500m apart so that would then entitle them to operate each one of these 6 guns (3 each) at 6-minute intervals, therefore on average, 6 guns going off every 6 minutes, 1 every minute, 60 every hour, 720 a day. Do I need to go on? If it's deemed by Council that gas guns are permitted and I would be very disappointed if that's the case, I believe that we should not have to put up with any more than 4 blasts per hour from both Capogrecos and Fruitico combined and anyone else for that matter who in the future may want to use a gas gun in the area. It needs to be capped at a maximum of 4 blasts per hour regardless of the number of people that are using them.</p> <p>6 Also there should be a 4-hour period (11 - 3) each day when the use of them is prohibited and the start and finish times should be brought closer together (8 - 6) as 12 hours of use per day is way too long.</p> <ul style="list-style-type: none"> <li>• Most of us in this area were here way before these two businesses started using gas guns and the serenity and peacefulness of the area was a significant attraction to living here, that has now been shattered. We should not have to put up with these gas guns when there are alternate methods available that do not impact on other peoples lives. I believe these other methods should be explored by both Capogrecos and Fruitico and hopefully they can make them work so we can go back to our peaceful lives and they can continue their successful businesses.</li> <li>• I do have a few questions before I finish:             <ol style="list-style-type: none"> <li>1 Who is going to police this whole policy if implemented with regards to distances, times, timing, number of guns and noise levels?</li> <li>2 Are we going to get to see the final draft that is going to be put before council prior to it going to council and if not why not?</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>• Times when gas guns are used should be focussed on periods of the day when birds are most likely to be feeding.</li> <li>• Preference for alternative means of bird control noted. Studies have shown that a single method of bird control leads to birds becoming habituated and therefore do not tend to work as effectively as a range of different methods, particularly used in rotation.</li> <li>• The implementation of the plan should be monitored by Shire officers.</li> <li>• The final draft will be available for viewing on the Shire website prior to the Council meeting.</li> </ul>	<ul style="list-style-type: none"> <li>• Update to preclude the use of gas guns during the middle of the day.</li> <li>• Include a requirement for a review after the season and investigation toward alternatives.</li> </ul>
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**SCHEDULE OF SUBMISSIONS**

<p>Melina, Tanya lerace &amp; Ryan Duyvestein</p> <p>3A McKay Avenue Waroona</p>	<ul style="list-style-type: none"> <li>Noise pollution causes wildlife disruption outside of property boundary. In particular, the disturbance of local populations of the critically endangered red-tailed cockatoo, which have been sighted in the area.</li> <li>Noise nuisance for neighbouring properties</li> <li>Night shift workers from local properties impacted by noise during their day-sleep cycle.</li> <li>Noise spooks nearby newly agisted cattle in neighbouring properties</li> <li>Fire hazard due to combustion process. The risks being malfunction of the device - over build-up of acetylene gas from Calcium carbide &amp; water reaction. Failed combustion would create a hazardous situation</li> <li>Gas guns to deter/scare birds are ineffective in the long term as birds get "use to" the noise</li> <li>Being primary producers, we have experienced that birds do not attack non-ripened fruit</li> <li>There should be an expectation of an acceptance of losses with mass production where native wildlife is concerned.</li> </ul>	<ul style="list-style-type: none"> <li>Noise impacts are noted with a balanced approach taken in the policy to assist with effectively managing noise and using gas guns in conjunction with other methods.</li> <li>Fire hazard has not been demonstrated to be a significant risk.</li> <li>This is agreed and gas guns should only be used in conjunction with a range of other methods.</li> </ul>	<ul style="list-style-type: none"> <li>Include a requirement for a review after the season and investigation toward alternatives.</li> </ul>
<p>Vince and Sharon Piscioneri</p> <p>268 Buller Road Waroona</p>	<ul style="list-style-type: none"> <li>We oppose the use of gas guns even as a least preferred option because they are in use now and will continue to be used even with rules and guidelines in place. The use of gas guns in the Shire is a recent development both the big growers were operating without them for quite a few years. As a horticultural farmer myself for over 50 years I have not had to resort to gas guns in the past. This area has been a large vegetable growing area over the years. There is a large melon grower close to town who does not use gas guns. Imagine if this grower started to use gas guns. I am sure the townspeople would be up in arms.</li> <li>We purchased this property in 1988 and it's been peaceful until the gas guns came into use. Now we have gas guns hammering at us from three sides of the farm, hardly a peaceful rural setting. We have horses on the property and the noise of the gas guns upsets them, we have had horses run into fences and injure themselves. We can do without the vet bills. In the draft the 7pm time does not work as come April/ May its dark and people are sitting down to tea and some peace and</li> </ul>	<ul style="list-style-type: none"> <li>Preference for alternative means of bird control noted. Studies have shown that a single method of bird control leads to birds becoming habituated and therefore do not tend to work as effectively as a range of different methods, particularly used in rotation.</li> <li>The hours included in the policy were chosen as they are consistent with the day time noise hours included under the Environmental Protection (Noise) Regulations.</li> </ul>	<ul style="list-style-type: none"> <li>Include a requirement for a review after the season and investigation toward alternatives.</li> <li>Preclude the use of gas guns during the middle of the day.</li> </ul>

**SCHEDULE OF SUBMISSIONS**

	<p>quiet not listen to gas guns which can be heard quite clearly inside the house.</p> <ul style="list-style-type: none"> <li>Who is going to monitor the decibels, self-monitoring does not work, Alcoa is a good example that. Also the draft states that we should speak to the farm managers first to resolve issues, firsthand experience has shown us that this does not work, all that happened was gas gun usage was ramped up with the guns even being placed on our boundary fence. There needs to be a time frame to resolve issues or all that will happen is an exercise in deny, deny, delay, delay until the season is over. So a time frame needs to be in place for actions to be taken i.e. first action one week. Second action one-week etc with a resolution to be reached within a month. The other solutions for bird scaring that were listed in the draft are not as problematic as the gas guns.</li> </ul>	<ul style="list-style-type: none"> <li>If the use of gas guns is not undertaken in accordance with an approved management plan then noise monitoring can be undertaken by Shire officers and compliance action commenced. Prompt attention to any compliance action is supported.</li> </ul>	
<p>Robert Deleo 203 Buller Rd Hamel</p>	<ul style="list-style-type: none"> <li>While I appreciate that my family property is situated in a commercial agricultural area and certain agricultural activities need to be implemented to keep the viability of the farms going, there are still lifestyle property's in the vicinity.</li> <li>I feel some restrictions need to be in place for Noise management especially the use of Bird Scaring Devices.             <ol style="list-style-type: none"> <li>they should only be used between the hours of 7am and 7pm during weekdays, and 8am to 6pm on weekends.</li> <li>they should not discharge at a rate more frequently than every 5 minutes.</li> <li>they should not face neighbouring properties when discharging.</li> </ol> </li> </ul>	<ul style="list-style-type: none"> <li>The times stated in the policy were chosen as they are consistent with the day time noise hours included under the Environmental Protection (Noise) Regulations.</li> <li>The wording of section 8 of the policy could be simplified with a clear maximum number of blast volleys per hour with a requirement to synchronise all guns on a farm.</li> <li>It is agreed that gas guns ought to as far as possible be oriented away from the closest dwellings.</li> </ul>	<ul style="list-style-type: none"> <li>Update to simplify and include a clear maximum number blasts per hour.</li> <li>Update to provide for gas guns to as far as possible oriented away from the closest dwellings.</li> <li>Update to specify the nature and type of information that</li> </ul>

**SCHEDULE OF SUBMISSIONS**

	<p>4 all neighbouring properties should be informed of the days when the devices are going to be used.</p> <ul style="list-style-type: none"> <li>I am aware that these commercial farms are vital to Waroona's economy and employ numerous people, so I feel a fair and viable outcome for both parties is vital.</li> </ul>	<ul style="list-style-type: none"> <li>There was provision in the policy for such communication however this could be improved by specifying the nature and extent of communication.</li> </ul>	<p>should be provided to nearby residents.</p>
<p>Department of Primary Industries and Regional Development</p>	<p>Does not object however provides the following comments:</p> <ul style="list-style-type: none"> <li>Applications for the use of gas guns should be approved ahead of the fruit-growing season as to avoid damage while waiting on approval.</li> <li>The Draft Shire of Waroona Noise Management Plan should allow for the temporary approval to increase the frequency of gas gun usage if bird numbers are abnormally high.</li> </ul>	<ul style="list-style-type: none"> <li>The policy will be considered by Council in December, allowing for application to be considered over the following months prior to the fruit growing season. Noting that individual applications may need to be determined under delegated authority to achieve this timing.</li> <li>This is something that can be incorporated in individual farm noise management plans.</li> </ul>	
<p>Department of Planning Lands and Heritage - Land Management Metropolitan &amp; Peel</p>	<p>No comments.</p>	<p>Noted.</p>	
<p>Department of Planning Lands and Heritage - Land Use Planning</p>	<p>No comments.</p>	<p>Noted.</p>	

Friday, 22 January 2021

Reference: P190980LT1

Bruno Capogreco

Capogreco Farms  
142 McClure Rd,  
Hamel WA 6215

Dear Bruno,

**Capogreco and Fruitico Farms – Bird Scare Gas Cannon  
Environmental Noise Emission Assessment**

Reverberate Consulting has conducted a site visit on Friday 8 January 2021 to measure noise from two gas cannons, the:

- Gepaval “Guardian 2 standard” at the Capogreco Farm, 142 McClure Rd, Hamel, and
- Zon “Mark 4” gas cannon at the Fruitico Farm, Buller Road, Hamel.

The gas cannons are used to scare various birds away from crops and are routinely moved to areas where bird damage has been noted. We are advised that Capogreco farm, the cannon is normally set to fire once every 6 minutes. At Fruitico Farm on Buller Road, the cannon is normally set to fire a random number of shots (between 1 and 4) every 10 minutes. The cannons are normally in operation between 5 am to 11 am, and 2 pm to 7 pm.

Based on our measurements, we find that compliance with the Environmental Protection (Noise) Regulations 1997 requires at least the following minimum buffer distances:

- 400 metres during the day, and
- 900 metres during night and evenings.

These buffer distances apply where the cannon is pointed directly away from the residences. Increased buffer distances are required where the cannon is pointed in any other direction. Reduced buffer distances may be considered when shielding exists between source and receiver (e.g., from shielding such as that caused by hay bales stacked near the cannon). The buffer distances in this report are based on the ‘short’ cannon setting being used for Capogreco Farm and the ‘normal’ setting used by Fruitico Farm on their cannon. Increased buffer distances may be required for other cannon settings.

This letter report details our assessment.

## Noise criteria

The Environmental Protection (Noise) Regulations 1997 (the Regulations) provide limits (Assigned Levels) on the noise received at nearby sensitive receptors in terms of a number of statistical parameters. Considering the nature of the gas cannon noise, the relevant statistic for the assessment is the  $L_{ASmax, adj}$ . Measurements of the cannon within 500 m showed the noise to possess an impulsive characteristic, thus measured levels presented have been adjusted upwards by 10 dB in accordance with the Regulations. The relevant noise criteria for different time periods are summarised in Table 1.

**Table 1: Noise criteria**

Time period	Definition	Noise limit (dB $L_{ASmax, adj}$ )
Day	07:00 to 19:00, Monday to Saturday	65
	09:00 to 19:00, Sunday and Public Holidays	
Evening	19:00 to 22:00, all days	55
Night	22:00 to 07:00, Monday to Saturday	55
	22:00 to 09:00, Sunday and Public Holidays	

## Measurements

Measurements were undertaken down-wind of the cannon at Capogreco Farm on a clear day during wind conditions favourable to the propagation of sound (higher noise levels), 3 to 5 m/s at distances of 250 and 500 m. Noise levels were also measured at a distance of 10 m from the cannon with both long and short nozzle settings of the Guardian 2 cannon at the Capogreco Farm. Measurements were also conducted on the Zon Mark 4 cannon at the Fruitico Farm. It was found that the shorter cannon setting at Capogreco was quieter than the long cannon setting, and that the Fruitico cannon on its 'normal' setting had approximately the same noise emission as the short setting on the Capogreco cannon. We are advised that the setting for the Fruitico cannon will not be changed.

All measurements were found to possess an impulsive characteristic; thus, they include an adjustment of 10 dB. Different automated shots generated slight variation in the overall noise emission from the cannons. The variation, represented by the standard deviation was found to be approximately 3 dB at all measurement locations. Measurements at 250 and 500 m downwind and 250 m crosswind (90 degrees) were undertaken simultaneously, and the cannon was rotated 180 degrees in between measurements to measure both in front and behind.

The instrumentation in Table 2 was used for the measurements. All sound level meters were field calibrated before and after the measurements. No significant drift was detected on any instrument, resulting in reliable measurements.

**Table 2: Instrumentation details**

Make	Model	Serial No	Calibration date
NTI	XL2	A2A12691E0	17/05/2019
Rion	NL18	00360043	21/12/2020
Rion	NL18	00990828	17/11/2020



Figure 1: Measurement and gas cannon locations, Capogreco Farms

Table 3: Measured noise levels (mean plus one standard deviation), inclusive of adjustment for impulsive character (dB  $L_{ASmax, adj}$ )

Receiver		Fruitico (normal) 10 m	Capogreco (short setting) 10 m	Capogreco (long setting)		
Location	Wind			10 m	250 m	500 m
Front	Downwind	113	113	120	79	73
Behind	Downwind	105	106	113	75	69
Side	Crosswind	-	-	-	69	-

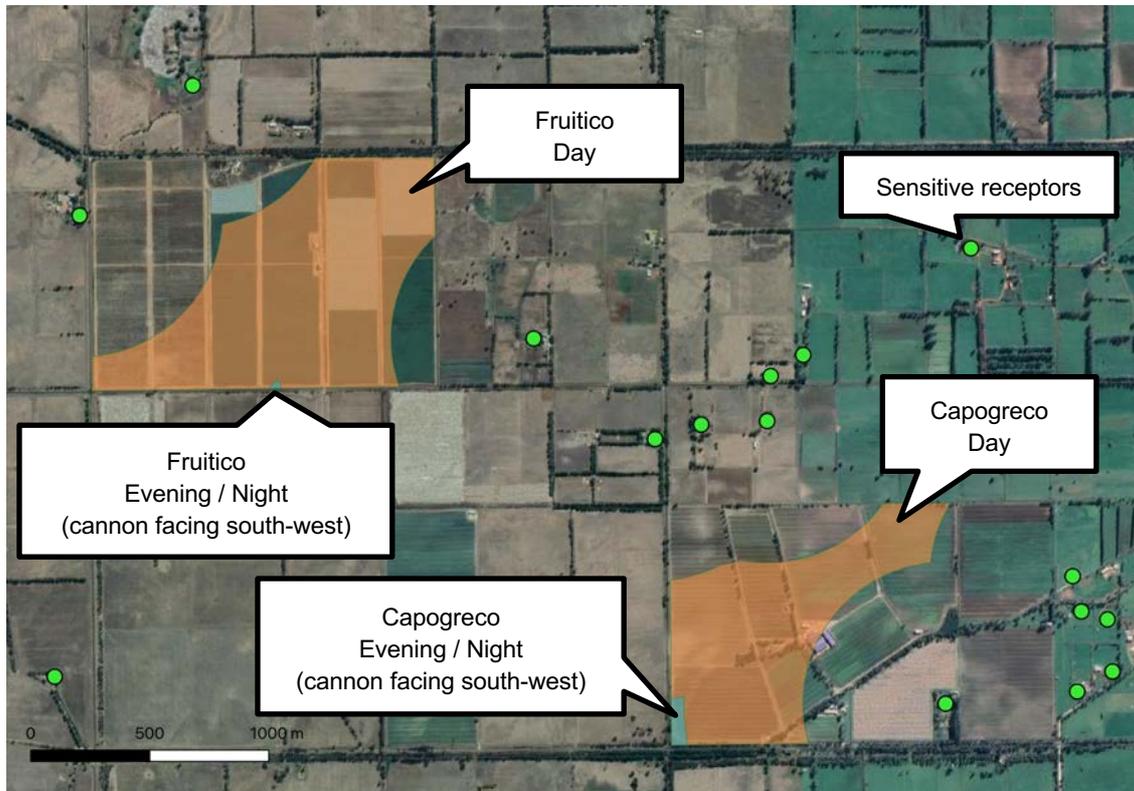
Recommendations

Based on these measurements, we recommend the buffer zones listed in Table 4 and shown in Figure 2 to control cannon noise emission. These buffer distances apply to the Guardian 2 cannon on short setting and the Fruitico cannon on the normal setting. The Guardian 2 cannon on the long setting requires buffer distances more than twice as large as those shown below and so its use is not recommended without additional treatments/shielding.

These buffer zones have been established based on the measured “mean plus one standard deviation”  $L_{ASmax, adj}$  for conditions favourable to the propagation of sound. The use of “mean plus one standard deviation” results in buffer distances which statistically allow in compliance for approx. 84% of all shots (assuming a normal statistical distribution). The remaining 16% of shots are likely to marginally exceed the Assigned Levels by 1 – 2 dB. This 1 – 2 dB exceedance is not detectable to an “average listener”<sup>1</sup> so the statistical approach adopted for this assessment is considered acceptable. Predictions used to establish buffer distances greater than 500 m are based on additional attenuation by geometric spreading and atmospheric absorption.

**Table 4: Recommended buffer distances for Capogreco (short setting) and Fruitico (normal setting)**

Time period	Cannon facing away from residence	Cannon facing towards residence
Day	400 m	600 m
Evening / Night	900 m	1,200 m



**Figure 2: Recommended areas allowed for operation of the gas cannon (short tube setting for Capogreco, normal tube setting for Fruitico)**

<sup>1</sup> Bies and Hansen (2009), Engineering Noise Control: Theory and Practice, Fourth Edition, Spon Press

The buffer distances have the potential to be reduced by setting up shielding close to the noise source (e.g., hay bales stacked near the cannon). Where the buffer distances in this report are too restrictive, we recommend further testing be conducted with the bales to establish the effectiveness of the shielding should this option be pursued, as these were not available at the time of testing.

Photographs of the gas cannons tested are provided in Figure 3 and Figure 4.

Note also, that measurements taken within 15 m of the cannon exceeded  $L_{pk}$  140 dBC. Exposure to these noise levels is known to cause serious hearing impairment. It is strongly recommended that hearing protection be worn for any person within 30 m of the cannon.

Please let me know if you have any questions on the above.

Yours sincerely,



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James Leader  
Principal Acoustical Engineer

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james@reverberate.consulting



Figure 3: Capogreco Farms gas cannon (long tube setting for long-distance noise measurements)



Figure 4: Fruitico gas cannon (tube length setting that was used for noise measurements)

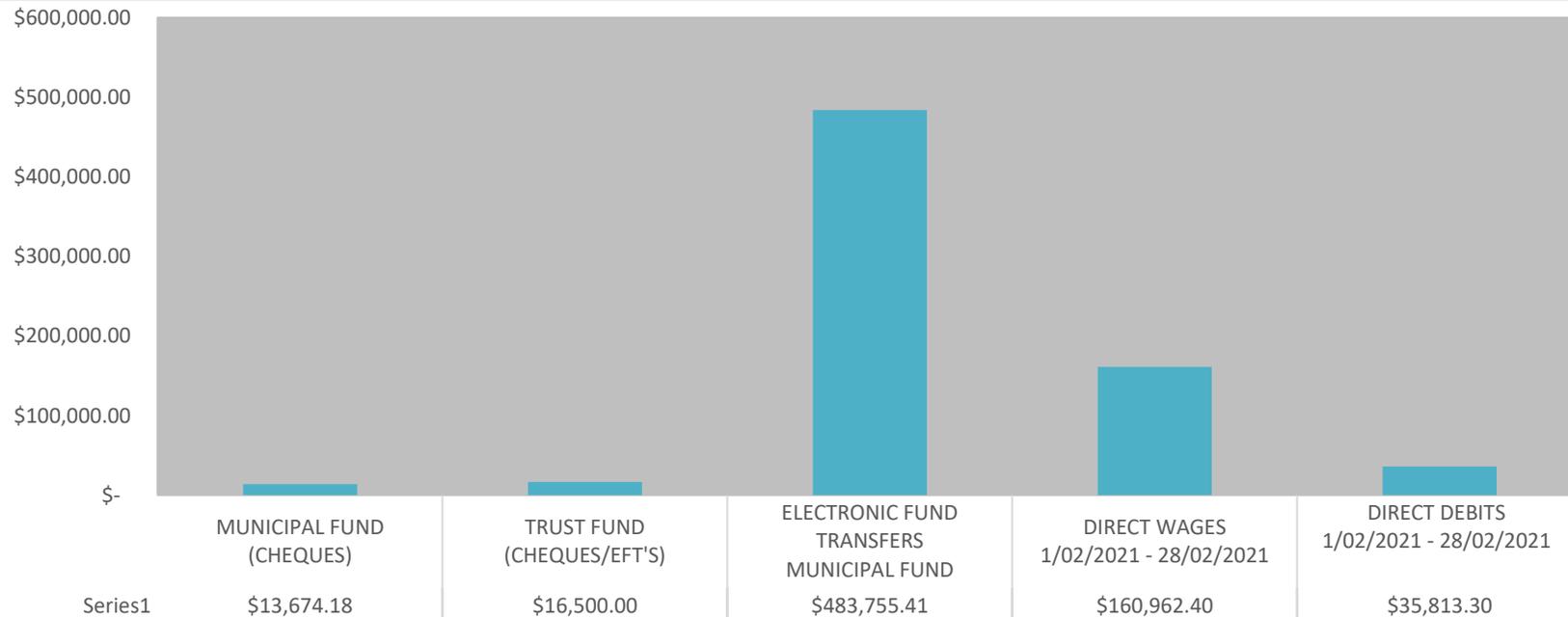


## SUMMARY OF PAYMENTS FOR THE PERIOD 1/02/2021 TO 28/02/2021

APPENDIX 11.3.1

ACCOUNT	CHEQUE NO'S	TOTAL
MUNICIPAL FUND (CHEQUES)	9635 - 9652	\$ 13,674.18
TRUST FUND (CHEQUES/EFT'S)	EFT33732	\$ 16,500.00
ELECTRONIC FUND TRANSFERS MUNICIPAL FUND	33673 - 33852	\$ 483,755.41
DIRECT WAGES 1/02/2021 - 28/02/2021	N/A	\$ 160,962.40
DIRECT DEBITS 1/02/2021 - 28/02/2021	N/A	\$ 35,813.30

**GRAND TOTAL: \$ 710,705.29**



**List of Accounts Due & Submitted to Committee March 2021**

<b>Municipal Funds Cheques February 2021</b>				
<b>Chq/EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
9635	02/02/2021	CYNTHIA ROSE NEWMAN	Rates Refund - 7B Pisconeri Heights, Waroona	-614.50
9636	02/02/2021	OPTUS BILLING SERVICES	Sat Sleeve - Volunteer Rangers	-15.00
9637	02/02/2021	PETTY CASH - please pay cash	Petty Cash Reimbursements	-210.45
9638	02/02/2021	SHIRE OF WAROONA - SUNDRY DEBTORS	Payroll Deductions	-670.00
9639	02/02/2021	SYNERGY	Electricity Charges	-3409.32
9640	02/02/2021	SHIRE OF WAROONA	BSL Commission Collected - December 2020	-75.00
9641	02/02/2021	TELSTRA CORPORATION LIMITED	Telephone Charges	-1257.10
9642	12/02/2021	BUNNINGS MANDURAH	Ablutions Door lock	-46.55
9643	12/02/2021	OPTUS BILLING SERVICES	Telephone Charges	-2321.11
9644	12/02/2021	GAYLE ROCHELLE GREEN	Rates Refund - 1/115 Panorama Drive, Preston Beach	-614.50
9645	12/02/2021	SHIRE OF WAROONA - SUNDRY DEBTORS	Payroll Deductions	-670.00
9647	12/02/2021	CHRISTINE HYDE	Payment of Consignment Stock - Visitor Centre	-477.45
9648	16/02/2021	SHIRE OF WAROONA	BSL Commission Collected - January 2021	-61.50
9649	19/02/2021	AUSTRALIA POST	Post Office Box Renewal	-205.00
9650	19/02/2021	PETTY CASH - please pay cash	Petty Cash Reimbursements	-91.25
9651	19/02/2021	SYNERGY	Electricity Charges	-2927.20
9652	19/02/2021	SHIRE OF WAROONA	BCITF Commission Collected - January 2021	-8.25
<b>TOTAL MUNICIPAL FUNDS CHEQUES</b>				<b>-\$ 13,674.18</b>

<b>Trust Fund Cheques/EFTs</b>				
<b>Chq/EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT33732	09/02/2021	LAKE CLIFTON HERRON RESIDENTS ASSOCIATION INC	Payment of Alcoa Waroona Sustainability Fund - Lake Clifton Herron Residents Association	-16500.00
<b>TOTAL TRUST CHEQUES</b>				<b>-\$ 16,500.00</b>

<b>Direct Debit Payments</b>				
<b>Direct Debit</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
DD19356.1	10/02/2021	AWARE SUPER	Payroll Deductions	-14570.28
DD19356.2	10/02/2021	AUSTRALIAN ETHICAL RETAIL SUPERANNUATION FUND	Superannuation Contributions	-177.08
DD19356.3	10/02/2021	MIML - MACQUARIE SUPER ACCUMULATOR	Superannuation Contributions	-44.07
DD19356.4	10/02/2021	BT SUPER FOR LIFE	Superannuation Contributions	-48.56
DD19356.5	10/02/2021	COLONIAL FIRST STATE FIRSTCHOICE WHOLESAL	Superannuation Contributions	-62.93
DD19356.6	10/02/2021	TELSTRA SUPER	Superannuation Contributions	-953.57
DD19356.7	10/02/2021	SUNSUPER	Superannuation Contributions	-440.39
DD19356.8	10/02/2021	CBUS SUPERANNUATION	Superannuation Contributions	-309.84
DD19356.9	10/02/2021	ESSENTIAL SUPERANNUATION	Superannuation Contributions	-52.35

DD19365.1	17/02/2021	FINES ENFORCEMENT AGENCY	Lodgement of 14 x Unpaid Infringements	-1078.00
DD19400.2	23/02/2021	IINET TECHNOLOGIES	Landcare - Internet Fees	-109.95
DD19404.1	24/02/2021	AWARE SUPER	Payroll Deductions	-14801.23
DD19404.2	24/02/2021	MIML - MACQUARIE SUPER ACCUMULATOR	Superannuation Contributions	-44.07
DD19404.3	24/02/2021	BT SUPER FOR LIFE	Superannuation Contributions	-68.31
DD19404.4	24/02/2021	COLONIAL FIRST STATE FIRSTCHOICE WHOLESAL	Superannuation Contributions	-62.93
DD19404.5	24/02/2021	TELSTRA SUPER	Superannuation Contributions	-988.40
DD19404.6	24/02/2021	SUNSUPER	Superannuation Contributions	-440.39
DD19404.7	24/02/2021	CBUS SUPERANNUATION	Superannuation Contributions	-309.84
DD19404.8	24/02/2021	ESSENTIAL SUPERANNUATION	Superannuation Contributions	-71.26
DD19404.9	24/02/2021	REST SUPER - RETAIL EMPLOYEES SUPERANNUATION	Superannuation Contributions	-287.21
DD19356.10	10/02/2021	REST SUPER - RETAIL EMPLOYEES SUPERANNUATION	Superannuation Contributions	-229.43
DD19356.11	10/02/2021	MTAA SUPER	Superannuation Contributions	-80.13
DD19356.12	10/02/2021	AUSTRALIAN SUPER	Superannuation Contributions	-203.00
DD19404.10	24/02/2021	AUSTRALIAN SUPER	Superannuation Contributions	-203.00
DD19404.11	24/02/2021	AUSTRALIAN ETHICAL RETAIL SUPERANNUATION FUND	Superannuation Contributions	-177.08
<b>TOTAL DIRECT DEBIT PAYMENT - \$</b>				<b>35,813.30</b>

<b>Municipal Electronic Funds Transfers</b>				
<b>Chq/EFT</b>	<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
EFT33673	02/02/2021	KLEEN WEST DISTRIBUTORS	Cleaning Products	-569.26
EFT33674	02/02/2021	PETES TREEWORX	Tree Pruning & Stump Grinding	-7845.75
EFT33675	02/02/2021	THE SHIRT MAN	Preston Beach Volunteer Rangers Gifts	-232.00
EFT33676	02/02/2021	ESTUARY BOBCATS	Reconstruct Widen & Reseal Coronation Road, Lay Asphalt School Parking Bay	-73639.50
EFT33677	02/02/2021	BUILDING COMMISSION	BSL Collections - December 2020	-1923.40
EFT33678	02/02/2021	T-QUIP	Parts	-1085.95
EFT33679	02/02/2021	THE GOOD GUYS	Kettle & Toaster	-99.00
EFT33680	02/02/2021	D & E DIESEL SERVICES	Make up Hose - Mower (P71)	-81.36
EFT33681	02/02/2021	HAYS SPECIALIST RECRUITMENT	Manager Planning Services Contract	-3841.05
EFT33682	02/02/2021	CLUNE GROUP PTY LTD T/A PEAK TRAFFIC	Traffic Control	-24044.23
EFT33683	02/02/2021	ROBERT JETTA	Welcome to Country - Australia Day 2021	-300.00
EFT33684	02/02/2021	MARKETFORCE PTY LTD	Advertising	-930.05
EFT33685	02/02/2021	EQUIPPED EARTHWORKS	Install Pathway - School Parking, Lay Mulch, Transport Roller	-13184.86
EFT33686	02/02/2021	JAYCAR ELECTRONICS	PA Speaker	-269.00
EFT33687	02/02/2021	MALMAR ENTERPRISES & AMICA TRADING CO	Visitor Centre Stock	-984.70
EFT33688	02/02/2021	BLUESTEEL ENTERPRISES PTY LTD (FRONTLINE FIRE &	Single Head Standpipe, PPE	-1618.76
EFT33689	02/02/2021	EXAMINER NEWSPAPERS	Advertising	-550.00
EFT33690	02/02/2021	NAPA AUTO PARTS	Parts	-390.14
EFT33691	02/02/2021	MY CLEANING LADY SRI	Covid Cleaning Services - Australia Day	-195.00

EFT33692	02/02/2021	TOLL TRANSPORT PTY LTD	Freight	-34.98
EFT33693	02/02/2021	AMPAC DEBT RECOVERY	Debt Recovery Costs	-66.00
EFT33694	02/02/2021	CRANETECH	Parts for Truck	-900.63
EFT33695	02/02/2021	JACOB PIHEMA MUSIC	Music - Live at the Weir	-450.00
EFT33696	02/02/2021	A.W PESTRUCCI	Music - Live at the Weir	-600.00
EFT33697	02/02/2021	D&DS LOLLY JAR	Voucher - Live at the Weir - Emerging Artist Award	-50.00
EFT33698	02/02/2021	JOSH COWLING PHOTOGRAPHY	Professional Photos for Place Plans and SoW website	-450.00
EFT33699	02/02/2021	LEON HOLMES	Quick Draw Winner - Live at the Weir	-500.00
EFT33700	02/02/2021	VESTONE CAPITAL	Solar Panels Lease - Rec Centre	-1997.35
EFT33701	02/02/2021	AUSTRALIAN SERVICES UNION	Payroll Deductions	-127.50
EFT33702	02/02/2021	COCA -COLA AMATIL (AUST) PTY LTD	Kiosk Items	-735.31
EFT33703	02/02/2021	CURTIS ELECTRICAL CONTRACTING PTY LTD	Electrical Works	-672.20
EFT33704	02/02/2021	CANNON HYGIENE AUSTRALIA PTY LTD	Sanitary Units - Preston Beach Toilets	-207.13
EFT33705	02/02/2021	CHARLES HULL CONTRACTING	Supply Limestone, Gravel & Hire Dozer	-17922.59
EFT33706	02/02/2021	DE ROSAS HIGHWAY MOTORS	Service Fire Trucks - VBFB	-2988.98
EFT33707	02/02/2021	DEPT OF PARKS & WILDLIFE	Stock - Books	-165.09
EFT33708	02/02/2021	JR & A HERSEY PTY LTD	Treblex Turbo Red	-110.00
EFT33709	02/02/2021	JASON SIGNMAKERS	Signs	-536.52
EFT33710	02/02/2021	JH COMPUTER SERVICES PTY LTD	Acer Spin I7 Power Supply	-160.60
EFT33711	02/02/2021	LANDGATE	Valuation Fees	-167.41
EFT33712	02/02/2021	MESSAGES ON HOLD	Rental of Programming and Equipment	-1078.47
EFT33713	02/02/2021	MEANDA PARK MINIATURE ANIMAL FARM	Meanda Miniature Animal Farm	-400.00
EFT33714	02/02/2021	PRESTIGE PRODUCTS	Cleaning Products	-224.87
EFT33715	02/02/2021	PINJARRA TYREPOWER	Tyre Repair	-627.50
EFT33716	02/02/2021	PFD FOOD SERVICES PTY LTD	Kiosk Items	-88.70
EFT33717	02/02/2021	CHILD SUPPORT AGENCY	Payroll Deductions	-348.96
EFT33718	02/02/2021	SHIRE OF WAROONA STAFF LOTTO SYNDICATE	Payroll Deductions	-116.00
EFT33719	02/02/2021	SOLA SWIM PTY LTD	Service Pool Sola System	-385.00
EFT33720	02/02/2021	STEWART & HEATON CLOTHING CO PTY LTD	PPE - Waroona West Fire Brigade	-910.83
EFT33721	02/02/2021	BUNBURY TRUCKS	Ball Joint - Gearshift Link	-39.86
EFT33722	02/02/2021	SHIRE OF MURRAY	Resource Sharing Contract - David Arkwright	-8631.35
EFT33723	02/02/2021	TERRY WHITE CHEMMART PHARMACY WAROONA	Stingoz	-25.50
EFT33724	02/02/2021	WAROONA COMMUNITY CENTRE INC -TELECENRE	Wage Support Donation - Waroona Youth Centre	-1100.00
EFT33725	02/02/2021	WAROONA RURAL SERVICES	Hardware Supplies	-403.23
EFT33726	02/02/2021	WAROONA BASKETBALL ASSOCIATION	Donation - Trophy Presentation	-120.00
EFT33727	02/02/2021	WAROONA HOTEL	Catering - Interagency Meeting	-135.00
EFT33728	02/02/2021	WAROONA IGA	Groceries	-109.96
EFT33729	02/02/2021	WAROONA SEPTICS	Potable Toilet Clean	-38.50
EFT33730	02/02/2021	WAROONA MITRE 10	Hardware Supplies	-124.41

EFT33731	04/02/2021	DEPARTMENT OF PLANNING, LANDS AND HERITAGE	DAP Application Fee	-10486.00
EFT33733	12/02/2021	DEPARTMENT OF BIODIVERSITY, CONSERVATION AND	2021 Calendars	-134.55
EFT33734	12/02/2021	LUNA GARDINER	Payment of Consignment Stock - Visitor Centre	-21.00
EFT33735	12/02/2021	PREMIUM ALLSANDS & PREMIUM WASTE	Supply & Deliver Recycled Road Base	-21492.26
EFT33736	12/02/2021	JCB CONSTRUCTION EQUIPMENT AUSTRALIA	Repair/Service Air Conditioning in Backhoe	-1876.70
EFT33737	12/02/2021	PSI AUDIO	Sound Equipment - Australia Day Breakfast 2021	-4737.00
EFT33738	12/02/2021	DRAKESBROOK DESPATCH	Advertising	-100.00
EFT33739	12/02/2021	VICTOR'S GOURMET DELIGHTS	Payment of Consignment Stock - Visitor Centre	-32.65
EFT33740	12/02/2021	RENIER & CHRISTINE THEELEN	Payment of Consignment Stock - Visitor Centre	-64.50
EFT33741	12/02/2021	DATA 3	Wireless Headset Adapter	-67.29
EFT33742	12/02/2021	BUILDING COMMISSION	BSL Collections - January 2021	-1405.28
EFT33743	12/02/2021	SAFEMASTER SAFETY PRODUCTS	Safety Certification - Chambers Working at Height Points	-422.40
EFT33744	12/02/2021	CITY & REGIONAL FUELS	Fuel	-7513.21
EFT33745	12/02/2021	HAYS SPECIALIST RECRUITMENT	Manager Planning Services Contract	-7014.70
EFT33746	12/02/2021	CLUNE GROUP PTY LTD T/A PEAK TRAFFIC	Traffic Control	-17397.36
EFT33747	12/02/2021	GEOFF BLACK	Payment of Consignment Stock - Visitor Centre	-97.50
EFT33748	12/02/2021	SAVAGE ST	Payment of Consignment Stock - Visitor Centre	-101.20
EFT33749	12/02/2021	LES ROWE	Payment of Consignment Stock - Visitor Centre	-60.00
EFT33750	12/02/2021	ANW ENTERPRISES PTY LTD T/AS MUDDY CREEK	Visitor Centre Stock	-1123.38
EFT33751	12/02/2021	LESLEY AUSTIN	Payment of Consignment Stock - Visitor Centre	-97.50
EFT33752	12/02/2021	PETER FOEKEN	Payment of Consignment Stock - Visitor Centre	-34.50
EFT33753	12/02/2021	Founder Enterprises Pty Ltd t/as Fortus Group	Grader Blades	-1213.74
EFT33754	12/02/2021	INTERFIRE AGENCIES PTY LTD	Fire Helmets	-2074.00
EFT33755	12/02/2021	BLUESTEEL ENTERPRISES PTY LTD (FRONTLINE FIRE &	Repair Foam System - Preston Beach Fire Brigade	-1791.26
EFT33756	12/02/2021	AQUATIC SERVICES WA	Service & Repair Foot Valves	-1510.30
EFT33757	12/02/2021	NAOMI PREECE	Refund Planning Application - Not Required	-1600.00
EFT33758	12/02/2021	SCOPE BUSINESS IMAGING	PDFA Option Installed & Configured - Admin Photocopier, Photocopier Charges	-1766.64
EFT33759	12/02/2021	NAPA AUTO PARTS	Parts	-69.45
EFT33760	12/02/2021	TOLL TRANSPORT PTY LTD	Freight	-141.24
EFT33761	12/02/2021	ZINNIA FLORAL DESIGNS	Flowers for Meritorious Awards	-70.00
EFT33762	12/02/2021	AMPAC DEBT RECOVERY	Dept. Recovery Costs	-1062.53
EFT33763	12/02/2021	OCEAN EDGE PLUMBING AND GAS	Unblock Preston Beach Toilets	-1045.00
EFT33764	12/02/2021	ALL SORTS REPAIRS & SERVICE	Medal Engraving - Australia Day Awards 2021	-120.00
EFT33765	12/02/2021	DELTA ECHO PTY LTD T/A FAR LANE	Undertake an Economic Analysis of the Waroona Community Park Project	-1386.00
EFT33766	12/02/2021	MAD COW ENTERTAINMENT	Amusements - Youth Event	-1810.00
EFT33767	12/02/2021	AUSTRALIAN SERVICES UNION	Payroll Deductions	-127.50
EFT33768	12/02/2021	CARMEL HOLDINGS PTY LTD T/A ALLSTAMPS	Stamps	-108.74
EFT33769	12/02/2021	ADVANCED PEST CONTROL	Termite & Spider Treatment	-3234.00
EFT33770	12/02/2021	BELL FIRE EQUIPMENT	Fire Alarm Servicing - December 2020	-366.64

EFT33771	12/02/2021	BOC GASES	G-Plan Argosshield Universal	-219.00
EFT33772	12/02/2021	BCITF	BCITF Collections - December 2020	-926.08
EFT33773	12/02/2021	CURTIS ELECTRICAL CONTRACTING PTY LTD	Electrical Works	-2937.07
EFT33774	12/02/2021	COATES HIRE	Hire Portable Toilet	-367.29
EFT33775	12/02/2021	DORMAKABA AUSTRALIA PTY LTD	Automatic Door Annual Service Maintenance	-484.00
EFT33776	12/02/2021	DRAKESBROOK HOTEL MOTEL	Catering - Waroona Fusion Program	-120.00
EFT33777	12/02/2021	EAGLE SPORTS	Goggles	-451.44
EFT33778	12/02/2021	T.GOLDSWORTHY	Reimburse - Visitor Centre Supplies	-234.54
EFT33779	12/02/2021	HARVEY WATER	Water Consumption	-4222.97
EFT33780	12/02/2021	HANSON CONSTRUCTION MATERIALS PTY LTD	Washed Granite	-7272.30
EFT33781	12/02/2021	LANDGATE	Land Enquiries	-26.70
EFT33782	12/02/2021	McLEODS	Legal Fees	-3118.01
EFT33783	12/02/2021	PEEL COMMUNITY DEVELOPMENT GROUP	Contribution - Peel Away Mask 3	-3300.00
EFT33784	12/02/2021	PRESTON BEACH GENERAL STORE	Fuel	-630.62
EFT33785	12/02/2021	PLANT INVESTMENTS PTY LTD	Gate Wheel	-49.50
EFT33786	12/02/2021	PFD FOOD SERVICES PTY LTD	Kiosk Items	-356.15
EFT33787	12/02/2021	PISCONERI, A. M.	Rubbish Tip Contract	-8401.42
EFT33788	12/02/2021	SUBARU MANDURAH	Service - 108WR	-346.40
EFT33789	12/02/2021	THE WEST AUSTRALIAN (HARVEY REPORTER)	Advertising	-1040.13
EFT33790	12/02/2021	CHILD SUPPORT AGENCY	Payroll Deductions	-348.96
EFT33791	12/02/2021	SHIRE OF WAROONA STAFF LOTTO SYNDICATE	Payroll Deductions	-116.00
EFT33792	12/02/2021	SYNERGY - STREETLIGHT ACCOUNT	Street Lighting	-8151.65
EFT33793	12/02/2021	SHIRE OF MURRAY	IT Services, Reimburse Connect Call Services	-3917.57
EFT33794	12/02/2021	MOORE STEPHENS	Annual Budget Workshop - DCS	-990.00
EFT33795	12/02/2021	WAROONA COMMUNITY CENTRE INC -TELECENTRE	Lotterywest Emergency Relief Funding	-1048.58
EFT33796	12/02/2021	WAROONA RURAL SERVICES	Hardware Supplies	-1468.27
EFT33797	12/02/2021	WAROONA LICENCED POST OFFICE	Postage Charges	-764.45
EFT33798	12/02/2021	IAN DIFFEN CITY DISCOUNT TYRES WAROONA	Fit New Tyres	-2408.45
EFT33799	12/02/2021	WAROONA IGA	Groceries	-821.79
EFT33800	12/02/2021	WAROONA MITRE 10	Hardware Supplies	-303.84
EFT33802	12/02/2021	AUDREY ISOBEL SMITH	Payment of Consignment Stock - Visitor Centre	-49.50
EFT33803	12/02/2021	PAULINE BONNER	Payment of Consignment Stock - Visitor Centre	-129.00
EFT33804	12/02/2021	JEANETTE AUDINO	Payment of Consignment Stock - Visitor Centre	-105.00
EFT33805	12/02/2021	LEANNE MARY MCKENNA	Rates Refund - 35 McDowell Street, Waroona	-38.32
EFT33806	12/02/2021	SANDRA HEPTON	Payment of Consignment Stock - Visitor Centre	-168.40
EFT33807	12/02/2021	JANET BURNE	Payment of Consignment Stock - Visitor Centre	-180.00
EFT33808	19/02/2021	DRAKESBROOK DESPATCH	Advertising	-100.00
EFT33809	19/02/2021	PETES TREEWORX	Tree Pruning & Tree Removal	-7612.58
EFT33810	19/02/2021	IRRIGATION AUSTRALIA	Cert 3 in Irrigation	-318.50

EFT33811	19/02/2021	ESTUARY BOBCATS	Repair Failed Sections - Dorsett Road & Buller Road	-9658.00
EFT33812	19/02/2021	SPYKER BUSINESS SOLUTIONS	Annual CCTV Maintenance	-1443.11
EFT33813	19/02/2021	GUARDIAN FIRST AID AND FIRE	First Aid Kit Servicing - VBFB	-224.34
EFT33814	19/02/2021	HAYS SPECIALIST RECRUITMENT	Manager Planning Services Contract	-3883.14
EFT33815	19/02/2021	CLUNE GROUP PTY LTD T/A PEAK TRAFFIC	Traffic Control	-1790.25
EFT33816	19/02/2021	BLUESTEEL ENTERPRISES PTY LTD (FRONTLINE FIRE &	Repair Water Leak	-1545.95
EFT33817	19/02/2021	COMPLETE REFRIGERATION & AIR	Air Conditioning Maintenance	-3745.50
EFT33818	19/02/2021	BULLSEYE BORING	Reticulation Line - McNeil Road to Oval	-16459.43
EFT33819	19/02/2021	TOLL TRANSPORT PTY LTD	Freight	-134.53
EFT33820	19/02/2021	AMPAC DEBT RECOVERY	Debt Recovery Costs	-1015.58
EFT33821	19/02/2021	ELECTRICAL CONSULTANCY WA	Electrical Consultancy - Western Power Design	-2469.50
EFT33822	19/02/2021	SPINIFEX BREWERY PTY LTD	Spinifex Beer - Business After Hour Event	-154.00
EFT33823	19/02/2021	DUNLOP ELECTRICS	Replace Faulty Sensor for Flood Lights	-408.98
EFT33824	19/02/2021	LISA GAYE WALKER	Refund Planning Application - Not Required	-147.00
EFT33825	19/02/2021	INDIANIC GROUP PTY LTD	Inspection & Maintenance Works on Pontoon - Drakesbrook Weir	-6069.80
EFT33826	19/02/2021	J&A GILBERT	Maintenance Repairs	-1705.00
EFT33827	19/02/2021	VESTONE CAPITAL	PC Lease	-6510.21
EFT33828	19/02/2021	BELL FIRE EQUIPMENT	Service to Auto Fire System	-183.32
EFT33829	19/02/2021	BCITF	BCITF Collection - January 2021	-43.75
EFT33830	19/02/2021	CLEANAWAY	Bin Collection	-24680.93
EFT33831	19/02/2021	DRAKESBROOK HOTEL MOTEL	Catering - Council Meeting	-193.00
EFT33832	19/02/2021	EXPRESS PRINT	Timecards	-456.50
EFT33833	19/02/2021	HARVEY COURIER	Freight	-11.54
EFT33834	19/02/2021	JETLINE CORPORATION PTY LTD	Concrete Path, Kerbing & Pram Ramp	-14933.60
EFT33835	19/02/2021	KENNARDS HIRE	Hire Inverter Generator & Trailer - Live at the Weir	-175.00
EFT33836	19/02/2021	LANE FORD	Service - WR73	-3120.47
EFT33837	19/02/2021	MJB INDUSTRIES	Single Pipe Headwalls	-6860.70
EFT33838	19/02/2021	McLEODS	legal Fees	-149.45
EFT33839	19/02/2021	PFD FOOD SERVICES PTY LTD	Kiosk Items	-420.10
EFT33840	19/02/2021	SUBARU MANDURAH	Service -103WR	-763.95
EFT33841	19/02/2021	BUNBURY TRUCKS	Shift Linkage Balljoint	-35.75
EFT33842	19/02/2021	SHIRE OF MURRAY	IT Services - October 2020 to January 2021	-28412.02
EFT33843	19/02/2021	SOU WESTOS CLEANING SERVICE	Landcare Centre Cleaning	-346.50
EFT33844	19/02/2021	TUCKEYS HARDWARE MITRE 10	Hardware Supplies	-10.00
EFT33845	19/02/2021	WAROONA NEWS	Stationery	-322.35
EFT33846	19/02/2021	WAROONA RURAL SERVICES	Hardware Supplies	-2158.89
EFT33847	19/02/2021	WAROONA IGA	Groceries	-119.96
EFT33848	19/02/2021	WA HORTICULTURAL DEVELOPMENTS PTY LTD	Garden Maintenance	-6793.88
EFT33849	19/02/2021	PUMA WAROONA ROADHOUSE	Fuel	-566.40

EFT33850	19/02/2021	WAROONA MITRE 10	Hardware Supplies		-824.51
EFT33851	19/02/2021	CAFE WAROONA	Catering - Afternoon Tea		-236.70
EFT33852	25/02/2021	NATIONAL AUSTRALIA BANK	Mail Chimp Subscription	\$12.93	-1716.88
			Google Suite Subscription	\$184.80	
			QTRA Report	\$163.35	
			PLWA Subscription	\$170.00	
			Work Boots - Maintenance Officer	\$219.99	
			Limestone Pavers	\$97.00	
			Facebook Advertising	\$57.30	
			Wall Mounted Key Safe	\$70.00	
			Reject Shop - Bubbles for Weir Event	\$11.70	
			Garden Stakes	\$17.10	
			Gift Vouchers - Live at the Weir Event	\$200.00	
			Coffees - Australia Day	\$9.80	
			Staff Meals - Live at the Weir Event	\$34.00	
			Supplies - Live at the Weir Event	\$6.60	
			Facebook Advertising	\$30.00	
			Australia Day Merchandise	\$65.50	
			Ice - Live at the Weir Event	\$8.98	
			BBQ & Gas Hire - Live at the Weir Event	\$123.00	
			Canva Subscription	\$167.88	
			Card Fees	\$66.95	
<b>TOTAL MUNICIPAL ELECTRONIC FUNDS TRANSFER</b>					<b>-\$ 483,755.41</b>

<b>Electronic Fund Transfer - Direct Salaries &amp; Wages</b>			
<b>Date</b>	<b>Name</b>	<b>Description</b>	<b>Amount</b>
10/02/2021	National Australia Bank	Payroll	- 79,776.80
24/02/2021	National Australia Bank	Payroll	- 81,185.60
<b>TOTAL DIRECT WAGES TRANSFER</b>			<b>-\$ 160,962.40</b>

<b>Total Municipal Fund Cheques</b>	-	<b>13,674.18</b>
<b>Total Trust Fund Cheques</b>	-	<b>16,500.00</b>
<b>Total Direct Debit</b>	-	<b>35,813.30</b>
<b>Total Electronic Funds</b>	-	<b>483,755.41</b>
<b>Total Direct Wages</b>	-	<b>160,962.40</b>
<b>GRAND TOTAL ALL ACCOUNTS PAYABLE</b>		<b>-\$ 710,705.29</b>

**SHIRE OF WAROONA**  
 Monthly financial report  
 FOR THE PERIOD ENDED 28 FEBRUARY 2021



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# Statement of financial activity

by program

FOR THE PERIOD ENDED 28 FEBRUARY 2021

	Note	Original Budget	YTD Budget	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(b)	Var.
<b>Operating Revenues</b>							
Governance		\$ 108,672	\$ 77,010	\$ 243,804	\$ 166,794	68%	▲
General Purpose Funding		1,027,850	662,823	633,219	(29,604)	(5%)	
Law, Order and Public Safety		115,515	61,940	104,111	42,171	41%	▲
Health		37,500	15,118	22,317	7,199	32%	
Education and Welfare		68,264	52,558	94,016	41,458	44%	▲
Housing		15,600	10,312	8,447	(1,865)	(22%)	
Community Amenities		997,684	868,864	937,502	68,638	7%	
Recreation and Culture		448,215	365,209	220,570	(144,639)	(66%)	▼
Transport		1,084,990	845,123	607,302	(237,822)	(39%)	▼
Economic Services		76,602	46,505	63,347	16,842	27%	
Other Property and Services		24,760	13,128	17,745	4,617	26%	
<b>Total (Excluding Rates)</b>		<b>4,005,652</b>	<b>3,018,590</b>	<b>2,952,378</b>			
<b>Operating Expense</b>							
Governance		(1,453,169)	(1,012,356)	(929,520)	82,836	9%	
General Purpose Funding		(153,214)	(66,112)	(80,118)	(14,006)	(17%)	
Law, Order and Public Safety		(567,915)	(345,696)	(376,229)	(30,533)	(8%)	
Health		(231,608)	(153,412)	(146,511)	6,901	5%	
Education and Welfare		(386,215)	(264,248)	(210,558)	53,690	25%	▼
Housing		(9,030)	(6,510)	(6,209)	301	5%	
Community Amenities		(1,558,041)	(1,028,647)	(914,052)	114,595	13%	▼
Recreation and Culture		(2,963,033)	(2,014,759)	(1,797,909)	216,850	12%	▼
Transport		(2,832,478)	(1,910,595)	(1,808,882)	101,713	6%	
Economic Services		(661,817)	(478,717)	(393,206)	85,511	22%	▼
Other Property and Services		(34,375)	(61,124)	(49,020)	12,104	25%	
<b>Total</b>		<b>(10,850,895)</b>	<b>(7,342,176)</b>	<b>(6,712,214)</b>			
<b>Funding Balance Adjustment</b>							
Add back Depreciation		3,292,598	2,184,731	2,253,046	68,315	3%	
Adjust (Profit)/Loss on Asset Disposal	10	18,205	19,824	(8)	(19,832)	260599%	
Unspent Grants July B/fwd		77,597	0	0	0		
Unspent Grants June C/fwd		0	0	0	0		
Adjust Provisions and Accruals		(36,438)	0	0	0		
<b>Net Operating (Ex. Rates)</b>		<b>(3,493,280)</b>	<b>(2,119,031)</b>	<b>(1,506,797)</b>	<b>48,483</b>		
<b>Capital Revenues</b>							
Proceeds from Disposal of Assets	10	194,000	16,167	33,182	17,015	51.28%	
Proceeds from New Debentures		0	0	600,000	600,000	100.00%	▲
Self-Supporting Loan Principal		0	0	0	0		
Low Interest Loan Repayments		5,000	0	0	0		
Interfund Transfer/Adj		0	0	970			
Transfer from Reserves	9	318,770	0	0	0		
<b>Total</b>		<b>517,771</b>	<b>16,167</b>	<b>634,152</b>	<b>617,015</b>		
<b>Capital Expenses</b>							
Land and Buildings	10	(363,000)	(127,000)	(737,283)	(610,283)	(82.77%)	▲
Plant and Equipment	10	(685,630)	(348,105)	(383,989)	(35,884)	(9.34%)	
Furniture and Equipment	10	(32,000)	(21,000)	(46,691)	(25,691)	(55.02%)	
Infrastructure Assets - Roads	10	(1,466,044)	(1,246,136)	(759,854)	486,282	64.00%	▼
Infrastructure Assets - Other	10	(410,005)	(282,618)	(212,969)	69,649	32.70%	▼
Repayment of Debentures		(64,045)	(32,020)	(31,695)	325	1.03%	
Transfer to Reserves	9	(152,070)	0	0	0		
Principal Payments of Lease Liability		0	0	0	0		
<b>Total</b>		<b>(3,172,794)</b>	<b>(2,056,879)</b>	<b>(2,172,480)</b>	<b>(115,601)</b>		
<b>Net Capital</b>		<b>(2,655,023)</b>	<b>(2,040,712)</b>	<b>(1,538,329)</b>	<b>501,414</b>		
<b>Total Net Operating + Capital</b>		<b>(6,148,303)</b>	<b>(4,159,743)</b>	<b>(3,045,125)</b>	<b>549,897</b>		
Rate Revenue		5,023,646	5,023,646	5,028,916	5,270	0.10%	
Opening Funding Surplus(Deficit)		1,124,657	1,187,251	1,187,251	0	0.00%	
<b>Closing Funding Surplus(Deficit)</b>	3	<b>(0)</b>	<b>2,051,154</b>	<b>3,171,042</b>	<b>555,167</b>		

# Statement of financial activity

by nature or type

FOR THE PERIOD ENDED 28 FEBRUARY 2021

		Original Budget	YTD Budget	YTD Actual
	Note			
<b>Operating Revenues</b>				
Grants, Subsidies and Contributions	8	\$ 1,077,647	\$ 761,140	\$ 873,311
Profit on Asset Disposal	10	13,952	12,333	8
Fees and Charges		1,298,904	1,097,564	1,196,750
Service Charges		0	0	0
Interest Earnings		70,190	20,480	3,684
Other Revenue		94,500	64,000	31,130
<b>Total (Excluding Rates)</b>		<b>2,555,193</b>	<b>1,955,517</b>	<b>2,104,883</b>
<b>Operating Expense</b>				
Employee Costs		(3,353,761)	(2,307,058)	(2,099,627)
Materials and Contracts		(3,350,289)	(2,256,882)	(1,885,727)
Utilities Charges		(407,460)	(284,407)	(225,752)
Depreciation (Non-Current Assets)		(3,292,598)	(2,184,731)	(2,253,046)
Interest Expenses		(11,587)	(5,793)	(4,777)
Insurance Expenses		(228,944)	(228,946)	(195,993)
Loss on Asset Disposal	10	(32,157)	(32,157)	0
Other Expenditure		(335,566)	(130,854)	(137,856)
Reallocation Code		161,467	88,652	90,564
<b>Total</b>		<b>(10,850,898)</b>	<b>(7,342,176)</b>	<b>(6,712,214)</b>
<b>Funding Balance Adjustment</b>				
Add Back Depreciation		3,292,598	2,184,731	2,253,046
Adjust (Profit)/Loss on Asset Disposal	10	18,205	19,824	(8)
Unspent Grants July B/fwd		77,597	0	0
Unspent Grants June C/fwd		0	0	0
Adjust Provisions and Accruals		(36,438)	0	0
<b>Net Operating (Ex. Rates)</b>		<b>(4,943,742)</b>	<b>(3,182,104)</b>	<b>(2,354,292)</b>
<b>Capital Revenues</b>				
Grants, Subsidies and Contributions	8	1,450,459	1,063,073	847,496
Proceeds from Disposal of Assets	10	194,000	16,167	33,182
Proceeds from Advances		0	0	600,000
Self-Supporting Loan Principal		5,000	0	0
Interfund Transfer Adj		0	0	970
Transfer from Reserves	9	318,770	0	0
<b>Total</b>		<b>1,968,230</b>	<b>1,079,240</b>	<b>1,481,647</b>
<b>Capital Expenses</b>				
Land and Buildings	10	(363,000)	(127,000)	(737,283)
Plant and Equipment	10	(685,630)	(348,105)	(383,989)
Furniture and Equipment	10	(32,000)	(21,000)	(46,691)
Infrastructure Assets - Roads	10	(1,466,044)	(1,246,136)	(759,854)
Infrastructure Assets - Other	10	(410,005)	(282,618)	(212,969)
Repayment of Debentures		(64,045)	(32,020)	(31,695)
Payment of Low Interest Loan		0	0	0
Transfer to Reserves	9	0	0	0
<b>Total</b>		<b>(3,020,724)</b>	<b>(2,056,879)</b>	<b>(2,172,480)</b>
<b>Net Capital</b>		<b>(1,052,494)</b>	<b>(977,639)</b>	<b>(690,833)</b>
<b>Total Net Operating + Capital</b>		<b>(5,996,236)</b>	<b>(4,159,743)</b>	<b>(3,045,125)</b>
Rate Revenue		5,023,646	5,023,646	5,028,916
Opening Funding Surplus(Deficit)		1,124,657	1,187,251	1,187,251
<b>Closing Funding Surplus(Deficit)</b>	3	<b>152,070</b>	<b>2,051,154</b>	<b>3,171,042</b>

# Statement of financial position

FOR THE PERIOD ENDED 28 FEBRUARY 2021

<b>Current Assets</b>		
Cash At Bank		3,602,924
Reserves		2,446,605
Trust Fund Bank		2,385,854.41
Sundry Debts - Rates		654,917
Sundry Debts - Sanitation		34,091
Sundry Debts - Other		315,401
Stock On Hand		(1,604)
Prepayments		0
Gst Expenditure Control		66,544
Emergency Services Levy		(21,138)
Municipal Deposits (Muni Bonds/Trust)		(687,250)
	Total Current Assets	<u>8,796,343</u>
<b>Current Liabilities</b>		
Creditors		900,328
Accrued Expense		0
Long Service Leave Accrual		417,893
Provision For Annual Leave		316,695
Trust Fund		2,386,824.41
Gst Income Control		31,797
WITHHOLDING TAX HELD		0
Contract Liability		0
Lease Liability - Current		168,537
Municipal Withdraw (Muni Bonds/Trust)		(139,284)
	Total Current Liabilities	<u>4,082,791</u>
	<b>Net Current Assets</b>	<u>4,713,552</u>
<b>Non Current Assets</b>		
Buildings		17,308,238
Land		17,926,000
Plant & Equipment		2,735,988
Furniture & Equipment		199,815
Sporting Club Loans		5,000
Self Supporting Loan		0
Tools		1,114
Infrastructure - Roads		74,915,370
Infrastructure - Other		16,441,024
Leased Assets		168,537
	Total Non Current Assets	<u>129,701,085</u>
<b>Non Current Liabilities</b>		
Borrowings		872,254
Provision Long Service Leave		79,050.63
	Total Non Current Liabilities	<u>951,304</u>
	<b>Net Assets</b>	<u>133,463,333</u>
<b>Equity</b>		
Emergency Assistance Reserve		105,401
Sporting Organisations		72,322
Long Service Leave Reserve		128,245
Asset Revaluation		118,929,864
Waste Management Reserve		823,315
Recreation Centre Bdg Mtce Res		124,098
Admin Centre Extension Reserve		0
Hamel Hall Amenities Reserve		0
Plant Replacement Reserve		566,846
Depot Redevelopment Reserve		79,841
Building Asset Mtce Reserve		86,644
Strategic Planning Reserve		19,856
Town Centre Redevelopment Reserve		0
Industrial Land Development Res		216,699
Drakesbrook Weir Redevelopment Res		0
Preston Volunteer Rangers Res		31,466
Information Technology Reserve		142,734
Footpath Construction Reserve		31,691
Asset Management Reserve		0
History Book Reprint Reserve		8,279
Coronation Bridge Road Reserve		0
Fire Recovery Assistance Reserve		0
Risk & Insurance Reserve		9,167
Surplus/Defecit Ytd		1,269,081
Movement from/to reserves		0
Accumulated Surplus		10,817,783
	<b>Total Equity</b>	<u>133,463,333</u>

**SHIRE OF WAROONA**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**Note 1: Significant Accounting Policies**

**(a) Basis of Accounting**

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

**Critical Accounting Estimates**

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

**(b) The Local Government Reporting Entity**

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated. All monies held in the Trust Fund are excluded from the statement, but a separate statement of those monies appears at Note 12.

**(c) Rounding Off Figures**

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

**(d) Rates, Grants, Donations and Other Contributions**

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

**(e) Goods and Services Tax**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not

**(f) Cash and Cash Equivalents**

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

**(g) Trade and Other Receivables**

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

Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are classified as non-current assets. Collectability of trade and other receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

**(h) Inventories**

**General**

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 WAROONA**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**Land Held for Resale**

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development, borrowing costs and holding costs until completion of development. Finance costs and holding charges incurred after development is completed are expensed. Gains and losses are recognised in profit or loss at the time of signing an unconditional contract of sale if significant risks and rewards, and effective control over the land, are passed on to the buyer at this point. Land held for sale is classified as current except where it is held as non-current based on Council's intentions to release for sale.

**(i) Fixed Assets**

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

**(j) Depreciation of Non-Current Assets**

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of the future economic benefits embodied in those assets

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:

Buildings	40 to 60 years
Furniture and Equipment	3 to 20 years
Plant and Equipment	5 to 20 years
Seats and Benches	15 to 25 years
Water Supply Piping	20 to 40 years
Sealed roads and streets	
Formation	not depreciated
Construction	45 to 55 years
Bituminous Seals	15 to 25 years
Asphalt Seals	25 to 30 years
Unsealed Roads	
Formed	10 to 15 years
Gravel	12 to 15 years

**(k) Trade and Other Payables**

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and arise when the Council 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.

**(l) Employee Benefits**

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

*(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)*

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the Shire has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Shire expects to pay and includes related on-costs.

**SHIRE OF WAROONA**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 28 FEBRUARY 2021**

*(ii) Annual Leave and Long Service Leave (Long-term Benefits)*

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where the Shire does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

**(m) Interest-bearing Loans and Borrowings**

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

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

**Borrowing Costs**

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

**(n) Provisions**

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses. Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

**(o) 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. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non current based on Council's intentions to release for sale.

**(p) Nature or Type Classifications**

**Rates**

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

**Operating Grants, Subsidies and Contributions**

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

**Non-Operating Grants, Subsidies and Contributions**

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

**Profit on Asset Disposal**

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

**Fees and Charges**

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

**SHIRE OF WAROONA**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**Service Charges**

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

**Interest Earnings**

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

**Other Revenue / Income**

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

**Employee Costs**

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

**Materials and Contracts**

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

**Utilities (Gas, Electricity, Water, etc.)**

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

**Insurance**

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

**Loss on asset disposal**

Loss on the disposal of fixed assets.

**Depreciation on non-current assets**

Depreciation expense raised on all classes of assets.

**Interest expenses**

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

**Other expenditure**

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

**(r) Program Classifications (Function/Activity)**

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

**GOVERNANCE**

**Objective:**

To provide a decision making process for the efficient allocation of scarce resources.

**Activities:**

Includes the activities of members of council and the administrative support available to the council for the provision of governance of the district. Other costs relate to the task of assisting elected members and ratepayers on matters which do not concern specific council services.

**GENERAL PURPOSE FUNDING**

**Objective:**

To collect revenue to allow for the provision of services.

**Activities:**

Rates, general purpose government grants and interest revenue.

**SHIRE OF WAROONA**  
**NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY**  
**FOR THE PERIOD ENDED 28 FEBRUARY 2021**

**LAW, ORDER, PUBLIC SAFETY**

**Objective:**

To provide services to help ensure a safer and environmentally conscious community.

**Activities:**

Supervision and enforcement of various local laws relating to fire prevention, animal control and other aspects of public safety including emergency services.

**HEALTH**

**Objective:**

To provide an operational framework for environmental and community health.

**Activities:**

Inspection of food outlets and their control, provision of meat inspection services, noise control and waste disposal compliance.

**EDUCATION AND WELFARE**

**Objective:**

To provide services to disadvantaged persons, the elderly, children and youth.

**Activities:**

Maintenance of playgroup centre, senior citizen centre and aged care centre. Provision and maintenance of home and community care programs and youth services.

**HOUSING**

**Objective:**

To provide and maintain elderly residents housing.

**Activities:**

Provision and maintenance of elderly residents housing.

**COMMUNITY AMENITIES**

**Objective:**

To provide services required by the community.

**Activities:**

Rubbish collection services, operation of rubbish disposal sites, litter control, construction and maintenance of urban storm water drains, protection of the environment and administration of town planning schemes, cemetery and public conveniences.

**RECREATION AND CULTURE**

**Objective:**

To establish and effectively manage infrastructure and resource which will help the social well being of the community.

**Activities:**

Maintenance of public halls, civic centres, aquatic centre, beaches, recreation centres and various sporting facilities. Provision and maintenance of parks, gardens and playgrounds. Operation of library, museum and other cultural facilities.

**TRANSPORT**

**Objective:**

To provide safe, effective and efficient transport services to the community.

**Activities:**

Construction and maintenance of roads, streets, footpaths, depots, cycle ways, parking facilities and traffic control. Cleaning of streets and maintenance of street trees, street lighting etc.

**ECONOMIC SERVICES**

**Objective:**

To help promote the shire and its economic wellbeing.

**Activities:**

Tourism and area promotion including the maintenance and operation of a caravan park. Provision of rural services including weed control, vermin control and standpipes. Building Control.

**OTHER PROPERTY AND SERVICES**

**Objective:**

To monitor and control City/Town/Shire overheads operating accounts.

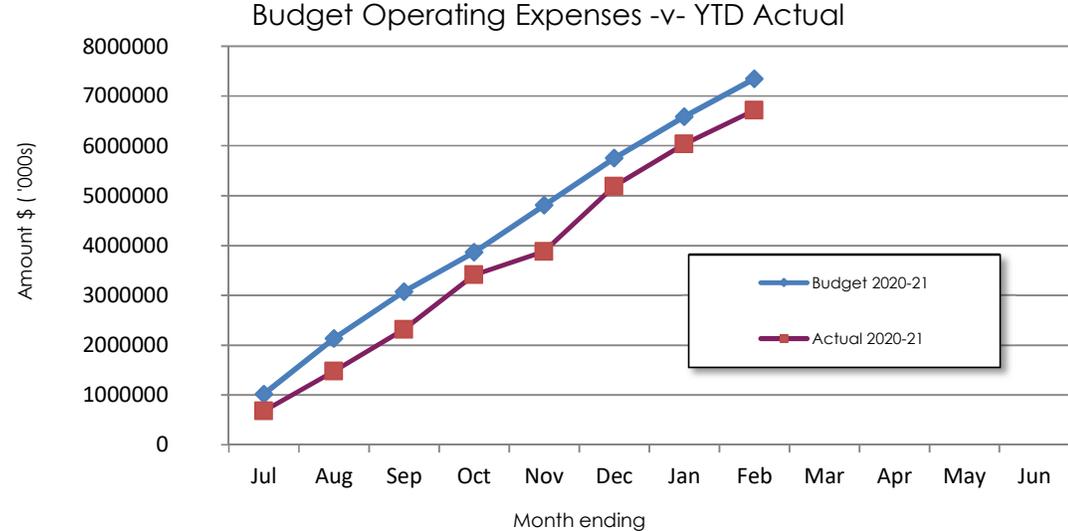
**Activities:**

Private works operation, plant repair and operation costs and engineering operation costs.

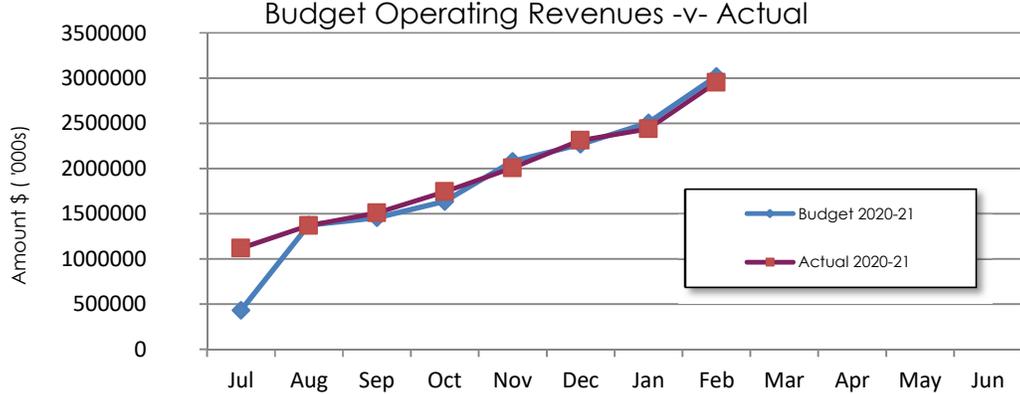
# Notes to the statement of financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

**Note 2 - Graphical Representation - Source Statement of Financial Activity**



**Comments/Notes - Operating Expenses**

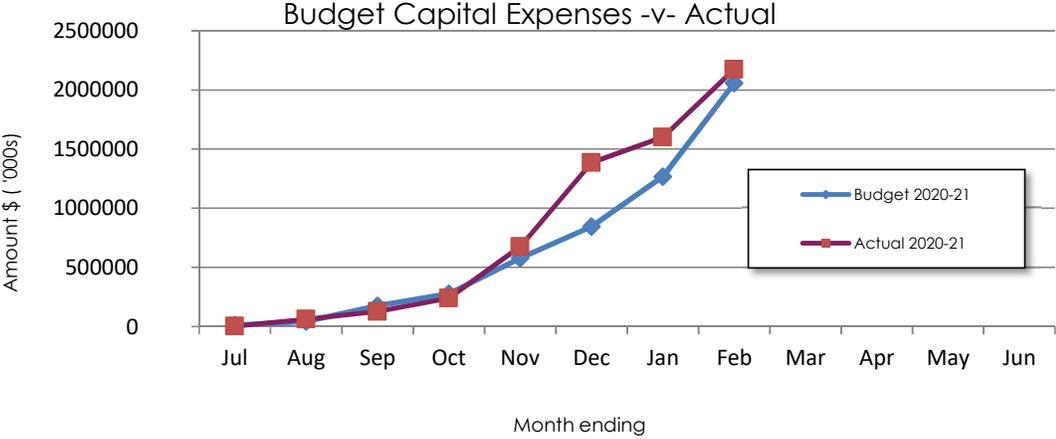


**Comments/Notes - Operating Revenues**

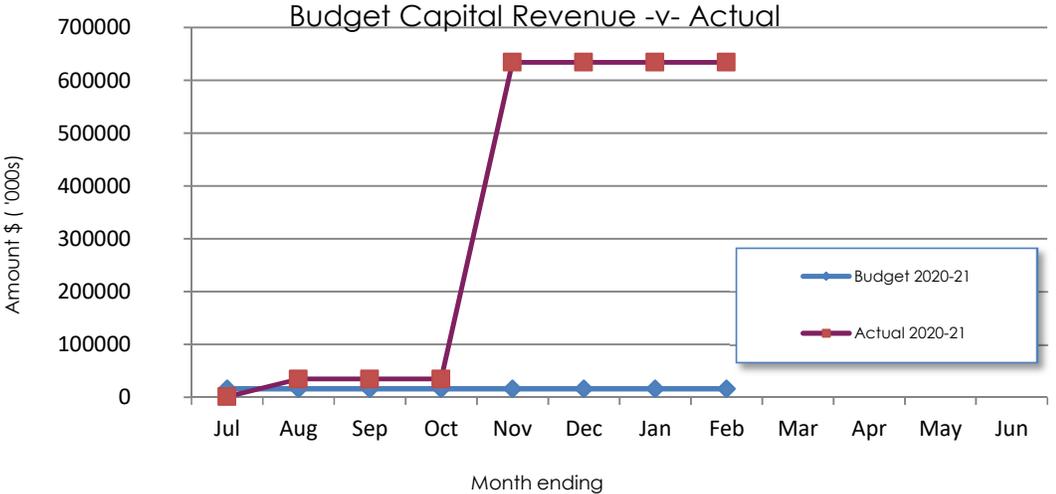
# Notes to the statement of financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

**Note 2 - Graphical Representation - Source Statement of Financial Activity**



**Comments/Notes - Capital Expenses**



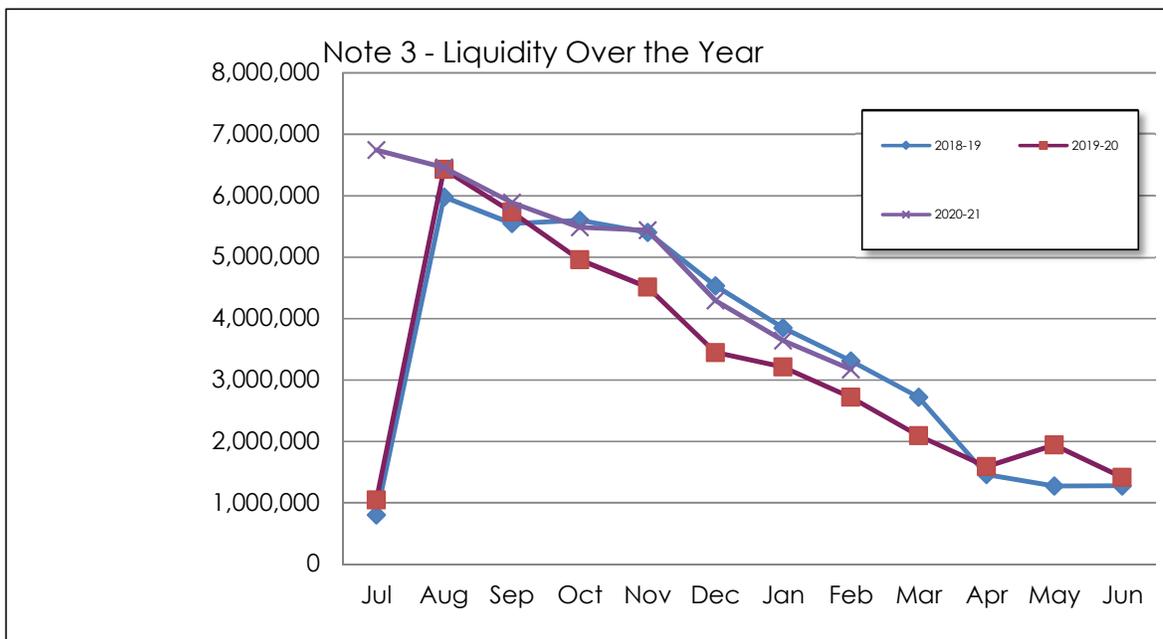
**Comments/Notes - Capital Revenues**

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

## Note 3: NET CURRENT FUNDING POSITION

Note	Positive=Surplus (Negative=Deficit)		
	2020-21		
	This Period	Last Period	Same Period Last Year
	\$	\$	\$
Current Assets			
Cash Unrestricted	3,602,924	3,897,867	2,036,113
Cash Restricted	2,446,605	2,446,605	2,397,936
Cash Restricted - Muni Bonds (Trust)	(547,966)	(547,964)	0
Receivables	1,049,814	796,092	1,170,713
Inventories	(1,604)	(1,557)	0
	6,549,772	6,591,043	5,604,762
Less: Current Liabilities	(932,125)	(501,892)	(489,931)
Payables	(932,125)	(501,892)	(489,931)
Less: Cash Restricted	(2,446,605)	(2,446,605)	(2,397,936)
	(2,446,605)	(2,446,605)	(2,397,936)
Net Current Funding Position	3,171,042	3,642,546	2,716,895



Comments - Net Current Funding Position

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

## Note 4: CASH AND INVESTMENTS

	Interest Rate	Unrestricted \$	Restricted \$	Trust \$	Investments \$	Total Amount \$	Institution	Maturity Date
<b>(a) Cash Deposits</b>								
Municipal Account		1,440,578				1,440,578	NAB	
Cash Management		1,135				1,135	NAB	
Trust Account				398,341		398,341	NAB	
<b>(b) Term Deposits</b>								
Sporting Reserve	0.65%		72,623			72,623	NAB	15/04/2021
Building Asset Maintenance Reserve	0.65%		87,005			87,005	NAB	15/04/2021
Recreation Centre Building Maintenance Reserve	0.65%		124,614			124,614	NAB	15/04/2021
Preston Beach Volunteer Rangers Reserve	0.65%		31,598			31,598	NAB	15/04/2021
Emergency Assistance Reserve	0.65%		105,840			105,840	NAB	15/04/2021
Works Depot Redevelopment	0.65%		80,173			80,173	NAB	15/04/2021
Council Building Construction Reserve	0.65%		217,601			217,601	NAB	15/04/2021
Information Technology Reserve	0.65%		143,329			143,329	NAB	15/04/2021
Footpath Construction Reserve	0.65%		31,823			31,823	NAB	15/04/2021
Plant Reserve	0.65%		569,205			569,205	NAB	15/04/2021
Staff Leave Reserve	0.65%		128,788			128,788	NAB	15/04/2021
Strategic Planning Reserve	0.65%		19,938			19,938	NAB	15/04/2021
Waste Management Reserve	0.65%		826,742			826,742	NAB	15/04/2021
History Book Reprint Reserve	0.65%		8,314			8,314	NAB	15/04/2021
Risk & Insurance Reserve	0.65%		9,205			9,205	NAB	15/04/2021
<b>(c) Investments</b>								
Muni Cash Deposit #1	0.45%				500,277	500,277	NAB	3/03/2021
Muni Cash Deposit #2	0.38%				1,001,496	1,001,496	NAB	6/04/2021
Muni Cash Deposit #4	0.45%				1,001,134	1,001,134	NAB	16/05/2021
Alcoa Waroona Sustainability - Term Deposit	0.45%				1,729,098	1,729,098	NAB	16/06/2021
<b>Total</b>		<b>1,441,713</b>	<b>2,456,797</b>	<b>398,341</b>	<b>4,232,006</b>	<b>8,528,858</b>		

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

## **Note 5a: MAJOR VARIANCES**

### **Comments/Reason for Variance**

Council policy in relation to materiality states that for highlighting variances (budget to actual) the factor shall be 10% with a minimum of \$25,000

### **5.1 OPERATING REVENUE**

The following programmes were identified as having a material variance in accordance with Council Policy

#### **GOVERNANCE**

Income is higher than budgeted due to the income from the sale of Council land an error in budget profile setting for the income of Alcoa Community Partnership funds.

#### **LAW, ORDER & PUBLIC SAFETY**

Income is higher than budgeted due to profile setting. This will be assessed further into the financial year

#### **EDUCATION & WELFARE**

Income is higher than budget profile due to transfer of unspent grants from previous financial year.

#### **RECREATION & CULTURE**

Income is lower than budgeted due to an error in budget profile setting for the income of Alcoa Community Partnership funds.

#### **TRANSPORT**

Income is lower than budgeted due to profile setting. This will be assessed further into the financial year

### **5.2 OPERATING EXPENSES**

The following programmes were identified as having a material variance in accordance with Council Policy:

#### **EDUCATION & WELFARE**

Expenditure is lower than budgeted due to profile setting. This will be assessed further into the financial year.

#### **COMMUNITY AMENITIES**

Expenditure is lower than budgeted due to profile setting. This will be assessed further into the financial year.

#### **RECREATION & CULTURE**

Expenditure is lower than budgeted due to profile setting. This will be assessed further into the financial year.

#### **ECONOMIC SERVICES**

Expenditure is lower than budgeted due to profile setting. This will be assessed further into the financial year.

### **5.3 CAPITAL REVENUES**

Income is higher due to receipt of loan funds.

### **5.4 SUMMARY**

See Notes 10 and 11 for details of asset acquisition including progress expenditure.

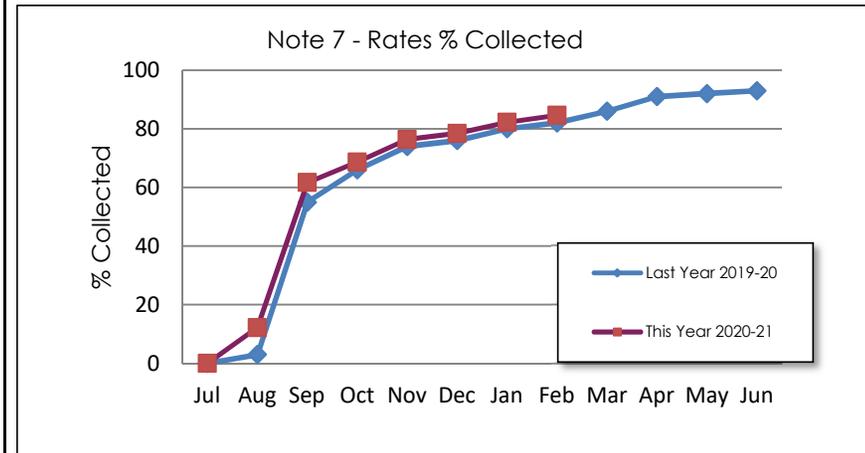


# Notes to the statement of financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

## Note 7: RECEIVABLES

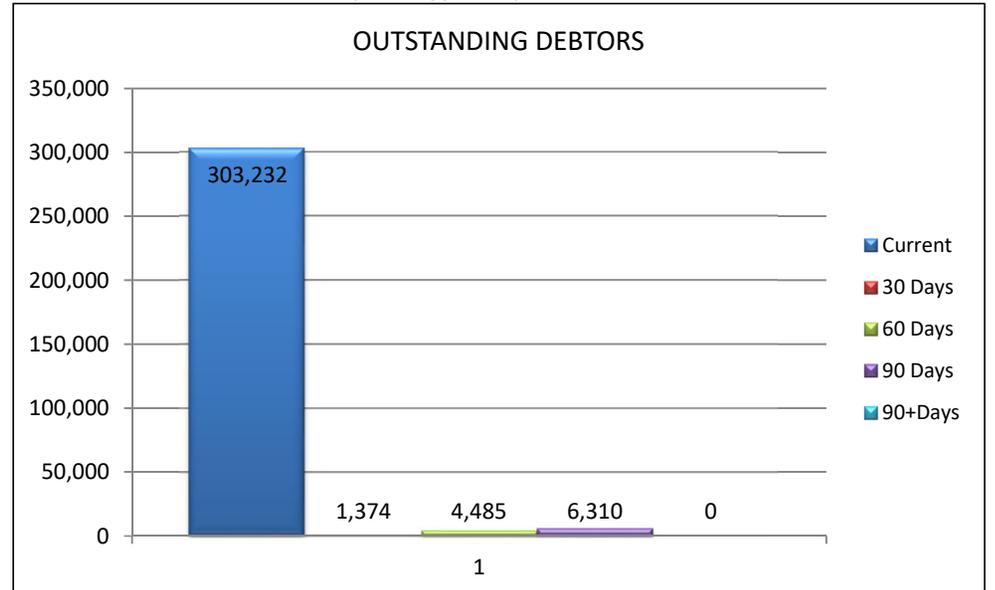
Receivables - Rates & Rubbish	Current 2020-21	Previous 2019-20
	\$	\$
Opening Arrears Previous Years	220,487	193,456
Rates & Rubbish Levied this year	5,704,874	5,933,740
Less Collections to date	(5,011,605)	(5,713,253)
Equals Current Outstanding	<b>693,270</b>	<b>220,487</b>
<b>Net Rates Collectable</b>	<b>693,270</b>	<b>220,487</b>
% Collected	84.58%	93.24%



Comments/Notes - Receivables Rates and Rubbish

Receivables - General	Current	30 Days	60 Days	90 Days	90+Days
	\$	\$	\$	\$	\$
	303,232	1,374	4,485	6,310	0
<b>Total Outstanding</b>					<b>315,401</b>

Amounts shown above include GST (where applicable)



Comments/Notes - Receivables General

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

## Note 8: GRANTS AND CONTRIBUTIONS

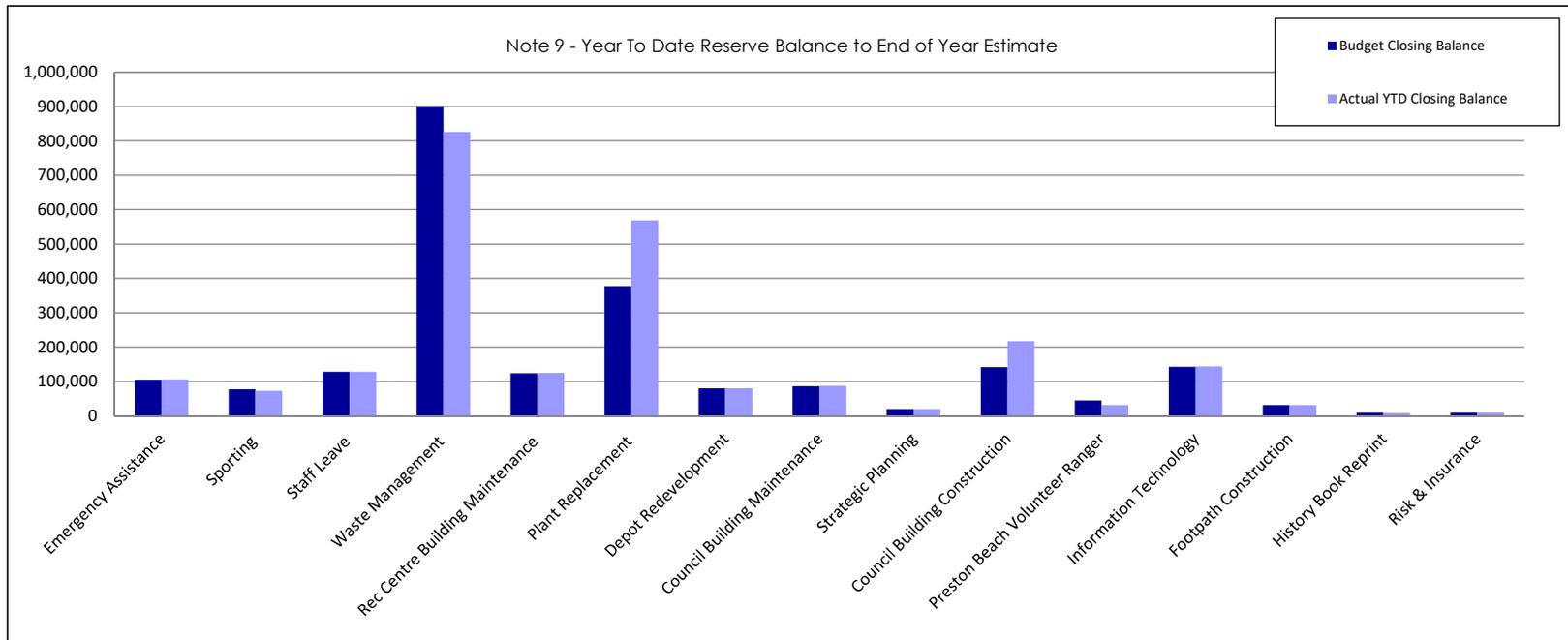
Program/Details	Provider	2020-21 Budget	Recoup Status	
			Received	Not Received
		\$	\$	\$
<b>GENERAL PURPOSE FUNDING</b>				
3265 FEDERAL LOCAL ROAD FUNDS	Federal Govt	183,367	\$134,843	\$ 48,525
0091 FEDERAL GOVT GRANTS	Federal Govt	430,963	\$333,017	\$ 97,946
3493 SPECIAL RTR FUNDING	Federal Govt	289,000	\$144,673	\$ 144,327
<b>LAW, ORDER, PUBLIC SAFETY</b>				
945 GRANT INCOME	State Govt Grant	10,000	\$0	\$ 10,000
3203 ESL - TOTAL ALLOCATION	DFES	53,775	\$55,857	-\$ 2,082
<b>EDUCATION AND WELFARE</b>				
5213 GRANTS & CONTRIBUTIONS	Lotterywest / Alcoa of Australia	51,655	\$87,977	-\$ 36,322
<b>COMMUNITY AMENITIES</b>				
7503 GRANTS & CONTRIBUTIONS	Landcare	75,392	\$7,889	\$ 67,503
2113 PROTECTION OF THE ENVIRONMENT	Various Contributions	15,000	\$24,000	-\$ 9,000
<b>RECREATION AND CULTURE</b>				
2733 GRANTS & CONTRIBUTIONS	Dept Sport Rec	5,000	\$0	\$ 5,000
3723 CONTRIBUTION TO OVAL PROJECTS	CSRFF Grant	21,000	\$0	\$ 21,000
3643 GRANTS & CONTRIBUTIONS	AWSF - Youth Precinct	46,305	\$0	\$ 46,305
<b>TRANSPORT</b>				
3255 RDS TO RECOVERY GRANT	Federal	252,529	\$0	\$ 252,529
3225 BLACKSPOT FUNDING	Federal	133,900	\$54,741	\$ 79,159
3275 GOVT GRANTS-REGION RD GRP	MRWA	520,000	\$368,000	\$ 152,000
3285 GOVT GRANTS - DIRECT	Federal	97,663	\$97,420	\$ 243
<b>TOTALS</b>		<b>2,185,549</b>	<b>1,453,498</b>	<b>732,051</b>

## Notes to the statement of financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

### Note 9: Cash Backed Reserve

Name	Opening Balance	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Emergency Assistance	105,401		439					105,401	105,840
Sporting	72,322		301	5,250				77,572	72,623
Staff Leave	128,245		543					128,245	128,788
Waste Management	823,315		3427	133,000		(55,000)		901,315	826,742
Rec Centre Building Maintenance	124,098		516					124,098	124,614
Plant Replacement	566,846		2359			(188,770)		378,076	569,205
Depot Redevelopment	79,841		332					79,841	80,173
Council Building Maintenance	86,644		361					86,644	87,005
Strategic Planning	19,856		83					19,856	19,939
Council Building Construction	216,699		902			(75,000)		141,699	217,601
Preston Beach Volunteer Ranger	31,466		132	13,170				44,636	31,598
Information Technology	142,734		594					142,734	143,328
Footpath Construction	31,691		132					31,691	31,823
History Book Reprint	8,279		34	650				8,929	8,313
Risk & Insurance	9,167		38					9,167	9,205
	<b>2,446,604</b>	<b>0</b>	<b>10,193</b>	<b>152,070</b>	<b>0</b>	<b>(318,770)</b>	<b>0</b>	<b>2,279,904</b>	<b>2,456,797</b>



# Notes to the statement financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

## Note 10: CAPITAL DISPOSALS AND ACQUISITIONS

Profit(Loss) of Asset Disposal				Disposals	Current Budget		
Account	WDV	Proceeds	(Loss)		Replacement		
					Budget	Actual	Variance
	\$	\$	\$		\$	\$	\$
0574			0	Resource Shared Vehicle (Recreation) - 110WR	44,000		(44,000) ▼
4164			0	DPED Vehicle - 103WR	33,000		(33,000) ▼
3534	33,174	33,182	8	DTS Vehicle - 106WR	38,500	38,746	246 ▲
5204			0	PCDC Vehicle	37,000		(37,000) ▼
3554			0	Holden Colorado (Gardener) WR106	38,000		(38,000) ▼
3554			0	Holden Colorado (Workshop) 109WR	38,000		(38,000) ▼
3554			0	Caterpillar Grader - WR7285	200,000	160,000	(40,000) ▼
3554			0	10 Vibe Roller 10T Flat Drum	160,000	136,850	(23,150) ▼
3554			0	New Fuel Trailer	15,000	18,295	3,295 ▲
3524			0	Diesel Bowser Replacement	8,000		(8,000) ▼
3554			0	General Plant	9,130		(9,130) ▼
	<b>33,174</b>	<b>33,182</b>	<b>8</b>	<b>Totals</b>	<b>620,630</b>	<b>353,891</b>	<b>(266,739)</b>

### Comments - Capital Disposal

Contributions Information				Summary Acquisitions	Current Budget		
Grants	Reserves	Borrowing	Total		Replacement		
					Budget	Actual	Variance
	\$	\$	\$		\$	\$	\$
				<b>Property, Plant &amp; Equipment</b>			
				Land and Buildings	363,000	67,492	(295,508) ▼
				Plant & Equipment	685,630	396,787	(288,843) ▼
				Furniture & Equipment	32,000	0	(32,000) ▼
				<b>Infrastructure</b>			
				Roadworks	1,466,044	759,854	(706,190) ▼
				Other Infrastructure	410,005	202,014	(207,991) ▼
<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>Totals</b>	<b>2,956,679</b>	<b>1,426,147</b>	<b>(1,530,532)</b>

### Comments - Capital Acquisitions

Contributions				Land & Buildings	Current Budget		
Grants	Reserves	Borrowing	Total		This Year		
					Budget	Actual	Variance
	\$	\$	\$		\$	\$	\$
				<b>GOVERNANCE</b>			0
				Admin Building Various Upgrades	15,000	5,087	(9,913) ▼
				<b>LAW &amp; ORDER</b>			
				Construct Waroona West BFB Shed	99,000	59,755	(39,245) ▼
				<b>RECREATION &amp; CULTURE</b>			
				Library - Replace Alarm System	5,000	0	(5,000) ▼
				Memorial Hall - Emergency Exit Upgrades	6,000	0	(6,000) ▼
				Various Repairs at the Rec Centre	216,000	0	(216,000) ▼
				<b>ECONOMIC SERVICES</b>			
				Waroona Visitor Centre - Building Refurbish	22,000	2,650	(19,350) ▼
<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>Totals</b>	<b>363,000</b>	<b>67,492</b>	<b>(295,508)</b>

# Notes to the statement financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

## Note 10: CAPITAL DISPOSALS AND ACQUISITIONS

Contributions				Plant & Equipment	Current Budget		
Grants	Reserves	Borrowing	Total		This Year		
\$	\$	\$	\$		Budget	Actual	(Under)Over
				<b>GOVERNANCE</b>			
				Changeover of Vehicles	44,000	0	(44,000) ▼
				<b>LAW ORDER PUBLIC SAFETY</b>			
				Upgrade Two Way System to VHS	50,000	0	(50,000) ▼
				<b>COMMUNITY AMENITIES</b>			
				Capital Upgrade to Refuse Site CAT Loader & Comp	15,000	0	(15,000) ▼
				<b>TRANSPORT</b>			
				Plant Replacement Program	460,130	319,294	(140,836) ▼
				Vehicle Replacement	38,500	38,747	247 ▲
				Diesel Bowser Replacement	8,000	38,747	30,747 ▲
				<b>EDUCATION &amp; WELFARE</b>			
				Changeover PCDC Vehicle	37,000	0	(37,000) ▼
				<b>ECONOMIC SERVICES</b>			
				Changeover DPED Vehicle	33,000	0	(33,000) ▼
0	0	0	0	<b>Totals</b>	<b>685,630</b>	<b>396,787</b>	<b>(288,843)</b>

Contributions				Furniture & Equipment	Current Budget		
Grants	Reserves	Borrowing	Total		This Year		
\$	\$	\$	\$		Budget	Actual	(Under)Over
				<b>OTHER LAW ORDER &amp; PUBLIC SAFETY</b>			
				CCTV Cameras Sth West & Speed Signs	22,000	0	(22,000)
				<b>RECREATION &amp; CULTURE</b>			
				Rec Centre - Alarm - 24 Hr Gymnasium	10,000	0	(10,000) ▼
0	0	0	0	<b>Totals</b>	<b>32,000</b>	<b>0</b>	<b>(32,000)</b>

Contributions				Infrastructure - Roads	Current Budget		
Grants	Reserves	Borrowing	Total		This Year		
\$	\$	\$	\$		Budget	Actual	(Under)Over
				<b>Roads Construction</b>			
					1,466,044	759,854	706,190 ▼
0	0	0	0	<b>Totals</b>	<b>1,466,044</b>	<b>759,854</b>	<b>706,190</b>

Contributions				Other Infrastructure	Current Budget		
Grants	Reserves	Borrowing	Total		This Year		
\$	\$	\$	\$		Budget	Actual	(Under)Over
				<b>COMMUNITY AMENITIES</b>			
				Townsite Drainage	60,000	40,472	(19,528) ▼
				Refuse Site Sewerage Pond Closure	55,000	1,420	(53,580) ▼
				Transfer station construction	62,500	74,073	11,573 ▲
				<b>RECREATION AND CULTURE</b>			
				Lake Clifton Entry Statement Signage	4,200	0	(4,200) ▼
				Playground Equipment Upgrade	18,000	10,383	(7,617) ▼
				Construct New Cricket Nets	63,000	0	(63,000) ▼
				Refurbish Sporting Ovals Retic Systems	40,000	30,736	(9,264) ▼
				Youth Precinct Design & Concept	46,305	18,685	(27,620) ▼
				<b>TRANSPORT</b>			
				Footpaths & Gravel Paths	53,000	26,244	(26,756) ▼
				<b>ECONOMIC SERVICES</b>			
				Info Bay sign refurbishment	8,000	0	(8,000) ▼
0	0	0	0	<b>Totals</b>	<b>410,005</b>	<b>202,014</b>	<b>(207,991)</b>

**Note 11. Significant Capital Projects**

Project/Purchase	COA	Total Project Cost \$	Income									
			Federal Govt Grants \$	State Govt Grants \$	Special Funding RtR Funding \$	Contributions / Sale Proceeds \$	Loan Funds \$	Council Reserves \$	Alcoa Sustainability \$	Carried Forward Funding \$	General Revenue \$	
Total Road Construction Program	3184/3204	1,466,044	<sup>1</sup> 386,429	<sup>2</sup> 617,663		-						461,952
Replace CBD CCTV Cameras	0934	10,000										10,000
Business Case Funding	7772	95,000										95,000
Summer Events Program	1482	11,000								4,800		6,200
Fawcett Road - Tree Pruning	EP04	29,000			29,000							0
Visitor Centre - Marketing & Advertising	3972	10,500										10,500
Visitor Centre - Upgrade Kitchen & Flooring	3904	14,000				8,000						6,000
Environmental Study - Foreshore Management Plan	2082	55,000				15,000					15,000	25,000
Connect Electricity to Weir	3632	28,000			28,000							0
Complete construction Waroona West Fire Station	0774	99,000							75,000			24,000
Emergency / Crisis Packages - Lotterywest	5392	36,655									36,655	0
Cricket Oval - Install new practice nets	3714	63,000		<sup>3</sup> 21,000	22,000							20,000
Sporting Ovals - Reticulation Upgrade	3724	40,000										40,000
Area Promotion - Information Bay Sign	3944	8,000										8,000
Area Promotion - Harvest Highway Promotion	3912	10,000										10,000
Upgrade 1 Way Radio System	0744	50,000										50,000
Buller Road Refuse Site - Construct Transfer Station	1544	62,500										62,500
Buller Road Refuse Site - Sewerage Pond Closure	1534	55,000							55,000			0
Purchase Flat Drum Roller	3554	160,000							12,640			147,360
Purchase New Fuel Trailer	3554	15,000										15,000
Replace CAT 12G Grader	3554	200,000				50,000			150,000			0
Purchase additional speed display signs	0934	12,000		2,000								10,000
Recreation Centre - Upgrade Ablutions	7104	100,000			100,000							0
Recreation Centre - Replace Pool Concourse	7104	110,000			110,000							0
Recreation Centre - Install alarm & 24hr gym access	7114	10,000										10,000
		<b>2,749,699</b>	<b>386,429</b>	<b>640,663</b>	<b>289,000</b>	<b>73,000</b>	<b>0</b>	<b>292,640</b>	<b>0</b>	<b>56,455</b>	<b>1,011,512</b>	

1. Roads to Recovery	\$	133,900
2. Blackspot	\$	252,529
Regional Road Group	\$	520,000
Direct Grant	\$	97,663
Special	\$	-
3. CSRFF	\$	21,000

## Notes to the financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

### Note 12: TRUST FUND

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

Description	Opening Balance	Amount	Amount	Closing Balance
	1-Jul-20	Received	Paid	28-Feb-21
	\$	\$	\$	\$
EXTRACTIVE INDUSTRIES	18,016	3	0	18,019
PUBLIC OPEN SPACE	43,060	7	0	43,066
ALCOA WAROONA SUSTAINABILITY	1,968,614	377,154	20,000	2,325,768
	<b>2,029,690</b>	<b>377,164</b>	<b>20,000</b>	<b>2,386,854</b>

# Notes to the statement of financial activity

FOR THE PERIOD ENDED 28 FEBRUARY 2021

## 13 INFORMATION ON BORROWINGS

### (a) Debenture Repayments

		Principal 1-Jul-20	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
				Actual \$	Budget \$	Actual \$	Budget \$	Actual \$	Budget \$
<b>Recreation &amp; Culture</b>									
Basketball Stadium	117	67,561		7,520	15,287	60,040	52,274	2,189	4,134
Rec Centre Upgrade	120	89,385		10,431	21,066	78,954	68,319	1,747	3,291
Memorial Hall Upgrade	121	147,003		13,745	27,693	133,259	119,310	2,183	4,162
		303,949		31,695	64,046	272,254	239,903	6,119	11,587

*(SS) Self Supporting Loan*

*All debenture repayments are to be financed by General Purpose Revenue*

### (b) New Debentures

*There are no new debentures budgeted for in 2020/21*

## **LEASE – 10 HENNING STREET, WAROONA**

Dated

2021

PARTIES

**SHIRE OF WAROONA**  
(Landlord)

**CHILD AND ADOLESCENT HEALTH SERVICE**  
(Tenant)

State Solicitor's Office  
Commercial and Conveyancing  
28 Barrack Street  
Perth WA 6000  
Telephone : (08) 9264 1888  
Ref: SSO: 2974-19

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## Schedule

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Item 1      **Landlord**

**SHIRE OF WAROONA** of 52 Hesse Street Waroona Western Australia

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Item 2      **Tenant**

**CHILD AND ADOLESCENT HEALTH SERVICE** a health service provider established under section 32 of the *Health Services Act 2016*, pursuant to the *Health Services (Health Service Providers) Order 2016* published in the Government Gazette on 17 June 2016 of Perth Children's Hospital 15 Hospital Avenue Nedlands Western Australia

Pursuant to section 41(7) of the *Health Services Act 2016*, the Chief Executive has been authorised by the Child and Adolescent Health Service to execute this Lease on its behalf

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Item 3      **Land**

Lot 42 on Deposited Plan 72375 and being the whole of the land in Certificate of Title Volume 2841 Folio 999

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Item 4      **Premises**

The room in the building constructed on the Land as is delineated and on the Premises Plan annexed hereto and having an approximate area of 41 square metres

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Item 5      **Term**

The period of 5 years from the Commencement Date to the Expiry Date

**Commencement Date:**                      1 April 2021

**Expiry Date:**                                      31 March 2026

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Item 6      **Option to Extend this Lease**

(1)      **First Option Period:**

5 years commencing on the fifth anniversary of the Commencement Date

(2)      **Second Option Period:**

5 years commencing on the tenth anniversary of the Commencement Date

(3) **Third Option Period:**

5 years commencing on the fifteenth anniversary of the Commencement Date

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Item 7      **Rent**  
  
\$1.00 if demanded

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Item 8      **Car Parking Bays**  
  
Nil

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Item 9      **Notices**

**If to the Landlord:**

Attention:      Chief Executive Officer

Address          Shire of Waroona

P O Box 20, Waroona WA 6215

Email            [warshire@waroona.wa.gov.au](mailto:warshire@waroona.wa.gov.au)

**If to the Tenant:**

Attention:      Manager Land and Property

Address          Child & Adolescent Health Service

Locked Bag 2010, Nedlands WA 6909

Email            [CAHSProperty&Leasing@health.wa.gov.au](mailto:CAHSProperty&Leasing@health.wa.gov.au)

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Item 10      **Additional Provisions**

(1)      Signs

The Landlord agrees to the Tenant installing signage on the Land in a position agreed by the Landlord identifying the child health centre and its location.

(2)      Fitout

The Tenant may carry out any fitout or refurbishment of the Premises as is necessary to make the Premises fit for purpose.

LEASE made

2021

**BETWEEN:** The party or parties named in item 1 of the Schedule.  
("Landlord")

**AND:** The party named in item 2 of the Schedule.  
("Tenant")

## AGREEMENT

### 1. Definitions and Interpretation

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#### 1.1 Definitions

In this Lease:

- (1) "**Air Conditioning Equipment**" means the plant, chilled water piping, electrical installations, ductwork and diffusers used to heat, cool, circulate and extract air throughout the Building;
- (2) "**Australian Property Institute**" means the Australian Property Institute (Inc.) Western Australian Division;
- (3) "**Authority**" includes any governmental or public authority of any kind;
- (4) "**Building**" means the building in which the Premises are situated including any modifications, extensions or alterations to the Building and the Landlord's Property;
- (5) "**Business Day**" means a day which is not a Saturday, Sunday or public holiday in Perth, Western Australia;
- (6) "**Commencement Date**" means the date specified in Item 5 of the Schedule;
- (7) "**Common Areas**" means those parts of the Land and Building set aside or designated for the use of the occupiers of the Building or members of the public generally in common with each other and the Landlord;
- (8) "**Environmental Laws**" means all Laws regulating or otherwise relating to the environment including laws relating to land use planning, heritage, pollution, contamination, public and occupational health and safety, or any other aspect of protection of the environment;
- (9) "**Expiry Date**" means the date specified in Item 5 of the Schedule;
- (10) "**Government Tenant**" includes any corporation or other legal entity owned or controlled by a state or federal Government, and any person, agent, authority or other instrumentality acting for or exercising the power of a state or federal Government;
- (11) "**GST**" has the meaning given in section 195-1 of the GST Act;

- (12) "**GST Act**" means *A New Tax System (Goods and Services Tax) Act 1999*;
- (13) "**Input Tax Credit**" has the meaning given in section 195-1 of the GST Act;
- (14) "**Insolvency Event**" means the happening of any of the following events in relation to a party:
- (a) the party is unable to pay all the party's debts as and when they become due and payable or the party has failed to comply with a statutory demand as provided in section 459F of the *Corporations Act 2001*, or the party is deemed to be unable to pay the party's debts under section 585 of the *Corporations Act 2001*;
  - (b) a meeting is convened to place the party in voluntary liquidation or to appoint an administrator;
  - (c) an application is made to a court for the party to be wound up;
  - (d) the appointment of a controller (as defined in section 9 of the *Corporations Act 2001*) of any of the party's assets;
  - (e) the party proposes to enter into or enters into any form of arrangement (formal or informal) with the party's creditors or any of them, including a deed of company arrangement;
  - (f) the party becomes an insolvent under administration, as defined in section 9 of the *Corporations Act 2001*; or
  - (g) anything else or having a similar effect to the events described happens to a party, including a party who is a natural person.
- (15) "**Land**" means the land described in item 3 of the Schedule;
- (16) "**Landlord**" includes:
- (a) in the case of a person, that person's executors, administrators and assigns; and
  - (b) in any other case, the Landlord's successors and assigns;
- (17) "**Landlord's Property**" means the plant, equipment, fixtures, fittings and any other Landlord's property in the Premises;
- (18) "**Law**" means any law, whether common law or any law under any statute, ordinance or code and includes subordinate legislation;
- (19) "**Official Requirement**" means any requirement, notice, order or direction properly given by any Authority;
- (20) "**Premises**" means the premises described in item 4 of the Schedule;

- (21) **"Primary Payment"** means any payment by the Tenant to the Landlord under this Lease;
- (22) **"quarter"** means a 3 month period;
- (23) **"Rates and Taxes"** includes all rates, taxes, land taxes calculated on the basis that the Land is the only land owned by the Landlord, and other charges of any kind imposed by an Authority in relation to the Land or the Building;
- (24) **"reinstatement notice"** means a notice given by the Landlord to the Tenant of the Landlord's intention to carry out the reinstatement works;
- (25) **"reinstatement works"** means the work necessary to:
  - (a) reinstate the Premises; and
  - (b) make the Premises fit for occupation and use and accessible by the Tenant.
- (26) **"Rent"** means the rent stated in Item 7 of the Information Table;
- (27) **"Schedule"** means the schedule at the beginning of this Lease;
- (28) **"Services"** means all gas, electricity, telephone, water, sewerage, fire prevention, ventilation, air conditioning, hydraulic, elevator and security services and all other services or systems provided in the Building or available for the Tenant's use whether provided by the Landlord or any Authority;
- (29) **"Taxable Supply"** has the meaning given in section 195-1 of the GST Act;
- (30) **"Tax Invoice"** has the meaning given in section 195-1 of the GST Act and in the *A New Tax System (Goods and Services Tax) Regulations 1999*;
- (31) **"Tenant"** includes the Tenant's successors and permitted assigns;
- (32) **"Tenant's Employees"** means each of the Tenant's employees, contractors and agents and those persons over whom the Tenant exercises control at the Premises;
- (33) **"Tenant's Property"** means the property of the Tenant brought into, installed or erected in the Premises (and includes any property acquired from a former occupier of the Premises);
- (34) **"Term"** means the term of this Lease stated in Item 5 of the Schedule;.
- (35) **"Utilities"** means all gas, electricity, telephone, water and communications services provided in the Building or available for the Tenant's use whether provided by the Landlord or any Authority.

## 1.2 Interpretation

In this Lease:

- (1) headings or subheadings are inserted for guidance only and do not govern the meaning or construction of this Lease or of any provision contained in this Lease;
- (2) words expressed in the singular include the plural and vice versa;
- (3) words expressed in one gender include the other genders;
- (4) a reference to a person includes a natural person, partnership, joint venture, association, or corporation and a government or any governmental, local authorities and agencies;
- (5) a reference to a party to a document includes that party's successors personal representatives and permitted assigns;
- (6) an agreement on the part of 2 or more persons binds them jointly and severally;
- (7) a reference to a body, other than a party to this Lease (including an institute, association or authority), whether statutory or not:
  - (a) which ceases to exist; or
  - (b) whose powers or functions are transferred to another body,  
  
is a reference to the body which replaces it or which substantially succeeds to its powers or functions;
- (8) where a general description of a thing, including a right or obligation, is followed by a specific instance or example of that thing, that specific instance or example does not limit the scope of the general description;
- (9) a reference to a thing includes a part of that thing but without implying that part performance of an obligation is performance of the whole;
- (10) references to clauses and parties are references to clauses of, and parties to, this Lease and a reference to a subclause is a reference to a subclause in the clause in which the reference appears;
- (11) all the provisions in the Schedule are incorporated in and form part of this Lease;
- (12) no rules of construction apply to the disadvantage of a party because that party was responsible for the drafting of this Lease or of any of the provisions of this Lease;
- (13) a reference to a statute includes a regulation, rule, by-law, requisition and order made under that statute and any amendment to or re-enactment of that statute, regulation, rule, by-law, requisition or order for the time being in force;
- (14) a reference to a document, including this Lease, includes each document or agreement varying or replacing that document;

- (15) where the day on or by which any thing is to be done is not a Business Day, that thing must be done on or by the next Business Day;
- (16) a reference to 'dollars' and \$ is to Australian currency;
- (17) month means a calendar month;
- (18) 'including' and 'includes' are not words of limitation;
- (19) a period of time dating from a given day or the day of an act or event, is to be calculated exclusive of that day;
- (20) a day is to be interpreted as the period of time commencing at midnight and ending 24 hours later;
- (21) an accounting term is a reference to that term as it is used in accounting standards under the *Corporations Act 2001* (Cth), or, if not inconsistent with those standards, in accounting principles and practices generally accepted in Australia;
- (22) time is a reference to Perth Western Australia time; and
- (23) a reference to the "State" in this Lease includes the Crown in right of the State of Western Australia whether body corporate or otherwise, and the State of Western Australia's departments, agencies and instrumentalities.

## **2. Term and Holding Over**

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### **2.1 Term**

The Landlord leases to the Tenant and the Tenant takes a lease of the Premises for the Term commencing on the Commencement Date and terminating on the Expiry Date subject to the provisions of this Lease.

### **2.2 Quiet Enjoyment**

If the Tenant complies with the Tenant's obligations under this Lease, the Tenant may use the Premises without interruption or disturbance from the Landlord or any person claiming by, through or under the Landlord.

### **2.3 Holding Over**

- (1) If the Tenant continues to occupy the Premises after the Expiry Date or after any extended term without objection by the Landlord (except under a lease arising from the valid exercise of an option to renew) the following provisions apply.
- (2) The Tenant occupies the Premises as a monthly tenant at a total rent equal to 1/12<sup>th</sup> of the aggregate of the rent and other money payable by the Tenant to the Landlord under this Lease immediately before the monthly tenancy

commenced, payable monthly in advance the first of the monthly payments to be made on the day following the Termination Date.

- (3) As far as applicable, the monthly tenancy otherwise continues on the terms and conditions of this Lease.
- (4) The monthly tenancy may be terminated at any time by either the Landlord or the Tenant giving to the other not less than 1 months' notice ending on any date.

### **3. Rent**

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The Tenant must pay the Rent to the Landlord on demand.

### **4. Utilities**

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#### **4.1 Charges for Utilities**

The Tenant must pay by the due date all charges for Utilities supplied to the Premises, as invoiced by the relevant supplier.

#### **4.2 Amount Payable**

If any Utilities are supplied to the Premises by the Landlord, the Landlord must:

- (1) charge the Tenant for those Utilities at the rate at which the Utilities are supplied to the Landlord; and
- (2) in relation to electricity, water and gas consumption charges, provide the Tenant with documentation which is reasonably sufficient for the Tenant to verify the charge including meter reading details and a copy of the invoice issued by the relevant supplier.

#### **4.3 Utilities to the Premises**

The Tenant may make the Tenant's own arrangements direct with a supplier of a Utility.

#### **4.4 Electrical Installations**

The Tenant must not:

- (1) make any alterations or additions to the electrical installations or wiring on the Premises without the Landlord's consent, which will not be unreasonably refused or delayed or conditioned;
- (2) install any electrical equipment which overloads the cables, switchboards or sub-boards through which electricity is conveyed to the Premises; or
- (3) interfere with or obstruct access to the Air Conditioning Equipment or fire alarm or prevention system installed in the Premises.

## **5. Use of the Premises**

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### **5.1 Permitted Use**

The Tenant may only use the Premises for a child health centre unless the Landlord consents to another use.

### **5.2 Restrictions on Use**

The Tenant must not:

- (1) carry on any noxious or offensive trade or business on the Premises;
- (2) cause any nuisance to occupiers of adjacent premises;
- (3) interfere with or obstruct the operation of or access to the Services or overload any Service; or
- (4) use any facilities in or near the Premises or in the Building, including the toilets and drains, for any improper purpose.

## **6. Maintenance and Repair**

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### **6.1 Repair of Premises**

The Landlord must keep the interior of the Premises in good repair and condition except for fair wear and tear and damage by fire, storm, tempest and any other risk which a prudent owner can and usually does insure against, including damage to plate glass (which will be fixed by the Landlord's insurer).

### **6.2 Cleaning**

- (1) The Tenant must keep the Premises clean and tidy.
- (2) The Landlord will arrange daily (Monday to Friday) cleaning of the Premises and the Tenant consents to the Landlord's cleaner entering the Premises for the purpose of cleaning the Premises.
- (3) The Landlord will charge the Tenant for that cleaning at the rate at which the cleaning is supplied to the Landlord.
- (4) The Landlord will provide the Tenant with a copy of the invoice issued by the relevant supplier for the Tenant to verify the charge.

## **7. Alterations**

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The Tenant must not without the Landlord's consent, which will not be unreasonably refused or delayed, materially alter or add to the Premises or install any partitions or likely to disturb the efficient operation of the Services in the Premises or install any heavy article like to overload the Premises.

## **8. Legal Obligations**

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### **8.1 Compliance with Laws and Official Requirements**

The Tenant must comply with and observe any law or Official Requirement concerning the Tenant's use or occupation of the Premises or the gender or number of persons in the Premises.

### **8.2 Structural Alterations**

The Tenant is not required under clause 8.1 to do or pay for structural alterations or additions except those arising from the nature of the Tenant's business.

## **9. Common Areas**

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### **9.1 Tenant May Use**

The Tenant and the Tenant's Employees have the non-exclusive right to use the Common Areas for the purposes for which they are designed or intended in common with the Landlord and other persons authorised by the Landlord.

### **9.2 Control and Safety**

The Landlord is responsible for the control of the Common Areas and any other parts of the Building not leased to a tenant. The Landlord must ensure that the Common Areas are properly maintained, safely lit and kept in a clean and safe condition at all times.

## **10. Management of the Building by Landlord**

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### **10.1 Safety and Security**

The Landlord must consider any reasonable request of the Tenant which is made for the purpose of ensuring the safety and security of the Premises.

### **10.2 Right to Enter**

The Landlord may after giving at least 2 Business Days' notice to the Tenant (or in an emergency, without notice) enter the Premises to do any one or more of the following things:

- (1) maintain or repair the Building and equipment in the Building;
- (2) maintain, repair, alter or remove the Services; or
- (3) carry out structural work to the Building (including the Premises) or any other work required by an Authority.

### **10.3 Minimise disruption**

If the Landlord does anything permitted by clause 10.2 the Landlord must not disrupt the Tenant's use of the Premises and must promptly make good any damage to the Tenant's Property caused by the Landlord.

## **11. Tenant's Rights in relation to use of Building**

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### **11.1 After Hours Access**

The Tenant may have access to the Premises at all times whether or not during normal business hours, but the Tenant must comply with the Landlord's reasonable requirements relating to safety and security in connection with access outside normal business hours.

### **11.2 Cabling**

The Tenant may use risers or spaces within the Building provided for the running of computer and other electrical, data and communications cabling for the occupants' use, for the running of that cabling as long as the Tenant ensures that:

- (1) the running of the computer and other electrical, data and communications cables in the Building does not cause irreparable damage to the Building; and
- (2) the Building is secured where the computer and other electrical, data and communications cables are run; and
- (3) the use of the Building for the running of the computer and other cabling is reasonable, having regard to the needs of the other tenants or occupiers.

## **12. Assignment and Subletting**

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### **12.1 Assignment and Subletting Permitted with Consent**

The Tenant may assign this Lease or sublet all or part of the Premises with the Landlord's consent.

### **12.2 Requirements for Assignment**

The Landlord will not refuse its consent to the assignment or unreasonably delay that consent if the Tenant first makes a written application to the Landlord for consent and:

- (1) the Tenant is not in default under this Lease (disregarding a default which has been remedied by the Tenant or waived by the Landlord);
- (2) the Tenant provides evidence that the incoming tenant is a respectable, responsible and solvent person; and

- (3) the Tenant and the incoming tenant sign a deed, in a form prepared or approved by the Landlord, requiring the incoming tenant to comply with the Tenant's obligations under this Lease.

### **12.3 Requirements for Subletting**

The Landlord will not refuse its consent to the subletting or unreasonably delay that consent if the Tenant first makes a written application to the Landlord for consent and:

- (1) the Tenant is not in default under this Lease (disregarding a default which has been remedied by the Tenant or waived by the Landlord); and
- (2) the Tenant provides evidence that the incoming tenant is a respectable, responsible and solvent person.

### **12.4 Assignment to Government Tenant**

Clause 12.1 does not apply to an assignment or subletting to any Government Tenant and the Tenant may assign this Lease or sublet the Premises to a Government Tenant at any time without the Landlord's consent, but the Tenant must promptly give the Landlord notice of any assignment to a Government Tenant.

### **12.5 Exclusion of Property Law Act**

Sections 80 and 82 of the *Property Law Act 1969* are excluded.

### **12.6 Tenant Released**

From the date that the Tenant assigns this Lease, subject to compliance with clause 12.2, the assignor Tenant is released from all its obligations under this Lease.

## **13. Indemnity**

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### **13.1 Indemnity**

The Tenant is responsible for and indemnifies the Landlord against any liability resulting from:

- (1) any loss of or damage to property or any injury to or death of any person occurring in the Premises or caused by the Tenant wherever occurring; or
- (2) any reasonable action taken by the Landlord to remedy a default by the Tenant.

This indemnity does not apply to the extent that the liability is caused to by the Landlord.

## **14. Carpets**

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Except for damage caused by the Tenant (which must be made good by the Tenant) the Landlord must replace the carpet in the Premises (or any part) with new carpet promptly after it becomes worn out or unsafe for any reason and the Tenant has given

the Landlord a notice requesting that the carpet (or any part) be replaced. Any new carpet must not be of a lesser quality than the carpet it replaces. If part of the carpet is replaced it must be in a matching colour.

## **15. Landlord's Obligations Concerning Premises and Building**

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### **15.1 Suitability of Premises**

The Landlord:

- (1) warrants that at the Commencement Date the Premises are fit for occupation and for the use permitted by this Lease and comply with all laws relating to the Premises; and
- (2) undertakes that during the Term (subject to the other provisions of this Lease), the Premises will remain fit for occupation and will continue to comply with all laws that were applicable at the Commencement Date.

### **15.2 Capacity of Electrical Supply**

The Landlord must not reduce the capacity of the electrical supply available to the Premises below the level applying at the Commencement Date.

### **15.3 Maintenance of the Building**

The Landlord must maintain the Building and the Common Areas in a good, clean and safe condition. Without limitation, the Landlord must properly maintain and repair:

- (1) the roof and structure of the Building and all electrical wires and water and sewerage pipes and drains;
- (2) the exterior surface, coating or fabric of the Building;
- (3) the surfaces of all core walls, including repainting them when necessary;
- (4) light switches and power points which cease to work;
- (5) all driveways and car parking areas on the Land and all crossovers providing access to the Land; and
- (6) all stairs and passageways and keep them safely lit.

### **15.4 Moisture Penetration**

If there is moisture penetration into the Premises which causes the Tenant's use of the Premises to be prevented or interrupted, the Landlord must as soon as practicable (following notice by the Tenant of the moisture penetration) repair and, if necessary, modify the Building to stop the moisture penetration re-occurring.

## 15.5 Asbestos and Bacteria

- (1) The Landlord warrants that to the best of the Landlord's knowledge the Premises are at the Commencement Date (and will continue during the Term to be) free of asbestos and any bacteria of a type and in a quantity which may be hazardous or dangerous to health.
- (2) If the Air Conditioning Equipment is of a water cooled or evaporative nature the Landlord must on a regular basis (but at least biannually) arrange for competent professional scientific testing of the Air Conditioning Equipment to verify compliance with paragraph (1) and must provide the Tenant with a certified copy of the result of each testing.
- (3) If:
  - (a) the Premises contain asbestos; or
  - (b) bacteria of a type and in quantity which is hazardous or dangerous to health are found in the Premises or in the Air Conditioning Equipment serving the Premises,the Landlord must remove the asbestos or bacteria promptly as required by the Tenant or as directed by any Authority.
- (4) If either asbestos or bacteria within the Premises or within any Air Conditioning Equipment serving the Premises causes a declaration by any Authority that the Premises are hazardous or dangerous to health and the Landlord does not take immediate steps to remedy the hazard or danger or does not effectively remove it within 1 month after the declaration, the Tenant may terminate this Lease within 4 months after the declaration.
- (5) The Landlord at the cost of the Landlord must repair or reinstate the Premises to the extent that the Premises have been damaged or affected by the removal of any substances or as a result of any other action taken under this clause 15.5.

## 15.6 Other Hazardous Substances

If any other noxious, toxic, poisonous or hazardous substance in or forming part of the Premises, the Building or the Landlord's Property is found which is not asbestos or bacteria but which is dangerous to health, the Landlord must eliminate any danger caused by the substance as directed by any Authority or otherwise by removal of the substance.

## 15.7 Environmental Laws

The Landlord must comply with all Environmental laws.

## **15.8 Occupational Health**

The Landlord warrants that the Premises conform to and are consistent with all applicable notices and directions of the Department of Mines, Industry Regulation and Safety of the Government of Western Australia.

## **16. Landlord's Obligations Concerning Services**

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### **16.1 Air Conditioning**

The Landlord must use best endeavours to ensure the Air Conditioning Equipment functions properly at all times during normal business hours, except when shut down for maintenance or repairs.

### **16.2 Maintenance of Air Conditioning Equipment**

The Landlord must:

- (1) clean, maintain and treat the Air Conditioning Equipment servicing the Premises:
  - (a) in a proper and adequate manner; and
  - (b) to a suitable working standard and condition; and
- (2) when asked by the Tenant, provide written information about that cleaning, maintenance and treatment.

### **16.3 Landlord's liability**

The Landlord will not be held liable for any cost, damage or loss to the extent the provision of the Services, for example lifts, mechanical, electrical or hydraulic services, are substantially affected by or, substantially controlled by, an action or inaction of an external party or authority, body, union, statute, regulation or notice issued by any competent authority which the Landlord has no direct control over unless it is as a result of the Landlord's negligence or default in relation to the maintenance of, or provision of the Service. In these circumstances, the Landlord will use its best endeavours to ensure the Services are provided, maintained or reinstated within a reasonable period of time.

## **17. Landlord's General Obligations**

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### **17.1 Insurance**

The Landlord must insure the Building against damage by fire, storm, tempest and usual insurable risks including risk of damage to plate glass and providing for replacement of cracked or broken plate glass.

## 17.2 Rates and Taxes

The Landlord must by the relevant due date or dates pay all Rates and Taxes and any other outgoings relating to the Land.

## 17.3 Smoking

If after the Tenant executes this Lease the Landlord grants a lease of premises located on the Land, that lease must include a provision that the tenant and the tenant's employees, contractors and agents are prohibited from smoking in those premises and in the Common Areas.

## 17.4 Grounds

If there are lawns, gardens or other landscaped areas on the Land, the Landlord must properly care for and maintain them.

## 18. Default and Termination

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### 18.1 Tenant's Default

The Tenant is in default if:

- (1) the Tenant fails to comply with any of the Tenant's obligations under this Lease within 28 days after the Landlord has given the Tenant a notice specifying the default and requiring it to be remedied; or
- (2) the Tenant repudiates this Lease.

### 18.2 Forfeiture of Lease

Subject to giving any prior demand or notice required by any law if the Tenant is in default in any manner specified in clause 18.1 the Landlord may:

- (1) re-enter and take possession of the Premises and this Lease terminates immediately that occurs; or
- (2) by notice to the Tenant, terminate this Lease on the date of giving the notice or on any later date.

### 18.3 Tenant may rectify Landlord's Default

If:

- (1) the Tenant becomes entitled to terminate this Lease under any provision of this Lease; or
- (2) the Landlord defaults under this Lease and has not remedied the default or taken reasonable steps to remedy it by 14 days after the Tenant has given the Landlord notice of the default,

the Tenant may (without affecting the Tenant's entitlement to terminate this Lease or any other remedy) itself remedy the default. The Landlord must pay the Tenant's costs of remedying the default on demand.

## **19. Termination of Term**

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- (1) On termination of this Lease the Tenant must vacate the Premises and leave the Premises clean and tidy.
- (2) The Tenant may remove the Tenant's Property from the Premises at any time before termination of this Lease and must repair any damage to the Premises caused by removal of the Tenant's Property.
- (3) If the Tenant does not remove the Tenant's Property or any part before termination, the Landlord must give the Tenant notice of any Tenant's Property which has not been removed and allow the Tenant access to the Premises for the purpose of removing it within 14 days after the notice is given. If any of the Tenant's Property has not been removed within that time, the Landlord may treat that Tenant's Property as if it has become the Landlord's Property.

## **20. Damage and Destruction**

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### **20.1 Definitions**

In this clause 20:

- (1) "**abatement notice**" means a notice given under clause 20.2(1);
- (2) "**reinstatement notice**" means a notice given by the Landlord to the Tenant of the Landlord's intention to carry out the reinstatement works; and
- (3) "**reinstatement works**" means the work necessary to:
  - (a) reinstate the Premises; and
  - (b) make the Premises fit for occupation and use and accessible by the Tenant.

### **20.2 Abatement**

- (1) If at any time:
  - (a) the Premises are wholly or partly unfit for occupation and use by the Tenant; or
  - (b) access to the Premises is either wholly or partly interfered with having regard to the nature and location of the Premises and the normal means of access to them;

as a result of:

- i) destruction or damage;
- ii) the presence of or the removal of asbestos;
- iii) the existence of bacteria of a type or in a quantity harmful to the health of persons in the Premises (other than bacteria caused by the Tenant); or
- iv) construction, rebuilding or alteration of the Premises, the Building, or any adjoining building owned or partly owned by the Landlord,

then the Tenant may notify the Landlord of the relevant event and the parts of the Premises affected and the extent to which they are affected and from the date that the event occurred the Rent payable by the Tenant are to abate in whole or in part according to the circumstances.

(2) If clause 20.2(1) applies, the remedies for:

- (a) recovery of the Rent and any other money or a proportionate part falling due after the damage or destruction; or
- (b) enforcement of the obligation to repair and maintain;

are suspended in whole or in part from the date of the abatement notice until the Premises are reinstated or otherwise made fit for the Tenant's occupation and use and fully accessible.

### **20.3 Tenant May Terminate**

If clause 20.2(1) applies, then at any time after 2 months from the date the abatement notice, the Tenant may terminate this Lease by notice to the Landlord unless the Landlord has within that period of 2 months:

- (1) given the Tenant a reinstatement notice; and
- (2) diligently started to carry out the reinstatement works.

### **20.4 Tenant May Terminate after reinstatement notice**

If the Landlord gives a reinstatement notice to the Tenant and does not commence the reinstatement works within a reasonable time the Tenant may terminate this Lease by giving not less than 1 months' notice to the Landlord and, at the expiration of the notice period, this Lease terminates.

## **21. Miscellaneous**

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### **21.1 Notices**

Any notice, or other communication including any request, demand, consent or approval to or by a party under this Lease:

- (1) must be in writing;
- (2) must be addressed to a party and may be delivered by courier, mailed by registered post or faxed, or electronic mail, in accordance with the details set out in Item 9 of the Schedule or any other address notified by a party to the other;
- (3) must be signed by a person authorised by the sender or signed by a solicitor on behalf of the sender; and
- (4) will be treated as having been given by the sender and received by or served on the addressee:
  - (a) if by delivery in person - when delivered to the addressee;
  - (b) on the day which is the fifth Business Day after the date of posting – where posted by registered post within Australia to an address within Australia;
  - (c) on the day which is the eighth Business Day after the date of posting - where posted by air mail registered post from a place within Australia to an address outside Australia or posted from a place outside Australia to an address within Australia; and
  - (d) by electronic mail – on the date of transmission with confirmation that the electronic message was transmitted in its entirety to the electronic mail address of the recipient, but if the transmission (in the case of electronic mail) is on a day which is not a Business Day or is after 5:00pm (addressee's time) it will be treated as having been duly given on the succeeding Business Day at 9:00am.

## 21.2 Caveat and Registration

- (1) The Tenant may lodge a subject to claim caveat in respect of the Premises in relation to the Tenant's interests under this Lease, but must withdraw that caveat after the Tenant has ceased to have any interest in the Premises under this Lease.
- (2) If the Tenant requires, this Lease is to be registered on the title to the Land. The costs of registration must be paid by the Tenant. The Landlord must do everything required of the Landlord to enable this Lease to be registered as soon as reasonably possible after the Commencement Date.

## 21.3 Severance

- (1) If any part of this Lease is, or becomes, void or unenforceable, that part is, or will be, severed from this Lease so that all parts that are not, or do not become, void or unenforceable remain in full force and effect and are unaffected by that severance.
- (2) Clause 21.3(1) has no effect if the severance alters the substance of this Lease or is contrary to public policy.

#### **21.4 Accrued rights**

The termination of this Lease (including by way of forfeiture) does not affect the rights or remedies of either party against the other party in relation to a breach of this Lease by a party before the termination of this Lease.

#### **21.5 Cumulative Rights**

The rights, powers, authorities, discretions and remedies arising out of or under this Lease are cumulative and do not exclude any other right, power, authority, discretion or remedy of a party.

#### **21.6 Proper Law and jurisdiction**

- (1) This Lease is governed by, and to be interpreted in accordance with, the Laws in force in Western Australia.
- (2) Each party irrevocably and unconditionally submits to the exclusive jurisdiction of the courts of Western Australia and courts of appeal from them.
- (3) Without preventing any other mode of service, any document in an action (including any writ of summons or other originating process or any third or other party notice) may be served on any party by being delivered to or left for that party at its address for service of notices under clause 21.1.

#### **21.7 Waiver and estoppel**

- (1) Failure to exercise or enforce, or a delay in exercising or enforcing, or the partial exercise or enforcement of, a right, power, or remedy under any Law or under this Lease by a party does not preclude, or operate as a waiver of, the exercise or enforcement, or further exercise or enforcement, of that or any other right, power or remedy provided under any Law or under this Lease.
- (2) A waiver given by a party under this Lease is only effective and binding on that party if it is given or confirmed in writing by that party.
- (3) No course of dealings between the parties removes the requirement under clause 21.7(2) that a waiver must be in writing to be effective and binding upon the parties.
- (4) No waiver of a breach of a term of this Lease operates as a waiver of any other breach of that term or of a breach of any other term of this Lease.

#### **21.8 Further Assurance**

Each party must do all things and execute all further documents necessary to give full effect to this Lease and the transactions provided for by this Lease.

#### **21.9 Variation**

This Lease must not be changed or modified in any way subsequent to its execution except in writing by the parties.

#### **21.10 Entire Agreement**

This Lease supersedes all previous agreements in respect of its subject matter and embodies the entire agreement between the parties with respect to the subject matter of this Lease.

#### **21.11 Continuing Application of Provisions**

To the extent that the provisions of this Lease confer rights and impose obligations on the parties in respect of matters occurring after termination of this Lease, those provisions will survive and not merge in termination, and will continue to apply and remain in full force and effect for the benefit of the parties according to their terms.

#### **21.12 Non-merger**

The warranties, undertakings and indemnities in this Lease will continue in full force and effect until the respective rights and obligations of the parties have been fully performed and satisfied.

#### **21.13 Relationship of the parties**

- (1) Nothing in this Lease gives a party authority to bind the other party in any way.
- (2) Neither this Lease, nor the relationship created by it, is intended to create, and will not be construed as creating any partnership or joint venture or fiduciary relationship, as between the parties.

#### **21.14 Supervening legislation**

Any present or future legislation which operates to vary the obligations of a party under this Lease with the result that another party's rights, powers or remedies are adversely affected (including, by way of delay or postponement) is excluded except to the extent that its exclusion is prohibited or rendered ineffective by Law.

#### **21.15 Time of the Essence**

Time is of the essence in relation to the rights and obligations set out in this Lease.

### **22. GST**

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#### **22.1 Payments exclusive of GST**

The amount of all Primary Payments specified in this Lease is exclusive of GST.

#### **22.2 Primary Payment Increased**

If GST is payable by the Landlord in respect of a Primary Payment or any part in connection with a Taxable Supply provided under this Lease:

- (1) the Primary Payment is increased by an amount equal to the applicable GST; and

- (2) the Tenant must pay the amount of the increase in the same manner and on the same date as the Tenant is required to pay the Primary Payment.

### 22.3 Adjustment

If the Primary Payment consists (wholly or partly) of the recovery by the Landlord of all or a portion of the Landlord's costs, the Primary Payment is to be reduced by the amount (or corresponding proportion) of the Input Tax Credits available to the Landlord in respect of these costs and then increased by any applicable GST payable under clause 22.1.

### 22.4 Tax Invoice

If a Primary Payment is to be increased to account for GST under clause 22.1 the Landlord must, at least 28 days before the increased Primary Payment is to be paid, issue a Tax Invoice to the Lessee.

## 23. Option to Extend

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### 23.1 First Option Period

If a period is stated in Item 6(1) of the Schedule ("**First Option Period**") the Tenant has the option to extend this Lease for the First Option Period, if the Tenant is not in default under this Lease when the option is exercised. This option may be exercised by the Tenant notifying the Landlord in writing that the Tenant wants to extend this Lease for that period at least 3 months before the Expiry Date.

### 23.2 Second Option Period

If a period is stated in Item 6(2) of the Schedule ("**Second Option Period**") the Tenant has the option to extend this Lease for the Second Option Period, if the Tenant is not in default under this Lease as extended when the option is exercised. This option may be exercised by the Tenant notifying the Landlord in writing that the Tenant wants to extend this Lease for that period at least 3 months before the last day of the First Option Period; and

### 23.3 Third Option Period

If a period is stated in Item 6(3) of the Schedule ("**Third Option Period**") the Tenant has the option to extend this Lease for the Third Option Period, if the Tenant is not in default under this Lease as extended when the option is exercised. This option may be exercised by the Tenant notifying the Landlord in writing that the Tenant wants to extend this Lease for that period at least 3 months before the last day of the Second Option Period.

### 23.4 Terms and Conditions

If this Lease is extended under clause 23.1 all the provisions of this Lease continue to apply, except the option in clause 23.1. If this Lease is further extended under clause 23.2 all the provisions of this Lease continue to apply, except the options in clauses

23.1 and 23.2. If this Lease is further extended under clause 23.3, all the provisions of this Lease continue to apply, except the options in clauses 23.1, 23.2 and 23.3.

## **24. Car Parking**

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- (1) The Landlord grants to the Tenant, during the Term of this Lease and any renewed or extended term, a licence to:
  - (a) use (on an exclusive basis) the car parking bays (if any) specified in Item 8 of the Schedule ("**Car Bays**");
  - (b) use (on a non-exclusive basis) any car parking bays on the Land; and
  - (c) in common with all other persons having the same right, use the driveways, entrances and exits necessary for access to and from the Car Bays.
- (2) No licence fee is payable by the Tenant for the rights granted by the Landlord under this clause 24.
- (3) The Tenant must comply with any reasonable rules made by the Landlord relating to the reasonable use, safety, care and cleanliness of the Car Bays.

## **25. Dispute Resolution**

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### **25.1 Negotiation**

- (1) If there is a dispute or difference arising out of or in connection with this Lease, then within 15 Business Days of a party notifying the other party in writing of the dispute or difference, a representative from each party must meet and use all reasonable endeavours acting reasonably to resolve the dispute or difference by joint discussions.
- (2) The meeting of the representative from each party will be without prejudice except to the extent of any agreements made, recorded and signed by the attendees.

### **25.2 Independent expert**

- (1) If a dispute or difference arising out of or in connection with this Lease is unable to be resolved in accordance with clause 25.1, at the request of either the Landlord or the Tenant the dispute or difference is to be determined:
  - (a) in the case of a financial or accounting matter, by a practising chartered accountant who is a member of The Institute of Chartered Accountants of Australia (WA Division) appointed for that purpose by the then President of that body;

- (b) in the case of a construction matter, by a member of Engineers Australia (WA Division) appointed for that purpose by the then President of that body;
  - (c) in the case of value, by a valuer who is a member of the Australian Property Institute appointed for that purpose by the then President of that body;
  - (d) in any other case, a qualified person appointed by the senior officer for the time being of an appropriate association, institution, society or board agreed upon by the Landlord and the Tenant (and failing agreement within 3 Business Days then as appointed by the then President of The Law Society of Western Australia (Inc.) at the request of either the Landlord or the Tenant).
- (2) If a dispute or difference needs to be resolved under this clause 25.2 and it relates to more than one area of expertise, the parties may agree to the appointment of a panel of independent experts which represents the appropriate skills in accordance with clause 25.2(1).
  - (3) In making a determination, the appointed person must act as an expert and not as an arbitrator.
  - (4) The appointed person must make a written determination containing reasons as soon as possible after appointment, but must give each party the opportunity to make written submissions and give consideration to any submissions made.
  - (5) The cost of the determination must be paid by both parties in equal shares unless otherwise decided by the appointed person.
  - (6) The decision of the appointed person will be final and binding on the parties except in the case of manifest error or where either party has not been provided with a fair opportunity to make submissions in relation to the matter in issue.
  - (7) For the avoidance of doubt the parties acknowledge that matters of law cannot be made the subject of dispute resolution pursuant to this clause and the parties are entitled to pursue their legal rights in respect of such matters without reference to this clause.

### **25.3 Continuation of rights and obligations**

Despite the existence of a dispute or difference each party must continue to perform its obligations under this Lease.

## **26. Additional Provisions**

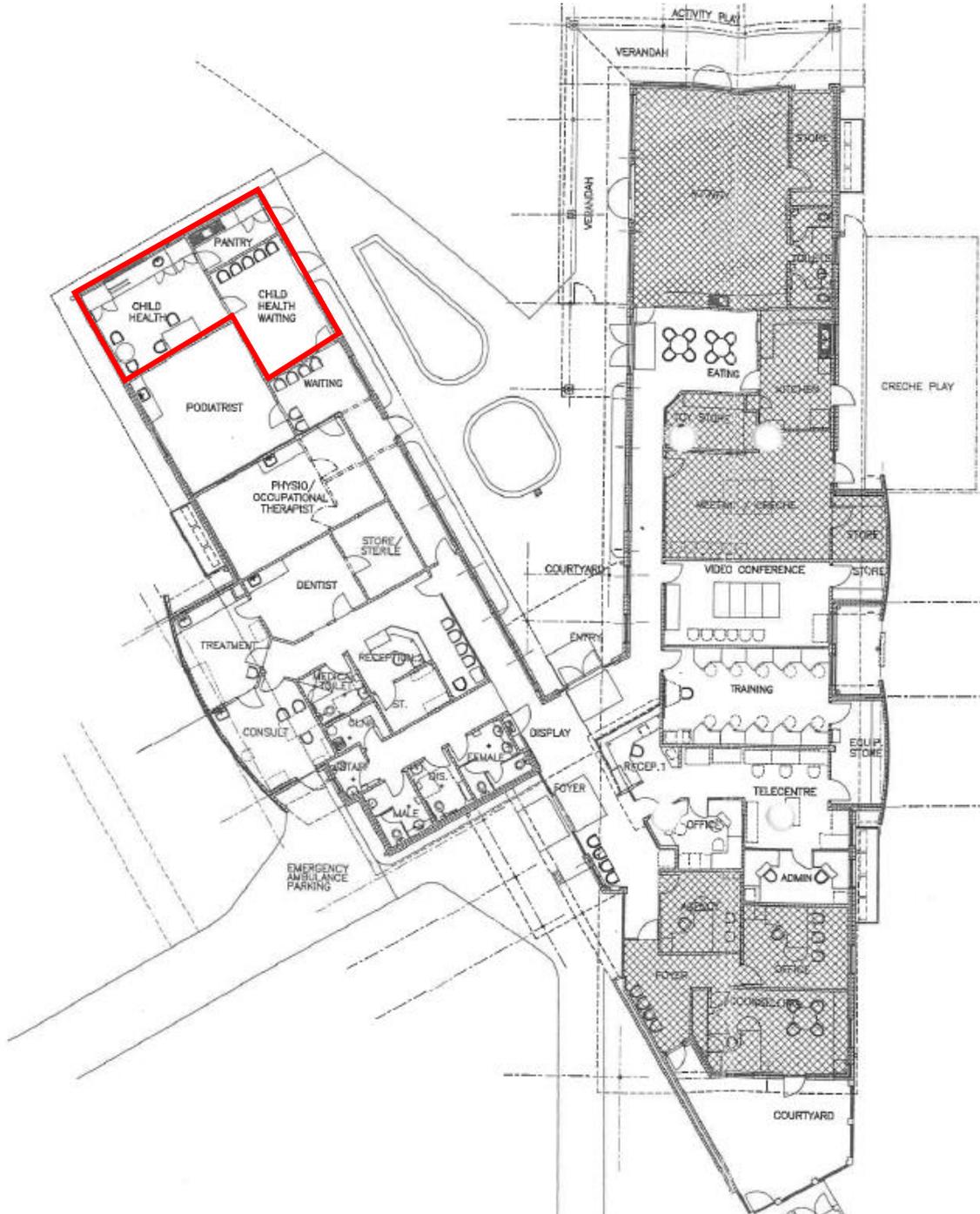
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The special terms, covenants and conditions (if any) set out in Item 10 of the Schedule ("**Additional Provisions**") are deemed to be incorporated into this Lease as if fully set out in the body of this Lease and, in the event of there being any inconsistency with the terms, covenants and conditions contained in the body of this Lease, then the Additional Provisions prevail.

# PREMISES PLAN

Lot 42 – 10 Henning Street, Waroona  
Not to Scale – Leased Area highlighted in Red

 Child Health Clinic



**EXECUTED** as a Deed.

THE COMMON SEAL of the )  
**SHIRE OF WAROONA** )  
was hereunto affixed in the presence of: )

\_\_\_\_\_  
Shire President

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Print full name

\_\_\_\_\_  
Print full name

Signed by Dr Aresh Anwar )  
Chief Executive for and on behalf of )  
**CHILD AND ADOLESCENT HEALTH** )  
**SERVICE** in accordance with Section 41 )  
of the Health Services Act 2016 )  
in the presence of: )

\_\_\_\_\_  
Signature  
Date:

\_\_\_\_\_  
Witness sign

\_\_\_\_\_  
Witness Print Full Name

\_\_\_\_\_  
Witness Print Address

\_\_\_\_\_  
Witness Print Occupation



## SHIRE OF WAROONA GOVERNANCE CODE OF CONDUCT FOR COUNCIL MEMBERS, COMMITTEE MEMBERS AND CANDIDATES

<b>Related Legislation</b>	Local Government Act 1995 – Part 5, Division 9 Local Government (Model Code of Conduct) Regulations 2021
<b>Approved By</b>	Council
<b>Responsible Officer</b>	Chief Executive Officer
<b>Adoption Date</b>	23/03/2021 <span style="float: right;">OCM21/03/</span>
<b>Amendment Record</b>	

### *Local Government (Model Code of Conduct) Regulations 2021*

## Schedule 1 – Model Code of Conduct

### Division 1 – Preliminary Provisions

<b>1.</b>	<b>CITATION</b>
	This is the Shire of Waroona Code of Conduct for Council Members, Committee Members and Candidates.
<b>2.</b>	<b>TERMS USED</b>
	<p>(1) In this code —  <b>Act</b> means the <i>Local Government Act 1995</i>;  <b>candidate</b> means a candidate for election as a council member; <b>complaint</b> means a complaint made under clause 11(1);  <b>publish</b> includes to publish on a social media platform.</p> <p>(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.</p>

### Division 2 – General Principles

<b>3.</b>	<b>OVERVIEW OF DIVISION</b>
	This Division sets out general principles to guide the behaviour of council members, committee members and candidates.
<b>4.</b>	<b>PERSONAL INTEGRITY</b>
	<p>(1) A council member, committee member or candidate should —</p> <ul style="list-style-type: none"> <li>(a) act with reasonable care and diligence; and</li> <li>(b) act with honesty and integrity; and</li> <li>(c) act lawfully; and</li> <li>(d) identify and appropriately manage any conflict of interest; and</li> </ul>

	<p>(e) avoid damage to the reputation of the local government.</p> <p>(2) A council member or committee member should —</p> <ul style="list-style-type: none"> <li>(a) act in accordance with the trust placed in council members and committee members; and</li> <li>(b) participate in decision-making in an honest, fair, impartial and timely manner; and</li> <li>(c) actively seek out and engage in training and development opportunities to improve the performance of their role; and</li> <li>(d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.</li> </ul>
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<b>5.</b>	<b>RELATIONSHIP WITH OTHERS</b>
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	<p>(1) A council member, committee member or candidate should —</p> <ul style="list-style-type: none"> <li>(a) treat others with respect, courtesy and fairness; and</li> <li>(b) respect and value diversity in the community.</li> </ul> <p>(2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.</p>
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<b>6.</b>	<b>ACCOUNTABILITY</b>
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	<p>(1) A council member or committee member should —</p> <ul style="list-style-type: none"> <li>(a) base decisions on relevant and factually correct information; and</li> <li>(b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and</li> <li>(c) read all agenda papers given to them in relation to council or committee meetings; and</li> <li>(d) be open and accountable to, and represent, the community in the district.</li> </ul>
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**Division 3 – Behaviour**

<b>7.</b>	<b>OVERVIEW OF DIVISION</b>
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	<p>This Division sets out —</p> <ul style="list-style-type: none"> <li>(a) requirements relating to the behaviour of council members, committee members and candidates; and</li> <li>(b) the mechanism for dealing with alleged breaches of those requirements.</li> </ul>
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<b>8.</b>	<b>PERSONAL INTEGRITY</b>
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	<p>(1) A council member, committee member or candidate —</p> <ul style="list-style-type: none"> <li>(a) must ensure that their use of social media and other forms of communication complies with this code; and</li> <li>(b) must only publish material that is factually correct.</li> </ul> <p>(2) A council member or committee member —</p> <ul style="list-style-type: none"> <li>(a) must not be impaired by alcohol or drugs in the performance of their official duties; and</li> <li>(b) must comply with all policies, procedures and resolutions of the local government.</li> </ul>
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<b>9.</b>	<b>RELATIONSHIP WITH OTHERS</b>
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	<p>A council member, committee member or candidate —</p> <ul style="list-style-type: none"> <li>(a) must not bully or harass another person in any way; and</li> <li>(b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and</li> <li>(c) must not use offensive or derogatory language when referring to another person; and</li> <li>(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</li> <li>(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.</li> </ul>
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<b>10.</b>	<b>COUNCIL OR COMMITTEE MEETINGS</b>
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	<p>When attending a council or committee meeting, a council member, committee member or candidate —</p> <ul style="list-style-type: none"> <li>(a) must not act in an abusive or threatening manner towards another person; and</li> <li>(b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and</li> <li>(c) must not repeatedly disrupt the meeting; and</li> <li>(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</li> <li>(e) must comply with any direction given by the person presiding at the meeting; and</li> <li>(f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.</li> </ul>
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<b>11.</b>	<b>COMPLAINT ABOUT ALLEGED BREACH</b>
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	<ul style="list-style-type: none"> <li>(1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.</li> <li>(2) A complaint must be made —             <ul style="list-style-type: none"> <li>(a) in writing in the form approved by the local government; and</li> <li>(b) to a person authorised under subclause (3); and</li> <li>(c) within 1 month after the occurrence of the alleged breach.</li> </ul> </li> <li>(3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.</li> </ul>
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<b>12.</b>	<b>DEALING WITH COMPLAINT</b>
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	<ul style="list-style-type: none"> <li>(1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.</li> <li>(2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.</li> <li>(3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.</li> <li>(4) If the local government makes a finding that the alleged breach has occurred, the local government may —             <ul style="list-style-type: none"> <li>(a) take no further action; or</li> <li>(b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.</li> </ul> </li> </ul>
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	<p>(5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.</p> <p>(6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —</p> <ul style="list-style-type: none"> <li>(a) engage in mediation;</li> <li>(b) undertake counselling;</li> <li>(c) undertake training;</li> <li>(d) take other action the local government considers appropriate.</li> </ul> <p>(7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —</p> <ul style="list-style-type: none"> <li>(a) its finding and the reasons for its finding; and</li> <li>(b) if its finding is that the alleged breach has occurred — its decision under subclause (4).</li> </ul>
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<b>13.</b>	<b>DISMISSAL OF COMPLAINT</b>
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	<p>(1) The local government must dismiss a complaint if it is satisfied that —</p> <ul style="list-style-type: none"> <li>(a) the behaviour to which the complaint relates occurred at a council or committee meeting; and</li> <li>(b) either — <ul style="list-style-type: none"> <li>(i) the behaviour was dealt with by the person presiding at the meeting; or</li> <li>(ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.</li> </ul> </li> </ul> <p>(2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.</p>
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<b>14.</b>	<b>WITHDRAWAL OF COMPLAINT</b>
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	<p>(1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.</p> <p>(2) The withdrawal of a complaint must be —</p> <ul style="list-style-type: none"> <li>(a) in writing; and</li> <li>(b) given to a person authorised under clause 11(3).</li> </ul>
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<b>15.</b>	<b>OTHER PROVISIONS ABOUT COMPLAINTS</b>
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	<p>(1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.</p> <p>(2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.</p>
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**Division 4 – Rules of Conduct**

<b>16.</b>	<b>OVERVIEW OF DIVISION</b>
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	<p>(1) This Division sets out rules of conduct for council members and candidates.</p>
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	(2) A reference in this Division to a council member includes a council member when acting as a committee member.
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<b>17.</b>	<b>MISUSE OF LOCAL GOVERNMENT RESOURCES</b>
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	<p>(1) In this clause —  <b>electoral purpose</b> means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the <i>Electoral Act 1907</i> or the <i>Commonwealth Electoral Act 1918</i>;  <b>resources of a local government</b> includes —                  (a) local government property; and                  (b) services provided, or paid for, by a local government.</p> <p>(2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.</p>
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<b>18.</b>	<b>SECURING PERSONAL ADVANTAGE OR DISADVANTAGING OTHERS</b>
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	<p>(1) A council member must not make improper use of their office —                  (a) to gain, directly or indirectly, an advantage for the council member or any other person; or                  (b) to cause detriment to the local government or any other person.</p> <p>(2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or The Criminal Code section 83.</p>
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<b>19.</b>	<b>PROHIBITION AGAINST INVOLVEMENT IN ADMINISTRATION</b>
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	<p>(1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.</p> <p>(2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.</p>
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<b>20.</b>	<b>RELATIONSHIP WITH LOCAL GOVERNMENT EMPLOYEES</b>
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	<p>(1) In this clause —  <b>local government employee</b> means a person —                  (a) employed by a local government under section 5.36(1) of the Act; or                  (b) engaged by a local government under a contract for services.</p> <p>(2) A council member or candidate must not —                  (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or                  (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or                  (c) act in an abusive or threatening manner towards a local government employee.</p> <p>(3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.</p>
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	<p>(4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —</p> <ul style="list-style-type: none"> <li>(a) make a statement that a local government employee is incompetent or dishonest; or</li> <li>(b) use an offensive or objectionable expression when referring to a local government employee.</li> </ul> <p>(5) Subclause (4)(a) does not apply to conduct that is unlawful under <i>The Criminal Code</i> Chapter XXXV.</p>
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<b>21.</b>	<b>DISCLOSURE OF INFORMATION</b>
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	<p>(1) In this clause —</p> <p><b>closed meeting</b> means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;</p> <p><b>confidential document</b> means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;</p> <p><b>document</b> includes a part of a document;</p> <p><b>non-confidential document</b> means a document that is not a confidential document.</p> <p>(2) A council member must not disclose information that the council member —</p> <ul style="list-style-type: none"> <li>(a) derived from a confidential document; or</li> <li>(b) acquired at a closed meeting other than information derived from a non-confidential document.</li> </ul> <p>(3) Subclause (2) does not prevent a council member from disclosing information —</p> <ul style="list-style-type: none"> <li>(a) at a closed meeting; or</li> <li>(b) to the extent specified by the council and subject to such other conditions as the council determines; or</li> <li>(c) that is already in the public domain; or</li> <li>(d) to an officer of the Department; or</li> <li>(e) to the Minister; or</li> <li>(f) to a legal practitioner for the purpose of obtaining legal advice; or</li> <li>(g) if the disclosure is required or permitted by law.</li> </ul>
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<b>22.</b>	<b>DISCLOSURES OF INTEREST</b>
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	<p>(1) In this clause —</p> <p><b>interest</b> —</p> <ul style="list-style-type: none"> <li>(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and</li> <li>(b) includes an interest arising from kinship, friendship or membership of an association.</li> </ul> <p>(2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —</p> <ul style="list-style-type: none"> <li>(a) in a written notice given to the CEO before the meeting; or</li> <li>(b) at the meeting immediately before the matter is discussed.</li> </ul> <p>(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.</p> <p>(4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —</p> <ul style="list-style-type: none"> <li>(a) that they had an interest in the matter; or</li> <li>(b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.</li> </ul> <p>(5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —</p>
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	<ul style="list-style-type: none"><li>(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and</li><li>(b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.</li></ul> <p>(6) Subclause (7) applies in relation to an interest if —</p> <ul style="list-style-type: none"><li>(a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or</li><li>(b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.</li></ul> <p>(7) The nature of the interest must be recorded in the minutes of the meeting.</p>
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<b>23.</b>	<b>COMPLIANCE WITH PLAN REQUIREMENT</b>
	If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.



Western Australia

Local Government Act 1995

**Local Government (Model Code of Conduct)  
Regulations 2021**

# Local Government (Model Code of Conduct) Regulations 2021

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# **Local Government (Model Code of Conduct) Regulations 2021**

## **Part 1 — Preliminary**

### **1. Citation**

These regulations are the *Local Government (Model Code of Conduct) Regulations 2021*.

### **2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* sections 48 to 51 come into operation.

## **Part 2 — Model code of conduct**

### **3. Model code of conduct (Act s. 5.103(1))**

The model code of conduct for council members, committee members and candidates is set out in Schedule 1.

## **Part 3 — Repeal and consequential amendments**

### **Division 1 — Repeal**

**4. *Local Government (Rules of Conduct) Regulations 2007*  
repealed**

The *Local Government (Rules of Conduct) Regulations 2007* are repealed.

### **Division 2 — Other regulations amended**

**5. *Local Government (Administration) Regulations 1996*  
amended**

- (1) This regulation amends the *Local Government (Administration) Regulations 1996*.
- (2) After regulation 34C insert:

## **Part 9A — Minor breaches by council members**

**34D. *Contravention of local law as to conduct*  
(Act s. 5.105(1)(b))**

- (1) In this regulation —  
*local law as to conduct* means a local law relating to the conduct of people at council or committee meetings.
- (2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.

**Local Government (Model Code of Conduct) Regulations 2021**

**Part 3** Repeal and consequential amendments

**Division 2** Other regulations amended

**r. 6**

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**6. Local Government (Audit) Regulations 1996 amended**

- (1) This regulation amends the *Local Government (Audit) Regulations 1996*.
- (2) In regulation 13 in the Table:
  - (a) under the heading “*Local Government Act 1995*” delete “s. 5.103” and insert:

s. 5.104

- (b) delete:

<b><i>Local Government (Rules of Conduct) Regulations 2007</i></b>		
r. 11		

**7. Local Government (Constitution) Regulations 1998 amended**

- (1) This regulation amends the *Local Government (Constitution) Regulations 1998*.
- (2) In Schedule 1 Form 7 delete “*Local Government (Rules of Conduct) Regulations 2007.*” and insert:

code of conduct adopted by the <sup>3</sup> ..... under section 5.104 of the *Local Government Act 1995*.

## **Schedule 1 — Model code of conduct**

[r. 3]

### **Division 1 — Preliminary provisions**

#### **1. Citation**

This is the *[insert name of local government] Code of Conduct for Council Members, Committee Members and Candidates*.

#### **2. Terms used**

(1) In this code —

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

*candidate* means a candidate for election as a council member;

*complaint* means a complaint made under clause 11(1);

*publish* includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

### **Division 2 — General principles**

#### **3. Overview of Division**

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

#### **4. Personal integrity**

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
  - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
  - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
  - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

**5. Relationship with others**

- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
  - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

**6. Accountability**

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

### **Division 3 — Behaviour**

#### **7. Overview of Division**

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

#### **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.

#### **9. Relationship with others**

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (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
- (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.

**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
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (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
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

**11. Complaint about alleged breach**

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
  - (a) in writing in the form approved by the local government; and
  - (b) to a person authorised under subclause (3); and
  - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

**12. Dealing with complaint**

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is

withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
  - (a) take no further action; or
  - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
  - (a) engage in mediation;
  - (b) undertake counselling;
  - (c) undertake training;
  - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
  - (a) its finding and the reasons for its finding; and
  - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

**13. Dismissal of complaint**

- (1) The local government must dismiss a complaint if it is satisfied that —
  - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
  - (b) either —
    - (i) the behaviour was dealt with by the person presiding at the meeting; or
    - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

**14. Withdrawal of complaint**

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
  - (a) in writing; and
  - (b) given to a person authorised under clause 11(3).

**15. Other provisions about complaints**

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

**Division 4 — Rules of conduct**

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This

extends to the contravention of a rule of conduct that occurred when the council member was a candidate.

2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

**16. Overview of Division**

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

**17. Misuse of local government resources**

- (1) In this clause —  
*electoral purpose* means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;  
*resources of a local government* includes —
  - (a) local government property; and
  - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

**18. Securing personal advantage or disadvantaging others**

- (1) A council member must not make improper use of their office —
  - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
  - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

**19. Prohibition against involvement in administration**

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

**20. Relationship with local government employees**

- (1) In this clause —  
*local government employee* means a person —
  - (a) employed by a local government under section 5.36(1) of the Act; or
  - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
  - (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
  - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
  - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
  - (a) make a statement that a local government employee is incompetent or dishonest; or
  - (b) use an offensive or objectionable expression when referring to a local government employee.

- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

**21. Disclosure of information**

- (1) In this clause —
- closed meeting** means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;
- confidential document** means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;
- document** includes a part of a document;
- non-confidential document** means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
  - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
- (a) at a closed meeting; or
  - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
  - (c) that is already in the public domain; or
  - (d) to an officer of the Department; or
  - (e) to the Minister; or
  - (f) to a legal practitioner for the purpose of obtaining legal advice; or
  - (g) if the disclosure is required or permitted by law.

**22. Disclosure of interests**

- (1) In this clause —  
*interest* —
- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
  - (b) includes an interest arising from kinship, friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
- (a) that they had an interest in the matter; or
  - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
  - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or

- (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

**23. Compliance with plan requirement**

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.



## Notes

This is a compilation of the *Local Government (Model Code of Conduct) Regulations 2021*. For provisions that have come into operation see the compilation table.

### Compilation table

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Local Government (Model Code of Conduct) Regulations 2021</i>	SL 2021/15 2 Feb 2021	Pt. 1: 2 Feb 2021 (see r. 2(a)); Regulations other than Pt. 1: 3 Feb 2021 (see r. 2(b) and SL 2021/13 cl. 2)

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Act.....	Sch. 1 cl. 2(1)
candidate .....	Sch. 1 cl. 2(1)
closed meeting .....	Sch. 1 cl. 21(1)
complaint .....	Sch. 1 cl. 2(1)
confidential document.....	Sch. 1 cl. 21(1)
document.....	Sch. 1 cl. 21(1)
electoral purpose .....	Sch. 1 cl. 17(1)
interest.....	Sch. 1 cl. 22(1)
local government employee .....	Sch. 1 cl. 20(1)
non-confidential document .....	Sch. 1 cl. 21(1)
publish.....	Sch. 1 cl. 2(1)
resources of a local government.....	Sch. 1 cl. 17(1)

**WESTERN AUSTRALIA**

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**Parliamentary Commissioner  
Amendment (Reportable  
Conduct) Bill 2020**

**DRAFT BILL FOR PUBLIC COMMENT**

The Government proposes to introduce into Parliament a Bill to amend the *Parliamentary Commissioner Act 1971* and the *Working with Children (Criminal Record Checking) Act 2004*.

This draft Bill has been prepared for public comment but it does not necessarily represent the Government's settled position.

All submissions must be received by 31 January 2021 and should be forwarded to: [reportableconduct@ombudsman.wa.gov.au](mailto:reportableconduct@ombudsman.wa.gov.au)

For further information please see the Ombudsman Western Australia website at <http://www.ombudsman.wa.gov.au>



# SHIRE OF WAROONA

## REVIEW OF BUDGET REPORT

**For the Period Ended 28th February 2021**

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

**SHIRE OF WAROONA**  
**STATEMENT OF BUDGET REVIEW**  
**(Statutory Reporting Program)**  
**For the Period Ended 28th February 2021**

	Budget v Actual		Predicted		
	Adopted Annual Budget (a)	YTD Actual (b)	Budget Amendment (c)	Variance Timing (Carryover) (d)	Year End Surplus/Deficit (a)+(c)+(d)
<b>Operating Revenues</b>	\$	\$	\$		\$
Governance	108,672	138,722	72,531		181,203 ▲
General Purpose Funding	1,027,850	633,219	275,280		1,303,130 ▲
Law, Order and Public Safety	115,515	104,111			115,515
Health	37,500	22,317			37,500
Education and Welfare	68,264	94,016			68,264
Housing	15,600	8,447			15,600
Community Amenities	997,684	1,051,145	(4,545)		993,139 ▼
Recreation and Culture	448,215	325,652			500,215 ▲
Transport	1,084,990	607,302	40,000		1,124,990 ▲
Economic Services	76,602	63,347	10,065		86,667 ▲
Other Property and Services	24,760	17,745			24,760 ▲
	<b>4,005,652</b>	<b>3,066,021</b>	<b>445,331</b>	<b>0</b>	<b>4,450,983</b>
<b>Operating Expense</b>					
Governance	(1,453,169)	(932,026)	28,541		(1,424,628) ▼
General Purpose Funding	(153,214)	(80,118)	2,500		(150,714) ▼
Law, Order and Public Safety	(567,915)	(376,828)			(567,915)
Health	(231,608)	(146,511)			(231,608)
Education and Welfare	(386,215)	(210,558)	(18,947)		(405,162) ▲
Housing	(9,030)	(6,209)			(9,030)
Community Amenities	(1,558,041)	(1,029,210)	(30,783)		(1,588,824) ▲
Recreation and Culture	(2,963,033)	(1,809,295)	388		(2,962,645) ▼
Transport	(2,832,478)	(1,811,514)	(40,000)		(2,872,478) ▲
Economic Services	(661,817)	(390,987)	11,003		(650,814) ▼
Other Property and Services	(34,375)	(49,781)	(10,209)		(44,584) ▲
	<b>(10,850,895)</b>	<b>(6,843,038)</b>	<b>(57,507)</b>		<b>(10,908,402)</b>
<b>Funding Balance Adjustment</b>					
Add Back Depreciation	3,292,598	2,253,046			3,292,598
Adjust (Profit)/Loss on Asset Disposal	18,205	(8)			18,205
Unspent Grants July B/fwd	77,597	0			77,597
Unspent Grants June C/fwd	0	0			0
Adjust Provisions and Accruals	(36,438)	0			(36,438)
<b>Net Operating</b>	<b>(3,493,280)</b>	<b>(1,523,979)</b>	<b>387,824</b>		<b>(3,105,456)</b>
<b>Capital Revenues</b>					
Proceeds from Disposal of Assets	194,000	33,182			194,000
Proceeds from Advances	0	660,000			0
Proceeds from Loans	0	0			0
Low Interest Loans	5,000	0			5,000
Interfund Transfers	0	970			0
Transfer from Reserves	318,770	0			318,770
	<b>517,771</b>	<b>694,152</b>	<b>0</b>		<b>517,771</b>
<b>Capital Expenses</b>					
Land Held for Resale					
Land and Buildings	(363,000)	(737,283)	(44,375)		(407,375) ▲
Plant and Equipment	(685,630)	(383,989)			(685,630)
Furniture and Equipment	(32,000)	(46,691)			(32,000)
Infrastructure Assets - Roads	(1,466,044)	(772,598)			(1,466,044)
Infrastructure Assets - Other	(410,005)	(219,369)	(319,442)		(729,447) ▲
Repayment of Debentures	(64,045)	(31,695)	(14,070)		(78,115) ▲
Transfer to Reserves	(152,070)	0	(72,531)		(224,601) ▲
	<b>(3,172,794)</b>	<b>(2,191,624)</b>	<b>(450,418)</b>		<b>(3,623,212)</b>
<b>Net Capital</b>	<b>(2,655,023)</b>	<b>(1,497,472)</b>	<b>(450,418)</b>		<b>(3,105,441)</b>
<b>Net Operating + Capital</b>	<b>(6,148,303)</b>	<b>(3,021,450)</b>	<b>(62,594)</b>		<b>(6,210,896)</b> ▼
Rate Revenue	5,023,646	5,028,916			5,023,646
Opening Funding Surplus/(Deficit)	1,124,657	1,187,251	62,594		1,187,251 ▲
<b>Closing Funding Surplus(Deficit)</b>	<b>(0)</b>	<b>3,194,718</b>	<b>0</b>		<b>0</b> ▲

**SHIRE OF WAROONA**  
**STATEMENT OF BUDGET REVIEW**  
**(Nature or Type)**  
**For the Period Ended 28th February 2021**

	Budget v Actual		Predicted		
	Adopted Annual Budget (a)	YTD Actual (b)	Budget Amendment (c)	Variance Timing (Carryover) (d)	Year End Surplus/Deficit (a)+(c)+(d)
<b>Operating Revenues</b>	\$	\$	\$	\$	\$
Rate Revenue	5,023,646	5,028,916	(40,500)		4,983,146 ▼
Grants, Subsidies and Contributions	1,077,647	873,311	497,876		1,575,523 ▲
Profit on Asset Disposal	13,952	8			13,952
Fees and Charges	1,298,904	1,310,393	(14,545)		1,284,359 ▼
Service Charges	0	0			0
Interest Earnings	70,190	3,684	(38,000)		32,190 ▼
Other Revenue	94,500	31,130			94,500
	<b>7,578,839</b>	<b>7,247,442</b>	<b>404,831</b>		<b>7,983,670</b>
<b>Operating Expense</b>					
Employee Costs	(3,353,761)	(2,099,627)	103,155		(3,250,606) ▲
Materials and Contracts	(3,350,289)	(1,899,771)	(114,981)		(3,465,270) ▼
Utilities Charges	(407,460)	(228,249)			(407,460)
Depreciation (Non-Current Assets)	(3,292,598)	(2,253,046)			(3,292,598)
Interest Expenses	(11,587)	(4,777)	(5,181)		(16,768) ▼
Insurance Expenses	(228,944)	(195,993)			(228,944)
Loss on Asset Disposal	(32,157)	0			(32,157)
Other Expenditure	(335,566)	(251,499)			(335,566)
Reallocation Codes	161,467	89,923			161,467
	<b>(10,850,898)</b>	<b>(6,843,038)</b>	<b>(17,007)</b>		<b>(10,867,905)</b>
<b>Funding Balance Adjustment</b>					
Add Back Depreciation	3,292,598	2,253,046			3,292,598
Adjust (Profit)/Loss on Asset Disposal	18,205	(8)			18,205
Adjust Provisions and Accruals	(36,438)	0			(36,438)
Unspent Grants July B/fwd	77,597	0			77,597
Unspent Grants June C/fwd	0	0			0
<b>Net Operating</b>	<b>79,905</b>	<b>2,657,442</b>	<b>387,824</b>		<b>467,729</b>
<b>Capital Revenues</b>					
Grants, Subsidies and Contributions	1,450,459	847,496			1,450,459
Proceeds from Disposal of Assets	194,000	33,182			194,000
Proceeds from Advances	0	660,000			0
Proceeds from Loans	0	0			5,000
Low Interest Loans	5,000				
Interfund Adj	0	970			0
Transfer from Reserves	318,770	0			318,770
	<b>1,968,230</b>	<b>1,541,647</b>	<b>0</b>		<b>1,968,230</b>
<b>Capital Expenses</b>					
Land and Buildings	(363,000)	(737,283)	(44,375)		(407,375) ▼
Plant & Equipment	(685,630)	(383,989)			(685,630)
Furniture & Equipment	(32,000)	(46,691)			(32,000)
Infrastructure Assets - Roads	(1,466,044)	(772,598)			(1,466,044)
Infrastructure Assets - Other	(410,005)	(219,369)	(319,442)		(729,447) ▼
Repayment of Debentures	(64,045)	(31,695)	(14,070)		(78,115) ▼
Transfer to Reserves	(152,070)	0	(72,531)		(224,601) ▼
	<b>(3,172,794)</b>	<b>(2,191,624)</b>	<b>(450,418)</b>		<b>(3,623,212)</b>
<b>Net Capital</b>	<b>(1,204,564)</b>	<b>(649,976)</b>	<b>(450,418)</b>		<b>(1,654,982)</b>
<b>Net Operating + Capital</b>	<b>(1,124,659)</b>	<b>2,007,466</b>	<b>(62,594)</b>		<b>(1,187,252)</b> ▼
Openign Surplus/(Deficit)	1,124,657	1,187,251	62,594		1,187,251 ▲
<b>Closing Funding Surplus(Deficit)</b>	<b>(0)</b>	<b>3,194,718</b>	<b>0</b>	<b>0</b>	<b>(0)</b> ▲

**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**1. SIGNIFICANT ACCOUNTING POLICIES**

The significant accounting policies which have been adopted in the preparation of this statement of financial activity are:

**(a) Basis of Accounting**

This statement is a special purpose financial report, prepared in accordance with applicable Australian Accounting Standards, other mandatory professional reporting requirements and the Local Government Act 1995 (as amended) and accompanying regulations (as amended).

**(b) The Local Government Reporting Entity**

All Funds through which the Council controls resources to carry on its functions have been included in this statement.

In the process of reporting on the local government as a single unit, all transactions and balances between those funds (for example, loans and transfers between Funds) have been eliminated.

**(c) Rounding Off Figures**

All figures shown in this statement, other than a rate in the dollar, are rounded to the nearest dollar.

**(d) Rates, Grants, Donations and Other Contributions**

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

**(e) Goods and Services Tax**

In accordance with recommended practice, revenues, expenses and assets capitalised are stated net of any GST recoverable. Receivables and payables are stated inclusive of applicable GST.

**(f) Cash and Cash Equivalents**

Cash and cash equivalents comprise cash at bank and in hand and short-term deposits that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

For the purposes of the Cash Flow Statement, cash and cash equivalents consist of cash and cash equivalents as defined above, net of outstanding bank overdrafts. Bank overdrafts are included as short-term borrowings in current liabilities.

**(g) Trade and Other Receivables**

Trade receivables, which generally have 30 - 90 day terms, are recognised initially at fair value and

Collectability of trade receivables is reviewed on an ongoing basis. Debts that are known to be uncollectible are written off when identified. An allowance for doubtful debts is raised when there is objective evidence that they will not be collectible.

**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(h) Inventories**

***General***

Inventories are valued 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 of necessary to make the sale.

Inventories held from trading are classified as current even if not expected to be raised in the next 12 months.

***Land Held for Resale***

Land purchased for development and/or resale is valued at the lower of the cost and net realisable value. Cost includes the cost of acquisition, development and interest incurred on the financing of that land during its development. Interest and holding charges incurred after development is complete are recognised as expenses.

Revenue arising from the sale of property is recognised in the operating statement as at the time of signing a binding contract of sale.

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

**(i) Fixed Assets**

Each class of fixed assets within either property, plant and equipment or infrastructure, is carried at cost or fair value as indicated less, where applicable, any accumulated depreciation and impairment losses.

***Mandatory Requirement to Revalue Non-Current Assets***

Effective from 1 July 2012, the *Local Government (Financial Management) Regulations* were amended and the measurement of non-current assets at Fair Value became mandatory.

In 2013, Council commenced the process of adopting Fair Value in accordance with the Regulations.

***Revaluation***

Increases in the carrying amount arising on revaluation of assets are credited to a revaluation surplus in equity. Decreases that offset previous increases of the same asset are recognised against revaluation surplus directly in equity. All other decreases are recognised in profit or loss.

***Land Under Control***

In accordance with Local Government (Financial Management) Regulation 16(a), the Council was required to include as an asset (by 30 June 2013), Crown Land operated by the local government as a golf course, showground, racecourse or other sporting or recreational facility of state or regional significance.

Upon initial recognition, these assets were recorded at cost in accordance with AASB 116. They were then classified as Land and revalued along with other land in accordance with the other policies detailed in this Note.

Whilst they were initially recorded at cost (being fair value at the date of acquisition (deemed cost) as per AASB 116) they were revalued along with other items of Land and Buildings at 30 June 2014 and now form part of Land and Buildings to be subject to regular revaluation as detailed above.

**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(j) Depreciation of Non-Current Assets**

The depreciable amount of all fixed assets including buildings but excluding freehold land, are depreciated on a straight-line basis over the individual asset's useful life from the time the asset is held ready for use. Leasehold improvements are depreciated over the shorter of either the unexpired period of the lease or the estimated useful life of the improvements.

Major depreciation periods used for each class of depreciable asset are:

Buildings	40 to 60 years
Furniture and Equipment	3 to 20 years
Plant and Equipment	5 to 20 years
Seats and Benches	15 to 25 years
Water Supply Piping	20 to 40 years
Sealed roads and streets	
Formation	not depreciated
Construction	45 to 55 years
Bituminous Seals	15 to 25 years
Asphalt Seals	25 to 30 years
Unsealed Roads	
Formed	10 to 15 years
Gravel	12 to 15 years

The assets residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

An asset's carrying amount is written down immediately to its recoverable amount if the asset's carrying amount is greater than its estimated recoverable amount.

Gains and losses on disposals are determined by comparing proceeds with the carrying amount. These gains and losses are included in profit or loss in the period which they arise.

**Capitalisation Threshold**

Expenditure on items of equipment under \$5,000 is not capitalised. Rather, it is recorded on an asset inventory listing.

**(k) Impairment**

In accordance with Australian Accounting Standards the Council's assets, other than inventories, are assessed at each reporting date to determine whether there is any indication they may be impaired.

Where such an indication exists, an estimate of the recoverable amount of the asset is made in accordance with AASB 136 "Impairment of Assets" and appropriate adjustments made.

An impairment loss is recognised whenever the carrying amount of an asset or its cash-generating unit exceeds its recoverable amount. Impairment losses are recognised in the Income Statement.

For non-cash generating assets such as roads, drains, public buildings and the like, value in use is represented by the depreciated replacement cost of the asset.

At the time of preparing this report, it is not possible to estimate the amount of impairment losses (if any) as at 30 June 2015.

In any event, an impairment loss is a non-cash transaction and consequently, has no impact on the Monthly Statement of Financial Position from a budgetary perspective.

**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(l) Trade and Other Payables**

Trade and other payables are carried at amortised cost. They represent liabilities for goods and services provided to the Municipality prior to the end of the financial year that are unpaid and arise when the Municipality becomes obliged to make future payments in respect of the purchase of these goods and services. The amounts are unsecured and are usually paid within 30 days of recognition.

**(m) Employee Benefits**

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are calculated as follows:

**(i) Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)**

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the amount the municipality has a present obligation to pay resulting from employees services provided to balance date. The provision has been calculated at nominal amounts based on remuneration rates the Council expects to pay and includes related on-costs.

**(ii) Annual Leave and Long Service Leave (Long-term Benefits)**

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date using the project unit credit method. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match as closely as possible, the estimated future cash outflows. Where Council does not have the unconditional right to defer settlement beyond 12 months, the liability is recognised as a current liability.

**(n) Interest-bearing Loans and Borrowings**

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs.

After initial recognition, interest-bearing loans and borrowings are subsequently measured at amortised cost using the effective interest method. Fees paid on the establishment of loan facilities that are yield related are included as part of the carrying amount of the loans and borrowings.

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

***Borrowing Costs***

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or production of a qualifying asset. Where this is the case, they are capitalised as part of the cost of the particular asset.

**(o) Provisions**

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated. Provisions are not recognised for future operating losses.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one of item included in the same class of obligations may be small.

**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**1. SIGNIFICANT ACCOUNTING POLICIES (Continued)**

**(p) 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. The asset or liability is classified as current if it is expected to be settled within the next 12 months, being the Council's operational cycle. In the case of liabilities where Council does not have the unconditional right to defer settlement beyond 12 months, such as vested long service leave, the liability is classified as current even if not expected to be settled within the next 12 months. Inventories held for trading are classified as current even if not expected to be realised in the next 12 months except for land held for resale where it is held as non current based on Council's intentions to release for sale.

**Rates**

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

**Operating Grants, Subsidies and Contributions**

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

**Non-Operating Grants, Subsidies and Contributions**

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

**Profit on Asset Disposal**

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

**Fees and Charges**

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

**Service Charges**

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

**Interest Earnings**

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

**Other Revenue / Income**

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

**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**(q) Nature or Type Classifications**

**Employee Costs**

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

**Materials and Contracts**

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

**Utilities (Gas, Electricity, Water, etc.)**

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

**Insurance**

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

**Loss on asset disposal**

Loss on the disposal of fixed assets.

**Depreciation on non-current assets**

Depreciation expense raised on all classes of assets.

**Interest expenses**

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

**Other expenditure**

Statutory fees, taxes, provision for bad debts, member's fees or levies including WA Fire Brigade Levy and State taxes. Donations and subsidies made to community groups.

**(r) Statement of Objectives**

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

Council operations as disclosed in this statement encompass the following service orientated activities/programs:

**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**(q) Nature or Type Classifications (Continued)**

**GOVERNANCE**

Details expenses related to Councils eight councillors, who normally meet the third Wednesday of each month, make policy decisions, review Councils operations, plan for current and future service provision requirements and undertake necessary appropriate training and attend conferences.

**GENERAL PURPOSE FUNDING**

Rates - the amount raised is determined by Councils budget "shortfall" that is known income and desired expenditure.

General purpose grants - are the grant amounts paid to the shire from Federal Government funding as determined by and via the Western Australian Local Government Grants Commission.

Interest - interest earned on monies invested or deposited by Council.

**LAW, ORDER, PUBLIC SAFETY**

Supervision of by-laws, fire prevention and animal control.  
Requirements that Council carries out by statute.

**HEALTH**

Food quality control, immunisation, contributions to medical, health and operation of the child health clinic.

Council is a member of a group health scheme North Eastern Wheatbelt Health Scheme. Monitors food quality and caters for health requirements for the broader community.

**EDUCATION AND WELFARE**

Assists in the provision of the Home and Community Care services, Seniors and Pensioner requirements.

**HOUSING**

Provides and maintains housing rented to staff and non-staff. Council is a major landlord, providing accommodation for aged, pensioner, single, married and Government Employees.

**COMMUNITY AMENITIES**

Operation and control of cemeteries, public conveniences and sanitation service. Provides public amenities. Owns and operates the town site deep sewerage service. Controls and maintains one rubbish disposal site.

**RECREATION AND CULTURE**

Maintenance of hall, the aquatic centre, library and various reserves.

**TRANSPORT**

Construction and maintenance of roads, footpaths, drainage works and cleaning of streets.  
Provision of infrastructure necessary to ensure adequate transport, communication, freight, social access routes and environmental enhancement within the shire.

**ECONOMIC SERVICES**

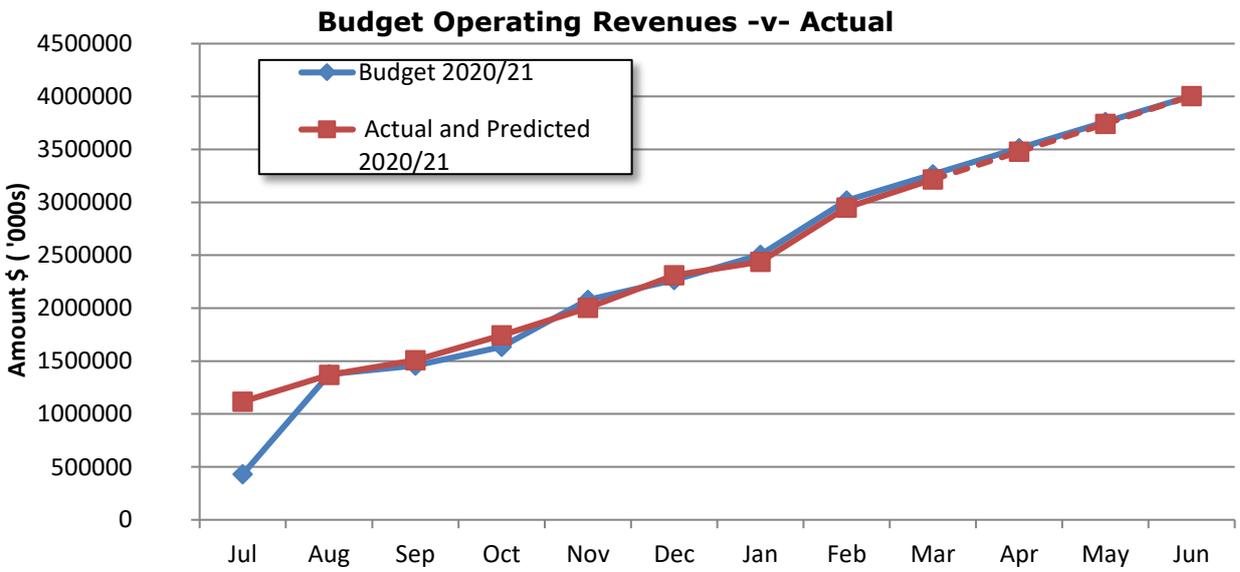
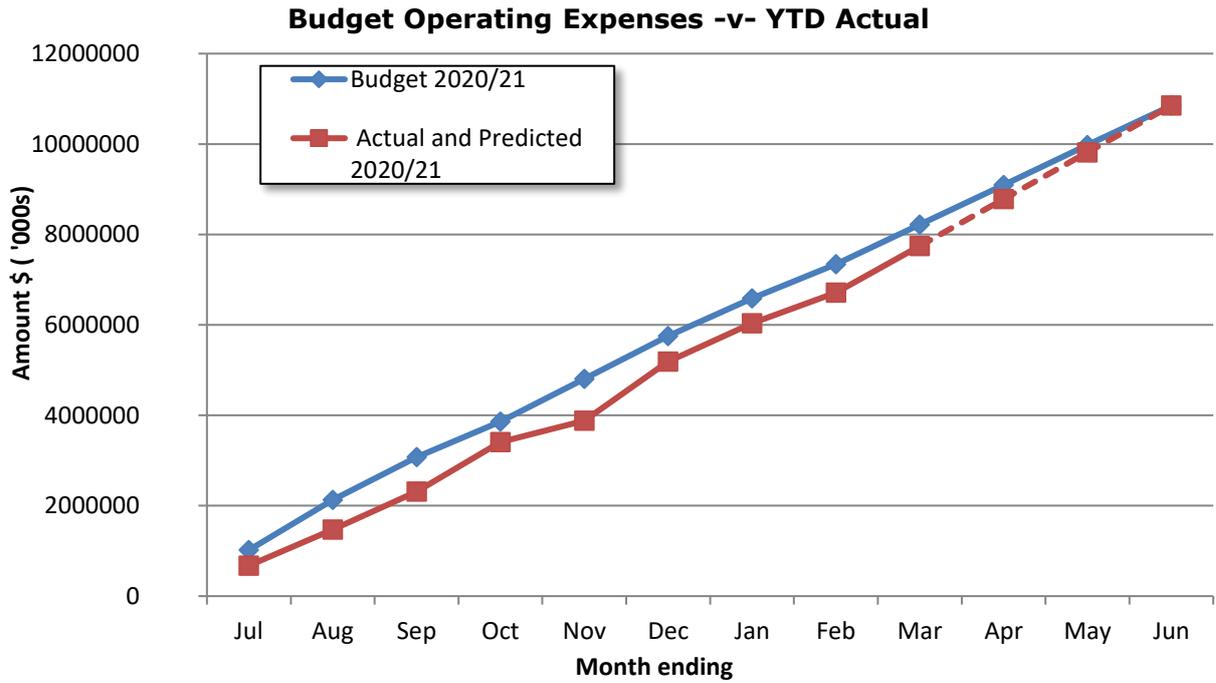
Tourism, pest control, building controls and natural resource management. Tourism facilities, information and directional signs. Weed and pest control services. Necessary building control services.

**OTHER PROPERTY & SERVICES**

Private works carried out by council and indirect cost allocation pools.  
Public Works Overheads, plant operation and administrative costs are allocated to the various functions, works and services provided by Council.

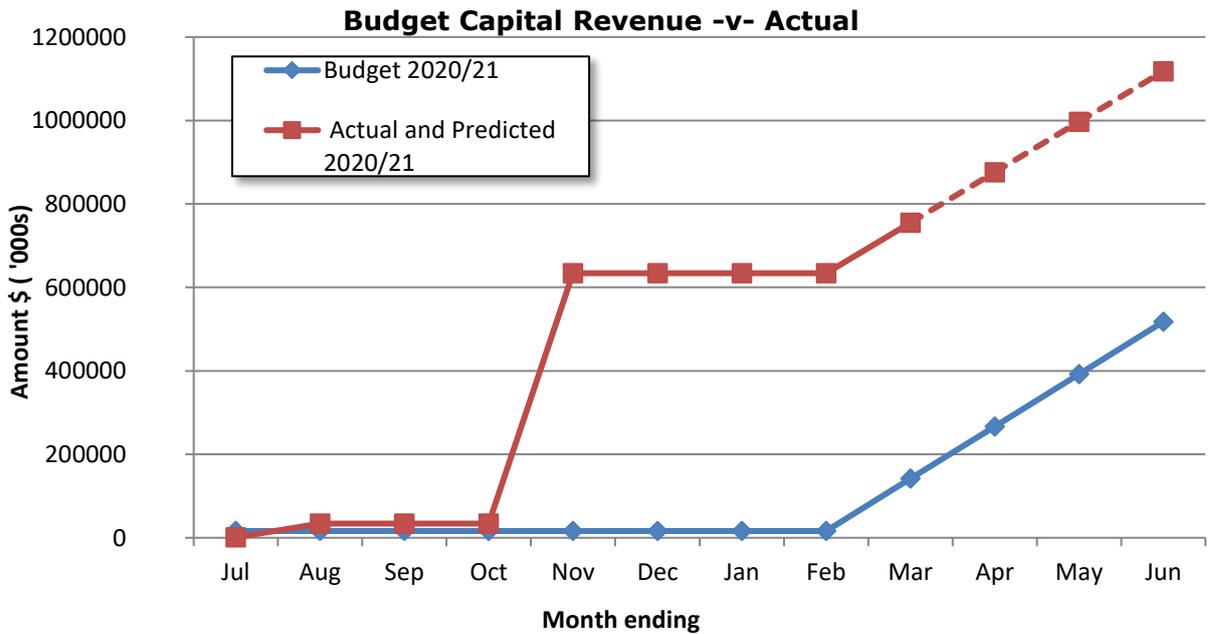
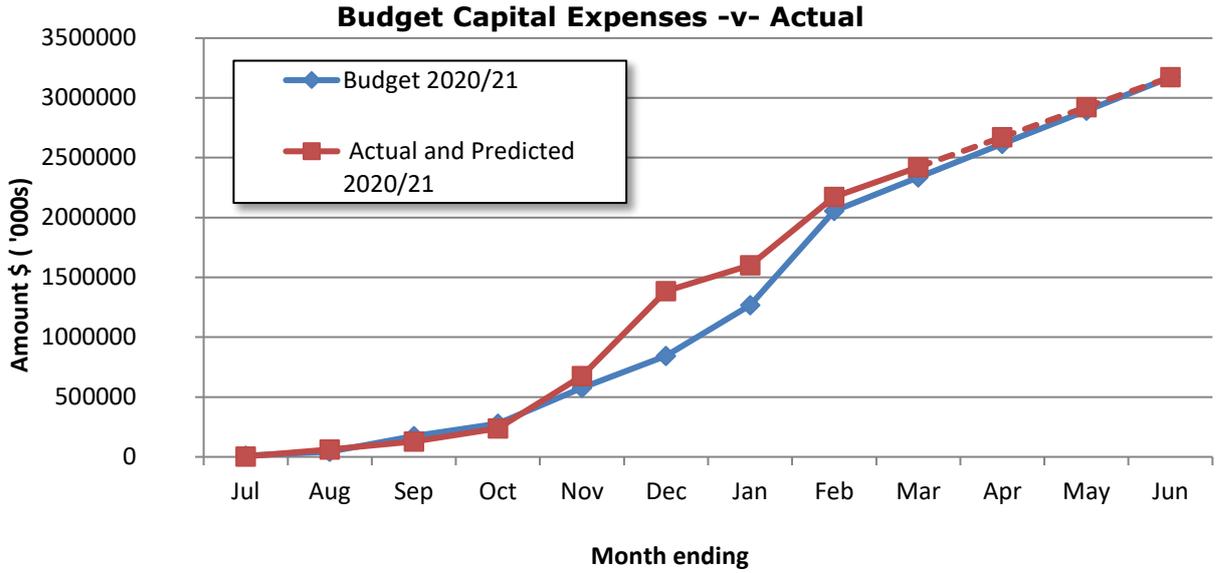
**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**Note 2 - Graphical Representation - Source Statement of Financial Activity**



**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

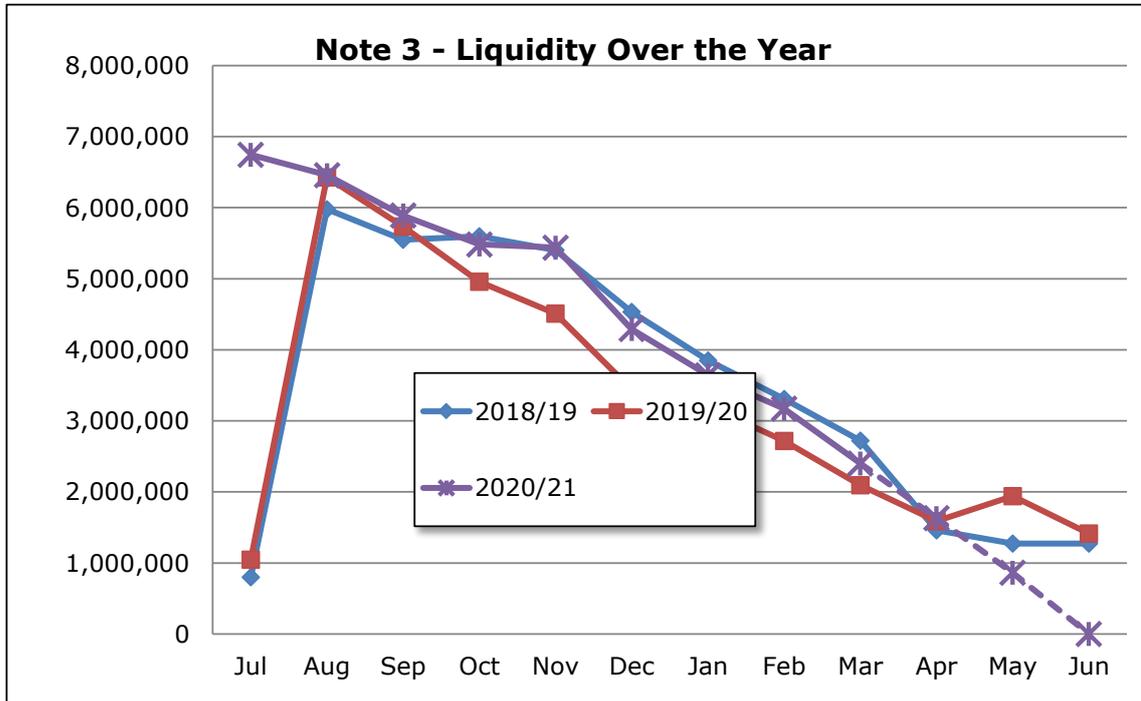
**Note 2 - Graphical Representation - Source Statement of Financial Activity**



**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**Note 3: NET CURRENT FUNDING POSTION**

	Positive=Surplus (Negative=Deficit)			
	2020/21			
	Note	This Period	Last Period	Same Period Last Year
	\$	\$	\$	
<b>Current Assets</b>				
Cash Unrestricted	3,602,924	3,897,867	2,036,113	
Cash Restricted	2,446,605	2,446,605	2,397,936	
Cash Restricted - Muni Bonds (Trust)	(547,966)	(547,964)	0	
Receivables	1,053,206	796,092	1,170,713	
Inventories	(1,604)	(1,557)	0	
	6,553,165	6,591,043	5,604,762	
<b>Less: Current Liabilities</b>				
Payables	(911,842)	(501,892)	(489,931)	
	(911,842)	(501,892)	(489,931)	
Less: Cash Restricted	(2,446,605)	(2,446,605)	(2,397,936)	
<b>Net Current Funding Position</b>	<b>3,194,718</b>	<b>3,642,546</b>	<b>2,716,895</b>	



**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
For the Period Ended 28th February 2021

**NOTE 4: BUDGET AMENDMENTS**

RATE SETTING STATEMENT ADJUSTMENT	Budget	Annuals	Variance to Surplus	Comments
Opening Funding Surplus(Deficit)	1,124,657	1,187,251	62,594 <b>62,594</b>	Change of carried forward surplus

GL Code	Description	Original Budget	Amended Budget	Variance to Surplus	Comments
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**BUDGET AMENDMENTS APPROVED TO DATE**

152130	Increase Grants & Contributions income account	51,655	74,655	23,000	OCM20/11/200
153320	Increase Grants Expenditure Account	10,000	33,000	(23,000)	OCM20/11/200
114630	Decrease income account for Youth Activities	13,980	5,629	(8,351)	OCM20/11/200
114820	Decrease expenditure account for Youth Activities	16,852	8,501	8,351	OCM20/11/200
177250	Increase in Loan income for Town Centre Space	-	1,110,000	1,110,000	OCM20/10/183
TC08	Increase in land expenditure for Town Centre space	-	660,000	(660,000)	OCM20/10/183
TC07	Increase in capital expenditure for Town Centre Space	-	450,000	(450,000)	OCM20/10/183

**0**

**PROPOSED BUDGET AMENDMENTS**

152020.701	Addition of new Director Place, Community & Economic Development	152,720	171,667	(18,947)	Proposed Amendment
122120.701	Reduction of Salaries & Wages for Town Planning	122,842	52,689	70,153	Proposed Amendment
146520.701	Reduction of Salaries & Wages for Building Maintenance	30,326	16,211	14,115	Proposed Amendment
177020.701	Reduction of Salaries & Wages for Economic Development	55,000	29,106	25,894	Proposed Amendment
122820.702	Reduction of Superannuation expenses	14,291	10,709	3,582	Proposed Amendment
140720.702	Reduction of Superannuation expenses	9,065	7,274	1,791	Proposed Amendment
170120.702	Reduction of Superannuation expenses	38,322	35,934	2,388	Proposed Amendment
146520.702	Reduction of Superannuation expenses	30,326	28,535	1,791	Proposed Amendment
177120.702	Reduction of Superannuation expenses	3,768	1,380	2,388	Proposed Amendment
123820.711	Increase in contract wages Director Planning (SoM)	15,575	37,561	(21,986)	Proposed Amendment
123820.711	Increase in contract wages Planning Officer (Hays)	-	64,747	(64,747)	Proposed Amendment
123820.711	Increase in contract wages Manager Planning (SoM)	-	20,110	(20,110)	Proposed Amendment
140520.711	Increase in contract wages Building Manager (SoM)	-	7,548	(7,548)	Proposed Amendment
149420	Decrease expenditure for GRV revaluations	58,000	15,000	43,000	Proposed Amendment
160710	Reversal of back rates error through group rated assessment	-	40,500	(40,500)	Proposed Amendment
100910	Increase in Federal Assistance Grant - General purposes	430,963	444,023	13,060	Proposed Amendment
132650	Decrease in Federal Assistance Grant - Roads	183,367	179,970	(3,397)	Proposed Amendment
134930	Increase in funding received from Local Roads Community Infrastructure funding	289,000	592,617	303,617	Proposed Amendment
177140	Increase expenditure for the Town Centre Community Park	-	303,617	(303,617)	Proposed Amendment
149030	Decrease predicted interest on municipal investments	29,700	9,700	(20,000)	Proposed Amendment
149130	Decrease predicted interest on reserve investments	36,600	18,600	(18,000)	Proposed Amendment
101420	Increase expenditure for civic events and meetings	19,470	20,429	(959)	Proposed Amendment

**SHIRE OF WAROONA**  
**NOTES TO THE BUDGET REVIEW REPORT**  
For the Period Ended 28th February 2021

**NOTE 4: BUDGET AMENDMENTS CONT.**

GL Code	Description	Original Budget	Amended Budget	Variance to Surplus	Comments
<b><u>PROPOSED BUDGET AMENDMENTS</u></b>					
105150	Increase income received from the Sale of Lot 5 Mitchell Avenue	-	72,531	72,531	Proposed Amendment
148440	Increase transfer reserve expenditure to allocate sale income to Drakesbrook Cemetery Reserve	-	72,531	(72,531)	Proposed Amendment
105420	Decrease expenditure for CEO liaison officer	29,500	-	29,500	Proposed Amendment
119930	Decrease income from effluent ponds	24,545	-	(24,545)	Proposed Amendment
120320	Increase expenditure with relation to Coastwest Grant - Foreshore Restoration project	-	10,000	(10,000)	Proposed Amendment
121130	Increase income received from Coastwest Grant	15,000	25,000	10,000	Proposed Amendment
122430	Increase in income received from planning application	700	10,700	10,000	Proposed Amendment
121420	Decrease in conference expenses for Planning Department	5,500	1,375	4,125	Proposed Amendment
123940	Increase in capital works at Preston Beach carpark toilets	-	8,200	(8,200)	Proposed Amendment
123220	Decrease in building maintenance expenditure for public facilities	44,750	36,550	8,200	Proposed Amendment
HL03	Increase in expenditure for the Lake Clifton Hall (Access to facilities or alternative storage)	-	2,000	(2,000)	Proposed Amendment
170930	Increase in grant income from CSRFF funding for the Rec Centre ablution blocks	-	55,000	55,000	Proposed Amendment
171040	Increase in capital expenditure for the Rec Centre Ablution project	216,000	271,000	(55,000)	Proposed Amendment
171040	Reallocation of LRCI funding from Rec Centre project	271,000	252,175	18,825	Proposed Amendment
137230	Decrease in budgeted income from CSRFF funding for the Cricket nets	21,000	13,000	(8,000)	Proposed Amendment
137230	Increase in co-contribution funding from Cricket Club for the Cricket nets	13,000	18,000	5,000	Proposed Amendment
PK03	Increase in expenditure for the Preston Beach Golf Course retic project	5,000	20,825	(15,825)	Proposed Amendment
132950	Increase in grant funding for Johnston Road study	-	40,000	40,000	Proposed Amendment
132920	Increase in design and consultancy expenditure due to grant funds	20,000	60,000	(40,000)	Proposed Amendment
139120	Increase in expenditure for tourism website	11,750	17,750	(6,000)	Proposed Amendment
177620	Increase in expenditure for Acting Director Place Community & Economic Development	-	14,456	(14,456)	Proposed Amendment
177330	Increase of income received - reimbursement of previously paid Harvest Highway contribution	-	10,065	10,065	Proposed Amendment
143140	Increase in expenditure relating to Loan 122 Principal payment	-	14,070	(14,070)	Proposed Amendment
178120	Increase in expenditure relating to Loan 122 Interest payment	-	5,181	(5,181)	Proposed Amendment
O002	Increase expenditure for the OSH resource sharing arrangement	21,673	33,673	(12,000)	Proposed Amendment

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**Shire of Waroona**  
**NOTES TO THE BUDGET REVIEW REPORT**  
**For the Period Ended 28th February 2021**

**5. RATING INFORMATION - 2019/20 FINANCIAL YEAR**

RATE TYPE	Rate in \$	Number of Properties	Rateable Value \$	2020/21 Budgeted Rate Revenue \$	2020/21 Budgeted Interim Rates \$	2020/21 Budgeted Back Rates \$	2020/21 Budgeted Total Revenue \$	2020/21 Actual Rate Revenue \$	2020/21 Actual Interim Rates \$	2020/21 Actual Back Rates \$	2020/21 Actual Total Revenue \$
<b>General Rate</b>											
Waroona GRV	0.1325	1,454	18,234,168	2,415,663	0	0	2,415,663	2,415,663	4,426	18	2,420,107
Waroona UV	0.0078	572	229,164,028	1,783,584	0	0	1,783,584	1,783,584	2,542	2,654	1,788,780
		2,026	247,398,196	4,199,247	0	0	4,199,247	4,199,247	6,968	2,672	4,208,887
<b>Minimum Rates</b>	<b>Minimum \$</b>										
1 Waroona GRV	1145	623	4,275,568	713,335	0	0	713,335	713,335			713,335
2 Waroona UV	1145	97	8,474,372	111,065	0	0	111,065	111,065			111,065
<b>Sub-Totals</b>		720	12,749,940	824,400	0	0	824,400	824,400	0	0	824,400
Ex-Gratia Rates							5,023,647				5,033,287
Specified Area Rates							5,023,647				5,033,287
Discounts							5,023,647				5,033,287
<b>Totals</b>							5,023,647				5,033,287

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

The general rates detailed above for the 2020/21 financial year have been determined by Council on the basis of raising the revenue required to meet the deficiency between the total estimated expenditure proposed in the budget and the estimates revenue to be received from all sources other than rates and also considering the extent of any increase in rating over the level adopted in the previous year.

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

**DRAFT BILL FOR PUBLIC COMMENT**

The Government proposes to introduce into Parliament a Bill to amend the *Parliamentary Commissioner Act 1971* and the *Working with Children (Criminal Record Checking) Act 2004*.

This draft Bill has been prepared for public comment but it does not necessarily represent the Government's settled position.

**Parliamentary Commissioner Amendment  
(Reportable Conduct) Bill 2020**

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## Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020

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13.	Section 22B amended	30	
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15.	Section 23 amended	32	

**Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020**

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16.	Section 23A amended	33
17.	Section 25 amended	33
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19.	Section 29 amended	35
20.	Section 29A inserted	35
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21.	Section 30AA inserted	36
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22.	Section 30B amended	37
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27.	Schedule 2 amended	39
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29.	Section 4 amended	41
30.	Section 12 amended	41
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Western Australia

LEGISLATIVE ASSEMBLY

**Parliamentary Commissioner Amendment  
(Reportable Conduct) Bill 2020**

**A Bill for**

***An Act to amend the *Parliamentary Commissioner Act 1971* and the  
*Working with Children (Criminal Record Checking) Act 2004*.***

The Parliament of Western Australia enacts as follows:

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**Part 1 — Preliminary**

**1. Short title**

This is the *Parliamentary Commissioner Amendment (Reportable Conduct) Act 2020*.

**2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) Part 2 Division 3 — on the day after the period of 12 months beginning on the day on which section 7 comes into operation;
- (c) the rest of the Act — on a day fixed by proclamation.

**Part 2 — *Parliamentary Commissioner Act 1971*  
amended**

**Division 1 — Preliminary**

**3. Act amended**

This Part amends the *Parliamentary Commissioner Act 1971*.

**Division 2 — General amendments**

**4. Long title amended**

In the long title delete “**authorities and to the deaths of certain children**” and insert:

**authorities, to the deaths of certain children and to the reportable conduct scheme**

**5. Section 4 amended**

In section 4 insert in alphabetical order:

*CCS Act* means the *Children and Community Services Act 2004*;

*Commissioner of Police* means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

*head*, of a relevant entity, means —

(a) in relation to a department or an organisation as those terms are defined in the *Public Sector Management Act 1994* section 3(1) —

(i) the chief executive officer or chief employee of the department or organisation; or

(ii) the delegate of the chief executive officer or the chief employee of the department or organisation;

or

(b) in relation to any other authority —

(i) the chief executive officer of the authority; or

- 1 (ii) if there is no chief executive officer —  
2 the president, chairman or other  
3 principal or presiding member of the  
4 authority, or if the authority is  
5 constituted by a single person, that  
6 person; or  
7 (iii) the delegate of a person referred to in  
8 subparagraph (i) or (ii);  
9 or  
10 (c) a person prescribed, or a person of a class  
11 prescribed, by the regulations to be the head of  
12 an entity or a delegate of that person; or  
13 (d) in any other case —  
14 (i) the chief executive officer of the entity  
15 (however described); or  
16 (ii) if there is no chief executive officer —  
17 the principal officer of the entity  
18 (however described); or  
19 (iii) if there is no chief executive officer or  
20 principal officer — a person, or the  
21 holder of a position, in the entity  
22 nominated by the entity and approved  
23 by the Commissioner; or  
24 (iv) the delegate of a person referred to in  
25 subparagraph (i), (ii) or (iii);

26 **relevant entity** means an entity to which the reportable  
27 conduct scheme applies under section 19H;

28 **religious body** means a body established or operated  
29 for a religious purpose that operates under the auspices  
30 of 1 or more religious denominations or faiths;

31 **reportable allegation** has the meaning given in  
32 section 19E;

33 **reportable conduct** has the meaning given in  
34 section 19F;

35 **reportable conduct scheme** means the scheme  
36 established under Part III Division 3B;

37 **reportable conviction** has the meaning given in  
38 section 19G;

39

1 **6. Section 19A amended**

2 In section 19A(1) delete the definition of *CCS Act*.

3 **7. Part III Division 3B inserted**

4 After Part III Division 3A insert:

5

6 **Division 3B — Reportable conduct scheme**

7 **Subdivision 1 — Preliminary**

8 **19C. Terms used**

9 In this Division —

10 *assault* means —

11 (a) the intentional or reckless application of  
12 physical force without lawful justification or  
13 excuse; or

14 (b) any act that intentionally or recklessly causes  
15 another person to apprehend immediate and  
16 unlawful violence;

17 *child* means a person who is under 18 years of age;

18 *conduct* means an act or an omission to do an act;

19 *contractor* includes —

20 (a) an officer of, or a person employed or engaged  
21 to work for, a contractor; and

22 (b) a subcontractor of a contractor; and

23 (c) an officer of, or a person employed or engaged  
24 to work for, a subcontractor; and

25 (d) a volunteer working for a contractor or a  
26 subcontractor;

27 *employee*, of a relevant entity —

28 (a) means an individual who has reached 18 years  
29 of age and is —

30 (i) an officer or employee of the relevant  
31 entity, whether or not the individual's  
32 work is in connection with any work or  
33 activities of the entity that relate to  
34 children; or

- 1 (ii) engaged by the entity to provide  
2 services to children, including as a  
3 volunteer or contractor; or
- 4 (iii) a carer as defined in the CCS Act  
5 section 3;
- 6 and
- 7 (b) if the relevant entity is a religious body —
- 8 (i) includes a minister of religion and a  
9 religious leader of the religious body;  
10 but
- 11 (ii) does not include a person only because  
12 the person participates in worship;
- 13 and
- 14 (c) if the relevant entity is the Police Force of  
15 Western Australia, includes a person appointed  
16 under the *Police Act 1892* Part I as an officer or  
17 constable of the Police Force;
- 18 **investigation**, of a matter, includes any preliminary or  
19 other inquiry into, or examination of, the matter;
- 20 **investigation information** means information —
- 21 (a) relating to a reportable allegation or a  
22 reportable conviction; or
- 23 (b) obtained as a result of an investigation into a  
24 reportable allegation or reportable conviction  
25 conducted by the Commissioner or a relevant  
26 entity; or
- 27 (c) relating to any of the following —
- 28 (i) the progress, conduct or findings of an  
29 investigation referred to in  
30 paragraph (b);
- 31 (ii) any action taken or not taken as a result  
32 of the findings of an investigation  
33 referred to in paragraph (b);
- 34 **investigator** means a person conducting an  
35 investigation under this Act on behalf of the head of a  
36 relevant entity for the purposes of the reportable  
37 conduct scheme;
- 38 **relevant commencement day** means the day on which  
39 the *Parliamentary Commissioner Amendment*  
40 *(Reportable Conduct) Act 2020* section 7 comes into  
41 operation;

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*sexual misconduct* —

- (a) includes misconduct against, with or in the presence of, a child that is sexual in nature; but
- (b) does not include a sexual offence;

*sexual offence* —

- (a) means an offence of a sexual nature under a law of this State, another State, a Territory or the Commonwealth, committed against, with or in the presence of, a child; and
- (b) includes, without limitation —
  - (i) an offence under *The Criminal Code* Chapter XXXI committed against, with or in the presence of, a child; and
  - (ii) an offence of a sexual nature under *The Criminal Code* Chapter XXV; and
  - (iii) an offence of a sexual nature under any other provision of *The Criminal Code* committed against, with or in the presence of, a child; and
  - (iv) an offence under a law of another State, a Territory or the Commonwealth the elements of which, if they had occurred in this State, would have constituted an offence of a kind referred to in subparagraph (i), (ii) or (iii); and
  - (v) an offence of attempting, or of conspiracy or incitement, to commit an offence of a kind referred to in subparagraphs (i) to (iv) or paragraph (a); and
  - (vi) an offence that, at the time it was committed —
    - (I) was an offence of a kind referred to in subparagraphs (i) to (v) or paragraph (a); or
    - (II) in the case of an offence committed before the relevant commencement day — was an offence of a kind referred to in subparagraphs (i) to (v) or paragraph (a).

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**19D. Conviction**

- (1) For the purposes of this Division, a reference to a **conviction** in relation to an offence committed by a person is a reference to any of the following —
  - (a) a court making a formal finding of guilt in relation to the offence;
  - (b) if there has been no formal finding of guilt before conviction — a court convicting the person of the offence;
  - (c) a court accepting a plea of guilty from the person in relation to the offence;
  - (d) a court acquitting the person following a finding under *The Criminal Code* section 27 that the person is not guilty of the offence on account of unsoundness of mind or an acquittal following an equivalent finding under a law of another State, a Territory or the Commonwealth.
- (2) For the purposes of this Division, a reference to a **conviction** includes a reference to a conviction that is a spent conviction.
- (3) For the purposes of subsection (2), an offence becomes spent if, under a law of this State, another State, a Territory or the Commonwealth, the person concerned is permitted not to disclose the fact that the person was convicted or found guilty of the offence.
- (4) For the purposes of this Division, a reference to a **conviction** does not include a reference to a conviction that is subsequently quashed or set aside by a court.

**19E. Reportable allegation**

In this Act —  
**reportable allegation** —

- (a) means any information that leads a person to form a suspicion on reasonable grounds that an employee has committed reportable conduct or conduct that may involve reportable conduct, whether or not the conduct is alleged to have occurred within the course of the employee’s employment; but

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(b) does not include information relating to a reportable conviction.

**19F. Reportable conduct**

In this Act —

*reportable conduct* means —

(a) the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded and whether the conduct occurred before, on or after the relevant commencement day —

- (i) a sexual offence;
- (ii) sexual misconduct;
- (iii) an assault committed against, with or in the presence of, a child;
- (iv) an offence prescribed by the regulations for the purposes of this definition;

but

(b) does not include conduct that is —

- (i) reasonable for the discipline, management or care of a child or of another person in the presence of a child, having regard to —
  - (I) the characteristics of the child, including the age, health and developmental stage of the child; and
  - (II) any relevant code of conduct or professional standard that at the time applied to the discipline, management or care of the child or the other person;

or

- (ii) trivial or negligible and that has been or will be investigated and recorded as part of another workplace procedure; or
- (iii) of a class or kind exempt from being reportable conduct under section 19L(1).

1           **19G. Reportable conviction**

2           In this Act —

3           *reportable conviction* —

4           (a) means a conviction for an offence under a law  
5           of the State, another State, a Territory or the  
6           Commonwealth that is an offence referred to in  
7           paragraph (a)(i) or (iv) of the definition of  
8           *reportable conduct* in section 19F; and

9           (b) in relation to a person, includes a conviction  
10           entered for the person before, on or after the  
11           relevant commencement day.

12           **19H. Entities to which reportable conduct scheme applies**

13           The reportable conduct scheme applies to an entity set  
14           out in Column 2 of Schedule 2 that —

15           (a) exercises care, supervision or authority over  
16           children as part of its primary functions or  
17           otherwise; and

18           (b) is not exempt under section 19M(1).

19           **19I. Object and principles**

20           (1) The object of this Division is to protect children from  
21           harm by establishing and implementing a scheme  
22           for —

23           (a) reporting and investigating reportable  
24           allegations and reportable convictions; and

25           (b) taking appropriate action in response to  
26           findings of reportable conduct.

27           (2) The reportable conduct scheme is based on the  
28           principles that —

29           (a) the protection and best interests of children are  
30           paramount considerations; and

31           (b) if a child is able to form views on a matter  
32           concerning a reportable allegation or reportable  
33           conviction and it is appropriate in the  
34           circumstances to consult the child —

35           (i) the child must be given the opportunity  
36           to express the views freely; and

37           (ii) the views are to be given due weight in  
38           the investigation in accordance with the

- 1 developmental capacity of the child and
- 2 the circumstances;
- 3 and
- 4 (c) criminal conduct or suspected criminal conduct
- 5 should be reported to the police; and
- 6 (d) the Commissioner and others involved in the
- 7 reportable conduct scheme should work in
- 8 collaboration to ensure a fair process is used in
- 9 the investigation of reportable allegations and
- 10 reportable convictions; and
- 11 (e) employees who are the subject of reportable
- 12 allegations are entitled to be afforded natural
- 13 justice in investigations into their conduct.

**Subdivision 2 — Role of Commissioner**

**19J. Administration, oversight and monitoring of scheme**

The Commissioner is responsible for administering, overseeing and monitoring the reportable conduct scheme.

**19K. Functions of Commissioner**

- (1) The Commissioner has the following functions in relation to the reportable conduct scheme —
  - (a) to educate and provide advice to relevant entities in order to assist them to identify reportable conduct and to notify and investigate reportable allegations and reportable convictions;
  - (b) to oversee the investigation of reportable allegations and reportable convictions by relevant entities;
  - (c) if the Commissioner considers it to be in the public interest to do so — to investigate reportable allegations and reportable convictions;
  - (d) if the Commissioner considers it in the public interest to do so — to investigate whether reportable allegations or reportable convictions have been appropriately handled or investigated or responded to by the head of a relevant entity;

- 1 (e) to make recommendations to relevant entities in  
2 relation to the findings of the investigations  
3 referred to in paragraph (c) or (d);
- 4 (f) to monitor the compliance of relevant entities  
5 with the reportable conduct scheme and  
6 whether appropriate action is taken by a  
7 relevant entity;
- 8 (g) to monitor a relevant entity's systems for  
9 preventing, notifying and dealing with  
10 reportable conduct;
- 11 (h) to report to Parliament on the reportable  
12 conduct scheme;
- 13 (i) to perform any other function conferred on the  
14 Commissioner under this Division.
- 15 (2) Without limiting the Commissioner's investigation  
16 powers under this Act, the Commissioner may exercise  
17 any power and perform any function the Commissioner  
18 has under Divisions 3 and 4 for the purpose of  
19 performing the Commissioner's functions under this  
20 Division.

21 **19L. Commissioner may exempt conduct**

- 22 (1) The Commissioner may exempt a class or kind of  
23 conduct of employees of a relevant entity from being  
24 reportable conduct.
- 25 (2) The Commissioner must publish the details of an  
26 exempt class or kind of conduct on the Commissioner's  
27 website.

28 **19M. Commissioner may exempt entities**

- 29 (1) The Commissioner may exempt an entity from the  
30 reportable conduct scheme.
- 31 (2) The Commissioner must give written notice to an  
32 entity of an exemption under subsection (1) that relates  
33 to the entity.
- 34 (3) An exemption under subsection (1) continues until the  
35 Commissioner gives the entity written notice that the  
36 exemption is revoked.

1           **19N.   Commissioner may exempt investigations**

- 2           (1) The Commissioner may exempt the head of a relevant  
3           entity from commencing or continuing an  
4           investigation.
- 5           (2) An exemption under subsection (1) may be for a  
6           specified period.
- 7           (3) Without limiting subsection (1), the Commissioner  
8           may exempt the head of the relevant entity if —  
9           (a) the matter is already being dealt with or  
10           investigated by another appropriate person or  
11           body; or  
12           (b) the head of the relevant entity has made a  
13           request for the exemption in a notice under  
14           section 19U.
- 15           (4) The Commissioner must give written notice to the head  
16           of the relevant entity of an exemption under  
17           subsection (1) that relates to the entity.
- 18           (5) An exemption under subsection (1) continues until —  
19           (a) the Commissioner gives the head of the  
20           relevant entity written notice that the exemption  
21           is revoked; or  
22           (b) if the exemption is for a specified period — the  
23           end of the specified period.
- 24           (6) The head of the relevant entity is not required to  
25           provide a report of an investigation under  
26           section 19V(1) if the investigation is exempt under this  
27           section.

28           **Subdivision 3 — Systems to deal with reportable conduct**

29           **19O.   Head of relevant entity must ensure systems in**  
30           **place**

31           The head of a relevant entity must ensure that the  
32           relevant entity has in place —

- 33           (a) a system for preventing reportable conduct by  
34           an employee of the relevant entity in the course  
35           of the person’s employment; and  
36           (b) a system for enabling any person, including an  
37           employee of the relevant entity, to notify the  
38           head of the relevant entity of a reportable

- 1 allegation or reportable conviction involving an  
2 employee of the relevant entity of which the  
3 person becomes aware; and
- 4 (c) a system for enabling any person, including an  
5 employee of the relevant entity, to notify the  
6 Commissioner of a reportable allegation or  
7 reportable conviction involving the head of the  
8 relevant entity of which the person becomes  
9 aware; and
- 10 (d) a system for investigating a reportable  
11 allegation or reportable conviction relating to  
12 an employee of the relevant entity and taking  
13 appropriate action in response to a finding of  
14 reportable conduct; and
- 15 (e) a system for the receipt, handling and  
16 disclosure of information relating to  
17 investigation information, reportable  
18 allegations and reportable convictions.

19 **19P. Commissioner must monitor relevant entity**

- 20 (1) The Commissioner must monitor the compliance by a  
21 relevant entity with the requirements of section 19O.
- 22 (2) If requested by the Commissioner, the head of a  
23 relevant entity must provide to the Commissioner any  
24 information about a system referred to in section 19O.
- 25 (3) The Commissioner may make recommendations for  
26 action to be taken by the head of a relevant entity and  
27 may provide the head of the relevant entity with any  
28 necessary information relating to the recommendations  
29 if a reasonable concern with a system referred to in  
30 section 19O is identified.

31 **Subdivision 4 — Notice, investigation and reporting**

32 **19Q. Report of reportable allegation or reportable**  
33 **conviction**

- 34 (1) This section applies if a person becomes aware of a  
35 reportable allegation or reportable conviction involving  
36 an employee of a relevant entity.
- 37 (2) If the person is an employee of the relevant entity, the  
38 employee must as soon as practicable after becoming

- 1 aware of the reportable allegation or reportable  
2 conviction —
- 3 (a) report the matter to the head of the relevant  
4 entity; or
- 5 (b) if the matter relates to the head of the relevant  
6 entity — report the matter to the  
7 Commissioner.
- 8 (3) If the person is not an employee of the relevant entity,  
9 the person may —
- 10 (a) report the matter to the head of the relevant  
11 entity; or
- 12 (b) if the matter relates to the head of the relevant  
13 entity — report the matter to the  
14 Commissioner.
- 15 (4) A person who has made a report to the head of the  
16 relevant entity under this section may report the matter  
17 to the Commissioner if the person is not satisfied with  
18 the response of the head of the relevant entity to the  
19 report.

20 **19R. Head of relevant entity must notify Commissioner**

- 21 (1) This section applies if the head of a relevant entity  
22 becomes aware of a reportable allegation or a  
23 reportable conviction involving a person who is an  
24 employee of the relevant entity.
- 25 (2) The head of the relevant entity must give written notice  
26 to the Commissioner of the following information  
27 within 7 working days after becoming aware of the  
28 reportable allegation or reportable conviction —
- 29 (a) details of the reportable allegation or reportable  
30 conviction;
- 31 (b) the name (including any former name and alias)  
32 and date of birth of the employee;
- 33 (c) whether the police have been contacted about  
34 the reportable allegation or reportable  
35 conviction;
- 36 (d) the risk assessment made and the risk  
37 management action taken or proposed to be  
38 taken by the relevant entity;

- 1 (e) the name, address and telephone number of the  
2 relevant entity;
- 3 (f) the name of the head of the relevant entity;
- 4 (g) how the head of the relevant entity intends to  
5 proceed with the matter;
- 6 (h) any information prescribed by the regulations.
- 7 (3) The head of the relevant entity is only required to  
8 provide information under subsection (2)(a), (b), (c)  
9 and (h) of which the head of the relevant entity is  
10 aware.
- 11 (4) The Commissioner, at the request of the head of the  
12 relevant entity may, in writing, extend the time for  
13 giving a notice under this section.
- 14 (5) This section does not apply in relation to conduct of  
15 employees of a relevant entity that is of a class or kind  
16 of conduct that is exempt under section 19L(1).
- 17 (6) It is an offence for the head of a relevant entity to fail,  
18 without reasonable excuse, to comply with  
19 subsection (2).
- 20 Penalty for this subsection: a fine of \$5 000.
- 21 (7) It is a defence to a charge for an offence against  
22 subsection (6) for the person charged to prove that the  
23 person honestly and reasonably believed that another  
24 person had notified the Commissioner of the reportable  
25 allegation or reportable conviction in accordance with  
26 subsection (2).

27 **19S. Information may be disclosed to Commissioner or**  
28 **head of entity**

- 29 (1) The head of a relevant entity may disclose any  
30 information to the Commissioner that the head of the  
31 relevant entity believes on reasonable grounds reveals  
32 reportable conduct involving an employee of the  
33 relevant entity.
- 34 (2) An employee of a relevant entity may disclose any  
35 information to the Commissioner that the employee  
36 believes on reasonable grounds reveals reportable  
37 conduct involving the head of the relevant entity.
- 38 (3) A person who makes a report to the head of a relevant  
39 entity under section 19Q may disclose any information

1 to the head of the relevant entity that the person  
2 believes on reasonable grounds reveals reportable  
3 conduct involving an employee of the relevant entity.

4 (4) A person who has made a report to the head of the  
5 relevant entity under section 19Q and is not satisfied  
6 with the response of the head of the relevant entity to  
7 the report may disclose any information to the  
8 Commissioner that the person believes on reasonable  
9 grounds reveals reportable conduct involving an  
10 employee of the relevant entity.

11 **19T. Head of relevant entity must respond to reportable**  
12 **allegation or reportable conviction**

13 (1) As soon as practicable after the head of a relevant  
14 entity becomes aware of a reportable allegation or  
15 reportable conviction involving an employee of the  
16 relevant entity, the head of the relevant entity —

17 (a) must —

18 (i) investigate the reportable allegation or  
19 reportable conviction; or

20 (ii) arrange for an employee of the relevant  
21 entity to investigate the reportable  
22 allegation or reportable conviction on  
23 behalf of the head of the relevant entity;  
24 or

25 (iii) engage a person as an independent  
26 investigator to investigate the reportable  
27 allegation or reportable conviction on  
28 behalf of the head of the relevant entity;

29 and

30 (b) must inform the Commissioner of the identity  
31 of the person who will conduct the  
32 investigation.

33 (2) The head of a relevant entity must give an employee  
34 who is the subject of an investigation under this section  
35 an opportunity to make submissions to the head of the  
36 relevant entity setting out the employee's responses in  
37 relation to —

38 (a) the reportable allegation or reportable  
39 conviction; and

- 1 (b) any proposed adverse findings of the  
2 investigation; and
- 3 (c) any actions affecting the employee that are  
4 proposed to be taken as a result of the findings  
5 of the investigation.
- 6 (3) The head of a relevant entity must take all reasonable  
7 steps to ensure that an investigation under this section  
8 is carried out in a timely way.
- 9 (4) The Commissioner may, in writing, request the head of  
10 a relevant entity to provide investigation information to  
11 the Commissioner.
- 12 (5) The head of a relevant entity must comply with a  
13 request under subsection (4).
- 14 (6) It is an offence for the head of a relevant entity to fail,  
15 without reasonable excuse, to comply with  
16 subsection (1) or (5).  
17 Penalty for this subsection: a fine of \$5 000.

18 **19U. Commissioner must be notified of matters affecting**  
19 **investigation**

- 20 (1) The head of a relevant entity must give the  
21 Commissioner written notice, as soon as practicable, if,  
22 in relation to a matter being investigated under  
23 section 19T(1), the head of the relevant entity —
- 24 (a) forms the view that the matter does not  
25 constitute reportable conduct; or
- 26 (b) becomes aware that another appropriate person  
27 or body is dealing with or investigating the  
28 matter; or
- 29 (c) is required by law to comply with the directions  
30 of another person or body in relation to the  
31 investigation of the matter; or
- 32 (d) is requested by another appropriate person or  
33 body to cease, or discontinue for a period, the  
34 investigation of the matter.
- 35 (2) The notice must be in a form and contain the  
36 information required by the Commissioner.

1           (3) The head of the relevant entity may, in the notice,  
2           request the Commissioner to exempt the head of the  
3           relevant entity under section 19N(1) from the  
4           requirement to continue the investigation.

5           **19V. Head of relevant entity must report outcome of**  
6           **investigation**

- 7           (1) The head of a relevant entity must, as soon as  
8           practicable after the end of an investigation under  
9           section 19T(1) of a reportable allegation or reportable  
10          conviction, give the Commissioner —
- 11           (a) a written report setting out —
    - 12               (i) the findings of the investigation and the  
13               reasons for those findings; and
    - 14               (ii) any disciplinary or other action taken, or  
15               proposed to be taken, in relation to the  
16               reportable conduct; and
    - 17               (iii) any submissions made by the employee  
18               under section 19T(2); and
    - 19               (iv) if the entity does not propose to take any  
20               disciplinary or other action in relation to  
21               the employee — the reasons why no  
22               action is to be taken;
  - 23           and
  - 24           (b) any other information that the head of the  
25           relevant entity considers relevant to the report.
- 26          (2) After receiving the report and other information, the  
27          Commissioner may, by written notice given to the head  
28          of the relevant entity, request any additional  
29          information specified in the notice that the  
30          Commissioner considers relevant to determine  
31          whether —
- 32           (a) the reportable allegation or reportable  
33           conviction was properly investigated; and
  - 34           (b) appropriate action was taken as a result of the  
35           investigation.
- 36          (3) The head of a relevant entity must comply with a  
37          request of the Commissioner under subsection (2).

- 1 (4) It is an offence for the head of a relevant entity to fail,  
2 without reasonable excuse, to comply with  
3 subsection (1) or (3).

4 Penalty for this subsection: a fine of \$5 000.

5 **19W. Commissioner may conduct own investigation**

- 6 (1) The Commissioner may conduct an investigation under  
7 this section if the Commissioner considers it is in the  
8 public interest to do so.

- 9 (2) The Commissioner may make a decision to conduct an  
10 investigation under this section —

11 (a) on the Commissioner's own initiative; or

12 (b) in response to a report or disclosure under this  
13 Division; or

14 (c) in response to a complaint made to the  
15 Commissioner in relation to —

16 (i) the handling or investigation by the  
17 head of a relevant entity under this  
18 Division of a reportable allegation or  
19 reportable conviction involving an  
20 employee of the relevant entity; or

21 (ii) a finding of, or action taken or not taken  
22 by, the head of a relevant entity under  
23 this Division in relation to a reportable  
24 allegation or reportable conviction  
25 involving an employee of the relevant  
26 entity.

- 27 (3) An investigation may be conducted into any of the  
28 following —

29 (a) any reportable allegation or reportable  
30 conviction involving an employee of a relevant  
31 entity;

32 (b) any handling or investigation by the head of a  
33 relevant entity of a reportable allegation or  
34 reportable conviction involving an employee of  
35 the relevant entity;

36 (c) any action taken or not taken by the head of a  
37 relevant entity in response to a finding of  
38 reportable conduct by an employee of the  
39 relevant entity.

- 
- 1           (4) The Commissioner may make the following findings  
2           following an investigation under subsection (3)(a) —  
3                 (a) that there are reasonable grounds to suspect that  
4                 the employee has engaged in reportable  
5                 conduct;  
6                 (b) that the employee has a reportable conviction;  
7                 (c) that there are no, or no reasonable, grounds to  
8                 suspect that the employee has engaged in  
9                 reportable conduct;  
10                (d) that the employee does not have a reportable  
11                conviction.

12           **19X. Notice to head of relevant entity of Commissioner’s**  
13           **investigation**

- 14           (1) If the Commissioner decides to conduct an  
15           investigation under section 19W, the Commissioner  
16           must give the head of the relevant entity written notice  
17           stating —  
18                 (a) that the Commissioner intends to carry out an  
19                 investigation under section 19W; and  
20                 (b) particulars of the investigation; and  
21                 (c) whether the Commissioner requires the head of  
22                 the relevant entity not to commence, or to  
23                 suspend, an investigation by the head of the  
24                 relevant entity into a matter the Commissioner  
25                 has decided to investigate.
- 26           (2) The Commissioner, on completing an investigation  
27           under section 19W, may require the head of the  
28           relevant entity to continue an investigation that is  
29           suspended under subsection (1)(c).
- 30           (3) The head of a relevant entity must, as far as  
31           practicable, comply with a requirement of the  
32           Commissioner under subsection (1)(c) or (2).
- 33           (4) It is an offence for the head of a relevant entity to fail,  
34           without reasonable excuse, to comply with  
35           subsection (3).  
36           Penalty for this subsection: a fine of \$5 000.

- 1           **19Y. Provisions relating to investigation under**  
2           **section 19W(3)(a)**
- 3           (1) This section applies if the Commissioner decides to  
4           conduct an investigation referred to in  
5           section 19W(3)(a).
- 6           (2) The Commissioner must give the employee who is the  
7           subject of the investigation written notice stating —  
8               (a) that the Commissioner intends to carry out an  
9               investigation under this section; and  
10              (b) particulars of the investigation.
- 11          (3) As soon as practicable after the investigation ends, the  
12          Commissioner —  
13              (a) must give the head of the relevant entity written  
14              notice stating that the investigation has ended;  
15              and  
16              (b) must report to the head of the relevant entity —  
17                  (i) the findings of the investigation; and  
18                  (ii) the reasons for the findings;  
19              and  
20              (c) may make any recommendations that the  
21              Commissioner thinks fit.
- 22          (4) The head of a relevant entity must not take any action  
23          to implement a recommendation of the Commissioner  
24          under subsection (3)(c) involving an employee of the  
25          relevant entity until the later of the following —  
26              (a) the end of the period under section 19Z(2) for  
27              the employee to apply for a review of the  
28              finding;  
29              (b) if the employee makes an application under  
30              section 19Z(1) for a review of the finding —  
31              the final determination of the review.
- 32          (5) As soon as practicable after the investigation ends, the  
33          Commissioner must —  
34              (a) give the employee who is the subject of the  
35              investigation written notice stating that the  
36              investigation has ended; and

- 1                   (b) report to the employee —  
2                         (i) the findings of the investigation; and  
3                         (ii) the reasons for the findings.

4           **19Z. Application to State Administrative Tribunal for**  
5           **review**

- 6           (1) A person aggrieved by a finding of the Commissioner  
7           on an investigation conducted under section 19W(3)(a)  
8           may apply to the State Administrative Tribunal for a  
9           review of the finding.
- 10          (2) An application under subsection (1) must be made  
11          within 28 days after the person is notified of the  
12          finding for which the review is sought.
- 13          (3) For a review under this section, the State  
14          Administrative Tribunal is to be constituted by a  
15          judicial member as defined in the *State Administrative*  
16          *Tribunal Act 2004* section 3(1).
- 17          (4) A finding of the Commissioner on an investigation  
18          conducted under section 19W(3)(a) is taken to be a  
19          decision for the purposes of the *State Administrative*  
20          *Tribunal Act 2004* Part 3 Division 3.

21          **19ZA. Relevant entities that are agents of Crown**

22                   Sections 19R(6), 19T(6), 19V(4) and 19X(4) do not  
23                   apply to a relevant entity that is an agent of the Crown.

24          **19ZB. Concurrent investigations or proceedings**

- 25          (1) This section applies if —  
26                   (a) the Commissioner of Police advises the  
27                   Commissioner or the head of a relevant entity  
28                   that an investigation or finding under this  
29                   Division is likely to compromise a police  
30                   investigation; or  
31                   (b) another person or body with authority to  
32                   investigate the conduct of an employee of a  
33                   relevant entity advises the Commissioner or the  
34                   head of the relevant entity that an investigation  
35                   or finding under this Division is likely to  
36                   compromise an investigation by that person or  
37                   body (a *relevant investigation*).

- 1 (2) The Commissioner or the head of the relevant entity  
2 may —
- 3 (a) suspend the investigation or finding until  
4 otherwise advised; and
- 5 (b) take steps to manage any risks while the  
6 investigation or finding is suspended; and
- 7 (c) if the investigation or finding was being  
8 conducted by the head of the relevant entity —
- 9 (i) advise the Commissioner about the  
10 suspension under this section; and
- 11 (ii) advise the Commissioner of the steps  
12 being taken to manage the risks.
- 13 (3) Before making a decision about whether to suspend or  
14 continue an investigation, the Commissioner or the  
15 head of the relevant entity must consult with the  
16 Commissioner of Police or the person conducting the  
17 relevant investigation.
- 18 (4) Before making a decision under subsection (2)(b) about  
19 the steps to be taken to manage risks the Commissioner  
20 or the head of the relevant entity must consult with, as  
21 the case requires —
- 22 (a) the Commissioner of Police or the officer in  
23 charge of the police investigation; or
- 24 (b) the person or body conducting the relevant  
25 investigation.
- 26 (5) If the Commissioner or the head of the relevant entity  
27 decides not to suspend the investigation, the  
28 Commissioner or the head of the relevant entity must  
29 ensure the investigation is conducted in a way that does  
30 not compromise the police investigation or the relevant  
31 investigation, as the case requires.
- 32 (6) This section does not affect the operation of any other  
33 Act.
- 34 (7) In this section, a police investigation or relevant  
35 investigation includes any court proceeding (including  
36 an appeal) arising out of the investigation.

1                                    **Subdivision 5 — Disclosure of information**

2                    **19ZC. Investigation information may be disclosed to child**  
3                    **or parent**

4                    (1) The Commissioner or the head of a relevant entity may  
5                    disclose investigation information to any of the  
6                    following —

7                                    (a) a child who is the subject of conduct that forms  
8                                    the basis of a reportable allegation or a  
9                                    reportable conviction that has been investigated  
10                                    by the Commissioner or the head of the  
11                                    relevant entity;

12                                    (b) a parent or guardian of a child referred to in  
13                                    paragraph (a), or a person who has parental  
14                                    responsibility for the child.

15                    (2) The Commissioner or the head of a relevant entity must  
16                    not disclose information under subsection (1) —

17                                    (a) if the disclosure would —

18    (i) put the wellbeing of the child at risk; or

19    (ii) contravene the CCS Act section 124F or  
20    240; or

21    (iii) compromise an investigation under this  
22    Act, a police investigation, a relevant  
23    investigation referred to in section 19ZB  
24    or an investigation under another Act;

25    or

26                                    (b) in any circumstances prescribed by the  
27                                    regulations.

28                    **19ZD. Commissioner may request information about**  
29                    **reportable convictions**

30                    (1) In this section —

31                                    ***court*** means the Supreme Court, the District Court, the  
32                                    Magistrates Court or the Children’s Court;

33                                    ***Registrar*** in relation to —

34                                    (a) the Supreme Court, means the Principal  
35                                    Registrar of the Supreme Court; or

36                                    (b) the District Court, means the Principal  
37                                    Registrar of the District Court; or

- 1 (c) the Magistrates Court, means the Principal  
2 Registrar of the Magistrates Court; or
- 3 (d) the Children’s Court, means a registrar of the  
4 Children’s Court.
- 5 (2) The Commissioner may make a request to the Registrar  
6 of a court to provide information relating to a  
7 reportable conviction entered against an employee of a  
8 relevant entity that the Commissioner reasonably  
9 requires for the purposes of an investigation under the  
10 reportable conduct scheme.
- 11 (3) The Commissioner is authorised to disclose  
12 information obtained under this Division or Division 3  
13 or 4 for the purpose of that request.
- 14 (4) The Registrar of the court to whom a request may be  
15 made under subsection (2) is authorised to disclose  
16 information to the Commissioner for the purposes of an  
17 investigation under the reportable conduct scheme.
- 18 (5) This section applies despite section 13(2).

19 **Subdivision 6 — Review of amendments made by**  
20 ***Parliamentary Commissioner Amendment (Reportable***  
21 ***Conduct) Act 2020***

22 **19ZE. Review of amendments made by *Parliamentary***  
23 ***Commissioner Amendment (Reportable Conduct)***  
24 ***Act 2020***

- 25 (1) The Minister must review the operation and  
26 effectiveness of the amendments made to this Act by  
27 the *Parliamentary Commissioner Amendment*  
28 *(Reportable Conduct) Act 2020*, and prepare a report  
29 based on the review, as soon as practicable after the 5<sup>th</sup>  
30 anniversary of the day on which section 7 of that Act  
31 comes into operation.
- 32 (2) The review must include consideration as to whether  
33 the reportable conduct scheme should be expanded to  
34 apply to any other entities.
- 35 (3) The Minister must cause the report to be laid before  
36 each House of Parliament as soon as practicable after it  
37 is prepared, but not later than 12 months after the  
38 5<sup>th</sup> anniversary.

- 1 (4) If, in the Minister's opinion, a House of Parliament will  
2 not sit during the period of 21 days after finalisation of  
3 the report, the Minister must send the report to the  
4 Clerk of the House.
- 5 (5) When the report is sent to the Clerk of a House it is  
6 taken to have been laid before the House.
- 7 (6) The laying of the report that is taken to have occurred  
8 under subsection (5) must be recorded in the Minutes,  
9 or Votes and Proceedings, of the House on the first  
10 sitting day of the House after the Clerk receives the  
11 report.  
12

13 **8. Section 19 amended**

14 After section 19(8) insert:  
15

- 16 (9) This section applies to an investigation by the  
17 Commissioner for the purposes of the reportable  
18 conduct scheme as follows —
- 19 (a) subsections (1) and (1a) do not apply;
  - 20 (b) a reference to a department or authority is taken  
21 to be a reference to a relevant entity;
  - 22 (c) a reference to the principal officer of a  
23 department or authority is taken to be a  
24 reference to the head of a relevant entity;
  - 25 (d) subsection (7)(b) applies only if the  
26 investigation relates to a relevant entity that is a  
27 department or authority.  
28

29 **9. Section 20 amended**

30 (1) After section 20(2A) insert:  
31

- 32 (2AA) No obligation to maintain secrecy or other restriction  
33 upon the disclosure of information obtained by or  
34 furnished to the head of a relevant entity or an  
35 investigator conducting an investigation under  
36 Division 3B, whether imposed by any enactment or by  
37 any rule of law, applies to the disclosure of information  
38 for the purposes of that investigation.  
39

1 (2) In section 20(2B) delete “Crown or any authority to which this  
2 Act applies” and insert:

3

4 Crown, any authority to which this Act applies or a relevant  
5 entity

6

7 (3) In section 20(3):

8 (a) delete “(2A)” and insert:

9

10 (2A), (2AA)

11

12 (b) delete “he” and insert:

13

14 the person

15

16 **10. Section 21 amended**

17 (1) In section 21 delete “For” and insert:

18

19 (1) For

20

21 (2) At the end of section 21 insert:

22

23 (2) For the purposes of conducting an investigation under  
24 Division 3B, the Commissioner may, at any time, enter  
25 any premises occupied or used by any relevant entity,  
26 and inspect those premises or anything for the time  
27 being in those premises.

28

29 **11. Section 22A amended**

30 In section 22A(1) delete “concerning any complaint under this  
31 Act or any investigation under this Act.” and insert:

32

33 concerning —

34 (a) any complaint under this Act; or

35 (b) any investigation under this Act, other than an  
36 investigation carried out for the purposes of the  
37 reportable conduct scheme.

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Note: The heading to amended section 22A is to read:  
**Consultation other than in relation to reportable conduct scheme**

**12. Section 22AA inserted**

After section 22A insert:

**22AA. Consultation in relation to reportable conduct scheme**

- (1) The Commissioner may consult the Corruption and Crime Commission, the Public Sector Commissioner, the Inspector of Custodial Services or the Director of Public Prosecutions concerning —
  - (a) a reportable allegation or reportable conviction;  
or
  - (b) any investigation under this Act carried out for the purposes of the reportable conduct scheme;  
or
  - (c) any other matter that is relevant to the functions of the Commissioner under the reportable conduct scheme.
  
- (2) The Commissioner or the head of a relevant entity may consult with a specified person concerning —
  - (a) a reportable allegation or reportable conviction;  
or
  - (b) any investigation under this Act carried out for the purposes of the reportable conduct scheme;  
or
  - (c) any other matter that is relevant to the functions of the Commissioner or the head of the relevant entity under the reportable conduct scheme.
  
- (3) In subsection (2) —  
***specified person*** means —
  - (a) the Commissioner of Police; or
  - (b) the Commissioner for Children and Young People; or
  - (c) the CEO as defined in the CCS Act section 3;  
or

1 (d) the CEO as defined in the *Working with*  
2 *Children (Criminal Record Checking) Act 2004*  
3 section 4.

4 (4) Information obtained by the Commissioner, the Deputy  
5 Commissioner or a member of the Commissioner’s  
6 staff under this Act for the purposes of the reportable  
7 conduct scheme may be disclosed for the purposes of  
8 any consultation by the Commissioner under  
9 subsection (1) or (2).

10 (5) Information obtained by the head of a relevant entity or  
11 an investigator conducting an investigation under this  
12 Act for the purposes of the reportable conduct scheme  
13 may be disclosed for the purposes of any consultation  
14 by the head of the relevant entity under subsection (2).  
15

16 **13. Section 22B amended**

17 In section 22B:

18 (a) after “this Act” insert:

19  
20 (other than an investigation carried out for the purposes  
21 of the reportable conduct scheme)  
22

23 (b) in paragraph (e)(ii) delete “Commissioner,” and insert:

24  
25 Commissioner for Children and Young People,  
26

27 **14. Section 22C inserted**

28 After section 22B insert:

29  
30 **22C. Disclosure of certain information relating to**  
31 **reportable conduct scheme**

32 (1) In this section —

33 *reportable conduct information* means information  
34 obtained by the Commissioner, the Deputy  
35 Commissioner or a member of the Commissioner’s  
36 staff for the purposes of the reportable conduct scheme.

- 1           (2) The Commissioner, the Deputy Commissioner or a  
2           member of the Commissioner’s staff authorised for the  
3           purposes of this section by the Commissioner or the  
4           Deputy Commissioner may disclose reportable conduct  
5           information if —
- 6                   (a) the information —
- 7                           (i) is disclosed to a person referred to in  
8                                   section 22B(aa), (b), (c), (d) or (ea); and
- 9                           (ii) concerns a matter of a kind for which  
10                                   information can be disclosed to that  
11                                   person under section 22B;
- 12                           or
- 13                   (b) the information —
- 14                           (i) is disclosed to the Commissioner of  
15                                   Police; and
- 16                           (ii) concerns a matter that is relevant to the  
17                                   functions of the Commissioner of  
18                                   Police;
- 19                           or
- 20                   (c) the information —
- 21                           (i) is disclosed to the Commissioner for  
22                                   Children and Young People or a  
23                                   member of the staff of the  
24                                   Commissioner for Children and Young  
25                                   People authorised for the purposes of  
26                                   this subparagraph by the Commissioner  
27                                   for Children and Young People; and
- 28                           (ii) concerns a matter that is relevant to the  
29                                   functions of the Commissioner for  
30                                   Children and Young People under the  
31                                   *Commissioner for Children and Young*  
32                                   *People Act 2006*;
- 33                           or
- 34                   (d) the information —
- 35                           (i) is disclosed to the CEO as defined in the  
36                                   CCS Act section 3 or a member of the  
37                                   staff of the Department as defined in  
38                                   that section; and

- 1 (ii) concerns a matter that is relevant to the  
2 functions of the CEO under that Act;
- 3 or
- 4 (e) the information —
- 5 (i) is disclosed to the CEO as defined in the  
6 *Working with Children (Criminal*  
7 *Record Checking) Act 2004* section 4 or  
8 a member of the staff of the Department  
9 as defined in that section; and
- 10 (ii) concerns a matter that is relevant to the  
11 functions of the CEO under that Act.  
12

13 **15. Section 23 amended**

- 14 (1) In section 23(1):
- 15 (a) after “investigation” (first occurrence) insert:  
16  
17 by the Commissioner  
18
- 19 (b) in paragraph (c) delete “section 22A or 22B.” and insert:  
20  
21 Division 3B or section 22A, 22AA, 22B or 22C(2).  
22
- 23 (2) In section 23(1b):
- 24 (a) delete “his opinion,” and insert:  
25  
26 the Commissioner’s opinion,  
27
- 28 (b) delete “person,” and insert:  
29  
30 person or of the proper operation of the reportable  
31 conduct scheme,  
32
- 33 (3) In section 23(1d)(a) after “authority” insert:  
34  
35 or relevant entity  
36

- 1 (4) After section 23(1e)(a) insert:  
2  
3 (aa) if the opinions relate to a relevant entity, the  
4 head of the relevant entity; or  
5
- 6 **16. Section 23A amended**
- 7 (1) In section 23A delete “Any” and insert:  
8  
9 (1) Any  
10
- 11 (2) At the end of section 23A insert:  
12  
13 (2) Subsection (1) does not apply to a document sent to the  
14 Commissioner, the Deputy Commissioner or a member  
15 of the Commissioner’s staff for the purposes of the  
16 reportable conduct scheme.  
17
- 18 **17. Section 25 amended**
- 19 After section 25(7) insert:  
20  
21 (8) This section applies in relation to an investigation by  
22 the Commissioner for the purposes of the reportable  
23 conduct scheme as follows —  
24 (a) any reference to the appropriate authority is  
25 taken to be a reference to the relevant entity;  
26 (b) any reference to the principal officer of the  
27 appropriate authority is taken to be a reference  
28 to the head of the relevant entity;  
29 (c) subsection (3) applies only if the investigation  
30 relates to a relevant entity that is a department  
31 or authority;  
32 (d) for the purposes of an investigation referred to  
33 in section 19W(3)(a) —  
34 (i) subsections (1) and (2) do not apply;  
35 and

- 1 (ii) a reference in subsections (3) to (5) to a  
2 recommendation under subsection (2) is  
3 taken to be a reference to a  
4 recommendation under  
5 section 19Y(3)(c).  
6

7 **18. Section 28 inserted**

8 At the end of Part III Division 5 insert:  
9

10 **28. Annual report to include report on reportable**  
11 **conduct scheme**

- 12 (1) The annual report of the accountable authority of the  
13 Parliamentary Commissioner for Administrative  
14 Investigations under the *Financial Management*  
15 *Act 2006* Part 5 must include a report about the  
16 operation of the reportable conduct scheme in the  
17 financial year to which the report relates, including the  
18 following —  
19 (a) a description of the activities of the  
20 Commissioner in relation to the reportable  
21 conduct scheme;  
22 (b) an evaluation of the response of relevant  
23 entities to the recommendations of the  
24 Commissioner under the reportable conduct  
25 scheme;  
26 (c) a description of matters relating to the  
27 reportable conduct scheme, including trends,  
28 notifications and investigations.  
29 (2) A report under subsection (1) must not include  
30 information that could lead to the identification of a  
31 child or a person investigated under the reportable  
32 conduct scheme.  
33 (3) This section does not limit the power of the  
34 Commissioner under section 27(1) to also, at any time,  
35 lay before each House of Parliament a report in relation  
36 to the reportable conduct scheme.  
37

1 **19. Section 29 amended**

2 After section 29(2) insert:

3

- 4 (3) References in this section, in relation to an  
5 investigation for the purposes of the reportable conduct  
6 scheme, to the party subject to the investigation include  
7 references to the relevant entity or the head of the  
8 relevant entity.

9

10 **20. Section 29A inserted**

11 After section 29 insert:

12

13 **29A. Delegation by Commissioner of Police**

- 14 (1) The Commissioner of Police may delegate any power  
15 or duty of the Commissioner of Police under  
16 section 19ZB, 22AA or 22C(2) to the following  
17 persons —
- 18 (a) a specified police officer;
  - 19 (b) police officers of a specified rank or class;
  - 20 (c) another person appointed or employed under  
21 the *Police Act 1892*.
- 22 (2) The delegation must be in writing signed by the  
23 Commissioner of Police.
- 24 (3) A person to whom a power or duty is delegated under  
25 this section cannot delegate that power or duty.
- 26 (4) A person exercising or performing a power or duty that  
27 has been delegated to the person under this section is  
28 taken to do so in accordance with the terms of the  
29 delegation unless the contrary is shown.
- 30 (5) Nothing in this section limits the ability of the  
31 Commissioner of Police to perform a function through  
32 an officer or agent.
- 33

1 **21. Section 30AA inserted**

2 After section 30A insert:

3

4 **30AA. Protection from liability for giving information:**  
5 **reportable conduct scheme**

- 6 (1) This section applies if a person acting in good faith —
- 7 (a) gives a report, notification or information to the  
8 Commissioner under Part III Division 3B or in  
9 the course of, or for the purposes of, an  
10 investigation into a reportable allegation or  
11 reportable conviction under this Act; or
- 12 (b) gives a report, notification or information to the  
13 head of a relevant entity under Part III  
14 Division 3B; or
- 15 (c) gives information to an investigator carrying  
16 out an investigation under Part III Division 3B.
- 17 (2) The report, notification or information may be given  
18 despite any other enactment, law or agreement that  
19 prohibits or restricts its disclosure.
- 20 (3) In giving the information or making the report or  
21 notification the person —
- 22 (a) does not incur any civil or criminal liability or  
23 liability to be punished for a contempt of court;  
24 and
- 25 (b) is not to be taken to have breached any duty of  
26 confidentiality or secrecy imposed by law; and
- 27 (c) is not to be taken to have breached any  
28 professional ethics or standards or any  
29 principles of conduct applicable to the person's  
30 employment or to have engaged in  
31 unprofessional conduct.
- 32 (4) Civil proceedings cannot be brought against a person in  
33 respect of an act referred to in subsection (1)(a), (b)  
34 or (c) without the leave of the Supreme Court, and the  
35 Supreme Court must not give leave unless it is satisfied  
36 that there is substantial ground for the contention that  
37 the person to be proceeded against has acted in bad  
38 faith.  
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**22. Section 30B amended**

After section 30B(1)(e) insert:

- (ea) has provided, is providing or will or may in the future provide information in the course of, or for the purpose of, an investigation of a reportable allegation or reportable conviction to the Commissioner or the head of a relevant entity under this Act; or

**23. Section 33 replaced**

Delete section 33 and insert:

**33. Regulations**

The Governor may make regulations —

- (a) amending Schedule 1 or 2; or
- (b) prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed, for giving effect to the reportable conduct scheme.

**24. Schedule 1 amended**

In Schedule 1 delete the item relating to the *State Administrative Tribunal Act 2004*.

**25. Schedule 2 inserted**

After Schedule 1 insert:

**Schedule 2 — Relevant entities to which this Act applies**

[s. 19H]

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<b>Column 1</b>	<b>Column 2</b>
Public bodies	A department. An authority.

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**Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020**

**Part 2** Parliamentary Commissioner Act 1971 amended

**Division 2** General amendments

**s. 25**

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<b>Column 1</b>	<b>Column 2</b>
Providers of education services	<p>A school as defined in the <i>School Education Act 1999</i> section 4.</p> <p>A college or other vocational education and training institution as those terms are defined in the <i>Vocational Education and Training Act 1996</i> section 5(1).</p> <p>A registered training provider as defined in the <i>Vocational Education and Training Act 1996</i> section 5(1).</p> <p>A university established under a written law.</p> <p>An Australian university college, an authorised non-university institution or a recognised overseas university as those terms are defined in the <i>Higher Education Act 2004</i> section 3.</p>
Providers of health services	<p>A health service provider as defined in the <i>Health Services Act 2016</i> section 6.</p> <p>A private hospital service provider as defined in the <i>Private Hospitals and Health Services Act 1927</i> section 2(1).</p> <p>A provider of a mental health service as defined in the <i>Mental Health Act 2014</i> section 4 that has inpatient beds for children and young people.</p> <p>A provider of a drug and alcohol treatment service that has inpatient beds for children and young people.</p> <p>An ambulance service.</p>
Providers of out-of-home care services	<p>A person who has entered into an agreement under the CCS Act section 15(1) for the provision of placement services.</p>
Providers of child care services	<p>An education and care service as defined in the <i>Education and Care Services National Law (Western Australia)</i> section 5(1).</p> <p>A child care service as defined in the <i>Child Care Services Act 2007</i> section 4.</p>

**Column 1**

**Column 2**

Providers of youth justice services

A provider of a detention centre as defined in the *Young Offenders Act 1994* section 3.  
  
 A provider of community justice services funded by the department principally assisting in the administration of the *Young Offenders Act 1994*.

1

2

**Division 3 — Additional amendments**

3

**26. Section 19F amended**

4

In section 19F in the definition of *reportable conduct* after paragraph (a)(iii) insert:

5

6

7

(iiia) significant neglect of a child;

8

9

10

11

(iiib) any behaviour that causes significant emotional or psychological harm to a child;

12

**27. Schedule 2 amended**

13

In Schedule 2 after the item relating to Providers of youth justice services insert:

14

15

Religious bodies

A religious body that provides, or has provided, activities, facilities, programs or services that provide a means for adults to have contact with children.

**Examples of activities, facilities, programs or services —**

- (a) altar serving;
- (b) art groups;
- (c) bible study groups;
- (d) choirs and music groups;
- (e) church-run creches;
- (f) dance groups;
- (g) faith-based children’s and youth groups;
- (h) multi-faith networks;

**Parliamentary Commissioner Amendment (Reportable Conduct) Bill 2020**

**Part 2** Parliamentary Commissioner Act 1971 amended

**Division 3** Additional amendments

**s. 27**

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- (i) open days;
- (j) prayer groups;
- (k) religious community engagement and outreach;
- (l) religious festivals and celebrations;
- (m) religious services;
- (n) sports teams;
- (o) Sunday schools;
- (p) tutoring services;
- (q) youth camps.

Providers of disability services

A service provider as defined in the *Disability Services Act 1993* section 3.

A registered provider of supports and services under the National Disability Insurance Scheme established under the *National Disability Insurance Scheme Act 2013* (Commonwealth).

Providers of accommodation and respite services for children

A provider of a homelessness service that provides overnight beds only for children and young people and is funded by the department principally assisting in the administration of the CCS Act.

A provider of boarding facilities for students who are children.

An entity that provides overnight camps for children and young people as part of its primary activity.

A provider of any other accommodation or respite services for children.

1

**Part 3 — Working with Children (Criminal Record Checking) Act 2004 amended**

**28. Act amended**

This Part amends the *Working with Children (Criminal Record Checking) Act 2004*.

**29. Section 4 amended**

In section 4 insert in alphabetical order:

*head*, of a relevant entity, has the meaning given in the *Parliamentary Commissioner Act 1971* section 4;

*Parliamentary Commissioner* means the Commissioner as defined in the *Parliamentary Commissioner Act 1971* section 4;

*relevant entity* has the meaning given in the *Parliamentary Commissioner Act 1971* section 4;

*relevant reportable conduct* means reportable conduct that is prescribed by the regulations for the purposes of this definition;

*reportable conduct* has the meaning given in the *Parliamentary Commissioner Act 1971* section 19F;

**30. Section 12 amended**

(1) In section 12(3) in the Table after item 6 insert:

6A	The CEO is aware that a finding of relevant reportable conduct has been made in relation to the applicant under the <i>Parliamentary Commissioner Act 1971</i> Part III Division 3B.	s. 12(5)
----	--	----------

(2) In section 12(8):

(a) delete “offence,” and insert:

offence or finding of relevant reportable conduct,

**s. 31**

---

- 1 (b) in paragraphs (b) and (c) delete “committed;” and insert:  
2  
3 committed or the relevant reportable conduct occurred  
4 or is alleged to have occurred;  
5  
6 (c) in paragraph (d) after “offence” insert:  
7  
8 or relevant reportable conduct  
9  
10 (d) in paragraph (e)(ii) delete “applicant;” and insert:  
11  
12 applicant; or  
13  
14 (e) after paragraph (e)(ii) insert:  
15  
16 (iii) any finding of relevant reportable  
17 conduct made in relation to the  
18 applicant;  
19

20 **31. Section 13 amended**

- 21 In section 13(1)(a)(ii) after “criminal record” insert:  
22  
23 or the findings of the applicant’s relevant reportable conduct  
24

25 **32. Part 2 Division 3A inserted**

- 26 After Part 2 Division 3 insert:  
27

28 **Division 3A — Findings of relevant reportable conduct**

29 **18A. Findings of relevant reportable conduct**

- 30 (1) In this section —  
31 *employee*, of a relevant entity, has the meaning given  
32 in the *Parliamentary Commissioner Act 1971*  
33 section 19C;  
34 *identifying information*, in relation to a person,  
35 includes the person’s —  
36 (a) name and any former name and alias; and

- 1 (b) date of birth; and  
2 (c) address.
- 3 (2) The Parliamentary Commissioner may give written  
4 notice to the CEO of a finding of relevant reportable  
5 conduct under the *Parliamentary Commissioner*  
6 *Act 1971* if —
- 7 (a) the Parliamentary Commissioner reasonably  
8 believes that the finding is in respect of a  
9 person who —
- 10 (i) has applied for an assessment notice  
11 under section 9 or 10; or  
12 (ii) has a current assessment notice;  
13 and
- 14 (b) the finding relates to a person who is or was an  
15 employee of a relevant entity that is prescribed,  
16 or is of a class of relevant entity prescribed, by  
17 the regulations.
- 18 (3) A notice under subsection (2) must include the  
19 following information in relation to the person to  
20 whom the finding relates —
- 21 (a) any identifying information the Parliamentary  
22 Commissioner holds in relation to the person;  
23 (b) a brief summary of the relevant reportable  
24 conduct and the finding.
- 25 (4) The CEO must treat a notice of a finding given to the  
26 CEO under subsection (2) as an application for an  
27 assessment notice by the person to whom the finding  
28 relates.
- 29 (5) Information may be disclosed under this section despite  
30 any other enactment, law or agreement that prohibits or  
31 restricts its disclosure.
- 32 (6) If the person to whom the finding relates has a current  
33 assessment notice, section 12 applies to the application  
34 as if a reference in that section to issuing an assessment  
35 notice were a reference to issuing an assessment notice  
36 or a further assessment notice.  
37

**s. 33**

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1 **33. Part 3A inserted**

2 After section 34 insert:  
3

4 **Part 3A — Information gathering and sharing**

5 **34A. Exchange of information with Parliamentary**  
6 **Commissioner or head of relevant entity**

7 (1) In this section —

8 *identifying information* has the meaning given in  
9 section 18A(1);

10 *investigation information* has the meaning given in the  
11 *Parliamentary Commissioner Act 1971* section 19C;

12 *reportable allegation* has the meaning given in the  
13 *Parliamentary Commissioner Act 1971* section 19E;

14 *reportable conviction* has the meaning given in the  
15 *Parliamentary Commissioner Act 1971* section 19G.

16 (2) The CEO may disclose to the Parliamentary  
17 Commissioner or the head of a relevant entity any  
18 identifying information held in relation to a person who  
19 is an applicant for an assessment notice under section 9  
20 or 10.

21 (3) The CEO may request the Parliamentary  
22 Commissioner or the head of the relevant entity to  
23 provide information and documents (including  
24 investigation information) about a reportable  
25 conviction or a reportable allegation to which a finding  
26 of relevant reportable conduct relates.

27 (4) The Parliamentary Commissioner or the head of the  
28 relevant entity may disclose the information or  
29 documents requested to the CEO.

30 (5) Information may be disclosed under this section despite  
31 any other enactment, law or agreement that prohibits or  
32 restricts its disclosure.  
33

34

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**Child Safe  
Organisations**  
National Principles



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# Foreword

The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) uncovered shocking abuse of children within institutions in Australia.

The Commission recommended taking action to make organisations across the country safe for children.

The development of the National Principles for Child Safe Organisations (National Principles) is a key national reform in response to these recommendations.

The Principles have been endorsed by all Commonwealth, state and territory governments.

They provide a nationally consistent approach to embedding child safe cultures within organisations that engage with children, and act as a vehicle to give effect to all Royal Commission recommendations related to child safe standards.

I would like to thank all who contributed to the development of the National Principles and their accompanying guidance material.

Development of the National Principles was led by Community Services Ministers across Australia under the *Third Action Plan 2015-2018 of the National Framework for Protecting Australia's Children 2009-2020* and the National Children's Commissioner, Megan Mitchell, in consultation with a broad range of sectors engaging with children.

Representatives from key advocacy groups and academia also contributed, as well as children and young people themselves.

Adopting the National Principles is an important step to better protecting Australia's children.



Scott Morrison  
Prime Minister of Australia  
Chair of the Council of Australian Governments

# Preamble

A wide range of organisations work with children and young people throughout Australia. These may be small and community based, such as a sports club or playgroup where families and community members contribute voluntarily, through to more highly organised structures like schools, hospitals and churches. They may also be businesses or organisations employing staff and/or volunteers providing services to and working with children and young people. Some may work across state boundaries.

In 2013, the Australian Government established a Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) in response to community concern about widespread reports of cases where Australian institutions failed to protect children from sexual abuse. The Commission's final recommendations emphasised that members of the public, children and young people, parents, carers, families and communities should feel confident that organisations working with children provide safe environments in which children's rights, needs and interests are met.

The National Principles draw on the work of the Royal Commission, Australia's Children's Commissioners and Guardians and the 2005 National Framework for Creating Safe Environments for Children.

They provide a national approach to embedding a child safe culture across all sectors of Australian society in which children are involved.

Underpinned by a child-rights approach and based on the standards recommended by the Royal Commission, the National Principles are designed to build capacity and deliver child safety and wellbeing in organisations, families and communities and prevent future harm. In order to allow flexibility in implementation and in recognition of the variety of organisational types, sizes and capacities,

the National Principles outline at a high level the 10 elements that are fundamental for making an organisation safe for children.

The National Principles emphasise the importance of culturally safe environments and practices for Aboriginal and Torres Strait Islander children and young people. Aboriginal and Torres Strait Islander families and communities are more likely to access services that are culturally safe and experience better outcomes in such services. This includes improving the way organisations engage with Aboriginal and Torres Strait Islander children and their families, recognising the impact of intergenerational trauma, and respecting cultural diversity.

The National Principles collectively show that a child safe organisation is one that creates a culture, adopts strategies and takes action to promote child wellbeing and prevent harm to children and young people. A child safe organisation consciously and systematically:

- creates an environment where children's safety and wellbeing is the centre of thought, values and actions
- places emphasis on genuine engagement with, and valuing of children
- creates conditions that reduce the likelihood of harm to children and young people
- creates conditions that increase the likelihood of identifying any harm
- responds to any concerns, disclosures, allegations or suspicions.

The adoption and application of national child safe principles in any institution or organisation across Australia, in which children are involved, is a significant milestone in promoting child safety and wellbeing.



**Wheel of Child Safety**

# National Principles for Child Safe Organisations

- 1.** Child safety and wellbeing is embedded in organisational leadership, governance and culture.
- 2.** Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
- 3.** Families and communities are informed and involved in promoting child safety and wellbeing.
- 4.** Equity is upheld and diverse needs respected in policy and practice.
- 5.** People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
- 6.** Processes to respond to complaints and concerns are child focused.
- 7.** Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
- 8.** Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
- 9.** Implementation of the national child safe principles is regularly reviewed and improved.
- 10.** Policies and procedures document how the organisation is safe for children and young people.

As of 1 February 2019, all Parties have confirmed their commitment to the National Principles for Child Safe Organisations as follows:

<p><i>The Prime Minister of Australia on behalf of the Commonwealth of Australia</i></p> <p><b>The Hon Scott Morrison MP</b></p>	
<p><i>The Premier of New South Wales on behalf of the State of New South Wales</i></p> <p><b>The Hon Gladys Berejiklian MP</b></p>	<p><i>The Premier of Victoria on behalf of the State of Victoria</i></p> <p><b>The Hon Daniel Andrews MP</b></p>
<p><i>The Premier of Queensland on behalf of the State of Queensland</i></p> <p><b>The Hon Anastacia Palaszczuk MP</b></p>	<p><i>The Premier of Western Australia on behalf of the State of Western Australia</i></p> <p><b>The Hon Mark McGowan MLA</b></p>
<p><i>The Premier of South Australia on behalf of the State of South Australia</i></p> <p><b>The Hon Steven Marshall MP</b></p>	<p><i>The Acting Premier of Tasmania on behalf of the State of Tasmania</i></p> <p><b>The Hon Jeremy Rockliff MP</b></p>
<p><i>The Acting Chief Minister of the Australian Capital Territory on behalf of the Australian Capital Territory</i></p> <p><b>Ms Yvette Berry MLA</b></p>	<p><i>The Chief Minister of the Northern Territory on behalf of the Northern Territory</i></p> <p><b>The Hon Michael Gunner MLA</b></p>

# Guidance

Australia ratified the United Nations Convention on the Rights of the Child (CRC) in 1990. Under the Convention, children, like adults, possess human rights. They also have the right to special protection because of their vulnerability to exploitation and abuse. Under the Convention, a child is defined as every human being below eighteen years of age.

The following pages provide detailed guidance on each of the principles to support the adoption of the National Principles across all organisations engaging with children across Australia.

For each principle, the guidance provides:

- the intent and key elements of the principle
- key action areas, showing where organisations should take action to create a culture of child safety
- indicators that the principle is upheld, providing practical examples of signs that the principle is effectively in place
- references to examples of relevant Articles of the CRC.

This guidance is intended to support organisations to consistently and effectively implement the National Principles. It is provided as a best practice guide and allows flexibility in implementation and in recognition of the variety of organisational types, sizes and capacities.

A set of tools and resources to support implementation of the National Principles within organisations can be accessed through the National Office for Child Safety webpage (<https://pmc.gov.au/domestic-policy/national-office-child-safety>).

## Principle 1

# Child safety and wellbeing is embedded in organisational leadership, governance and culture.

This principle provides guidance on the role of organisational leadership and governance in promoting inclusive and welcoming environments for children and young people, a culture of accountability and the ways in which a child safe culture is developed and maintained.

Adoption of this principle shows that the organisation has a commitment to child safety and wellbeing through all levels of the organisation. Governance arrangements are transparent and include a child safety and wellbeing policy, practice guidance, a Code of Conduct and a risk management framework. Governance arrangements vary depending on the type, nature and size of an organisation. Organisational leadership provides an authorising environment for the sharing of information about risks to children and young people.

### Key action areas:

- 1.1 The organisation makes a public commitment to child safety.
- 1.2 A child safe culture is championed and modelled at all levels of the organisation from the top down and the bottom up.
- 1.3 Governance arrangements facilitate implementation of the child safety and wellbeing policy at all levels.
- 1.4 A Code of Conduct provides guidelines for staff and volunteers on expected behavioural standards and responsibilities.
- 1.5 Risk management strategies focus on preventing, identifying and mitigating risks to children and young people.
- 1.6 Staff and volunteers understand their obligations on information sharing and recordkeeping.

### Indicators that this principle is upheld:

- \* The organisation can demonstrate they have publicly available and current documents such as a child safety and wellbeing policy, practice guidance, information sharing protocols, staff and volunteer codes of conduct and risk management strategies.
- \* The organisational leadership models and regularly reinforces attitudes and behaviours that value children and young people and a commitment to child safety, child wellbeing and cultural safety. This commitment is clear in duty statements, performance agreements and staff and volunteer review processes.
- \* Staff, volunteers, children and young people have a sound knowledge of children's rights, including their rights to feel safe and be heard, and the accountabilities that accompany these rights.
- \* Leaders promote sharing good practice and learnings about child safety and wellbeing.

## Principle 2

## Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.

This principle describes an organisational culture that supports children and young people to understand what child safety and wellbeing means. They are informed about their rights and responsibilities in an age appropriate way. They contribute and actively participate in building an organisational culture that is safe for them.

Children and young people know about the organisation's commitment to child safety and wellbeing and access relevant information and programs. They recognise safe environments and understand protective strategies. In such environments, children and young people feel comfortable participating in decisions and communicating their views and concerns. Ultimately, however, the responsibility for child safety and wellbeing in an organisation rests with the organisation and its workers.

Staff and volunteers value and respect children and young people's identity and culture, are comfortable and skilled in engaging with them, understand their developmental needs and build on children and young people's strengths and capacities.

### Key action areas:

- 2.1 Children and young people are informed about all of their rights, including to safety, information, and participation.
- 2.2 The importance of friendships is recognised and support from peers is encouraged, to help children and young people feel safe and be less isolated.
- 2.3 Where relevant to the setting or context, children may be offered access to sexual abuse prevention programs and to relevant related information in an age appropriate way.
- 2.4 Staff and volunteers are attuned to signs of harm and facilitate child-friendly ways for children to express their views, participate in decision-making and raise their concerns.

### Indicators that this principle is upheld:

- \* The organisation has programs and resources to educate children and young people on their rights including their right to safety and right to be listened to.
- \* The organisation is proactive in providing age appropriate platforms to regularly seek children and young people's views and encourage participation in decision-making.
- \* Staff and volunteers have a good understanding of children and young people's developmental needs.
- \* Opportunities for participating are documented and regularly reviewed.
- \* The organisational environment is friendly and welcoming for children and young people.
- \* Children and young people participate in decision-making in the organisation, including in relation to safety issues and risk identification.
- \* Children and young people can identify trusted adults and friends.
- \* Children and young people are informed about their roles and responsibilities in helping to ensure the safety and wellbeing of their peers.

## Principle

# 3

## Families and communities are informed, and involved in promoting child safety and wellbeing.

This principle outlines the range of ways an organisation can involve families and the community in its approach to child safety and wellbeing, relevant policies and practices and the provision of accessible information. This will help inform parents and carers about safeguarding children and young people and encourage their feedback and input. They will be empowered to speak up and drive conversations regarding child safety and wellbeing and how and when they can raise issues and concerns.

Families have the primary responsibility for the upbringing of their children, and are aware of their children's primary protective networks. There is wide variety in the structure of families, the role different family members may play in a child's life, their backgrounds and cultures. Families and carers are best placed to advise about their children's needs and capabilities and can inform organisations about practices and environments that are safe for them. In a safe environment, children, young people, family and community members feel that their culture and identity are respected.

### Key action areas:

- 3.1 Families participate in decisions affecting their child.
- 3.2 The organisation engages and openly communicates with families and the community about its child safe approach and relevant information is accessible.
- 3.3 Families and communities have a say in the development and review of the organisation's policies and practices.
- 3.4 Families, carers and the community are informed about the organisation's operations and governance.

### Indicators that this principle is upheld:

- \* The organisation is responsive to the needs of families and communities, including to cultural safety aspects.
- \* The organisation creates opportunities for families and communities to be involved in how the organisation operates, including encouraging their children's participation and feedback.
- \* The organisation has clear and accessible information for families and communities about the organisation's operations and policies, including child safety and wellbeing policy, Code of Conduct, record keeping practices and complaints and investigation processes.
- \* The organisation seeks feedback from families and communities on issues of child safety and wellbeing and incorporates this into their policies and practices.
- \* The organisation engages with and supports approaches that build cultural safety through partnerships and respectful relationships.



**Article 2 of the CRC: All children have rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, their sex or gender, what their culture is, whether they have disability, whether they are rich or poor.**

## Principle

# 4

## Equity is upheld and diverse needs respected in policy and practice.

This principle examines how recognition of children and young people's diverse circumstances enables an organisation to work in a more child centred way and empowers children and young people to participate more effectively. This builds an organisational culture that acknowledges the strengths and individual characteristics of children, and embraces all children regardless of their abilities, sex, gender, or social, economic or cultural background.

A welcoming organisation is one where all children and young people feel comfortable and where services are provided in culturally safe and inclusive ways. This reduces the risk of discrimination, exclusion, bullying and abuse.

### Key action areas:

- 4.1** The organisation, including staff and volunteers, understands children and young people's diverse circumstances, and provides support and responds to those who are vulnerable.
- 4.2** Children and young people have access to information, support and complaints processes in ways that are culturally safe, accessible and easy to understand.
- 4.3** The organisation pays particular attention to the needs of Aboriginal and Torres Strait Islander children, children with disability, children from culturally and linguistically diverse backgrounds, those who are unable to live at home, and lesbian, gay, bisexual, transgender and intersex children and young people.

### Indicators that this principle is upheld:

- \* The organisation has specific policies in place that promote equity and respect diversity for the safety and wellbeing of all children and young people.
- \* The organisation produces child-friendly material in accessible language and formats that promotes inclusion and informs all children and young people of the support and complaints processes available to them.
- \* Board members, employees and volunteers champion attitudes and behaviours that respect the human rights of all children and young people, and are inclusive, well informed and responsive to diverse needs.
- \* Board members, staff and volunteers reflect on how discrimination and exclusion, whether intentional or unintentional, may work against a safe and inclusive culture and they develop proactive strategies to address this.
- \* Staff and volunteers are trained to recognise and respond effectively to children and young people with diverse needs.



## Principle 5

# People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

This principle describes recruitment and staff development policies, including appropriate screening, that are a foundation of child safe organisations. This principle also includes induction training, understanding child safety responsibilities and cultural safety concepts, and appropriate supervision of staff and volunteers. Reporting obligations, training in record keeping and information sharing provide staff and volunteers with relevant practice tools to better safeguard children and young people.

### Key action areas:

- 5.1 Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasise child safety and wellbeing.
- 5.2 Relevant staff and volunteers have current working with children checks or equivalent background checks.
- 5.3 All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people, including record keeping, information sharing and reporting obligations.
- 5.4 Ongoing supervision and people management is focused on child safety and wellbeing.

### Indicators that this principle is upheld:

- \* The organisation emphasises its commitment to child safety and wellbeing when advertising for, recruiting and screening staff and volunteers.
- \* Duty statements, selection criteria and referee checks demonstrate children and young people are valued and respected, commitment to child safety and wellbeing, understanding of children's developmental needs and culturally safe practices.
- \* Employers, staff and volunteers in an organisation have completed background check requirements.
- \* Staff and volunteers understand the child safety policy and procedures of the organisation and meet their record keeping, information sharing and reporting responsibilities.
- \* Ongoing staff support, supervision and performance management processes involve child safety elements.
- \* The organisation maintains suitable record keeping systems and protocols for staff and volunteers.
- \* The organisation has a range of tools and processes to monitor and mitigate risk.

## Principle 6

### Processes to respond to complaints and concerns are child focused.

This principle provides guidance on how human resource management policies and practices and effective complaints management processes should be accessible, responsive to and understood by children and young people, families, staff and volunteers. Complaint management processes will be linked to the Code of Conduct and provide details about where breaches of the Code have occurred. Training will help staff and volunteers to recognise and respond to neglect, grooming and other forms of harm, provide appropriate support to children and young people in these instances and meet legal requirements. This includes training to assist in responding to different types of complaints, privacy considerations, listening skills, disclosures of harm and reporting obligations.

#### Key action areas:

- 6.1 The organisation has an accessible, child focused complaint handling policy which clearly outlines the roles and responsibilities of leadership, staff and volunteers, approaches to dealing with different types of complaints, breaches of relevant policies or the Code of Conduct and obligations to act and report.
- 6.2 Effective complaint handling processes are understood by children and young people, families, staff and volunteers, and are culturally safe.
- 6.3 Complaints are taken seriously, and responded to promptly and thoroughly.
- 6.4 The organisation has policies and procedures in place that address reporting of complaints and concerns to relevant authorities, whether or not the law requires reporting, and co-operates with law enforcement.
- 6.5 Reporting, privacy and employment law obligations are met.

#### Indicators that this principle is upheld:

- \* Staff and volunteers are well-informed about their roles and responsibilities, reporting and privacy obligations and processes for responding to disclosures. They feel empowered and supported to draw attention to breaches of the Code of Conduct within the organisation and to challenge these behaviours.
- \* The complaints handling policy prioritises the safety and wellbeing of children and young people and recognises the role of families and communities in understanding and using the policy.
- \* Policies and procedures demonstrate regard for fairness to all parties to a complaint or investigation including support and information as appropriate.
- \* Staff and volunteers have a good knowledge of the different ways children and young people express concerns or distress and disclose harm.
- \* Information about all complaints and concerns, including breaches of relevant policies or the Code of Conduct, is recorded and analysed, including in relation to processes, timeframes and record keeping practices. Systemic issues are identified and mitigated through this process.
- \* Children and young people know who to talk to if they are feeling unsafe and know what will happen.
- \* Timely feedback is provided to children and young people, families, staff and volunteers who raise concerns or complaints. This includes reporting back on incidents, concerns and complaints.

## Principle 7

# Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.

This principle emphasises the importance of information, ongoing education and training for staff and volunteers. Staff and volunteers build on their knowledge and skills and evidence-based practice tools through professional seminars and memberships, supervised peer discussions, team training days and access to research and publications. This ensures staff and volunteers develop awareness and insights into their attitudes towards children and young people, and have a contemporary understanding of child development, safety and wellbeing. They are able to identify indicators of child harm, respond effectively to children and young people and their families and support their colleagues. Staff and volunteers are able to respond in culturally appropriate ways to children and young people who disclose or show signs that they are experiencing harm inside or outside the organisation.

Staff and volunteers are trained in the rights of children and young people in relation to record keeping, and the possible uses and audiences for records that may be created.

### Key action areas:

- 7.1 Staff and volunteers are trained and supported to effectively implement the organisation's child safety and wellbeing policy.
- 7.2 Staff and volunteers receive training and information to recognise indicators of child harm including harm caused by other children and young people.
- 7.3 Staff and volunteers receive training and information to respond effectively to issues of child safety and wellbeing and support colleagues who disclose harm.
- 7.4 Staff and volunteers receive training and information on how to build culturally safe environments for children and young people.

### Indicators that this principle is upheld:

- \* The organisation provides regular opportunities to educate and train staff on child safety and wellbeing policies and procedures and evidence-based practice.
- \* The organisation provides a supportive and safe environment for staff and volunteers who disclose harm or risk to children and young people.
- \* Staff and volunteers receive training on the rights of children and young people in relation to records being created about children and young people and their use.
- \* Staff and volunteers recognise the range of indicators of child harm.
- \* Staff and volunteers respond effectively when issues of child safety and wellbeing or cultural safety arise.



## Principle 8

# Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.

This principle highlights that reducing the risk of harm in physical and online environments is an important preventative mechanism. Risk management strategies clarify potential risks where adult to child or child to child interactions occur, or where the physical environment is unsafe.

Technological platforms within organisations provide valuable tools in education, communication and help seeking. Risks associated with these platforms are minimised through all necessary means, including: education of children and young people, parents, staff and volunteers about expectations of online behaviour; the application of safety filters; and communication protocols.

### Key action areas:

- 8.1 Staff and volunteers identify and mitigate risks in the online and physical environments without compromising a child's right to privacy, access to information, social connections and learning opportunities.
- 8.2 The online environment is used in accordance with the organisation's Code of Conduct and child safety and wellbeing policy and practices.
- 8.3 Risk management plans consider risks posed by organisational settings, activities, and the physical environment.
- 8.4 Organisations that contract facilities and services from third parties have procurement policies that ensure the safety of children and young people.

### Indicators that this principle is upheld:

- \* The organisation's risk management strategy addresses physical and online risks, including risks arising from child to child and adult to child interactions and the state and nature of physical spaces.
- \* The organisation's policies promote the use of safe online applications for children and young people to learn, communicate and seek help.
- \* The organisation considers ways in which the physical environment might promote cultural safety.
- \* Staff and volunteers are proactive in identifying and mitigating physical and online risks.
- \* Staff and volunteers access and use online environments in line with the organisation's Code of Conduct and relevant communication protocols.
- \* Children and young people and their families are informed, in culturally appropriate ways, about the use of the organisation's technology and safety tools.
- \* Third party contractors for the provision of facilities and services have appropriate measures in place to ensure the safety and wellbeing of children and young people.

## Principle 9

### Implementation of the national child safe principles is regularly reviewed and improved.

This principle emphasises that child safe organisations seek to continuously improve their delivery of child safe services and their operations. They also conduct reviews to ensure that organisational policies and procedures, including record keeping practices, are being implemented by staff and volunteers. The participation and involvement of staff, volunteers, children and young people, families and community mentors in these reviews will strengthen the organisation's child safeguarding capacities. This includes the importance of reporting on the findings of reviews, and sharing good practice and learnings on a regular basis. Regular reviews ensure that organisations address new challenges or concerns that arise.

#### Key action areas:

- 9.1 The organisation regularly reviews, evaluates and improves child safe practices.
- 9.2 Complaints, concerns and safety incidents are analysed to identify causes and systemic failures so as to inform continuous improvement.
- 9.3 The organisation reports on the findings of relevant reviews to staff and volunteers, community and families and children and young people.

#### Indicators that this principle is upheld:

- \* The organisation seeks the participation of children and young people, parents and communities in its regular reviews of child safety and wellbeing policies, procedures and practices.
- \* Child safety and wellbeing indicators are included in documentation used for reviews.
- \* Review outcomes are considered and implemented to improve child safe practices.
- \* Regular analysis of complaints demonstrates improvement in child safe practices.



## Principle 10

### Policies and procedures document how the organisation is safe for children and young people.

This principle outlines the importance of organisations having a clearly documented child safety and wellbeing policy. This will ensure that all stakeholders, including organisational staff and volunteers, children and young people and their families and carers, are aware of how the organisation is planning to meet its obligations to create an environment that is safe for children. Partner agencies or organisations funded to provide services to children and young people should demonstrate adherence to child safety and wellbeing policies and practices.

Documenting policies and procedures ensures consistent application of child safe practices across the organisation. It also enables organisations to examine, through review processes, adherence to child safety and wellbeing principles and practices.

#### Key action areas:

- 10.1 Policies and procedures address all national child safe principles.
- 10.2 Policies and procedures are documented and easy to understand.
- 10.3 Best practice models and stakeholder consultation informs the development of policies and procedures.
- 10.4 Leaders champion and model compliance with policies and procedures.
- 10.5 Staff and volunteers understand and implement policies and procedures.

#### Indicators that this principle is upheld:

- \* The organisation's child safety and wellbeing policy is comprehensive and addresses all ten of these Principles.
- \* The organisation's child safety and wellbeing policy and procedures are documented in a language and format that is easily understood and accessible to staff, volunteers, families and children and young people.
- \* Audits of the organisation's policies and procedures provide evidence of how the organisation is child safe through its governance, leadership and culture.
- \* Practice within the organisation is consistent across the board and compliant with child safe policies and procedures, including culturally safe work practices.
- \* Interviews or surveys of children and young people, families and community members demonstrate confidence in and awareness of the organisation's policies and procedures on promoting a child safe culture.
- \* Surveys of executive, staff and volunteers demonstrate high levels of understanding of policies, procedures and practice requirements of the organisation.



The Australian Human Rights Commission was engaged by the Australian Government Department of Social Services to lead consultations and development of the National Principles for Child Safe Organisations. The goal is to build cultures in all organisational settings to advance the safety and wellbeing of children and young people.

Work continues with national sector organisations on the implementation of the National Principles and development of related resources.

For more information on Child Safe Organisations please go to:

<https://childsafes.humanrights.gov.au/>

Contact: [childsafes@humanrights.gov.au](mailto:childsafes@humanrights.gov.au)

For more information on the National Office for Child Safety go to:

<https://pmc.gov.au/domestic-policy/national-office-child-safety>

Contact: [nationalofficeforchildsafety@pmc.gov.au](mailto:nationalofficeforchildsafety@pmc.gov.au)





## APPENDIX 11.3.6C

This initiative is part of the WA Government's action to create a Safer WA for Children by implementing the recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse.

# Discussion paper on the implementation of child safety officers in local governments

Recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse

December 2020



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## 1. Background

### 1.1 Royal Commission into Institutional Responses to Child Sexual Abuse

The Royal Commission into Institutional Responses to Child Sexual Abuse (the Royal Commission (Royal Commission)) was established in response to allegations of child sexual abuse in institutional contexts that had been emerging in Australia for many years. The Royal Commission's Final Report<sup>1</sup> made 409 recommendations, with 310 applicable to the Western Australian State Government.

The recommendations of the Royal Commission emphasised that organisations working with children must be able to provide safe environments where the rights, needs and interests of children are met. The Royal Commission recommended a range of mechanisms to support child safe organisations, including 10 Child Safe Standards (rec 6.5), which organisations the standards should apply to (rec 6.9) and the role of an independent oversight body to monitor and enforce the standards (rec 6.10 and 6.11) to promote child safety across organisations and the role of child safety officers in local government (rec 6.12).

The Royal Commission also envisioned that the National Office for Child Safety (rec 6.16 and 6.17) would have a key role in collaborating with the Commonwealth, state and territory governments to support national consistency. It would do this by leading capacity building, continuous improvement of child safe initiatives through resources development, best practice material and evaluation. They also expected the National Office for Child Safety to promote participation and empowerment of children and young people.

### 1.2 National Principles for Child Safe Organisations

The Royal Commission defined child safe organisations as those which create cultures, adopt strategies and take actions to prevent harm to children, including child sexual abuse. The Royal Commission proposed 10 Child Safe Standards be adopted to foster child safety and wellbeing in organisations across Australia, as referenced above.

The Council of Australian Governments endorsed the National Principles for Child Safe Organisations (National Principles) in February 2019. The National Principles (Appendix 1) incorporate the 10 Child Safe Standards recommended by the Royal Commission, with a broader scope that goes beyond child sexual abuse to include all forms of abuse or potential harm to children.

### 1.3 What is happening in Western Australia to support implementation?

In Western Australia, the Royal Commission recommendations related to the National Principles are being led by the Department of Communities and the Department of the Premier and Cabinet in partnership with key government agencies and the Commissioner for Children and Young People (CCYP).

The Department of the Premier and Cabinet is leading the development of advice to the State Government on an independent oversight system, which will include the monitoring and enforcing of the National Principles for organisations engaged in child-related work. The Royal Commission was of the view that all organisations should strive to be child safe but

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<sup>1</sup> <https://www.childabuseroyalcommission.gov.au/final-report>

recommended that organisations providing the following services should be required to implement the National Principles:

- accommodation and residential services for children;
- activities or services under the auspices of a religious denomination;
- childcare or childminding services;
- child protection services;
- activities or services where clubs and associations have a significant involvement by children;
- coaching or tuition services for children;
- commercial services for children;
- services for children with a disability;
- education services for children;
- health services for children;
- justice and detention services for children; and
- transport services for children.

The Department of Communities is leading the implementation of the National Principles through a range of administrative and legislative levers such as funding agreements and regulatory frameworks. They are also providing support to government and non-government agencies to implement the National Principles in preparation for independent oversight.

Western Australia currently has a voluntary approach to the implementation of the National Principles focused on capacity building, led by CCYP, while options for legally requiring implementation are developed. CCYP has enabling legislation to raise awareness, provide capacity building and consult with children. In 2019, CCYP revised their child safe resources to align with the National Principles.

## 2. Role of local governments

The Royal Commission cited the fundamental role local governments play in assisting and resourcing communities across Australia, particularly in regional and remote areas where access to resources and services is often more limited than for their urban counterparts.

The Royal Commission highlighted the important roles local governments play in communities that impact on the safety of children including:

- providing services to children, for example libraries, swimming pools and childcare;
- providing spaces for community activities, for example halls, theatres and sports grounds;
- funding or contracting services;
- facilitating community education or outreach programs;
- regulating planning and development approvals, infrastructure and property services; and
- water and food inspection<sup>2</sup>.

The active role local governments take in community development and community safety, particularly roles that impact on child safety, was recognised as an opportunity to integrate their direct responsibilities to children with their wider role within the community. Local governments are recognised as well placed to support smaller organisations within their communities to implement the National Principles and create child safe environments.

Through this consultation process the State Government has two key aims:

- to develop a better understanding of the current role of local governments in promoting child safety and how the outcomes of this work are reported internally, to executive and to council; and
- to use this understanding of current work promoting child safety to inform development of an approach to meet recommendation 6.12 of the Royal Commission in implementing the child safety officer role.

### 2.1 Engagement with the local communities

As part of the response to this consultation process it would be useful for local governments to consider how to engage their local communities in relation to this issue. This active engagement can ensure that the community's expectations and the local government's outcomes and investment in child safety are well understood.

Local governments undertaking the required periodical review of their Integrated Planning and Reporting, may choose to include discussions on child safety as part of the engagement with the local community.

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<sup>2</sup> Final Report: Volume 6, Making institutions child safe, p.300

### 3. Child safety officers

Recommendation 6.12 of the Royal Commission recommended that, with support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

- a) developing child safe messages in local government venues, grounds and facilities;
- b) assisting local institutions to access online child safe resources;
- c) providing child safety information and support to local institutions on a need's basis; and
- d) supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

Child safety officers are intended to promote child safety within the organisation and support smaller community-based organisations providing services to children to create child safe environments. The role would be expected to support local staff and volunteers to build existing capacity around child safety within their organisations by providing information and assistance.

The Royal Commission's view was that a child safety officer proximate to services and local industries would be especially important in regional and remote areas, given these communities are known to routinely miss out on resources and access to services that are available in urban centres. In regional and remote communities, child safety officers could be a conduit for information.

The Royal Commission's view was that child safety officers should work closely with the independent state oversight body responsible for monitoring and enforcing the National Principles, as they would be well placed to support smaller organisations to understand how they can be child safe.

The intent of the Royal Commission is for local governments to identify where they already have existing staff who could fulfil a role of promoting child safety within the organisation and supporting smaller local organisations to develop capacity in this area. Local governments could create new positions to facilitate implementation of this role where desired and resourcing allows. Volume 6<sup>3</sup> and Volume 14<sup>4</sup> of the Royal Commission's Final Report provide this recommendation in detail.

Acknowledging the existing investment local governments make to promoting community safety, including child safety, the Royal Commission stated that local governments do not need to provide additional financial investment into implementing a child safety officer role and suggest that existing community safety positions within local governments could be expanded to align existing responsibility to strengthen child safety.

The following portfolios may have existing roles that could be considered for alignment with child safety responsibilities and it is recognised that significant work is already occurring in

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<sup>3</sup> [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_6\\_making\\_institutions\\_child\\_safe.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_6_making_institutions_child_safe.pdf)

<sup>4</sup> [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_14\\_sport\\_recreation\\_arts\\_culture\\_community\\_and\\_hobby\\_groups.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_14_sport_recreation_arts_culture_community_and_hobby_groups.pdf)

these areas within some local governments to promote child safety, as recommended by the Royal Commission:

- Community safety;
- Community and club development;
- Governance and risk;
- Communications; and
- Disability Access and Inclusion.

It is also recognised that not all local governments have existing community safety positions or have limited capacity to expand the functions of these roles to include child safety. In fulfilling the functions of the child safety officer role, it is recognised that local government staff will need access to appropriate training. Where local governments have limited resources to create child safety officer positions the Royal Commission suggested that state and territory governments may be able to provide assistance.

### 3.1 Functions of the child safety officer

The four key functions of child safety officers, recommended by the Royal Commission, are outlined below with suggestions as to how each function may look in practice. It is noted that some of these examples may represent work already occurring in many local governments.

#### a) Developing child safe messages in local government venues, grounds and facilities

Developing child safe messages in local government venues, grounds and facilities promotes the knowledge and understanding of child safety by community members. Public messaging promotes the rights of children to feel safe as well as increasing the understanding of child safety by staff, volunteers and community members and acting as a deterrent for those who may intend to cause harm to children.

To implement this function would include:

- Working with key stakeholders including CCYP and the Working with Children Screening Unit to ensure that nationally consistent child safe messages are identified for use in local governments' venues, grounds and facilities.
- Working with internal communication teams to print posters/signs outlining nationally consistent child safe messages for their various venues, grounds and facilities.

#### b) Assisting local institutions to access online child safe resources

Institutions in local communities such as sole traders (i.e. music teachers, tennis coaches), private and community organisations (i.e. arts, cultural, community, sport and recreation groups, clubs and associations) may require assistance to access online child safe resources.

To implement this function would include:

- Facilitating the inclusion of information about child safety on their local government website including links to online child safe resource created by CCYP and the National Office of Child Safety. This would be in line with the current practice of many local governments in providing information and a link to Kidsport<sup>5</sup> on their websites.

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<sup>5</sup> Kidsport is a scheme that enables low income families to participate in community sport through provision of financial assistance towards club fees).

- Signposting local government staff and local organisations to CCYP, the National Office of Child Safety, and other relevant resources on the local government's website.

Other local government resources may also assist in facilitating this function. Community Resource Centres and libraries provide physical access to computers and the internet, and library staff could provide support to access suitable online child safe resources. Community, Club Development and Community Safety Officers may signpost to online resources within newsletters.

#### c) Provide child safety information and support to local institutions on a need's basis

Child safety officers are expected to provide general advice around promoting child safety and the implementation of the National Principles within organisations. For some local governments this may include hosting workshops/seminars with external providers.

It is expected that child safety officers would be supported by relevant agencies, such as CCYP, the National Office of Child Safety, or in the case of child protection concerns, the Western Australia Police Force or Department of Communities in meeting this function.

While it is not the intention of the Royal Commission for local government child safety officers to be a direct point of contact for community members or staff seeking advice on child protection matters, it would be important for anyone in this role to have appropriate knowledge and understanding of child abuse and neglect, as well as local child safeguarding procedures, in order to provide appropriate information, guidance and signposting. It is important for the local government to consider what support mechanisms are in place, to ensure the wellbeing of child safety officers when dealing with these matters and what specific areas of training would be required to build upon existing skills and knowledge of staff.

#### d) Support local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds

Communities within local government areas differ based on social demographics. The needs of supporting children from diverse backgrounds will differ based on the local population.

To implement this function would include:

- Identifying needs within the local community and key services providing support in meeting these needs.
- Working collaboratively with local government staff, responsible for supporting disability inclusion and access and promoting the needs of Aboriginal and culturally diverse children, to provide advice and support to local organisations on implementing child safe approaches that are accessible and inclusive for children with diverse needs.
- Linking local institutions with key services, including disability advocacy services, Aboriginal family support services or professional interpreters.

## 4. Progress to date across jurisdictions

Information relating to implementation of the recommendation for local government child safety officers in each state/territory is outlined below. The National Office for Child Safety intends to work with the Australian Local Government Association to develop a plan for implementation at a national level.

Jurisdiction	Action to date
Western Australia	Accepted in principle. The Department of Communities is leading implementation of child safety officers in partnership with the Department of Local Government, Sport and Cultural Industries. The Department of the Premier and Cabinet is leading the development of advice to the State Government on an independent oversight system.
Victoria	Accepted in principle. Volume 6 of the Final Report identifies that a rural city council in Victoria has appointed two child safety officers to help prevent and respond to concerns of abuse.  With the Victorian Government's support, Vicsport provides a 'helpdesk', which delivers assistance and advice to state sporting associations, regional sport assemblies, regional academies of sport, clubs and associations to assist them with cultural change, policy development, change management and communications to meet obligations in Victoria's Child Safe Standards.
New South Wales	Accepted in principle.
Australian Capital Territory	Accepted in principle. No reported progress.
Northern Territory	Accepted in principle. No reported progress.
Queensland	Listed for further consideration. The Queensland Government notes this recommendation is primarily the responsibility of the local government sector. The Queensland Government notes there are likely to be resource implications associated with implementing this recommendation, particularly for smaller remote, rural and Indigenous local governments, and will collaborate with the local government sector to identify the best way to support local institutions.
South Australia	Noted. This recommendation is seen to be the responsibility of local governments and is outside the scope of the South Australian Government's response to the Final Report
Tasmania	Accepted in principle. The Tasmanian Government agreed to work with the Local Government Association to progress this work.

## 5. Process for consultation with the local government sector

### Phase 1 – Endorsement of consultation process (complete)

September 2020

The Department of Communities and the Department of Local Government, Sport and Cultural Industries developed a proposed consultation process, which was shared, discussed and endorsed with the Local Government Professionals of Western Australia's (LG Pro) Community Development Network on 1 October 2020. The paper was also shared with the leadership group of the Western Australian Local Government Association's (WALGA) Local Government Community Safety Network for comment and feedback.

### Phase 2 – Consultation process (in progress)

December 2020 – April 2021

This discussion paper was developed by the Department of Communities and the Department of Local Government, Sport and Cultural Industries, in consultation with the Department of the Premier and Cabinet, CCYP and WALGA. It will be distributed to individual local governments through WALGA and LG Pro by Wednesday, 2 December 2020, with feedback required from individual local governments and peak bodies by Close of Business on Friday, 2 April 2021.

The State Government will facilitate presentations for local governments on the discussion paper via webinar on Monday, 14 December 2020 and Thursday, 4 February 2021. The webinars will be presented by the Department of Communities and the Department of Local Government, Sport and Cultural Industries with support from WALGA and LG Pro. To register your interest please email [childsafeguarding@dlqsc.wa.gov.au](mailto:childsafeguarding@dlqsc.wa.gov.au) prior to each webinar.

This consultation process aligns with the consultation on the design of the independent oversight system, which includes the monitoring and enforcing of the National Principles. Between November 2020 and February 2021, feedback is being sought from organisations likely to be impacted by the independent oversight and broader community stakeholders on particular elements of the system and how they will work. The local government sector is encouraged to provide feedback through the dedicated consultation webpage <http://www.wa.gov.au/independent-oversight-system-consultation>.

It is recommended that local government officers seek a position in relation to both consultation issues, child safety officers and the independent oversight system, from their respective councils during the consultation period to inform the organisation's feedback. Each local government should then respond individually to the consultation questions with specific feedback relevant to their geographical context.

### Phase 3 – Presentation of policy position and guidance on implementation

April – June 2021

The consultation findings from this discussion paper will inform a draft report by Friday, 7 May 2021. The draft report will outline the State Government's proposed implementation of recommendation 6.12 and provide guidance as to how local governments can implement the role of child safety officers, including what support will be needed.

The draft report will be shared with WALGA, LG Pro, the Department of the Premier and Cabinet and CCYP for comments and feedback before being made publicly available and distributed to the local government sector as a final report by Friday, 4 June 2021.

## 6. Consultation questions

Responses to consultation questions are due to the Department of Communities by Close of Business on Friday, 2 April 2021. Responses can be emailed to [csaroyalcommission@communities.wa.gov.au](mailto:csaroyalcommission@communities.wa.gov.au).

- 1) Please specify which local government you are responding on behalf of.

Click or tap here to enter text.

- 2) What is your role within the organisation?

Click or tap here to enter text.

- 3) Please consider each of the functions of a child safety officer and the three accompanying questions for each.

### ***a) Developing child safe messages in local government venues, grounds and facilities;***

In what ways is this function already being delivered within your local government and by which existing role/s and portfolio/s?

Click or tap here to enter text.

In what ways can this existing work be built upon to implement the function, as recommended by the Royal Commission?

Click or tap here to enter text.

What supports or training might be needed to achieve full implementation of this function?

Click or tap here to enter text.

### ***b) Assisting local institutions to access online child safe resources***

In what ways is this function already being delivered within your local government and by which existing role/s and portfolio/s?

Click or tap here to enter text.

In what ways can this existing work be built upon to implement the function, as recommended by the Royal Commission?

Click or tap here to enter text.

What supports or training might be needed to achieve full implementation of this function?

Click or tap here to enter text.

**c) *Providing child safety information and support to local institutions on a need's basis;***

In what ways is this function already being delivered within your local government and by which existing role/s and portfolio/s?

Click or tap here to enter text.

In what ways can this existing work be built upon to implement the function, as recommended by the Royal Commission?

Click or tap here to enter text.

What supports or training might be needed to achieve full implementation of this function?

Click or tap here to enter text.

**d) *Supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.***

In what ways is this function already being delivered within your local government and by which existing role/s and portfolio/s?

Click or tap here to enter text.

In what ways can this existing work be built upon to implement the function, as recommended by the Royal Commission?

Click or tap here to enter text.

What supports or training might be needed to achieve full implementation of this function?

Click or tap here to enter text.

- 4) Please specify any additional feedback in relation to the proposed implementation of child safety officers within Western Australia.

Click or tap here to enter text.

## 7. Further information and resources

### Contact information

Please contact any of the State Government representatives below to discuss queries relating to this paper or the consultation process.

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Manager Royal Commission Implementation Team  
Strategy and Partnerships  
Department of Communities  
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### Resources

Further detail about the National Principles and resources relating to their implementation in organisations can be found on the websites listed below.

The Commissioner for Children and Young People Western Australia's website has a range of resources related to implementation of the National Principles, as well as links to provide information, resources and practical examples on each of the 10 National Principles.

<https://www.cryp.wa.gov.au/our-work/child-safe-organisations-wa/>

The National Office for Child Safety provides further resources to help organisations, children and young people, parents and carers learn about the National Principles and how they should be used.

<https://childsafety.pmc.gov.au/what-we-do/national-principles-child-safe-organisations>

A Working with Children Check is a compulsory screening strategy in Western Australia and one strategy to keep children safe. The website includes a range of resources including creating a child safe organisation through recruitment and staff management.

<https://workingwithchildren.wa.gov.au/about/safeguarding-children>

## Appendix 1:

### National Principles for Child Safe Organisations

1. Child safety and wellbeing is embedded in organisational leadership, governance and culture.
2. Children and young people are informed about their rights, participate in decisions affecting them and are taken seriously.
3. Families and communities are informed and involved in promoting child safety and wellbeing.
4. Equity is upheld and diverse needs respected in policy and practice.
5. People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.
6. Processes to respond to complaints and concerns are child focused.
7. Staff and volunteers are equipped with the knowledge, skills and awareness to keep children and young people safe through ongoing education and training.
8. Physical and online environments promote safety and wellbeing while minimising the opportunity for children and young people to be harmed.
9. Implementation of the national child safe principles is regularly reviewed and improved.
10. Policies and procedures document how the organisation is safe for children and young people.

The Australian Human Rights Commission was engaged by the Australian Government Department of Social Services to lead consultations and development of the National Principles for Child Safe Organisations. The goal is to build cultures in all organisational settings to advance the safety and wellbeing of children and young people.

A full description of the National Principles can be found at:

[National Principles for Child Safe Organisations \(humanrights.gov.au\)](https://www.humanrights.gov.au/national-principles-for-child-safe-organisations)