City of
Bayswater

Minutes

Ordinary Council Meeting

28 March 2023

By signing these minutes I certify that they were confirmed at the Ordinary Council Meeting held on Wednesday, 26 April 2023 by resolution of Council

_____
CR FILOMENA PIFFARETTI, MAYOR
CHAIRPERSON

Meeting Procedures

1. All Council meetings are open to the public, except for matters dealt with under 'Confidential Items'.

2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a City Staff Member.

3. Members of the public may ask a question during 'Public Question Time'.

4. Meeting procedures are in accordance with the City's *Standing Orders Local Law 2021*.

5. To facilitate smooth running of the meeting, silence is to be observed in the public gallery at all times, except for 'Public Question Time'.

6. Persons are not permitted to record (visual or audio) at the Council meeting without prior approval of the Council.

7. Council meetings will be livestreamed in accordance with the resolution of 24 August 2021. Images and voices may be captured and streamed. If you have any issues or concerns regarding the live streaming and recording of meetings, please contact the City's Governance team.

8. In the event of an emergency, please follow the instructions of City of Bayswater Staff.

City of Bayswater
61 Broun Avenue
Morley WA 6062

Postal Address:
PO Box 467
Morley WA 6943

www.bayswater.wa.gov.au

Telephone: 08 9272 0622
FAX: 08 9272 0665

Email: mail@bayswater.wa.gov.au

City of
Bayswater

Council Chambers
Seating Plan

Jeremy Edwards
CEO

Cr Filomena Piffaretti
Mayor

Cr Giorgia Johnson

Cr Assunta Meleca

Cr Lorna Clarke

Cr Steven Ostaszewskyj

Agendas and Minutes Officer

Cr Dan Bull

Cr Sally Palmer

Cr Elli Petersen-Pik

Cr Josh Eveson

Cr Catherine Ehrhardt
Deputy Mayor

Cr Michelle Sutherland

Des Abel,
DCD

Doug Pearson,
DMPCA

Alan Ferris,
A/DCS

Luke Botica,
DWI

Press

Gallery

Nature of Council's Role in Decision Making

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

City of Bayswater Standing Orders Local Law 2021

6.9 DEPUTATIONS

(1) Allowance has been established for deputations to be heard at Agenda Briefing Forums the week prior to the Ordinary Council Meeting by any person or group wishing to be received. A deputation may be heard at the Council meeting, Agenda Briefing Forum or a Committee meeting open to the public at the discretion of Council, and the deputee is to either-

(a) apply, before the meeting, to the CEO for approval and can be considered in both a verbal and written format;

(b) with the approval of the Presiding Member, at the meeting; and-

(c) are to be received by 1.30pm on the day of the forum receiving the deputation.

(2) Upon receipt of a request for a deputation the CEO must refer the request to the relevant Council meeting, Agenda Briefing Forum or a Committee meeting.

(3) Unless the Presiding Member allows, a deputee invited to attend the meeting is not to address the meeting for a period exceeding 5 minutes.

(4) Unless given leave by the Presiding Member, only two members of the deputation may address the meeting, although others may respond to specific questions from Members.

(5) For the purposes of this clause, unless Council, Agenda Briefing Forum or the Committee determines otherwise, a deputation is taken to comprise all those people either in favour of, or opposed to, the matter which is the subject of the deputation.

(6) Unless Council, Agenda Briefing Forum or the Committee resolves otherwise, any matter which is the subject of a deputation to the Council, Agenda Briefing Forum or a Committee open to the public is not to be decided by Council, Agenda Briefing Forum or the Committee until the deputation has completed its presentation.

(7) The Presiding Member may require deputations to leave the meeting while other deputations are being heard in relation to that matter.

(8) A member of the public who makes a deputation is to state his or her name and address, however only the name will be published in the minutes.

AGENDA

1 OFFICIAL OPENING 8
2 ACKNOWLEDGEMENT OF COUNTRY 8
3 ANNOUNCEMENTS FROM THE PRESIDING MEMBER 8
4 ATTENDANCE 8
4.1 Apologies 9
4.2 Approved Leave of Absence 9
4.3 Applications for Leave of Absence 9
5 DISCLOSURE OF INTEREST SUMMARY 10
6 PUBLIC QUESTION TIME 10
6.1 Responses to Public Questions Taken on Notice 11
6.2 Public Question Time 11
7 CONFIRMATION OF MINUTES 15
7.1 Ordinary Council Meeting 15
8 PRESENTATIONS 15
8.1 Petitions 16
8.2 Presentations 16
8.3 Deputations 16
8.4 Delegates Reports 17
8.4.1 Cr Johnson - WALGA Urban Forest Conference 17
9 METHOD OF DEALING WITH AGENDA BUSINESS 19
10 REPORTS 21
10.1 Chief Executive Officer Reports 21
10.1.1 Review of Health Local Laws 2001 21
10.2 Corporate and Strategy Directorate Reports 247
10.2.1 Financial Reports for the Period Ended 28 February 2023 247
10.2.2 List of Payments for the Month of February 2023 275
10.2.3 Investment Report for the Period Ended 28 February 2023 289
10.2.4 2022/23 Statutory Mid-Year Budget Review 295
10.3 Works and Infrastructure Directorate Reports 303
10.3.1 EMRC Council Meeting Minutes - 23 February 2023 303
10.4 Community and Development Directorate Reports 306
10.5 Major Projects and Commercial Activities Directorate Reports 307
10.5.1 Proposed Temporary Road Closure - Railway Parade, Bayswater 307
10.6 Sub Committee Reports 333
10.6.1 Skate and Bike Development Advisory Committee Meeting - 20 February 2023 333

10.6.1.1 SABDAC Member Resignation 333
10.6.1.2 Skate/Scooter/BMX Facility Bookings 337
10.6.2 Inclusion and Diversity Advisory Committee - 23 February 2023 342
10.6.2.1 Access and Inclusion Plan 2020 - 2024 Progress Report - September 2022 to January 2023 342
10.6.3 Audit and Risk Management Committee - 7 March 2023 363
10.6.3.1 Project EDEN 363
10.6.3.2 2022 Annual Compliance Audit Return 382
10.6.3.3 Financial Sustainability Review - Audit 413
10.6.3.4 Risk Management Framework and Policy Review 491
10.6.3.5 City of Bayswater Integrity Framework 536
10.6.3.6 Quarterly Performance Review - Audit - Qtr. 2 - 2022/23 559
10.6.3.7 Quarterly Performance Review - Risk Management - Qtr. 2 - 2022/23 567
10.6.3.8 Quarterly Performance Review - Corporate - Qtr.2 - 2022/23 635
10.6.3.9 Debtors Write-Off 669
10.6.4 Policy Review and Development Committee - 13 March 2023 672
10.6.4.1 New Policy: Payment to Employees in Addition to a Contract or Award 672
10.6.4.2 New Policy: Electronic Attendance 679
10.6.4.3 Policy Review: Anniversary Recognitions Policy 693
10.6.4.4 Policy Review: Corporate Credit Card 699
10.6.4.5 Policy Review: Sundry Debt Collection and Recovery Policy 713
10.6.4.6 New Policy: Extended Street Verge Policy 725
11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 730
11.1 Cr Josh Eveson - Bayswater Industrial Area (BIA) 730
11.2 Cr Giorgia Johnson - City of Bayswater Actions that could be Implemented to Prevent Future Gas Connections to Residential Properties. 733
11.3 Cr Elli Petersen-Pik - Permitting more than One Tree per Verge 735
12 QUESTIONS FROM MEMBERS WITHOUT NOTICE 737
12.2 Question From Members Without Notice 737
13 NEW BUSINESS OF AN URGENT NATURE 739
13.1 Motions for the 2023 National General Assembly of Local Government 739
14 MEETING CLOSED TO THE PUBLIC 766
14.1 Matters for Which the Meeting May be Closed 766
14.1.1 Aged Care Asset Divestment Committee - 2 March 2023 766
14.1.1.1 Business Plan for Major Land Transaction 766

14.1.1.2 Update on Divestment of Mertome Gardens.....768
14.1.2 Morley Sport and Recreation Centre Management Agreement Negotiations.....769
14.1.3 Deed of Variation - Land ID 3134776.....770
14.2 Public Reading of Resolutions that May be Made Public.....771
15 CLOSURE.....771

Minutes of the Ordinary Council Meeting of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Tuesday 28 March 2023.

1 Official Opening

The Presiding Member, Filomena Piffaretti, Mayor, declared the meeting open at 7:00pm.

2 Acknowledgement of Country

In accordance with the City of Bayswater's Reflect Reconciliation Action Plan November 2019- November 2020, the Presiding Member will deliver the Acknowledgement of Country.

Noongar Language

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.

English Language Interpretation

We acknowledge the Traditional Custodians of the Land, the Whadjuk people of the Noongar Nation, and pay our respects to Elders past, present and emerging.

3 Announcements From The Presiding Member

4 Attendance

Members

North Ward
Cr Filomena Piffaretti, Mayor (Presiding Member)
Cr Josh Eveson
Cr Michelle Sutherland

Central Ward
Cr Assunta Meleca
Cr Sally Palmer
Cr Steven Ostaszewskyj

South Ward
Cr Catherine Ehrhardt, Deputy Mayor
Cr Elli Petersen-Pik

West Ward
Cr Dan Bull
Cr Lorna Clarke
Cr Giorgia Johnson

Officers

Mr Des Abel	A/Chief Executive Officer
Mr Doug Pearson	Director Major Projects and Commercial Activities
Mr Alan Ferris	A/Director Corporate and Strategy
Ms Amanda Albrecht	Manager Governance, Organisational Planning and Development
Ms Karen D'Cunha	Coordinator Governance
Ms Rebecca McKrill	Governance Officer
Ms Linda McIntosh	Elected Member Support Officer
Mr Alex Barker	A/Coordinator Tree Services
Mr Brett Wright	Manager Parks & Gardens
Ms Julia Hendley	A/Manager Recreation and Commercial Activities
Mr Bryce Coelho	Principal Engineer Major Projects
Ms Julie-Ann Gray	Manager Community Development
Ms Lauren Biagioni	Coordinator Waste Resource Recovery
Mr Krisna Wardana	Assistant Manager

Observers

Press - 0
Public - 4

4.1 Apologies

Mr Jeremy Edwards	Chief Executive Officer
Luke Botica	Director Works and Infrastructure

4.2 Approved Leave of Absence

Councillor	Date of Leave	Approved by Council
Cr Filomena Piffaretti, Mayor	18 March 2023 to 27 March 2023	Ordinary Council Meeting 28 February 2023
Cr Michelle Sutherland	16 March 2023 to 20 March 2023	Ordinary Council Meeting 28 February 2023

4.3 Applications for Leave of Absence

COUNCIL RESOLUTION

That Leave of Absence be granted as follows:

Cr Lorna Clarke from 2 April 2023 to 23 April 2023 inclusive;
Cr Elli Petersen-Pik from 11 April to 19 April 2023 inclusive; and
Cr Michelle Sutherland from 14 April 2023 to 17 April 2023 inclusive.

Cr Sally Palmer Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY: 11/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.***

Against: ***Nil.***

5 Disclosure of Interest Summary

In accordance with section 5.65 of the *Local Government Act 1995* (WA):

A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by the 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.

The following disclosures of interest were made at the meeting:

Name	Item No.	Type of Interest	Nature of Interest
Cr Lorna Clarke	10.5.1	Proximity	My house is opposite the proposed area for change
Cr Lorna Clarke	11.1	Impartial	I know via the Labor Party, the Ministers referred to in the Notice of Motion
Cr Lorna Clarke	11.2	Financial	My employer, the Economic Regulation Authority (ERA) deals with gas connection
Cr Lorna Clarke	14.1.1.1	Impartial	Someone who is known to me is moving to a property identified in the report.
Cr Josh Eveson	10.2.1	Impartial	I am a committee member to the Morley Windmills Sports Club who are named in the report for a grant application.
Cr Josh Eveson	10.5.1	Proximity	My residence will be impacted by the proposed bus route.
Cr Steven Ostaszewskyj	10.2.1	Impartial	I am a member of the Morley Windmills Sports Club that leases the facility referenced in the report.
Cr Catherine Ehrhardt	10.6.3.2	Impartial	I am indirectly mentioned in the attached CAR responses as I am the Councillor that self-reported to the Department.
Cr Michelle Sutherland	10.5.1	Proximity	I own property in the area that is included in the alternative motion

6 Public Question Time

In accordance with the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *City of Bayswater Standing Orders Local Law 2021* the following procedures relate to public question time:

1. A member of the public who raises a question during question time, is to state his or her name and address.
2. Each member of the public with a question is entitled to ask up to 3 questions.
3. The minimum time to be allocated for public question time is 15 minutes.
4. Questions from the public must relate to a matter affecting the local government. Questions relating to matters of business listed on the agenda will be considered

in the first instance, followed by questions relating to Council business not listed on the agenda.

5. A summary of each question raised by members of the public at the meeting and a summary of the response to the question will be included in the minutes of the meeting.
6. Where a question is taken on notice at the meeting, a summary of the response to the question will be provided in writing to the member of public and included in the agenda for the following meeting.

6.1 Responses to Public Questions Taken on Notice

David Dyke - Maylands

Question 1

Can somebody direct me to where the stats are kept as to how many cats and foxes are trapped each month?

Response 1

The City currently undertakes trapping in natural areas on a bi-annual basis. Trapping is due to occur in April 2023 in natural areas.

Officers will create a dedicated page on the Engage Bayswater website, to provide up to date information on the outcomes of the program.

John Monaco - Bedford

Question 1.

What is the cost to the City of Bayswater of the Reconciliation Advisory Committee?

Response 1

The cost to the City to engage with the Reconciliation Advisory Committee regarding the Australia Day Citizenship ceremony date is approximately $525.

6.2 Public Question Time

Public Question Time commenced at 7:05pm.

The following questions were submitted both in writing/verbally:

Nirmal Singh - Embleton

Question 1 – Item 11.2

What prompts these motions to prevent and restrict the City's future residents' freedom to choose the source of energy of their requirement, convenience and economic suitability? If today's motions aims to restrict future resident's choices, can this motion not be extended to take away the right of City's ratepayers who have existing gas connections? Can future motions prevent or restrict City's ratepayers from using of other energy sources, like electricity, the fuel for their cars, etc.?

Response 1

The City currently has no direct involvement in the connection of private buildings to the gas network as a part of the local government planning/building framework and application processes. In the event a property does not have an existing gas connection the property owner can apply directly to the supplier to have a connection installed without the City's involvement.

Question 2

In the agenda for the Policy Review and Development Committee of 13 March 2023, the Officer's Recommendation states that

"Providing the cost is no more than 5 basis points and the associated risks within those limits provided in this policy then preference can be given to those Authorised Deposit-Taking Institutions not involved with investing or lending to the fossil fuel industry."

The City also acknowledges that the interest earnings from investment will have an impact on the City's finances. Further, the draft Long Term Financial Plan 2023-32 rate setting statement predicts the City will face its highest deficit at the end of 2023-24, reaching more than $3.1 million. Why is the City continuing with this divestment policy that is hurting the City's earnings and puts a higher financial burden on the City's ratepayers, especially in the current economic conditions?

Response 2

The policy is due for further review which will address this issue. To date only a very small percentage of funds are placed with those ADI's that are listed as not funding the fossil fuel industry due to other policy constraints, so the impact to date is considered negligible.

Question 3

How much is the financial impact of implementing this policy from putting 0.5% into 4% of the actual investment of $99,000,000 and is there a cap of that it will not go beyond 4, 5 or even 10%?

Response 3

Mr Alan Ferris, A/Director Corporate and Strategy advised, when we review the policy we will look into that. The issue around the 5 basis points was based on previous feedback in terms of the investment policy. The committee has requested that we review that, which we will, and we will look at any modelling as part of that review.

Question 4

The Reconciliation Advisory Committee (RAC) is responsible for the implementation of actions contained within the City's Reconciliation Action Plan. The Committee comprises 11 members (4 Councillors and 7 Other Members). The RAC meeting on 14 September 2022, was attended by only 4 members. 3 Councillors and 1 Community Member. It appears that the quorum requirements under section 5.19 of the LG Act were not met

- **Why did the Presiding Member not adjourn the meeting if the quorum was not met?**
- **What is the sanctity of the meeting and the validity of its decision taken without quorum as required by the applicable legislation?**
- **How many other such Council or its sub-committee meetings have progressed without requisite quorum?**

Response 4

This question was taken on notice.

Question 5

The eligibility of the Reconciliation Advisory Committee reads that *"up to seven community members who satisfy one or more of the following criteria"* among others *"identify as a person of Aboriginal and Torres Strait Islander descent".* Would I be eligible for membership of this committee if I identify as a person of Aboriginal descent?

Response 4

Yes, under the current Committee Terms of Reference external members of the Committee must satisfy one or more of the criteria. Council determines the membership of the Reconciliation Advisory Committee. The City invites members of the community to respond with an expression of interest to become a member of the Reconciliation Advisory Committee, assesses applications and recommends the membership of community members to Council to determine. As part of the assessment, the City may request confirmation of Aboriginal and/or Torres Strait Heritage.

Harry Bouzidis - Miranda
Item 10.6.4.1

Question 1

If this policy is adopted, would the CEO would have the authority to pay a disgruntled employee who threatens to take legal action, up to 6 months pay or a poor performing employee, up to 3 months pay as a settlement?

Response 1

Mr Alan Ferris, A/Director Corporate and Strategy advised that potentially, yes, this policy does give the CEO the authority to potentially make a payment under this policy.

This policy has come from an audit recommendation which essentially says the City doesn't have a policy in place to deal with disputes where sometimes the remedy may be better to pay a settlement rather than go through a long legal process that could cost the City more money than the settlement payment.
My understanding is that there's been very little need or use of this policy in the past but the policy will provide a mechanism for the City should it be in the best interest of the City and the employee.

Question 2

I'm concerned that the mentioned examples can be seen as a "golden handshake" to expedite the removal of underperforming staff members. Is it reasonable to expect that if performance management processes are followed, that significant and unnecessary rewards for poor service can be avoided?

Response 2

Mr Alan Ferris, A/Director Corporate and Strategy responded yes, and I would agree that the onus is on the managers, directors and leaders within the organisation to be clear about the expectations we have of our staff and that we appropriately performance manage people. Ensuring we've got processes in place where we are continually measuring their performance and if there is performance issues, then we deal with those. We don't want to get into a situation where the last resort would be to pay a settlement, it's a much better culture to work with your staff to ensure maximum output.

Question 3

Do we need this new policy if management are doing their job right?

Response 3

Mr Alan Ferris, A/Director Corporate and Strategy agreed that the City strives for a culture where staff are actively performance managing employees and following the process in place and if the process is followed then it should stand up to scrutiny, however, this isn't always the case and this policy allows that mechanism where that process hasn't happened.

At 7:22pm Cr Filomena Piffaretti, Mayor, acknowledged the attendance of the Deputy Lord Mayor of the City of Perth, Cr Liam Gobbert.

Harvey Tonkin
Item 10.6.4.1

Question 1

In relation to the questions from Mr Bouzidis, how do ratepayers know that the management will go through the processes, do that work, and that this policy is right?

Response 1

Mr Alan Ferris, A/Director Corporate and Strategy advised as in any business, we have management practices that we follow in terms of the management of our staff and they are in place to ensure that we monitor performance of staff and to be clear about expectations. All staff are aware of that and the staff that have a management or supervisory responsibility are required to conduct performance reviews with staff on an annual basis, there may be instances where staff get feedback more regularly about their performance.

As I said earlier this policy hopefully won't have to be used and that we have appropriately managed instances of poor performance but the policy has been put in place as a result of an audit finding that allows the mechanism for that to happen but hopefully used as a last resort.

Question 2

Is there a policy to cover the work routine that management have to go through to check that staff are performing?

Response 2

Cr Filomena Pifferatti, Mayor replied that the Director has advised that there is a management practice in place.

Liam Gobbert, Deputy Lord Mayor, City of Perth

Question 1

Following the distribution of anti-LGBTQIA+ pamphlets concerning drag story time at the Maylands Library, can the City affirm its commitment to being a local government welcoming of those identifying as part of the gender diverse community, what it currently does to support the LGBTQIA+ community, and if future drag story times will be supported by the City?

Response 1

Cr Filomena Piffaretti, Mayor replied the City of Basywater promotes inclusion and values diversity in our community. Last year the City appointed its first LGBTQIA+ representatives on its Inclusion and Diversity Advisory Committee.

This is an important step towards promoting equality and equal opportunity for people who identify as LGBTQIA+ in our community and reflects our wonderfully diverse community.
For the past two years the City has supported PrideWA's Pridefest by hosting a range of events here in Bayswater.
The feedback the City has received about its Drag Queen Storytime has been overwhelmingly positive.
Drag Queen Storytime encourages early literacy and a love of books while celebrating the differences that make us unique. The sessions promote inclusiveness and recognise the diversity that exists in our community.
I understand the City intends to continue running its Drag Queen Storytime sessions and as you would know, this is an operational decision.

Bayswater is a place where everyone can feel safe and diversity is valued and respected.

Question 2

Is the City aware that the disgraceful material being distributed under the guise of shielding children from adult content, is nothing more than an attack on the LGBTQIA+ community and a performer who does not present this adult material to children, and will the City commit to alerting WA Police of hate crime material being distributed in its district?

Response 2

Cr Filomena Piffaretti, Mayor advised that she spoke with Cougar Morrison today about the impact the events that took place over the weekend had on them. She supports them raising their concerns directly with the WA Police should they so wish to.

Public Question time closed at 7:28pm.

7 Confirmation of Minutes

7.1 Ordinary Council Meeting

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

The Minutes of the Ordinary Council Meeting held on 28 February 2023 which have been distributed, be confirmed as a true and correct record.

Cr Steven Ostaszewskyj Moved, Cr Assunta Meleca Seconded

CARRIED UNANIMOUSLY: 11/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.***

Against: ***Nil.***

8 Presentations

8.1 Petitions

Nil.

8.2 Presentations

Nil.

8.3 Deputations

Deputations are to be heard at the Agenda Briefing Forum at ***7:00pm*** on ***Tuesday 21 March 2023,*** in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley.

The following deputations were heard at the Agenda Briefing Forum at ***7:00pm*** on ***Tuesday 21 March 2023***, in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley:

1. 10.5.1 Proposed Temporary Road Closure
In relation to Item 10.5.1, Linda Slater was in attendance, speaking in opposition to the officer's recommendation (refer page 299).

2. 10.5.1 Proposed Temporary Road Closure
In relation to Item 10.5.1, Vince Crea submitted a **written deputation** in opposition to the officer's recommendation (refer page 299).

3. 10.5.1 Proposed Temporary Road Closure
In relation to Item 10.5.1, Greg Da Rui submitted a **written deputation** in opposition to the officer's recommendation (refer page 299).

4. 10.5.1 Proposed Temporary Road Closure
In relation to Item 10.5.1, Paul Shanahan submitted a **written deputation** in opposition to the officer’s recommendation (refer page 299)

8.4 Delegates Reports

8.4.1 Cr Johnson - WALGA Urban Forest Conference

Responsible Directorate:	Office of the Chief Executive Officer
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority Required
Attachments:	Nil

SUMMARY

For Council to note the Delegate's Report completed by Cr Giorgia Johnson after attending the WALGA Urban Forest Conference on 17 February 2023.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council:

Notes the Delegates Report from Cr Johnson for attending the WALGA Urban Forest Conference on 17 February 2023.

Cr Giorgia Johnson Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY: 11/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.***

Against: ***Nil.***

REPORT

Cr Johnson attended the WALGA Urban Forest Conference on 17 February 2023 at a cost of $220 inclusive of GST.

KEY CONFERENCE TOPICS

The loss of urban green space and native vegetation is an important issue for the Local Government sector, particularly in urban areas. Reduced canopy cover impacts on public amenity, human health, and biodiversity, and leads to increases in average local temperatures creating urban heat islands.

WALGA works with the Local Government sector to build capacity to maintain and grow healthy urban forests. The WALGA Urban Conference 2023 *Valuing Canopy* is a full day focused on the significance of green space for health and wellbeing and explore the critical role in mitigating and adapting our urban environments in the face of climate impacts.

Bringing together thought leaders that challenge the status quo, the conference will showcase innovative approaches to incorporating green space into built environment and planning and policy interventions from across Australia.

Local Government, State Government, academics, community leaders and environment, planning, development and design professionals share best practice examples and latest research to drive

meaningful canopy outcomes to add environmental, social and economic value for local communities.

CR JOHNSON'S COMMENTS

The sold out WALGA Urban Forest Conference was a meeting of minds and a consensus on the urgent necessity to both increase our tree canopy and stop its decline, for cooling and for health. Bayswater was well represented with Council, City staff and community members in attendance. Other attendees included The Hon Reece Whitby MLA, Kim Giddens MLA, Lisa O'Malley MLA, WALGA President Karen Chappel and CEO Nick Sloan, local government Mayors, Presidents, Councillors and staff, tree advocates, sustainability professionals and arborists.

The opening address from Reece Whitby MLA, Minister for the Environment & Climate Action, was a challenge to us all: He said that we have a terrible record on the Swan Coastal Plain for species loss and spoke about the value of an urban environment with positive social and economic benefits. He said we can do development better, with roads and houses positioned to preserve mature trees. Subdivision approvals sit with the state government and I urge them to Stop the Chop.

The message loud and clear from the conference was that State Government and its utilities, particularly Main Roads WA, needs to do more on tree protection. The Minister also lauded residential developments without gas connections. We know we have to stop burning fossil fuels. One mechanism to achieve this may be the DEWR led SERS, Sectoral Emissions Reduction Strategies, to ensure WA's pathways to achieve net zero greenhouse gas emissions, or it might be via planning or more direct action.

The issue of gas connections to new developments was raised by Renée McLennan, Bassendean Deputy Mayor, last year and immediately rejected by WALGA's State Council. I think it's time.

We also heard:

- From Dr Brad Pettit MLC that WA has the weakest (almost non-existent) protections in the country for trees on private land and the lowest proportion of the population living in leafy suburbs, defined as more than 20% canopy. He said that LG's shouldn't have to fight for canopy planning scheme by planning scheme.
- From Josh Byrne of Josh's House, a brilliant advocate and communicator, that our cities are both food deserts and biological deserts, and of the value of deciduous trees in developments, particularly on the north, for winter warming and solar. He was at the recent COP27 in Egypt and said we won't meet the 1.5-degree target, but have the resources to adapt and mitigate. He said we know what to do and urgently need demonstration projects to build capacity. I like to think that Bayswater's Urban Forest, coming soon to Riverside Gardens, is one awesome demonstration project.
- That the City of Sydney has identified 30% as the minimum canopy for both mental and physical health and cooling. Sydney has had automatic protections on trees over 5m since the 1979 Green Bans. With the same number of street trees as Bayswater, Sydney has put serious organisational support, personnel and money into increasing canopy from 15.5% in 2008 to 19.8% in 2022, spending $2.5m to plant and maintain just 1,000 trees and mapping for future targets and social equity of canopy. The City of Bayswater has a different approach, uses smaller trees with a high survival rate, has radically increased its planting and has a new target of 20% by 2030 with interim targets of 16% by 2025 and 18% by 2027. But it's a battle…
- Mark Irwin, Mayor said that the City of Stirling had increased their canopy by 120.5ha on council land and also lost 135.5ha canopy on private land.
- Barbara Gdowski on the work by Government Architect Rebecca Moore, also chair of the State Design Panel. We heard about greenwashing Babylonian renders, that tree retention is non-existent, guidelines are not enforceable, no large trees are being designed for or planted, planting on structure just has no effect and tree targets are not being met. I

understood that our decision makers should include landscape architects and ask questions about Deep Soil Area suitable for trees in the long term.
- From Grey Coupland about densely planted, biodiverse Miyawaki (pocket) forests.
- To finish, we heard from WAPC chair David Caddy that the soon to be released design guidelines for medium density residential will have protections for significant trees. This announcement was greeted with applause.

ELECTED MEMBER CONFERENCE, TRAVEL AND TRAINING REGISTER

The Elected Member Conference, Travel and Training Register has been updated to reflect the attendance at the above conference by Cr Johnson.

The courses were funded from Cr Johnson's allowance in accordance with the Elected Members Attendance at Conferences, Seminars, Training and Professional Development Policy.

CONCLUSION

Cr Johnson has provided the above delegates report to Council to note the attendance at recently held conference.

9 Method of Dealing With Agenda Business

With the exception of items identified to be withdrawn for discussion, the remaining reports will be adopted by exception (enbloc).

An adoption by exception resolution may not be used for a matter:

(a) in which an interest has been disclosed;

(b) that has been the subject of a petition or deputation;

(c) that is a matter on which a Member wishes to make a statement; or

(d) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

Withdrawn items:

10.1.1 A member wished to make a statement.
10.2.1 Absolute Majority Required, a member wished to make a statement and an interest was disclosed.
10.2.4 Absolute Majority Required and a member wished to make a statement.
10.3.1 A member wished to make a statement.
10.5.1 A member wished to make a statement, an interest was disclosed and this item was subject to deputations.
10.6.1.1 A member wished to make a statement.
10.6.1.2 A member wished to make a statement.
10.6.3.2 An interest was disclosed.
10.6.3.3 A member wished to make a statement.
10.6.4.1 A member wished to make a statement.
10.6.4.2 A member wished to make a statement.
10.6.4.3 A member wished to make a statement.
10.6.4.4 A member wished to make a statement.
11.1 An interest was disclosed.
11.2 An interest was disclosed.
14.1.1.1 A member wished to make a statement and an interest was disclosed.
14.1.1.2 A member wished to make a statement.

14.1.2 A member wished to make a statement.
14.1.3 Absolute Majority Required and a member wished to make a statement.

COUNCIL RESOLUTION

That item 10.5.1 which was subject to deputations, be brought forward to the beginning of section 10 for discussion before resuming the order of business as set out in the agenda.

Cr Steven Ostaszewskyj Moved, Cr Elli Petersen-Pik Seconded

CARRIED UNANIMOUSLY: 11/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.***

Against: ***Nil.***

10 Reports

10.1 Chief Executive Officer Reports

10.1.1 Review of Health Local Laws 2001

Responsible Branch:	Governance, Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Current City of Bayswater Health Local Laws 2001 [**10.1.1.1** - 64 pages] 2. Proposed Draft City of Bayswater Health Local Law 2023 [**10.1.1.2** - 76 pages] 3. Marked up copy with changes of City of Bayswater Health Local Law [**10.1.1.3** - 79 pages]
Refer:	Item 10.1.2 OCM: 23.08.2022

SUMMARY

The purpose of this report is to progress the review of the City's *Health Local Laws 2001*, and to ensure compliance with the local law review process set out in the *Local Government Act 1995* ('the Act').

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council:

1. **Notes the intention of making a new *Health Local Law 2023* under the *Local Government Act 1995.***

2. **Approves the proposed draft *Health Local Law 2023* as contained in Attachment 2 to this report; and**

   (a) **Approves local public notice of the proposed draft *Health Local Law 2023*, in accordance with section 3.12 of the *Local Government Act 1995*.**

3. **Notes that following the passing of the above resolution, the Mayor is to give notice to the meeting of the purpose and effect of the proposed new *Health Local Law 2023.***

Purpose:	**The purpose of the *Health Local Law 2023* is to provide for the regulation of issues that may adequately affect public health or otherwise cause a nuisance within the City of Bayswater.**
Effect:	**The effect of the *Health Local Law 2023* is to prescribe obligations and requirements that apply to the owners or occupiers of land in order to reduce unacceptable risks to public health or undue effects on the amenity of surrounding residents within the City of Bayswater.**

PROCEDURAL REQUIREMENT NO VOTE REQUIRED

Cr Giorgia Johnson Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY: 11/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.***

Against: ***Nil.***

NOTE: Following the passing of the above resolution, the Mayor gave notice to the meeting of the purpose and effect of the proposed *Health Local Law 2023*.

BACKGROUND

At the Ordinary Council Meeting on 23 August 2022 Council resolved a procedural motion as follows:

"That Council:

In accordance with clause 11.6 of the City of Bayswater Standing Orders Local Law 2021, this item be referred to a Councillor Workshop"

The current City of Bayswater *Health Local Laws 2001* were published in the Government Gazette on 10 December 2001 and are the principal local laws for regulating health matters within the City. The City's current *Health Local Laws 2001* also previously contained the *Health (Eating Houses) Local Law 2001* and the *Health (Itinerant Food Vendors) Local Laws 2001.* These were repealed in 2009, following the rollout of the *Food Act 2008* and subsidiary legislation.

Health local law amendments were published in the Government Gazette on 14 August 2007 and 7 September 2007, which related to the keeping of poultry, pigeons and caged birds and some other minor amendments.

Given the age of the current health local laws, some of the provisions are considered to be either outdated, not practical or have been replaced by other legislation.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter, however this report recommends to commence the public comment period for 50 days, which is in accordance with the WALGA Local Law Model.

OFFICER'S COMMENTS

The City's *Health Local Laws 2001*, were originally created under the *Health Act 1911*, which is now known as the *Health (Miscellaneous Provisions) Act 1911.*

The City commenced a review of its *Health Local Laws 2001* in 2016, however was advised by the WA Department of Health at the time that it may be prudent to wait until the final stage of the new *Public Health Act 2016* rollout, given that there were no significant issues identified with the local laws at the time.

It is understood that during this final stage, the WA Department of Health will work with local governments to develop new health local laws to cover matters that remain unregulated under the new *Public Health Act 2016* and subsidiary legislation. However, the final stage of the *Public Health Act 2016* rollout has been postponed several times as a result of COVID-19 and at this point in

time it is uncertain when this will occur. As the City has recently identified some issues with the administration of the existing *Health Local Laws 2001,* it would be beneficial to address these issues in the meantime.

Also, as the *Health (Miscellaneous Provisions) Act 1911* will be repealed at the time that the entire *Public Health Act 2016* comes into effect, the City could take the opportunity to create the new health local laws under the *Local Government Act 1995,* to align with future requirements.

Some local governments have, or are in the process of developing new health local laws under the *Local Government Act 1995;* these include:

- City of Albany
- City of Belmont
- Shire of Cunderdin
- City of Gosnells
- Shire of Manjimup.

Current issues identified

The following issues have been identified within the City's existing *Health Local Laws 2001:*

- Restrictions on the keeping of poultry – the keeping of poultry is currently not permitted on lots with sizes below 500 square metres, regardless of how the poultry are being kept and the setback distances from the owners' house and neighbouring properties.
- Restrictions on the keeping of bees – a formal approval is currently required from the City for the keeping of up to two bee-hives on a residential property.
- Waste related matters – there is a duplication of requirements between the City's *Health Local Laws 2001* and *Waste Local Law 2020*.
- Penalty provisions – the current penalties under the City's *Health Local Laws 2001* are not contemporary and do not act as a deterrent (i.e. a first offence is between $100 and $1,000 and daily penalties are between $50 and $100).
- Title changes – the local laws currently refer to officer titles which have since been updated.

Key changes for the proposed Health Local Law 2023

A number of key amendments were initially proposed within the City's draft *Health Local Law 2023* and these included the below matters.

Creation of new Local Laws under the *Local Government Act 1995*

The City's existing *Health Local Laws 2001* were created under the *Health Act 1911.* This legislation - also known as the *Health (Miscellaneous Provisions) Act 1911* will be repealed at the time that the *Public Health Act 2016* comes into effect. Therefore, the creation of new Health Local Laws under the *Local Government Act 1995* (LG Act) will help minimise any disruptions with the administration of this legislation. It is expected that a further review will be necessary once the rollout of the *Public Health Act 2016* has been completed.

Title changes

Clause 1.3

The *Health Local Laws 2001* refer to a Principal Environmental Health Officer and also relevant acting positions. It is proposed that the definition of a Principal Environmental Health Officer be amended to accurately reflect current titles.

Waste management

Part 4 – Waste Food and Refuse

It is proposed that waste provisions which are adequately captured within the *Waste Local Laws 2020* and other legislation are not included within the City's new *Health Local Law 2023*.

Keeping of poultry

Clause 5.19

It is proposed that the minimum lot size requirement of 500 square metres be removed and that residents with a residential lot size of up to 599 square metres be able to keep up to nine poultry on the property (and one per 100 square metres thereafter, up to a total of 20), provided that they comply with the required setbacks and conditions for the keeping of poultry, to minimise any risks to public health.

Keeping of bees

Clause 6.29

It is proposed that the requirement to seek written approval from the City to keep up to two bee-hives on a property be removed. The local laws already provide conditions for the keeping of hives on a property and for the City to deal with any nuisance issues that may arise. The requirement for a written approval in this instance places an additional administration burden on the applicant and the City and does not help promote bee populations within the community.

Penalties

Clause 10.2

It is proposed that the penalties be increased to a $5,000 maximum and a daily penalty of up to $500. These amounts are considered to be more contemporary and better aligned with other recent pieces of legislation.

Councillor Workshop

A Councillor Workshop was held on 14 February 2023, to discuss the proposed changes and invite discussion on the extent of the City's Health Local Laws review and the different options available, given the rollout of the *Public Health Act 2016.*

The following three options were presented:

- Undertake a minor review now and a further review when the *Public Health Act 2016* is fully rolled-out (Option one).
- Undertake a full review now (Option two).
- Wait until the *Public Health Act 2016* is fully rolled-out (Option three).

In addition to the proposed changes mentioned above, there was discussion on the following:

Part 2 – Nuisance and General Division 2 – Keeping of Animals

- City officers mentioned that there had been requests for the keeping of miniature pigs in previous years.
- It was discussed that there are no true breeds of miniature pigs in Australia and that keeping pigs in a residential area would not be appropriate.

Part 3 – Housing and General

- Concerns were raised about public health issues associated with the use of rooms in holiday accommodation.
- City staff advised that the Health Local Laws contain specific requirements for lodging houses.

Part 5 – Nuisances and General - Clause 5.5 – Prohibition Against Spitting

- It was raised how spitting in the street could be controlled? and how would people know that this is an offence?
- The City's staff explained that this has not been a significant matter in recent times, however an educational approach would be taken in the first instance (i.e. if it is prevalent in a particular area, some signage may be used) and then monitoring would need to be undertaken if the City was to take further action against an offender under this legislation.

Part 6 – Pest Control - Clause 6.20 – Restrictions on the Sale or Keeping of Rats

- It was suggested that the restriction should not apply to certain species of rats.
- City staff advised that this would be looked into as part of the review.

Part 6 – Pest Control - Clause 6.29 Restrictions on Keeping of Bees in Hives

- It was suggested that the water source for bees be kept cool and in a shaded area.
- City officers mentioned that the WA Apiarist's Society "Best-Practice Guidelines for Urban Beekeeping" is intended to be adopted and this has specific requirements for the provision and placement of a water source for bees.

Outcomes of Councillor Workshop

The following outcomes were confirmed from the Councillor Workshop:

1. Pursue option one – undertake a minor review now and a further review when the *Public Health Act 2016* comes into effect, taking into consideration feedback from Councillors.

2. Refer the updated review of the Health Local Laws to an Ordinary Council Meeting for further consideration in March or April 2023.

Councillors were invited to provide additional feedback in the weeks following the workshop.

Below is some of the additional feedback received:

- There should be consistency with the number of poultry and pigeons/ cage-birds permitted on a property (currently 24 poultry and 20 cage-birds are permitted).
- Consider ratios for the keeping of poultry on a property (i.e. m^2 /bird).
- The reference to "Council" under Infectious disease should be changed to "Local Government".
- Remove "wrapping tightly" from Section 6.3 to account for FOGO bins.
- References to "his" should be replaced with "their" or another gender-neutral term.
- Amend minor typographical errors which have resulted from the conversion of the original document into an editable format.
- There should be more flexibility for keeping chickens and bees, but with appropriate measures to deal with mistreatment or resulting nuisances.

- Focus on managing rats and mice.
- Consideration should be given to the impacts of climate change.

Feedback obtained from the Councillor workshop (and in the weeks following the workshop) has been considered and where possible incorporated into the City's proposed draft *Health Local Law 2023* as per **Attachment 2.**

A summary of the changes and considerations is provided below:

- Beekeepers will be required to register their beehives with the Department of Primary Industries and Regional Development and keep them in accordance the WA Apiarist's Society "Best-Practice Guidelines for Urban Beekeeping".
- The number of poultry and cage-birds that can be kept on a property will both be 20 to ensure consistency. This is not expected to have a material impact, given the existing lot sizes within the City and the lot size required (>1600m2) to keep more than 20 poultry.
- The number of poultry permitted on a property is proposed to be nine for a lot size up to 599m2 and then remain at one per 100m2 of land thereafter. These numbers, together with the existing keeping of poultry requirements (i.e. the setbacks, enclosure size and roosting area m2/bird) will enable greater flexibility, while ensuring that public health standards are still maintained. Any further changes to lot sizes and poultry numbers may impact those already keeping poultry and would require a further detailed review to assess the appropriateness and potential public health impacts.
- The proposed local law has been updated to address typographical errors and terminology that is no longer considered appropriate.
- The section relating to rodents has been updated to exclude native animals and update the requirements for the keeping of these animals.
- The issue of climate change has been kept in consideration during the review of the local laws. Further consideration will also be given during the subsequent major review which will occur when the Public Health Act 2016 has been fully rolled-out.
- The toilet requirements for outdoor festivals has been removed as this is covered under the *Health (Public Building) Regulations1992* and associated guidelines.

LEGISLATIVE COMPLIANCE

Section 3.12 of the *Local Government Act 1995* sets out the procedure for making local laws, including public notices and gazettal.

Section 3.17 of the above Act sets out the procedure in which a local law may be amended or repealed.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low

Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The City recommends that Council resolves to approve the *Health Local Law 2023* to be advertised for public comment. This option is considered to present low risks as it meets the procedural requirements for Council to initiate a review of the current *Health Local Laws 2001.* Council may also wish to amend or include additional clauses within the preliminary draft of the proposed *Health Local Law 2023* prior to advertising for public comment. The associated risks will be dependent on what amendments are made. Caution should also be exercised in making substantial amendments to the proposed local law as it cannot exceed the authority granted by the Act and subsidiary regulations.	

FINANCIAL IMPLICATIONS

The approximate cost of making the local law would be $4,000, which includes public notices in the local newspaper (Perth Now) and the West Australian Newspaper to comply with the legislative requirements and final gazettal in the Government Gazette.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Leadership and Governance
Goal L4:	Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

Following on from the recent Councillor Workshop It is recommended that Council resolves to approve the draft *Health Local Law 2023* to be advertised for public comment. By reviewing this local law now this will also ensure that the City is compliant with the eight year review period.

The proposed local law will ensure that staff have adequate statutory authority to continue addressing public health matters within the City of Bayswater, while the *Public Health Act 2016* and subsidiary legislation continue to be rolled-out.

Western Australia

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH LOCAL LAWS 2001

HEALTH (EATING-HOUSES) LOCAL LAWS 2001

HEALTH (ITINERANT FOOD VENDORS) LOCAL LAWS 2001

Consolidated Version
Gazette Ref: *No. 240* 10/12/01
Gazette Ref: *No. 163* 14/07/07
Gazette Ref: *No 183* 7/09/07

Local Law review undertaken October 2007 – no amendments

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH LOCAL LAWS 2001

ARRANGEMENT

PART 1—PRELIMINARY

1.1 Citation
1.2 Repeal
1.3 Interpretation

PART 2—SANITATION

Division 1—Sanitary Conveniences

2.1 Interpretation
2.2 Dwelling House
2.3 Premises other than a Dwelling House
2.4 Outdoor Festivals
2.5 Toilets
2.6 Temporary Works
2.7 Maintenance of Sanitary Conveniences and Fittings
2.8 Ventilation of Toilets
2.9 Public Sanitary Conveniences
2.10 Lighting
2.11 Installation

Division 2—Bathrooms, Laundries and Kitchens

2.12 Bathrooms
2.13 Laundries
2.14 Washing or Keeping of Clothes in Kitchens
2.15 Kitchens
2.16 Floor of Wet Areas

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Dwelling Houses

3.1 Dwelling House Maintenance
3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

Division 2—Ventilation of Houses

3.3 Exemption for Short Term Hostels and Recreational Campsites
3.4 Overcrowding
3.5 Calculation of Sufficient Space
3.6 Ventilation
3.7 Sub-Floor Ventilation

Division 3—Water Supply

3.8 Water Supply
3.9 Rain water tanks
3.10 Wells
3.11 Pollution

Division 4—Second-hand Furniture, Bedding and Clothing

3.12 Prohibition on Sale
3.13 Prohibition of Possession

Division 5—Morgues

3.14 Licensing of Morgues

PART 4—WASTE FOOD AND REFUSE

Division 1—Liquid Refuse

4.1 Interpretation
4.2 Deposit of Liquid Refuse

Division 2—Disposal of Refuse

4.3 Interpretation
4.4 Prescribed Area—Section 1 12A of the *Health Act 1911*
4.5 Receptacles
4.6 Exemption
4.7 Use of Receptacles
4.8 Damage to Receptacles
4.9 Use of Other Containers
4.10 Suitable Enclosure
4.11 Deposit of Refuse
4.12 Removal of Rubbish or Refuse from Refuse Disposal Site
4.13 Removal of Rubbish from Premises or Receptacles
4.14 Burning Rubbish or Refuse
4.15 Removal of Rubbish from Building Sites

Division 3—Transport of Butchers' Waste

4.16 Interpretation
4.17 Restriction of Vehicles
4.18 Transport of Butchers' waste

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1 Interpretation
5.2 Footpaths etc. to be Kept Clean
5.3 Escape of Smoke etc.
5.4 Public Vehicles to be Kept Clean
5.5 Prohibition Against Spitting
5.6 Transportation, Use and Storage of Offal or Blood
5.7 Use or Storage of Fertiliser
5.8 Storage and Despatch of Artificial Fertiliser
5.9 Storage of Fertiliser

Division 2—Keeping of Animals

5.10 Cleanliness
5.11 Animal Enclosures
5.12 Slaughter of Animals
5.13 Disposal of Dead Animals

Division 3—Keeping of Large Animals

5.14 Interpretation
5.15 Stables
5.16 Proximity of Animals to a Dwelling House
5.17 Manure Receptacles

Division 4—Keeping of Poultry, Pigeons and Cage-birds

5.18 Interpretation
5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds
5.20 Conditions of Keeping Poultry
5.21 Roosters
5.22 Conditions of Keeping Pigeons and Other Cage-birds
5.23 Removal of Non-conforming Structure or Enclosure
5.24 Restrictions on Pigeon Nesting, Perching and Feeding

Division 5—Car Parks

5.25 Interpretation
5.26 Ventilation
5.27 Exhaust Air Discharge Points and Exhaust Registers
5.28 Car Park Attendant Booths

PART 6—PEST CONTROL

Division 1—Flies

6.1 Interpretation
6.2 Fly Breeding Matter not to be left on Premises Unless Covered or Treated
6.3 Measures to be Taken by an Occupier
6.4 Officer may Give Notice Directing Measures to be Taken
6.5 Local government may Execute Work and Recover Costs

Division 2—Mosquitoes

6.6 Interpretation
6.7 Premises to be Kept Free of Mosquito Breeding Matter
6.8 Measures to be Taken by an Owner or Occupier
6.9 Measures to be Taken by Occupier
6.10 Removal of Undergrowth or Vegetation
6.11 Filling in Excavations etc.
6.12 Drains, Channels and Septic Tanks
6.13 Drainage of Land
6.14 Swimming Pools

Division 3—Rodents

6.15 Interpretation
6.16 Measures to be Taken to Eradicate Rodents
6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles
6.18 Restrictions on Materials Affording Harbourage for Rodents
6.19 Food Premises to be Cleaned After Use
6.20 Restrictions on the Sale or Keeping of Rats

Division 4—Cockroaches

6.21 Interpretation
6.22 Measures to be Taken to Eradicate Cockroaches

Division 5—Argentine Ants

6.23 Interpretation
6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

Division 6—European Wasps

6.25 Interpretation
6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

Division 7—Bee Keeping

6.27 Interpretation
6.28 Limitation on Numbers of Hives
6.29 Restrictions on Keeping of Bees in Hives
6.30 Bees which cause a Nuisance not to be Kept

Division 8—Arthropod Vectors of Disease

6.31 Interpretation
6.32 Responsibility of the Owner or Occupier

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

7.1 Environmental Health Officer may Visit, Inspect and Report
7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest
7.3 Environmental Health Officer may Disinfect or Disinfest Premises
7.4 Insanitary Houses, Premises and Things
7.5 Medical Officer may Authorise Disinfecting
7.6 Persons in Contact with an Infectious Disease Sufferer
7.7 Declaration of Infected House or Premises
7.8 Destruction of Infected Animals
7.9 Disposal of a Body
7.10 Local government may Carry out Work and Recover Costs

Division 2—Disposal of Used Condoms and Needles

7.11 Disposal of Used Condoms
7.12 Disposal of Used Needles

PART 8—LODGING HOUSES

Division 1—Registration

8.1 Interpretation
8.2 Lodging House not to be Kept Unless Registered
8.3 Application for Registration
8.4 Approval of Application
8.5 Renewal of Registration
8.6 Notification upon Sale or Transfer
8.7 Revocation of Registration

Division 2—Construction and Use Requirements

8.8 General Construction Requirements
8.9 Sanitary Conveniences
8.10 Laundry
8.11 Kitchen
8.12 Cooking Facilities
8.13 Dining Room
8.14 Lounge Room
8.15 Fire Prevention and Control
8.16 Obstruction of Passages and Stairways
8.17 Fitting of Locks
8.18 Restriction on Use of Rooms for Sleeping
8.19 Sleeping Accommodation-Short Term Hostels and Recreational Camp sites
8.20 Furnishing etc. of Sleeping Apartments
8.21 Ventilation
8.22 Numbers to be Placed on Doors

Division 3—Management and Care

8.23 Keeper or Manager to Reside in the Lodging House
8.24 Register of Lodgers
8.25 Keeper Report
8.26 Certificate in Respect of Sleeping Accommodation
8.27 Duplicate Keys and Inspection
8.28 Room Occupancy
8.29 Infectious Diseases
8.30 Cleaning and Maintenance Requirements
8.31 Responsibilities of Lodgers and Residents
8.32 Approval for Storage of Food

PART 9—OFFENSIVE TRADES

Division 1—General

9.1 Interpretation
9.2 Consent to Establish an Offensive Trade
9.3 Notice of Application
9.4 Registration of Premises
9.5 Certificate of Registration
9.6 Conditions of Consent for an Offensive Trade
9.7 Directions
9.8 Other Duties of Occupier
9.9 Change of Occupier
9.10 Alterations to Premises
9.11 Occupier Includes Employee

Division 2—General Duties of an Occupier

9.12 Interpretation
9.13 Cleanliness
9.14 Rats and Other Vectors of Disease
9.15 Sanitary Conveniences and Wash Basins
9.16 Painting of Walls etc
9.17 Effluvia, Vapours or Gases
9.18 Offensive Material
9.19 Storage of Materials
9.20 Specified Offensive Trades
9.21 Directions
9.22 Other Duties of Occupier

Division 3—Fish Processing Establishments

9.23 Interpretation
9.24 Fish Preparation Room
9.25 Disposal of Waste

9.26 Fish Containers
9.27 Cooking of Fish
9.28 Fly Screening
9.29 Use of an Approved Portable Box
9.30 Fish Transport Vehicle

Division 4—Fat Rendering Premises

9.31 Interpretation
9.32 Exhaust Ventilation
9.33 Covering of Apparatus
9.34 Rendering of Walls

Division 5—Flock Factories

9.35 Interpretation
9.36 New and Used Materials
9.37 Collection and Removal of Dust
9.38 Building Requirements
9.39 Unclean Rags
9.40 Bedding and Upholstery

Division 6—Laundries, Dry Cleaning Establishments and Dye Works

9.41 Interpretation
9.42 Receiving Depot
9.43 Reception Room
9.44 Walls and Floors
9.45 Laundry Floor
9.46 Escape of Dust
9.47 Precautions Against Combustion
9.48 Trolleys
9.49 Sleeping on Premises

Division 7—Manure Works

9.50 Interpretation
9.51 Storage of Manure
9.52 Emission of Dust, Offensive Odours and Noxious Effluvia
9.53 Prevention of Nuisances During Transit

PART 10—OFFENCES, PENALTIES, FEES AND EXPENSES

10.1 Offences
10.2 Penalties
10.3 Fees
10.4 Expenses

SCHEDULES OF FORMS AND FEES

Schedule Number	Description
1.	Application for Registration of a Lodging House
2.	Certificate of Registration of a Lodging House
3.	Notice of Change of Owner of a Lodging House
4.	Register of Lodgers
5.	List of Lodgers
6.	Certificate of Sleeping Accommodation
7.	Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments
8.	Application for Licence of a Morgue
9.	Certificate of Licence of a Morgue
10.	Application for Consent to Establish an Offensive Trade
11.	Application for Registration of Premises for Offensive Trade
12.	Certificate of Registration of Premises for Offensive Trade

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH LOCAL LAWS 2001

Made by the Council of the City of Bayswater under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

PART 1—PRELIMINARY

1.1 Citation

These local laws may be cited as the "City of Bayswater Health Local Laws 2001".

1.2 Repeal

(1) The Health Local Laws adopted by the City of Bayswater and published in the *Government Gazette* on 24 January 1919, and amended from time to time, are repealed.

(2) The Health Local Laws adopted by the City of Bayswater and published in the *Government Gazette* on 20 April 1945, and amended from time to time, are repealed.

(3) The Health Local Laws adopted by the City of Bayswater on 29 October 1956 and published in the *Government Gazette* on 13 February 1957, and amended from time to time, are repealed.

(4) The Health Local Laws adopted by the City of Bayswater on 8 April 1964 and published in the *Government Gazette* on 21 July 1964, and amended from time to time, are repealed.

1.3 Interpretation

(1) In these Local Laws, unless the context otherwise requires—

"Act" means the *Health Act 1911* and includes subsidiary legislation made under the *Health Act 1911;*

"adequate supply of water" means a flow of water of not less than 4.56 litres per minute;

"approved" means approved by the Principal Environmental Health Officer;

"AS" means Australian Standard published by the Standards Association of Australia;

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

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer;

"Council" means the Council of the City of Bayswater;

"district" means the district of the City of Bayswater and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

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

"Environmental Health Officer" means an Environmental Health Officer appointed by the local government under the Act;

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

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sun-room; but

(b) excludes a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

"house" in these Local Laws shall be the same as the definition given in Part 1 Section 3 of the *Health Act 1911;*

"hot water" means water at a temperature of at least 75 degrees Celsius;

"local government" means the City of Bayswater;

"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the local government to the office of Principal Environmental Health Officer and includes an Acting Principal Environmental Health Officer;

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

"sanitary convenience" includes urinals, water-closets, latrines, sinks, baths, showers, wash troughs, apparatus for the treatment of sewage or other receptacle for the deposit of faecal matter and urine and all similar conveniences;

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

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

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

"toilet" means a water closet, latrine or urinal and includes a room or cubicle in which one or more of these is located;

"water" means drinking water within the meaning of the Guidelines for Drinking Water Quality In Australia—1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister from time to time; and

"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these Local Laws, a duty or liability is imposed on an "owner or occupier", the duty or liability shall be deemed to be imposed jointly and severally on each of the "owner or occupier".

(3) Where under these Local Laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

(4) These Local Laws shall be construed subject to the limits of the power of the Council of the City of Bayswater and so as not to exceed that power to the intent that where any provision of these Local Laws, but for this clause, would be construed as being in excess of that power, it shall nevertheless be valid to the extent to which it is not in excess of that power.

(5) Save where defined herein, where words and phrases used in these Local Laws are defined or used in the *Health Act 1911*, those words and phrases have the same meaning unless the context otherwise requires.

PART 2—SANITATION

Division 1—Sanitary Conveniences

2.1 Interpretation

In this Part, unless the context otherwise requires—

"festival" includes a fair, function or event;

"organiser" means a person—

(a) to whom approval has been granted by the Council or the local government to conduct the festival; or

(b) responsible for the conduct of the festival;

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

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

(a) patrons in conjunction with a festival; or

(b) employees at construction sites or the like.

2.2 Dwelling House

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have lighting in accordance with the requirements of the Building Code.

2.3 Premises other than a Dwelling House

(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless—

(a) the premises have sanitary conveniences in accordance with the Building Code and this Part;

(b) the toilets required by these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have handbasins—

(i) in accordance with the Building Code;

(ii) for the use of persons employed or engaged on the premises;

(iii) provided with an adequate supply of water supplied by taps located over each basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that—

(a) clean toilet paper is available at all times in each cubicle;

(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and

(c) each handbasin is provided with—

(i) an adequate supply of soap or other hand cleaning substances; and

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

2.4 Outdoor Festivals

(1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale—

(a) for the first 1,000 males—

(i) one water closet for each 333;

(ii) one urinal stall for each 100; and

(iii) one handbasin for each 500;

(b) for additional males—

(i) one water closet for each 500;

(ii) one urinal stall for each 100; and

(iii) one handbasin for each 500;

(c) for the first 1,000 females—

(i) one water closet for each 77; and

(ii) one handbasin for each 500; and

(d) for additional females—

(i) one water closet for each 100; and

(ii) one handbasin for each 500.

(2) Where, under subsection (1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.

(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.

2.5 Toilets

Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements—

(a) toilets for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling;

(b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

2.6 Temporary Works

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

2.7 Maintenance of Sanitary Conveniences and Fittings

(1) The occupier of premises shall—

(a) keep clean, in good condition and repair; and

(b) whenever required by an Environmental Health Officer, effectively disinfect and clean,

all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall—

(a) keep or cause to be kept in good repair; and;

(b) maintain an adequate supply of water to,

all sanitary conveniences including sanitary fittings in or on the premises.

2.8 Ventilation of Toilets

A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.

2.9 Public Sanitary Conveniences

(1) A person shall not—

(a) foul;

(b) damage or vandalise; or

(c) write on or otherwise deface,

a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person using a public sanitary convenience shall where the convenience has been provided by the local government and a charge for its use has been levied, forthwith pay that charge.

(3) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.10 Lighting

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

2.11 Installation

(1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage By-Laws 1981* and National Plumbing and Drainage Code AS 3500 and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997.*

Division 2—Bathroom, Laundries and Kitchens

2.12 Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that—

(a) is lined with an impervious material in accordance with the requirements of Part F 2.4.1 of the Building Code;

(b) complies with the *Health Act (Laundries and Bathrooms) Regulations;*

(c) is equipped with—

(i) a handbasin; and

(ii) either a shower in a shower recess or a bath; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) All baths, showers, handbasins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.13 Laundries

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that—

(a) is properly enclosed and roofed;

(b) is adequately lined with an impervious material;

(c) is not a room in which food is stored, prepared, served or consumed; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) In the case of a single occupancy dwelling, the laundry referred to in subsection (1) shall have—

(a) either—

(i) two wash troughs and one copper; or

(ii) a washing machine and either a wash trough or a sink; and

(b) a clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.

(3) All wash troughs, sinks, coppers and washing machines shall be—

(a) in a laundry and connected to an adequate supply of hot and cold water; and

(b) properly supported,

and all wash troughs and sinks shall have a capacity of at least 36 litres.

(4) Sole or multiple occupancy units, each being a separate dwelling, shall have—

(a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or

(b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

(5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(6) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall—

(a) not be more than 1220 millimetres wide; and

(b) have a door which when closed shall completely fill the opening.

2.14 Washing or Keeping of Clothes in Kitchens

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

(a) wash or permit to be washed any clothing or bedding; or

(b) keep or permit to be kept any soiled clothing or bedding.

2.15 Kitchens

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with—

(a) an electric, gas, wood or other fuel burning stove;

(b) an oven of sufficient capacity for the cooking requirements of the usual occupants of the house and not less than a minimum capacity of 0.03 cubic metres; and

(c) a sink which shall—

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and

(ii) have an adequate supply of hot and cold water.

(2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(3) A cooking facility shall—

(a) be installed in accordance with the requirements of the Office of Energy; and

(b) not be installed or used in any room other than a kitchen.

(4) (a) A kitchen shall be provided with mechanical exhaust ventilation directly above the cooking facility and the exhaust air shall be—

(i) carried to the outside air as directly as practicable; and

(ii) boxed throughout; or

(b) An alternative ventilation system, to the satisfaction of the Principal Environmental Health Officer, may be provided, where the Principal Environmental Health Officer is satisfied that the alternative method does not give rise to any health nuisance.

(5) In this section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

2.16 Floor of Wet Areas

The floor of every bathroom, ensuite, laundry, toilet and any other ablution area within the building shall be properly surfaced, impervious to water and evenly graded to an approved floor waste outlet.

PART 3—HOUSING AND GENERAL

Division 1—Maintenance of Houses

3.1 Dwelling House Maintenance

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

(a) maintain all roofs, guttering and downpipes in sound weatherproof condition;

(b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

(c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;

(d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;

(e) maintain any brick, stone, mortar or cement work in a sound condition;

(f) maintain, repair or replace any flashings or ant caps that are missing or defective;

(g) maintain all ventilators in good order and repair;

(h) maintain all floors even in surface and free from cracks;

(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

(j) maintain all doors and windows in good working order and weatherproof condition;

(k) retain all natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;

(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewerage so that they comply in all respects with the provisions of the *Metropolitan Water Supply, Sewerage and Drainage By-Laws*, National Plumbing Code, *Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations* and any other legal requirements to which they are subject; and

(m) maintain all electric wiring, gas services and fittings so as to comply in all respects with the requirements of the Office of Energy.

3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

The owner or occupier of a house shall—

(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and

(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2—Ventilation of Houses

3.3 Exemption for Short Term Hostels and Recreational Campsites

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

3.4 Overcrowding

The owner or occupier of a house shall not permit—

(a) a room in the house that is not a habitable room to be used for sleeping purposes; or

(b) a habitable room in the house to be used for sleeping purposes unless—

(i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and

(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or

(c) any garage or shed to be used for sleeping purposes.

3.5 Calculation of Sufficient Space

For the purpose of section 3.4, in calculating the space required for each person—

(a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and

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

3.6 Ventilation

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

(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code, including the provision of—

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with AS 1668.2.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is—

(a) maintained in good working condition and in accordance with AS3666-1989; and

(b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

(4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to—

(a) provide a different, or additional method of ventilation; or

(b) cease using the house until it is properly ventilated.

(5) The owner shall comply with a notice under subsection (4).

3.7 Sub-Floor Ventilation

The owner or occupier of a house shall ensure that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

Division 3—Water Supply

3.8 Water Supply

(1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of the licensed water service operator or a water supply to the satisfaction of the local government.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

3.9 Rain Water Tanks

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall—

(a) maintain in a clean condition—

(i) the roof forming the catchment for the tank; and

(ii) the guttering and downpipes appurtenant to the roof;

(b) ensure that each rain water tank is fitted with a tight fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;

(c) at least once in each year, thoroughly clean any tank from which water is used for human consumption;

(d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, from which water is used for human consumption.

3.10 Wells

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

(a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and

(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

3.11 Pollution

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

Division 4—Second-hand Furniture, Bedding and Clothing

3.12 Prohibition on Sale

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

3.13 Prohibition of Possession

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

Division 5—Morgues

3.14 Licensing of Morgues

(1) All morgues, except those conducted by a public hospital, local government or the Police Service, are required to be licensed.

(2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is as fixed from time to time by Council under Section 344C of the Act.

(3) A licence shall—

(a) be applied for in the form set out in Schedule 8;

(b) be in the form set out in Schedule 9; and

(c) expire on 31 December next after the date of its issue.

(4) A licence shall not be granted in respect of any premises unless—

(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;

(b) the walls are constructed of stone or brickwork or other approved material;

(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;

(d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and

(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4—WASTE FOOD AND REFUSE

Division 1—Liquid Refuse

4.1 Interpetation

In this division, unless the context otherwise requires—

"liquid refuse" includes all washings from windows and vehicles; overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and any other liquid used for cooling purposes; and swimming pool discharges;

4.2 Deposit of Liquid Refuse

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

(a) on a street;

(b) in a stormwater disposal system; or

(c) on any land or place other than a place or depot duly authorised for that purpose.

Division 2—Disposal of Refuse

4.3 Interpretation

In this division, unless the context otherwise requires—

"building line" has the meaning given to it in and for the purposes of the *Local Government (Miscellaneous Provisions)Act 1960;*

"collection day" means the day of the week on which rubbish and refuse is collected and removed by the local government or its contractor;

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

"commercial waste" means refuse and other rubbish generated by or emanating from commercial premises and includes trade refuse;

"domestic waste" means refuse and other rubbish generated by or emanating from residential premises;

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

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

"refuse disposal site" means land set apart by the Council under the Act as a site for the deposit of rubbish or refuse;

"receptacle", where used in connection with any premises, means—

(a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or

(b) a container provided by the local government or its contractor for the deposit, collection or recycling of specific materials; or

(c) other type of receptacle specified or approved by the local government;

and supplied to the premises by the local government or its contractor;

"street" includes—

a highway; and

a thoroughfare;

which the public are allowed to use;

and includes every part of the highway or thoroughfare, and other things including bridges and culverts, appurtenant to it;

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

"waste" means commercial waste or domestic waste or both as the context requires.

4.4 Prescribed Area—Section 112A of the *Health Act 1911*

The whole of the district of the City of Bayswater as defined by the City of Bayswater Town Planning Scheme No.21 gazetted on 16 September 1988 and amended from time to time is the prescribed area for the purposes of Section 112A of the Act.

4.5 Receptacles

(1) An owner or occupier of premises shall—

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

(b) except for a reasonable period before and after collection time, keep the receptacle on the premises and located—

(i) behind the building line and so as not to be visible from a street or public place; or

(ii) in such other position as is approved by the Principal Environmental Health Officer;

(c) within a reasonable period prior to collection time, place the receptacle as close as practicable to 0.5 metres from the street alignment of the premises and so that it does not obstruct any footpath, cycle way, right-of-way or carriage way;

(d) if the receptacle is lost, stolen, damaged or defective, notify the local government within 7 days after the event; and

(e) ensure that the premises is provided with an adequate number of receptacles;

(f) ensure that no rubbish, refuse, litter or recyclable materials are deposited on public or private property for collection by the local government staff or the local government's contractor unless authorised by the Principal Environmental Health Officer.

(2) Where receptacles or containers are to be serviced by the local government's Contractor on properties consisting of three or more residential units, a hard-paved area of 1.5 metres by 1.5 metres for each unit is to be provided immediately adjoining the street alignment.

4.6 Exemption

(1) An owner or occupier of premises may apply in writing to the local government for an exemption from compliance with the requirements of subsections 4.5 (1) (b) or (c).

(2) The local government may grant or refuse, with or without conditions, an application for exemption from compliance under this section.

(3) An exemption granted under this section shall state—

(a) the premises to which the exemption applies;

(b) the period during which the exemption applies; and

(c) any conditions imposed by the local government.

(4) An exemption granted under this section shall cease to apply if and when the person to whom it is granted fails to comply with a condition of the exemption.

4.7 Use of Receptacles

An owner or occupier of premises shall—

(1) Not deposit or permit to be deposited in a receptacle—

(a) more than 70 kilograms of rubbish or refuse;

(b) hot or burning ash;

(c) oil, motor spirit or other flammable liquid;

(d) liquid, liquid paint or other solvent;

(e) bricks, concrete, building rubble, asbestos, earth or other like substances;

(f) drugs, dressings, bandages, swabs or blood samples unless placed in a sealed impervious and leak-proof container;

(g) hospital, medical, veterinary, laboratory or pathological substances containing blood unless placed in a sealed, impervious and leak-proof container;

(h) syringes, needles, surgical hardware, broken glass, sharps or other sharp objects unless placed in a sealed, impervious, leak-proof and impenetrable container;

(i) cytotoxics, radioactive substances and dangerous chemicals;

(j) sewage, manure, faeces or urine;

(k) any object which is greater in length, width, or breadth than the corresponding dimension of the receptacle or which will not allow the lid of the receptacle to be tightly closed; or

(l) rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding unless it is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container.

(2) Unless authorised by the Principal Environmental Health Officer, not mark or disfigure the receptacle in any manner other than by the placement of a street number or other identifying mark.

(3) At all times keep the receptacle in a clean condition.

(4) Whenever directed to do so by an Environmental Health Officer, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the receptacle.

(5) Take all reasonable steps to prevent—

(a) fly breeding and keep the receptacle free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(b) the emission of offensive and noxious odours from the receptacle.

(6) Ensure that the receptacle does not cause a nuisance to the occupiers of adjoining premises.

4.8 Damage to Receptacles

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

(a) damage, destroy or interfere with a receptacle; or

(b) except as permitted by these local laws or as authorised by an Environmental Health Officer, remove a receptacle from any premises to which it was delivered by the local government or its contractor.

4.9 Use of Other Containers

(1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this section to deposit rubbish or refuse in a container shall—

(a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in subsection 4.9 (1);

(b) take all reasonable steps to prevent—

(i) fly breeding and keep the container free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(ii) the emission of offensive and noxious odours from the container;

(c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;

(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;

(e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection;

(f) ensure that the container does not cause a nuisance to an occupier of adjoining or nearby premises; and
(g) ensure that rubbish or refuse which is or is likely to become offensive or a nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;

(3) An owner or occupier shall—
(a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;
(b) ensure that each container on the premises—
(i) has a close fitting lid;
(ii) is constructed of non-absorbent and non-corrosive material; and
(iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;
(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;
(d) place any rubbish or refuse in, and only in, a container marked for that purpose;
(e) keep the cover of each container closed except when it is necessary to place something in, or remove something from, it; and
(f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

4.10 Suitable Enclosure

(1) An owner or occupier of premises—
(a) consisting of more than 3 dwellings that have not been provided with individual receptacles; or
(b) used for commercial or industrial purposes or as a food premises;
(c) if required by the Principal Environmental Health Officer shall—
(i) provide a suitable enclosure for the storage and cleaning of receptacles or other containers on the premises; and
(ii) install in the enclosure a tap connected to an adequate supply of water.

(2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this section, a "suitable enclosure" means an enclosure—
(a) of sufficient size to accommodate all receptacles or other containers used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;
(b) having walls constructed of brick or concrete or other material of suitable thickness approved by the Principal Environmental Health Officer;
(c) having walls which will adequately screen the receptacles or containers and not less than 1.8 metres in height and having an access way of adequate width to allow the removal of receptacles or other containers for collection and not less than 1 metre in width and fitted with a self closing gate;
(d) containing a smooth and impervious concrete floor—
(i) of not less than 100 millimetres in thickness; and
(ii) which is evenly graded to a liquid refuse disposal system approved by the Principal Environmental Health Officer; and
(e) which is easily accessible to allow for the removal, emptying and cleaning of the receptacles or other containers.

4.11 Deposit of Refuse

(1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

(2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except—
(a) at such place on the site as may be directed by the person in charge of the site; or
(b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

4.12 Removal of Rubbish or Refuse from Refuse Disposal Site

(1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the local government or the local government's contractor managing the site.

(2) A person who obtains approval from the local government or the local government's contractor shall comply with any conditions imposed by the local government or its contractor and set out in the approval.

4.13 Removal of Rubbish from Premises or Receptacles

(1) A person shall not remove any rubbish or refuse from premises unless that person is—
(a) the owner or occupier of the premises;
(b) authorised to do so by the owner or occupier of the premises; or
(c) authorised in writing to do so by the local government.

(2) A person shall not, without the approval of the local government or the owner of a receptacle or

other container, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

4.14 Burning Rubbish or Refuse

(1) A person shall not—

(a) without the written approval of the Principal Environmental Health Officer; and

(b) except in accordance with the terms and conditions to which the approval is subject,

set fire to, or cause to be set on fire, any rubbish or refuse either in any incinerator, barbecue, wood fired stove or on the ground.

(2) Subject to subsection (3), an approval of the Principal Environmental Health Officer is issued subject to the following conditions—

(a) the material to be burnt—

(i) does not include any plastic, rubber, food scraps, green garden cuttings or other material that is offensive when burnt; and

(ii) is of such quantity, or of such a nature, as not to be suitable for removal by the local government's refuse collection service;

(b) there is no other appropriate means of disposal;

(c) burning shall not take place—

(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or

(ii) where there is no current dispersion alert, outside the hours of 10.00 am to 3.00 pm;

(iii) at times designated by the Bureau of Meteorology as Very High or Extreme Fire Danger; and

(d) an incinerator used for fire must be located—

(i) at least 2 metres from a fence or building; and

(ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the provisions of the *Bush Fires Act 1954,* it is prohibited to clear by burning any fire breaks, vacant lots or other land of grass, straw, hay, undergrowth, herbage and other vegetation whether alive or dead and standing or not standing, without written approval of the local government.

4.15 Removal of Rubbish from Building Sites

(1) During all periods of construction on any building site—

(a) The builder shall provide and maintain on the site a rubbish disposal bin of sufficient capacity to enable all waste generated on site to be effectively disposed of;

(b) The builder shall keep the site free of rubbish and offensive material, whether temporary or otherwise;

(c) The builder shall maintain the street verge immediately adjacent to the site free of rubbish and offensive matter, whether temporary or otherwise;

(d) The builder shall on completion of construction immediately clear the site and the street verge adjacent thereto of all rubbish and offensive matter and shall remove therefrom all or any rubbish disposal bins thereon by the builder.

(2) In this section the word "rubbish" shall include stones, bricks, lime, timber, iron, tiles, bags, plastics and any broken, disused or discarded matter whatsoever.

Division 3—Transport of Butchers' Waste

4.16 Interpretation

In this Division, unless the context otherwise requires—

"butchers' waste" includes animal skeletons, rib cages and the products of a slaughterhouse or boning room.

4.17 Restriction of Vehicles

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

(a) a vehicle used for the transport of food or drugs; or

(b) anything intended to be used for the packing or handling of food or drugs.

4.18 Transport of Butchers' Waste

(1) A person shall not transport butchers' waste otherwise than in—

(a) a compartment complying with the following specifications—

(i) the floor and 4 walls to be made of impervious materials and the walls to be not less than 910 millimetres high;

(ii) all joints to be made watertight;

(iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and

(iv) the top to be completely covered by a tarpaulin or other impervious sheet material

approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a watertight durable container fitted with a lid that can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are—

(a) maintained in good order and condition; and

(b) thoroughly cleaned at the conclusion of each day's work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to—

(a) the sight of animal skeletons, bones, offal or waste matter;

(b) the odour of putrefaction, offal or waste matter; or

(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5—NUISANCES AND GENERAL

Division 1—Nuisances

5.1 Interpretation

In this Division, unless the context otherwise requires—

"fertiliser" includes manure.

5.2 Footpaths etc, to be Kept Clean

An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from their refuse and belongings.

5.3 Escape of Smoke etc.

(1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

(2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house.

5.4 Public Vehicles to be Kept Clean

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

(a) maintain the vehicle at all times—

(i) in a clean condition; and

(ii) free from vectors of disease; and

(b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

5.5 Prohibition Against Spitting

A person shall not spit—

(a) on a footpath, street or public place; or

(b) in a train, bus or other public transport.

5.6 Transportation, Use and Storage of Offal or Blood

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterilised by steam and properly dried.

5.7 Use or Storage of Fertiliser

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

(a) pig manure;

(b) human faeces; or

(c) urine.

5.8 Storage and Despatch of Artificial Fertiliser

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

(a) keep all artificial fertiliser in a building—

(i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and

(ii) free from damp and properly ventilated;

(b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and

(c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.

5.9 Storage of Fertiliser

(1) The owner or occupier of premises where fertiliser or compost is stored or used shall—

(a) prevent the escape of odours, dust or particles of fertiliser or compost;

(b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being

a breeding place for flies or other vectors of disease; and

(c) store only such amounts of fertiliser or compost—

(i) as can be readily used within a reasonable period; or

(ii) as may be directed by the Principal Environmental Health Officer.

(2) No person shall store fertiliser or compost inside a dwelling house.

Division 2—Keeping of Animals

5.10 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall—

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;

(b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and

(c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.

5.11 Animal Enclosures

(1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

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

5.12 Slaughter of Animals

(1) Subject to subsection (2), a person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to euthanasia of animals by veterinarians or other duly authorised persons, slaughter of meat for pet or game meat and slaughter of animals for human consumption in local government approved abattoirs.

5.13 Disposal of Dead Animals

(1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

Division 3—Keeping of Large Animals

5.14 Interpretation

In this Division, unless the context otherwise requires—

"approved animal" means a horse, cow or large animal that is the subject of an approval by the local government under section 5.15;

"cow" includes an ox, calf or bull;

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

"large animal" includes a pig, sheep or goat.

5.15 Stables

(1) An owner or occupier of premises shall not keep a horse, cow or large animal on those premises without the written approval of the Council.

(2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall—

(a) not be situated within 15 metres of a house or other premises;

(b) have a proper separate stall—

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

(c) have each wall and roof constructed of an impervious material;

(d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

(e) have a floor, the upper surface of which shall—

(i) be raised at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete or other similar impervious materials; and

(iii) have a fall of 1 in 100 to a drain that shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.

(3) The owner or occupier of premises on which a stable is located shall—

(a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by

spraying with a residual insecticide or other effective means; and

(c) when so ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

5.16 Proximity of Animals to a Dwelling House

The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

5.17 Manure Receptacles

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

(a) provide in a position convenient to the stable a receptacle for manure constructed with a smooth, impervious, durable and easily cleanable surface and provided with a tight-fitting hinged lid;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies and other vectors of disease;

(d) keep the receptacle so far as possible free from flies and other vectors of disease by spraying with a residual insecticide or other effective means; and

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

Division 4—Keeping of Poultry, Pigeons and Cage-birds

5.18 Interpretation

In this Division, unless the context otherwise requires—

"Affiliated Person" means a person who is a member of a Pigeon Club or Cage-bird Club which is an incorporated body under the *Associations Incorporation Act 1987*;

"cage-birds" include parrots, budgerigars, canaries, finches, quail, doves and other birds kept in cages on residential premises but does not include poultry;

"Code of Practice" means the Code of Practice – Pigeon Keeping and Pigeon Racing, published May 1994, amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc;

"pigeons" includes all breeds of domestic pigeon of the genus *Columba livia domestica;*

"poultry" includes fowls, peafowl, turkeys, geese, ducks and other domestic fowls;

"young birds" includes—

(a) pigeons under 24 days of age and recognised as birds without feathers on the flesh under their wings;

(b) cage-birds under 24 days of age and recognised as confined to their nests.

5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds

(1) An owner or occupier of premises—

(a) who is not an Affiliated Person. shall not keep more than 20 pigeons and 20 cage-birds. exclusive of young birds. and 9 poultry being a mixture of ducks or fowls on a residential lot which must have an area not less than 500 square metres:

(b) who is an Affiliated Person. shall not keep a total of more than 150 pigeons and 150 cage-birds. exclusive of young birds;

(c) (c) shall not keep any of the following—

(i) a goose or gander;

(ii) a turkey;

(iii) a peacock or peahen.

on any one lot of land.

(d) who has a lot size greater than 500 square metres. may keep additional ducks or fowls in a ratio of one duck and/or fowl per additional 100 square metres of lot area up to a maximum of 24 ducks or 24 fowls. or a combination of ducks and fowls up to a maximum of 24 in accordance with the following table-

MAXIMUM NUMBER OF POULTRY THAT CAN BE KEPT ON RESIDENTIAL LOTS	
LOT AREA (m^2)	Poultry
Less than 500	0
500 to 599	9
600 to 699	10
700 to 799	11
800 to 899	12
900 to 999	13
1000 to 1099	14

LOT AREA (m^2)	Poultry
Less than 500	0
1100 to 1199	15
1200 to 1299	16
1300 to 1399	17
1400 to 1499	18
1500 to 1599	19
1600 to 1699	20
1700 to 1799	21
1800 to 1899	22
1900 to 1999	23
2000 or greater	24

(2) The Principal Environmental Health Officer, may either reduce the approved number of poultry, pigeons or cage-birds kept by an owner or occupier, or ban the keeping of poultry, pigeons or cage-birds by an owner or occupier, if the conditions of this Division are not complied with or if excessive noise is evident.

5.20 Conditions of Keeping Poultry

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

(a) (i) subject to subparagraph (ii), no poultry is able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold:

(ii) the approval of the Principal Environmental Health Officer is to be obtained before any poultry is kept closer than 9 metres to dwellings. Such as approval is subject to dwelling being either on an adjacent property in the same ownership or a dwelling on the same property that is occupied by the keeper of the poultry . In any case, the minimum separation will not be reduced to less than 6 metres.

(b) all poultry are kept in an enclosure not closer than 1.2 metres to any property boundary within which is a properly constructed, weatherproof structure for roosting which shall—

(i) allow a minimum of 0.3 square metres of floor area per bird;

(ii) have an impervious concrete floor of 50 millimetre minimum thickness with 250 millimetre upstand around and graded to the front to facilitate easy cleaning;

(iii) be designed to allow easy access for cleaning; and

(iv) have the walls and roof constructed of galvanised iron or other approved material;

(c) all enclosures and structures in which poultry are kept, including food and water containers, waste receptacles and surrounds are maintained in a clean condition;

(d) the enclosure shall have an otherwise unobstructed area of at least 20 square metres;

(e) all wastes including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double-lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight fitting lid and be inaccessible to flies, rodents and other vectors of disease; and

(f) the occupier shall clean and disinfect the enclosure, structure and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer.

5.21 Roosters

An owner or occupier of premises shall not be permitted to keep a rooster on a residential lot in the City of Bayswater.

5.22 Conditions of Keeping Pigeons and Other Cage-birds

A person who keeps, or permits to be kept, pigeons or other cage-birds shall ensure that—

(a) no pigeons or other cage-birds are able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

(b) the approval of the Principal Environmental Health Officer is obtained before an aviary or loft is kept closer than 9 metres to their dwelling;

(c) except where registered homing pigeons are freed for exercise, the pigeons and other cage-birds are confined in a properly constructed pigeon cage, aviary or loft;

(d) no pigeon cage, aviary or loft shall be located nearer than 1.2 metres from the boundary of adjoining properties;

(e) all structures used to house pigeons and other cage-birds shall be of sound, weatherproof construction, the framework and roost being of smooth sealed timber or metal, the walls and roof to be constructed of galvanised iron or other approved material, and the floor to be constructed in a manner and of a material which will facilitate the hygienic removal of waste matter, husks, seed, feathers, dead birds and faecal matter;

(f) all cages, aviaries, lofts, surrounds, food and water containers and rubbish receptacles shall be kept clean and maintained in good order and condition at all times;

(g) all waste, including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight fitting lid and be inaccessible to flies, rodents and other vectors of disease;

(h) the occupier shall clean and disinfect cages, aviaries, lofts and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer;

(i) pigeons registered as homing pigeons may be released for daily exercise and may also be released for organised races and training;

(j) not more than sixty registered homing pigeons shall be released for exercise or training at any one time;

(k) the local government may, at its discretion, prohibit an owner or occupier exercising homing pigeons between the hours of 9.00 am and 3.30 p.m. if health or nuisance related problems become evident;

(l) where there is any discrepancy between this Section relating to the Keeping of Pigeons and other Cage-birds and the Code of Practice, the higher standard of construction and hygiene shall prevail; and

(m) bird cages, aviaries, lofts and surrounds shall be kept in a clean condition to the satisfaction of an Environmental Health Officer.

5.23 Removal of Non-Conforming Structure or Enclosure

(1) If a structure or enclosure is used for the keeping of poultry, pigeons or cage-birds contrary to the provisions of sections 5.20 and 5.22, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this Section.

5.24 Restrictions on Pigeon Nesting, Perching and Feeding

(1) The local government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the local government's order under this section.

(3) A person shall not feed a pigeon or other bird roaming at large, so as to cause, or contribute to, a nuisance or be injurious or dangerous to health.

Division 5—Car Parks

5.25 Interpretation

In this Division, unless the context otherwise requires—

"attendant's booth" means a booth that is positioned inside a car park for the containment of a parking attendant;

"car park" means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

"owner or occupier" means a person having the charge, management or control of a car park.

5.26 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either—

(a) natural ventilation; or

(b) mechanical means,

in accordance with AS1668.2 Part 2 1991.

(2) If, in the opinion of the Principal Environmental Health Officer, a car park is not properly ventilated, the local government may by notice require the owner or occupier within a specified time to—

(a) provide a different or additional method of ventilation; and

(b) cease using the car park until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

5.27 Exhaust Air Discharge Points and Exhaust Registers

An owner or occupier shall ensure that—

(a) all exhaust air that is discharged from a car park shall be discharged—

(i) at discharge points—

(A) in accordance with AS1668.2 Part 2 1991; and

(B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS 1668.2 Part 2 1991;

(ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;

(b) exhaust registers are located—

(i) as far as possible from the source of supply air; and

(ii) so as to draw effluent away from staff working in the attendant's booth;

(c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and

(d) any mechanical ventilation system is—

(i) maintained in good working condition; and

(ii) in operation at all times when the car park is in use.

5.28 Car Park Attendant Booths

(1) An owner or occupier shall ensure that an attendant's booth—

(a) is provided with a fresh air supply ventilation system—

(i) with air flow rates that give a minimum of 40 air changes per hour; and

(ii) which is in operation whenever the booth is occupied;

(b) has intakes for fresh air located and arranged so that under all conditions of normal operation adjacent sources of pollution do not reduce the quality of fresh air;

(c) has a capacity of not less than 5 cubic metres;

(d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and

(e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.

(2) If the Principal Environmental Health Officer believes an attendant's booth is not properly ventilated in accordance with subsection (1), the local government may by notice require the owner or occupier to cease using the booth until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

PART 6—PEST CONTROL

Division 1—Flies

6.1 Interpretation

In this Division, unless the context otherwise requires—

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

6.2 Fly Breeding Matter not to be left on Premises Unless Covered or Treated

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

6.3 Measures to be Taken by an Occupier

An owner or occupier of premises shall ensure that—

(a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;
(b) food scraps and uneaten animal and bird food are wrapped tightly and deposited in a rubbish receptacle without delay;
(c) lawn clippings used on gardens as mulch are raked out thinly;
(d) fertilisers are dug well into the soil;
(e) compost heaps are kept well covered;
(f) barbecues are kept clean and free from food scraps;
(g) anything that is buried and may attract or be a breeding place for flies is covered with at least 300 millimetres of soil and compacted; and
(h) excrement from pets is collected and properly disposed of without delay.

6.4 Officer may Give Notice Directing Measures to be Taken

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

(a) control the prevalence;
(b) effect the eradication; or
(c) effectively prevent the breeding

of flies.

6.5 Local Government may Execute Work and Recover Costs

(1) Where—

(a) a person is required under this Division or directed by a notice given under section 6.4, to execute any work; and
(b) that person fails or neglects to comply with the requirement,

the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.

(2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2—Mosquitoes

6.6 Interpretation

In this Division, unless the context otherwise requires—

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

6.7 Premises to be Kept Free of Mosquito Breeding Matter

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

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

liable to become the breeding place of mosquitoes.

6.8 Measures to be Taken by an Owner or Occupier

An owner or occupier of premises—

(a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water—
  (i) stocked with mosquito predatory fish; or

(ii) covered with a film of petroleum oil or other larvicide; and

(b) where there is a water tank, well, cistern, vat or barrel, shall—

(i) keep it protected with a mosquito-proof cover; and

(ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

6.9 Measures to be Taken by Occupier

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

(a) frequently change the water; and

(b) keep the water clean and free from vegetable matter and slime.

6.10 Removal of Undergrowth or Vegetation

(1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this section.

6.11 Filling in Excavations etc.

Unless written permission to the contrary is obtained from the local government, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

6.12 Drains, Channels and Septic Tanks

An owner or occupier of land shall—

(a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and

(b) where a septic tank is installed on the land—

(i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer;

(ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

6.13 Drainage of Land

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

(a) make or provide drains on the land;

(b) remove all irregularities in the surface of the land;

(c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that—

(i) the water on the land may flow into the drains without obstruction; and

(ii) no water shall remain on any portion of the land other than the drains; and

(d) keep all drains in good order and free from obstruction.

6.14 Swimming Pools

Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner or occupier shall when required by a notice issued by an Environmental Health Officer—

(a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or

(b) chlorinate and adjust pH of the pool to—

(i) 4 milligrams per litre free chlorine; and

(ii) pH within the range 7.2 to 7.6; or

(c) empty or drain the pool; or

(d) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; and

(e) maintain the pool water free of mosquito breeding;

Division 3—Rodents

6.15 Interpretation

In this Division, unless the context otherwise requires—

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

6.16 Measures to be Taken to Eradicate Rodents

(1) An owner or occupier of premises shall at all times take effective measures to eradicate any rodents in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall—

(a) take effective measures to keep the premises free from rodents including—

(i) protecting food stuffs;

(ii) using a rodenticide bait or a properly baited trap; and

(iii) preventing rodents having access to water on the premises;

(b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall—

(i) if it is not already dead, kill it immediately; and

(ii) dispose of the carcass in such a manner as will not create a nuisance; and

(c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.

6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles

A person must not store, or allow to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

6.18 Restrictions on Materials Affording Harbourage for Rodents

(1) An owner or occupier of premises shall cause—

(a) any part of the premises; or

(b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, harbourage, of rodents.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this section.

6.19 Food premises etc. to be Cleaned After Use

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

6.20 Restrictions on the Sale or Keeping of Rats

(1) Subject to subsection (2) an owner or occupier of premises shall not, on or from those premises—

(a) keep or permit to be kept a rat; or

(b) sell or offer for sale or permit to be sold or offered for sale a rat.

(2) Subsection (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by—

(a) a university or school;

(b) a person approved by the local government; or

(c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927*.

(3) A person or body specified in subsection (2) which keeps rats for the purpose of scientific or medical research shall—

(a) at all times ensure that all live rats are kept in the effective control of a person or in locked cages; and

(b) if a rat escapes, forthwith comply with the requirements of section 6.16 and ensure that all reasonable steps are taken to destroy the rat.

Division 4—Cockroaches

6.21 Interpretation

In this Division, unless the context otherwise requires—

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

6.22 Measures to be Taken to Eradicate Cockroaches

(1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including—

(a) washing and storing, immediately after use, cooking and eating utensils;

(b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;

(c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and

(d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

Division 5—Argentine Ants

6.23 Interpretation

In this Division, unless the context otherwise requires—

"Argentine Ant" means an ant belonging to the species *Jrdomyrmex humilis.*

6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall—

(a) immediately notify the local government of any ant nest located on the premises suspected to be an Argentine Ant nest;

(b) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;

(c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and

(d) whenever required by an Environmental Health Officer—

(i) treat any area or infestation with an insecticide referred to in paragraph (c); and

(ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

Division 6—European Wasps

6.25 Interpretation

In this Division, unless the context otherwise requires—

"European Wasp" means a wasp *Vespula germ anica.*

6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

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

(a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;

(b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and

(c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7—Bee Keeping

6.27 Interpretation

In this Division, unless the context otherwise requires—

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

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

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

"lot" has the meaning given to it in the *Town Planning and Development Act 1928;* and

"private street" means a street, court, alley, lane, yard, passage, or thoroughfare—

(a) which is not dedicated, whether under an Act or common law, to use as such by the public; and

(b) which forms a common access to lands, or premises, separately occupied; or

(c) which is accessible from a street, court, alley, lane, yard, passage, thoroughfare or public place, which is dedicated, whether under an Act or at common law, to use as such by the public.

6.28 Limitation on Numbers of Hives

(1) A person shall not keep bees on any land within the municipality of the City of Bayswater without first obtaining the written approval of the local government to do so.

(2) Subject to subsections (3) and (4), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

(3) The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned or classified for residential purposes.

(4) A person shall comply with any conditions imposed by the Council under subsection

(3). **6.29 Restrictions on Keeping of Bees in Hives**

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

(a) an adequate and permanent supply of water is provided on the lot within 2 metres of each hive;

(b) the hive is kept—

(i) outside, and at least 10 metres from, any building other than a fence;

(ii) at least 10 metres from any footpath, street, private street or public place; and

(iii) at least 5 metres from the boundary of the lot; and

(c) the hive is enclosed on all sides by a fence, wall or other enclosure.

6.30 Bees which cause a Nuisance not to be Kept

(1) A person shall not keep, or permit the keeping of, bees that cause a nuisance.

(2) The local government may direct any person to remove any bees or beehives that in the opinion of the Principal Environmental Health Officer are causing a nuisance.

(3) A person shall comply with a direction under subsection (2) within the time specified.

Division 8—Arthropod Vectors of Disease

6.31 Interpretation

In this Division, unless the context otherwise requires—

"arthropod vectors of disease" includes—

(a) fleas (*Siphonaptera);*

(b) bedbugs (*Cimex lectularius);*

(c) crab lice (*Phthirus pubis);*

(d) body lice *(Pediculus hum anus var. corporis);* and

(e) head lice (*Pediculus humanus var. cap itis).*

6.32 Responsibility of the Owner or Occupier

The owner or occupier of premises shall—

(a) take reasonable precautions to keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and

(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7—INFECTIOUS DISEASES

Division 1—General Provisions

7.1 Environmental Health Officer may Visit, Inspect and Report

An Environmental Health Officer—

(a) may visit and inspect any house, its occupants, fixtures and fittings; and

(b) who believes that there has been a breach of the Act, any Regulation made under the Act or these Local Laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the local government.

7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest

(1) The Council or the Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest—

(a) the premises; or

(b) such things in or on the premises as are specified in the notice,

or both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier shall comply with a notice given under subsection (1).

7.3 Environmental Health Officer may Disinfect or Disinfest Premises

(1) Where the Council or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the Council or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subsection (1).

(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.

(4) The Local government is not liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this section, other than compensation or damages for loss or damage suffered because the local government or any of its staffed acted negligently or in breach of duty.

7.4 Insanitary Houses, Premises and Things

(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.

(2) Where the Council considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

(3) Where an Environmental Health Officer believes that—

(a) a house or premises is not being maintained in a sanitary condition; or

(b) any thing is insanitary,

the officer may, by notice in writing, direct, as the case may be—

(i) the owner or occupier of the house or premises to amend any insanitary condition; or

(ii) the owner or occupier of the thing to destroy or amend it,

within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

7.5 Medical Officer may Authorise Disinfecting

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

(2) A person shall comply with any direction of the Medical Officer under this section.

7.6 Persons in Contact with an Infectious Disease Sufferer

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

(a) shall obey such instructions or directions as the Council or the Medical Officer may issue;

(b) may be removed, at the direction of the Council or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and

(c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

7.7 Declaration of Infected House or Premises

(1) To prevent or check the spread of infectious disease, the Council or the Medical Officer may from time to time declare any house or premises to be infected.

(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or the Principal Environmental Health Officer.

7.8 Destruction of Infected Animals

(1) If the Principal Environmental Health Officer believes that an animal is or may be infected or is liable to be infected or to convey infection, he or she may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of—

(a) in the manner and within the time specified in the notice; and

(b) by the person in whose possession, or upon whose premises, the animal is located.

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

7.9 Disposal of a Body

(1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.

(2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

7.10 Local Government may Carry out Work and Recover Costs

(1) Where—

(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and

(b) that person fails or neglects to comply with the requirement,

that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the local government in the execution of a power under this section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2—Disposal of Used Condoms and Needles

7.11 Disposal of Used Condoms

(1) An owner or occupier of premises on or from which used condoms are produced shall ensure that the condoms are—

(a) placed in a sealed impervious container and disposed of in a sanitary manner; or

(b) disposed of in such a manner as may be directed by the Principal Environmental Health Officer.

(2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

7.12 Disposal of Used Needles

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

PART 8—LODGING HOUSES

Division 1—Registration

8.1 Interpretation

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

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

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

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

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

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

"lodging house" includes a recreational campsite, a serviced apartment and a short term hostel but does not include a premises licensed under the *Liquor Act 1988*, a premises approved as a boarding school under the *School Education Act 1999*, and any building comprising of residential flats;

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

"recreational campsite" means a lodging-house—

(a) situated on a campsite principally used for—

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conferences or conventions; and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

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

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

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

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

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

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

8.2 Lodging House not to be Kept Unless Registered

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

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the local government under section 8.4;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either—

(i) the keeper; or

(ii) a manager who, with the written approval of the Principal Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house,

resides or intends to reside continuously in the lodging house whenever there is one or more lodgers in the lodging house.

8.3 Application for Registration

An application for registration of a lodging house shall be—

(a) in the form prescribed in Schedule 1;

(b) duly completed and signed by the proposed keeper; and

(c) accompanied by—

(i) the fee as fixed from time to time by Council under Section 344C of the Act; and

(ii) detailed plans and specifications of the lodging house.

8.4 Approval of Application

The Council may approve, with or without conditions, an application under section 8.3 by issuing to the applicant a certificate in the form of Schedule 2.

8.5 Renewal of Registration

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

(a) during the month of December in each year apply to the local government for the renewal of the registration of the lodging house; and

(b) pay the fee as fixed from time to time by Council under Section 344C of the Act at the time of making each application for renewal.

8.6 Notification upon Sale or Transfer

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

8.7 Revocation of Registration

(1) Subject to subsection (3), the Council may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of subsection (1), the Council may revoke a registration upon any one or more of the following grounds—

(a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;

(b) that the keeper has—

(i) been convicted of an offence against these Local Laws in respect of the lodging house;

(ii) not complied with a requirement of this Part; or

(iii) not complied with a condition of registration;

(c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and

(d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this section, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2—Construction and Use Requirements

8.8 General Construction Requirements

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

8.9 Sanitary Conveniences

(1) A keeper shall maintain in good working order and condition and in convenient positions on the premises—

(a) toilets; and

(b) bathrooms, each fitted with a shower and a hand basin or alternatively, a bath and a hand basin,

in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (1).

(3) Each bath, shower and hand basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall—

(a) be so situated, separated and screened as to ensure privacy;

(b) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and

(c) be provided with adequate electric lighting.

(6) Paragraphs (b) of subsection (5) does not apply to a serviced apartment.

8.10 Laundry

(1) A keeper shall—

(a) subject to subsection (2)—

(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and

(ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;

(b) at all times maintain each laundry in a proper sanitary condition and in good repair;

(c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and

(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section—

"laundry unit" means a group of facilities consisting of—

(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;

(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and

(c) either an electric drying cabinet or not less than 30 metres of clothes line, and

(d) a hot water system that—

(i) is capable of delivering 136 litres of water per hour at a temperature of at least 75° C for each washing machine provided with the communal facilities; and

(ii) has a delivery rate of not less than 18 litres per minute to each washing machine.

8.11 Kitchen

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

(a) has a minimum floor area of—

(i) where lodgers prepare their own meals—0.65 square metres per person;

(ii) where meals are provided by the keeper or manager—0.35 square metres per person; or

(iii) where a kitchen and dining room are combined—1 square metre per person,

but in any case not less than 16 square metres;

(b) has adequate—

(i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and

(ii) refrigerator space for storage of perishable goods;

(c) complies with the requirements of the *Health (Food Hygiene) Regulations 1993;*

(d) has a handbasin and a double bowl sink, each provided with an adequate supply of hot and cold water.

8.12 Cooking Facilities

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

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

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

8.13 Dining Room

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

(a) located in close proximity to, or combined with, the kitchen;

(b) the floor area of which shall be not less than the greater of—

(i) 0.5 square metres per person; or

(ii) 10 square metres; and

(c) which shall be—

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.14 Lounge Room

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

(a) with a floor area of—

(i) where the lounge is not combined with the dining room—not less than 0.6 square metres per person or;

(ii) where the lounge room is combined with a dining room—not less than 1.2 square metres per person,

but in either case having a minimum of 13 square metres; and

(b) which shall be—

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.15 Fire Prevention and Control

(1) A keeper shall—

(a) in each passage in the lodging house provide an emergency light—

(i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and

(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and

(c) ensure that each exit sign and fire fighting appliance is clearly visible, accessible and maintained in good working order at all times.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code and approved by the local government.

8.16 Obstruction of Passages and Stairways

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

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use,

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

8.17 Fitting of Locks

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

8.18 Restriction on Use of Rooms for Sleeping

(1) Subject to subsection (3) and section 8.32, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house—

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) which is naturally illuminated by windows having a ratio of less than 0.1 square metre of unobstructed glass to every 1.0 square metre of floor area;

(g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.

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

(3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

8.19 Sleeping Accommodation—Short Term Hostels and Recreational Campsites

(1) A keeper of a short term hostel or recreational campsite shall provide clear floor space of not less than—

(a) 4 square metres per person in each dormitory utilising beds;

(b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subsection (1), shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subsection(1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short term hostel or recreational campsite shall provide—

(a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;

(b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

(6) The keeper of any short term hostel or recreational campsite shall provide—

(a) beds with a minimum size of—

(i) in short term hostels—800 millimetres x 1.9 metres;

(ii) in recreational campsites—750 millimetres x 1.85 metres;

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short term hostel or recreational campsite shall—

(a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;

(b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;

(c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short term hostel or recreational campsite shall ensure that—

(a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3 as follows—

drapes, curtains, blinds and bed covers

— a maximum Flammability Index of 6;

upholstery & bedding

— a maximum Spread of Flame Index of 6;

— a maximum Smoke Developed Index of 5;

floor coverings

— a maximum Spread of Flame Index of 7;

— a maximum Smoke Developed Index of 5;

Fire retardant coatings used to make a material comply with these indices must be—

(i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;

(ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 200 1.5.4-1987, Procedure 7A, using ECE reference detergent; and

(iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;

(b) emergency lighting is provided in accordance with the Building Code;

(c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short term hostel or recreational campsite;

(d) all mattresses are fitted with a mattress protector.

8.20 Furnishing etc. of Sleeping Apartments

(1) A keeper shall—

(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

(b) ensure that each bed—

(i) has a bed head, mattress and pillow; and

(ii) is provided with, or can be rented, a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or rug;

(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room or ensure that adequate storage facilities such as lockers are available for use by lodgers in a separate room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel or recreational campsite.

8.21 Ventilation

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

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

8.22 Numbers to be Placed on Doors

(1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that—

(a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and

(b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be—

(a) not less than 40 millimetres in height;

(b) 1.5 metres from the floor; and

(c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3—Management and Care

8.23 Keeper or Manager to Reside in the Lodging House

No keeper of a lodging house shall absent himself from such house, unless he leaves some reputable person in charge thereof.

8.24 Register of Lodgers

(1) A keeper shall keep a register of lodgers in the form of Schedule 4.

(2) The register of lodgers shall be—

(a) kept in the lodging house; and

(b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

8.25 Keeper Report

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

8.26 Certificate in Respect of Sleeping Accommodation

(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.

(2) The certificate issued under subsection (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by the Principal Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.

(4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

8.27 Duplicate Keys and Inspection

Each keeper and manager of a lodging house shall—

(a) retain possession of a duplicate key to the door of each room; and

(b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

8.28 Room Occupancy

(1) A keeper shall not—

(a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;

(b) cause, suffer or permit to be placed or kept in any sleeping apartments—

(i) a larger number of beds; or

(ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

(c) use or cause, suffer or permit to be used for sleeping purposes a room that—

(i) has not been certified for that purpose; and

(ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.

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

8.29 Infectious Disease

(1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subsection (1), the keeper shall—

(a) inspect each room the subject of the permission or agreement at least once a week; and

(b) ensure that each room is being maintained in a clean condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by him or her, shall maintain the room in a clean condition.

8.30 Cleaning and Maintenance Requirements

(1) A keeper of a lodging house shall—

(a) maintain in a clean, sound and undamaged condition—

(i) the floor, walls, ceilings, woodwork and painted surfaces;

(ii) the floor coverings and window treatments; and

(iii) the toilet seats;

(b) maintain in a clean condition and in good working order—

(i) all fixtures and fittings; and

(ii) windows, doors and door furniture;

(c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;

(d) whenever there is one or more lodgers in a lodging house ensure that the laundry floor is cleaned daily;

(e) ensure that—

(i) all bed linen, towels and house linen in use are washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed that has been used by another person unless the bed has been provided with clean bed linen;

(iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

(v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room that is not free from vectors of disease is not used as a sleeping apartment;

(f) when so directed by the Principal Environmental Health Officer, ensure that—
  (i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and
  (ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;
(g) ensure that the yard is kept clean at all times;
(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and
(i) comply with any direction, whether orally or in writing, given by the Principal Environmental Health Officer or an Environmental Health Officer.

(2) In this section—

"bed linen" includes sheets and pillow cases and in the case of a short term hostel or recreational campsite, mattress protectors.

8.31 Responsibilities of Lodgers and Residents

A lodger or resident shall not—

(a) use any room available to lodgers—
  (i) as a shop, store or factory; or
  (ii) for manufacturing or trading services;
(b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;
(c) use a bath or handbasin other than for ablutionary purposes;
(d) use a bathroom facility or fitting for laundry purposes;
(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;
(f) deposit rubbish or waste food other than into a proper rubbish receptacle;
(g) in a kitchen or other place where food is kept—
  (i) wash or permit the washing of clothing or bedding; or
  (ii) keep or permit to be kept any soiled clothing or bedding;
(h) subject to section 8.32—
  (i) keep, store, prepare or cook food in any sleeping apartment; or
  (ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;
(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, which is infested with vectors of disease;
(j) store or keep such a quantity of furniture, material or goods within the lodging house—
  (i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or
  (ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;
(k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and
(l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.32 Approval for Storage of Food

(1) The Principal Environmental Health Officer may—

(a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and
(b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9—OFFENSIVE TRADES

Division 1—General

9.1 Interpretation

In this Part, unless the context otherwise requires—

"occupier" in relation to premises includes the person registered as the occupier of the premises in the Schedule 12 certificate of registration; and

"offensive trade" has the meaning ascribed to it by Section 186 of the Act, and includes all of those trades specified within Schedule 2 of the Act, and any other trade proclaimed to be offensive by the Governor from time to time; and

"premises" means those premises in or upon which an offensive trade is carried on and includes any house.

9.2 Consent to Establish an Offensive Trade

(1) A person seeking the consent of the Council under Section 187 of the Act to establish an offensive trade shall—

(a) advertise notice of his intention to apply for consent in accordance with section 9.3; and

(b) lodge with the Chief Executive Officer an application in the form of Schedule 10.

(2) A person who makes a false statement in an application under this section shall be guilty of an offence.

9.3 Notice of Application

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

(a) contain the name and address of the person who intends to make the application;

(b) contain a description of the nature of the offensive trade;

(c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

(d) appear in a locally or state-wide distributed newspaper, or be advertised in some other manner which is acceptable to the local government, at least two weeks but not more than one month before the application under subsection 9.2(1)(b) is lodged with the Chief Executive Officer.

9.4 Registration of Premises

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

(a) in the form of Schedule 11;

(b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976;* and

(c) lodged with the Chief Executive Officer.

9.5 Certificate of Registration

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

9.6 Conditions of Consent for an Offensive Trade

In granting consent under Section 187 of the Act, the City of Bayswater may impose reasonable conditions of consent including, without limitation, conditions relating to—

(a) site requirements;

(b) building fitout specifications;

(c) ventilation;

(d) effluvia, vapours and gases;

(e) control of vectors of disease;

(f) sanitary convenience;

(g) effluent and rubbish disposal.

9.7 Directions

(a) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health;

(b) The occupier shall comply with any directions given under this section.

9.8 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

9.9 Change of Occupier

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

9.10 Alterations to Premises

While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatever to the premises.

9.11 Occupier Includes Employee

Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if he or she were the occupier.

Division 2—General Duties of an Occupier

9.12 Interpretation

In this Division, unless the context otherwise requires—

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

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

9.13 Cleanliness

The occupier shall—

(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;

(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, furniture, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;

(c) keep the premises free from any unwholesome or offensive odour arising from the premises;

(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and

(e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.14 Rats and other Vectors of Disease

The occupier shall—

(a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and

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

9.15 Sanitary Conveniences and Wash Basins

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

9.16 Painting of Walls etc.

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

9.17 Effluvia, Vapours or Gases

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

9.18 Offensive Material

The occupier shall—

(a) provide on the premises approved impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;

(b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;

(c) cause all offensive material and trade refuse to be placed immediately in the receptacles;

(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such intervals as may be directed by the Principal Environmental Health Officer or an Environmental Health Officer or at such intervals negotiated with the local government; and

(e) cause all receptacles after being emptied to be immediately cleansed and sanitised.

9.19 Storage of Materials

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

9.20 Specified Offensive Trades

(1) For the purposes of this section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with, the following works or premises—

(a) fish processing establishments(not including retail fish shops);

(b) fat rendering premises;

(c) flock factories;

(d) laundries, dry cleaning premises and dye works;

(e) manure works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall—

(a) cause the floor of the premises to—

(i) be properly paved and drained with impervious materials;

(ii) have a smooth surface; and

(iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and

(b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 25 millimetres.

(c) cause all liquid refuse to be—

(i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before being discharged into any drain outlet from any part of the premises; and

(ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

9.21 Directions

(1) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this section.

9.22 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

Division 3—Fish Processing Establishments

9.23 Interpretation

In this Division, unless the context otherwise requires—

"appliance" includes a utensil, instrument, cover, container or apparatus;

"fish" means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include—

(a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or

(b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

"fish processing establishment" does not include a retail fish shop;

"fish processing" means a process whereby fish are cleaned, part cleaned, scaled or cut up;

"fish transport vehicle" includes—

(a) an appliance attached to, carried in or used in connection with a vehicle; and

(b) a trailer and a portable box,

used or designed to be used for the transport or storage of fish; and

"portable box" means a box for the transport or storage of fish and includes a fish transport vehicle.

9.24 Fish Preparation Room

(1) The occupier of a fish processing establishment shall provide a fish preparation room that shall comply with the following requirements—

(a) the room shall be provided with a stainless steel bench for the handling of fish, handwash basin with hot and cold water and soap and disposable towel dispensers and a cleaner's sink with hot and cold water;

(b) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement steel float finish or other approved material and shall be devoid of holes, cracks and crevices;

(c) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;

(d) the minimum floor area shall be 16 square metres;

(e) the room shall be provided with a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises and connected to a piped supply of hot and cold water;

(f) tiling shall be provided above troughs, handwash basins and benches to a height of 450 millimetres;

(g) the room shall be fly-proofed and have a self-closing door; and

(h) the room shall be provided with ample light and ventilation.

(2) The occupier shall ensure that all fish are prepared in the fish preparation room and that the room is used solely for that purpose.

9.25 Disposal of Waste

The occupier of a fish processing establishment shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be—

(a) placed in the receptacles referred to in section 9.18 and disposed of in accordance with that section; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.26 Fish Containers

The occupier of a fish processing establishment shall not allow any box, basket or other container used for the transport of fish to—

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

9.27 Cooking of Fish

Where cooking of fish is carried out in a fish processing establishment, the occupier shall provide and maintain—

(a) a hood as set out in the *Health (Food Hygiene) Regulations 1993,* which shall be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and

(b) an exhaust ventilation system—

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.28 Fly Screening

The occupier of a fish processing establishment shall ensure that each window, door way and other external opening in the premises is protected in such a manner as would exclude, as far as practicable, flies and other flying insects.

9.29 Use of an Approved Portable Box

The Principal Environmental Health Officer may permit an approved portable box to be used for the transport or storage of fish.

9.30 Fish Transport Vehicle

A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that—

(a) the frame is made of wood or metal;

(b) all internal surfaces—

(i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium, galvanised iron, zinc anneal, fibre glass, or other material of similar strength and impermeable qualities;

(ii) are smoothly finished;

(iii) are rigidly secured with a solid backing; and

(iv) have floor and vertical angles coved with not less than a 25 millimetre radius,

but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;

(c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either—

(i) continuously welded; or

(ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;

(d) the vehicle is effectively insulated with a stable insulating material;

(e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;

(f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;

(g) any containers used in the vehicle for fish are made of stainless steel, fibre glass or approved impervious plastic; and

(h) the vehicle is in good repair and condition and is thoroughly clean.

Division 4—Fat Rendering Premises

9.31 Interpretation

In this Division, unless the context otherwise requires—

"fat rendering premises" means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

"the occupier" means the occupier of any premises on which the trade of fat rendering is carried on.

9.32 Exhaust Ventilation

The occupier shall provide and maintain—

(a) a hood which shall—

(i) be of an approved design and construction;

(ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and

(iii) extend a minimum of 150 millimetres beyond the length of each appliance; and

(b) an exhaust ventilation system—

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.33 Covering of Apparatus

External parts of the fat rendering apparatus shall be constructed or covered with a smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.34 Rendering of Walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 5—Flock Factories

9.35 Interpretation

In this Division, unless the context otherwise requires—

"flock factory" means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, linters, fibre, or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt; and

"the occupier" means the occupier of a flock factory.

9.36 New and Used Material

(1) Subject to subsection (2), the occupier shall not use for the manufacture of flock any material other than new material.

(2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 30 minutes.

9.37 Collection and Removal of Dust

The occupier shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.38 Building Requirements

The occupier shall cause each building on the premises to comply with the following requirements—

(a) the floor shall be of concrete;

(b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and

(c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

9.39 Unclean Rags

A person shall not—

(a) collect, deliver, offer for sale or sell for the manufacture of flock;

(b) receive, store or deliver for the manufacture of flock; or

(c) make flock from,

rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle or other container used for the storage or collection of refuse or rubbish.

9.40 Bedding and Upholstery

A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, re-tease, fill, refill or repair any—

(a) used bedding; or

(b) upholstery,

which is unclean, offensive, or infested with vectors of disease, unless the—

(c) material of which the bedding is made; or

(d) filling material of which the upholstery is made,

has been boiled for 30 minutes or otherwise effectively disinfected and cleaned.

Division 6—Laundries, Dry Cleaning Establishments and Dye Works

9.41 Interpretation

In this Division, unless the context otherwise requires—

"dry cleaning establishment"—

(i) means premises where clothes or other articles are cleaned by use of solvents without using water; but

(ii) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

"dye works" means a place where articles are commercially dyed but does not include dye works in which provision is made for the discharge of all liquid waste therefrom, into a public sewer;

"exempt laundromat" means a premises in which—

(a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;

(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

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

"laundry" means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.42 Receiving Depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

9.43 Reception Room

(1) The occupier of a laundry, dry cleaning establishment or dye works shall—

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

(b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

9.44 Walls and Floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause—

(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;

(b) the floor to be impervious, constructed of concrete and finished to a smooth surface; and

(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

9.45 Laundry Floor

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

9.46 Escape of Dust

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.47 Precautions Against Combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

9.48 Trolleys

The occupier of a dry cleaning establishment shall—

(a) provide trolleys for the use of transporting dirty and clean linen; and

(b) ensure that each trolley is—

(i) clearly designated to indicate the use for which it is intended;

(ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and

(iii) thoroughly cleaned and disinfected on a regular basis.

9.49 Sleeping on Premises

A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

Division 7—Manure Works

9.50 Interpretation

"Fertiliser" in this Division means any fertiliser prepared by artificial processes;

"Manure" in this Division means any manure prepared by natural processes;

"Manure Works" means any premises upon which animal manure or fertiliser is received, stored, or prepared for sale.

9.51 Storage of Manure

The occupier of any manure works shall—

(a) cause all floors, walls and ceilings in areas where manure or fertiliser is kept or stored, to be constructed of durable, non-absorbent materials, finished internally with a smooth surface;

(b) cause all manure received or manufactured on the premises to be stored in such a manner as will prevent—

(i) emission of noxious or offensive odours;

(ii) breeding of flies and any other vectors of disease; or

(iii) any other nuisance.

9.52 Emission of Dust, Offensive Odours and Noxious Effluvia

The occupier shall cause every precaution to be taken to prevent at all times emission of dust, offensive odours or noxious effluvia, from the premises.

9.53 Prevention of Nuisances During Transit

The occupier shall cause all manure despatched from the premises to be packed in such a manner as to prevent any nuisance arising therefrom during transit.

PART 10 –OFFENCES, PENALTIES, FEES AND EXPENSES

10.1 Offences

A person who contravenes a provision of these Local Laws, commits an offence.

10.2 Penalties

A person who commits an offence under Section 10.1 is liable to—

(a) a penalty which is not more than $1,000 and not less than—

(i) in the case of a first such offence, $100;

(ii) in the case of a second such offence, $200; and

(iii) in the case of a third or subsequent such offence, $500; and

(b) if the offence is a continuing offence, a daily penalty which is not more than $100 and not less than $50.

10.3 Fees

Wherever a fee is prescribed by these Local Laws, that fee shall—

(a) be fixed from time to time by Council pursuant to the provisions of Section 344C of the Act, unless otherwise prescribed; and

(b) all fees, except for a transfer fee, shall be pro-rata, calculated on a monthly basis for any period to 31 December, each year.

10.4 Expenses

Any expense incurred by the local government in consequence of a breach or non-observance of these Local Laws, or in the execution of work directed to be executed by a person and not executed by that person, shall be paid by the person committing the breach or non-observance or failing to execute the work.

Dated this 29th day of June 2007

The COMMON SEAL OF THE CITY OF BAYSWATER was affixed by authority of a resolution of the Council in the presence of:

TERENCE G. KENYON, JP
Mayor

MARIO .J. CAROSELLA
Chief Executive Officer

Consented to -

Dr A. ROBERTSON, Executive Director
Public Health

AMENDMENTS

Details / Clause	Council endorsement	Gazette
Health Act 1911 City of Bayswater Health Local Laws 2001 – Division 4 – Keeping of Poultry, Pigeons and Cage Birds	26 June 2007	No. 163 : 14 August 2007
5.18	26 June 2007	No. 163 : 14 August 2007
5.19 (1)	26 June 2007	No. 163 : 14 August 2007
5.20 (a)	26 June 2007	No. 163 : 14 August 2007
5.21 amended and 5.21 (1), 5.21 (2), 5.21 (3), 5.21 (4) deleted	26 June 2007	No. 163 : 14 August 2007
Health Act 1911 City of Bayswater Health Local Laws 2001 -	Aug 2007	No. 183 : 07 September 2007
6.17 (Waste Food) amended	Aug 2007	No. 183 : 07 September 2007
6.5 (3) (Local Govt May Execute Work and Recover Costs) inserted	Aug 2007	No. 183 : 07 September 2007
7.10 (3) (Local Govt may Carry Out Work and Recover Costs) inserted	Aug 2007	No. 183 : 07 September 2007
7.3 (4) (Env. Health Officer may Disinfect or Disinfest Premises) inserted	Aug 2007	No. 183 : 07 September 2007

Schedule 1

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
City of Bayswater

I/We, ...
(Full name of Applicant/s)

of .....
(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at

.....

as a lodging house to be classified as—

- a lodging house;
- a short term hostel;
- a recreational campsite; or
- serviced apartments

(Specify which is to apply)

and for my name to be entered in the Register as the keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE

Number of storeys.....

Rooms for private use

Area	Number
Laundries/toilets/bathrooms	
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Rooms	
Other (Specify)	

Rooms for lodgers

Area	Number
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Rooms	
Other (Specify)	

Sanitary Conveniences for male lodgers

Area	Number
Toilets	
Urinals	
Baths	
Showers	
Hand basins	

Sanitary Conveniences for female lodgers

Area	Number
Toilets	
Baths	
Showers	

Hand basins

Laundry Facilities

Area
Coppers

Wash troughs
Washing Machines
Drying cabinets or clothes lines

Number

Additional Details

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.

(b) The keeper will/will not reside continuously on the premises

(c) Name and occupation of proposed manager if keeper resides elsewhere .....

.....

(d) ..... family members residing on the premises with the keeper/manager.

Application fee of $..... is attached.

.....
(Signature of Applicant/s)

.....
(Date)

Schedule 2

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at .....

.....

are registered as a Lodging House and classified as—

- a lodging house
- a short term hostel
- serviced apartments
- a recreational campsite

until 31 December ....., on the following conditions—

1. That ....., whose name is entered on the register of keepers of the City of Bayswater, continues to be the keeper of the lodging house;
2. that ....., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping apartments for lodgers is ..... ; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed .....

This Certificate of registration is issued subject to the Health Act and Health Local Laws of the City of Bayswater and is not transferable.

Dated .....

.....
Principal Environmental Health Officer, City of Bayswater Fee received: $

Schedule 3

CITY OF BAYSWATER

Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer

City of Bayswater

I/We, ...
(Full name of Applicant/s)

of .....
(Residential Address of Applicant/s)

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

.....

which are registered in the name of

.....

.....

for the carrying on of the lodging house business.

(Signature of Applicant/s)

(Date)

Schedule 4

CITY OF BAYSWATER

Health Act 1911

REGISTER OF LODGERS

Location of Lodging House: .....

Date of Arrival .....

Name .....

Previous Address .....

.....

Room No: .....

Date of Departure.....

Signature.....

Signed .....

(Keeper)

Date.....

Schedule 5

CITY OF BAYSWATER

Health Act 1911

LIST OF LODGERS

The Chief Executive Officer
City of Bayswater

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

.....

h..... day of..... year .....

Signed .....
(Keeper)

Date .....

Schedule 6

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION

To.....
(Name of Keeper)

of .....
(Address of Keeper)

For the registered lodging house situated at: .....

.....

......, can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than ..... persons at any one time.

.....
Environmental Health Officer

Date .....

Schedule 7

CITY OF BAYSWATER

Health Act 1911

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

To.....
(Name of Keeper)

of .....
(Address of Keeper)

for the registered lodging house situated at

.....

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

Room Number	Maximum Occupancy	Room Number	Maximum Occupancy

.....
Environmental Health Officer

Date.....

Schedule 8

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR LICENSE OF A MORGUE

To: Chief Executive Officer

City of Bayswater

I .....
(Full name in Block Letters)

of.....

(Full Residential Address)

apply to license the premises listed below as a Morgue

Address of premises: .....

Name of premises: .....

Dated this .....day of .....year .....

.....
(Signature of Applicant)

Schedule 9

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the 1st January..... until 31st December.....

Address of premises: .....

Name of premises: .....

Dated this .....day of .....year .....

.....
Principal Environmental Health Officer

City of Bayswater

(Date)

Schedule 10

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer

City of Bayswater

I/We, ...

(Full Name of Applicant/s)

of .....

(Residential Address of Applicant/s)

apply for consent to establish an offensive trade being

.....

(Description of Offensive Trade)

in or upon .....

(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in

.....

.....

on .....

(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

.....

(Signature of Applicant/s)

.....

(Date)

Schedule 11

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
City of Bayswater

To: Chief Executive Officer
City of Bayswater

I/We, ...

(Full Name of Applicant/s)

of .....

(Residential Address of Applicant/s)

apply for registration, for the year ended .....

of .....

(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely

.....

(Description of Offensive Trade)

under the business name of .....

The prescribed registration fee of $ ..... is attached.

.....

(Signature of Applicant/s)

.....

Schedule 12

CITY OF BAYSWATER

Health Act 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at

.....

of which .....

is the occupier, is registered for the carrying on of the trade of

.....

Trade Name .....

This registration expires on 31st December .....

Dated this .....day of .....year .....

.....

Principal Environmental Health Officer
City of Bayswater

Passed by resolution at an Ordinary Meeting Of The Council of the City of Bayswater held on 24th day of July 2001.
The Common Seal of the City of Bayswater was hereunto affixed in the presence of—

LOUIE J. MAGRO, Mayor.

MARIO J. CAROSELLA, Chief Executive Officer.

On this 7th day of August 2001.
Consented to—

Dr VIRGINIA A. McLAUGHLIN, MBChB, MApp Epid, FAFPHM,
delegate of Executive Director Public Health.

Dated this 30th day of October 2001.

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH (EATING-HOUSES) LOCAL LAWS 2001

Made by the Council of the City of Bayswater under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the "*City of Bayswater Health (Eating-Houses) Local Laws 2001*". **Repeal**

2. The Health Local Laws—Eating Houses of the City of Bayswater made by the City of Bayswater on 28 April 1987 and published in the *Government Gazette* on 18 March 1988 and amended from time to time, are repealed.

Interpretation

3. In these local laws, unless the context otherwise requires—

"Act" means the *Health Act 1911* (as amended) and includes any subsidiary legislation made under the *Health Act 1911*.

"certificate of registration" means a registration certificate issued pursuant to the provisions of these local laws by the local government.

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer.

"Council" means the Council of the City of Bayswater.

"eating-house" means an eating-house as defined in Division 3, Section 160, of the *Health Act 1911* (as amended).

"Environmental Health Officer" means an Environmental Health Officer appointed under the Act.

"local government" means the City of Bayswater.

"licence" means a licence to conduct the business of an eating-house granted pursuant to the provisions of these local laws by the local government.

"proprietor" means the person having the management or control of premises.

"registered premises" means any premises that are registered as an eating-house under these local laws.

Requirement for Registration and Licensing

4. No person shall occupy or use any premises as an eating-house unless—

(a) the premises are registered under these local laws as an eating-house;

(b) the proprietor of the said premises is the holder of a licence issued by the local government authorising him to conduct on the premises the business of an eating-house; and

(c) the premises and the operations conducted within the premises comply with the requirements of the *Health (Food Hygiene) Regulations 1993*.

Registration of an Eating-House

5. (1) An application for registration of an eating-house shall be forwarded to the Chief Executive Officer together with—

(i) the fee as fixed from time to time by Council under Section 344C of the Act;

(ii) in relation to an eating-house which is not currently registered, detailed plans and specifications of the eating-house which shall include the following details—

(a) the use of each room;

(b) the structural finish of each wall, floor and ceiling;

(c) the position and type of each fitting and fixture;

(d) all sanitary conveniences, change rooms, ventilating systems, drains, grease traps and provisions for waste disposal; and

(e) the proposed number of persons, including the proprietor or proprietors expected to be engaged in the preparation, manufacture, processing, cooking or serving of meals.

(2) Before any premises are registered as an eating-house, the site intended to be used for such purpose shall be subject to the approval of the local government;

(3) The local government may attach such conditions as it deems necessary to ensure compliance with the requirements of the Act, to the registration of an eating-house, and these conditions shall be set out in the certificate of registration.

(4) If the application is approved, the local government shall issue to the applicant a certificate of registration.

Prescribed Date

6. (1) For the purposes of section 162 of the Act, the prescribed date after which no person shall establish or carry on the business of an eating-house unless the eating-house is registered and the proprietor thereof is licensed is the 18 March 1988.

(2) For the purpose of section 163 of the Act, the 31st day of December in each year is prescribed as the date on or before which the annual application for registration of an eating-house and licence for the proprietor of an eating-house shall be made.

Licence to Conduct an Eating-House

7. Before any licence to conduct an eating-house is issued to any proprietor by the local government under these local laws, the proprietor shall make an application in writing and shall—

(i) include the full name and address of the applicant;

(ii) specify the location for which the licence is sought;

(iii) specify the proposed goods, wares, merchandise or services in respect of which the trading will be carried on;

(iv) include details of any previous experience in the operations of eating-houses; and

the applicant shall forward the application, together with the fee as fixed from time to time by Council under Section 344C of the Act, to the local government and if the application is approved, the local government shall issue to the proprietor a licence.

Register of Registrations and Licences

8. Every certificate of registration of premises registered as an eating-house and every licence issued to a proprietor shall be entered in a register maintained by the local government for that purpose.

Licence conditions

9. A licence shall be issued upon and subject to the condition that the holder of the licence shall—

(a) display the licence and certification of registration of the eating- house in a conspicuous place in the eating-house;

(b) notify the local government in writing of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating-house prior to the commencement of such alteration, addition or other work;

(c) notify the local government in writing of any proposed increase in staff numbers;

(d) prevent public access to the food preparation and storage areas at all times.

Certificate of Registration and Licences

10. Every proprietor of registered premises shall keep the certificate of registration and the licence on the registered premises in a position visible to the general public and shall, when requested to do so by an Environmental Health Officer, produce the certificate of registration and the licence issued to the proprietor in respect of such premises

Period of Registration and Licence

11. Every certificate of registration and every licence shall be in force from the day of issue to the next 31st day of December, inclusive, unless the same is cancelled in the meantime in accordance with the provisions of the Act.

Renewal Applications

12. Applications for renewal of certificates of registration and licences shall be made annually during the month of November.

Fees

13. The fees payable to the local government on the registration of premises, the issue of a licence and on the renewal of any registration or licence shall be the fee as fixed from time to time by Council under Section 344C of the Act.

Change of Address

14. Whenever any person identified as the proprietor on a certificate of registration and/or a licence issued pursuant to these local laws, changes his or her place of abode he or she shall, within seven days of such a change, give notice in writing to the local government specifying his or her new place of abode and he or she shall, at the same time, produce such certificate of registration and/or licence to the local government, and the amendment shall be endorsed thereon.

Licence Personal to Holder

15. Any licence issued under the provisions of these local laws to any proprietor to conduct an eating-house, shall not be transferable to any other person except as specified in section 168 subsection 2 of the Act.

New Proprietors to apply for Licence

16. If the licenced proprietor of any premises registered as an eating-house ceases to be the proprietor, as defined under these local laws then any person wishing to become the proprietor of such premises must make application to the local government for a licence to conduct an eating-house as required by Section 6 of these local laws.

Power to Grant or Refuse an Application or Cancel a Registration or Licence

17. Where application is made to the local government either for—

(a) an eating-house to be registered; or

(b) a licence to be issued to conduct the business of an eating-house, then—

(i) such application may be issued or refused subject to sections 165 and 166 of the Act;

(ii) any such registration or licence, if allowed and issued, may be cancelled at any time for any one of the reasons described in subsections 165(3) and 166(3) of the Act.

Offences and Penalties

18. Any person who commits a breach of any of the provisions of these local laws shall be guilty of an offence and upon conviction shall be liable to—

a fine that is not more than $2,500 and not less than—

(i) in the case of a first offence $250;

(ii) in the case of a second offence $500; and

(iii) in the case of a third or subsequent offence, $1,250; and

if that offence is a continuing offence, a daily penalty which is not more than $250 and not less than $125.

Passed at a meeting of the Council of the City of Bayswater held on the 24th day of July, 2001.

The Common Seal of the City of Bayswater was hereunto affixed in the presence of—

LOUIE J. MAGRO, Mayor.

MARIO J. CAROSELLA, Chief Executive Officer.

On this 7th day of August, 2001.

Consented to—

Dr VIRGINIA A. McLAUGHLIN, MBChB, MApp Epid, FAFPHM,
delegate of Executive Director Public Health.

On this 30th day of October, 2001.

HEALTH ACT 1911

CITY OF BAYSWATER

HEALTH (ITINERANT FOOD VENDORS) LOCAL LAWS 2001

Made by the Council of the City of Bayswater under section 342 of the *Health Act 1911* in accordance with subdivision 2 of Division 2 of Part 3 of the *Local Government Act 1995*.

Citation

1. These local laws may be cited as the "*City of Bayswater Health (Itinerant Food Vendors) Local Laws 2001*".

Interpretation

2. In these local laws, unless the context otherwise requires—

"Act" means the *Health Act 1911* (as amended) and includes any subsidiary legislation made under the *Health Act 1911*.

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer.

"Council" means the Council of the City of Bayswater.

"itinerant food vendor" means a person who travels along the road looking for customers and who sells food from a vehicle temporarily parked on, or beside, the street to customers who stop him while he is so parked.

"licence" means a licence to operate as an Itinerant Food Vendor granted pursuant to the provisions of these local laws by the Council.

"Principal Environmental Health Officer" means the Principal Environmental Health Officer appointed under the Act

Licence

3. (1) An itinerant food vendor shall not offer for sale or sell food unless the person—

(a) is the holder of an itinerant food vendor's licence issued by Council under this Clause; and

(b) complies with any conditions to which the licence is subject.

(2) An application for an itinerant food vendor's licence shall be—

(a) made by the proprietor or where there is more than one proprietor, by each proprietor;

(b) made in the form prescribed in Schedule 1; and

(c) forwarded to the Chief Executive Officer together with the fee as fixed from time to time by Council under Section 344C of the *Health Act 1911*.

(3) An application for a licence under this clause shall be determined by Council which, may approve the application, with or without conditions, or reject the application.

(4) Where Council approves, with or without conditions, an application under this clause, an itinerant food vendor's licence—

(a) signed by the Principal Environmental Health Officer; and

(b) in the form of Schedule 2,

shall be issued by Council.

(5) A licence issued under this clause shall be valid until 31st December next following the date of issue of the licence by Council.

(6) A person who makes a false statement in an application under this clause, commits an offence.

(7) A person issued with an itinerant food vendors licence shall, whilst plying his/her trade, carry the licence and produce the same to an Environmental Health Officer on demand.

(8) A food vehicle used for the purpose of conducting a business as an itinerant food vendor shall be presented for inspection by an Environmental Health Officer prior to annual licensing.

(9) A person issued with a licence to operate as an itinerant food vendor must comply with relevant requirements of the *Food Hygiene Regulations 1993*.

Offences and Penalties

4. (1) A person who contravenes a provision of these local laws commits an offence.

(2) A person who commits an offence under sub clause (1) is liable to—

(a) a penalty which is not more than $2,500 and not less than—

(i) In the case of a first such offence, $250;

(ii) In the case of a second such offence, $500; and

(iii) in the case of a third and subsequent such offence $1250; and

(b) if the offence is a continuing offence, a daily penalty which is not more than $250 and not less than $125.

Schedule 1

CITY OF BAYSWATER

Health Act 1911

APPLICATION FOR LICENCE AS AN ITINERANT FOOD VENDOR

To Chief Executive Officer
City of Bayswater

Name (in full) of Applicant

Place of Residence

.....

.....

Postal Address

.....

Type of Food for sale

.....

Place where vehicle, food and trade utensils are stored—

.....

Details of vehicle or means of carriage—

.....

.....

Dated this..... day of ..... year .....

.....

Signature of Applicant Telephone ..

Schedule 2

CITY OF BAYSWATER

Health Act 1911

LICENCE AS AN ITINERANT FOOD VENDOR

This is to certify that

.....

(Name)

of

.....

(Address)

is hereby licensed as an Itinerant Food Vendor within the Health District of the City of Bayswater.

This licence expires on the 31 st day of December following the date of issue, unless this licence is previously cancelled.

Date of issue: ..... day of..... year .....

.....

Principal Environmental Health Officer

Passed at a meeting of the Council of the City of Bayswater held on the 24th day of July, 2001.

The Common Seal of the City of Bayswater was hereunto affixed in the presence of—

LOUIE J. MAGRO, Mayor.

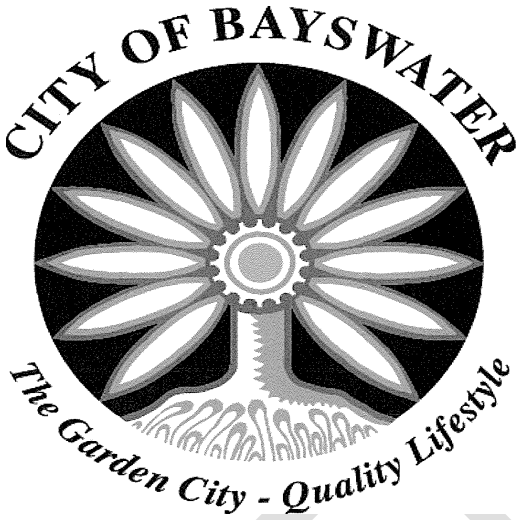
MARIO J. CAROSELLA, Chief Executive Officer.

On this 7th day of August, 2001.

Consented to—

Dr VIRGINIA A. McLAUGHLIN, MBChB, MApp Epid, FAFPHM,
delegate of Executive Director Public Health.

On this 30th day of October, 2001.



DRAFT

Western Australia

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER
HEALTH LOCAL LAW 2023

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

HEALTH LOCAL LAW 2023

ARRANGEMENT

PART I - PRELIMINARY

1.1 Citation
1.2 Repeal
1.3 Interpretation

PART 2 – SANITATION

Division 1 - Sanitary Conveniences

2.1 Interpretation
2.2 Dwelling House
2.3 Premises other than a Dwelling House
2.4 Toilets
2.5 Temporary Works
2.6 Maintenance of Sanitary Conveniences and Fittings
2.7 Ventilation of Toilets
2.8 Public Sanitary Conveniences
2.9 Lighting
2.10 Installation

Division 2 - Bathrooms, Laundries and Kitchens

2.11 Bathrooms
2.12 Laundries
2.13 Washing or Keeping of Clothes in Kitchens
2.14 Kitchens
2.15 Floor of Wet Areas

PART 3 - HOUSING AND GENERAL

Division 1 - Maintenance of Dwelling Houses

3.1 Dwelling House Maintenance
3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

Division 2 - Ventilation of Houses

3.3 Exemption for Short Term Hostels and Recreational Campsites
3.4 Overcrowding
3.5 Calculation of Sufficient Space
3.6 Ventilation
3.7 Sub-Floor Ventilation

Division 3-Water Supply

3.8 Water Supply
3.9 Rain Water tanks
3.10 Wells

DRAFT

3.11 Pollution

Division 4 - Second-hand Furniture, Bedding and Clothing

3.12 Prohibition on Sale
3.13 Prohibition of Possession

Division 5 - Morgues

3.14 Licensing of Morgues

PART 4 - WASTE FOOD AND REFUSE

4.1 Interpretation

Division 1 - Liquid Refuse

4.2 Deposit of Liquid Refuse

Division 2 - Disposal of Refuse

4.3 Interpretation
4.4 Use of Other Containers
4.5 Suitable Enclosure
4.6 Deposit of Refuse
4.7 Burning Rubbish or Refuse

Division 3 -Transport of Butchers Waste

4.8 Interpretation
4.9 Restriction of Vehicles
4.10 Transport of Butchers' waste

PART 5 - NUISANCES AND GENERAL

Division 1 - Nuisances

5.1 Interpretation
5.2 Footpaths etc. to be Kept Clean
5.3 Escape of Smoke etc.
5.4 Public Vehicles to be Kept Clean
5.5 Prohibition Against Spitting
5.6 Transportation, Use and Storage of Offal or Blood
5.7 Use or Storage of Fertiliser
5.8 Storage and Dispatch of Artificial Fertiliser
5.9 Storage of Fertiliser

Division 2 - Keeping of Animals

5.10 Cleanliness
5.11 Animal Enclosures
5.12 Slaughter of Animals
5.13 Disposal of Dead Animals

Division 3 - Keeping of Large Animals

5.14 Interpretation
5.15 Stables
5.16 Proximity of Animals to a Dwelling House

DRAFT

5.17 Manure Receptacles

Division 4 - Keeping of Poultry, Pigeons and Cage-birds

5.18 Interpretation
5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds
5.20 Conditions of Keeping Poultry
5.21 Roosters
5.22 Conditions of Keeping Pigeons and Other Cage-birds
5.23 Removal of Non -conforming Structure or Enclosure
5.24 Restrictions on Pigeon Nesting, Perching and Feeding

Division 5-Car Parks

5.25 Interpretation
5.26 Ventilation
5.27 Exhaust Air Discharge Points and Exhaust Registers
5.28 Car Park Attendant Booths

PART 6 - PEST CONTROL

Division 1 - Flies

6.1 Interpretation
6.2 Fly Breeding Matter not to be Left on Premises Unless Covered or Treated
6.3 Measures to be Taken by an Occupier
6.4 Officer May Give Notice Directing Measures to be Taken
6.5 Local Government May Execute Work and Recover Costs

Division 2 - Mosquitoes

6.6 Interpretation
6.7 Premises to be Kept Free of Mosquito Breeding Matter
6.8 Measures to be Taken by an Owner or Occupier
6.9 Measures to be Taken by Occupier
6.10 Removal of Undergrowth or Vegetation
6.11 Filling in Excavations etc.
6.12 Drains, Channels and Septic Tanks
6.13 Drainage of Land
6.14 Swimming Pools

Division 3 - Rodents

6.15 Interpretation
6.16 Measures to be Taken to Eradicate Rodents
6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles
6.18 Restrictions on Materials Affording Harbourage for Rodents
6.19 Food Premises to be Cleaned After Use
6.20 Restrictions on the Keeping of Rodents

Division 4 - Cockroaches

6.21 Interpretation
6.22 Measures to be Taken to Eradicate Cockroaches

Division 5 - Argentine Ants

6.23 Interpretation
6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

DRAFT

Division 6 - European Wasps

6.25 Interpretation
6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

Division 7 - Bee Keeping

6.27 Interpretation
6.28 Limitation on Numbers of Hives
6.29 Restrictions on Keeping of Bees in Hives
6.30 Bees which cause a Nuisance not to be Kept

Division 8 - Arthropod Vectors of Disease

6.31 Interpretation
6.32 Responsibility of the Owner or Occupier

PART 7 - INFECTIOUS DISEASES

Division 1 - General Provisions

7.1 Environmental Health Officer may Visit, Inspect and Report
7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest
7.3 Environmental Health Officer may Disinfect or Disinfest Premises
7.4 Insanitary Houses, Premises and Things
7.5 Medical Officer may Authorise Disinfecting
7.6 Persons in Contact with an Infectious Disease Sufferer
7.7 Declaration of Infected House or Premises
7.8 Destruction of Infected Animals
7.9 Disposal of a Body
7.10 Local government may Carry out Work and Recover Costs

Division 2 - Disposal of Used Condoms and Needles

7.11 Disposal of Used Condoms
7.12 Disposal of Used Needles

PART 8 - LODGING HOUSES

Division 1 - Registration

8.1 Interpretation
8.2 Lodging House not to be Kept Unless Registered
8.3 Application for Registration
8.4 Approval of Application
8.5 Renewal of Registration
8.6 Notification upon Sale or Transfer
8.7 Revocation of Registration

Division 2 - Construction and Use Requirements

8.8 General Construction Requirements
8.9 Sanitary Conveniences
8.10 Laundry
8.11 Kitchen
8.12 Cooking Facilities
8.13 Dining Room
8.14 Lounge Room

DRAFT

8.15 Fire Prevention and Control
8.16 Obstruction of Passages and Stairways
8.17 Fitting of Locks
8.18 Restriction on Use of Rooms for Sleeping
8.19 Sleeping Accommodation-Short Term Hostels and Recreational Camp sites
8.20 Furnishing etc. of Sleeping Apartments
8.21 Ventilation
8.22 Numbers to be Placed on Doors

Division 3 - Management and Care

8.23 Keeper or Manager to Reside in the Lodging House
8.24 Register of Lodgers
8.25 Keeper Report
8.26 Certificate in Respect of Sleeping Accommodation
8.27 Duplicate Keys and Inspection
8.28 Room Occupancy
8.29 Infectious Diseases
8.30 Cleaning and Maintenance Requirements
8.31 Responsibilities of Lodgers and Residents
8.32 Approval for Storage of Food

PART 9 - OFFENSIVE TRADES

Division 1 - General

9.1 Interpretation
9.2 Consent to Establish an Offensive Trade
9.3 Notice of Application
9.4 Registration of Premises
9.5 Certificate of Registration
9.6 Conditions of Consent for an Offensive Trade
9.7 Directions
9.8 Other Duties of Occupier
9.9 Change of Occupier
9.10 Alterations to Premises
9. 11 Occupier Includes Employee

Division 2 - General Duties of an Occupier

9.12 Interpretation
9.13 Cleanliness
9.14 Rats and Other Vectors of Disease
9.15 Sanitary Conveniences and Wash Basins
9.16 Painting of Walls etc.
9.17 Effluvia, Vapours or Gases
9.18 Offensive Material
9.19 Storage of Materials
9.20 Specified Offensive Trades
9.21 Directions
9.22 Other Duties of Occupier

Division 3 - Fish Processing Establishments

9.23 Interpretation
9.24 Fish Preparation Room
9.25 Disposal of Waste
9.26 Fish Containers

DRAFT

9.27 Cooking of Fish
9.28 Fly Screening
9.29 Use of an Approved Portable Box
9.30 Fish Transport Vehicle

Division 4 - Fat Rendering Premises

9.31 Interpretation
9.32 Exhaust Ventilation
9.33 Covering of Apparatus
9.34 Rendering of Walls

Division 5 - Flock Factories

9.35 Interpretation
9.36 New and Used Materials
9.37 Collection and Removal of Dust
9.38 Building Requirements
9.39 Unclean Rags
9.40 Bedding and Upholstery

Division 6 - Laundries, Dry Cleaning Establishments and Dye Works

9.41 Interpretation
9.42 Receiving Depot
9.43 Reception Room
9.44 Walls and Floors
9.45 Laundry Floor
9.45 Escape of Dust
9.46 Precautions Against Combustion
9.47 Trolleys
9.48 Sleeping on Premises

Division 7 - Manure Works

9.50 Interpretation
9.51 Storage of Manure
9.52 Emission of Dust, Offensive Odours and Noxious Effluvia
9.53 Prevention of Nuisances During Transit

PART 10 - OFFENCES, PENALTIES, FEES AND EXPENSES

10.1 Offences
10.2 Penalties
10.3 Fees
10.4 Expenses

DRAFT

SCHEDULES OF FORMS AND FEES

Schedule Number	Description
1.	Application for Registration of a Lodging House
2.	Certificate of Registration of a Lodging House
3.	Notice of Change of Owner of a Lodging House
4.	Register of Lodgers
5.	List of Lodgers
6	Certificate of Sleeping Accommodation
7.	Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments
8.	Application for Licence of a Morgue
9.	Certificate of Licence of a Morgue
10.	Application for Consent to Establish an Offensive Trade
11.	Application for Registration of Premises for Offensive Trade
12.	Certificate of Registration of Premises for Offensive Trade

DRAFT

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

HEALTH LOCAL LAW 2023

Made by the Council of the City of Bayswater under the Local Government Act 1995.

PART 1 - PRELIMINARY

1.1 Citation

These local laws may be cited as the "City of Bayswater Health Local Laws 2023".

1.2 Repeal

The Health Local Laws adopted by the City of Bayswater and published in the Government Gazette on 10 December 2001, and amended from time to time, are repealed.

1.3 Interpretation

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

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

"adequate supply of water" means a flow of water of not less than 4.56 litres per minute; "approved" means approved by the Principal Environ mental Health Officer; "AS" means Australian Standard published by the Standards Association of Australia;

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

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer;

"Council" means the Council of the City of Bayswater;

"district" means the district of the City of Bayswater and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

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

"Environmental Health Officer" means an Environmental Health Officer appointed by the local government under the Act;

"habitable room" means a room used for normal domestic activities, and -

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sunroom; but

(b) excludes a bathroom, laundry, water closet, pantry, walk in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

"house" in these Local Laws shall be the same as the definition given in Part 1 Section 3 of the *Health (Miscellaneous Provisions) Act 1911*;

"hot water" means water at a temperature of at least 75 degrees Celsius;

DRAFT

"local government" means the City of Bayswater;

"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the local government to the officer of Principal Environmental Health Officer and includes Manager Environmental Health;

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

"sanitary convenience" includes urinals, water-closets, latrines, sinks, baths, showers, wash troughs, apparatus for the treatment of sewage or other receptacle for the deposit of faecal matter and urine and all similar conveniences;

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

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

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

"toilet" means a water closet, latrine or urinal and includes a room or cubicle in which one or more of these is located;

"water" means drinking water within the meaning of the Guidelines for Drinking Water Quality in Australia - 1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister from time to time; and

"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these Local Laws, a duty or liability is imposed on an "owner or occupier", the duty or liability shall be deemed to be imposed jointly and severally on each of the "owner or occupier".

(3) Where under these Local Laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

(4) These Local Laws shall be construed subject to the limits of the power of the Council of the City of Bayswater and so as not to exceed that power to the intent that where any provision of these Local Laws, but for this clause, would be construed as being in excess of that power, it shall nevertheless be valid to the extent to which it is not in excess of that power.

(5) Save where defined herein, where words and phrases used in these Local Laws are defined or used in the *Health (Miscellaneous Provisions) Act 1911*, those words and phrases have the same meaning unless the context otherwise requires.

PART 2 - SANITATION

Division 1 - Sanitary Conveniences

2.1 Interpretation

"public sanitary convenience" means a sanitary convenience to which the public

DRAFT

ordinarily have access, whether by payment of a fee or not; and

"temporary sanitary convenience" means a sanitary convenience, temporarily placed for use by- (a) patrons in conjunction with a festival; or employees at construction sites or the like.

2.2 Dwelling House

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have lighting in accordance with the requirements of the Building Code.

2.3 Premises other than a Dwelling House

(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless -

(a) the premises have sanitary conveniences in accordance with the Building Code and this Part;

(b) the toilets required by these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have handbasins -

(i) in accordance with the Building Code;

(ii) for the use of persons employed or engaged on the premises;

(iii) provided with an adequate supply of water supplied by taps located over each basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that -

(a) clean toilet paper is available at all times in each cubicle;

(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and

(c) each handbasin is provided with-

(i) an adequate supply of soap or other hand cleaning substances; and

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

2.4 Toilets

Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements-

(a) toilets for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling;

(b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is intended.

DRAFT

2.5 Temporary Works

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

2.6 Maintenance of Sanitary Convenience and Fittings and Fittings

(1) The occupier of premises shall -

(a) keep clean, in good condition and repair; and

(b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall -

(a) keep or cause to be kept in good repair; and;

(b) maintain an adequate supply of water to,

all sanitary conveniences including sanitary fittings in or on the premises.

2.7 Ventilation of Toilets

A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code.

2.8 Public Sanitary Conveniences

(1) A person shall not -

(a) foul;

(b) damage or vandalise; or

(c) write on or otherwise deface,

a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person using a public sanitary convenience shall where the convenience has been provided by the local government and a charge for its use has been levied, forthwith pay that charge.

(3) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.9 Lighting

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

2.10 Installation

(1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage By-Laws 1981* and National Plumbing and Drainage Code AS 3500 and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be installed in accordance with the requirements of the *Health (Temporary Sanitary Conveniences) Regulations*

DRAFT

1997.

Division 2 - Bathroom, Laundries and Kitchens

2.11 Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that-

(a) is lined with an impervious material in accordance with the requirements of Part F 2.4.1 of the Building Code;

(b) complies with the *Health Act (Laundries and Bathrooms) Regulations;*

(c) is equipped with-

(i) a handbasin; and

(ii) either a shower in a shower recess or a bath; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.12 Laundries

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that -

(a) is properly enclosed and roofed;

(b) is adequately lined with an impervious material;

(c) is not a room in which food is stored, prepared, served or consumed; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) In the case of a single occupancy dwelling, the laundry referred to in subsection (1) shall have -

(a) either-

(i) two wash troughs and one copper; or

(ii) a washing machine and either a wash trough or a sink; and

(b) a clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.

(3) All wash troughs, sinks, coppers and washing machines shall be -

(a) in a laundry and connected to an adequate supply of hot and cold water; and

(b) properly supported,

and all wash troughs and sinks shall have a capacity of at least 36 litres.

(4) Sole or multiple occupancy units, each being a separate dwelling, shall have-

(a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or

(b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

DRAFT

(5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(6) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall -

(a) not be more than 1 220 millimeters wide; and

(b) have a door which when closed shall completely fill the opening.

2.13 Washing or Keeping of Clothes in Kitchens

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

(a) wash or permit to be washed any clothing or bedding; or

(b) keep or permit to be kept any soiled clothing or bedding.

2.14 Kitchens

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with -

(a) an electric, gas, wood or other fuel burning stove;

(b) an oven of sufficient capacity for the cooking requirements of the usual occupants of the house and not less than a minimum capacity of 0.03 cubic metres; and

(c) a sink which shall-

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and

(ii) have an adequate supply of hot and cold water.

(2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(3) A cooking facility shall-

(a) be installed in accordance with the requirements of the Office of Energy; and

(b) not be installed or used in any room other than a kitchen.

(4) (a) A kitchen shall be provided with mechanical exhaust ventilation directly above the cooking facility and the exhaust air shall be –

(i) carried to the outside air as directly as practicable; and

(ii) boxed throughout; or

(b) An alternative ventilation system, to the satisfaction of the Principal Environmental Health Officer, may be provided, where the Principal Environmental Health Officer is satisfied that the alternative method does not give rise to any health nuisance.

(5) In this section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

2.15 Floor of Wet Areas

The floor of every bathroom, ensuite, laundry, toilet and any other ablution area within the building shall be properly surfaced, impervious to water and evenly graded to an approved floor waste outlet.

DRAFT

PART 3 - HOUSING AND GENERAL

Division 1 - Maintenance of Houses

3.1 Dwelling House Maintenance

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

(a) maintain all roofs, guttering and downpipes in sound weatherproof condition;

(b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

(c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;

(d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;

(e) maintain any brick, stone, mortar or cement work in a sound condition;

(f) maintain, repair or replace any flashings or ant caps that are missing or defective;

(g) maintain all ventilators in good order and repair;

(h) maintain all floors even in surface and free from cracks;

(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

(j) maintain all doors and windows in good working order and weatherproof condition;

(k) retain all-natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 10% of the floor area;

(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so

(m) that they comply in all respects with the provisions of the Metropolitan Water Supply, Sewerage and Drainage By-Laws, National Plumbing Code, Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and any other legal requirements to which they are subject; and

(m) maintain all electric wiring, gas services and fittings so as to comply in all respects with the requirements of the Office of Energy.

3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

The owner or occupier of a house shall-

(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and

(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2 - Ventilation of Houses

3.3 Exemption for Short Term Hostels and Recreational Campsites

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

3.4 Overcrowding

DRAFT

The owner or occupier of a house shall not permit -

(a) a room in the house that is not a habitable room to be used for sleeping purposes; or

(b) a habitable room in the house to be used for sleeping purposes unless-

(i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and

(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or

(c) any garage or shed to be used for sleeping purposes.

3.5 Calculation of Sufficient Space

For the purpose of section 3.4, in calculating the space required for each person -

(a) each room shall be considered separately and sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and

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

3.6 Ventilation

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

(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code, including the provision of-

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with AS 1668.2.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is-

(a) maintained in good working condition and in accordance with AS 3666-1 989; and

(b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

(4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to -

(a) provide a different, or additional method of ventilation; or

(b) cease using the house until it is properly ventilated.

(5) The owner shall comply with a notice under subsection (4).

3.7 Sub-Floor Ventilation

The owner or occupier of a house shall ensure that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

Division 3 - Water Supply

3.8 Water Supply

(1) The owner of a house shall ensure that it is connected with a separate and

DRAFT

independent water supply from the mains of the licensed water service operator or a water supply to the satisfaction of the local government.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

3.9 Rain Water Tanks

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall -

(a) maintain in a clean condition -

(i) the roof forming the catchment for the tank; and

(ii) the guttering and downpipes appurtenant to the roof;

(b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;

(c) at least once in each year, thoroughly clean any tank from which water is used for human consumption;

(d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, from which water is used for human consumption.

3.10 Wells

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

(a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and

(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

3.11 Pollution

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

Division 4 - Second-hand Furniture, Bedding and Clothing

3.12 Prohibition on Sale

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

3.13 Prohibition of Possession

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

Division 5 - Morgues

3.14 Licensing of Morgues

(1) All morgues, except those conducted by a public hospital, local government or the Police Service, are required to be licensed.

(2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is as fixed from time to time

DRAFT

by Council under Section 344C of the Act.

(3) A licence shall-

(a) be applied for in the form set out in Schedule 8;

(b) be in the form set out in Schedule 9; and

(c) expire on 31 December next after the date of its issue.

(4) A licence shall not be granted in respect of any premises unless-

(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;

(b) the walls are constructed of stone or brickwork or other approved material;

(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;

(d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and

(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4 - WASTE FOOD AND REFUSE

Division 1 - Liquid Refuse

4.1 Interpretation

In this division, unless the context otherwise requires-

"liquid refuse" includes all washings from windows and vehicles; overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and any other liquid used for cooling purposes; and swimming pool discharges;

4.2 Deposit of Liquid Refuse

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

(a) on a street;

(b) in a stormwater disposal system; or

(c) on any land or place other than a place or depot duly authorised for that purpose.

Division 2-Disposal of Refuse

4.3 Interpretation

In this division, unless the context otherwise requires -

"building line" has the meaning given to it in and for the purposes of *the Local Government (Miscellaneous Provisions) Act 1960*;

"collection day" means the day of the week on which rubbish and refuse is collected and removed by the local government or its contractor;

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

"commercial waste" means refuse and other rubbish generated by or emanating from commercial premises and includes trade refuse;

"domestic waste" means refuse and other rubbish generated by or emanating from residential premises;

DRAFT

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

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

"refuse disposal site" means land set apart by the Council under the Act as a site for the deposit of rubbish or refuse; "receptacle", where used in connection with any premises, means-

(a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or

(b) a container provided by the local government or its contractor for the deposit, collection or recycling of specific materials; or

(c) other type of receptacle specified or approved by the local government; and supplied to the premises by the local government or its contractor;

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

"street alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960,* means the new street alignment so prescribed; and "waste" means commercial waste or domestic waste or both as the context requires.

4.4 Use of Other Containers

(1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this section to deposit rubbish or refuse in a container shall-

(a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in subsection 4.9 (1);

(b) take all reasonable steps to prevent -

(i) fly breeding and keep the container free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(ii) the emission of offensive and noxious odours from the container;

(c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;

(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;

(e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection;

(f) ensure that the container does not cause a nuisance to an occupier of adjoining or nearby premises; and

(g) ensure that rubbish or refuse which is or is likely to become offensive or a

DRAFT

nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;

(3) An owner or occupier shall -

(a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;

(b) ensure that each container on the premises-

(i) has a close-fitting lid;

(ii) is constructed of non-absorbent and non-corrosive material; and

(iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;

(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;

(d) place any rubbish or refuse in, and only in, a container marked for that purpose;

(e) keep the cover of each container closed except when it is necessary to place something in, or remove something from, it; and

(f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

4.5 Suitable Enclosure

(1) An owner or occupier of premises-

(a) consisting of more than 3 dwellings that have not been provided with individual receptacles; or

(b) used for commercial or industrial purposes or as a food premises;

(c) if required by the Principal Environmental Health Officer shall-

(i) provide a suitable enclosure for the storage and cleaning of receptacles or other containers on the premises; and

(ii) install in the enclosure a tap connected to an adequate supply of water.

(2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this section, a "suitable enclosure" means an enclosure -

(a) of sufficient size to accommodate all receptacles or other containers used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;

(b) having walls constructed of brick or concrete or other material of suitable thickness approved by the Principal Environmental Health Officer;

(c) having walls which will adequately screen the receptacles or containers and not less than 1.8 metres in height and having an access way of adequate width to al low the removal of receptacles or other containers for collection and not less than 1 metre in width and fitted with a self-closing gate;

(d) containing a smooth and impervious concrete floor -

(i) of not less than 100 millimetres in thickness; and

(ii) which is evenly graded to a liquid refuse disposal system approved

DRAFT

by the Principal Environmental Health Officer; and

(e) which is easily accessible to allow for the removal, emptying and cleaning of the receptacles or other containers.

4.6 Deposit of Refuse

(1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

(2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except

(a) at such place on the site as may be directed by the person in charge of the site; or

(b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

4.7 Removal of Rubbish or Refuse from Refuse Disposal Site

(1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the local government or the local government's contractor managing the site.

(2) A person who obtains approval from the local government or the local government's contractor shall comply with any conditions imposed by the local government or its contractor and set out in the approval.

4.8 Removal of Rubbish from Premises or Receptacles

(1) A person shall not remove any rubbish or refuse from premises unless that person is -

(a) the owner or occupier of the premises;

(b) authorised to do so by the owner or occupier of the premises; or

(c) authorised in writing to do so by the local government.

(2) A person shall not, without the approval of the local government or the owner of a receptacle or other container, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

4.9 Burning Rubbish or Refuse

(1) A person shall not -

(a) without the written approval of the Principal Environmental Health Officer; and

(b) except in accordance with the terms and conditions to which the approval is subject,

set fire to, or cause to be set on fire, any rubbish or refuse either in any incinerator, barbecue, wood fired stove or on the ground.

(2) Subject to subsection (3), an approval of the Principal Environmental Health Officer is issued subject to the following conditions –

(a) the material to be burnt-

(i) does not include any plastic, rubber, food scraps, green garden cuttings or other material that is offensive when burnt; and

(ii) is of such quantity, or of such a nature, as not to be suitable for removal by the local government's refuse collection service;

(b) there is no other appropriate means of disposal;

DRAFT

(c) burning shall not take place-

(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or

(ii) where there is no current dispersion alert, outside the hours of 10.00am to 3.00pm;

(iii) at times designated by the Bureau of Meteorology as Very High or Extreme Fire Danger; and

(d) an incinerator used for fire must be located -

(i) at least 2 metres from a fence or building; and

(ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the provisions of the *Bush Fires Act 1954*, it is prohibited to clear by burning any fire breaks, vacant lots or other land of grass, straw, hay, undergrowth, herbage and other vegetation whether alive or dead and standing or not standing, without written approval of the local government.

4.10 Removal of Rubbish from Building Sites

(1) During all periods of construction on any building site -

(a) The builder shall provide and maintain on the site a rubbish disposal bin of sufficient capacity to enable all waste generated on site to be effectively disposed of;

(b) The builder shall keep the site free of rubbish and offensive material, whether temporary or otherwise;

(c) The builder shall maintain the street verge immediately adjacent to the site free of rubbish and offensive matter, whether temporary or otherwise;

(d) The builder shall on completion of construction immediately clear the site and the street verge adjacent thereto of all rubbish and offensive matter and shall remove therefrom all or any rubbish disposal bins thereon by the builder.

(2) In this section the word "rubbish" shall include stones, bricks, lime, timber, iron, tiles, bags, plastics and any broken, disused or discarded matter whatsoever.

Division 3 - Transport of Butchers 'Waste

4.11 Interpretation

In this Division, unless the context otherwise requires -

"butchers' waste" includes animal skeletons, rib cages and the products of a slaughterhouse or boning room.

4.12 Restriction of Vehicles

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

(a) a vehicle used for the transport of food or drugs; or

(b) anything intended to be used for the packing or handling of food or drugs.

4.13 Transport of Butchers' Waste

(1) A person shall not transport butchers' waste otherwise than in -

(a) a compartment complying with the following specifications -

DRAFT

(i) the floor and 4 walls to be made of impervious materials and the walls to be not less than 910 millimetres high;

(ii) all joints to be made watertight;

(iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and

(iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a watertight durable container fitted with a lid that can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are -

(a) maintained in good order and condition; and

(b) thoroughly cleaned at the conclusion of each day's work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to-

(a) the sight of animal skeletons, bones, offal or waste matter;

(b) the odour of putrefaction, offal or waste matter; or

(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5 - NUISANCES AND GENERAL

Division 1 - Nuisances

5.1 Interpretation

In this Division, unless the context otherwise requires - **"fertiliser"** includes manure.

5.2 Footpaths etc., to be Kept Clean

An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from their refuse and belongings.

5.3 Escape of Smoke etc.

(1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

(2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house.

5.4 Public Vehicles to be Kept Clean

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

(a) maintain the vehicle at all times -

(i) in a clean condition; and

DRAFT

(ii) free from vectors of disease; and

(b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

5.5 Prohibition Against Spitting

A person shall not spit -

(a) on a footpath, street or public place; or

(b) in a train, bus or other public transport.

5.6 Transportation, Use and Storage of Offal or Blood

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterlised by steam and properly dried.

5.7 Use or Storage of Fertiliser

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

(a) pig manure;

(b) human faeces; or

(c) urine.

5.8 Storage and Despatch of Artificial Fertiliser

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

(a) keep all artificial fertiliser in a building -

(i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and

(ii) free from damp and properly ventilated;

(b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and

(c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.

5.9 Storage of Fertiliser

(1) The owner or occupier of premises where fertiliser or compost is stored or used shall -

(a) prevent the escape of odours, dust or particles of fertiliser or compost;

(b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and

(c) store only such amounts of fertiliser or compost -

(i) as can be readily used within a reasonable period; or

(ii) as may be directed by the Principal Environmental Health Officer.

(2) No person shall store fertiliser or compost inside a dwelling house.

Division 2 - Keeping of Animals

DRAFT

5.10 Cleanliness

An owner or occupier of premises in or on which a dog, cat or other animal or bird is kept shall -

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;

(b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and

(c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.

5.11 Animal Enclosures

(1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

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

5.12 Slaughter of Animals

(1) Subject to subsection (2), a person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to euthanasia of animals by veterinarians or other duly authorised persons, slaughter of meat for pet or game meat and slaughter of animals for human consumption in local government approved abattoirs.

5.13 Disposal of Dead Animals

(1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

Division 3-Keeping of Large Animals

5.14 Interpretation

In this Division, unless the context otherwise requires-

"approved animal" means a horse, cow or large animal that is the subject of an approval by the local government under section 5.15;

"cow" includes an ox, calf or bull;

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

"large animal" includes a pig, sheep or goat.

5.15 Stables

(1) An owner or occupier of premises shall not keep a horse, cow or large animal on those premises without the written approval of the Council.

DRAFT

(2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall-

(a) not be situated within 15 metres of a house or other premises;

(b) have a proper separate stall-

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

(c) have each wall and roof constructed of an impervious material;

(d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

(e) have a floor, the upper surface of which shall -

(i) be raised at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete or other similar impervious materials; and

(iii) have a fall of 1 in 100 to a drain that shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.

(3) The owner or occupier of premises on which a stable is located shall-

(a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

5.16 Proximity of Animals to a Dwelling House

The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

5.17 Manure Receptacles

An owner or occupier of premises on which an approved animal is kept shall -

(a) provide in a position convenient to the stable a receptacle for manure constructed with a smooth, impervious, durable and easily cleanable surface and provided with a tight-fitting hinged lid;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies and other vectors of disease;

(d) keep the receptacle so far as possible free from flies and other vectors of disease by spraying with a residual insecticide or other effective means; and

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

Division 4 - Keeping of Poultry, Pigeons and Cage-birds

5.18 Interpretation

DRAFT

In this Division, unless the context otherwise requires-

"Affiliated Person" means a person who is a member of a Pigeon Club or Cage bird Club which is an incorporated body under the *Associations Incorporation Act 1987;*

"cage-birds" include parrots, budgerigars, canaries, finches, quail, doves and other birds kept in cages on residential premises but does not include poultry;

"Code of Practice" means the Code of Practice - Pigeon Keeping and Pigeon Racing, published May 1994, amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc.;

"pigeons" includes all breeds of domestic pigeon of the genus Columba livia domestica;

"poultry" includes fowls, peafowl, turkeys, geese, ducks and other domestic fowls;

"young birds" includes-

(a) pigeons under 24 days of age and recognised as birds without feathers on the flesh under their wings;

(b) cage-birds under 24 days of age and recognised as confined to their nests.

5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds

(1) An owner or occupier of premises -

(a) who is not an Affiliated Person shall not keep more than 20 pigeons and 20 cage birds exclusive of young birds;

(b) who is an Affiliated Person shall not keep a total of more than 150 pigeons and 150 cage birds. exclusive of young birds;

(c) shall not keep any of the following -

(i) a goose or gander;

(ii) a turkey;

(iii) a peacock or peahen.

on any one lot of land.

(d) May keep ducks or fowls or a combination of ducks and fowls up to a maximum of 20 in accordance with the following table-

Maximum Number Of Poultry That Can Be Kept On Residential Lots	
Lot Area (m^2)	**Poultry**
Up to 599	9
600 to 699	10
700 to 799	11
800 to 899	12
900 to 999	13
1000 to 1099	14
1100 to 1199	15
1200 to 1299	16
1300 to 1399	17
1400 to 1499	18
1500 to 1599	19
1600 or greater	20

DRAFT

(2) The Principal Environmental Health Officer, may either reduce the approved number of poultry, pigeons or cage-birds kept by an owner or occupier, or ban the keeping of poultry, pigeons or cage- birds by an owner or occupier, if the conditions of this Division are not complied with or if excessive noise is evident.

5.20 Conditions of Keeping Poultry

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

(a) (i) subject to subparagraph (ii), no poultry is able to approach within 9 metres of a dwelling. public building or premises where people are employed or where food is stored, prepared. manufactured or sold:

(ii) the approval of the Principal Environmental Health Officer is to be obtained before any poultry is kept closer than 9 metres to dwellings. Such as approval is subject to dwelling being either on an adjacent property in the same ownership or a dwelling on the same property that is occupied by the keeper of the poultry. In any case, the minimum separation will not be reduced to less than 6 metres.

(b) all poultry are kept in an enclosure not closer than 1.2 metres to any property boundary within which is a properly constructed, weatherproof structure for roosting which shall -

(i) allow a minimum of 0.3 square metres of floor area per bird;

(ii) have an impervious concrete floor of 50 millimetre minimum thickness with 250 millimetre upstand around and graded to the front to facilitate easy cleaning;

(iii) be designed to allow easy access for cleaning; and

(iv) have the walls and roof constructed of galvanised iron or other approved material;

(c) all enclosures and structures in which poultry are kept, including food and water containers, waste receptacles and surrounds are maintained in a clean condition;

(d) the enclosure shall have an otherwise unobstructed area of at least 20 square metres;

(e) all wastes including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double-lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight-fitting lid and be inaccessible to flies, rodents and other vectors of disease; and

(f) the occupier shall clean and disinfect the enclosure, structure and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer.

5.21 Roosters

An owner or occupier of premises shall not be permitted to keep a rooster on a residential lot in the City of Bayswater

5.22 Conditions of Keeping Pigeons and Other Cage-birds

A person who keeps, or permits to be kept, pigeons or other cage-birds shall ensure that -

(a) no pigeons or other cage-birds are able to approach within 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

DRAFT

(b) the approval of the Principal Environmental Health Officer is obtained before an aviary or loft is kept closer than 9 metres to their dwelling;

(c) except where registered homing pigeons are freed for exercise, the pigeons and other cage- birds are confined in a properly constructed pigeon cage, aviary or loft;

(d) no pigeon cage, aviary or loft shall be located nearer than 1.2 metres from the boundary of adjoining properties;

(e) all structures used to house pigeons and other cage-birds shall be of sound, weatherproof construction, the framework and roost being of smooth sealed timber or metal, the walls and roof to be constructed of galvanised iron or other approved material, and the floor to be constructed in a manner and of a material which will facilitate the hygienic removal of waste matter, husks, seed, feathers, dead birds and faecal matter;

(f) all cages, aviaries, lofts, surrounds, food and water containers and rubbish receptacles shall be kept clean and maintained in good order and condition at all times;

(g) all waste, including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight-fitting lid and be inaccessible to flies, rodents and other vectors of disease;

(h) the occupier shall clean and disinfect cages, aviaries, lofts and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer;

(i) pigeons registered as homing pigeons may be released for daily exercise and may also be released for organised races and training;

(j) not more than sixty registered homing pigeon s shall be released for exercise or training at any one time;

(k) the local government may, at its discretion, prohibit an owner or occupier exercising homing pigeons between the hours of 9.00 am and 3.30 pm if health or nuisance related problems become evident;

(l) where there is any discrepancy between this Section relating to the Keeping of Pigeons and other cage-birds and the Code of Practice, the higher standard of construction and hygiene shall prevail; and

(m) bird cages, aviaries, lofts and surrounds shall be kept in a clean condition to the satisfaction of an Environmental Health Officer.

5.23 Removal of Non-Conforming Structure or Enclosure

(1) If a structure or enclosure is used for the keeping of poultry, pigeons or cage-birds contrary to the provisions of sections 5.20 and 5.22, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this Section.

5.24 Restrictions on Pigeon Nesting, Perching and Feeding

(1) The local government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the local government's order under this section.

DRAFT

(3) A person shall not feed a pigeon or other bird roaming at large, so as to cause, or contribute to, a nuisance or be injurious or dangerous to health.

Division 5 - Car Parks

5.25 Interpretation

In this Division, unless the context otherwise requires -

"attendant's booth" means a booth that is positioned inside a car park for the containment of a parking attendant;

"car park" means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

"owner or occupier" means a person having the charge, management or control of a car park.

5.26 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either -

(a) natural ventilation; or

(b) mechanical means,

in accordance with AS 1668.2 Part 2 1991.

(2) If, in the opinion of the Principal Environmental Health Officer, a car park is not properly ventilated, the local government may by notice require the owner or occupier within a specified time to -

(a) provide a different or additional method of ventilation; and

(b) cease using the car park until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

5.27 Exhaust Air Discharge Points and Exhaust Registers

An owner or occupier shall ensure that-

(a) all exhaust air that is discharged from a car park shall be discharged-

(i) at discharge points-

(A) in accordance with AS 1668.2 Part 2 1991; and

(B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS 1668.2 Part 2 1991;

(ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;

(b) exhaust registers are located -

(i) as far as possible from the source of supply air; and

(ii) so as to draw effluent away from staff working in the attendant's booth;

(c) in the case of a car park having a floor level below that of the external ground level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and

(d) any mechanical ventilation system is -

(i) maintained in good working condition; and

DRAFT

(ii) in operation at all times when the car park is in use.

5.28 Car Park Attendant Booths

(1) An owner or occupier shall ensure that an attendant's booth-

(a) is provided with a fresh air supply ventilation system-

(i) with air flow rates that give a minimum of 40 air changes per hour; and

(ii) which is in operation whenever the booth is occupied;

(b) has intakes for fresh air located and arranged so that under all conditions of normal operation adjacent sources of pollution do not reduce the quality of fresh air;

(c) has a capacity of not less than 5 cubic metres;

(d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and

(e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.

(2) If the Principal Environmental Health Officer believes an attendant's booth is not properly ventilated in accordance with subsection (1), the local government may by notice require the owner or occupier to cease using the booth until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

PART 6 - PEST CONTROL

Division 1 - Flies

6.1 Interpretation

In this Division, unless the context otherwise requires-

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

6.2 Fly Breeding Matter not to be left on Premises Unless Covered or Treated

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

6.3 Measures to be Taken by an Occupier

An owner or occupier of premises shall ensure that-

(a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;

(b) food scraps and uneaten animal and bird food are deposited in an appropriate waste receptacle without delay;

(c) lawn clippings used on gardens as mulch are raked out thinly;

(d) fertilisers are dug well into the soil;

DRAFT

(e) compost heaps are kept well covered;

(f) barbecues are kept clean and free from food scraps;

(g) anything that is buried and may attract or be a breeding place for flies is covered with at least 300 millimetres of soil and compacted; and

(h) excrement from pets is collected and properly disposed of without delay.

6.4 Officer may Give Notice Directing Measures to be Taken

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

(a) control the prevalence;

(b) effect the eradication; or

(c) effectively prevent the breeding of flies.

6.5 Local Government may Execute Work and Recover Costs

(1) Where –

(a) a person is required under this Division or directed by a notice given under section 6.4, to execute any work; and

(b) that person fails or neglects to comply with the requirement,

the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.

(2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (I) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently, or in breach of duty.

Division 2 - Mosquitoes

6.6 Interpretation

In this Division, unless the context otherwise requires-

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

6.7 Premises to be Kept Free of Mosquito Breeding Matter

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

(a) refuse; and

(b) water located so as to be,

liable to become the breeding place of mosquitoes.

6.8 Measures to be Taken by an Owner or Occupier

An owner or occupier of premises-

DRAFT

(a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water-

(i) stocked with mosquito predatory fish; or

(ii) covered with a film of petroleum oil or other larvicide; and

(b) where there is a water tank, well, cistern, vat or barrel, shall -

(i) keep it protected with a mosquito-proof cover; and

(ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

6.9 Measures to be Taken by Occupier

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

(a) frequently change the water; and

(b) keep the water clean and free from vegetable matter and slime.

6.10 Removal of Undergrowth or Vegetation

(1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this section.

6.11 Filling in Excavations etc.

Unless written permission to the contrary is obtained from the local government, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

6.12 Drains, Channels and Septic Tanks

An owner or occupier of land shall -

(a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and

(b) where a septic tank is installed on the land -

(i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer;

(ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

6.13 Drainage of Land

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

(a) make or provide drains on the land;

(b) remove all irregularities in the surface of the land;

DRAFT

(c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that-

(i) the water on the land may flow into the drains without obstruction; and

(ii) no water shall remain on any portion of the land other than the drains; and

(d) keep all drains in good order and free from obstruction.

6.14 Swimming Pools

Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner or occupier shall when required by a notice issued by an Environmental Health Officer -

(a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or

(b) chlorinate and adjust pH of the pool to-

(i) 4 milligrams per litre free chlorine; and

(ii) pH within the range 7.2 to 7.6; or

(c) empty or drain the pool; or

(d) pour up to 1 litre of paraffin oil or kerosene onto the water surface of the pool; and

(e) maintain the pool water free of mosquito breeding;

Division 3 - Rodents

6.15 Interpretation

In this Division, unless the context otherwise requires-

"rodents" means those animals belonging to the order Rodentia and includes rats and mice but does not include native animals or animals kept as pets in an enclosure designed for the purpose of keeping as pets animals of that kind.

6.16 Measures to be Taken to Eradicate Rodents

(1) An owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall - shall at all times take effective measures to eradicate any rodents in or on the premises.

(a) take effective measures to keep the premises free from rodents including-

(i) protecting food stuffs;

(ii) using a rodenticide bait or a properly baited trap;

(iii) minimising rodent access to water on the premises; and

(iv) removing accumulated refuse or potential rodent food sources; and

(b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall-

(i) if it is not already dead, kill it immediately; and

(ii) dispose of the carcass in such a manner as will not create a nuisance.

(2) An owner of occupier of premises must take whatever measures for the

DRAFT

eradication of rodents as directed by an authorised person under this clause.

6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles

A person must not store, or allow to be stored, on any premises,.any food,.refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

6.18 Restrictions on Materials Affording Harbourage for Rodents

(1) An owner or occupier of premises shall cause -

(a) any part of the premises; or

(b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, harbourage, of rodents.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this section.

6.19 Food premises etc. to be Cleaned After Use

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

6.20 Restrictions on the Keeping of Rodents

A person or body which keeps rodents must –

(a) at all times ensure that all live rodents are kept in the effective control of a person or in locked cages; and

(b) if a rodent escapes, ensure that all reasonable steps are taken to destroy or recapture the rodent.

Division 4-Cockroaches

6.21 Interpretation

In this Division, unless the context otherwise requires-

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

6.22 Measures to be Taken to Eradicate Cockroaches

(1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including-

(a) Washing and storing, immediately after use, cooking and eating utensils;

(b) wrapping and depositing in a rubbish receptacle without delay all food

DRAFT

scraps, uneaten pet food and garbage;

(c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and

(d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

Division 5 - Argentine Ants

6.23 Interpretation

In this Division, unless the context otherwise requires-

"Argentine Ant" means an ant belonging to the species *Jrdomyrmex humilis.*

6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall-

(a) immediately notify the local government of any ant nest located on the premises suspected to be an Argentine Ant nest;

(b) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;

(c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and

(d) whenever required by an Environmental Health Officer-

(i) treat any area or infestation with an insecticide referred to in paragraph (c); and

(ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

Division 6 - European Wasps

6.25 Interpretation

In this Division, unless the context otherwise requires - **"European Wasp"** means a wasp *Vespula germ anica.*

6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

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

(a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;

(b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and

(c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7 - Bee Keeping

6.27 Interpretation

In this Division, unless the context otherwise requires -

DRAFT

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

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

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

"lot" has the meaning given to it in the *Town Planning and Development Act 1928*; and

"private street" means a street, court, alley, lane, yard, passage, or thoroughfare -

(a) which is not dedicated, whether under an Act or common law, to use as such by the public; and

(b) which forms a common access to lands, or premises, separately occupied; or

(c) which is accessible from a street, court, alley, lane, yard, passage, thoroughfare or public place, which is dedicated, whether under an Act or at common law, to use as such by the public.

6.28 Limitation on Numbers of Hives

(1) Subject to subsections (2) and (3), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

(2) The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned or classified for residential purposes.

(3) A person shall comply with any conditions imposed by the Council under subsection (2).

6.29 Restrictions on Keeping of Bees in Hives

A person shall not keep or permit the keeping of bees in a hive on a lot unless -

(a) the bee hive is registered with the Department of Primary Industries and Regional Development; and

(b) the hive is kept in accordance with the Western Australian Apiarist's Society Best Practice Guidelines for Urban Beekeeping.

6.30 Bees which cause a Nuisance not to be Kept

(1) A person shall not keep, or permit the keeping of, bees that cause a nuisance.

(2) The local government may direct any person to remove any bees or beehives that, in the opinion of the Principal Environmental Health Officer are causing a nuisance.

(3) A person shall comply with a direction under subsection (2) within the time specified.

Division 8 - Arthropod Vectors of Disease

6.31 Interpretation

In this Division, unless the context otherwise requires- "arthropod vectors of disease" includes -

(a) fleas *(Siphonaptera);*

(b) bedbugs *(Cimex lectularius);*

DRAFT

(c) crab lice *(Phthirus pubis);*

(d) body lice *(Pediculus humanus var. corporis);* and

(e) head lice *(Pediculus humanus var. capitis)*.

6.32 Responsibility of the Owner or Occupier

The owner or occupier of premises shall -

(a) take reasonable precautions to keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and

(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7 - INFECTIOUS DISEASES

Division 1 - General Provisions

7.1 Environmental Health Officer may Visit, Inspect and Report

An Environmental Health Officer -

(a) may visit and inspect any house, its occupants, fixtures and fittings; and

(b) who believes that there has been a breach of the Act, any Regulation made under the Act or these Local Laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the local government.

7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest

(1) The Local Government or the Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest -

(a) the premises; or

(b) such things in or on the premises as are specified in the notice; or

both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier shall comply with a notice given under subsection (1).

7.3 Environmental Health Officer may Disinfect or Disinfest Premises

(1) Where the local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subsection (1).

(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.

(4) The local government is not liable to pay compensation or damages of any kind 10 the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this section, other than compensation or damages for loss or damage suffered because the local government or any of its

DRAFT

staffed acted negligently or in breach of duty.

7.4 Insanitary Houses, Premises and Things

(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.

(2) Where the Council considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

(3) Where an Environmental Health Officer believes that -

(a) a house or premises is not being maintained in a sanitary condition; or

(b) anything is insanitary,

the officer may, by notice in writing, direct, as the case may be -

(i) the owner or occupier of the house or premises to amend any insanitary condition; or

(ii) the owner or occupier of the thing to destroy or amend it,

within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

7.5 Medical Officer may Authorise Disinfecting

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

(2) A person shall comply with any direction of the Medical Officer under this section.

7.6 Persons in Contact with an Infectious Disease Sufferer

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

(a) shall obey such instructions or directions as the local government or the Medical Officer may issue;

(b) may be removed, at the direction of the local government or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and

(c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

7.7 Declaration of Infected House or Premises

(1) To prevent or check the spread of infectious disease, the local government or the Medical Officer may from time to time declare any house or premises to be infected.

(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or the Principal Environmental Health Officer.

7.8 Destruction of Infected Animals

(1) If the Principal Environmental Health Officer believes that an animal is or may be

DRAFT

infected or is liable to be infected or to convey infection, he or she may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the animal destroyed and disposed of-

(a) in the manner and within the time specified in the notice; and

(b) by the person in whose possession, or upon whose premises, the animal is located.

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

7.9 Disposal of a Body

(1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.

(2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

7.10 Local Government may Carry out Work and Recover Costs

(1) Where -

(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and

(b) that person fails or neglects to comply with the requirement,

that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the local government in the execution of a power under this section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2 - Disposal of Used Condoms and Needles

7.11 Disposal of Used Condoms

(1) An owner or occupier of premises on or from which used condoms are produced shall ensure that the condoms are –

(a) placed in a sealed impervious container and disposed of in a sanitary manner; or

(b) disposed of in such a manner as may be directed by the Principal Environmental Health Officer.

(2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

7.12 Disposal of Used Needles

A person shall not dispose of a used hypodermic syringe or needle in a public place

DRAFT

unless it is placed in an impenetrable, leak-proof container and deposited in a refuse receptacle.

PART 8-LODGING HOUSES

Division 1 - Registration

8.1 Interpretation

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

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

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

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

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

"lodger" means a person who obtains, for hire or reward, board or lodging in a lodging house; "lodging house" includes a recreational campsite, a serviced apartment and a short-term hostel but does not include a premises licensed under the *Liquor Act 1988*, a premises approved as a boarding school under the *School Education Act 1999*, and any building comprising of residential flats;

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

"recreational campsite" means a lodging house-

(a) situated on a campsite principally used for-

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conferences or conventions; and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

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

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

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

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

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

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

DRAFT

8.2 Lodging House not to be Kept Unless Registered

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

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the local government under section 8.4;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either-

(i) the keeper; or

(ii) a manager who, with the written approval of the Principal Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house,

resides or intends to reside continuously in the lodging house whenever there are one or more lodgers in the lodging house.

8.3 Application for Registration

An application for registration of a lodging house shall be -

(a) in the form prescribed in Schedule 1;

(b) duly completed and signed by the proposed keeper; and

(c) accompanied by -

(i) the fee as fixed from time to time by Council under Section 344C of the Act; and

(ii) detailed plans and specifications of the lodging house.

8.4 Approval of Application

The local government may approve, with or without conditions, an application under section 8.3 by issuing to the applicant a certificate in the form of Schedule 2.

8.5 Renewal of Registration

A person who keeps a lodging house that is registered under this Part shall -

(a) during the month of December in each year apply to the local government for the renewal of the registration of the lodging house; and

(b) pay the fee as fixed from time to time by Council under Section 344C of the Act at the time of making each application for renewal.

8.6 Notification upon Sale or Transfer

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

8.7 Revocation of Registration

(1) Subject to subsection (3), the local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of subsection (1), the local government may revoke a registration upon any one or more of the following grounds -

DRAFT

(a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and sanitary condition;

(b) that the keeper has -

(i) been convicted of an offence against these Local Laws in respect of the lodging house;

(ii) not complied with a requirement of this Part; or

(iii) not complied with a condition of registration;

(c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and

(d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this section, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2 - Construction and Use Requirements

8.8 General Construction Requirements

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

8.9 Sanitary Conveniences

(1) A keeper shall maintain in good working order and condition and in convenient positions on the premises -

(a) toilets; and

(b) bathrooms, each fitted with a shower and a hand basin or alternatively, a bath and a hand basin,

in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (1).

(3) Each bath, shower and hand basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall -

(a) be so situated, separated and screened as to ensure privacy;

(b) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and

(c) be provided with adequate electric lighting.

(6) Paragraphs (b) of subsection (5) does not apply to a serviced apartment.

DRAFT

8.10 Laundry

(1) A keeper shall -

(a) subject to subsection (2) -

(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and

(ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;

(b) at all times maintain each laundry in a proper sanitary condition and in good repair;

(c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and

(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section-

"laundry unit" means a group of facilities consisting of-

(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;

(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and

(c) either an electric drying cabinet or not less than 30 metres of clothes line, and

(d) a hot water system that –

(i) is capable of delivering 136 litres of water per hour at a temperature of at least 75□C for each washing machine provided with the communal facilities; and

(ii) has a delivery rate of not less than 18 litres per minute to each washing machine.

8.11 Kitchen

(1) The keeper of a lodging house shall provide in that lodging house a kitchen which-

(a) has a minimum floor area of-

(i) where lodgers prepare their own meals- 0.65 square metres per person;

(ii) where meals are provided by the keeper or manager- 0.35 square metres per person; or

(iii) where a kitchen and dining room are combined- 1 square metre per person, but in any case, not less than 16 square metres;

(b) has adequate -

(i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and

DRAFT

(ii) refrigerator space for storage of perishable goods;

(c) complies with the requirements of the *Food Act 2008*;

(d) has a handbasin and a double bowl sink, each provided with an adequate supply of hot and cold water.

8.12 Cooking Facilities

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

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

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

8.13 Dining Room

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

(a) located in close proximity to, or combined with, the kitchen;

(b) the floor area of which shall be not less than the greater of -

(i) 0.5 square metres per person; or

(ii) 10 square metres; and

(c) which shall be -

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.14 Lounge Room

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

(a) with a floor area of -

(i) where the lounge is not combined with the dining room-not less than 0.6 square metres per person or;

(ii) where the lounge room is combined with a dining room-not less than 1.2 square metres per person,

but in either case having a minimum of 13 square metres; and

(b) which shall be -

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.15 Fire Prevention and Control

DRAFT

(1) A keeper shall-

(a) in each passage in the lodging house provide an emergency light -

(i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and

(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and

(c) ensure that each exit sign and firefighting appliance is clearly visible, accessible and maintained in good working order at all times.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code and approved by the local government.

8.16 Obstruction of Passages and Stairways

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

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use,

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

8.17 Fitting of Locks

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

8.18 Restriction on Use of Rooms for Sleeping

(1) Subject to subsection (3) and section 8.32, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house -

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short-term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) which is naturally illuminated by windows having a ratio of less than 0. 1 square metre of unobstructed glass to every 1.0 square metre of floor area;

(g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

DRAFT

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering or other floor treatment approved by the Principal Environmental Health Officer.

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

(3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

8.19 Sleeping Accommodation-Short Term Hostels and Recreational Campsites

(1) A keeper of a short-term hostel or recreational campsite shall provide clear floor space of not less than -

(a) 4 square metres per person in each dormitory utilising beds;

(b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subsection (1), shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short-term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subsection (I) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short-term hostel or recreational campsite shall provide -

(a) fixed outlet ventilation at a ratio of 0.15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;

(b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

(6) The keeper of any short-term hostel or recreational campsite shall provide-

(a) beds with a minimum size of -

(i) in short term hostels-800 millimetres x 1.9 metres;

(ii) in recreational campsites-750 millimetres x 1.85 metres;

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short-term hostel or recreational campsite shall -

(a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;

(b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;

(c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short-term hostel or recreational campsite shall ensure that -

(a) materials used in dormitory areas comply with AS 1530.2 and AS 1530.3

DRAFT

as follows -

drapes, curtains, blinds and bed covers

- a maximum Flammability Index of 6;

upholstery & bedding

- a maximum Spread of Flame Index of 6;
- a maximum Smoke Developed Index of 5;

floor coverings

- a maximum Spread of Flame Index of 7;
- a maximum Smoke Developed Index of 5;

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

(i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;

(ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 200 1.5.4-1987, Procedure 7A, using ECE reference detergent; and

(iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;

(b) emergency lighting is provided in accordance with the Building Code;

(c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short-term hostel or recreational campsite;

(d) all mattresses are fitted with a mattress protector.

8.20 Furnishing etc. of Sleeping Apartments

(1) A keeper shall -

(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

(b) ensure that each bed -

(i) has a bed head, mattress and pillow; and

(ii) is provided with, or can be rented, a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or mg;

(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room or ensure that adequate storage faciilities such as lockers are available for use by lodgers in a separate room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short-term hostel or recreational campsite.

8.21 Ventilation

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

DRAFT

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

8.22 Numbers to be Placed on Doors

(1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that -

(a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and

(b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be -

(a) not less than 40 millimetres in height;

(b) 1.5 metres from the floor; and

(c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3 - Management and Care

8.23 Keeper or Manager to Reside in the Lodging House

No keeper of a lodging house shall absent themselves from such house, unless they leave some reputable person in charge thereof.

8.24 Register of Lodgers

(1) A keeper shall keep a register of lodgers in the form of Schedule 4.

(2) The register of lodgers shall be-

(a) kept in the lodging house; and

(b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

8.25 Keeper Report

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

8.26 Certificate in Respect of Sleeping Accommodation

(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.

(2) The certificate issued under subsection (1) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by the Principal Environmental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.

(4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

8.27 Duplicate Keys and Inspection

DRAFT

Each keeper and manager of a lodging house shall -

(a) retain possession of a duplicate key to the door of each room; and

(b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

8.28 Room Occupancy

(1) A keeper shall not-

(a) cause, suffer or permit more than the maximum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;

(b) cause, suffer or permit to be placed or kept in any sleeping apartments-

(i) a larger number of beds; or

(ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

(c) use or cause, suffer or permit to be used for sleeping purposes a room that -

(i) has not been certified for that purpose; and

(ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.

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

8.29 Infectious Disease

(1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subsection (1), the keeper shall -

(a) inspect each room the subject of the permission or agreement at least once a week; and

(b) ensure that each room is being maintained in a clean condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by them, shall maintain the room in a clean condition.

8.30 Cleaning and Maintenance Requirements

(1) A keeper of a lodging house shall-

(a) maintain in a clean, sound and undamaged condition-

(i) the floor, walls, ceilings, woodwork and painted surfaces;

(ii) the floor coverings and window treatments; and

(iii) the toilet seats;

(b) maintain in a clean condition and in good working order-

(i) All fixtures and fittings; and

(ii) windows, doors and door furniture;

(c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;

DRAFT

(d) whenever there is one or more lodgers in a lodging house ensure that the laundry floor is cleaned daily;

(e) ensure that-

(i) all bed linen, towels and house linen in use are washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed that has been used by another person unless the bed has been provided with clean bed linen;

(iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

(v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room that is not free from vectors of disease is not used as a sleeping apartment;

(f) when so directed by the Principal Environmental Health Officer, ensure that-

(i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and

(ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;

(g) ensure that the yard is kept clean at all times;

(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and

(i) comply with any direction, whether orally or in writing, given by the Principal Environmental Health Officer or an Environmental Health Officer.

(2) In this section-

"bed linen" includes sheets and pillow cases and in the case of a short-term hostel or recreational campsite, mattress protectors.

8.31 Responsibilities of Lodgers and Residents

A lodger or resident shall not-

(a) use any room available to lodgers-

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are in flammable, obnoxious or offensive;

(c) use a bath or handbasin other than for ablutionary purposes;

(d) use a bathroom facility or fitting for laundry purposes;

(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;

(f) deposit rubbish or waste food other than into a proper rubbish receptacle;

DRAFT

(g) in a kitchen or other place where food is kept-

(i) wash or permit the washing of clothing or bedding; or

(ii) keep or permit to be kept any soiled clothing or bedding;

(h) Subject to section 8.32 -

(i) keep, store, prepare or cook food in any sleeping apartment; or

(ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;

(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, which is infested with vectors of disease;

(j) store or keep such a quantity of furniture, material or goods within the lodging house-

(i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or

(ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;

(k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and

(l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.32 Approval for Storage of Food

(1) The Principal Environmental Health Officer may -

(a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and

(b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9 - OFFENSIVE TRADES

Division 1 - General

9.1 Interpretation

In this Part, unless the context otherwise requires-

"occupier" in relation to premises includes the person registered as the occupier of the premises in the Schedule 12 certificate of registration; and

"offensive trade" has the meaning ascribed to it by Section 186 of the Act, and includes all of those trades specified within Schedule 2 of the Act, and any other trade proclaimed to be offensive by the Governor from time to time; and

"premises" means those premises in or upon which an offensive trade is carried on and includes any house.

9.2 Consent to Establish an Offensive Trade

(1) A person seeking the consent of the Council under Section 187 of the Act to establish an offensive trade shall -

(a) advertise notice of their intention to apply for consent in accordance with

DRAFT

section 9.3; and

(b) lodge with the Chief Executive Officer an application in the form of Schedule 10.

(2) A person who makes a false statement in an application under this section shall be guilty of an offence.

9.3 Notice of Application

A notice required under subsection 9.2(1)(a) shall -

(a) contain the name and address of the person who intends to make the application;

(b) contain a description of the nature of the offensive trade;

(c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

(d) appear in a locally or state-wide distributed newspaper, or be advertised in some other manner which is acceptable to the local government, at least two weeks but not more than one month before the application under sub section 9.2(1)(b) is lodged with the Chief Executive Officer.

9.4 Registration of Premises

An application for the registration of premises pursuant to Section 191 of the Act shall be -

(a) in the form of Schedule 11;

(b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976;* and

(c) lodged with the Chief Executive Officer.

9.5 Certificate of Registration

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

9.6 Conditions of Consent for an Offensive Trade

In granting consent under Section 187 of the Act, the City of Bayswater may impose reasonable conditions of consent including, without limitation, conditions relating to -

(a) site requirements;

(b) building fit out specifications;

(c) ventilation;

(d) effluvia, vapours and gases;

(e) control of vectors of disease;

(f) sanitary convenience;

(g) effluent and rubbish disposal.

9.7 Directions

(a) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health;

(b) The occupier shall comply with any directions given under this section.

9.8 Other Duties of Occupier

DRAFT

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

9.9 Change of Occupier

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

9.10 Alterations to Premises

While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatever to the premises.

9.11 Occupier Includes Employee

Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if they were the occupier.

Division 2 - General Duties of an Occupier

9.12 Interpretation

In this Division, unless the context otherwise requires -

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

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

9.13 Cleanliness

The occupier shall -

(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;

(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, furniture, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;

(c) keep the premises free from any unwholesome or offensive odour arising from the premises;

(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and

(e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.14 Rats and other Vectors of Disease

The occupier shall-

(a) ensure that the premises are kept free from rodents, cockroaches, flies and other

DRAFT

vectors of disease; and

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

9.15 Sanitary Conveniences and Wash Basins

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

9.16 Painting of Walls etc.

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

9.17 Effluvia, Vapours or Gases

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

9.18 Offensive Material

The occupier shall -

(a) provide on the premises approved impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;

(b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;

(c) cause all offensive material and trade refuse to be placed immediately in the receptacles;

(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such intervals as may be directed by the Principal Environmental Health Officer or an Environmental Health Officer or at such intervals negotiated with the local government; and

(e) cause all receptacles after being emptied to be immediately cleansed and sanitised.

9.19 Storage of Materials

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

9.20 Specified Offensive Trades

(1) For the purposes of this section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with, the following works or premises-

(a) fish processing establishments (not including retail fish shops);

(b) fat rendering premises;

(c) flock factories;

DRAFT

(d) laundries, dry cleaning premises and dye works;

(e) manure works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall-

(a) cause the floor of the premises to-

(i) be properly paved and drained with impervious materials;

(ii) have a smooth surface; and

(iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and

(b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be caved to a radius of not less than 25 millimetres.

(c) cause all liquid refuse to be-

(i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before being discharged into any drain outlet from any part of the premises; and

(ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

9.21 Directions

(1) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this section.

9.22 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

Division 3 - Fish Processing Establishments

9.23 Interpretation

In this Division, unless the context otherwise requires-

"appliance" includes a utensil, instrument, cover, container or apparatus;

"fish" means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include -

(a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or

(b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

"fish processing establishment" does not include a retail fish shop;

"fish processing" means a process whereby fish are cleaned, part cleaned, scaled or cut up;

"fish transport vehicle" includes -

DRAFT

(a) an appliance attached to, carried in or used in connection with a vehicle; and

(b) a trailer and a portable box,

used or designed to be used for the transport or storage of fish; and

"portable box" means a box for the transport or storage of fish and includes a fish transport vehicle.

9.24 Fish Preparation Room

(1) The occupier of a fish processing establishment shall provide a fish preparation room that shall comply with the following requirements -

(a) the room shall be provided with a stainless-steel bench for the handling of fish, hand wash basin with hot and cold water and soap and disposable towel dispensers and a cleaner's sink with hot and cold water;

(b) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement steel float finish or other approved material and shall be devoid of holes, cracks and crevices;

(c) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;

(d) the minimum floor area shall be 16 square metres;

(e) the room shall be provided with a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises and connected to a piped supply of hot and cold water;

(f) tiling shall be provided above troughs, handwash basins and benches to a height of 450 millimetres;

(g) the room shall be fly-proofed and have a self-closing door; and

(h) the room shall be provided with ample light and ventilation.

(2) The occupier shall ensure that all fish are prepared in the fish preparation room and that the room is used solely for that purpose.

9.25 Disposal of Waste

The occupier of a fish processing establishment shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be -

(a) placed in the receptacles referred to in section 9.18 and disposed of in accordance with that section; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.26 Fish Containers

The occupier of a fish processing establishment shall not allow any box, basket or other container used for the transport of fish to -

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

9.27 Cooking of Fish

Where cooking of fish is carried out in a fish processing establishment, the occupier shall provide and maintain -

(a) a hood as set out in the *Australia New Zealand Food Standards Code*, which shall

DRAFT

be of an approved design and construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and

(b) an exhaust ventilation system -

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.28 Fly Screening

The occupier of a fish processing establishment shall ensure that each window, door way and other external opening in the premises is protected in such a manner as would exclude, as far as practicable, flies and other flying insects.

9.29 Use of an Approved Portable Box

The Principal Environmental Health Officer may permit an approved portable box to be used for the transport or storage of fish.

9.30 Fish Transport Vehicle

A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that -

(a) the frame is made of wood or metal;

(b) all internal surfaces -

(i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium, galvanised iron, zinc anneal, fibre glass, or other material of similar strength and impermeable qualities;

(ii) are smoothly finished;

(iii) are rigidly secured with a solid backing; and

(iv) have floor and vertical angles caved with not less than a 25 millimetre radius,

but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;

(c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either -

(i) continuously welded; or

(ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;

(d) the vehicle is effectively insulated with a stable insulating material;

(e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;

(f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;

(g) any containers used in the vehicle for fish are made of stainless steel, fibre glass or approved impervious plastic; and

(h) the vehicle is in good repair and condition and is thoroughly clean.

DRAFT

Division 4 – Fat Rendering Premises

9.31 Interpretation

In this Division, unless the context otherwise requires-

"fat rendering premises" means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

"the occupier" means the occupier of any premises on which the trade of fat rendering is carried on.

9.32 Exhaust Ventilation

The occupier shall provide and maintain -

(a) a hood which shall -

(i) be of an approved design and construction;

(ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and

(iii) extend a minimum of 150 millimetres beyond the length of each appliance; and

(b) an exhaust ventilation system -

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.33 Covering of Apparatus

External parts of the fat rendering apparatus shall be constructed or covered with a smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.34 Rendering of Walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 5 - Flock Factories

9.35 Interpretation

In this Division, unless the context otherwise requires -

"flock factory" means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, linters, fibre, or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt; and

"the occupier" means the occupier of a flock factory.

9.36 New and Used Material

(1) Subject to subsection (2), the occupier shall not use for the manufacture of flock

DRAFT

any material other than new material.

(2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 30 minutes.

9.37 Collection and Removal of Dust

The occupier shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.38 Building Requirements

The occupier shall cause each building on the premises to comply with the following requirements -

(a) the floor shall be of concrete;

(b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and

(c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

9.39 Unclean Rags

A person shall not -

(a) collect, deliver, offer for sale or sell for the manufacture of flock;

(b) receive, store or deliver for the manufacture of flock; or

(c) make flock from,

rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle or other container used for the storage or collection of refuse or rubbish.

9.40 Bedding and Upholstery

A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, re-tease, fill, refill or repair any -

(a) used bedding; or

(b) upholstery,

which is unclean, offensive, or infested with vectors of disease, unless the -

(c) material of which the bedding is made; or

(d) filling material of which the upholstery is made,

has been boiled for 30 minutes or otherwise effectively disinfected and cleaned.

Division 6 - Laundries, Dry Cleaning Establishments and Dye Works

9.41 Interpretation

In this Division, unless the context otherwise requires

"dry cleaning establishment" means a premises in which -

(a) clothes or other articles are cleaned by use of solvents without using water; but

(b) does not include premises in which perchlorethylene or arklone is used as dry cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

DRAFT

"dye works" means a place where articles are commercially dyed but does not include dye works in which provision is made for the discharge of all liquid waste therefrom, into a public sewer;

"exempt laundromat" means a premises in which -

(a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;

(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

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

"laundry" means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.42 Receiving Depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

9.43 Reception Room

(1) The occupier of a laundry, dry cleaning establishment or dye works shall-

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

(b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

9.44 Walls and Floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause -

(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;

(b) the floor to be impervious, constructed of concrete and finished to a smooth surface; and

(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

9.45 Laundry Floor

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

DRAFT

9.46 Escape of Dust

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.47 Precautions Against Combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

9.48 Trolleys

The occupier of a dry cleaning establishment shall-

(a) provide trolleys for the use of transporting dirty and clean linen; and

(b) ensure that each trolley is-

(i) clearly designated to indicate the use for which it is intended;

(ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and

(iii) thoroughly cleaned and disinfected on a regular basis.

9.49 Sleeping on Premises

A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

Division 7 - Manure Works

9.50 Interpretation

"Fertiliser" in this Division means any fertiliser prepared by artificial processes;

"Manure" in this Division means any manure prepared by natural processes;

"Manure Works" means any premises upon which animal manure or fertiliser is received, stored, or prepared for sale.

9.51 Storage of Manure

The occupier of any manure works shall -

(a) cause all floors, walls and ceilings in areas where manure or fertiliser is kept or stored, to be constructed of durable, non-absorbent materials, finished internally with a smooth surface;

(b) cause all manure received or manufactured on the premises to be stored in such a manner as will prevent-

(i) emission of noxious or offensive odours;

(ii) breeding of flies and any other vectors of disease; or

(iii) any other nuisance.

9.52 Emission of Dust, Offensive Odours and Noxious Effluvia

The occupier shall cause every precaution to be taken to prevent at all times emission of dust, offensive odours or noxious effluvia, from the premises.

9.53 Prevention of Nuisances During Transit

The occupier shall cause all manure despatched from the premises to be packed in

DRAFT

such a manner as to prevent any nuisance arising therefrom during transit.

PART 10 - OFFENCES, PENALTIES, FEES AND EXPENSES

10.1 Offences

A person who contravenes a provision of these Local Laws, commits an offence.

10.2 Penalties

A person who commits an offence under Section 10.1 is liable to -

(a) a penalty not exceeding $5,000; and

(b) if the offence is a continuing offence, a daily penalty not exceeding $500.

10.3 Fees

Wherever a fee is prescribed by these Local Laws, that fee shall-

(a) be fixed from time to time by Council pursuant to the provisions of the *Local Government Act 1995 or Health (Miscellaneous Provisions) Act 1911*, unless otherwise prescribed; and

(b) all fees, except for a transfer fee, shall be pro-rata, calculated on a monthly basis for any period to 31 December, each year.

10.4 Expenses

Any expense incurred by the local government in consequence of a breach or non-observance of these Local Laws, or in the execution of work directed to be executed by a person and not executed by that person, shall be paid by the person committing the breach or non-observance or failing to execute the work.

The COMMON SEAL of THE CITY OF BAYSWATER
was hereto affixed by the authority of a resolution of the Council in the presence of:

JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER

FILOMENA PIFFARETTI
MAYOR

Dated: (insert date)

DRAFT

Schedule 1
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
City of Bayswater

I/We,…….....
(Full name of Applicant/s)

of …….
(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at……

……..
as a lodging house to be classified as -

- a lodging house;
- a short-term hostel;
- a recreational campsite; or
- serviced apartments

(Specify which is to apply)

and for my name to be entered in the Register as the keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE

Number of Storeys…….

Rooms for private use

Area	**Number**
Laundries/toilets/bathrooms	
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Room	
Other (Specify)	

Rooms for lodgers

Area	**Number**
Laundries/toilets/bathrooms	
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Room	
Other (Specify)	

DRAFT

Sanitary Conveniences for male lodgers

Area	**Number**
Toilets	
Urinals	
Baths	
Showers	
Hand basins	

Sanitary Conveniences for female lodgers

Area	**Number**
Toilets	
Basins	
Showers	
Hand basins	

Laundry Facilities

Area	**Number**
Coppers	
Wash troughs	
Washing Machines	
Drying cabinets or clines lines	

Additional Details

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.
(b) The keeper will/will not reside continuously on the premises
(c) Name and occupation of proposed manager if keeper resides elsewhere……...

……..

(d) ……family members residing on the premises with the keeper/manager.

Application fee of $.....is attached.

……
(Signature of Applicant/s)

……
(Date)

DRAFT

Schedule 2
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at ……..

……..

Are registered as a lodging house and classified a s-

- a lodging house
- a short-term hostel serviced apartments
- a recreational campsite

until 31 December…….., on the following conditions –

1. That …….., whose name is entered on the register of keepers of the City of Bayswater, continues to be the keeper of the lodging house;
2. that…….., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping apartments for lodgers is ……; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed .....

This Certificate of registration is issued subject to the Health Act and Health Local Laws of the City of Bayswater and is not transferable.

Dated ..... .

……..
PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

City of Bayswater Fee received: $.....

DRAFT

Schedule 3
CITY OF BAYSWATER
Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer City of Bayswater

I/We, ...
(Full name of Applicant/s)

of .....
(Residential Address of Applicant/s)

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

……..

which are registered in the name of

……..

for the carrying on of the lodging house business.

……
(Signature of Applicant/s)

……
(Date)

DRAFT

Schedule 4
CITY OF BAYSWATER
Health Act 1911

REGISTER OF LODGERS

Location of Lodging House:……..

Date of Arrival…….

Name……...

Previous address……...

Room No:……

Date of Departure:…….

Signature:…….

Signed:……
(Keeper)

Date…….....

DRAFT

Schedule 5
CITY OF BAYSWATER
Health Act 1911

LIST OF LODGERS

The Chief Executive Officer
City of Bayswater

The following is the name of every person who resided in the lodging house at…….
……..
on…….day of ……..year……

Signed .....
(Keeper)

Date .....

DRAFT

Schedule 6
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION

To…….
(Name of Keeper)

of .....
(Address of Keeper)

For the registered lodging house situated at: .....

.....,
can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than……persons at any one time.

……
ENVIRONMENTAL HEALTH OFFICER

Date .....

DRAFT

Schedule 7
CITY OF BAYSWATER
Health Act 1911

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

To …….....
(Name of Keeper)

of.....
(Address of Keeper)

for the registered lodging house situated at……...

……..

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

Room Number	Maximum Occupancy	Room Number	Maximum Occupancy

……...

ENVIRONMENTAL HEALTH OFFICER

Date……..…….

DRAFT

Schedule 8
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR LICENSE OF A MORGUE

To: Chief Executive Officer
City of Bayswater

I,……
(Full name in Block Letters)

Of……....

……
(Full Residential Address)

Apply to licence the premises listed below as a Morgue

Address of Premises:……

Name of Premises:……

Dated this……day of ……..year…….

……..
(Signature of Applicant)

DRAFT

Schedule 9
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licenced as a morgue from the 1st January …....until 31st December…….....

Address of premises:…….

Name of premises:…….

Dated this ……. day of …….. year …….

…….

PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

City of Bayswater

Date……..

DRAFT

Schedule 10
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer City of Bayswater

I/We,……
(Full Name of Applicant/s)

of.....
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade, being:

……..
(Description of Offensive Trade)

in or upon …….....

.....
(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in:

.....

.....

.....

on.....
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

…….....
(Signature of Applicant/s)

……...
(Date)

DRAFT

Schedule 11
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
City of Bayswater

I/We, ...
(Full Name of Applicant/s)

of.....
(Residential Address of Applicant/s)

apply for registration, for the year ended .....

of.....
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely

.....
(Description of Offensive Trade)

under the business name of ……...

The prescribed registration fee of $..... is attached.

……..
(Signature of Applicant/s)

DRAFT

Schedule 12
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at

……..

of which……...

is the occupier, is registered for the carrying on of the trade of

……..

Trade Name……

This registration expires on 31 December ……..

Dated this …… day of …….. year ……

……

PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

City of Bayswater

DRAFT

Western Australia

~~HEALTH ACT 1911~~
LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER
HEALTH LOCAL LAW 2023
~~HEALTH LOCAL LAWS 2001~~
~~HEALTH EATING HOUSES 2001~~
~~HEALTH (ITINERANT FOOD VENDORS) LOCAL LAWS 2001~~

DRAFT

LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

HEALTH LOCAL LAW 2023

ARRANGEMENT

PART I - PRELIMINARY

1.1 Citation
1.2 Repeal
1.3 Interpretation

PART 2 – SANITATION

Division 1 - Sanitary Conveniences

2.1 Interpretation
2.2 Dwelling House
2.3 Premises other than a Dwelling House
~~2.4 Outdoor Festivals~~
2.4~~5~~ Toilets
2.5~~6~~ Temporary Works
2.6~~7~~ Maintenance of Sanitary Conveniences and Fittings
2.7~~8~~ Ventilation of Toilets
2.8~~9~~ Public Sanitary Conveniences
2.9~~10~~ Lighting
2.10~~1~~ Installation

Division 2 - Bathrooms, Laundries and Kitchens

2.11~~2~~ Bathrooms
2.12~~3~~ Laundries
2.13~~4~~ Washing or Keeping of Clothes in Kitchens
2.14~~5~~ Kitchens
2.15~~6~~ Floor of Wet Areas

PART 3 - HOUSING AND GENERAL

Division 1 - Maintenance of Dwelling Houses

3.1 Dwelling House Maintenance
3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

Division 2 - Ventilation of Houses

3.3 Exemption for Short Term Hostels and Recreational Campsites
3.4 Overcrowding
3.5 Calculation of Sufficient Space
3.6 Ventilation
3.7 Sub-Floor Ventilation

DRAFT

Division 3-Water Supply

3.8 Water Supply
3.9 Rain Water tanks
3.10 Wells
3.11 Pollution

Division 4 - Second-hand Furniture, Bedding and Clothing

3.12 Prohibition on Sale
3.13 Prohibition of Possession

Division 5 - Morgues

3.14 Licensing of Morgues

PART 4 - WASTE FOOD AND REFUSE

4.1 Interpretation

Division 1 - Liquid Refuse

4.2 Deposit of Liquid Refuse

Division 2 - Disposal of Refuse

4.3 Interpretation
~~4.4 Prescribed Area - Section 1 12A of the *Health Act 1911*~~
~~4.5 Receptacles~~
~~4.6 Exemption~~
~~4.7 Use of Receptacles~~
~~4.8 Damage to Receptacles~~
4.~~9~~4 Use of Other Containers
4.~~10~~5 Suitable Enclosure
4.~~11~~6 Deposit of Refuse
~~4.12 Removal of Rubbish or Refuse from Refuse Disposal Site~~
~~4.13 Removal of Rubbish from Premises or Receptacles~~
4.~~14~~7 Burning Rubbish or Refuse
~~4.9 Removal of Rubbish from Building Sites~~

Division 3 -Transport of Butchers Waste

4.~~10~~8 Interpretation
4.9~~11~~ Restriction of Vehicles
4.10~~2~~ Transport of Butchers' waste

PART 5 - NUISANCES AND GENERAL

Division 1 - Nuisances

5.1 Interpretation
5.2 Footpaths etc. to be Kept Clean
5.3 Escape of Smoke etc.
5.4 Public Vehicles to be Kept Clean
5.5 Prohibition Against Spitting
5.6 Transportation, Use and Storage of Offal or Blood
5.7 Use or Storage of Fertiliser
5.8 Storage and Dispatch of Artificial Fertiliser
5.9 Storage of Fertiliser

DRAFT

Division 2 - Keeping of Animals

5.10 Cleanliness
5.11 Animal Enclosures
5.12 Slaughter of Animals
5.13 Disposal of Dead Animals

Division 3 - Keeping of Large Animals

5.14 Interpretation
5.15 Stables
5.16 Proximity of Animals to a Dwelling House
5.17 Manure Receptacles

Division 4 - Keeping of Poultry, Pigeons and Cage-birds

5.18 Interpretation
5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds
5.20 Conditions of Keeping Poultry
5.21 Roosters
5.22 Conditions of Keeping Pigeons and Other Cage-birds
5.23 Removal of Non -conforming Structure or Enclosure
5.24 Restrictions on Pigeon Nesting, Perching and Feeding

Division 5-Car Parks

5.25 Interpretation
5.26 Ventilation
5.27 Exhaust Air Discharge Points and Exhaust Registers
5.28 Car Park Attendant Booths

PART 6 - PEST CONTROL

Division 1 - Flies

6.1 Interpretation
6.2 Fly Breeding Matter not to be Left on Premises Unless Covered or Treated
6.3 Measures to be Taken by an Occupier
6.4 Officer May Give Notice Directing Measures to be Taken
6.5 Local Government May Execute Work and Recover Costs

Division 2 - Mosquitoes

6.6 Interpretation
6.7 Premises to be Kept Free of Mosquito Breeding Matter
6.8 Measures to be Taken by an Owner or Occupier
6.9 Measures to be Taken by Occupier
6.10 Removal of Undergrowth or Vegetation
6.11 Filling in Excavations etc.
6.12 Drains, Channels and Septic Tanks
6.13 Drainage of Land
6.14 Swimming Pools

Division 3 - Rodents

6.15 Interpretation
6.16 Measures to be Taken to Eradicate Rodents
6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles

DRAFT

6.18 Restrictions on Materials Affording Harbourage for Rodents
6.19 Food Premises to be Cleaned After Use
6.20 Restrictions on the ~~Sale or~~ Keeping of ~~Rats~~Rodents

Division 4 - Cockroaches

6.21 Interpretation
6.22 Measures to be Taken to Eradicate Cockroaches

Division 5 - Argentine Ants

6.23 Interpretation
6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

Division 6 - European Wasps

6.25 Interpretation
6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

Division 7 - Bee Keeping

6.27 Interpretation
6.28 Limitation on Numbers of Hives
6.29 Restrictions on Keeping of Bees in Hives
6.30 Bees which cause a Nuisance not to be Kept

Division 8 - Arthropod Vectors of Disease

6.31 Interpretation
6.32 Responsibility of the Owner or Occupier

PART 7 - INFECTIOUS DISEASES

Division 1 - General Provisions

7.1 Environmental Health Officer may Visit, Inspect and Report
7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest
7.3 Environmental Health Officer may Disinfect or Disinfest Premises
7.4 Insanitary Houses, Premises and Things
7.5 Medical Officer may Authorise Disinfecting
7.6 Persons in Contact with an Infectious Disease Sufferer
7.7 Declaration of Infected House or Premises
7.8 Destruction of Infected Animals
7.9 Disposal of a Body
7.10 Local government may Carry out Work and Recover Costs

Division 2 - Disposal of Used Condoms and Needles

7.11 Disposal of Used Condoms
7.12 Disposal of Used Needles

PART 8 - LODGING HOUSES

Division 1 - Registration

8.1 Interpretation
8.2 Lodging House not to be Kept Unless Registered
8.3 Application for Registration
8.4 Approval of Application

DRAFT

8.5 Renewal of Registration
8.6 Notification upon Sale or Transfer
8.7 Revocation of Registration

Division 2 - Construction and Use Requirements

8.8 General Construction Requirements
8.9 Sanitary Conveniences
8.10 Laundry
8.11 Kitchen
8.12 Cooking Facilities
8.13 Dining Room
8.14 Lounge Room
8.15 Fire Prevention and Control
8.16 Obstruction of Passages and Stairways
8.17 Fitting of Locks
8.18 Restriction on Use of Rooms for Sleeping
8.19 Sleeping Accommodation-Short Term Hostels and Recreational Camp sites
8.20 Furnishing etc. of Sleeping Apartments
8.21 Ventilation
8.22 Numbers to be Placed on Doors

Division 3 - Management and Care

8.23 Keeper or Manager to Reside in the Lodging House
8.24 Register of Lodgers
8.25 Keeper Report
8.26 Certificate in Respect of Sleeping Accommodation
8.27 Duplicate Keys and Inspection
8.28 Room Occupancy
8.29 Infectious Diseases
8.30 Cleaning and Maintenance Requirements
8.31 Responsibilities of Lodgers and Residents
8.32 Approval for Storage of Food

PART 9 - OFFENSIVE TRADES

Division 1 - General

9.1 Interpretation
9.2 Consent to Establish an Offensive Trade
9.3 Notice of Application
9.4 Registration of Premises
9.5 Certificate of Registration
9.6 Conditions of Consent for an Offensive Trade
9.7 Directions
9.8 Other Duties of Occupier
9.9 Change of Occupier
9.10 Alterations to Premises
9. 11 Occupier Includes Employee

Division 2 - General Duties of an Occupier

9.12 Interpretation
9.13 Cleanliness
9.14 Rats and Other Vectors of Disease
9.15 Sanitary Conveniences and Wash Basins
9.16 Painting of Walls etc.

DRAFT

9.17 Effluvia, Vapours or Gases
9.18 Offensive Material
9.19 Storage of Materials
9.20 Specified Offensive Trades
9.21 Directions
9.22 Other Duties of Occupier

Division 3 - Fish Processing Establishments

9.23 Interpretation
9.24 Fish Preparation Room
9.25 Disposal of Waste
9.26 Fish Containers
9.27 Cooking of Fish
9.28 Fly Screening
9.29 Use of an Approved Portable Box
9.30 Fish Transport Vehicle

Division 4 - Fat Rendering Premises

9.31 Interpretation
9.32 Exhaust Ventilation
9.33 Covering of Apparatus
9.34 Rendering of Walls

Division 5 - Flock Factories

9.35 Interpretation
9.36 New and Used Materials
9.37 Collection and Removal of Dust
9.38 Building Requirements
9.39 Unclean Rags
9.40 Bedding and Upholstery

Division 6 - Laundries, Dry Cleaning Establishments and Dye Works

9.41 Interpretation
9.42 Receiving Depot
9.43 Reception Room
9.44 Walls and Floors
9.45 Laundry Floor
9.45 Escape of Dust
9.46 Precautions Against Combustion
9.47 Trolleys
9.48 Sleeping on Premises

Division 7 - Manure Works

9.50 Interpretation
9.51 Storage of Manure
9.52 Emission of Dust, Offensive Odours and Noxious Effluvia
9.53 Prevention of Nuisances During Transit

PART 10 - OFFENCES, PENALTIES, FEES AND EXPENSES

10.1 Offences
10.2 Penalties
10.3 Fees

DRAFT

10.4 Expenses

SCHEDULES OF FORMS AND FEES

Schedule Number	Description
1.	Application for Registration of a Lodging House
2.	Certificate of Registration of a Lodging House
3.	Notice of Change of Owner of a Lodging House
4.	Register of Lodgers
5.	List of Lodgers
6	Certificate of Sleeping Accommodation
7.	Certificate of Sleeping Accommodation for a Lodging House with more than 20 Sleeping Apartments
8.	Application for Licence of a Morgue
9.	Certificate of Licence of a Morgue
10.	Application for Consent to Establish an Offensive Trade
11.	Application for Registration of Premises for Offensive Trade
12.	Certificate of Registration of Premises for Offensive Trade

DRAFT

~~HEALTH ACT 1911~~
LOCAL GOVERNMENT ACT 1995

CITY OF BAYSWATER

HEALTH LOCAL LAW 2023

Made by the Council of the City of Bayswater under the Local Government Act 1995.

PART 1 - PRELIMINARY

1.1 Citation

These local laws may be cited as the "City of Bayswater Health Local Laws ~~2001~~ 2023".

1.2 Repeal

~~(1) The Health Local Laws adopted by the City of B ayswater and published in the Government Gazette on 24 January 1919, and amended from time to time, are repealed.~~

~~(2) The Health Local Laws adopted by the City of Bayswater and published in the Government Gazette on 20 April 1945, and amended from time to time, are repealed.~~

~~(3) The Health Local Laws adopted by the City of Bayswater on 29 October 1956 and published in the Government Gazette on 13 February 1957, and amended from time to time, are repealed.~~

~~(4) The Health Local Laws adopted by the City of Bayswater on 8 April 1964 and published in the Government Gazette on 21 July 1964, and amended from time to time, are repealed~~.

The Health Local Laws adopted by the City of Bayswater and published in the Government Gazette on 10 December 2001, and amended from time to time, are repealed.

1.3 Interpretation

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

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

"adequate supply of water" means a flow of water of not less than 4.56 litres per minute; "approved" means approved by the Principal Environ mental Health Officer; "AS" means Australian Standard published by the Standards Association of Australia;

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

"Chief Executive Officer" means the Chief Executive Officer of the City of Bayswater and includes an Acting Chief Executive Officer;

"Council" means the Council of the City of Bayswater;

"district" means the district of the City of Bayswater and includes any area placed under the jurisdiction of the Council pursuant to section 22 of the Act;

"dwelling house" means a place of residence containing at least one sleeping room

DRAFT

and includes a room or outbuilding separate from, but ancillary to, the building in which the sleeping room is located;

"Environmental Health Officer" means an Environmental Health Officer appointed by the local government under the Act;

"habitable room" means a room used for normal domestic activities, and -

(a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, play-room, family room and sunroom; but

(b) excludes a bathroom, laundry, water closet, pantry, walk in wardrobe, corridor, lobby, photographic dark room, clothes-drying room, and other spaces of a specialised nature occupied neither frequently nor for extended periods;

"house" in these Local Laws shall be the same as the definition given in Part 1 Section 3 of the ~~*Health Act 2011*~~*Health (Miscellaneous Provisions) Act 1911*;

"hot water" means water at a temperature of at least 75 degrees Celsius;

"local government" means the City of Bayswater;

"Medical Officer" means the Medical Officer appointed by the Council under the Act and includes an Acting Medical Officer so appointed;

"Principal Environmental Health Officer" means an Environmental Health Officer appointed by the local government to the officer of Principal Environmental Health Officer and includes ~~an Acting Principal Environmental Health Officer~~ Manager Environmental Health;

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

"sanitary convenience" includes urinals, water-closets, latrines, sinks, baths, showers, wash troughs, apparatus for the treatment of sewage or other receptacle for the deposit of faecal matter and urine and all similar conveniences;

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

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

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

"toilet" means a water closet, latrine or urinal and includes a room or cubicle in which one or more of these is located;

"water" means drinking water within the meaning of the Guidelines for Drinking Water Quality in Australia - 1996, as published by the National Health and Medical Research Council and amended and endorsed by the Minister from time to time; and

"window" means a glass panel, roof light, glass brick, glass louvre, glazed sash, glazed door, or other device which transmits natural light directly from outside a building to the room concerned when in the closed position.

(2) Where in these Local Laws, a duty or liability is imposed on an "owner or occupier", the duty or liability shall be deemed to be imposed jointly and severally on each of the "owner or occupier".

(3) Where under these Local Laws an act is required to be done or forbidden to be done in relation to any premises, the owner or occupier of those premises has, unless the contrary intention appears, the duty of causing to be done the act so

DRAFT

required to be done, or of preventing from being done the act so forbidden to be done, as the case may be.

(4) These Local Laws shall be construed subject to the limits of the power of the Council of the City of Bayswater and so as not to exceed that power to the intent that where any provision of these Local Laws, but for this clause, would be construed as being in excess of that power, it shall nevertheless be valid to the extent to which it is not in excess of that power.

(5) Save where defined herein, where words and phrases used in these Local Laws are defined or used in the ~~*Health Act 2011*~~ *Health (Miscellaneous Provisions) Act 1911*, those words and phrases have the same meaning unless the context otherwise requires.

PART 2 - SANITATION

Division 1 - Sanitary Conveniences

2.1 Interpretation

~~In this Part, unless the context otherwise requires- **"festival"** includes a fair, function or event; **"Organiser"** means a person –~~

~~(a) to whom approval has been granted by the Council or the local government to conduct the festival; or~~

~~(b) responsible for the conduct of the festival;~~

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

"temporary sanitary convenience" means a sanitary convenience, temporarily placed for use by- (a) patrons in conjunction with a festival; or employees at construction sites or the like.

2.2 Dwelling House

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house unless it has at least one toilet.

(2) A room in which a toilet is located shall have lighting in accordance with the requirements of the Building Code.

2.3 Premises other than a Dwelling House

(1) The owner of premises other than a dwelling house shall not use or occupy, or permit to be used or occupied, premises other than a dwelling house unless -

(a) the premises have sanitary conveniences in accordance with the Building Code and this Part;

(b) the toilets required by these local laws are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have handbasins -

(i) in accordance with the Building Code;

(ii) for the use of persons employed or engaged on the premises;

(iii) provided with an adequate supply of water supplied by taps located over each basin;

(iv) separate from any trough, sink or basin used in connection with any process carried out on the premises; and

DRAFT

(v) situated within a reasonable distance of the sanitary conveniences and easily accessible to the person for whom they are provided.

(2) The occupier of premises other than a dwelling house shall ensure that -

(a) clean toilet paper is available at all times in each cubicle;

(b) a sanitary napkin disposal facility is provided in each toilet set aside for the use of females; and

(c) each handbasin is provided with-

(i) an adequate supply of soap or other hand cleaning substances; and

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

~~2.4 Outdoor Festivals~~

~~(1) The organiser of an outdoor festival at which not more than 20,000 people are expected to attend shall provide sanitary conveniences in accordance with the following scale -~~

~~(a) for the first l ,000 males-~~

~~(i) one water closet for each 333;~~

~~(ii) one urinal stall for each 1 00; and~~

~~(iii) one handbasin for each 500;~~

~~(b) for additional males-~~

~~(i) one water closet for each 500;~~

~~(ii) one urinal stall for each 1 00; and~~

~~(iii) one handbasin for each 500;~~

~~(c) for the first 1 ,000 females-~~

~~(i) one water closet for each 77; and~~

~~(ii) one handbasin for each 500; and~~

~~(d) for additional females-~~

~~(i) one water closet for each l 00; and~~

~~(ii) one handbasin for each 500.~~

~~(2) Where, under subsection {1), the number of a particular sanitary convenience to be provided is not a whole number, that number shall be rounded up to the next higher whole number.~~

~~(3) The organiser of an outdoor festival at which more than 20,000 people are expected to attend shall provide sanitary conveniences of a number as directed by the Principal Environmental Health Officer.~~

2.~~5~~4 Toilets

Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements-

(a) toilets for the exclusive use of males shall not adjoin any toilet for the exclusive use of females unless the toilets are separated by a wall extending from floor to ceiling;

(b) where more than one toilet is provided on the premises, the entrance to each toilet shall bear a suitable sign indicating for which sex its use is

DRAFT

intended.

2.5~~6~~ Temporary Works

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

2.~~7~~6 Maintenance of Sanitary Convenience and Fittings and Fittings

(1) The occupier of premises shall -

(a) keep clean, in good condition and repair; and

(b) whenever required by an Environmental Health Officer, effectively disinfect and clean, all sanitary conveniences including sanitary fittings in or on the premises.

(2) The owner of premises shall -

(a) keep or cause to be kept in good repair; and;

(b) maintain an adequate supply of water to,

all sanitary conveniences including sanitary fittings in or on the premises.

2.7~~8~~ Ventilation of Toilets

A toilet in any premises shall be ventilated in accordance with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1~~1~~971* and the Building Code.

2.8~~9~~ Public Sanitary Conveniences

(1) A person shall not -

(a) foul;

(b) damage or vandalise; or

(c) write on or otherwise deface,

a public sanitary convenience or sanitary fixtures or fittings or the premises in or on which the sanitary convenience is located.

(2) A person using a public sanitary convenience shall where the convenience has been provided by the local government and a charge for its use has been levied, forthwith pay that charge.

(3) A person shall not live or sleep in or on the premises in which a public sanitary convenience is located or use it for a purpose other than that for which it was intended.

2.9~~10~~ Lighting

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

2.10~~1~~ Installation

(1) Every sanitary convenience shall be installed in accordance with the requirements of the *Metropolitan Water Supply Sewerage and Drainage By-Laws 1981* and National Plumbing and Drainage Code AS 3500 and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be installed in accordance with the

DRAFT

requirements of the *Health (Temporary Sanitary Conveniences) Regulations 1997.*

Division 2 - Bathroom, Laundries and Kitchens

2.11~~2~~ Bathrooms

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a bathroom that-

(a) is lined with an impervious material in accordance with the requirements of Part F 2.4.1 of the Building Code;

(b) complies with the *Health Act (Laundries and Bathrooms) Regulations;*

(c) is equipped with-

(i) a handbasin; and

(ii) either a shower in a shower recess or a bath; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) All baths, showers, hand basins and similar fittings shall be provided with an adequate supply of hot and cold water.

2.12~~3~~ Laundries

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a laundry that -

(a) is properly enclosed and roofed;

(b) is adequately lined with an impervious material;

(c) is not a room in which food is stored, prepared, served or consumed; and

(d) is provided with a minimum of 0.015 square metres of fixed permanent ventilation.

(2) In the case of a single occupancy dwelling, the laundry referred to in subsection (1) shall have -

(a) either-

(i) two wash troughs and one copper; or

(ii) a washing machine and either a wash trough or a sink; and

(b) a clothes drying facility comprising either an electric clothes dryer or not less than 20 metres of clothes line erected externally.

(3) All wash troughs, sinks, coppers and washing machines shall be -

(a) in a laundry and connected to an adequate supply of hot and cold water; and

(b) properly supported,

and all wash troughs and sinks shall have a capacity of at least 36 litres.

(4) Sole or multiple occupancy units, each being a separate dwelling, shall have-

(a) laundry facilities, in accordance with the Building Code, for the exclusive use of the occupants of each unit; or

(b) a separate laundry, with communal laundry facilities in accordance with the Building Code, for up to 4 sole occupancy units that do not have their own laundry facilities.

DRAFT

(5) Where, in any building, a laundry is situated adjacent to a kitchen or a room where food is stored or consumed, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof or ceiling.

(6) Where there is an opening between a laundry and a kitchen or other room where food is stored or consumed, the opening shall -

(a) not be more than 1 220 millimeters wide; and

(b) have a door which when closed shall completely fill the opening.

2.134 Washing or Keeping of Clothes in Kitchens

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

(a) wash or permit to be washed any clothing or bedding; or

(b) keep or permit to be kept any soiled clothing or bedding.

2.145 Kitchens

(1) A person shall not use or occupy, or permit to be used or occupied, a dwelling house without a kitchen equipped with -

(a) an electric, gas, wood or other fuel burning stove;

(b) an oven of sufficient capacity for the cooking requirements of the usual occupants of the house and not less than a minimum capacity of 0.03 cubic metres; and

(c) a sink which shall-

(i) be at least 380 millimetres long, 300 millimetres wide and 150 millimetres deep; and

(ii) have an adequate supply of hot and cold water.

(2) The occupier of a dwelling house shall ensure that the stove, oven and sink are kept clean, in good order and repair and fit for use.

(3) A cooking facility shall-

(a) be installed in accordance with the requirements of the Office of Energy; and

(b) not be installed or used in any room other than a kitchen.

(4) (a) A kitchen shall be provided with mechanical exhaust ventilation directly above the cooking facility and the exhaust air shall be –

(i) carried to the outside air as directly as practicable; and

(ii) boxed throughout; or

(b) An alternative ventilation system, to the satisfaction of the Principal Environmental Health Officer, may be provided, where the Principal Environmental Health Officer is satisfied that the alternative method does not give rise to any health nuisance.

(5) In this section, a "cooking facility" includes a stove, oven, facility or appliance used for or in connection with the cooking of food.

2.156 Floor of Wet Areas

The floor of every bathroom, ensuite, laundry, toilet and any other ablution area within the building shall be properly surfaced, impervious to water and evenly graded to an approved floor waste outlet.

DRAFT

PART 3 - HOUSING AND GENERAL

Division 1 - Maintenance of Houses

3.1 Dwelling House Maintenance

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

(a) maintain all roofs, guttering and downpipes in sound weatherproof condition;

(b) maintain any footings, foundations and walls, either external or internal, in a sound condition;

(c) replace any missing, broken, decayed or termite-eaten timber or other deteriorated material in any veranda, roof, walls, steps, handrails, floors or their supports with material of sound quality;

(d) comply with the directions of an Environmental Health Officer to treat the premises for the purpose of destroying any termites;

(e) maintain any brick, stone, mortar or cement work in a sound condition;

(f) maintain, repair or replace any flashings or ant caps that are missing or defective;

(g) maintain all ventilators in good order and repair;

(h) maintain all floors even in surface and free from cracks;

(i) maintain all ceilings, internal wall finishes, skirtings, architraves and other fixtures and fittings complete and with smooth unbroken surfaces;

(j) maintain all doors and windows in good working order and weatherproof condition;

(k) retain all-natural lighting free from any obstruction which would reduce the natural lighting, below the ratio of 1-0% of the floor area;

(l) maintain all pipes, fittings and fixtures connected with water supply, drainage or sewage so

(m) that they comply in all respects with the provisions of the Metropolitan Water Supply, Sewerage and Drainage By-Laws, National Plumbing Code, Treatment of Sewage and Disposal of E-ffluent and Liquid Waste Regulations and any other legal requirements to which they are subject; and

(m) maintain all electric wiring, gas services and fittings so as to comply in all respects with the requirements of the Office of Energy.

3.2 Maintenance of Guttering and Downpipes and Disposal of Rainwater

The owner or occupier of a house shall-

(a) maintain all guttering, downpipes and drains on the premises in a good state of repair, clean and free from obstruction; and

(b) not permit any rainwater from the premises to discharge onto or over a footpath, street or other property.

Division 2 - Ventilation of Houses

3.3 Exemption for Short Term Hostels and Recreational Campsites

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

3.4 Overcrowding

DRAFT

The owner or occupier of a house shall not permit -

(a) a room in the house that is not a habitable room to be used for sleeping purposes; or

(b) a habitable room in the house to be used for sleeping purposes unless-

(i) for every person over the age of 10 years using the room there is at least 14 cubic metres of air space per person; and

(ii) for every person between the ages of 1 and 10 years there is at least 8 cubic metres of air space per person; or

(c) any garage or shed to be used for sleeping purposes.

3.5 Calculation of Sufficient Space

For the purpose of section 3.4, in calculating the space required for each person -

(a) each room shall be considered separately and~~!~~ sufficient space shall be allowed in each room for the number of persons present in the room at any one time; and

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

3.6 Ventilation

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

(2) For the purpose of subsection (1) a house shall be deemed to be properly ventilated if it complies with the *Sewerage (Lighting, Ventilation and Construction) Regulations 1971* and the Building Code, including the provision of-

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with AS 1668.2.

(3) The owner of a house provided with a mechanical ventilation or air-conditioning system shall ensure that the system is-

(a) maintained in good working condition and in accordance with AS_3666-1 989; and

(b) in use at all times the building is occupied, if it is a building without approved natural ventilation.

(4) If, in the opinion of the Principal Environmental Health Officer, a house is not properly ventilated, the local government may by notice require the owner of the house to -

(a) provide a different, or additional method of ventilation; or

(b) cease using the house until it is properly ventilated.

(5) The owner shall comply with a notice under subsection (4).

3.7 Sub-Floor Ventilation

The owner or occupier of a house shall ensure that air bricks and other openings are kept clear of refuse, vegetation, building materials, dirt and the like.

Division 3 - Water Supply

3.8 Water Supply

(1) The owner of a house shall ensure that it is connected with a separate and

DRAFT

independent water supply from the mains of the licensed water service operator or a water supply to the satisfaction of the local government.

(2) The water supply shall at all times deliver an adequate supply of drinking water to each tap in the house or on the site on which the house is located.

3.9 Rain Water Tanks

The owner or occupier of a house for which part of the water supply is drawn from a rain water tank shall -

(a) maintain in a clean condition -

(i) the roof forming the catchment for the tank; and

(ii) the guttering and downpipes appurtenant to the roof;

(b) ensure that each rain water tank is fitted with a tight-fitting mosquito proof cover which shall not be removed at any time except for the purpose of cleaning, repairing or maintaining the tank;

(c) at least once in each year, thoroughly clean any tank from which water is used for human consumption;

(d) when directed by an Environmental Health Officer, empty, clean and disinfect any tank upon the premises, from which water is used for human consumption.

3.10 Wells

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

(a) at least 30 metres from any soak well or other possible source of pollution unless otherwise approved by the Executive Director of Public Health; and

(b) covered with a tight-fitting cover without openings of any sort other than those essential for the insertion of a pump.

3.11 Pollution

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

Division 4 - Second-hand Furniture, Bedding and Clothing

3.12 Prohibition on Sale

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

3.13 Prohibition of Possession

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

Division 5 - Morgues

3.14 Licensing of Morgues

(1) All morgues, except those conducted by a public hospital, local government or the Police Service, are required to be licensed.

(2) The annual fee for a licence for a place for the temporary reception and keeping of the bodies of the dead awaiting burial or cremation is as fixed from time to time

DRAFT

by Council under Section 344C of the Act.

(3) A licence shall-

(a) be applied for in the form set out in Schedule 8;

(b) be in the form set out in Schedule 9; and

(c) expire on 31 December next after the date of its issue.

(4) A licence shall not be granted in respect of any premises unless-

(a) provision has been made for the keeping of the bodies of the dead at a temperature not exceeding zero degrees Celsius;

(b) the walls are constructed of stone or brickwork or other approved material;

(c) the interior surface of all walls is covered with glazed tiles or is rendered impervious so as to be non-absorbent and washable;

(d) all floors are constructed of some impervious material, having a fall to an outlet discharging over a trapped gully; and

(e) the premises are adequately ventilated by direct communication with the outside air.

PART 4 - WASTE FOOD AND REFUSE

Division 1 - Liquid Refuse

4.1 Interpretation

In this division, unless the context otherwise requires-

"liquid refuse" includes all washings from windows and vehicles; overflow, bleed off, condensate and drainage from air conditioning equipment including cooling towers and evaporative coolers and any other liquid used for cooling purposes; and swimming pool discharges;

4.2 Deposit of Liquid Refuse

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

(a) on a street;

(b) in a stormwater disposal system; or

(c) on any land or place other than a place or depot duly authorised for that purpose.

Division 2-Disposal of Refuse

4.3 Interpretation

In this division, unless the context otherwise requires -

"building line" has the meaning given to it in and for the purposes of *the Local Government (Miscellaneous Provisions) Act 1960*;

"collection day" means the day of the week on which rubbish and refuse is collected and removed by the local government or its contractor;

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

"commercial waste" means refuse and other rubbish generated by or emanating from commercial premises and includes trade refuse;

"domestic waste" means refuse and other rubbish generated by or emanating from residential premises;

DRAFT

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

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

"refuse disposal site" means land set apart by the Council under the Act as a site for the deposit of rubbish or refuse; "receptacle", where used in connection with any premises, means-

(a) a polyethylene or other approved material cart fitted with wheels, a handle and a lid and having a capacity of at least 120 litres; or

(b) a container provided by the local government or its contractor for the deposit, collection or recycling of specific materials; or

(c) other type of receptacle specified or approved by the local government; and supplied to the premises by the local government or its contractor;

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

"street alignment" means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under the *Local Government (Miscellaneous Provisions) Act 1960,* means the new street alignment so prescribed; and "waste" means commercial waste or domestic waste or both as the context requires.

4.4 Use of Other Containers

(1) In the case of premises consisting of more than 3 dwellings, any premises used for commercial or industrial purposes or as a food premises, the Principal Environmental Health Officer may authorise rubbish or refuse to be deposited in a container other than a receptacle.

(2) The owner or occupier of premises who is authorised under this section to deposit rubbish or refuse in a container shall-

(a) unless approved by the Principal Environmental Health Officer, not deposit or permit to be deposited in the container anything specified in subsection 4.9 (1);

(b) take all reasonable steps to prevent -

(i) fly breeding and keep the container free of flies, maggots, cockroaches, rodents and other vectors of disease; and

(ii) the emission of offensive and noxious odours from the container;

(c) whenever directed by an Environmental Health officer to do so, thoroughly clean, disinfect, deodorise and apply a residual insecticide to the container;

(d) cause the container to be located on the premises in an enclosure constructed and located as approved by the Principal Environmental Health Officer;

(e) ensure that the container is not visible from the street but is readily accessible for the purposes of collection;

(f) ensure that the container does not cause a nuisance to an occupier of adjoining or nearby premises; and

(g) ensure that rubbish or refuse which is or is likely to become offensive or a

DRAFT

nuisance, or give off an offensive or noxious odour, or to attract flies or cause fly breeding is first wrapped in non-absorbent or impervious material or placed in a sealed impervious container;

(3) An owner or occupier shall -

(a) provide a sufficient number of containers to contain all rubbish and refuse which accumulates or may accumulate in or from the premises;

(b) ensure that each container on the premises-

(i) has a close-fitting lid;

(ii) is constructed of non-absorbent and non-corrosive material; and

(iii) is clearly marked, for the use of, and is used only for, the temporary deposit of rubbish or refuse;

(c) keep or cause to be kept each container thoroughly clean and in good condition and repair;

(d) place any rubbish or refuse in, and only in, a container marked for that purpose;

(e) keep the cover of each container closed except when it is necessary to place something in, or remove something from, it; and

(f) ensure that the containers are emptied at least weekly or as directed by an Environmental Health Officer.

4.5 Suitable Enclosure

(1) An owner or occupier of premises-

(a) consisting of more than 3 dwellings that have not been provided with individual receptacles; or

(b) used for commercial or industrial purposes or as a food premises;

(c) if required by the Principal Environmental Health Officer shall-

(i) provide a suitable enclosure for the storage and cleaning of receptacles or other containers on the premises; and

(ii) install in the enclosure a tap connected to an adequate supply of water.

(2) An owner or occupier of premises required to provide a suitable enclosure under this section shall keep the enclosure thoroughly clean and disinfected.

(3) For the purposes of this section, a "suitable enclosure" means an enclosure -

(a) of sufficient size to accommodate all receptacles or other containers used on the premises but in any event having a floor area not less than a size approved by the Principal Environmental Health Officer;

(b) having walls constructed of brick or concrete or other material of suitable thickness approved by the Principal Environmental Health Officer;

(c) having walls which will adequately screen the receptacles or containers and not less than 1.8 metres in height and having an access way of adequate width to al low the removal of receptacles or other containers for collection and not less than 1 metre in width and fitted with a self-closing gate;

(d) containing a smooth and impervious concrete floor -

(i) of not less than 100 millimetres in thickness; and

(ii) which is evenly graded to a liquid refuse disposal system approved

DRAFT

by the Principal Environmental Health Officer; and

(e) which is easily accessible to allow for the removal, emptying and cleaning of the receptacles or other containers.

4.6 Deposit of Refuse

(1) A person shall not deposit or cause or permit to be deposited any rubbish or refuse in or on any street or on any land other than a refuse disposal site.

(2) A person shall not deposit rubbish or refuse in or on a refuse disposal site except

(a) at such place on the site as may be directed by the person in charge of the site; or

(b) if the person in charge is not in attendance at the site, as may be directed by a notice erected on the site.

4.7 Removal of Rubbish or Refuse from Refuse Disposal Site

(1) A person shall not remove any rubbish or refuse from a refuse disposal site without the written approval of the local government or the local government's contractor managing the site.

(2) A person who obtains approval from the local government or the local government's contractor shall comply with any conditions imposed by the local government or its contractor and set out in the approval.

4.8 Removal of Rubbish from Premises or Receptacles

(1) A person shall not remove any rubbish or refuse from premises unless that person is -

(a) the owner or occupier of the premises;

(b) authorised to do so by the owner or occupier of the premises; or

(c) authorised in writing to do so by the local government.

(2) A person shall not, without the approval of the local government or the owner of a receptacle or other container, remove any rubbish or refuse from the receptacle or other container provided for the use of the general public in a public place.

4.9 Burning Rubbish or Refuse

(1) A person shall not -

(a) without the written approval of the Principal Environmental Health Officer; and

(b) except in accordance with the terms and conditions to which the approval is subject,

set fire to, or cause to be set on fire, any rubbish or refuse either in any incinerator, barbecue, wood fired stove or on the ground.

(2) Subject to subsection (3), an approval of the Principal Environmental Health Officer is issued subject to the following conditions –

(a) the material to be burnt-

(i) does not include any plastic, rubber, food scraps, green garden cuttings or other material that is offensive when burnt; and

(ii) is of such quantity, or of such a nature, as not to be suitable for removal by the local government's refuse collection service;

(b) there is no other appropriate means of disposal;

DRAFT

(c) burning shall not take place-

(i) during any period for which an air dispersion alert has been issued by the Bureau of Meteorology; or

(ii) where there is no current dispersion alert, outside the hours of 10.00am to 3.00pm;

(iii) at times designated by the Bureau of Meteorology as Very High or Extreme Fire Danger; and

(d) an incinerator used for fire must be located -

(i) at least 2 metres from a fence or building; and

(ii) in such a position so as not to create a nuisance or be offensive to other persons.

(3) Subject to the provisions of the *Bush Fires Act 1954*, it is prohibited to clear by burning any fire breaks, vacant lots or other land of grass, straw, hay, undergrowth, herbage and other vegetation whether alive or dead and standing or not standing, without written approval of the local government.

4.10 Removal of Rubbish from Building Sites

(1) During all periods of construction on any building site -

(a) The builder shall provide and maintain on the site a rubbish disposal bin of sufficient capacity to enable all waste generated on site to be effectively disposed of;

(b) The builder shall keep the site free of rubbish and offensive material, whether temporary or otherwise;

(c) The builder shall maintain the street verge immediately adjacent to the site free of rubbish and offensive matter, whether temporary or otherwise;

(d) The builder shall on completion of construction immediately clear the site and the street verge adjacent thereto of all rubbish and offensive matter and shall remove therefrom all or any rubbish disposal bins thereon by the builder.

(2) In this section the word "rubbish" shall include stones, bricks, lime, timber, iron, tiles, bags, plastics and any broken, disused or discarded matter whatsoever.

Division 3 - Transport of Butchers 'Waste

4.11 Interpretation

In this Division, unless the context otherwise requires -

"butchers' waste" includes animal skeletons, rib cages and the products of a slaughterhouse or boning room.

4.12 Restriction of Vehicles

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

(a) a vehicle used for the transport of food or drugs; or

(b) anything intended to be used for the packing or handling of food or drugs.

4.13 Transport of Butchers' Waste

(1) A person shall not transport butchers' waste otherwise than in -

(a) a compartment complying with the following specifications -

DRAFT

(i) the floor and 4 walls to be made of impervious materials and the walls to be not less than 910 millimetres high;

(ii) all joints to be made watertight;

(iii) the loading doors, if any, to be water-tight and kept closed at all times except when loading; and

(iv) the top to be completely covered by a tarpaulin or other impervious sheet material approved by the Principal Environmental Health Officer, carried over, and secured to the outside of the walls at least 300 millimetres from the top so as to keep the load out of sight of the public; or

(b) a watertight durable container fitted with a lid that can be tightly closed.

(2) A person shall not transport any butchers' waste in a vehicle unless the vehicle and its fittings, including the compartment or container referred to in this section, are -

(a) maintained in good order and condition; and

(b) thoroughly cleaned at the conclusion of each day's work.

(3) A person shall not load, transport, or unload butchers' waste in a manner that is or may be offensive due to-

(a) the sight of animal skeletons, bones, offal or waste matter;

(b) the odour of putrefaction, offal or waste matter; or

(c) the presence of blood and particles of flesh or fat dropping onto the surface of the street pavement or ground.

PART 5 - NUISANCES AND GENERAL

Division 1 - Nuisances

5.1 Interpretation

In this Division, unless the context otherwise requires - **"fertiliser"** includes manure.

5.2 Footpaths etc., to be Kept Clean

An owner or occupier of premises shall maintain any footpath, pavement, area or right of way immediately adjacent to the premises clean and clear from their refuse and belongings.

5.3 Escape of Smoke etc.

(1) Subject to subsection (2), an owner or occupier of premises shall not cause or permit the escape of smoke, dust, fumes, offensive or foul odours, liquid waste or liquid refuse from the premises in such quantity or of such a nature as to cause or to be a nuisance.

(2) Subsection (1) does not apply to smoke from the chimney of a private dwelling house.

5.4 Public Vehicles to be Kept Clean

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

(a) maintain the vehicle at all times -

(i) in a clean condition; and

DRAFT

(ii) free from vectors of disease; and

(b) whenever directed to do so by an Environmental Health Officer, thoroughly clean and disinfect the vehicle as directed.

5.5 Prohibition Against Spitting

A person shall not spit -

(a) on a footpath, street or public place; or

(b) in a train, bus or other public transport.

5.6 Transportation, Use and Storage of Offal or Blood

A person shall not transport or store offal or blood, for the purpose of being used as manure, unless it has been sterlised by steam and properly dried.

5.7 Use or Storage of Fertiliser

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

(a) pig manure;

(b) human faeces; or

(c) urine.

5.8 Storage and Despatch of Artificial Fertiliser

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

(a) keep all artificial fertiliser in a building -

(i) of which the walls, floors and ceilings or undersides of the roof are constructed of durable and non-absorbent materials finished internally with a smooth surface; and

(ii) free from damp and properly ventilated;

(b) take proper precautions to prevent the emission of dust or offensive effluvia from the building; and

(c) ensure that all artificial fertiliser despatched from the premises is packed in such a manner as to prevent any nuisance arising during transit.

5.9 Storage of Fertiliser

(1) The owner or occupier of premises where fertiliser or compost is stored or used shall -

(a) prevent the escape of odours, dust or particles of fertiliser or compost;

(b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other vectors of disease; and

(c) store only such amounts of fertiliser or compost -

(i) as can be readily used within a reasonable period; or

(ii) as may be directed by the Principal Environmental Health Officer.

(2) No person shall store fertiliser or compost inside a dwelling house.

Division 2 - Keeping of Animals

DRAFT

5.10 Cleanliness

An owner or occupier of premises in or on which a dou~~u~~g, cat or other animal or bird is kept shall -

(a) keep the premises free from excrement, filth, food waste and all other matter which is or is likely to become offensive or injurious to health or to attract rats or other vectors of disease;

(b) when so directed by an Environmental Health Officer, clean and disinfect the premises; and

(c) keep the premises, so far as possible, free from flies or other vectors of disease by spraying with a residual insecticide or other effective means.

5.11 Animal Enclosures

(1) A person shall not keep or cause or permit to be kept any animals or birds on premises which are not effectively drained or of which the drainage flows to the walls or foundations of any building.

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

5.12 Slaughter of Animals

(1) Subject to subsection (2), a person shall not slaughter any animal within the district.

(2) Subsection (1) does not apply to euthanasia of animals by veterinarians or other duly authorised persons, slaughter of meat for pet or game meat and slaughter of animals for human consumption in local government approved abattoirs.

5.13 Disposal of Dead Animals

(1) An owner or occupier of premises on which there is a dead animal shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

(2) An owner, or a person having the care, of any animal that dies or is killed in a public or private place shall immediately remove the carcass and arrange for its disposal at an approved disposal site.

Division 3-Keeping of Large Animals

5.14 Interpretation

In this Division, unless the context otherwise requires-

"approved animal" means a horse, cow or large animal that is the subject of an approval by the local government under section 5.15;

"cow" includes an ox, calf or bull;

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

"large animal" includes a pig, sheep or goat.

5.15 Stables

(1) An owner or occupier of premises shall not keep a horse, cow or large animal on those premises without the written approval of the Council.

DRAFT

(2) An owner or occupier of premises who has approval to keep a horse, cow or large animal shall provide for its use a stable which shall-

(a) not be situated within 15 metres of a house or other premises;

(b) have a proper separate stall-

(i) for each horse or cow; and

(ii) the floor area of which shall be a minimum of 6 square metres;

(c) have each wall and roof constructed of an impervious material;

(d) have on all sides of the building between the wall and the roof a clear opening of at least 150 millimetres in height;

(e) have a floor, the upper surface of which shall -

(i) be raised at least 75 millimetres above the surface of the ground;

(ii) be constructed of cement, concrete or other similar impervious materials; and

(iii) have a fall of 1~~l~~ in 100 to a drain that shall empty into a trapped gully situated outside the stable and shall discharge in a manner approved by the Principal Environmental Health Officer.

(3) The owner or occupier of premises on which a stable is located shall-

(a) maintain the stable in a clean condition and clean, wash and disinfect it when so directed by an Environmental Health Officer;

(b) keep all parts of the stable so far as possible free from flies or other vectors of disease by spraying with a residual insecticide or other effective means; and

(c) when so ordered by the Principal Environmental Health Officer, spray the stable, or such parts as may be directed, with a residual insecticide.

5.16 Proximity of Animals to a Dwelling House

The owner or occupier of premises shall not permit an approved animal to approach within 15 metres of a dwelling house.

5.17 Manure Receptacles

An owner or occupier of premises on which an approved animal is kept shall -

(a) provide in a position convenient to the stable a receptacle for manure constructed with a smooth, impervious, durable and easily cleanable surface and provided with a tight-fitting hinged lid;

(b) keep the lid of the receptacle closed except when manure is being deposited or removed;

(c) cause the receptacle to be emptied at least once a week and as often as may be necessary to prevent it becoming offensive or a breeding place for flies and other vectors of disease;

(d) keep the receptacle so far as possible free from flies and other vectors of disease by spraying with a residual insecticide or other effective means; and

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

Division 4 - Keeping of Poultry, Pigeons and Cage-birds

5.18 Interpretation

DRAFT

In this Division, unless the context otherwise requires-

"Affiliated Person" means a person who is a member of a Pigeon Club or Cage bird Club which is an incorporated body under the *Associations Incorporation Act 1987;*

"cage-birds" include parrots, budgerigars, canaries, finches, quail, doves and other birds kept in cages on residential premises but does not include poultry;

"Code of Practice" means the Code of Practice - Pigeon Keeping and Pigeon Racing, published May 1994, amended from time to time and approved by the Pigeon Racing Federation of WA (Incorporated) and the Independent Racing Pigeon Federation Inc.;

"pigeons" includes all breeds of domestic pigeon of the genus Columba livia domestica;

"poultry" includes fowls, peafowl, turkeys, geese, ducks and other domestic fowls;

"young birds" includes-

(a) pigeons under 24 days of age and recognised as birds without feathers on the flesh under their wings;

(b) cage-birds under 24 days of age and recognised as confined to their nests.

5.19 Limitation on Numbers of Poultry, Pigeons and Cage-birds

(1) An owner or occupier of premises -

(a) who is not an Affiliated Person shall not keep more than 20 pigeons and 20 cage birds exclusive of young birds;

(b) ~~—~~who is an Affiliated Person shall not keep a total of more ~~rh a n~~than 150 pigeons and 150 cage birds. exclusive of young birds;

(c) shall not keep any of the following -

(i) a goose or gander;

(ii) a turkey;

(iii) a peacock or peahen.

on any one lot of land.

(d) ~~—~~May keep ducks or fowls or a combination of ducks and fowls up to a maximum of 20~~4~~ in accordance with the following table-

Maximum Number Of Poultry That Can Be Kept On Residential Lots	
Lot Area (m²)	**Poultry**
~~Less than 500~~	~~0~~
~~500-599~~	~~9~~
Up to 599	9
600 to 699	10
700 to 799	11
800 to 899	12
900 to 999	13
1000 to 1099	14
1100 to 1199	15
1200 to 1299	16
1300 to 1399	17
1400 to 1499	18
1500 to 1599	19

DRAFT

1600 to 1699 or greater	20
1700 to 1799	21
1800 to 1899	22
1900 to 1999	23
2000 or greater	24

(2) The Principal Environmental Health Officer, may either reduce the approved number of poultry, pigeons or cage-birds kept by an owner or occupier, or ban the keeping of poultry, pigeons or cage- birds by an owner or occupier, if the conditions of this Division are not complied with or if excessive noise is evident.

5.20 Conditions of Keeping Poultry

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

(a) (i) subject to subparagraph (ii), no poultry is able to approach within 9 metres of a dwelling. public building or premises where people are employed or where food is stored, prepared. manufactured or sold:

(ii) the approval of the Principal Environmental Health Officer is to be obtained before any poultry is kept closer than 9 metres to dwellings. Such as approval is subject to dwelling being either on an adjacent property in the same ownership or a dwelling on the same property that is occupied by the keeper of the poultry. In any case, the minimum separation will not be reduced to less than 6 metres.

(b) all poultry are kept in an enclosure not closer than 1.2 metres to any property boundary within which is a properly constructed, weatherproof structure for roosting which shall -

(i) allow a minimum of 0.3 square metres of floor area per bird;

(ii) have an impervious concrete floor of 50 milli-metre minimum thickness with 250 millimetre upstand around and graded to the front to facilitate easy cleaning;

(iii) be designed to allow easy access for cleaning; and

(iv) have the walls and roof constructed of galvanised iron or other approved material;

(c) all enclosures and structures in which poultry are kept, including food and water containers, waste receptacles and surrounds are maintained in a clean condition;

(d) the enclosure shall have an otherwise unobstructed area of at least 20 square metres;

(e) all wastes including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double-lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight-fitting lid and be inaccessible to flies, rodents and other vectors of disease; and

(f) the occupier shall clean and disinfect the enclosure, structure and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer.

5.21 Roosters

An owner or occupier of premises shall not be permitted to keep a rooster on a residential lot in the City of Bayswater

5.22 Conditions of Keeping Pigeons and Other Cage-birds

DRAFT

A person who keeps, or permits to be kept, pigeons or other cage-birds shall ensure that -

(a) no pigeons or other cage-birds are able to approach withinl1in 9 metres of a dwelling, public building or premises where people are employed or where food is stored, prepared, manufactured or sold;

(b) the approval of the Principal Environmental Health Officer is obtained before an aviary or loft is kept closer than 9 metres to their dwelling;

(c) except where registered homing pigeons are freed for exercise, the pigeons and other cage- birds are confined in a properly constructed pigeon cage, aviary or loft;

(d) no pigeon cage, aviary or loft shall be located nearer than 1.2 metres from the boundary of adjoining properties;

(e) all structures used to house pigeons and other cage-birds shall be of sound, weatherproof construction, the framework and roost being of smooth sealed timber or metal, the walls and roof to be constructed of galvanised iron or other approved material, and the floor to be constructed in a manner and of a material which will facilitate the hygienic removal of waste matter, husks, seed, feathers, dead birds and faecal matter;

(f) all cages, aviaries, lofts, surrounds, food and water containers and rubbish receptacles shall be kept clean and maintained in good order and condition at all times;

(g) all waste, including husks, seed, feathers, dead birds and faecal matter shall be placed in plastic or double lined paper garbage bags and disposed of immediately after collection into an approved receptacle. Such receptacle shall have a tight-fitting lid and be inaccessible to flies, rodents and other vectors of disease;

(h) the occupier shall clean and disinfect cages, aviaries, lofts and surrounds, and trap or bait flies, rodents and other vectors of disease in accordance with any direction of an Environmental Health Officer;

(i) pigeons registered as homing pigeons may be released for daily exercise and may also be released for organised races and training;

(j) not more than sixty registered homing pigeon s shall be released for exercise or training at any one time;

(k) the local government may, at its discretion, prohibit an owner or occupier exercising homing pigeons between the hours of 9.00 am and 3.30 p.m. if health or nuisance related problems become evident;

(l) where there is any discrepancy between this Section relating to the Keeping of Pigeons and other cage-birds and the Code of Practice, the higher standard of construction and hygiene shall prevail; and

(m) bird cages, aviaries, lofts and surrounds shall be kept in a clean condition to the satisfaction of an Environmental Health Officer.

5.23 Removal of Non-Conforming Structure or Enclosure

(1) If a structure or enclosure is used for the keeping of poultry, pigeons or cage-birds contrary to the provisions of sections 5.20 and 5.22, the Principal Environmental Health Officer may direct the owner or occupier to remove it.

(2) An owner or occupier shall comply with a direction from the Principal Environmental Health Officer under this Section.

5.24 Restrictions on Pigeon Nesting, Perching and Feeding

DRAFT

(1) The local government may order an owner or occupier of a house in or on which pigeons are, or are in the habit of, nesting or perching to take adequate steps to prevent them continuing to do so.

(2) An owner or occupier shall comply with the local government's order under this section.

(3) A person shall not feed a pigeon or other bird roaming at large, so as to cause, or contribute to, a nuisance or be injurious or dangerous to health.

Division 5 - Car Parks

5.25 Interpretation

In this Division, unless the context otherwise requires -

"attendant's booth" means a booth that is positioned inside a car park for the containment of a parking attendant;

"car park" means premises, or any part of premises, set aside for parking of 3 or more motor vehicles; and

"owner or occupier" means a person having the charge, management or control of a car park.

5.26 Ventilation

(1) A person shall not use or occupy, or permit to be used or occupied, a car park unless it is ventilated by either -

(a) natural ventilation; or

(b) mechanical means,

in accordance with AS 1668.2 Part 2 1991.

(2) If, in the opinion of the Principal Environmental Health Officer, a car park is not properly ventilated, the local government may by notice require the owner or occupier within a specified time to -

(a) provide a different or additional method of ventilation; and

(b) cease using the car park until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

5.27 Exhaust Air Discharge Points and Exhaust Registers

An owner or occupier shall ensure that-

(a) all exhaust air that is discharged from a car park shall be discharged-

(i) at discharge points-

(A) in accordance with AS 1668.2 Part 2 1991; and

(B) located so that the hourly average exhaust flow rate is not reduced below the minimum requirement of AS 1668.2 Part 2 1991;

(ii) at a velocity and in a direction so as not to be a danger to health or a nuisance;

(b) exhaust registers are located -

(i) as far as possible from the source of supply air; and

(ii) so as to draw effluent away from staff working in the attendant's booth;

(c) in the case of a car park having a floor level below that of the external ground

DRAFT

level, at least 50% of the required exhaust air is drawn into exhaust registers having their bottom edge located within 100 millimetres of the floor level; and

(d) any mechanical ventilation system is -

(i) maintained in good working condition; and

(ii) in operation at all times when the car park is in use.

5.28 Car Park Attendant Booths

(1) An owner or occupier shall ensure that an attendant's booth-

(a) is provided with a fresh air supply ventilation system-

(i) with air flow rates that give a minimum of 40 air changes per hour; and

(ii) which is in operation whenever the booth is occupied;

(b) has intakes for fresh air located and arranged so that under all conditions of normal operation adjacent sources of pollution do not reduce the quality of fresh air;

(c) has a capacity of not less than 5 cubic metres;

(d) has all windows and doors, except at the toll taking area opening, closed at all times when an attendant is in the booth; and

(e) has a toll taking opening that is of a minimum size that is practicably required to carry out the operation of toll paying.

(2) If the Principal Environmental Health Officer believes an attendant's booth is not properly ventilated in accordance with subsection (1), the local government may by notice require the owner or occupier to cease using the booth until it is properly ventilated.

(3) An owner or occupier shall comply with a notice under subsection (2).

PART 6 - PEST CONTROL

Division 1 - Flies

6.1 Interpretation

In this Division, unless the context otherwise requires-

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

6.2 Fly Breeding Matter not to be left on Premises Unless Covered or Treated

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

6.3 Measures to be Taken by an Occupier

An owner or occupier of premises shall ensure that-

(a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;

DRAFT

(b) food scraps and uneaten animal and bird food are ~~wrapped tightly and~~ deposited in a ~~rubbish~~n appropriate waste receptacle without delay;

(c) lawn clippings used on gardens as mulch are raked out thinly;

(d) fertilisers are dug well into the soil;

(e) compost heaps are kept well covered;

(f) barbecues are kept clean and free from food scraps;

(g) anything that is buried and may attract or be a breeding place for flies is covered with at least 300 millimetres of soil and compacted; and

(h) excrement from pets is collected and properly disposed of without delay.

6.4 Officer may Give Notice Directing Measures to be Taken

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

(a) control the prevalence;

(b) effect the eradication; or

(c) effectively prevent the breeding of flies.

6.5 Local Government may Execute Work and Recover Costs

(1) Where –

(a) a person is required under this Division or directed by a notice given under section 6.4, to execute any work; and

(b) that person fails or neglects to comply with the requirement,

the local government may execute the work and may recover from that person the cost of executing the work, in addition to any penalty for which that person may be liable under these Local Laws.

(2) The costs and expenses incurred by the local government in the execution of a power under subsection (1) may be recovered in a court of competent jurisdiction from the person referred to in subsection (1).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (I) in relation to any action taken by the local government under this section, other than compensation or damages for~~en:~~ loss or damage suffered because the local government acted negligently, or in breach of duty.

Division 2 - Mosquitoes

6.6 Interpretation

In this Division, unless the context otherwise requires-

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

6.7 Premises to be Kept Free of Mosquito Breeding Matter

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

(a) refuse; and

(b) water located so as to be,

DRAFT

liable to become the breeding place of mosquitoes.

6.8 Measures to be Taken by an Owner or Occupier

An owner or occupier of premises-

(a) where there is a fountain, pool, pond or excavation of any kind which contains water suitable for the breeding of mosquitoes, shall keep the water-

(i) stocked with mosquito predatory fish; or

(ii) covered with a film of petroleum oil or other larvicide; and

(b) where there is a water tank, well, cistern, vat or barrel, shall -

(i) keep it protected with a mosquito-proof cover; and

(ii) screen all openings, other than the delivery exit, with wire mesh having openings no larger than 1.2 millimetres.

6.9 Measures to be Taken by Occupier

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

(a) frequently change the water; and

(b) keep the water clean and free from vegetable matter and slime.

6.10 Removal of Undergrowth or Vegetation

(1) Where it appears to the Principal Environmental Health Officer that there is, on any premises, undergrowth or vegetation likely to harbour mosquitoes, he or she may direct, orally or in writing, the owner or occupier of the premises to cut down and remove within a specified time the undergrowth or vegetation.

(2) An owner or occupier of premises shall comply with a direction from, and within the time allowed by, the Principal Environmental Health Officer under this section.

6.11 Filling in Excavations etc.

Unless written permission to the contrary is obtained from the local government, a person who cuts turf or removes soil or other material from any land shall forthwith ensure that each excavation is filled in with clean sound material and made level with the surrounding surface.

6.12 Drains, Channels and Septic Tanks

An owner or occupier of land shall -

(a) cause all drains and channels in or on the land to be kept in good order and free from obstruction; and

(b) where a septic tank is installed on the land -

(i) apply an approved larvicide according to the directions on the container, into the septic tank system, whenever directed to do so by an Environmental Health Officer;

(ii) provide, and keep in sound condition at all times, wire mesh having openings no larger than 1.2 millimetres covering any inlet vent to the tank.

6.13 Drainage of Land

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

DRAFT

land and, for that purpose, shall-

(a) make or provide drains on the land;

(b) remove all irregularities in the surface of the land;

(c) if necessary, adjust the surface of the land or raise the level of the surface in such a manner that-

(i) the water on the land may flow into the drains without obstruction; and

(ii) no water shall remain on any portion of the land other than the drains; and

(d) keep all drains in good order and free from obstruction.

6.14 Swimming Pools

Where there is a swimming pool on any premises where the circulation system does not function, or has not been used such that the pool water is green or stagnant and suitable for the breeding of mosquitoes, the owner or occupier shall when required by a notice issued by an Environmental Health Officer -

(a) re-activate the pool circulation system within a time specified and operate it so that the water is filtered for as many hours as may be specified; and/or

(b) chlorinate and adjust pH of the pool to-

(i) 4 milligrams per litre free chlorine; and

(ii) pH within the range 7.2 to 7.6; or

(c) empty or drain the pool; or

(d) pour up to 1 litre of paraffin ~~n~~ oil or kerosene onto the water surface of the pool; and

(e) maintain the pool water free of mosquito breeding;

Division 3 - Rodents

6.15 Interpretation

In this Division, unless the context otherwise requires-

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

6.16 Measures to be Taken to Eradicate Rodents

(1) An owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall - ~~-~~shall at all times take effective measures to eradicate any rodents in or on the premises.

(a) take effective measures to keep the premises free from rodents including-

(i) protecting food stuffs;

(ii) using a rodenticide bait or a properly baited trap; ~~and~~

(iii) ~~preventing~~minimising rodent access to water on the ~~rodents having access to water on the premises;~~premises; and

(iv) removing accumulated refuse or potential rodent food sources; and

(b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall-

DRAFT

(i) if it is not already dead, kill it immediately; and

(ii) dispose of the carcass in such a manner as will not create a nuisance.~~; and~~

(2) An owner of occupier of premises must take whatever measures for the eradication of rodents as directed by an authorizsed person under this clause. ~~Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are indications of the presence of rodents in, on or about the premises, and while such indications continue, shall-~~

~~(a) take effective measures to keep the premises free from rodents including-~~

~~(i) protecting food stuffs;~~

~~(ii) using a rodenticide bait or a properly baited trap; and~~

~~(iii) preventing rodents having access to water on the premises;~~

~~(b) inspect daily each rodenticide bait or trap used and, whenever a rodent is found, shall-~~

~~(i) if it is not already dead, kill it immediately; and~~

~~(ii) dispose of the carcass in such a manner as will not create a nuisance; and~~

~~(c) take whatever measures for the eradication of rodents as an Environmental Health Officer may from time to time direct.~~

6.17 Waste Food etc. to be Kept in Rodent Proof Receptacles

A person must not store, or al low to be stored, on any premises, any food, refuse or other waste matter unless it is contained in a rodent proof receptacle or compartment.

6.18 Restrictions on Materials Affording Harbourage for Rodents

(1) An owner or occupier of premises shall cause -

(a) any part of the premises; or

(b) any material, sewer, pipe or other thing in or on the premises,

that might afford access or harbourage to rodents to be altered, repaired, protected, removed or otherwise dealt with so as to prevent it being used as access for, harbourage, of rodents.

(2) An Environmental Health Officer may direct, orally or in writing, an owner or occupier of premises to take whatever action that, in the opinion of the Officer, is necessary or desirable to prevent or deter the presence of rodents in or on the premises.

(3) An owner or occupier shall within the time specified comply with any direction given by an Environmental Health Officer under this section.

6.19 Food premises etc. to be Cleaned After Use

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

6.20 Restrictions on the ~~Sale or~~ Keeping of ~~Rats~~ Rodents

A person or body which keeps rodents must –

DRAFT

~~(1) Subject to subsection (2) an owner or occupier of premises shall not, on or from those premises-~~

~~(a) keep or permit to be kept a rat; or~~

~~(b) sell or offer for sale or permit to be sold or offered for sale a rat.~~

~~(2) Subsection (1) shall not prevent the keeping of rats for the purpose of scientific or medical research on premises owned or occupied by-~~

~~(a) a university or school;~~

~~(b) a person approved by the local government; or~~

~~(c) a public hospital or a private hospital within the meaning of those expressions in the *Hospitals and Health Services Act 1927.*~~

~~(3) A person or body specified in subsection (2) which keeps rats for the purpose of scientific or medical research shall-~~

(a) at all times ensure that all live ~~rats~~ rodents are kept in the effective control of a person or in locked cages; and

(b) if a rodent ~~at~~ escapes, ~~forthwith comply~~ ensure that all reasonable steps are taken to destroy or recapture the rodent. ~~with the requirements of section 6.16 and ensure that all reasonable steps are taken to destroy the rat~~.

Division 4-Cockroaches

6.21 Interpretation

In this Division, unless the context otherwise requires-

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

6.22 Measures to be Taken to Eradicate Cockroaches

(1) An owner or occupier of premises shall take effective measures to eradicate any cockroaches in or on the premises.

(2) Without limiting the generality of subsection (1), an owner or occupier of premises, whenever there are any indications of the presence of cockroaches in, on or about the premises, and while such indications continue, shall take effective measures to keep the premises free from cockroaches including-

(a) Washing and storing, immediately after use, cooking and eating utensils;

(b) wrapping and depositing in a rubbish receptacle without delay all food scraps, uneaten pet food and garbage;

(c) properly treating the premises with an insecticide, taking care not to harm the safety of humans and pets or to contaminate food or cooking or eating utensils; and

(d) whenever required by an Environmental Health Officer, treating any area with baits or other methods to eradicate cockroaches.

Division 5 - Argentine Ants

6.23 Interpretation

In this Division, unless the context otherwise requires-

"Argentine Ant" means an ant belonging to the species *Jrdomyrmex humilis.*

DRAFT

6.24 Measures to be Taken to Keep Premises Free from Argentine Ants

An owner or occupier of premises shall ensure that the premises are kept free from Argentine Ant colonies and shall-

(a) immediately notify the local government of any ant nest located on the premises suspected to be an Argentine Ant nest;

(b) take all steps to locate any nests if Argentine Ants are noticed in, on or about the premises;

(c) properly treat all nests of Argentine Ants with an approved residual based insecticide; and

(d) whenever required by an Environmental Health Officer-

(i) treat any area or infestation with an insecticide referred to in paragraph (c); and

(ii) remove any objects, including timber, firewood, compost or pot plants in accordance with a direction from an Environmental Health Officer.

Division 6 - European Wasps

6.25 Interpretation

In this Division, unless the context otherwise requires - **"European Wasp"** means a wasp *Vespula germ anica.*

6.26 Measures to be Taken to Keep Premises Free from European Wasp Nests

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

(a) immediately notify the local government of any wasp nest in, on or about the premises that is suspected to be a European Wasp nest;

(b) follow any direction of an Environmental Health Officer for the purpose of destroying the wasps and their nest; and

(c) assist an Environmental Health Officer, or his or her representative, to trace any nest that may be present in, on or about the premises.

Division 7 - Bee Keeping

6.27 Interpretation

In this Division, unless the context otherwise requires -

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

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

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

"lot" has the meaning given to it in the *Town Planning and Development Act 1928*; and

"private street" means a street, court, alley, lane, yard, passage, or thoroughfare -

(a) which is not dedicated, whether under an Act or common law, to use as such by the public; and

(b) which forms a common access to lands, or premises, separately occupied; or

DRAFT

(c) which is accessible from a street, court, alley, lane, yard, passage, thoroughfare or public place, which is dedicated, whether under an Act or at common law, to use as such by the public.

6.28 Limitation on Numbers of Hives

~~(1) A person shall not keep bees on any land within the municipality of the City of Bayswater without first obtaining the written approval of the local government to do so.~~

~~(2)~~(1) Subject to subsections (~~3~~2) and (~~4~~3), a person shall not keep or permit the keeping of bees in more than 2 hives on a lot.

~~(3)~~(2) The local government may, upon written application, consent, with or without conditions, to a person keeping bees in more than 2 hives on a lot which is not zoned or classified for residential purposes.

~~(4)~~(3) A person shall comply with any conditions imposed by the Council under subsection (2).

6.29 Restrictions on Keeping of Bees in Hives

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

(a) the bee hive is registered with the Department of Primary Industries and Regional Development; and ~~an adequate and permanent supply of water is provided on the lot within 2 metres of each hive~~;

(b) the hive is kept in accordance with the Western Australian Apiarist's Society Best Practice Guidelines for Urban Beekeeping.~~-~~

~~(i) outside, and at least 10 metres from, any building other than a fence;~~

~~(ii) at least 10 metres from any footpath, street, private street or public place; and~~

~~(iii) at least 5 metres from the boundary of the lot; and~~

~~(c) the hive is enclosed on all sides by a fence, wall or other enclosure.~~

6.30 Bees which cause a Nuisance not to be Kept

(1) A person shall not keep, or permit the keeping of, bees that cause a nuisance.

(2) The local government may direct any person to remove any bees or beehives that, in the opinion of the Principal Environmental Health Offi-cer are causing a nuisance.

(3) A person shall comply with a direction under subsection (2) within the time specified.

Division 8 - Arthropod Vectors of Disease

6.31 Interpretation

In this Division, unless the context otherwise requires- "arthropod vectors of disease" includes -

(a) fleas *(Siphonaptera);*

(b) bedbugs *(Cimex lectularius);*

(c) crab lice *(Phthirus pubis);*

(d) body lice *(Pediculus humanus var. corporis);* and

DRAFT

(e) head lice *(Pediculus humanus var. cap itis)*.

6.32 Responsibility of the Owner or Occupier

The owner or occupier of premises shall -

(a) take reasonable precautions to keep the premises and any person residing in or on the premises free from any arthropod vectors of disease; and

(b) comply with the direction of an Environmental Health Officer to treat the premises, or anything on the premises, for the purpose of destroying any arthropod vectors of disease.

PART 7 - INFECTIOUS DISEASES

Division 1 - General Provisions

7.1 Environmental Health Officer may Visit, Inspect and Report

An Environmental Health Officer -

(a) may visit and inspect any house, its occupants, fixtures and fittings; and

(b) who believes that there has been a breach of the Act, any Regulation made under the Act or these Local Laws relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the local government.

7.2 Requirements on Owner or Occupier to Clean, Disinfect and Disinfest

(1) The local government ~~Council~~ or the Principal Environmental Health Officer may, by notice in writing, direct an owner or occupier of premises, within the time and in the manner specified in the notice, to clean, disinfect and disinfest -

(a) the premises; or

(b) such things in or on the premises as are specified in the notice; or

both, to the satisfaction of an Environmental Health Officer.

(2) An owner or occupier shall comply with a notice given under subsection (1).

7.3 Environmental Health Officer may Disinfect or Disinfest Premises

(1) Where the ~~Council~~ local government or the Medical Officer is satisfied that any case of infectious disease has occurred on any premises, the local government ~~Council~~ or the Medical Officer may direct an Environmental Health Officer, other local government officer or other person to disinfect and disinfest the premises or any part of the premises and anything in or on the premises.

(2) An owner or occupier of premises shall permit, and provide access to enable, an Environmental Health Officer, other local government officer or other person to carry out the direction given under subsection (1).

(3) The local government may recover, in a court of competent jurisdiction, the cost of carrying out the work under this section from the owner or occupier of the premises in or on which the work was carried out.

(4) The Local government is not liable to pay compensation or damages of any kind 10 the owner or occupier of premises in relation to any action taken by the local government or any of its staff under this section, other than compensation or damages for loss or damage suffered because the local government or any of its staffed acted negligently or in breach of duty.

7.4 Insanitary Houses, Premises and Things

DRAFT

(1) An owner or occupier of any house or premises shall maintain the house or premises free from any insanitary condition or thing.

(2) Where the Council considers that a house is insanitary, it may, by notice in writing, direct an owner of the house, within the time and in the manner specified in the notice, to destroy or amend the house.

(3) Where an Environmental Health Officer believes that -

(a) a house or premises is not being maintained in a sanitary condition; or

(b) anything is insanitary,

the officer may, by notice in writing, direct, as the case may be -

(i) the owner or occupier of the house or premises to amend any insanitary condition; or

(ii) the owner or occupier of the thing to destroy or amend it,

within the time and in the manner specified in the notice.

(4) A person to whom a notice has been given under subsections (2) or (3) shall comply with the terms of the notice.

7.5 Medical Officer may Authorise Disinfecting

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

(2) A person shall comply with any direction of the Medical Officer under this section.

7.6 Persons in Contact with an Infectious Disease Sufferer

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

(a) shall obey such instructions or directions as the local government ~~Council~~ or the Medical Officer may issue;

(b) may be removed, at the direction of the local government ~~Council~~ or the Medical Officer to isolation in an appropriate place to prevent or minimise the risk of the infection spreading; and

(c) if so removed, shall remain in that place until the Medical Officer otherwise directs.

7.7 Declaration of Infected House or Premises

(1) To prevent or check the spread of infectious disease, the local government ~~Council~~ or the Medical Officer may from time to time declare any house or premises to be infected.

(2) A person shall not enter or leave any house or premises declared to be infected without the written consent of the Medical Officer or the Principal Environmental Health Officer.

7.8 Destruction of Infected Animals

(1) If the Principal Environmental Health Officer believes that an animal is or may be infected or is liable to be infected or to convey infection, he or she may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the

DRAFT

animal destroyed and disposed of-

(a) in the manner and within the time specified in the notice; and

(b) by the person in whose possession, or upon whose premises, the animal is located.

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

7.9 Disposal of a Body

(1) An occupier of premises in or on which is located the body of a person who has died of an infectious disease shall, subject to subsection (2), cause the body to be buried or disposed of in such manner, within such time and with such precautions as may be directed by the Medical Officer.

(2) A body shall not be removed from premises where death occurred except to a cemetery or morgue.

7.10 Local Government may Carry out Work and Recover Costs

(1) Where -

(a) a person is required under this Division or by a notice given under this Division, to carry out any work; and

(b) that person fails or neglects to comply with the requirement,

that person commits an offence and the local government may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the local government in the execution of a power under this section may be recovered in a court of competent jurisdiction from the person referred to in subsection (1)(a).

(3) The Local government is not liable to pay compensation or damages of any kind to the person referred to in subsection (1) in relation to any action taken by the local government under this section, other than compensation or damages for loss or damage suffered because the local government acted negligently or in breach of duty.

Division 2 - Disposal of Used Condoms and Needles

7.11 Disposal of Used Condoms

(1) An owner or occupier of premises on or from which used condoms are produced shall ensure that the condoms are –

(a) placed in a sealed impervious container and disposed of in a sanitary manner; or

(b) disposed of in such a manner as may be directed by the Principal Environmental Health Officer.

(2) A person shall not dispose of a used condom in a public place except in accordance with subsection (1).

7.12 Disposal of Used Needles

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

DRAFT

PART 8-LODGING HOUSES

Division 1 - Registration

8.1 Interpretation

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

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

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

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

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

"lodger" means a person who obtains, for hire or reward, board or lodging in a lodging house; "lodging house" includes a recreational campsite, a serviced apartment and a short-term hostel but does not include a premises licensed under the *Liquor Act 1988*, a premises approved as a boarding school under the *School Education Act 1999*, and any building comprising of residential flats;

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

"recreational campsite" means a lodging house-

(a) situated on a campsite principally used for-

(i) recreational, sporting, religious, ethnic or educational pursuits; or

(ii) conferences or conventions; and

(b) where the period of occupancy of any lodger is not more than 14 consecutive days, and includes youth camps, youth education camps, church camps and riding schools;

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

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

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

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

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

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

8.2 Lodging House not to be Kept Unless Registered

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

DRAFT

(a) the lodging house is constructed in accordance with the requirements of this Part;

(b) the lodging house is registered by the local government under section 8.4;

(c) the name of the person keeping or proposing to keep the lodging house is entered in the register of keepers; and

(d) either-

(i) the keeper; or

(ii) a manager who, with the written approval of the Principal Environmental Health Officer, has been appointed by the keeper to have the care and management of the lodging house,

resides or intends to reside continuously in the lodging house whenever there are one or more lodgers in the lodging house.

8.3 Application for Registration

An application for registration of a lodging house shall be -

(a) in the form prescribed in Schedule 1;

(b) duly completed and signed by the proposed keeper; and

(c) accompanied by -

(i) the fee as fixed from time to time by Council under Section 344C of the Act; and

(ii) detailed plans and specifications of the lodging house.

8.4 Approval of Application

The ~~Council~~ Local Government may approve, with or without conditions, an application under section 8.3 by issuing to the applicant a certificate in the form of Schedule 2.

8.5 Renewal of Registration

A person who keeps a lodging house that is registered under this Part shall -

(a) during the month of December in each year apply to the local government for the renewal of the registration of the lodging house; and

(b) pay the fee as fixed from time to time by Council under Section 344C of the Act at the time of making each application for renewal.

8.6 Notification upon Sale or Transfer

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

8.7 Revocation of Registration

(1) Subject to subsection (3), the ~~Council~~ local government may, at any time, revoke the registration of a lodging house for any reason which, in the opinion of the Council, justifies the revocation.

(2) Without limiting the generality of subsection (1), the ~~Council~~ local government may revoke a registration upon any one or more of the following grounds -

(a) that the lodging house has not, to the satisfaction of the local government, been kept free from vectors of disease or in a clean, wholesome and

DRAFT

sanitary condition;

(b) that the keeper has -

(i) been convicted of an offence against these Local Laws in respect of the lodging house;

(ii) not complied with a requirement of this Part; or

(iii) not complied with a condition of registration;

(c) that the local government, having regard to a report from the Police Service, is satisfied that the keeper or manager is not a fit and proper person; and

(d) that, by reason of alterations or additions or neglect to repair and renovate, the condition of the lodging house is such as to render it, in the opinion of the Principal Environmental Health Officer, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this section, the local government shall give notice to the keeper requiring him or her, within a time specified in the notice, to show cause why the registration should not be revoked.

(4) Whenever the Council revokes the registration of a lodging house, it shall give the keeper notice of the revocation and the registration shall be revoked as from the date on which the notice is served on the keeper.

Division 2 - Construction and Use Requirements

8.8 General Construction Requirements

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

8.9 Sanitary Conveniences

(1) A keeper shall maintain in good working order and condition and in convenient positions on the premises -

(a) toilets; and

(b) bathrooms, each fitted with a shower and a hand basin or alternatively, a bath and a hand basin,

in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of subsection (1).

(3) Each bath, shower and hand basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to a minimum height of 1.8 metres above the floor level.

(5) Each toilet and bathroom shall -

(a) be so situated, separated and screened as to ensure privacy;

(b) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and

(c) be provided with adequate electric lighting.

(6) Paragraphs (b) of subsection (5) does not apply to a serviced apartment.

8.10 Laundry

DRAFT

(1) A keeper shall -

(a) subject to subsection (2) -

(i) in the case of a recreational campsite, provide on the premises a laundry consisting of at least one 45 litre stainless steel trough; and

(ii) in any other case, provide on the premises a laundry unit for each 15 lodgers;

(b) at all times maintain each laundry in a proper sanitary condition and in good repair;

(c) provide an adequate supply of hot and cold water to each wash trough, sink, copper and washing machine; and

(d) ensure that the floor area of each laundry is properly surfaced with an even fall to a floor waste.

(2) The Principal Environmental Health Officer may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

(3) In this section-

"laundry unit" means a group of facilities consisting of-

(a) a washing machine with a capacity of not less than 4 kilograms of dry clothing;

(b) one wash trough of not less than 36 litres capacity, connected to both hot and cold water; and

(c) either an electric drying cabinet or not less than 30 metres of clothes line, and

(d) a hot water system that –

(i) is capable of delivering 136 litres of water per hour at a temperature of at least 75□C for each washing machine provided with the communal facilities; and

(ii) has a delivery rate of not less than 18 litres per minute to each washing machine.

8.11 Kitchen

(1) The keeper of a lodging house shall provide in that lodging house a kitchen which-

(a) has a minimum floor area of-

(i) where lodgers prepare their own meals- 0.65 square metres per person;

(ii) where meals are provided by the keeper or manager- 0.35 square metres per person; or

(iii) where a kitchen and dining room are combined- 1 square metre per person, but in any case, not less than 16 square metres;

(b) has adequate -

(i) food storage facilities and cupboards to prevent contamination of food, or cooking or eating utensils, by dirt, dust, flies or other vectors of disease of any kind; and

(ii) refrigerator space for storage of perishable goods;

(c) complies with the requirements of the ~~*Health (Food Hygiene) Regulations*~~

DRAFT

~~1993~~*Food Act 2008*;

(d) has a handbasin and a double bowl sink, each provided with an adequate supply of hot and cold water.

8.12 Cooking Facilities

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

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

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

8.13 Dining Room

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

(a) located in close proximity to, or combined with, the kitchen;

(b) the floor area of which shall be not less than the greater of -

(i) 0.5 square metres per person; or

(ii) 10 square metres; and

(c) which shall be -

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.14 Lounge Room

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

(a) with a floor area of -

(i) where the lounge is not combined with the dining room-not less than 0.6 square metres per person or;

(ii) where the lounge room is combined with a dining room-not less than 1.2 square metres per person,

but in either case having a minimum of 13 square metres; and

(b) which shall be -

(i) adequately furnished to accommodate, at any one time, half of the number of lodgers; and

(ii) provided with a suitable floor covering.

8.15 Fire Prevention and Control

(1) A keeper shall-

DRAFT

(a) in each passage in the lodging house provide an emergency light -

(i) in such a position and of such a pattern, as approved by the Principal Environmental Health Officer; and

(ii) which shall be kept separate from the general lighting system and kept illuminated during the hours of darkness;

(b) provide an approved fire blanket positioned within 2 metres of the cooking area in each kitchen; and

(c) ensure that each exit sign and firefighting appliance is clearly visible, accessible and maintained in good working order at all times.

(2) A keeper shall ensure that all buildings comprising the lodging house are fitted with fire protection equipment in accordance with the Building Code and approved by the local government.

8.16 Obstruction of Passages and Stairways

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

(a) a stairway, stair landing, fire-escape, window or common passageway; or

(b) part of the lodging house in common use or intended or adapted for common use,

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

8.17 Fitting of Locks

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

8.18 Restriction on Use of Rooms for Sleeping

(1) Subject to subsection (3) and section 8.32, a keeper shall not use or permit to be used as a sleeping apartment a room in a lodging house -

(a) which contains food;

(b) which contains or is fitted with a cooking appliance or kitchen sink;

(c) which is used as a kitchen, scullery, store room, dining room, general sitting room or lounge room or for the preparation or storage of food;

(d) which is not reasonably accessible without passing through a sleeping or other room in the private occupation of another person;

(e) which, except in the case of a short-term hostel or a recreational campsite, contains less than 5.5 square metres of clear space for each lodger occupying the room;

(f) which is naturally illuminated by windows having a ratio of less than 0. 1 square metre of unobstructed glass to every 1.0 square metre of floor area;

(g) which is ventilated at a ratio of less than 0.5 square metre of unobstructed ventilating area to every 10 square metres of floor area;

(h) in which the lighting or ventilation referred to in paragraphs (f) and (g) is obstructed or is not in good and efficient order;

(i) which is not free from internal dampness;

(j) of which any part of the floor is below the level of the adjoining ground; or

(k) the floor of which is not fitted with an approved carpet or vinyl floor covering

DRAFT

or other floor treatment approved by the Principal Environmental Health Officer.

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

(3) Paragraphs (a), (b) and (c) of subsection (1) shall not apply to a serviced apartment.

8.19 Sleeping Accommodation-Short Term Hostels and Recreational Campsites

(1) A keeper of a short-term hostel or recreational campsite shall provide clear floor space of not less than -

(a) 4 square metres per person in each dormitory utilising beds;

(b) 2.5 square metres per person in dormitories utilising bunks.

(2) The calculation of floor space in subsection (1), shall exclude the area occupied by any large items of furniture, such as wardrobes, but may include the area occupied by beds.

(3) The minimum height of any ceiling in a short-term hostel or recreational campsite shall be 2.4 metres in any dormitory utilising beds and 2.–7 metres in any dormitory utilising bunks.

(4) The minimum floor area requirements in subsection (I) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code.

(5) The keeper of any short-term hostel or recreational campsite shall provide -

(a) fixed outlet ventilation at a ratio of 0.-15 square metres to each 10 square metres of floor area of the dormitories. Dormitories shall be provided with direct ventilation to the open air from a point within 230 millimetres of the ceiling level through a fixed open window or vents, carried as direct to the open air as is practicable;

(b) mechanical ventilation in lieu of fixed ventilation, subject to the local government's approval.

(6) The keeper of any short-term hostel or recreational campsite shall provide-

(a) beds with a minimum size of -

(i) in short term hostels-800 millimetres x 1.9 metres;

(ii) in recreational campsites-750 millimetres x 1.85 metres;

(b) storage space for personal effects, including backpacks, so that cleaning operations are not hindered and access spaces are not obstructed.

(7) The keeper of any short-term hostel or recreational campsite shall -

(a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;

(b) ensure that where bed or bunk heads are placed against the wall on either side of a dormitory, there is a passageway of at least 1-.35 metres between each row of beds and a passageway of at least 2 metres between each row of bunks. The passageway shall be kept clear of obstruction at all times;

(c) ensure all doors, windows and ventilators are kept free of obstruction.

(8) The keeper of a short-term hostel or recreational campsite shall ensure that -

(a) materials used in dormitory areas comply with AS 1530.2 and AS 15-30.3 as follows -

DRAFT

drapes, curtains, blinds and bed covers

- a maximum Flammability Index of 6;

upholstery & bedding

- a maximum Spread of Flame Index of 6;
- a maximum Smoke Developed Index of 5;

floor coverings

- a maximum Spread of Flame Index of 7;
- a maximum Smoke Developed Index of 5;

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

(i) certified by the manufacturer as approved for use with the fabric to achieve the required indices;

(ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 200 1.5.4-1987, Procedure 7A, using ECE reference detergent; and

(iii) certified by the applicator as having been carried out in accordance with the manufacturer's specification;

(b) emergency lighting is provided in accordance with the Building Code;

(c) a lodger or other person does not smoke in any dormitory, kitchen, dining room or other enclosed public place, within a short-term hostel or recreational campsite;

(d) all mattresses are fitted with a mattress protector.

8.20 Furnishing etc. of Sleeping Apartments

(1) A keeper shall -

(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

(b) ensure that each bed -

(i) has a bed head, mattress and pillow; and

(ii) is provided with, or can be rented, a pillow case, two sheets, a blanket or rug and, from the 1st day of May to the 30th day of September, not less than one additional blanket or mg;

(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room or ensure that adequate storage faciilities such as lockers are available for use by lodgers in a separate room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short-term hostel or recreational campsite.

8.21 Ventilation

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

(2) The keeper shall comply with any direction given under subsection (1) within such time as directed.

DRAFT

8.22 Numbers to be Placed on Doors

(1) A keeper shall place or cause to be placed on the outside of the doors of all rooms available to lodgers in the lodging house, serial numbers so that -

(a) the number "1" is placed on the outside of the door of the room nearest to the front or main entry door of the lodging house; and

(b) the numbers continue in sequence throughout each floor (if there is more than one) of the lodging house.

(2) The numbers to be placed on the doors under subsection (1) shall be -

(a) not less than 40 millimetres in height;

(b) 1.5 metres from the floor; and

(c) permanently fixed either by being painted on the doors or shown by other legible means.

Division 3 - Management and Care

8.23 Keeper or Manager to Reside in the Lodging House

No keeper of a lodging house shall absent ~~himself~~ themselves from such house, unless ~~he~~ they leave~~s~~ some reputable person in charge thereof.

8.24 Register of Lodgers

(1) A keeper shall keep a register of lodgers in the form of Schedule 4.

(2) The register of lodgers shall be-

(a) kept in the lodging house; and

(b) open to inspection at any time on demand by any member of the Police Service or by an Environmental Health Officer.

8.25 Keeper Report

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

8.26 Certificate in Respect of Sleeping Accommodation

(1) An Environmental Health Officer may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 6 or 7.

(2) The certificate issued under subsection (1~~I~~) shall specify the maximum number of persons who shall be permitted to occupy each room as a sleeping apartment at any one time.

(3) When required by the Principal Environ-mental Health Officer, a keeper shall exhibit the certificate issued under this section in a conspicuous place in the room to which the certificate refers.

(4) A person shall not cause, suffer or permit a greater number of persons than is specified on a certificate issued under this section to occupy the room to which it refers.

8.27 Duplicate Keys and Inspection

Each keeper and manager of a lodging house shall -

DRAFT

(a) retain possession of a duplicate key to the door of each room; and

(b) when required by an Environmental Health Officer, open the door of any room for the purposes of inspection by the Officer.

8.28 Room Occupancy

(1) A keeper shall not-

(a) cause, suffer or permit more than the maxi–mum number of persons permitted by the Certificate of Registration of the lodging house to be lodged at any one time in the lodging house;

(b) cause, suffer or permit to be placed or kept in any sleeping apartments-

(i) a larger number of beds; or

(ii) a larger quantity of bedding,

than is required to accommodate and provide for the maximum number of persons permitted to occupy the sleeping apartment at any one time; and

(c) use or cause, suffer or permit to be used for sleeping purposes a room that -

(i) has not been certified for that purpose; and

(ii) the local government or the Medical Officer has forbidden to be used as a sleeping apartment.

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

8.29 Infectious Disease

(1) A keeper may permit, or contract with, a lodger or resident to service, clean or maintain the room or rooms occupied by the lodger or resident.

(2) Where permission is given or a contract entered into under subsection (1), the keeper shall -

(a) inspect each room the subject of the permission or agreement at least once a week; and

(b) ensure that each room is being maintained in a clean condition.

(3) A lodger or resident who contracts with a keeper to service, clean or maintain a room occupied by ~~him or her~~them, shall maintain the room in a clean condition.

8.30 Cleaning and Maintenance Requirements

(1) A keeper of a lodging house shall-

(a) maintain in a clean, sound and undamaged condition-

(i) the floor, walls, ceilings, woodwork and painted surfaces;

(ii) the floor coverings and window treatments; and

(iii) the toilet seats;

(b) maintain in a clean condition and in good working order-

(i) All fixtures and fittings; and

(ii) windows, doors and door furniture;

(c) ensure that the internal walls of each bathroom and toilet are painted so as to maintain a smooth impervious washable surface;

(d) whenever there is one or more lodgers in a lodging house ensure that the

DRAFT

laundry floor is cleaned daily;

(e) ensure that-

(i) all bed linen, towels and house linen in use are washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed that has been used by another person unless the bed has been provided with clean bed linen;

(iv) all beds, bedsteads, blankets, rugs, covers, bed linen, towels and house linen are kept clean, in good repair and free from vectors of disease;

(v) when any vectors of disease are found in a bed, furniture, room or sleeping apartment, immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room that is not free from vectors of disease is not used as a sleeping apartment;

(f) when so directed by the Principal Environmental Health Officer, ensure that-

(i) a room, together with its contents, and any other part of the lodging house, is cleaned and disinfected; and

(ii) a bed or other article of furniture is removed from the lodging house and properly disposed of;

(g) ensure that the yard is kept clean at all times;

(h) provide all bedrooms, passages, common areas, toilets, bathrooms and laundries with adequate lighting; and

(i) comply with any direction, whether orally or in writing, given by the Principal Environmental Health Officer or an Environmental Health Officer.

(2) In this section-

"bed linen" includes sheets and pillow cases and in the case of a short-term hostel or recreational campsite, mattress protectors.

8.31 Responsibilities of Lodgers and Residents

A lodger or resident shall not-

(a) use any room available to lodgers-

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are in flammable, obnoxious or offensive;

(c) use a bath or handbasin other than for ablutionary purposes;

(d) use a bathroom facility or fitting for laundry purposes;

(e) use a sink installed in a kitchen or scullery for any purpose other than the washing and cleaning of cooking and eating utensils, other kitchenware and culinary purposes;

(f) deposit rubbish or waste food other than into a proper rubbish receptacle;

(g) in a kitchen or other place where food is kept-

DRAFT

(i) wash or permit the washing of clothing or bedding; or

(ii) keep or permit to be kept any soiled clothing or bedding;

(h) Subject to section 8.32 -

(i) keep, store, prepare or cook food in any sleeping apartment; or

(ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;

(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding or furniture, which is infested with vectors of disease;

(j) store or keep such a quantity of furniture, material or goods within the lodging house-

(i) in any kitchen, living or sleeping apartment so as to prevent the cleaning of the floors, walls, fittings or fixtures; or

(ii) in a sleeping apartment so as to decrease the air space to less than the minimum required by this Part;

(k) obstruct or prevent the keeper or manager from inspecting or examining the room or rooms occupied by the lodger or resident; and

(l) fix any fastener or change any lock to a door or room without the written approval of the keeper.

8.32 Approval for Storage of Food

(1) The Principal Environmental Health Officer may -

(a) upon written application from a keeper, approve the storage of food within a refrigerator or sealed container in a sleeping apartment; and

(b) withdraw the approval if a nuisance or vector of disease infestation is found to exist in the lodging house.

(2) The keeper of a serviced apartment may permit the storage and consumption of food within that apartment if suitable storage and dining facilities are provided.

PART 9 - OFFENSIVE TRADES

Division 1 - General

9.1 Interpretation

In this Part, unless the context otherwise requires-

"occupier" in relation to premises includes the person registered as the occupier of the premises in the Schedule 12 certificate of registration; and

"offensive trade" has the meaning ascribed to it by Section 186 of the Act, and includes all of those trades specified within Schedule 2 of the Act, and any other trade proclaimed to be offensive by the Governor from time to time; and

"premises" means those premises in or upon which an offensive trade is carried on and includes any house.

9.2 Consent to Establish an Offensive Trade

(1) A person seeking the consent of the Council under Section 187 of the Act to establish an offensive trade shall -

(a) advertise notice of ~~his~~ their intention to apply for consent in accordance with section 9.3; and

DRAFT

(b) lodge with the Chief Executive Officer an application in the form of Schedule 10.

(2) A person who makes a false statement in an application under this section shall be guilty of an offence.

9.3 Notice of Application

A notice required under subsection 9.2(1)(a) shall -

(a) contain the name and address of the person who intends to make the application;

(b) contain a description of the nature of the offensive trade;

(c) contain details of the premises in or upon which it is proposed to carry on the proposed trade; and

(d) appear in a locally or state-wide distributed newspaper, or be advertised in some other manner which is acceptable to the local government, at least two weeks but not more than one month before the application under sub section 9.2(1)(b) is lodged with the Chief Executive Officer.

9.4 Registration of Premises

An application for the registration of premises pursuant to Section 191 of the Act shall be -

(a) in the form of Schedule 11;

(b) accompanied by the fee prescribed in the *Offensive Trade (Fees) Regulations 1976;* and

(c) lodged with the Chief Executive Officer.

9.5 Certificate of Registration

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

9.6 Conditions of Consent for an Offensive Trade

In granting consent under Section 187 of the Act, the City of Bayswater may impose reasonable conditions of consent including, without limitation, conditions relating to -

(a) site requirements;

(b) building fit out specifications;

(c) ventilation;

(d) effluvia, vapours and gases;

(e) control of vectors of disease;

(f) sanitary convenience;

(g) effluent and rubbish disposal.

9.7 Directions

(a) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health;

(b) The occupier shall comply with any directions given under this section.

9.8 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other

DRAFT

requirements of this Part that apply to the particular offensive trade or trades carried on.

9.9 Change of Occupier

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

9.10 Alterations to Premises

While any premises remain registered under this Division, a person shall not, without the written permission of the Council, make or permit any change or alteration whatever to the premises.

9.11 Occupier Includes Employee

Where in any section contained in this Part a duty is imposed upon the occupier of premises in or upon which an offensive trade is carried on, the reference to the occupier shall be interpreted to include the employees of the occupier and any employee committing a breach of any provision of this Part shall be liable to the same penalties as if ~~he or she~~they were the occupier.

Division 2 - General Duties of an Occupier

9.12 Interpretation

In this Division, unless the context otherwise requires -

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

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

9.13 Cleanliness

The occupier shall -

(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;

(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, furniture, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;

(c) keep the premises free from any unwholesome or offensive odour arising from the premises;

(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas, stores or outbuildings used in connection with the premises; and

(e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

9.14 Rats and other Vectors of Disease

The occupier shall-

(a) ensure that the premises are kept free from rodents, cockroaches, flies and other vectors of disease; and

DRAFT

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

9.15 Sanitary Conveniences and Wash Basins

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

9.16 Painting of Walls etc.

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

9.17 Effluvia, Vapours or Gases

The occupier shall provide, use and maintain in a state of good repair and working order, appliances capable of effectively destroying or of rendering harmless all offensive effluvia, vapours or gases arising in any process of his business or from any material, residue or other substance which may be kept or stored upon the premises.

9.18 Offensive Material

The occupier shall -

(a) provide on the premises approved impervious receptacles of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;

(b) keep airtight covers on the receptacles, except when it is necessary to place something in or remove something from them;

(c) cause all offensive material and trade refuse to be placed immediately in the receptacles;

(d) cause the contents of the receptacles to be removed from the premises at least once in every working day or at such intervals as may be directed by the Principal Environmental Health Officer or an Environmental Health Officer or at such intervals negotiated with the local government; and

(e) cause all receptacles after being emptied to be immediately cleansed and sanitised.

9.19 Storage of Materials

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

9.20 Specified Offensive Trades

(1) For the purposes of this section, "specified offensive trade" means one or more of the offensive trades carried on, in or connected with, the following works or premises-

(a) fish processing establishments (not including retail fish shops);

(b) fat rendering premises;

(c) flock factories;

(d) laundries, dry cleaning premises and dye works;

DRAFT

(e) manure works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall-

(a) cause the floor of the premises to-

(i) be properly paved and drained with impervious materials;

(ii) have a smooth surface; and

(iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and

(b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be caved to a radius of not less than 25 millimetres.

(c) cause all liquid refuse to be-

(i) cooled to a temperature not exceeding 26 degrees Celsius and in accordance with the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* before being discharged into any drain outlet from any part of the premises; and

(ii) directed through such screening or purifying treatment as the Principal Environmental Health Officer may from time to time direct.

9.21 Directions

(1) The Principal Environmental Health Officer may give to the occupier directions to prevent or diminish the offensiveness of a trade or to safeguard the public health.

(2) The occupier shall comply with any directions given under this section.

9.22 Other Duties of Occupier

In addition to the requirements of this Division, the occupier shall comply with all other requirements of this Part that apply to the particular offensive trade or trades carried on.

Division 3 - Fish Processing Establishments

9.23 Interpretation

In this Division, unless the context otherwise requires-

"appliance" includes a utensil, instrument, cover, container or apparatus;

"fish" means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include -

(a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or

(b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

"fish processing establishment" does not include a retail fish shop;

"fish processing" means a process whereby fish are cleaned, part cleaned, scaled or cut up;

"fish transport vehicle" includes -

(a) an appliance attached to, carried in or used in connection with a vehicle; and

DRAFT

(b) a trailer and a portable box,

used or designed to be used for the transport or storage of fish; and

"portable box" means a box for the transport or storage of fish and includes a fish transport vehicle.

9.24 Fish Preparation Room

(1) The occupier of a fish processing establishment shall provide a fish preparation room that shall comply with the following requirements -

(a) the room shall be provided with a stainless-steel bench for the handling of fish, hand wash basin with hot and cold water and soap and disposable towel dispensers and a cleaner's sink with hot and cold water;

(b) the walls shall be constructed of brick or concrete with the internal surface rendered with a cement steel float finish or other approved material and shall be devoid of holes, cracks and crevices;

(c) the floor shall be of concrete with a smooth, durable surface and shall be treated with an approved surface hardening process;

(d) the minimum floor area shall be 16 square metres;

(e) the room shall be provided with a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises and connected to a piped supply of hot and cold water;

(f) tiling shall be provided above troughs, handwash basins and benches to a height of 450 millimetres;

(g) the room shall be fly-proofed and have a self-closing door; and

(h) the room shall be provided with ample light and ventilation.

(2) The occupier shall ensure that all fish are prepared in the fish preparation room and that the room is used solely for that purpose.

9.25 Disposal of Waste

The occupier of a fish processing establishment shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be -

(a) placed in the receptacles referred to in section 9.–18 and disposed of in accordance with that section; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

9.26 Fish Containers

The occupier of a fish processing establishment shall not allow any box, basket or other container used for the transport of fish to -

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

9.27 Cooking of Fish

Where cooking of fish is carried out in a fish processing establishment, the occupier shall provide and maintain -

(a) a hood as set out in the ~~*Health (Food Hygiene) Regulations 1993*~~*Australia New Zealand Food Standards Code*, which shall be of an approved design and

DRAFT

construction and so situated as to capture and remove all effluvia, odours and smoke from the process of cooking; and

(b) an exhaust ventilation system -

(i) the point of discharge of which shall be at least 1~~l~~ metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intakes; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.28 Fly Screening

The occupier of a fish processing establishment shall ensure that each window, door way and other external opening in the premises is protected in such a manner as would exclude, as far as practicable, flies and other flying insects.

9.29 Use of an Approved Portable Box

The Principal Environmental Health Officer may permit an approved portable box to be used for the transport or storage of fish.

9.30 Fish Transport Vehicle

A person shall not use a fish transport vehicle for the transport or storage of fish unless it is so constructed, equipped and maintained that -

(a) the frame is made of wood or metal;

(b) all internal surfaces -

(i) are made of metal or approved impervious plastic substance, which may include stainless steel, aluminium, galvanised iron, zinc anneal, fibre glass, or other material of similar strength and impermeable qualities;

(ii) are smoothly finished;

(iii) are rigidly secured with a solid backing; and

(iv) have floor and vertical angles caved with not l~~L~~ess than a 25 millimetre radius,

but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;

(c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either -

(i) continuously welded; or

(ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a durable, non-absorbent sealing material;

(d) the vehicle is effectively insulated with a stable insulating material;

(e) the vehicle has, at the rear or side, doors that are made in the manner provided by paragraphs (a), (b), (c) and (d) of this clause, are close fitting, and have a suitable locking device fitted;

(f) the vehicle is fitted with shelves and grids, made of impervious material, in such a manner that the shelves and grids may be easily removed;

(g) any containers used in the vehicle for fish are made of stainless steel, fibre glass or approved impervious plastic; and

(h) the vehicle is in good repair and condition and is thoroughly clean.

DRAFT

Division 4 – Fat Rendering Premises

9.31 Interpretation

In this Division, unless the context otherwise requires-

"fat rendering premises" means a premises where edible fats including suet, dripping or premier jus are rendered down by any heat processing method; and

"the occupier" means the occupier of any premises on which the trade of fat rendering is carried on.

9.32 Exhaust Ventilation

The occupier shall provide and maintain -

(a) a hood which shall -

(i) be of an approved design and construction;

(ii) be situated so as to arrest all effluvia, odours and smoke from the process of fat rendering; and

(iii) extend a minimum of 150 millimetres beyond the length of each appliance; and

(b) an exhaust ventilation system -

(i) the point of discharge of which shall be at least 1 metre above the ridge of a pitched roof or 3 metres above a flat roof and shall not be located within 6 metres of an adjoining property or any fresh air intake; and

(ii) which shall discharge in such manner and in such a position that no nuisance is created.

9.33 Covering of Apparatus

External parts of the fat rendering apparatus shall be constructed or covered with a smooth, non-corrosive and impervious material, devoid of holes, cracks and crevices.

9.34 Rendering of Walls

The occupier shall cause each wall within a radius of 3 metres of the rendering apparatus or machinery to be rendered with a cement plaster with a steel float finish or other approved finish to a height of 2 metres, devoid of holes, cracks and crevices.

Division 5 - Flock Factories

9.35 Interpretation

In this Division, unless the context otherwise requires -

"flock factory" means any premises or place where flock is produced wholly or partly by tearing up or teasing, wadding, kapok, rags, cotton, linters, fibre, or other material used or likely to be used for the filling of mattresses, pillows, bedding, upholstery, cushions or substances used in packaging material or the manufacture of underfelt; and

"the occupier" means the occupier of a flock factory.

9.36 New and Used Material

(1) Subject to subsection (2), the occupier shall not use for the manufacture of flock

DRAFT

any material other than new material.

(2) Material other than new material may be used for the manufacture of flock if, before being used, every part of that material is subjected to moist heat maintained at a temperature of 100 degrees Celsius for at least 30 minutes.

9.37 Collection and Removal of Dust

The occupier shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.38 Building Requirements

The occupier shall cause each building on the premises to comply with the following requirements -

(a) the floor shall be of concrete;

(b) the walls shall be of concrete or brick and shall be finished internally with cement plaster with a steel float finish or other approved finish to a height of 2 metres; and

(c) the ceiling or underside of the roof shall be of durable and non-absorbent material finished internally with a smooth surface.

9.39 Unclean Rags

A person shall not -

(a) collect, deliver, offer for sale or sell for the manufacture of flock;

(b) receive, store or deliver for the manufacture of flock; or

(c) make flock from,

rags which are unclean or which have been taken from any refuse or rubbish or from any receptacle or other container used for the storage or collection of refuse or rubbish.

9.40 Bedding and Upholstery

A person shall not, for the purpose of sale or in the course of any business, remake, renovate, tease, re-tease, fill, refill or repair any -

(a) used bedding; or

(b) upholstery,

which is unclean, offensive, or infested with vectors of disease, unless the -

(c) material of which the bedding is made; or

(d) filling material of which the upholstery is made,

has been boiled for 30 minutes or otherwise effectively disinfected and cleaned.

Division 6 - Laundries, Dry Cleaning Establishments and Dye Works

9.41 Interpretation

In this Division, unless the context otherwise requires

"dry cleaning establishment" means a premises in which --

(a) ~~means premises where~~ clothes or other articles are cleaned by use of solvents without using water; but

(b) does not include premises in which perchlorethylene or arklone is used as dry

DRAFT

cleaning fluid in a machine operating on a full cycle and fully enclosed basis;

"dye works" means a place where articles are commercially dyed but does not include dye works in which provision is made for the discharge of all liquid waste therefrom, into a public sewer;

"exempt laundromat" means a premises in which -

(a) laundering is carried out by members of the public using, on payment of a fee, machines or equipment provided by the owners or occupiers of those establishments;

(b) laundering is not carried out by those owners or occupiers for or on behalf of other persons; and

(c) provision is made for the discharge of all liquid waste therefrom into a public sewer;

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

"laundry" means any place where articles are laundered by commercial grade machinery but does not include an exempt laundromat.

9.42 Receiving Depot

An owner or occupier of premises shall not use or permit the premises to be used as a receiving depot for a laundry, dry cleaning establishment or dye works except with the written permission of the Principal Environmental Health Officer who may at any time by written notice withdraw such permission.

9.43 Reception Room

(1) The occupier of a laundry, dry cleaning establishment or dye works shall-

(a) provide a reception room in which all articles brought to the premises for treatment shall be received and shall not receive or permit to be received any such articles except in that room; and

(b) cause such articles as may be directed by an Environmental Health Officer to be thoroughly disinfected to the satisfaction of the officer.

(2) A person shall not bring or permit food to be brought into the reception room referred to in this section.

9.44 Walls and Floors

The occupier of a laundry, dry cleaning establishment or dye works shall cause -

(a) the internal surfaces of all walls to be rendered with a cement plaster with a steel float finish or other approved material to a height of 2 metres and to be devoid of holes, cracks and crevices;

(b) the floor to be impervious, constructed of concrete and finished to a smooth surface; and

(c) every floor and wall of any building on the premises to be kept at all times in good order and repair, so as to prevent the absorption of any liquid which may be splashed or spilled or may fall or be deposited on it.

9.45 Laundry Floor

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

DRAFT

9.46 Escape of Dust

The occupier of a dry cleaning establishment shall provide effective means to prevent the escape into the open air of all dust or other material from the premises.

9.47 Precautions Against Combustion

The occupier of a dry cleaning establishment where volatile liquids are used shall take all proper precautions against combustion and shall comply with all directions given by an Environmental Health Officer for that purpose.

9.48 Trolleys

The occupier of a dry cleaning establishment shall-

(a) provide trolleys for the use of transporting dirty and clean linen; and

(b) ensure that each trolley is-

(i) clearly designated to indicate the use for which it is intended;

(ii) lined internally with a smooth impervious non-absorbent material that is easily cleaned; and

(iii) thoroughly cleaned and disinfected on a regular basis.

9.49 Sleeping on Premises

A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

Division 7 - Manure Works

9.50 Interpretation

"Fertiliser" in this Division means any fertiliser prepared by artificial processes;

"Manure" in this Division means any manure prepared by natural processes;

"Manure Works" means any premises upon which animal manure or fertiliser is received, stored, or prepared for sale.

9.51 Storage of Manure

The occupier of any manure works shall -

(a) cause all floors, walls and ceilings in areas where manure or fertiliser is kept or stored, to be constructed of durable, non-absorbent materials, finished internally with a smooth surface;

(b) cause all manure received or manufactured on the premises to be stored in such a manner as will prevent-

(i) emission of noxious or offensive odours;

(ii) breeding of flies and any other vectors of disease; or

(iii) any other nuisance.

9.52 Emission of Dust, Offensive Odours and Noxious Effluvia

The occupier shall cause every precaution to be taken to prevent at all times emission of dust, offensive odours or noxious effluvia, from the premises.

9.53 Prevention of Nuisances During Transit

DRAFT

The occupier shall cause all manure despatched from the premises to be packed in such a manner as to prevent any nuisance arising therefrom during transit.

PART 10 - OFFENCES, PENALTIES, FEES AND EXPENSES

10.1 Offences

A person who contravenes a provision of these Local Laws, commits an offence.

10.2 Penalties

A person who commits an offence under Section 10.1 is liable to -

(a) a penalty ~~which is not more than $1,0000 and not less than –~~not exceeding $5,000; and

~~(i) in the case of a first such offence, $100;~~

~~(ii) in the case of a second such offence, $200; and~~

~~(iii) in the case of a third or subsequent offence, $500; and~~

(b) if the offence is a continuing offence, a daily penalty ~~which is not more than $100 and not less than $50.~~not exceeding $500.

10.3 Fees

Wherever a fee is prescribed by these Local Laws, that fee shal~~l~~-

(a) be fixed from time to time by Council pursuant to the provisions of ~~Section 344C of the Act~~the *Local Government Act 1995 or Health (Miscellaneous Provisions) Act 1911*, unless otherwise prescribed; and

(b) all fees, except for a transfer fee, shall be pro-rata, calculated on a monthly basis for any period to 31 December, each year.

10.4 Expenses

Any expense incurred by the local government in consequence of a breach or non-observance of these Local Laws, or in the execution of work directed to be executed by a person and not executed by that person, shall be paid by the person committing the breach or non-observance or failing to execute the work.

The COMMON SEAL of THE CITY OF BAYSWATER
was hereto affixed by the authority of a resolution of the Council in the presence of:

JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER

DRAFT

FILOMENA PIFFARETTI
MAYOR

Dated: (insert date)

DRAFT

Schedule 1
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive Officer
City of Bayswater

I/We,…….....
(Full name of Applicant/s)

of …….
(Residential Address of Applicant/s)

apply for the registration of premises situated (or to be situated) at……

……..
as a lodging house to be classified as -

- a lodging house;
- a short-term hostel;
- a recreational campsite; or
- serviced apartments

(Specify which is to apply)

and for my name to be entered in the Register as the keeper of the lodging house.

DESCRIPTION OF LODGING HOUSE

Number of Storeys…….

Rooms for private use

Area	**Number**
Laundries/toilets/bathrooms	
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Room	
Other (Specify)	

Rooms for lodgers

Area	**Number**
Laundries/toilets/bathrooms	
Bedrooms	
Dining Rooms	
Kitchens	
Sitting Room	
Other (Specify)	

DRAFT

Sanitary Conveniences for male lodgers

Area	**Number**
Toilets	
Urinals	
Baths	
Showers	
Hand basins	

Sanitary Conveniences for female lodgers

Area	**Number**
Toilets	
Basins	
Showers	
Hand basins	

Laundry Facilities

Area	**Number**
Coppers	
Wash troughs	
Washing Machines	
Drying cabinets or clines lines	

Additional Details

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.
(b) The keeper will/will not reside continuously on the premises
(c) Name and occupation of proposed manager if keeper resides elsewhere……...

……..

(d) ……family members residing on the premises with the keeper/manager.

Application fee of $.....is attached.

……
(Signature of Applicant/s)

……
(Date)

DRAFT

Schedule 2
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF REGISTRATION OF A LODGING HOUSE

THIS is to certify that the premises situated at ……..

……..

Are registered as a lodging house and classified a s-

- a lodging house
- a short-term hostel serviced apartments
- a recreational campsite

until 31 December…….., on the following conditions –

1. That …….., whose name is entered on the register of keepers of the City of Bayswater, continues to be the keeper of the lodging house;
2. that…….., appointed by the keeper to be the manager of the lodging house, continues to be the manager of the lodging house;
3. that the Certificate of Registration is not sooner cancelled or revoked;
4. that the maximum number of rooms to be used as sleeping apartments for lodgers is ……; and
5. that the maximum number of lodgers accommodated on the premises shall not exceed .....

This Certificate of registration is issued subject to the Health Act and Health Local Laws of the City of Bayswater and is not transferable.

Dated ..... .

……..
PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

City of Bayswater Fee received: $.....

DRAFT

Schedule 3
CITY OF BAYSWATER
Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive Officer City of Bayswater

I/We, ...
(Full name of Applicant/s)

of .....
(Residential Address of Applicant/s)

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

……..

which are registered in the name of

……..

for the carrying on of the lodging house business.

……
(Signature of Applicant/s)

……
(Date)

DRAFT

Schedule 4
CITY OF BAYSWATER
Health Act 1911

REGISTER OF LODGERS

Location of Lodging House:……..

Date of Arrival…….

Name……...

Previous address……...

Room No:……

Date of Departure:…….

Signature:…….

Signed:……
(Keeper)

Date…….....

DRAFT

Schedule 5
CITY OF BAYSWATER
Health Act 1911

LIST OF LODGERS

The Chief Executive Officer
City of Bayswater

The following is the name of every person who resided in the lodging house at…….
……..
on…….day of ……..year……

Signed .....
(Keeper)

Date .....

DRAFT

Schedule 6
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION

To…….
(Name of Keeper)

of .....
(Address of Keeper)

For the registered lodging house situated at: .....

.....,
can be used as a sleeping apartment (for sleeping purposes only) to accommodate not more than……persons at any one time.

……
ENVIRONMENTAL HEALTH OFFICER

Date .....

DRAFT

Schedule 7
CITY OF BAYSWATER
Health Act 1911

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

To …….....
(Name of Keeper)

of.....
(Address of Keeper)

for the registered lodging house situated at……...

……..

The rooms listed below are not to be occupied by more than the number of lodgers or residents indicated below.

Room Number	Maximum Occupancy	Room Number	Maximum Occupancy

……...

ENVIRONMENTAL HEALTH OFFICER

Date……..…….

DRAFT

Schedule 8
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR LICENSE OF A MORGUE

To: Chief Executive Officer
City of Bayswater

I,……
(Full name in Block Letters)

Of……....

……
(Full Residential Address)

Apply to licence the premises listed below as a Morgue

Address of Premises:……

Name of Premises:……

Dated this……day of ……..year……

……..
(Signature of Applicant)

DRAFT

Schedule 9
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licenced as a morgue from the 1st January …....until 31st December…….....

Address of premises:…….

Name of premises:…….

Dated this ……. day of …….. year …….

…….

PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

City of Bayswater

Date……..

DRAFT

Schedule 10
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive Officer City of Bayswater

I/We,……
(Full Name of Applicant/s)

of.....
(Residential Address of Applicant/s)

apply for consent to establish an offensive trade, being:

……..
(Description of Offensive Trade)

in or upon …….....

.....
(Location of the House or Premises)

Notice of my/our intention to make this application was advertised in:

.....

.....

.....

on.....
(Date of Advertisement)

Plans and specifications of the buildings proposed to be used or erected in connection with the proposed offensive trade are attached.

…….....
(Signature of Applicant/s)

……...
(Date)

DRAFT

Schedule 11
CITY OF BAYSWATER
Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

To: Chief Executive Officer
City of Bayswater

I/We, ...
(Full Name of Applicant/s)

of.....
(Residential Address of Applicant/s)

apply for registration, for the year ended .....

of.....
(Location of Premises)

being premises in or upon which there is (or is to be) carried on an offensive trade, namely

.....
(Description of Offensive Trade)

under the business name of ……...

The prescribed registration fee of $..... is attached.

……..
(Signature of Applicant/s)

DRAFT

Schedule 12
CITY OF BAYSWATER
Health Act 1911

CERTIFICATE OF REGISTRATION OF PREMISES FOR OFFENSIVE TRADE

This is to certify that the premises situated at

……..

of which……...

is the occupier, is registered for the carrying on of the trade of

……..

Trade Name……

This registration expires on 31 December ……..

Dated this …… day of …….. year ……

……

PRINCIPAL ENVIRONMENTAL HEALTH OFFICER

City of Bayswater

DRAFT

10.2 Corporate and Strategy Directorate Reports

10.2.1 Financial Reports for the Period Ended 28 February 2023

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	***ABSOLUTE MAJORITY REQUIRED***
Attachments:	1. Monthly Financial Statement Snapshot [**10.2.1.1** - 1 page] 2. Executive Summary and Financial Activity Statement Significant Variances [**10.2.1.2** - 6 pages] 3. Financial Activity Statement Nature and Type [**10.2.1.3** - 2 pages] 4. Net Current Asset [**10.2.1.4** - 1 page] 5. Cash Backed Reserve [**10.2.1.5** - 1 page] 6. Capital Acquisition and Non-Operating Grant [**10.2.1.6** - 13 pages]

CR JOSH EVESON DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Josh Eveson declared an impartial interest in this item as he is a committee member of the Morley Windmills Sports Club who are named in the report for a grant application. Cr Josh Eveson remained in the Council Chambers and voted on this item.

CR STEVEN OSTASZEWSKYJ DECLAREDAN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Steven Ostaszewskyj declared an impartial interest in this item as he is a member if the Morley Windmills Sports Club that leases the facility referenced in the report. Cr Steven Ostaszewskyj remained in the Council Chambers and voted on this item.

SUMMARY

This report details the financial reports for the period ended 28 February 2023 including, Monthly Financial Statements with supporting information (**Attachments 1 to 4**), Cash Backed Reserve Report (**Attachment 5**), Capital Acquisitions & Non-Operating Grants Report (**Attachment 6**).

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council:

1. Receives the financial reports for the period ended 28 February 2023, comprising:

(a) Monthly Financial Statements with supporting information (Attachments 1 to 4).

(b) Cash Backed Reserve Report Reserve Fund (Attachment 5).

(c) Capital Acquisitions & Non-Operating Grants Report (Attachment 6).

2. Approves the budget adjustment (Table 1) of $250,000 for the Wotton Skate Park and surrounding facilities.

ABSOLUTE MAJORITY REQUIRED

Cr Giorgia Johnson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 11/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The *Local Government Act 1995* in conjunction with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement to be presented to Council. This Statement is to include:

(a) Annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c) of the *Local Government Act 1995;*

(b) Budget estimates to the end of the month to which the statement relates;

(c) Actual amounts of expenditure, revenue and income to the end of the month to which these statements relate;

(d) The material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) The net current assets at the end of the month to which the statement relates.

At its meeting on 18 July 2022, Council adopted the Annual Budget for the 2022/23 financial year. The figures in this report are compared to the adopted budget and subsequent amendments as approved by Council throughout the financial year.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are required to be reported to Council as part of the monthly report. It also requires Council to adopt a 'percentage or value' for what it will consider to be material variances on an annual basis. The material variance adopted by the Council for the 2022/23 Budget is $50,000 or 10% of the appropriate base, whichever is the higher.

EXTERNAL CONSULTATION

In accordance with section 6.2 of the *Local Government Act 1995,* the adopted budget was prepared having regard to the Community Strategic Plan, prepared under section 5.56 of the *Local Government Act 1995,* which was made available for public comment.

OFFICER'S COMMENTS

The financial statements for the reporting period are submitted in the form of:

- Monthly Financial Statements with supporting information **(Attachments 1 to 4);**
- Cash Backed Reserve Report **(Attachment 5);** and
- Capital Acquisitions & Non-Operating Grants Report **(Attachment 6).**

The Monthly Financial Statement Snapshot (**Attachment 1**) summarises total capital and operating expenditure. Details of the material variances are outlined in the Executive Summary and Financial Activity Statement Significant Variances Report (**Attachment 2**).

The Financial Activity Statement (**Attachment 3**) reports the financial position of the City to program level up to 30 June 2022. It is now being reported by Nature and Type following the

amendments to the Financial Management Regulation in order to align to the Annual Budget. It discloses the current liquidity position of the City after adjustment for non-cash items (depreciation, provisions, etc.).

Due to the above change, the Statement of Comprehensive Income by Nature or Type Classifications is no longer provided due to its similarity with Financial Activity Statement **(Attachment 3)**.

The City's net current assets are outlined in **Attachment 4** with details of any adjustments.

All of the reserve accounts are cash-backed and supported by funds held in financial institutions as set out in the City's Investment Policy (**Attachment 5)**.

The projects summarised in the Capital Acquisitions & Non-Operating Grants Report (**Attachment 6**) detail the capital (actual and committed) expenditure for the period ended 28 February 2023.

The opening balances contained within the financial reports (**Attachment 1-6**) are subject to end of financial year adjustments, with the final June 2022 to be presented in the City's 2021/22 Annual Financial Report.

Budget Adjustment – Wotton Skate Park and surrounding facilities

The Skate and Bike Development Advisory Committee has requested additional funding to cover $250,000 of identified expenditure in regards to public art and lighting upgrades. The City is seeking $125,000 from the State Government and $125,000 as a contribution from the City. The contribution from the City will be funded from the Major Capital works Reserve.

Table 1

Account	Type	Description	Current Budget $	Adjustment $	Revised Budget $
4200-80946-6382	Increase Expenditure	Wotton Skate Park and surrounding facilities	500,000	250,000	750,000
4200-80946-4802	Increase Income	Wotton Skate Park and surrounding facilities	(500,000)	(125,000)	(625,000)
4200-80946-5403	Increase Transfer from Reserve	Major Capital Works Reserve	0	(125,000)	(125,000)
		Total:	**0**	**0**	**0**

LEGISLATIVE COMPLIANCE

Section 6.4 of the *Local Government Act 1995* requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed. Regulation 34(1) of the *Local Government (Financial Management) Regulations 1996* as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The financial reports have been compiled in accordance with the relevant provisions of the *Local Government Act 1995* and Local Government (Financial Management) Regulations 1996. Following a detailed review by officers the budget adjustments are appropriate, ensuring the City continues to manage the budget in an appropriate manner.	

FINANCIAL IMPLICATIONS

All amounts quoted in this report are exclusive of GST.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater's Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

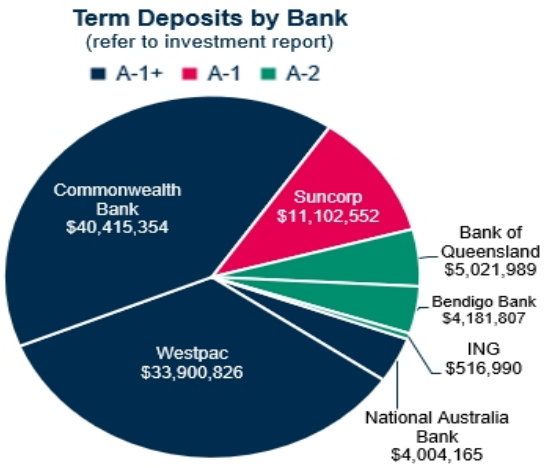
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

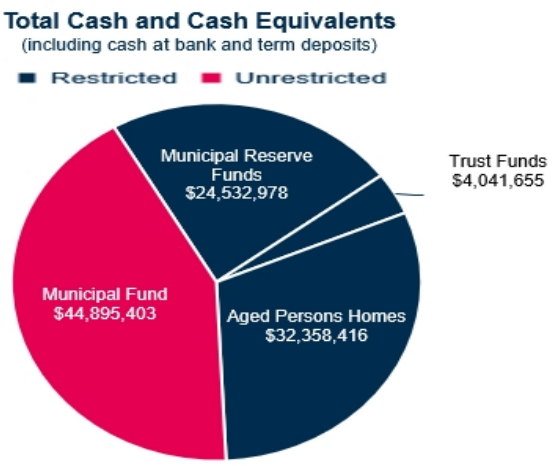
CONCLUSION

In light of the above, it is recommended that Council receives the financial reports for the period ending 28 February 2023 and approves the budget adjustment.

Monthly Financial Statement Snapshot

February 2023





	Debtor				Trade Creditors
	Sundry	Infringement	Recreation	Total	
Total Outstanding	$186,216	$511,400	$323,360	$1,020,976	$2,994,079
Not yet due	0%	0%	80%	25%	0%
Current	58%	9%	9%	18%	80%
Over 30 days	10%	6%	3%	6%	17%
Over 60 days	32%	85%	8%	51%	3%

Rates & Charges	
Collected	88.82%
Total Outstanding	$8,303,837
Deferred Rates	$741,553

Payment Options	YTD 2022/23	2021/22
Payment in Full	19,986	19,692 by 30/06/21
Instalment	9,142	9,145
Rates Smoothing	2,167	1,691
Arrangement	775	625
None Selected	1,281	1,639

Capital

	Annual Budget	YTD Budget	YTD Actual	YTD % Spent
Expenditure	$35,028,956	$18,356,804	$9,635,323	52%
	Annual Budget	YTD Budget	YTD Actual	YTD % Received
Revenue	$11,827,498	$4,263,638	$1,982,120	46%

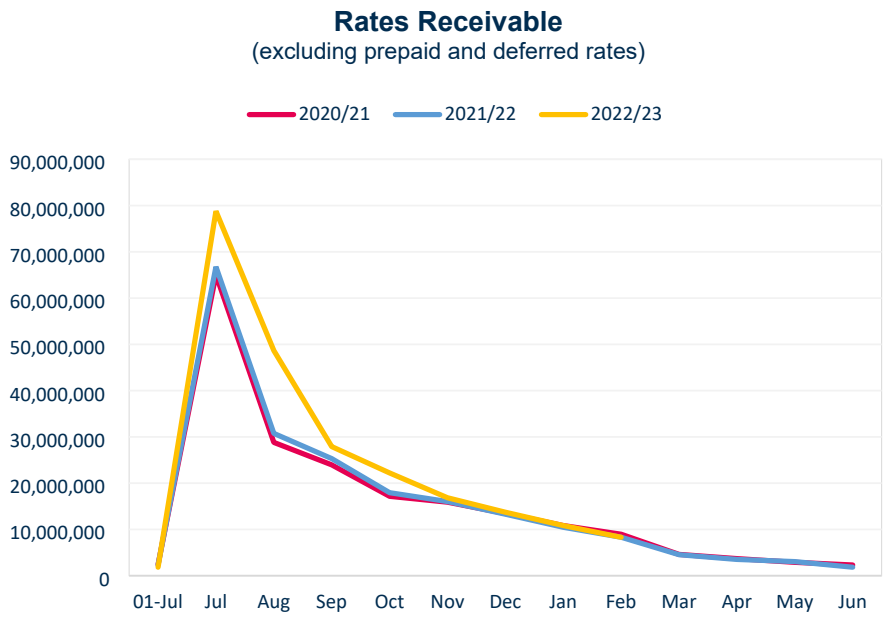
Operating

	Annual Budget	YTD Budget	YTD Actual	YTD % Spent
Expenditure	$98,109,039	$57,049,866	$53,455,381	94%
	Annual Budget	YTD Budget	YTD Actual	YTD % Received
Revenue *excludes rates	$28,347,552	$22,232,955	$23,707,088	107%

City of Bayswater
Executive Summary
for the period 1 July 2022 to 28 February 2023

Revenue

The annual rate notices were issued on 29 July with the third instalment due on 6 January 2023. To date 19,986 (60%) properties have paid in full and just over 12,084 (36%) properties nominating a payment option. Currently, there are 1,281 (4%) properties where no payment option has been selected. To date 88.82% of the total rate revenue raised has been received.



Debtors

Currently, there is a total of $1m of outstanding debts of which $186k relates to sundry debtors, 25% of which are not due yet; $511k to Infringement debts and $323k to Recreation debts.

Capital

Capital revenue is recognised once the expenditure has been incurred. Revenue has not yet been realised for a number of projects, including Street Lighting ($294k), Coode St ($302k) and Gibbney Reserve ($187k).

The capital expenditure variance is due to projects related to building refurbishment/upgrades such as Lightning Park ($250k) and Morley Noranda Recreation club ($250k) that are yet to commence; Bayswater Waves ($4.2m) in its initial stage and Peninsula Hotel roof refurbishment ($280k), anticipated to start in coming months. Civic Air Conditioner ($230k) is a timing issue and lower than anticipated due to supply chain issues in the construction issues.

Operating

Year-to-date operating revenue is 7% more in comparison to the year-to-date budget. This is due to interest rate increases and fees and charges being more than anticipated. The interest budget will be amended during the mid-year budget review process.

Operating expenditure is 94% in comparison to the year-to-date budget. Expenditure on materials and contracts are below budget for projects in areas such as Information Services ($397k); Sustainable and Environment ($328k); Strategic Planning and Place ($338k) and Building Maintenance ($402k) due to contractor shortage resulting in delayed maintenance. Employee costs are lower than expected ($2.4m) due to staff vacancies.

City of Bayswater
Financial Activity Statement
Significant Variances
for the period 1 July 2022 to 28 February 2023

Operating activities
Revenue from operating activities (excludes rates)

Nature or Type	YTD Amended Budget $	YTD Actual $	Variance Positive/ (Negative) $
Operating grants, subsidies and contributions • Immaterial variance.	895,191	864,141	(31,050)
Fees and charges • Variance due to Bayswater Waves' swim school's enrolments and program registration being higher than anticipated. • Peninsular and Embleton Golf Course participants are also higher than anticipated.	19,704,810	20,260,263	555,452
Interest earnings • Variance due to interest rates being higher than anticipated.	1,069,316	1,898,653	829,337
Other revenue • Variance caused by the EMRC commission on the Citys transfer centre and lease reimbursements.	522,611	674,816	152,206
Fair Value increment to financial assets through Profit and Loss • Immaterial variance.	0	9,215	9.215
Profit/(Loss) on asset disposal • Proceeds will be received following the sale of plant and fleet items. It is anticipated that they will be disposed in coming months.	41,027	0	(41,027)
Total	**22,232,955**	**23,707,088**	**1,474,133**

Expenditure from operating activities

Program	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Employee costs Wages and Salaries expenditure is lower than budget due to: • Shortage of staff across the city's operations, in particular the casual operational staff and vacant full- time positions at Bayswater Waves, Waste Services and Parks and Gardens. • Vacancies are high especially in several areas such as Community Amenities; Parks & Gardens; Sustainable Environments and Engineering. • Vacancies and sick leave have resulted in higher than anticipated agency staff expenses. Agency expenses are included in the material and contracts line in the Financial Activity Statement. • Vacancies have also resulted in Annual Leave and superannuation also being under budget.	(26,021,649)	(23,537,105)	2,484,544
Material and contracts • Expenditure is lower than budget due to projects in building maintenance including Bayswater Waves Operations ($127k); Roxy Theatre ($10k); Grand Prom Reserve's Pavilion ($13k); Mayland Interpretive Centre ($16k) as a result of contractor supply issues. • Strategic planning and Place projects, such as Morley Activity Centre streetscape ($183k); Morley Station Precinct ($30k); Mayland Brickworks ($29k) are lower than anticipated with the former recently subject to a Council workshop. • Behind budget regarding additional FOGO ($318k) expenditure which is fully funded from reserves. • Information Services ($395k) - delaying invoicing of the annual software maintenance fee. • Les Hansman Community Centre redevelopment ($142k) and Skate BMX Parks strategy ($50k) are yet to commence.	(19,299,173)	(18,390,937)	908,236
Utility charges • Expenditure is lower than budget for parks and gardens areas such as Grand Prom Reserve ($22k); Maylands Peninsula Golf Course ($11k) due to budget timing.	(2,264,215)	(2,154,372)	109,844
Depreciation and amortisation • Variance cause by budget timing. It is anticipated to clear over the remainder of the year.	(7,979,833)	(8,068,294)	(88,461)
Insurance expenses • Immaterial variance.	(1,025,300)	(1,034,188)	8,888

Program	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Other expenditure • Allocated expenses expected to clear in coming months.	(57,366)	(159,178)	(101,812)
Interest expenses • Immaterial variance.	(107,652)	(111,307)	(3,654)
Profit/(Loss) on asset disposal • Asset disposal processing is outstanding and awaiting the finalisation of the year-end audit.	(294,678)	0	294,678
Total	**(57,049,866)**	**(53,455,381)**	**3,594,486**

Discontinued operations

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
• Variance due to budget timing and the quarterly finalisation of Aged Care accounts.	(65,682)	1,869,979	1,935,661

Non-cash operating activities excluded from the budget

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Non-cash operating activities • Movements in depreciation, Aged liability adjustment and leave provision.	8,247,644	6,763,701	(1,483,943)

Investing activities

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Non-operating grants, subsidies and contributions	4,263,638	1,982,120	(2,281,518)

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
• Spending on Road projects such as Coode St ($302k) Street Lighting ($294k), Beaufort St ($138k), Morley Dr path ($152k) and Road Resurfacing - Wolseley Rd ($183k) have not yet occurred. • This is also the case for various Parks projects including Gibbney Reserve ($187k), Cook Reserve LED ($176k), Morley Noranda Club ($250k) and Morley Bowling ($182k). Grant revenue is recognised as expenditure is incurred.			
Purchase of property, plant and equipment • Expenditure is lower than the year-to-date budget for various projects including; Waves refurbishment ($4.2m) - tender awarded and in initial stage of works. Peninsula Hotel roof refurbishment ($280k); Lightning Park's facility upgrades ($250k) and Morley Noranda Recreation club upgrades ($250k); Civic Centre air-conditioning ($230k) are yet to begin. Wotton sewer (284k) is in the initial phase of tender. • The purchase of fleet is lower ($489k) due to supply chain issues.	(9,889,259)	(3,110,280)	6,778,979
Purchase of construction and infrastructure • In addition to the projects listed above under 'non-operating grants', expenditure is lower than the year-to-date budget for Road projects such as Rokeford Way ($118k), Crimea Street's footpath ($155k), Crowhurst Way ($167k) and Cooper Way ($83k) are in initial stages. • Park development projects such as Birket Street reserve ($85k); Feredy Street reserve ($62k); Crimea reserve ($100k); RA Cook reserve ($112k); Bedford Bowling club ($232k); Morley Bowling club ($259k), are either yet to commence or at an early stage due to supply issues. • As the projects proceed to construction stage the variance will reduce further.	(8,076,945)	(5,974,461)	2,102,485 (10,124)
Purchase of intangible assets • Immaterial variance.	(390,600)	(400,724)	
Purchase of assets held for sale • Timing difference in budget.	0	(149,859)	(149,859)
Proceeds from disposal of assets • Fleet items have yet to be disposed and others are in the process of disposal. Variance expected to reduce in coming months.	1,112,000	733,585	(378,415)
Proceeds from self-supporting loans • Immaterial variance.	1,329	1,330	1

Financing activities

Description	Amended Budget YTD $	Actual YTD $	Variance Positive/ (Negative) $
Proceeds from loans • Loan application for Bayswater Waves has been lodged and is currently being reviewed by the Western Australian Treasury Corporation.	13,857,665	0	(13,857,665)
Repayment of borrowings • No variance.	(143,693)	(143,693)	0
Payment for principal portion of lease liability • Timing difference in payment processing.	(126,595)	(92,654)	(33,941)
Transfer to reserves • Transfers to reserves which include the Emission Reduction Reserve and General Waste Reserve transfers have not occurred.	(2,334,030)	(1,100,823)	1,233,208
Transfer from reserves • Projects funded by reserve are behind budget and the internal processing or reserve allocations is currently outstanding.	1,965,644	0	(1,965,644)
Rates • Interim rates are slightly less than expected.	54,310,672	54,258,192	52,480

City of Bayswater
Financial Activity Statement
for the period 1 July 2022 to 28 February 2023

	Budget	Amended Budget	YTD Amended Budget	YTD Actual	Variance	Variance
	$	$	$	$	$	%
Net current assets at start of year - surplus/(deficit)	7,405,952	7,405,952	7,405,952	12,612,756	5,206,804	70%
Operating activities						
Revenue from operating activities (excludes rates)						
Operating grants, subsidies and contributions	3,534,328	3,555,060	895,191	864,141	(31,050)	(3%)
Fees and charges	22,594,704	22,594,704	19,704,810	20,260,263	555,452	3%
Interest earnings	1,356,062	1,356,062	1,069,316	1,898,653	829,337	78%
Other revenue	821,431	821,431	522,611	674,816	152,206	29%
Fair value increment to financial assets through P&L	0	0	0	9,215	9,215	No Budget
Profit/(Loss) on asset disposal	41,027	41,027	41,027	0	(41,027)	(100%)
	28,347,552	28,368,284	22,232,955	23,707,088	1,474,133	7%
Expenditure from operating activities						
Employee costs	(39,305,685)	(39,305,685)	(26,021,649)	(23,537,105)	2,484,544	(10%)
Materials and contracts	(41,386,144)	(41,392,876)	(19,299,173)	(18,390,937)	908,236	(5%)
Utility charges	(3,387,856)	(3,387,856)	(2,264,215)	(2,154,372)	109,844	(5%)
Depreciation and amortisation	(11,853,404)	(11,853,404)	(7,979,833)	(8,068,294)	(88,461)	1%
Insurance expenses	(1,055,300)	(1,055,300)	(1,025,300)	(1,034,188)	(8,888)	1%
Other expenditure	(413,799)	(427,799)	(57,366)	(159,178)	(101,812)	177%
Interest expenses	(353,690)	(353,690)	(107,652)	(111,307)	(3,654)	3%
Overhead costing	0	0	0	0	(0)	(64%)
Profit/(Loss) on asset disposal	(353,161)	(353,161)	(294,678)	0	294,678	(100%)
	(98,109,039)	(98,129,771)	(57,049,866)	(53,455,381)	3,594,486	(6%)
Discontinued operations	1,506,368	1,506,368	(65,682)	1,869,979	1,935,661	(2947%)

	Budget	Amended Budget	YTD Amended Budget	YTD Actual	Variance	Variance
	$	$	$	$	$	%
Operating activities excluded from budget						
	12,216,778	12,216,778	8,247,644	6,763,701	(1,483,943)	(18%)
Amount attributable to operating activities	(48,632,389)	(48,632,389)	(19,228,997)	(8,501,857)	10,727,140	(56%)
Investing activities						
Non-operating grants, subsidies and contributions	11,827,498	11,827,498	4,263,638	1,982,120	(2,281,518)	(54%)
Purchase of property, plant and equipment	(16,770,092)	(16,770,092)	(9,889,259)	(3,110,280)	6,778,979	(69%)
Purchase and construction of infrastructure	(16,458,864)	(16,518,864)	(8,076,945)	(5,974,461)	2,102,485	(26%)
Purchase of intangible assets	(800,000)	(800,000)	(390,600)	(400,724)	(10,124)	3%
Purchase of assets held for sale	(1,000,000)	(1,000,000)	0	(149,859)	(149,859)	No Budget
Proceeds from disposal of assets	2,350,700	2,350,700	1,112,000	733,585	(378,415)	(34%)
Proceeds from self-supporting loans	1,329	1,329	1,329	1,330	1	0%
Amount attributable to investing activities	(20,849,429)	(20,909,429)	(12,979,837)	(6,918,289)	6,061,548	(47%)
Financing activities						
Proceeds from loans	14,140,000	14,140,000	13,857,665	0	(13,857,665)	(100%)
Repayment of borrowings	(571,259)	(571,259)	(143,693)	(143,693)	(0)	0%
Payment for principal portion of lease liability	(126,595)	(126,595)	(126,595)	(92,654)	33,941	(27%)
Transfer to reserves	(4,582,278)	(4,582,278)	(2,334,030)	(1,100,823)	1,233,208	(53%)
Transfer from reserves	6,231,340	6,291,340	1,965,644	0	(1,965,644)	(100%)
Amount attributable to financing activities	15,091,208	15,151,208	13,218,991	(1,337,170)	(14,556,161)	(110%)
Budget deficiency before general rates	(54,390,610)	(54,390,610)	(18,989,843)	(16,757,316)	2,232,527	(12%)
Estimated amount to be raised from general rates	54,390,610	54,390,610	54,310,672	54,258,192	(52,480)	(0%)
Adjusted net current assets at the end of the year - surplus/(deficit)	(0)	(0)	35,320,829	37,500,876	2,180,047	6%

City of Bayswater
Net Current Assets
as at 28 February 2023

Municipal and Aged Persons Homes	Opening Balance	Closing Balance
	$	$
Current assets		
Cash and cash equivalents	78,978,158	101,786,797
Trade and other receivables	6,522,437	13,513,790
Inventories	36,169,764	36,189,881
Prepayments	268,735	82,126
Total	121,939,094	151,572,594
Current liabilities		
Trade and other payables	(30,427,629)	(33,051,258)
Other financial liabilities at amortised costs	(288,925)	(145,231)
Lease liabilities	(136,150)	(56,056)
Provisions	(6,537,988)	(6,679,042)
Grant Liabilities	(2,185,686)	(1,611,288)
Contract Liabilities	(624,940)	(828,940)
Clearing accounts	(2,144)	51,916
Total	(40,203,463)	(42,319,900)
Net current assets	81,735,631	109,252,693
Restricted - Reserves	(44,149,826)	(45,250,649)
Cash backed employee provisions	1,578,638	1,612,739
Restricted - Aged Persons Homes	(26,942,463)	(28,282,225)
Current Portion of Lease Liabilities	103,181	23,087
Current Portion of borrowings	287,595	145,231
	12,612,756	37,500,876

City of Bayswater
Cash Backed Reserves
for the period 1 July 2022 to 28 February 2023

	Budget Amended				Actual			
	Opening Balance	Transfer to	Transfer (from)	Closing Balance	Opening Balance	Transfer to	Transfer (from)	Closing Balance
	$	$	$	$	$	$	$	$
Aged Persons Homes - General Reserve	17,591,030	1,604,478	(1,098,110)	18,097,399	17,420,753	331,848	0	17,752,601
Aged Persons Homes - Prudential Requirements Reserve	2,914,732	0	0	2,914,732	2,916,560	48,510	0	2,965,070
Bayswater Bowling Club Capital Improvements Reserve	10,345	139	0	10,484	10,356	224	0	10,580
Bayswater Tennis Club Reserve	138,648	1,867	0	140,515	138,806	2,998	0	141,805
Bayswater Waves Aquatic Centre Reserve	122,247	1,646	0	123,893	338,974	7,322	0	346,296
Bore and Reticulation Reserve	9,945	134	0	10,079	9,957	215	0	10,172
Building Furniture and Equipment Reserve	144,867	1,951	0	146,818	145,035	3,133	0	148,168
Cash in Lieu - Public Open Space	575,026	7,365	(28,174)	554,217	493,523	215,320	0	708,843
City Buildings and Amenities Reserve	749,114	9,394	(51,600)	706,908	827,276	17,871	0	845,147
Civic Centre Reserve	63,568	856	0	64,424	63,694	1,376	0	65,070
Economic Stimulus Reserve	893,383	7,126	(364,321)	536,188	2,030,361	44,285	0	2,074,647
Emission Reduction Energy Plan Reserve	0	120,956	(49,033)	71,923	0	0	0	0
Eric Singleton Bird Sanctuary Reserve	1,225,789	16,509	0	1,242,298	1,227,148	26,508	0	1,253,656
FOGO Reserve	4,587,426	48,931	(954,409)	3,681,948	4,406,769	96,510	0	4,503,278
Footpath and Cycleway Reserve	45,553	102	(37,985)	7,670	50,386	1,088	0	51,475
General Waste Management Reserve	4,896,942	448,574	(1,730,228)	3,615,288	3,384,701	73,114	0	3,457,815
Golf Courses Reserve	1,461,498	19,684	0	1,481,182	1,463,217	31,607	0	1,494,825
Information Technology Reserve	212,713	2,865	0	215,578	220,622	4,766	0	225,388
Landfill Restoration Reserve	383,741	3,148	(150,000)	236,889	372,064	8,037	0	380,101
Les Hansman Community Centre Development Reserve	2,631,849	32,080	(250,000)	2,413,929	2,984,217	64,463	0	3,048,680
Long Service Leave and Entitlements Reserve	1,576,892	21,240	0	1,598,132	1,578,638	34,101	0	1,612,739
Major Capital Works Reserve	1,038,470	546,729	(1,375,163)	210,036	995,576	21,506	0	1,017,081
Maylands Lakes Reserve	4,730	64	0	4,794	4,735	102	0	4,837
Maylands Waterland Reserve	429,755	5,788	0	435,543	430,231	9,294	0	439,524
Morley City Centre Reserve	542,670	7,309	0	549,979	543,272	11,735	0	555,008
Morley Sport and Recreation Centre Reserve	503,140	6,777	0	509,917	503,717	10,881	0	514,598
Noranda Netball Courts Reserve	69,499	936	0	70,435	69,586	1,503	0	71,090
Plant and Works Equipment Reserve	2,752	37	0	2,789	2,756	60	0	2,816
Playground and Parks Reserve	49,241	663	0	49,904	51,029	1,102	0	52,131
River Restoration Reserve	78,791	74	(73,282)	5,583	121,516	2,625	0	124,141
Roads and Drainage Reserve	12,891	174	0	13,065	13,026	281	0	13,307
Senior Citizens Building Reserve	25,520	344	0	25,864	25,605	553	0	26,159
Strategic Land Acquisition Reserve	11,963	1,650,727	0	1,662,690	11,977	259	0	12,236
Streetscapes Reserve	196,167	1,712	(69,035)	128,844	216,208	4,670	0	220,879
Sustainable Environment Reserve	30,931	417	0	31,348	77,650	1,358	0	79,008
The RISE Reserve	224,903	3,029	0	227,932	371,562	8,026	0	379,588
Workers' Compensation Reserve	627,625	8,453	0	636,078	628,320	13,572	0	641,893
Total	44,084,356	4,582,278	(6,231,340)	42,435,295	44,149,826	1,100,823	0	45,250,649

City of Bayswater
Capital Acquisitions & Non-Operating Grants
for the period 1 July 2022 to 28 February 2023

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Non-operating grants, subsidies and contributions - summary							
1622	Buildings	(1,552,855)	(1,552,855)	(552,855)	(41,993)	0	(1,510,862)
1632	Furniture and equipment	(2,300)	(2,300)	(2,300)	0	0	(2,300)
1702	Roads	(5,859,079)	(5,859,079)	(1,554,512)	(574,250)	0	(5,284,829)
1712	Footpath	(332,830)	(332,830)	(282,830)	(30,160)	0	(302,670)
1722	Drainage	(21,826)	(21,826)	0	0	0	(21,826)
1732	Park development	(3,532,946)	(3,532,946)	(1,345,479)	(1,304,785)	8,448	(2,236,609)
1742	Other infrastructure	(525,662)	(525,662)	(525,662)	(30,932)	0	(494,730)
		(11,827,498)	(11,827,498)	(4,263,638)	(1,982,120)	8,448	(9,853,826)
Capital acquisitions - summary							
Purchase of asset held for sale							
1912	Assets Held for Sale	1,000,000	1,000,000	0	149,859	0	850,141
		1,000,000	1,000,000	0	149,859	0	850,141
Purchase of property, plant and equipment							
1622	Buildings	13,371,608	13,371,608	7,968,379	1,862,741	1,874,416	9,634,451
1632	Furniture and equipment	825,713	825,713	124,580	290,569	68,536	466,608
1652	Plant and equipment	2,572,771	2,572,771	1,796,300	956,970	1,005,312	610,489
		16,770,092	16,770,092	9,889,259	3,110,280	2,948,264	10,711,548
Purchase and construction of infrastructure assets							
1702	Roads	8,611,328	8,671,328	3,720,098	2,779,125	1,372,322	4,519,881
1712	Footpath	829,114	829,114	829,114	230,158	275,585	323,371
1722	Drainage	524,027	524,027	246,058	108,695	65,320	350,011
1732	Park development	5,566,411	5,566,411	2,427,524	2,594,998	615,842	2,355,571
1742	Other infrastructure	927,984	927,984	854,151	261,484	194,941	471,559
		16,458,864	16,518,864	8,076,945	5,974,461	2,524,011	8,020,393
Purchase of intangible assets							
1852	Intangible assets	800,000	800,000	390,600	400,724	78,435	320,841
		800,000	800,000	390,600	400,724	78,435	320,841
		35,028,956	35,088,956	18,356,804	9,635,323	5,550,710	19,902,923

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Buildings							
Building major capital works							
80800	Riverside Gardens Toilet Upgrade	0	0	0	8,083	9,920	(18,003)
80809	Depot Electrical Door Upgrade	0	0	0	286	0	(286)
80810	Depot Store Room Upgrades	27,030	27,030	0	1,266	0	25,764
80823	Bayswater Bowling Club - toilet upgrade	92,105	92,105	92,105	0	125	91,980
80824	Bayswater Waves - refurbishment	0	0	0	134,033	0	(134,033)
80827	Ellis House - new studio design	49,103	49,103	0	0	0	49,103
80829	Maylands Peninsula Hotel - roof restoration	280,296	280,296	280,296	0	0	280,296
80830	Maylands Yacht Club - flooring upgrade	8,413	8,413	8,413	9,863	0	(1,450)
80833	Morley Noranda Recreation Club - refridgeration unit renewal	46,065	46,065	46,065	50,952	0	(4,887)
80837	Paddy Walker Depot - improvements	105,302	105,302	9,476	926	9,850	94,526
80840	Upper Hillcrest Reserve - transportable changeroom	200,000	200,000	0	0	0	200,000
80841	Waste Disposal Facility - weighbridge	80,000	80,000	0	0	0	80,000
80975	Bedford Bowling Club - roof replacement	92,130	92,130	92,130	0	49,212	42,918
80982	Les Hansman Centre - roof upgrade	92,130	92,130	92,130	0	0	92,130
80984	Maylands Hall - roof renewal	57,581	57,581	57,581	0	35,807	21,774
80990	Pat O'Hara Rugby Club - roof renewal	28,791	28,791	28,791	31,126	0	(2,335)
81064	Lightning Park - facility upgrades	750,000	750,000	250,000	0	0	750,000
81065	Morley Noranda Recreation Club - facility upgrades	750,000	750,000	250,000	0	0	750,000
		2,658,946	2,658,946	1,206,987	236,536	104,914	2,317,496
Building minor capital works							
80360	Civic Centre - roof replacement and box gutter	103,646	103,646	103,646	11,243	49,549	42,854
80482	Wotton Reserve - sewer connection	284,416	284,416	284,416	0	0	284,416
80808	Depot Chemical Mixing Facility Upgrade	0	0	0	1,335	0	(1,335)
80845	Bayswater Family Centre - floor renewal	0	0	0	0	1,773	(1,773)
80953	Bayswater Morley Cricket Club - gazebo	15,000	15,000	15,000	15,000	0	0
80955	AP Hinds Reserve - electrical upgrade	94,786	94,786	94,786	0	22,704	72,082
80969	Maylands Yacht Club - bathroom renewal	10,237	10,237	10,237	12,164	0	(1,927)
80974	Waste Transfer Facility - fire suppression system	200,000	200,000	0	0	0	200,000
80977	Embleton Toy Library - renew electricial	26,487	26,487	26,487	0	17,185	9,302
80978	Halliday House - security system renewal	8,637	8,637	8,637	0	7,500	1,137
80979	Hampton Park Infant Health - air-conditioner renewal	6,910	6,910	6,910	7,858	0	(948)
80980	Houghton Park Pavilion - flooring upgrade	57,581	45,581	45,581	10,418	9,267	25,896
80981	Jade Lewis Office - 96 Slade Street - renew roof	13,820	13,820	13,820	0	0	13,820
80983	Maylands Hall - air-conditioner renewal	80,614	80,614	80,614	88,744	0	(8,130)

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
80985	Maylands Sport & Recreation - box gutters renewal	11,516	11,516	11,516	0	7,257	4,259
80988	Morley Sport and Recreation Centre - LED light retrofit	75,000	75,000	0	0	0	75,000
80989	Pat O'Hara Rugby Club - new access ramp	5,758	5,758	5,758	0	0	5,758
80991	Maylands Golf Course - depot renewal	37,045	37,045	0	0	0	37,045
80992	Waste Transfer Station - upgrade office, showers & toilets	161,228	161,228	40,307	0	0	161,228
81057	Carramar Community Ctr - repoint ridge caps and roof tiles	11,516	11,516	11,516	0	0	11,516
81058	Environment House - reseal ridge capping and repoint roof	11,516	11,516	11,516	0	0	11,516
81059	Maylands Yacht Club - roof renewal	109,405	121,405	121,405	0	106,856	14,549
81060	Men Shed - 21 Raymond Avenue - expansion	34,549	34,549	34,549	27,895	334	6,320
		1,359,667	1,359,667	926,701	174,657	222,424	962,586
Aquatic facilities							
80365	Bayswater Waves - refurbishment tender design	0	0	0	0	2,900	(2,900)
80861	Bayswater Waves - equipment renewal	87,120	87,120	38,050	74,619	0	12,501
80972	Bayswater Waves - upgrade roof access system	17,275	17,275	17,275	0	10,229	7,046
80973	Bayswater Waves - refurbishment	7,460,847	7,460,847	4,663,025	299,416	655,052	6,506,379
		7,565,242	7,565,242	4,718,350	374,035	668,181	6,523,026
Community capital requests							
80637	Bayswater Elderly Community Help Org - new accessible toilet	36,364	36,364	0	0	0	36,364
80959	Bayswater State Emergency Services - New Storage Shed	0	0	0	17,318	0	(17,318)
81070	Hillcrest Pre School - install wall and door	6,724	6,724	6,724	3,821	0	2,903
81071	Frank Drago Res - Bayswater Bowling Club - kitchen renewal	55,100	55,100	55,100	44,460	0	10,640
81073	Bayswater Family Centre - fence replacement	13,585	13,585	13,585	8,675	0	4,910
81074	Bayswater Family Centre - doorway upgrade	16,962	16,962	16,962	20,096	409	(3,543)
81075	Wotton Reserve - bar area flooring renewal	25,730	25,730	25,730	0	0	25,730
81078	Upper Hillcrest Reserve - storeroom refurbish	6,393	6,393	6,393	5,000	0	1,393
81079	Frank Drago Reserve - LED lighting upgrade	5,363	5,363	5,363	0	0	5,363
		166,221	166,221	129,857	99,370	409	66,442
Building upgrade							
80860	The RISE - non-slip floor on balcony	15,000	15,000	15,000	0	0	15,000
		15,000	15,000	15,000	0	0	15,000
Building new							
80821	Waste Disposal Facility - hazardous household waste shed	18,000	18,000	18,000	12,605	30,389	(24,995)
		18,000	18,000	18,000	12,605	30,389	(24,995)

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Plant and equipment							
80976	Civic Centre - renew air-conditioning	230,326	230,326	230,326	0	197,565	32,762
80987	Morley Noranda Recreation Club - renew cool room	172,744	172,744	172,744	172,922	0	(178)
80999	The RISE - Unplanned Capital	10,000	10,000	5,000	0	0	10,000
		413,070	413,070	408,070	172,922	197,565	42,584
Sustainable environment							
80936	Solar PV installation program	22,843	22,843	0	19,900	0	2,943
		22,843	22,843	0	19,900	0	2,943
COVID-19 $5m Stimulus Package Projects							
80613	Morley Sport & Recreation Ctre - basketball court extension	450,000	450,000	0	68,263	0	381,737
80614	Bayswater Waves - Refurbish 25m pool, pool hall, plant room	290,000	290,000	290,000	467,734	650,534	(828,268)
80619	Energy Efficiency Projects	20,190	20,190	0	650	0	19,540
		760,190	760,190	290,000	536,647	650,534	(426,991)
Water Facilities							
80787	Bayswater Waves - Unplanned capital expenditure	50,000	50,000	25,000	17,445	0	32,555
		50,000	50,000	25,000	17,445	0	32,555
Sport & Recreation Facilities							
80646	Grand Prom Self Cleaning Toilet - Upgrade external façade	85,251	85,251	85,251	93,859	0	(8,608)
80670	The RISE - Replacement of Air con units	115,163	115,163	115,163	124,765	0	(9,602)
80690	The RISE - Disability access ramp construction	112,015	112,015	0	0	0	112,015
80764	Lightning Park Recreation Centre - Spectator shelter	30,000	30,000	30,000	0	0	30,000
		342,429	342,429	230,414	218,624	0	123,805
Total Buildings		13,371,608	13,371,608	7,968,379	1,862,741	1,874,416	9,634,451
Furniture and equipment							
Community capital requests							
81072	Bayswater Waves - storage and display cabinets	9,200	9,200	9,200	9,200	0	0
		9,200	9,200	9,200	9,200	0	0
Furniture and equipment							
80863	Bayswater Waves - replace dumbells, rack	0	0	0	16,767	0	(16,767)

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
80997	The RISE - Function Equipment renewal	20,200	20,200	20,200	18,252	0	1,948
81000	Morley Library - Public Seating renewal	8,500	8,500	8,500	0	5,910	2,590
		28,700	28,700	28,700	35,019	5,910	(12,229)
IT capital							
80088	Virtual Infrastructure Server Replacement Program	127,595	127,595	0	0	0	127,595
80091	Workstation replacement program	72,995	72,995	0	30,654	19,527	22,814
		200,590	200,590	0	30,654	19,527	150,409
IT renewal							
80067	Enhanced tree management	0	0	0	3,407	0	(3,407)
80387	General IT Equipment Replacement Program	58,140	58,140	0	0	3,976	54,164
80388	Plant Replacement Program - lge. format scanner and printer	22,000	22,000	22,000	2,488	0	19,512
80872	Spatial Virtual Machine hosts	71,442	71,442	0	71,442	0	(0)
80873	Spatial Virtual Machine storage	66,934	66,934	18,934	61,500	0	5,434
		218,516	218,516	40,934	138,837	3,976	75,703
CCTV Renewal							
80274	CCTV Infrastructure replacement program	28,841	28,841	0	0	2,760	26,081
80489	CCTV Servers - replacement	29,120	29,120	0	0	0	29,120
		57,961	57,961	0	0	2,760	55,201
Plant and equipment							
80874	City-wide - traffic counter program	15,735	15,735	15,735	2,230	0	13,505
80995	Bayswater Waves - Floor Scrubber	10,011	10,011	10,011	0	0	10,011
80996	Bayswater Waves - Health Club - Strength Equipment renewal	150,000	150,000	0	0	0	150,000
80998	The RISE - Sports Court Netting renewal	20,000	20,000	20,000	0	0	20,000
81001	Spatial Services - Geodetic Surveying Equipment renewal	115,000	115,000	0	74,629	36,363	4,008
		310,746	310,746	45,746	76,859	36,363	197,524
Total Furniture and equipment		825,713	825,713	124,580	290,569	68,536	466,608
Plant and equipment							
Plant and equipment							
80257	Plant and Fleet Replacement Program	2,186,471	2,186,471	1,410,000	920,295	652,362	613,814
80956	New FTE Plant and Equipment	386,300	386,300	386,300	36,675	352,950	(3,325)
		2,572,771	2,572,771	1,796,300	956,970	1,005,312	610,489
Total Plant and equipment		2,572,771	2,572,771	1,796,300	956,970	1,005,312	610,489

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Roads							
Road construction							
80198	Resurface Right of Ways	109,141	109,141	14,400	0	0	109,141
80245	Traffic management - general	84,861	84,861	75,214	39,409	39,935	5,517
80247	Traffic management - paving	20,980	20,980	10,070	511	0	20,469
80426	Design of slip lane at 60 Russell Street corner Walter Road	50,000	110,000	60,000	77,627	0	32,373
80960	Low Cost Urban Safety Design & Construction - Frank Drago	630,045	630,045	0	91,805	468,843	69,398
80961	Low Cost Urban Safety Design & Construction - Bayswater Wave	651,047	651,047	0	31,892	364,792	254,362
81063	Low Cost Urban Safety Program	1,332,204	461,484	0	852	0	460,632
81081	Low Cost Urban Safety Design & Construction-Weld Square	0	277,795	0	4,434	736	272,624
81082	Low Cost Urban Safety Design & Construction-Jubilee Reserve	0	538	0	0	0	538
81083	Low Cost Urban Safety Design & Construction-Shearn Park	0	166,828	0	0	48,582	118,246
81084	Low Cost Urban Safety Design & Construction-Maylands Strip	0	257,064	0	0	0	257,064
81085	Low Cost Urban Safety Design & Construction-Hillcrest	0	52,123	0	0	0	52,123
81086	Low Cost Urban Safety Design & Construction-Broadway Arboret	0	2,557	0	0	0	2,557
81087	Low Cost Urban Safety Design & Construction-Tonkin Business	0	5,034	0	0	0	5,034
81088	Low Cost Urban Safety Design & Construction-Maylands Peninsu	0	30,800	0	0	0	30,800
81089	Low Cost Urban Safety Design & Construction-Beaufort Park	0	18,954	0	0	0	18,954
81090	Low Cost Urban Safety Design & Construction-RA Cook Park	0	53,308	0	0	0	53,308
81091	Low Cost Urban Safety Design & Construction-Ashfield Flats	0	5,719	0	0	0	5,719
		2,878,278	2,938,278	159,684	246,530	922,888	1,768,859
Road renewal							
81020	Roads Program - Kerbing Renewal	10,490	10,490	10,490	0	0	10,490
81021	Slip lane - 60 Russell Street corner Walter Road	1,085,694	1,085,694	0	0	0	1,085,694
81023	Road Resurfacing - Rokeford Way - Wylde to Boxhill	149,899	149,899	149,899	35,322	1,832	112,746
81024	Road Resurfacing - Boxhill St - Wylde to Cul-de-sac	100,912	100,912	100,912	47,834	0	53,078
81025	Road Resurfacing - Tillingdon Way - Boxhill to Wolseley	143,815	143,815	143,815	48,198	0	95,617
81026	Road Resurfacing - Cheam Place - Boxhill to Cooper	45,054	45,054	45,054	22,555	1,818	20,680
81029	Road Resurfacing - Cooper Rd - Wolseley to Lincoln	156,822	156,822	156,822	75,067	27,319	54,435
81030	Road Resurfacing - Crowhurst Way - Wolseley to McGilvray	172,033	172,033	172,033	4,809	67,659	99,565
81031	Road Resurfacing - Holilond Way - Lincoln W to Lincoln E	175,180	175,180	175,180	96,629	45,127	33,424
81032	Road Resurfacing - Lincoln Rd - McGilvray to Camboon	299,735	299,735	299,735	276,702	18,365	4,668
81035	Road Resurfacing - Robann Way - Lincoln to McGilvray	219,237	219,237	0	137,703	11,997	69,537
81036	Road Resurfacing - Brand Place - Lincoln to Cul-de-sac	68,184	68,184	0	54,391	1,185	12,608
81038	Road Resurfacing - Challenger Ave - Bottlebrush to Cassia	86,331	86,331	0	297	0	86,034
81039	Road Resurfacing - Vista Crt - Challenger to Cul-de-sac	10,804	10,804	0	0	0	10,804

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
81040	Road Resurfacing - Niagara Place - Challenger to Cul-de-sac	27,693	27,693	0	0	0	27,693
81041	Road Resurfacing - Doonside Place - Challenger to Cul-de-sac	14,686	14,686	0	0	0	14,686
81042	Road Resurfacing - Discovery Drv - Telstar to Wheatstone	40,910	40,910	0	148	0	40,762
81043	Road Resurfacing - Wentworth Grove - Discovery to Cul-de-sac	26,224	26,224	0	94	0	26,130
81044	Road Resurfacing - Fisk Place - Wentworth to Cul-de-sac	10,490	10,490	0	0	0	10,490
81045	Road Resurfacing - St George Grove - Discovery to Cul-de-sac	22,553	22,553	0	0	0	22,553
81046	Road Resurfacing - Wheatstone Drv - Solas Place to LGA Bdy	82,869	82,869	0	148	0	82,721
81047	Road Resurfacing - Brunel Place - Wheatstone to Cul-de-sac	27,063	27,063	0	0	0	27,063
81048	Road Resurfacing - Barnes Wy - Solas to Morley	104,898	104,898	0	0	0	104,898
81049	Road Resurfacing - Aussat Drv - Barnes to LGA Bdy	104,898	104,898	0	0	0	104,898
81050	Road Resurfacing - Cornwall Close - Barnes to Cul-de-sac	27,273	27,273	0	0	0	27,273
81051	Road Resurfacing - Todd Crt - Cornwall to Cul-de-sac	7,343	7,343	0	0	0	7,343
81052	Traffic Management - Wotton St - Cul-de-sac	15,735	15,735	15,735	0	0	15,735
81053	Arterial Roads - Benara Rd/Beechboro Rd - Intersection	146,857	146,857	49,931	3,106	14,490	129,261
81054	Arterial Roads - Broun Ave/Russell St - Intersection	73,429	73,429	73,429	81,138	16,499	(24,208)
81055	Arterial Roads - Coode St - Beaufort St to Walter Rd W	769,935	769,935	769,935	725,035	46,959	(2,059)
81056	Arterial Roads - Beaufort St - The Strand To Grand Prom	342,934	342,934	342,934	312,365	0	30,569
		4,569,980	4,569,980	2,505,904	1,921,541	253,250	2,395,189
Roads to recovery							
81022	Road Resurfacing - Wylde Rd - McGilvray to Cul-de-sac	132,624	132,624	132,624	126,324	10,927	(4,627)
81027	Road Resurfacing - Cooper Rd - Wylde to Wolseley	136,053	136,053	136,053	51,846	11,740	72,468
81028	Road Resurfacing - Wolseley Rd - McGilvray to Camboon	185,145	185,145	185,145	80,960	10,127	94,058
81033	Road Resurfacing - Ballan Court - Challenger to Cul-de-sac	11,539	11,539	0	0	0	11,539
81034	Road Resurfacing - Viscount Rd - Lincoln to Cul-de-sac	25,490	25,490	0	1,878	23,093	519
81037	Road Resurfacing - Jennifer Rd - Robann to Morley	12,588	12,588	0	12,311	0	277
		503,439	503,439	453,822	273,319	55,887	174,233
Black spot state							
80748	Benara Road / Camboon Road	0	0	0	0	5,197	(5,197)
80881	Camboon Road & Wolseley Rd - install island/street lighting	110,000	110,000	110,000	115,570	30,020	(35,590)
80882	Walter Road West and Coode St - install right turn signal	129,700	129,700	129,700	10,794	21,178	97,728
		239,700	239,700	239,700	126,364	56,396	56,941
Black spot federal							
80883	Crimea St and Westlake Rd - splitter islands/street lighting	0	0	0	3,108	1,207	(4,315)
		0	0	0	3,108	1,207	(4,315)

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Base road grant							
80317	Drainage kerb renewal	0	0	0	1,214	0	(1,214)
80318	Carpark Resurfacing Program	62,965	62,965	62,965	70,616	5,195	(12,846)
80518	Resurface - Gittos - Luderman/Cul-de-sac	0	0	0	586	0	(586)
		62,965	62,965	62,965	72,415	5,195	(14,646)
Traffic management							
80291	City-wide traffic implementation	0	0	0	0	275	(275)
80297	Traffic Management - Disability Access Committee	20,980	20,980	15,105	877	13,182	6,921
80752	Riverside Gardens - Carpark extension	0	0	0	260	0	(260)
		20,980	20,980	15,105	1,137	13,457	6,386
Other road construction							
80745	Clarkson to Tranby - Resurface Cycleway	39,887	39,887	39,887	0	18,673	21,214
80747	Towns Development Program - Various	0	0	0	0	833	(833)
80909	Baigup to Riverside Gardens - resurface cycleway	90,374	90,374	90,374	0	0	90,374
80912	Vernon Street, Noranda - Right of Way reconstruction	20,399	20,399	20,399	0	0	20,399
		150,660	150,660	150,660	0	19,506	131,154
Arterial road construction							
80707	Crimea Street, Morley	0	0	0	312	0	(312)
80913	Beaufort Str/Grand Promenade - 4-way intersection resurface	112,308	112,308	112,308	125,638	22,106	(35,436)
		112,308	112,308	112,308	125,950	22,106	(35,747)
Other infrastructure construction							
80801	Noranda Netball Court Carpark	29,766	29,766	0	0	4,149	25,617
80918	Hamilton Street Carpark - construction	17,000	17,000	0	4,551	13,433	(984)
80922	Verge Paving - paving of small areas under traffic	26,252	26,252	19,950	1,108	4,847	20,296
		73,018	73,018	19,950	5,659	22,430	44,929
Metropolitan Regional Road Group Projects							
80923	Widgee Road, Noranda - resurface	0	0	0	3,102	0	(3,102)
		0	0	0	3,102	0	(3,102)
Total Roads		8,611,328	8,671,328	3,720,098	2,779,125	1,372,322	4,519,881

Footpath

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Other road construction							
80910	Drake Street - Bay View Street - train station - new pathway	129,556	129,556	129,556	48,858	18,622	62,076
80911	Drake Street - Broun Avenue/Rothbury Road - new pathway	39,234	39,234	39,234	0	0	39,234
		168,790	168,790	168,790	48,858	18,622	101,310
Footpath construction							
80063	New footpath construction and Local Bike Plan	212,057	212,057	212,057	88,319	6,140	117,598
80431	Footpath - Bookham Street and Boag Place	40,939	40,939	40,939	35,135	2,560	3,244
80924	Crimea Street - Morley Drive to Fedders St - pathway	192,790	192,790	192,790	40,395	81,508	70,887
80926	Robann Way - Lincoln Road to Jennifer Road - pathway	66,425	66,425	66,425	14,181	53,051	(807)
80927	Timms Place - Halvorson Road to Morley Drive - pathway	47,411	47,411	47,411	852	35,632	10,927
80994	Crimea St - Fedders St to Deschamp Rd - new path	100,702	100,702	100,702	2,419	78,072	20,211
		660,324	660,324	660,324	181,300	256,963	222,061
Total Footpath		829,114	829,114	829,114	230,158	275,585	323,371
Drainage							
Drainage construction							
80248	Urban water sensitive design	192,542	192,542	120,000	1,070	0	191,472
80697	Nora Hughes Park - living stream	32,200	32,200	0	0	0	32,200
80928	City-wide - optimise drainage amenity	94,029	94,029	0	25,298	17,000	51,731
		318,771	318,771	120,000	26,368	17,000	275,403
Drainage renewal							
80929	City-wide - drainage grates renewal	73,429	73,429	60,000	30,294	12,204	30,931
81080	Drainage Program - Upgrade	31,469	31,469	15,700	5,573	6,416	19,480
		104,898	104,898	75,700	35,867	18,620	50,411
Sustainable environment							
80993	Bowden St Res - Bayswater Brook & water design initiatives	50,000	50,000	0	0	0	50,000
		50,000	50,000	0	0	0	50,000
Other infrastructure renewal							
80704	Drainage Sump Fencing Program	50,358	50,358	50,358	46,460	29,701	(25,803)
		50,358	50,358	50,358	46,460	29,701	(25,803)
Total Drainage		524,027	524,027	246,058	108,695	65,320	350,011

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
Park development							
Entry statement							
80534	Bayswater Library/Bert Wright Sculpture	10,000	10,000	10,000	0	0	10,000
		10,000	10,000	10,000	0	0	10,000
Other infrastructure construction							
80916	Bardon Park - Malgamongup - signage	0	0	0	2,860	3,223	(6,083)
80919	Maylands Brickworks - signage	10,000	10,000	10,000	1,390	0	8,610
		10,000	10,000	10,000	4,250	3,223	2,527
Park development construction							
80040	Tree Planting	0	0	0	21	0	(21)
80242	Riverbank restoration	73,282	73,282	0	0	0	73,282
80757	Golf Course Development Program	0	0	0	0	970	(970)
80775	Dog Exercise Area - construction	7,993	7,993	7,993	0	0	7,993
80930	Arbor Park - park redevelopment (Our Park - Our Place)	20,000	20,000	0	28,027	0	(8,027)
80931	Bert Wright Park - implement concept plan	47,996	47,996	47,996	26,968	0	21,028
80933	Gibbney Reserve East - park redevelopment	368,871	368,871	368,871	437,766	467	(69,362)
80943	Claughton Reserve - excersie equipment	25,000	25,000	25,000	23,652	0	1,348
80970	Samphire restoration	0	0	0	0	22,246	(22,246)
81004	Birkett Street Reserve - redevelopment	185,224	185,224	85,203	0	125,248	59,976
81005	Feredy Street Reserve - redevelopment	114,222	114,222	62,422	0	78,838	35,384
81007	Frank Drago - 2023 Womens World Cup upgrades	100,000	100,000	50,000	50,962	0	49,038
81009	Upper Hillcrest Reserve - cricket net fencing replacement	25,000	25,000	25,000	16,090	0	8,910
		967,588	967,588	672,485	583,487	227,769	156,333
Sustainable environment							
80269	Baigup Wetland Stage 1 - activity centre and interpretation	0	0	0	21,468	82,019	(103,487)
80273	Maylands Lakes restoration Stage 2	134,000	134,000	27,524	48,211	72,813	12,976
80622	Russell St Living Stream Link Agreement	10,000	10,000	0	0	0	10,000
80696	Arbor Park upgrade - Greening Australia project	53,961	53,961	0	0	0	53,961
81018	Arbor Park - stage 3	50,000	50,000	0	0	0	50,000
81061	Maylands Lakes bank renaturalisation & improve water quality	450,000	450,000	0	20,926	0	429,074
		697,961	697,961	27,524	90,605	154,832	452,524
Tree management							

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
81019	Riverside Gardens Urban Forest	650,000	650,000	0	0	0	650,000
		650,000	650,000	0	0	0	650,000
Drink fountains							
80380	Drinks Fountains Replacement Program	0	0	0	48	0	(48)
80971	Lake Bungana - drink fountain	15,000	15,000	15,000	15,173	0	(173)
		15,000	15,000	15,000	15,221	0	(221)
Playground							
81010	Kelvin Street/Sherwood Street Reserve - play space renewal	30,000	30,000	30,000	290	8,019	21,691
81011	Lower Hillcrest Reserve - play space renewal	60,000	60,000	0	0	0	60,000
81012	Waltham Reserve - rubber pitching base renewal	10,000	10,000	10,000	8,714	0	1,286
81013	Crimea Reserve - skate park surface renewal	100,000	100,000	100,000	0	100,000	0
		200,000	200,000	140,000	9,004	108,019	82,977
Floodlights							
81003	RA Cook Reserve - upgrade LED floodlights	264,000	264,000	200,000	88,000	0	176,000
81006	Upper Hillcrest Reserve - upgrade lighting	75,000	75,000	75,000	73,801	0	1,199
81067	Frank Drago Reserve - floodlight relamp	7,500	7,500	7,500	7,800	0	(300)
81068	Grand Prom Reserve - floodlight relamp	7,500	7,500	7,500	7,300	0	200
81069	Noranda Sporting Complex - Soccer - floodlight relamp	10,000	10,000	10,000	7,920	0	2,080
		364,000	364,000	300,000	184,821	0	179,179
Other infrastructure construction							
80595	Hinds Reserve - construction of a multi-user access ramp	21,076	21,076	0	0	0	21,076
80940	Bayswater Morley Cricket Club - shade shelter	9,091	9,091	9,091	7,709	0	1,382
80941	Bedford Bowling Club - synthetic surface	232,373	232,373	232,373	0	0	232,373
80942	Lightning Swamp Bushland - limestone wall	0	0	0	75,185	0	(75,185)
80944	Morley Bowling Club - synthetic surface	272,727	272,727	272,727	13,516	0	259,211
80945	Natural Environment Improvement Program	0	0	0	25,884	8,018	(33,902)
80946	Wotton Skate Park and surrounding facilities	500,000	500,000	500,000	1,251,809	61,169	(812,978)
81062	Tranby House Reserve Foreshore - rehab and revegetation	1,000,000	1,000,000	0	0	0	1,000,000
		2,035,267	2,035,267	1,014,191	1,374,103	69,187	591,977
Other infrastructure renewal							
80753	Bore and Pump Maintenance Program	0	0	0	18,754	5,455	(24,208)
80755	Critical Asset Renewal Program	375,854	375,854	146,583	187,909	26,332	161,613

		Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
		$	$	$	$	$	$
		375,854	375,854	146,583	206,663	31,786	137,405
COVID-19 $5m Stimulus Package Projects							
80235	Bore and pump maintenance program	61,741	61,741	61,741	3,914	8,815	49,012
80364	Maylands Waterland redevelopment	179,000	179,000	30,000	122,931	12,212	43,857
		240,741	240,741	91,741	126,845	21,027	92,869
Total Park development		5,566,411	5,566,411	2,427,524	2,594,998	615,842	2,355,571
Other infrastructure							
Street lights							
80250	Street light upgrade	57,694	57,694	57,694	1,397	27,783	28,514
80805	Street Lighting Upgrades	356,312	356,312	356,312	73,608	87,526	195,178
80915	Decorative street light replacement	20,980	20,980	20,980	0	0	20,980
		434,986	434,986	434,986	75,005	115,309	244,672
Other infrastructure construction							
80917	Doyle Street and Linton Place - public access	20,000	20,000	7,000	5,943	7,282	6,775
81002	Bus Shelters - Upgrade program	15,735	15,735	15,735	0	0	15,735
		35,735	35,735	22,735	5,943	7,282	22,510
Sustainable environment							
80935	Emmission reduction and rewable energy implementation	50,292	50,292	0	36,161	0	14,131
		50,292	50,292	0	36,161	0	14,131
Floodlights							
80939	RA Cook Reserve - floodlight renewal	50,000	50,000	50,000	0	17,000	33,000
		50,000	50,000	50,000	0	17,000	33,000
Other infrastructure construction							
80252	Bus shelters	20,991	20,991	10,450	0	8,498	12,493
80392	Maylands Town Centre - City-led infrastructure activation	15,000	15,000	15,000	0	0	15,000
80393	Bayswater Town Centre City-led Infrastructure Activation	10,000	10,000	10,000	0	0	10,000
80693	Bedford Shopping Precincts Regeneration Project	60,000	60,000	60,000	13,000	0	47,000
80954	Claughton Reserve - passive lighting	0	0	0	11,598	0	(11,598)
80957	Morley Activity Centre - streetscape improvement (RAC Grant)	0	0	0	7,226	10,837	(18,063)
80967	Grand Prom - Shopping Precinct Regeneration (RAC Grant)	30,000	30,000	30,000	95,033	32,872	(97,905)

	Adopted Budget	Amended Budget	YTD Budget	YTD Actual	Commitments	Funds Remaining
	$	$	$	$	$	$
81066 Street light - LED replacement	200,000	200,000	200,000	0	0	200,000
	335,991	335,991	325,450	126,858	52,207	156,926
COVID-19 $5m Stimulus Package Projects						
80617 Passive Light Replacement Program	20,980	20,980	20,980	17,518	0	3,462
80618 Town Centre Streetscape Works	0	0	0	0	3,143	(3,143)
	20,980	20,980	20,980	17,518	3,143	319
Total Other infrastructure	927,984	927,984	854,151	261,484	194,941	471,559
Intangible assets						
IT capital						
80870 ERP implementation	750,000	750,000	365,600	386,572	67,697	295,731
	750,000	750,000	365,600	386,572	67,697	295,731
Software						
80950 Website development for online bookings	50,000	50,000	25,000	14,152	10,738	25,110
	50,000	50,000	25,000	14,152	10,738	25,110
Total Intangible assets	800,000	800,000	390,600	400,724	78,435	320,841
Assets Held for Sale						
Aged care facilities						
80799 Aged Care - Assets Held for Sale	0	0	0	149,859	0	(149,859)
	0	0	0	149,859	0	(149,859)
Aged Persons Homes						
80794 Aged Persons Homes - Capital works	1,000,000	1,000,000	0	0	0	1,000,000
	1,000,000	1,000,000	0	0	0	1,000,000
Total Assets Held for Sale	1,000,000	1,000,000	0	149,859	0	850,141
Total capital projects	35,028,956	35,088,956	18,356,804	9,635,323	5,550,710	19,902,923

10.2.2 List of Payments for the Month of February 2023

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. Schedule of Accounts Municipal Fund [**10.2.2.1** - 8 pages] 2. Schedule of Accounts Aged Persons Home Account [**10.2.2.2** - 1 page] 3. Summary of Corporate Credit Card Expenses [**10.2.2.3** - 1 page] 4. Electronic Fund Transfers [**10.2.2.4** - 1 page]

SUMMARY

This report presents the list of payments, comprising **Attachments 1, 2, 3 and 4** made under delegated authority for the month of February 2023 in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council receives the list of payments for the month of February 2023 made under delegated authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* comprising:

1. Schedule of Accounts – Municipal Fund (Attachment 1);

2. Schedule of Accounts – Aged Persons Homes Account (Attachment 2);

3. Summary of Corporate Credit Card Expenses (Attachment 3); and

4. Electronic Fund Transfers (Attachment 4).

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust Funds in addition to Aged Care accounts in accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

A list of accounts paid is to be provided to Council where such delegation is made.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

A list of payments is presented to Council each month for noting in accordance with the *Local Government (Financial Management) Regulations 1996*.

Payments drawn from the Municipal Account for the month of February 2023 are included in **Attachment 1**.

Payments drawn from the Aged Persons Homes Account for the month of February 2023 are included in **Attachment 2**.

Payments made via credit cards are included in **Attachment 3**.

All other payments of a direct debit nature made from the Municipal and Aged Persons Homes Accounts including: bank fees; payroll payments; and other direct payment arrangements, are represented in **Attachment 4**.

All payments are summarised in **Table 1**.
Table 1

Payment Type	***Reference***	***Amount $***
Municipal Account BPay Direct Credits Electronic Fund Transfers (EFTs)	BP000187-189, DC000361-365, EF073357-073588, EF073590-073876	**$4,622,844.39**
Aged Persons Homes Electronic Fund Transfers (EFTs)	EF073589	**$264.57**
Credit Card Transactions	28 January 2023 to 28 February 2023	**$15,660.69**
Electronic Fund Transfers	1 February 2023 to 28 February 2023	**$8,621,012.82**
	Total	**$13,259,782.47**

The following payments were cancelled in February.

- Municipal Account:
  - BP000183 - $21,665.07
  - EF073867 - $1,400.00

LEGISLATIVE COMPLIANCE

Council Policy – Procurement.

Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds and the Aged Care Homes accounts. Therefore, in accordance with

Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, a list of accounts paid by the CEO is prepared each month showing each account paid since the list was prepared.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the following option has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The schedule of accounts outlines all the payment made by the City in accordance with legislation.	

FINANCIAL IMPLICATIONS

All accounts are for goods and services that have been duly incurred and authorised for payment in accordance with the budget allocation and statutory obligations. This provides for the effective and timely payment of the City's contractors and other creditors.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater's Strategic Community Plan 2021-2031, the following applies:

Theme:	Leadership and Governance
Goal L4:	Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

That Council notes the List of Payments for the month of February 2023 comprising **Attachments 1, 2, 3 and 4**.

City of Bayswater

List of Payment - Municipal
for the period 1 February 2023 to 28 February 2023

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
BP000187	08/02/23	Water Corporation	Water usage charges	2,473.53
BP000188	15/02/23	Water Corporation	Water usage charges	8,994.51
BP000189	23/02/23	Water Corporation	Water usage charges	14,551.88
DC000361	15/02/23	Department of Justice/Fines Enforcement Registry	Legal expenses and court costs	3,483.00
DC000362	22/02/23	Easisalary Pty Ltd	Payroll payment	10,687.43
DC000363	08/02/23	Easisalary Pty Ltd	Payroll payment	10,687.43
DC000364	08/02/23	Superchoice	Payroll payment	189,479.48
DC000365	23/02/23	Superchoice	Payroll payment	189,324.33
EF073357	01/02/23	Assunta Meleca	Councillor allowances and reimbursements	3,046.49
EF073358	01/02/23	Catherine Ehrhardt	Councillor allowances and reimbursements	4,999.85
EF073359	01/02/23	Daniel Bull	Councillor allowances and reimbursements	3,046.49
EF073360	01/02/23	Elli Petersen-Pik	Councillor allowances and reimbursements	3,046.49
EF073361	01/02/23	Filomena Piffaretti	Councillor allowances and reimbursements	12,238.72
EF073362	01/02/23	Giorgia Johnson	Councillor allowances and reimbursements	3,046.49
EF073363	01/02/23	Joshua Eveson	Councillor allowances and reimbursements	3,046.49
EF073364	01/02/23	Lorna J Clarke	Councillor allowances and reimbursements	3,046.49
EF073365	01/02/23	Michelle Louise Sutherland	Councillor allowances and reimbursements	3,046.49
EF073366	01/02/23	Sally Palmer	Councillor allowances and reimbursements	3,046.49
EF073367	01/02/23	Steven George Ostaszewskyj	Councillor allowances and reimbursements	3,046.49
EF073368	02/02/23	A1 Locksmiths	Building maintenance and services	607.50
EF073369	02/02/23	Advanced Netting Pty ltd	Building maintenance and services	4,471.50
EF073370	02/02/23	AFL Sports Ready Ltd	Trainee	13,526.16
EF073371	02/02/23	Aflex Technology (NZ) Limited	Minor Equipment Purchase	170.50
EF073372	02/02/23	Amalgam Recruitment	Labour hire and temporary replacement	1,415.70
EF073373	02/02/23	AMS Technology Group Pty Ltd	Building maintenance and services	39,281.24
EF073374	02/02/23	Apace Aid Incorporated	Garden Maintenance	4,130.50
EF073375	02/02/23	Asphaltech Pty Ltd	Parks & gardens contract payments	85,988.72
EF073376	02/02/23	Australian Services Union	Payroll payment	257.00
EF073377	02/02/23	Australian Taxation Office	Payroll payment	285,552.00
EF073378	02/02/23	Avantgarde Technologies Pty Ltd	IT software/hardware upgrades & replacement	7,211.22
EF073379	02/02/23	Axiis Contracting Pty Ltd	Garden Maintenance	17,188.77
EF073380	02/02/23	Battery King Australia Pty Ltd	Plant and vehicle parts and materials	418.00
EF073381	02/02/23	Blackwoods Atkins	Parks & gardens materials	126.46
EF073382	02/02/23	Brady Jansen T/A Ikigai Brady Georgia Music	Youth and seniors community activities	500.00
EF073383	02/02/23	Bridgestone Aust Ltd	Plant and vehicle repairs	1,064.01
EF073384	02/02/23	Broadspec Environmental Pty Ltd T/A L&D Consulting	Environmental testing and sampling	286.00
EF073385	02/02/23	Brownes Foods Operations Pty Ltd	Office stationery and consumables	306.18
EF073386	02/02/23	Bunnings Group Ltd	Engineering Works Materials	2,584.10
EF073387	02/02/23	Charter Plumbing and Gas	Building maintenance and services	569.50
EF073388	02/02/23	Child Support Agency	Payroll payment	1,468.96
EF073389	02/02/23	Cleantex Pty Ltd	Cleaning services	584.61
EF073390	02/02/23	COB - Sundowner Club	Payroll payment	96.00
EF073391	02/02/23	Contra-flow Pty Ltd	Traffic management	2,757.89
EF073392	02/02/23	Eastern Metropolitan Regional Council	Waste collection and hygiene services	122,457.38
EF073393	02/02/23	Evenflow Irrigation	Garden Maintenance	2,726.00
EF073394	02/02/23	Fleet Fitness	Equipment Maintenance	188.65
EF073395	02/02/23	Flexi Staff Group Pty Ltd	Labour hire and temporary replacement	5,579.52
EF073396	02/02/23	Fuel Distributors of WA Pty Ltd	Fuel and oil	27,394.40
EF073397	02/02/23	Galvins Plumbing Supplies	Building maintenance and services	227.32
EF073398	02/02/23	GFG Temporary Assist	Labour hire and temporary replacement	14,608.83
EF073399	02/02/23	Hays Specialist Recruitment (Aust) Pty Ltd	Labour hire and temporary replacement	4,050.90
EF073400	02/02/23	Health Insurance Fund of WA	Payroll payment	318.40
EF073401	02/02/23	Hospital Benefit Fund of WA	Payroll payment	961.29
EF073402	02/02/23	Intelife Group Limited	Parks & gardens contract payments	3,082.26
EF073403	02/02/23	IPA Personnel Services Pty Ltd	Labour hire and temporary replacement	743.64
EF073404	02/02/23	IPEC Pty Ltd	Postage and courier charges	228.62
EF073405	02/02/23	Japanese Truck & Bus Spares Pty Ltd	Plant and vehicle parts and materials	86.50
EF073406	02/02/23	Jim Kidd Sports	Youth and seniors community activities	305.80
EF073407	02/02/23	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & gardens reticulation repairs & upgrades	20,957.20
EF073408	02/02/23	Kylie Van Der Zee	Photography / Video Production	19,608.10
EF073409	02/02/23	Landmark Engineering & Design Pty Ltd T/A Exteria	Construction and civil works tools and materials	23,573.00
EF073410	02/02/23	Linemarking WA Pty Ltd	Construction and civil works payments	2,470.49
EF073411	02/02/23	Marawar Pty Ltd	Building maintenance and services	5,494.50
EF073412	02/02/23	Masonry Management Services Pty Ltd	Parks & gardens contract payments	2,013.00
EF073413	02/02/23	Metro Motors	Plant and vehicle repairs	678.50
EF073414	02/02/23	Move & Nourish with Kasse	Youth and seniors community activities	1,040.00
EF073415	02/02/23	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & gardens tree pruning & assoc. services	1,249.93

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
EF073416	02/02/23	Muchea Tree Farm	Parks & gardens plants and trees	114.00
EF073417	02/02/23	Officeworks	Office stationery and consumables	5.98
EF073418	02/02/23	Paywise Pty Ltd	Payroll payment	761.29
EF073419	02/02/23	Perth Medical Voulnteers Inc	Medical services and materials	288.75
EF073420	02/02/23	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	3,019.32
EF073421	02/02/23	Prestige Property Maintenance Pty Ltd	Garden Maintenance	29,586.31
EF073422	02/02/23	Pump Control Systems	Parks & gardens contract payments	8,794.52
EF073423	02/02/23	Quality Press	Signage and banners	2,431.00
EF073424	02/02/23	Repco	Plant and vehicle parts and materials	77.68
EF073425	02/02/23	Richgro Garden Products	Parks & gardens materials	2,651.00
EF073426	02/02/23	RTS Training	Staff training, development and support	60.00
EF073427	02/02/23	Seven Willow Designs Pty Ltd	Professional consultancy services	446.60
EF073428	02/02/23	Solar Ban WA	Plant and vehicle repairs	330.00
EF073429	02/02/23	Sportsworld of WA	Kiosk stock	2,325.40
EF073430	02/02/23	Sprayline Spraying Equipment	Parks & gardens materials	241.74
EF073431	02/02/23	Statewide Cleaning Supplies Pty Ltd	Building supplies and hardware	380.49
EF073432	02/02/23	Studio 281	Awards and scholarships	5,494.50
EF073433	02/02/23	TekNet Pty Ltd T/A Loftus IT	IT systems licensing fees and support	6,361.84
EF073434	02/02/23	The Goods Australia	Cleaning supplies	681.58
EF073435	02/02/23	The Morley Veterinary Hospital	Animal supplies & services	56.00
EF073436	02/02/23	The Trustee for Civitas Nova Trust T/A RTSM Consulting	Professional consultancy services	2,530.00
EF073437	02/02/23	The Trustee for the Dzodzos Family Trust	Parks & gardens contract payments	12,273.25
EF073438	02/02/23	TJ & RJ Sellick Pty Ltd T/A Lawn Doctor	Garden Maintenance	6,103.41
EF073439	02/02/23	Tool Kit Depot	Minor Equipment Purchase	386.10
EF073440	02/02/23	T-Quip	Parks & gardens materials	57.00
EF073441	02/02/23	Turf Care WA Pty Ltd	Parks & gardens contract payments	6,090.70
EF073442	02/02/23	Twins (WA) Pty Ltd	Functions and events catering expenses	1,098.00
EF073443	02/02/23	Vorgee Pty Ltd	Kiosk stock	1,095.16
EF073444	02/02/23	LGRCEU	Payroll payment	880.00
EF073445	02/02/23	Walcott Industries Pty Ltd	Building maintenance and services	1,540.00
EF073446	02/02/23	West Australian Newspapers Ltd	Memberships and subscriptions	144.00
EF073447	02/02/23	Western Resource Recovery	Building maintenance and services	220.00
EF073448	02/02/23	Winc Australia Pty Ltd	Minor Equipment Purchase	262.38
EF073449	02/02/23	Work Clobber	Staff uniforms and protective equipment	255.40
EF073450	02/02/23	Access Without Barriers Pty Ltd	Refund residential verge deposit	1,435.00
EF073451	02/02/23	Addstyle Constructions Pty Ltd	Refund residential verge deposit	1,400.00
EF073452	02/02/23	Advance Vacuumed Gutters	Building maintenance and services	114.38
EF073453	02/02/23	Anista Baptiste	Refund miscellaneous	350.00
EF073454	02/02/23	BGC Residential	Refund residential verge deposit	1,400.00
EF073455	02/02/23	BGC Residential Pty Ltd	Refund residential verge deposit	1,400.00
EF073456	02/02/23	Caren Joelle Louise Louis	Refund of Term Program	32.40
EF073457	02/02/23	City of Kalamunda	Staff leave and entitlement	21,665.07
EF073458	02/02/23	Cleverpatch Pty Ltd	Library book stock and materials	398.89
EF073459	02/02/23	Croosnah Uckiah	Refund residential verge deposit	1,400.00
EF073460	02/02/23	Europcar WA	Plant and vehicle repairs	720.50
EF073461	02/02/23	Glenn Lawrence	Refund health centre memberships	572.40
EF073462	02/02/23	Jcorp Pty Ltd	Refund residential verge deposit	1,400.00
EF073463	02/02/23	John Murray	Refund residential verge deposit	1,400.00
EF073464	02/02/23	Katarzyna Borsiak	Refund Birthday Party	60.00
EF073465	02/02/23	Maria R Silerio	Refund miscellaneous	32.00
EF073466	02/02/23	Megan Rigby	Staff allowances and reimbursements	105.00
EF073467	02/02/23	Mohamed Asadi	Refund swimming lessons	65.45
EF073468	02/02/23	Sinsa Petrovic	Refund residential verge deposit	1,435.00
EF073469	02/02/23	Sonic Health Plus Pty Ltd	Medical services and materials	221.10
EF073470	02/02/23	Southern Cross Protection Pty Ltd-Petty Cash	Petty cash reimbursement	2,955.55
EF073471	02/02/23	St Columba's School	Refund facility hire bond	200.00
EF073472	02/02/23	Unicard System Pty Limited	Printing and graphic design expenses	1,903.00
EF073473	02/02/23	Wesfarmers Kleenheat Gas Pty Ltd	Electricity charges (other than street lighting)	2,111.86
EF073474	02/02/23	Zoe Elizabeth Kerbey	Community engagement framework	540.00
EF073475	08/02/23	AlintaGas Sales Pty Ltd	Gas usage charges	586.75
EF073476	08/02/23	AMS Technology Group Pty Ltd	Building maintenance and services	544.50
EF073477	08/02/23	Annie Chacha-Gan	Refund Birthday Party	40.00
EF073478	08/02/23	Bayswater State Emergency Services	Emergency Services Levy	9,109.25
EF073479	08/02/23	Bayswater/Morley Districts Cricket Club	Youth and seniors community activities	29,981.20
EF073480	08/02/23	Coleman Rail Pty Ltd	Refund facility hire bond	232.00
EF073481	08/02/23	Maylands Park Lottery Centre & Newsagency	Memberships and subscriptions	308.27
EF073482	08/02/23	Faustina Onn	Refund facility hire bond	500.00
EF073483	08/02/23	Gary Goh	Refund of Term Program	18.00
EF073484	08/02/23	Harmony Recruitment Agency	Refund facility hire bond	500.00
EF073485	08/02/23	Hayley Smith	Refund Birthday Party	80.00
EF073486	08/02/23	Ian Kennedy	Refund Birthday Party	40.00
EF073487	08/02/23	Jonathan Court	Refund swimming lessons	68.00

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
EF073488	08/02/23	LGISWA	Insurance premium	75,302.70
EF073489	08/02/23	Maria A Liboro	Refund Birthday Party	80.00
EF073490	08/02/23	Monica Papantoniou	Refund swimming lessons	130.00
EF073491	08/02/23	R Allison-Moore	Refund of Term Program	32.40
EF073492	08/02/23	Synergy	Electricity charges (other than street lighting)	70,360.71
EF073493	08/02/23	Telstra	Office telephone and communication expenses	92,284.11
EF073494	08/02/23	7 To 1 Photography	Functions and events entertainment expenses	968.00
EF073495	08/02/23	A1 Locksmiths	Parks & gardens materials	4,480.00
EF073496	08/02/23	Adecco Australia Pty Ltd	Labour hire and temporary replacement	4,339.53
EF073497	08/02/23	AL Morley Pty Ltd	Plant and vehicle repairs	281.41
EF073498	08/02/23	Amalgam Recruitment	Labour hire and temporary replacement	453.02
EF073499	08/02/23	Anthony Mckenna T/A Tonys Auto Electrics	Plant and vehicle repairs	660.50
EF073500	08/02/23	Aquamonix Pty Ltd	Parks & gardens contract payments	23,280.40
EF073501	08/02/23	Art Jam WA	Youth and seniors community activities	450.00
EF073502	08/02/23	Australian Institute of Managment WA HRD Ctr Ltd	Staff training, development and support	4,361.00
EF073503	08/02/23	Battery King Australia Pty Ltd	Plant and vehicle parts and materials	240.90
EF073504	08/02/23	Bayswater Petanque Club Inc.	Donation	200.00
EF073505	08/02/23	Be Media Group Pty Ltd	Functions and events marketing expenses	3,355.00
EF073506	08/02/23	Big Wheels Truck Alignment-Perth	Plant and vehicle repairs	1,317.25
EF073507	08/02/23	Blackwoods Atkins	Staff uniforms and protective equipment	3,755.97
EF073508	08/02/23	Bolinda Publishing Pty Ltd	Book purchases	2,020.00
EF073509	08/02/23	Bridgestone Aust Ltd	Plant and vehicle repairs	1,572.12
EF073510	08/02/23	Brownes Foods Operations Pty Ltd	Office stationery and consumables	170.10
EF073511	08/02/23	Bucher Municipal Pty Ltd	Plant and vehicle repairs	462.00
EF073512	08/02/23	Bunnings Group Ltd	Engineering Works Materials	1,417.86
EF073513	08/02/23	Captivate Connect	Office telephone and communication expenses	1,980.00
EF073514	08/02/23	Ceiling Manufacturers of Australia	Building supplies and hardware	77.00
EF073515	08/02/23	Charter Plumbing and Gas	Building maintenance and services	846.48
EF073516	08/02/23	Cockburn Wetlands Education Centre	Conference expenses	2,820.00
EF073517	08/02/23	Contra-flow Pty Ltd	Traffic management	24,480.45
EF073518	08/02/23	Core Hospitality Group P/L Trading as Adage Furniture	Furniture purchases	20,077.20
EF073519	08/02/23	Cornerstone Legal WA Pty Ltd	Professional consultancy services	9,766.37
EF073520	08/02/23	Corsign WA Pty Ltd	Printing and graphic design expenses	348.48
EF073521	08/02/23	CSP Group Pty Ltd T/A Stihl Shop Osborne Park	Minor Equipment Purchase	863.50
EF073522	08/02/23	Direct Communications	Plant and vehicle repairs	1,077.12
EF073523	08/02/23	E. & M.J. Rosher Pty Ltd	Plant and vehicle parts and materials	297.22
EF073524	08/02/23	Eastern Metropolitan Regional Council	Waste collection and hygiene services	87,269.38
EF073525	08/02/23	Evenflow Irrigation	Parks & gardens reticulation repairs & upgrades	484.00
EF073526	08/02/23	Firestryker Australasia Pty Ltd	Minor Equipment Purchase	352.00
EF073527	08/02/23	Focus Promotions	Functions and events entertainment expenses	572.00
EF073528	08/02/23	Freedom Fairies Pty Ltd	Artist fee	1,100.00
EF073529	08/02/23	Freestyle Now	Functions and events entertainment expenses	5,005.00
EF073530	08/02/23	Fuel Distributors of WA Pty Ltd	Fuel and oil	3,083.28
EF073531	08/02/23	FUJIFILM Business Innovation Australia Pty Ltd	Office equipment operating charges	166.64
EF073532	08/02/23	GFG Temporary Assist	Labour hire and temporary replacement	7,274.72
EF073533	08/02/23	Hays Specialist Recruitment (Aust) Pty Ltd	Labour hire and temporary replacement	1,848.92
EF073534	08/02/23	ibookingsystems	Memberships and subscriptions	99.00
EF073535	08/02/23	International Association For Public Participation	Building supplies and hardware	2,420.00
EF073536	08/02/23	IPEC Pty Ltd	Postage and courier charges	304.83
EF073537	08/02/23	Ixom Operations Pty Ltd	Aquatic chemicals and consumables	3,490.78
EF073538	08/02/23	JB Hi-Fi Group Pty Ltd	Minor Equipment Purchase	49.00
EF073539	08/02/23	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & gardens materials	3,000.00
EF073540	08/02/23	Les Mills Australia	Memberships and subscriptions	1,906.59
EF073541	08/02/23	Lightbase Pty Ltd	Parks & gardens contract payments	4,761.90
EF073542	08/02/23	Linemarking WA Pty Ltd	Construction and civil works payments	625.90
EF073543	08/02/23	Liquid Learning	Staff training, development and support	7,243.50
EF073544	08/02/23	Living Turf	Parks & gardens materials	10,927.40
EF073545	08/02/23	Local Government Professionals Aust WA	Professional consultancy services	3,300.00
EF073546	08/02/23	Message Media	Memberships and subscriptions	66.00
EF073547	08/02/23	Midex Wholesalers Pty Ltd T/A Mettams Mufflers	Parks & gardens materials	120.00
EF073548	08/02/23	Miltom Pty Ltd T/A Classic Hire	Vehicle & plant hire	806.67
EF073549	08/02/23	Modern Teaching Aids Pty Ltd	Library book stock and materials	274.87
EF073550	08/02/23	Morley Mower Centre	Equipment repairs	676.12
EF073551	08/02/23	Morley Sporting Club (Inc)	Parks & gardens contract payments	52,300.00
EF073552	08/02/23	Move & Nourish with Kasse	Functions and events catering expenses	325.00
EF073553	08/02/23	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & gardens tree pruning & assoc. services	10,364.44
EF073554	08/02/23	Natural Area Holdings Pty Ltd	Garden Maintenance	5,698.88
EF073555	08/02/23	Officeworks	Minor Equipment Purchase	429.95
EF073556	08/02/23	Orbit Health & Fitness Solutions	Functions and events catering expenses	3,117.70
EF073557	08/02/23	Paragon Constructions Solutions Pty Ltd	Aquatic maintenance and services	16,394.43
EF073558	08/02/23	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	710.07
EF073559	08/02/23	Pool Robotics Perth	Equipment Maintenance	150.00

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
EF073560	08/02/23	Poolshop Online Pty Ltd	Aquatic chemicals and consumables	1,430.00
EF073561	08/02/23	Prestige Property Maintenance Pty Ltd	Parks & gardens tree pruning & assoc. services	2,069.51
EF073562	08/02/23	Quality Press	Printing and graphic design expenses	5,670.50
EF073563	08/02/23	Rentokil Initial Pty Ltd	Indoor Plant Hire	682.64
EF073564	08/02/23	Repco	Plant and vehicle parts and materials	1,274.52
EF073565	08/02/23	reSPOKE	Construction and civil works payments	17,955.30
EF073566	08/02/23	Severn House Pty Ltd T/A Success Print	Parks & gardens materials	2,690.00
EF073567	08/02/23	Shred-X Pty Ltd	Document management and archiving	76.84
EF073568	08/02/23	SirsiDynix Pty Ltd	Software Maintenance	88,449.69
EF073569	08/02/23	Specialised Force Pty Ltd	Building supplies and hardware	861.52
EF073570	08/02/23	St John Ambulance Western Australia Ltd	Medical services and materials	809.55
EF073571	08/02/23	Statewide Cleaning Supplies Pty Ltd	Cleaning supplies	1,178.70
EF073572	08/02/23	The Fruit Box Group Pty Ltd	Library book stock and materials	55.80
EF073573	08/02/23	The Goods Australia	Cleaning supplies	24.64
EF073574	08/02/23	The Leisure Institute of WA (Aquatics) Inc.	Staff training, development and support	132.00
EF073575	08/02/23	The O'Grady Family Trust T/A Efficient Site Services	Construction and civil works payments	4,426.40
EF073576	08/02/23	The Trustee for Rabblement Trust	Book purchases	310.30
EF073577	08/02/23	The Trustee for the ACOR WA Unit Trust	Professional consultancy services	12,127.50
EF073578	08/02/23	The Trustee for the Veridian Trust T/A Magoo IT	Youth and seniors community activities	300.00
EF073579	08/02/23	TPG Telecom	Office telephone and communication expenses	8,627.30
EF073580	08/02/23	T-Quip	Equipment Maintenance	1,869.05
EF073581	08/02/23	Turf Care WA Pty Ltd	Parks & gardens contract payments	2,178.66
EF073582	08/02/23	Twins (WA) Pty Ltd	Functions and events catering expenses	165.00
EF073583	08/02/23	Van Ryt Industries	Garden Maintenance	13,053.70
EF073584	08/02/23	Wade Sidebottom	Plant and vehicle repairs	15,708.00
EF073585	08/02/23	Walkers Pest & Lawn Management	Pest control	165.00
EF073586	08/02/23	Westbooks	Book purchases	253.21
EF073587	08/02/23	Winc Australia Pty Ltd	Office stationery and consumables	3,439.45
EF073588	10/02/23	RW & MP Godfrey	Refund residential verge deposit	1,400.00
EF073590	15/02/23	3 Monkeys Audiovisual	Minor Equipment Purchase	3,292.58
EF073591	15/02/23	A1 Pools Pty Ltd	Refund residential verge deposit	1,435.00
EF073592	15/02/23	Abdirahuf Warsome	Refund facility hire bond	1,000.00
EF073593	15/02/23	Acurix Networks Pty Ltd	IT software/hardware upgrades & replacement	1,821.60
EF073594	15/02/23	Adam Aabidi	Refund facility hire bond	1,140.00
EF073595	15/02/23	Advance Vacuumed Gutters	Building maintenance and services	3,802.82
EF073596	15/02/23	ALA Senior Men	Refund facility hire bond	350.00
EF073597	15/02/23	Alice Stephenson	Refund crossover	1,729.97
EF073598	15/02/23	Alisha Roberts	Volunteer reimbursements and expenses	391.60
EF073599	15/02/23	AMS Technology Group Pty Ltd	Building maintenance and services	22,340.96
EF073600	15/02/23	Aquamonix Pty Ltd	Parks & gardens contract payments	411.40
EF073601	15/02/23	Audhu Pty Ltd T/A Nuchange Building	Refund residential verge deposit	1,400.00
EF073602	15/02/23	Carmelo Del Popolo	Awards and scholarships	50.00
EF073603	15/02/23	Carrisa Pty Ltd	Refund residential verge deposit	1,400.00
EF073604	15/02/23	Embleton Primary School	Grants & funding	9,840.00
EF073605	15/02/23	Europcar WA	Insurance excess	1,000.00
EF073606	15/02/23	John Forrest Secondary College	Grants & funding	8,880.00
EF073607	15/02/23	Julie-Ann Gray	Staff allowances and reimbursements	196.47
EF073608	15/02/23	Karen Kanyumbu	Refund facility hire bond	1,000.00
EF073609	15/02/23	LGISWA	Insurance excess	1,000.00
EF073610	15/02/23	Melissa Maio	Refund facility hire bond	550.00
EF073611	15/02/23	My Homes WA PTy Ltd	Refund residential verge deposit	1,400.00
EF073612	15/02/23	Next Step Homes Pty Ltd	Refund residential verge deposit	1,400.00
EF073613	15/02/23	Peter Phillips	Volunteer reimbursements and expenses	125.80
EF073614	15/02/23	Southern Cross Protection Pty Ltd-Petty Cash	Petty cash reimbursement	845.10
EF073615	15/02/23	SS MC Morin	Refund rates overpayment	1,833.56
EF073616	15/02/23	SSB Pty Ltd	Refund residential verge deposit	1,400.00
EF073617	15/02/23	Strategic Property Conveyancing	Refund rates overpayment	325.78
EF073618	15/02/23	Strive Pty Ltd	Refund development application fee	295.00
EF073619	15/02/23	Synergy	Electricity charges - Street lighting	132,875.35
EF073620	15/02/23	Wayne A Hillyard	Refund rates overpayment	1,000.00
EF073621	15/02/23	Work Metrics Pty Ltd	Memberships and subscriptions	1,980.00
EF073622	15/02/23	Youth Futures Ltd	Refund facility hire bond	500.00
EF073623	15/02/23	A1 Locksmiths	Building supplies and hardware	24.50
EF073624	15/02/23	Abco Products	Depot stores and consumables	9,035.27
EF073625	15/02/23	Access Plus WA Deaf Inc	Language Interpretative Service	442.95
EF073626	15/02/23	Acclaimed Catering Pty Ltd	Functions and events catering expenses	663.30
EF073627	15/02/23	ADT Security	Building maintenance and services	52.00
EF073628	15/02/23	Ahern Australia Pty Ltd	Plant and vehicle parts and materials	562.35
EF073629	15/02/23	Antonio D'Onofrio	Citizenship expenses	200.00
EF073630	15/02/23	Apex Drones	Pest control	3,000.00
EF073631	15/02/23	Asphaltech Pty Ltd	Building supplies and hardware	206,552.97
EF073632	15/02/23	Australia Post	Postage and courier charges	10,504.47

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
EF073633	15/02/23	Australian Agribusiness (Holdings) Pty Ltd T/A Nuturf	Parks & gardens materials	14,102.00
EF073634	15/02/23	Australian Services Union	Payroll payment	257.00
EF073635	15/02/23	Australian Taxation Office	Payroll payment	283,561.00
EF073636	15/02/23	Battery King Australia Pty Ltd	Plant and vehicle parts and materials	373.96
EF073637	15/02/23	Beaver Tree Services Australia Pty Ltd	Parks & gardens tree pruning & assoc. services	4,147.00
EF073638	15/02/23	BGC (Australia) Pty Ltd T/A BGC Concrete	Construction and civil works tools and materials	1,136.52
EF073639	15/02/23	Blackwoods Atkins	Staff uniforms and protective equipment	1,287.80
EF073640	15/02/23	BOC Ltd	Equipment hire	235.13
EF073641	15/02/23	Boyan Electrical Services	Building maintenance and services	1,728.78
EF073642	15/02/23	BP Australia Pty Ltd	Fuel and oil	1,998.77
EF073643	15/02/23	Bridgestone Aust Ltd	Plant and vehicle repairs	2,865.66
EF073644	15/02/23	Brownes Foods Operations Pty Ltd	Office stationery and consumables	30.24
EF073645	15/02/23	Building Certification Services WA Pty Ltd	Licence and permit renewal	495.00
EF073646	15/02/23	Bunnings Group Ltd	Pest control	3,574.89
EF073647	15/02/23	Canopies WA	Plant and vehicle repairs	5,275.00
EF073648	15/02/23	Capital Recycling	Tipping Fee	653.40
EF073649	15/02/23	Charter Plumbing and Gas	Aquatic maintenance and services	624.27
EF073650	15/02/23	Child Support Agency	Payroll payment	1,468.96
EF073651	15/02/23	City Dry Cleaners	Cleaning services	556.00
EF073652	15/02/23	Cleanaway Pty Ltd	Waste collection and hygiene services	697.68
EF073653	15/02/23	Cleantex Pty Ltd	Staff uniforms and protective equipment	432.56
EF073654	15/02/23	Click Studios (SA) Pty Ltd	IT systems licensing fees and support	847.53
EF073655	15/02/23	CNW Pty Ltd	Building supplies and hardware	1,258.42
EF073656	15/02/23	COB - Sundowner Club	Payroll payment	96.00
EF073657	15/02/23	Colleagues Nagels Pty Ltd	Animal supplies & services	534.00
EF073658	15/02/23	Combat Clothing Australia Pty Ltd	Parks & gardens materials	2,425.00
EF073659	15/02/23	Contra-flow Pty Ltd	Traffic management	15,281.29
EF073660	15/02/23	Cornerstone Legal WA Pty Ltd	Legal expenses and court costs	319.00
EF073661	15/02/23	Corsign WA Pty Ltd	Signage and banners	1,368.40
EF073662	15/02/23	CSP Group Pty Ltd T/A Stihl Shop Osborne Park	Construction and civil works tools and materials	220.00
EF073663	15/02/23	Data#3 Ltd	IT systems licensing fees and support	11,103.13
EF073664	15/02/23	Dean's Autoglass	Plant and vehicle repairs	830.50
EF073665	15/02/23	Diana Kudsee	Youth and seniors community activities	190.00
EF073666	15/02/23	Direct Communications	Plant and vehicle repairs	1,155.00
EF073667	15/02/23	Dymocks Morley	Library book stock and materials	64.75
EF073668	15/02/23	E Fire & Safety	Building maintenance and services	617.38
EF073669	15/02/23	Eastern Metropolitan Regional Council	Waste collection and hygiene services	100,428.75
EF073670	15/02/23	Ellis House Community Art Centre	Volunteer reimbursements and expenses	1,100.00
EF073671	15/02/23	Exbo Signage and Digital Pty Ltd T/A Bokay Signage	Signage and banners	3,313.60
EF073672	15/02/23	Exetel	IT systems licensing fees and support	442.86
EF073673	15/02/23	FE Technologies	IT systems licensing fees and support	1,703.90
EF073674	15/02/23	Fitness Australia Limited	Professional consultancy services	1,200.00
EF073675	15/02/23	Flexi Staff Group Pty Ltd	Labour hire and temporary replacement	3,086.07
EF073676	15/02/23	Galvins Plumbing Supplies	Building supplies and hardware	503.15
EF073677	15/02/23	Garden Care West (WA)	Garden Maintenance	231.00
EF073678	15/02/23	GFG Temporary Assist	Labour hire and temporary replacement	3,300.00
EF073679	15/02/23	GHD Pty Ltd	Equipment purchases	30,821.29
EF073680	15/02/23	Grainne Wray	Youth and seniors community activities	320.00
EF073681	15/02/23	Health Insurance Fund of WA	Payroll payment	318.40
EF073682	15/02/23	Hospital Benefit Fund of WA	Payroll payment	961.29
EF073683	15/02/23	IPEC Pty Ltd	Postage and courier charges	762.08
EF073684	15/02/23	IRS Pty Ltd	Parks & gardens materials	239.30
EF073685	15/02/23	Johnson Professional Cleaning Services	Building maintenance and services	11,302.97
EF073686	15/02/23	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & gardens materials	22,299.90
EF073687	15/02/23	Linemarking WA Pty Ltd	Construction and civil works payments	2,150.94
EF073688	15/02/23	Local Government Professionals Aust WA	Staff training, development and support	910.00
EF073689	15/02/23	Main Roads Western Australia	Construction and civil works payments	2,931.56
EF073690	15/02/23	Major Motors Pty Ltd	Plant and vehicle parts and materials	295.82
EF073691	15/02/23	Marawar Pty Ltd	Garden Maintenance	1,089.99
EF073692	15/02/23	Marketforce Pty Ltd	Signage and banners	1,337.03
EF073693	15/02/23	McIntosh Holdings Pty Ltd	Plant and vehicle purchasing	80,520.00
EF073694	15/02/23	Michael Page International	Labour hire and temporary replacement	1,705.35
EF073695	15/02/23	Moore Australia	Professional consultancy services	5,940.00
EF073696	15/02/23	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & gardens tree pruning & assoc. services	9,135.19
EF073697	15/02/23	Officeworks	Office stationery and consumables	1,135.95
EF073698	15/02/23	Paywise Pty Ltd	Payroll payment	760.23
EF073699	15/02/23	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	835.40
EF073700	15/02/23	Poolshop Online Pty Ltd	Aquatic chemicals and consumables	613.80
EF073701	15/02/23	Powervac Pty Ltd	Equipment Maintenance	303.65
EF073702	15/02/23	Quality Press	Printing and graphic design expenses	192.50
EF073703	15/02/23	Redman Solutions Pty Ltd	IT systems licensing fees and support	7,040.00
EF073704	15/02/23	Reface Industries Pty Ltd	Equipment Maintenance	711.94

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
EF073705	15/02/23	Refresh Waters Pty Ltd	Kiosk stock	84.00
EF073706	15/02/23	Relationships Australia Western Australia	Staff training, development and support	880.00
EF073707	15/02/23	Repco	Plant and vehicle parts and materials	4,769.71
EF073708	15/02/23	reSPOKE	Equipment purchases	10,861.95
EF073709	15/02/23	Robange Trading Pty Ltd T/A Fully Promoted Morley	Staff uniforms and protective equipment	212.69
EF073710	15/02/23	Rooforce Facility Services Pty Ltd	Buildings and events security expenses	4,767.40
EF073711	15/02/23	Rubek Automatic Doors	Building maintenance and services	757.90
EF073712	15/02/23	Serenity Risk Solutions Pty Ltd	Buildings and events security expenses	2,796.04
EF073713	15/02/23	Services Australia	Fees and charges	69.30
EF073714	15/02/23	Sibhan Cotchin Touring Pty Ltd	Functions and events catering expenses	2,530.00
EF073715	15/02/23	Sine Group Pty Ltd	Software Maintenance	910.80
EF073716	15/02/23	Siteimprove Australia Pty Ltd	IT systems licensing fees and support	6,380.00
EF073717	15/02/23	Solution Technologies	Building maintenance and services	2,626.80
EF073718	15/02/23	Southern Cross Protection Pty Ltd	Recouping funds	3,692.10
EF073719	15/02/23	Sports Turf Technology Pty Ltd	Parks & gardens contract payments	1,601.42
EF073720	15/02/23	Sprayline Spraying Equipment	Parks & gardens reticulation repairs & upgrades	262.20
EF073721	15/02/23	St John Ambulance Western Australia Ltd	Medical services and materials	919.60
EF073722	15/02/23	State Wide Turf Services	Parks & gardens contract payments	2,052.52
EF073723	15/02/23	Statewide Bearings Group	Plant and vehicle parts and materials	15.40
EF073724	15/02/23	Stratagreen	Parks & gardens contract payments	48.75
EF073725	15/02/23	The Goods Australia	Cleaning supplies	340.63
EF073726	15/02/23	The Harbour Agency Pty Ltd	Functions and events entertainment expenses	13,750.00
EF073727	15/02/23	The Nappy Guru	Marketing and promotional material	350.00
EF073728	15/02/23	The O'Grady Family Trust T/A Efficient Site Services	Parks & gardens contract payments	3,462.80
EF073729	15/02/23	The Trustee for Water Technologies T/A Aquatic Technologies	Parks & gardens materials	1,014.68
EF073730	15/02/23	TJ & RJ Sellick Pty Ltd T/A Lawn Doctor	Garden Maintenance	3,963.65
EF073731	15/02/23	Toro Australia Group Sales Pty Ltd	Plant and vehicle parts and materials	97.42
EF073732	15/02/23	Totally Board Pty Ltd	Youth and seniors community activities	150.00
EF073733	15/02/23	Veolia Water Operations Pty Ltd	Construction and civil works payments	715.00
EF073734	15/02/23	Vorgee Pty Ltd	Kiosk stock	990.66
EF073735	15/02/23	LGRCEU	Payroll payment	880.00
EF073736	15/02/23	Wattleup Tractors	Plant and vehicle parts and materials	388.09
EF073737	15/02/23	WC Convenience Management Pty Ltd T/A WC Innovations	Building maintenance and services	3,456.03
EF073738	15/02/23	Western Resource Recovery	Building maintenance and services	550.00
EF073739	15/02/23	Winc Australia Pty Ltd	Office stationery and consumables	548.90
EF073740	15/02/23	Woolworths Ltd (WA)	Functions and events catering expenses	185.06
EF073741	15/02/23	Work Clobber	Staff uniforms and protective equipment	191.20
EF073742	15/02/23	Zettanet Pty Ltd	IT systems licensing fees and support	506.00
EF073743	23/02/23	7 To 1 Photography	Photography / Video Production	660.00
EF073744	23/02/23	A1 Locksmiths	Key / Lock Services	983.00
EF073745	23/02/23	Acclaimed Catering Pty Ltd	Functions and events catering expenses	2,404.60
EF073746	23/02/23	Action Glass & Aluminium	Building supplies and hardware	346.50
EF073747	23/02/23	Adecco Australia Pty Ltd	Labour hire and temporary replacement	5,192.02
EF073748	23/02/23	Airborn Amusements	Functions and events entertainment expenses	670.00
EF073749	23/02/23	ALS Library Services Pty Ltd	Book purchases	838.67
EF073750	23/02/23	Amalgam Recruitment	Labour hire and temporary replacement	2,576.58
EF073751	23/02/23	Amanda Kendle Consulting	Youth and seniors community activities	412.50
EF073752	23/02/23	Arbor West Pty Ltd T/A Classic Tree Services	Parks & gardens tree pruning & assoc. services	48,274.60
EF073753	23/02/23	Asphaltech Pty Ltd	Construction and civil works tools and materials	174,258.04
EF073754	23/02/23	Australian Institute of Managment WA HRD Ctr Ltd	Staff training, development and support	1,863.00
EF073755	23/02/23	Axiis Contracting Pty Ltd	Parks & gardens contract payments	41,894.03
EF073756	23/02/23	BGC (Australia) Pty Ltd T/A BGC Concrete	Construction and civil works tools and materials	858.88
EF073757	23/02/23	Blackwoods Atkins	Parks & gardens materials	1,901.24
EF073758	23/02/23	Boya Equipment Pty Ltd	Parks & gardens materials	68.53
EF073759	23/02/23	Boyan Electrical Services	Garden Maintenance	43,571.00
EF073760	23/02/23	Brownes Foods Operations Pty Ltd	Office stationery and consumables	90.72
EF073761	23/02/23	Bunnings Group Ltd	Parks & gardens materials	2,911.85
EF073762	23/02/23	Capital Recycling	Tipping Fee	6,388.80
EF073763	23/02/23	Charter Plumbing and Gas	Building maintenance and services	1,676.79
EF073764	23/02/23	Cleanaway Pty Ltd	Waste collection and hygiene services	29,590.00
EF073765	23/02/23	CNW Pty Ltd	Building supplies and hardware	1,369.01
EF073766	23/02/23	Contra-flow Pty Ltd	Traffic management	16,088.34
EF073767	23/02/23	Corsign WA Pty Ltd	Signage and banners	673.64
EF073768	23/02/23	David Gray & Co Pty Ltd	Environmental Health Services & Supplies	758.23
EF073769	23/02/23	Detail West	Plant and vehicle repairs	280.00
EF073770	23/02/23	Downer Edi Engineering Power Pty Ltd	Building maintenance and services	1,488.30
EF073771	23/02/23	DS Workwear & Safety	Staff uniforms and protective equipment	199.00
EF073772	23/02/23	Eastern Metropolitan Regional Council	Waste collection and hygiene services	135,000.94
EF073773	23/02/23	Environment House Inc	Youth and seniors community activities	10,096.25
EF073774	23/02/23	Evenflow Irrigation	Equipment hire	7,711.00
EF073775	23/02/23	Fair Play Sports and Outdoor	Equipment purchases	234.00
EF073776	23/02/23	Fasta Courier Unit Trust	Postage and courier charges	41.90

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
EF073777	23/02/23	Flexi Staff Group Pty Ltd	Labour hire and temporary replacement	2,061.77
EF073778	23/02/23	Galleria Toyota	Plant and vehicle purchasing	43,681.05
EF073779	23/02/23	Galvins Plumbing Supplies	Aquatic maintenance and services	672.80
EF073780	23/02/23	GFG Temporary Assist	Labour hire and temporary replacement	17,036.26
EF073781	23/02/23	Gold Corporation T/A The Perth Mint	Citizenship expenses	2,513.50
EF073782	23/02/23	Growise Pty Ltd	Parks & gardens materials	533.50
EF073783	23/02/23	Hays Specialist Recruitment (Aust) Pty Ltd	Labour hire and temporary replacement	11,112.23
EF073784	23/02/23	Ixom Operations Pty Ltd	Aquatic chemicals and consumables	168.63
EF073785	23/02/23	Jaram Products Pty Ltd T/A Jaram Australia	Plant and vehicle parts and materials	499.36
EF073786	23/02/23	JB Hi-Fi Group Pty Ltd	Minor Equipment Purchase	6,888.40
EF073787	23/02/23	Judroc Pty Ltd T/A The Watershed Water Systems	Parks & gardens materials	24,475.77
EF073788	23/02/23	Julie Wiscombe	Functions and events entertainment expenses	920.00
EF073789	23/02/23	KLMedia Pty Ltd T/A All Access Australasia	Library book stock and materials	882.52
EF073790	23/02/23	Landgate	Gross rental valuation charges	796.32
EF073791	23/02/23	Landmark Engineering & Design Pty Ltd T/A Exteria	Parks & gardens contract payments	1,927.20
EF073792	23/02/23	Leighton O'Brien Field Services Pty Ltd	Garden Maintenance	10,460.89
EF073793	23/02/23	Linemarking WA Pty Ltd	Construction and civil works payments	3,303.30
EF073794	23/02/23	Living Turf	Parks & gardens materials	11,533.50
EF073795	23/02/23	Louise Snook	Youth and seniors community activities	1,050.00
EF073796	23/02/23	Major Motors Pty Ltd	Plant and vehicle purchasing	119,943.47
EF073797	23/02/23	Max J & Michelle J Laurent	Photocopying contract charges	520.00
EF073798	23/02/23	Maylands Sports and Recreation Club Inc	Grants & funding	1,820.00
EF073799	23/02/23	McInerney Ford	Plant and vehicle purchasing	40,169.00
EF073800	23/02/23	McIntosh Holdings Pty Ltd	Plant and vehicle parts and materials	1,972.08
EF073801	23/02/23	McLeods	Legal expenses and court costs	1,372.81
EF073802	23/02/23	Message Media	Memberships and subscriptions	33.00
EF073803	23/02/23	Metro Motors	Plant and vehicle parts and materials	642.24
EF073804	23/02/23	Michael Joseph Devine	Youth and seniors community activities	180.00
EF073805	23/02/23	Miltom Pty Ltd T/A Classic Hire	Vehicle & plant hire	399.30
EF073806	23/02/23	Morley Mower Centre	Equipment repairs	85.40
EF073807	23/02/23	MPK Tree Management Pty Ltd T/A MPK Tree Services	Parks & gardens tree pruning & assoc. services	1,159.90
EF073808	23/02/23	Natural Area Holdings Pty Ltd	Parks & gardens contract payments	23,614.45
EF073809	23/02/23	Neighbourhood Watch Chinese Group Inc.	Grants & funding	5,500.00
EF073810	23/02/23	Nestle Australia Ltd	Office stationery and consumables	126.50
EF073811	23/02/23	Officeworks	Office stationery and consumables	389.00
EF073812	23/02/23	Our Community Pty Ltd	Memberships and subscriptions	400.00
EF073813	23/02/23	Paragon Constructions Solutions Pty Ltd	Aquatic maintenance and services	168,514.50
EF073814	23/02/23	Perth Screening Solutions	Aquatic maintenance and services	3,079.90
EF073815	23/02/23	Philip Gresley	Sitting Fee	700.00
EF073816	23/02/23	Pool & Pump Service & Repairs Pty Ltd	Aquatic maintenance and services	266.28
EF073817	23/02/23	Prestige Property Maintenance Pty Ltd	Garden Maintenance	20,553.05
EF073818	23/02/23	Programmed Skilled Workforce Ltd	Labour hire and temporary replacement	6,608.75
EF073819	23/02/23	Pump Control Systems	Garden Maintenance	3,557.97
EF073820	23/02/23	Quality Press	Artist fee	407.00
EF073821	23/02/23	Reece Plumbing	Building supplies and hardware	351.26
EF073822	23/02/23	Repco	Plant and vehicle parts and materials	237.60
EF073823	23/02/23	Rotary Club of Morley Inc	Functions and events entertainment expenses	3,760.90
EF073824	23/02/23	Solar Ban WA	Plant and vehicle repairs	330.00
EF073825	23/02/23	Specialist Trailer Builders Pty T/A OMB WA	Insurance excess	5,016.00
EF073826	23/02/23	St John Ambulance Western Australia Ltd	Medical services and materials	1,217.26
EF073827	23/02/23	T J Depiazzi & Sons	Parks & gardens materials	7,206.02
EF073828	23/02/23	The Helen Hardcastle Trust T/A Learning Horizons	Professional consultancy services	3,850.00
EF073829	23/02/23	The O'Grady Family Trust T/A Efficient Site Services	Garden Maintenance	13,304.50
EF073830	23/02/23	The Seasonal Brewing Co	Functions and events catering expenses	350.25
EF073831	23/02/23	TJ & RJ Sellick Pty Ltd T/A Lawn Doctor	Garden Maintenance	10,741.78
EF073832	23/02/23	Toro Australia Group Sales Pty Ltd	Plant and vehicle parts and materials	1,080.44
EF073833	23/02/23	Totally Board Pty Ltd	Youth and seniors community activities	150.00
EF073834	23/02/23	Totally Workwear Malaga	Staff uniforms and protective equipment	9,899.68
EF073835	23/02/23	T-Quip	Garden Maintenance	920.00
EF073836	23/02/23	Trauma Clean WA	Garden Maintenance	605.00
EF073837	23/02/23	Truck Centre (WA) Pty Ltd	Parks & gardens materials	995.21
EF073838	23/02/23	Tyrecycle Pty Ltd	Waste collection and hygiene services	1,037.51
EF073839	23/02/23	Vaughn J McGuire	Volunteer reimbursements and expenses	125.80
EF073840	23/02/23	Vincenzo & Caterina Gioffre T/A Soft Serve White Cruiser	Functions and events entertainment expenses	30.00
EF073841	23/02/23	WA Hino Sales and Service	Plant and vehicle repairs	1,057.90
EF073842	23/02/23	Welding Solutions	Parks & gardens materials	247.50
EF073843	23/02/23	Western Resource Recovery	Building maintenance and services	925.66
EF073844	23/02/23	Winc Australia Pty Ltd	Office stationery and consumables	3,058.62
EF073845	23/02/23	Wind Stable Umbrellas Pty Ltd	Equipment Maintenance	243.01
EF073846	23/02/23	Work Clobber	Staff uniforms and protective equipment	363.45
EF073847	23/02/23	Workpower Inc	Garden Maintenance	30,297.51
EF073848	23/02/23	Zenien	Equipment purchases	572.00

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				**$**
EF073849	23/02/23	Zircodata Pty Ltd	Document management and archiving	369.72
EF073850	23/02/23	Advance Vacuumed Gutters	Building maintenance and services	880.74
EF073851	23/02/23	Aisha Mussa	Refund facility hire bond	1,000.00
EF073852	23/02/23	AMS Technology Group Pty Ltd	Building maintenance and services	5,993.26
EF073853	23/02/23	Aquamonix Pty Ltd	Parks & gardens contract payments	23,280.40
EF073854	23/02/23	Ashok Kumar Vilvanathan	Refund facility hire bond	250.00
EF073855	23/02/23	Bonnie Arnott	Cloth Nappy Rebate	90.00
EF073856	23/02/23	Carmel Hall	Refund facility hire bond	500.00
EF073857	23/02/23	Cleverpatch Pty Ltd	Youth and seniors community activities	213.91
EF073858	23/02/23	Craig Woolley	Fuel and oil	131.57
EF073859	23/02/23	Department of Housing	Refund infringement	275.30
EF073860	23/02/23	Department of Housing	Refund infringement	250.00
EF073861	23/02/23	Doctor Heather Coventry	Medical services and materials	440.00
EF073862	23/02/23	Maylands Park Lottery Centre & Newsagency	Memberships and subscriptions	322.62
EF073863	23/02/23	Europcar WA	Vehicle & plant hire	3,372.60
EF073864	23/02/23	Gavin Beaumont	Refund bond	1,400.00
EF073865	23/02/23	Hosking, Leanne Susan	Medical services and materials	2,200.00
EF073866	23/02/23	Laura Lyons	Refund development application fee	221.00
EF073867	23/02/23	ME Jones	Refund bond	1,400.00
EF073868	23/02/23	Rachel Smith	Cloth Nappy Rebate	100.00
EF073869	23/02/23	Rambisai Nyamadzawo	Refund facility hire bond	1,000.00
EF073870	23/02/23	Sandra Johnson	Refund rates overpayment	1,000.00
EF073871	23/02/23	Stephen Boyham	Refund bond	1,400.00
EF073872	23/02/23	Synergy	Electricity charges (other than street lighting)	41,994.97
EF073873	23/02/23	Telstra	Office telephone and communication expenses	7,511.86
EF073874	23/02/23	Telstra Limited	Office telephone and communication expenses	1,148.00
EF073875	23/02/23	Volleyball WA	Refund facility hire bond	62.00
EF073876	23/02/23	Wesfarmers Kleenheat Gas Pty Ltd	Gas usage charges	545.75
				4,622,844.39
Cancelled Payments				
BP000183	02/02/23	Payment - BP000183		-21,665.07
EF073867	28/02/23	Payment - EF073867		-1,400.00
				-23,065.07

City of Bayswater

List of Payment - Aged

for the period 1 February 2023 to 28 February 2023

Reference	*Date*	*Creditor Name*	*Invoice details*	*Amount Paid*
Payments				$
EF073589	15/02/23	Synergy	Electricity charges (other than street lighting)	264.57
				264.57
Cancelled Payments				
				0.00
				0.00

City of Bayswater

Corporate Credit Card Transactions

For the period: 28 January 2023 to 28 February 2023

Date	Supplier	Description		Amount
Chief Executive Officer				
30/01/23	Caspian Australia	Food & drinks		9.00
03/02/23	Thingz Gift Morley	Gifts and presentations		13.98
20/02/23	Company Director	Memberships and subscriptions		620.00
21/02/23	EB International Women	Community engagement framework		203.80
22/02/23	Qantas Airways	Conference expenses		801.03
22/02/23	Qantas Airways	Conference expenses		5.00
22/02/23	Qantas Airways	Conference expenses		5.00
28/02/23	Hotel at Booking.com	Conference expenses		530.40
28/02/23	Hotel at Booking.com	Conference expenses		530.40
			Card total	**2,718.61**
Director Community and Development				
30/01/23	Eventbrite	Marketing and promotional material		21.40
01/02/23	State of Socal 23	Staff training, development and support		1,023.00
01/02/23	State of Socal 23	Staff training, development and support		913.00
01/02/23	SP Soul Origin	Functions and events catering expenses		130.00
06/02/23	The Beaufort	ELT Strategic Session		205.50
07/02/23	CreateSend	Memberships and subscriptions		273.90
07/02/23	Ingot Hotel	Artist Fee		170.10
07/02/23	Ingot Hotel	Artist Fee		170.10
07/02/23	Ingot Hotel	Artist Fee		170.10
07/02/23	Ingot Hotel	Artist Fee		170.10
07/02/23	Ingot Hotel	Artist Fee		170.10
07/02/23	Ingot Hotel	Artist Fee		170.10
07/02/23	Ingot Hotel	Artist Fee		170.10
07/02/23	Ingot Hotel	Artist Fee		170.10
07/02/23	Trello	Memberships and subscriptions		110.53
09/02/23	Planning Institute of Australia Congress 2019	Staff training, development and support		35.00
14/02/23	Australia Post (PO boxes only)	Memberships and subscriptions		224.00
20/02/23	Amazon	Memberships and subscriptions		273.80
20/02/23	Amazon	Memberships and subscriptions		13.12
20/02/23	Amazon	IT systems licensing fees and support		1.19
27/02/23	Planning Institute of Australia Congress 2019	Staff training, development and support		2,365.00
27/02/23	Planning Institute of Australia Congress 2019	Staff training, development and support		2,365.00
			Card total	**9,315.24**
Director Major Projects				
30/01/23	Officeworks	Office equipment operating charges		299.96
07/02/23	Sendgrid	Memberships and subscriptions		132.57
13/02/23	Meta Platforms Ireland Ltd T/A Facebook	Memberships and subscriptions		674.62
20/02/23	Hoo Hootsuite Inc	Memberships and subscriptions		658.90
20/02/23	LinkedIn	Memberships and subscriptions		37.61
24/02/23	LinkedIn	Memberships and subscriptions		61.53
27/02/23	City of Parth Parking	Parking Fees		5.05
28/02/23	iStock.com	Memberships and subscriptions		1,052.98
			Card total	**2,923.22**
Director Corporate and Strategy				
31/01/23	Dropbox	Memberships and subscriptions		592.50
02/02/23	WA News DTI	Memberships and subscriptions		28.00
			Card total	**620.50**
Director Works and Infrastructure				
16/02/23	WA Local Government Association	Conference expenses		70.00
20/02/23	City of Parth Parking	Parking Fees		13.12
			Card total	**83.12**
			Grand Total	**15,660.69**

City of Bayswater
Electronic Fund Transfers
for the period 1 February 2023 to 28 February 2023

Date	Description	Amount
		$
Municipal Account		
01/02/23	NAB Connect Fee	437.56
01/02/23	New Term Deposit	1,008,901.37
03/02/23	NAB Transact Fee	0.60
03/02/23	NAB Transact Fee	7.40
03/02/23	NAB Transact Fee	200.70
08/02/23	Wages	909,324.15
09/02/23	NAB Batch Fee	1.89
13/02/23	Wages	12,252.26
14/02/23	New Term Deposit	1,100,000.00
16/02/23	Bpay Batch Fee	3.15
21/02/23	New Term Deposit	2,871,934.93
21/02/23	New Term Deposit	1,043,131.41
22/02/23	Wages	909,828.77
24/02/23	NAB Bpay Batcj Fee	7.14
28/02/23	NAB Merchant Fee	63.39
28/02/23	NAB Merchant Fee	139.49
28/02/23	NAB Merchant Fee	1,005.37
28/02/23	NAB Merchant Fee	1,077.65
28/02/23	NAB Merchant Fee	1,219.56
28/02/23	NAB Bpay Charge Biller Fee	1,874.95
		7,861,411.74
Aged Persons Homes Account		
08/02/23	Juniper NH Benefits	712,174.74
14/02/23	Juniper NH Benefits	47,426.34
Total		8,621,012.82

10.2.3 Investment Report for the Period Ended 28 February 2023

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. Investment Register [**10.2.3.1** - 1 page] 2. Investment Summary [**10.2.3.2** - 1 page] 3. Investment Portfolio [**10.2.3.3** - 1 page]

SUMMARY

This report presents the City's Investment Portfolio for the period ended 28 February 2023.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council receives the Investment Portfolio Report for the period ended 28 February 2023 with investments totalling $99,143,682.06.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The purpose of this report is for Council to note the Investment Portfolio detailed in **Attachment 1, 2 and 3**.

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996,* a monthly report on the City's Investment Portfolio is to be presented to Council.

The City's Investment Policy details the manner in which the City is to manage the investment portfolio ensuring:

- a high level of security;
- an adequate level of diversification to spread risk; and
- sufficient liquidity to meet all reasonably-anticipated cash flow requirements (ready access to funds for daily requirements).

The City's investment portfolio (**Attachment 1, 2 and 3**) is spread across several financial institutions in accordance with the risk management guidelines as contained in the policy.

- Maximum Risk Exposure - The City policy sets a portfolio credit framework which limits the credit exposure of the City's investment to the following Standard & Poor's (S&P) rated banking institutions.

S&P Long-Term Rating	S&P Short-Term Rating	Maximum Risk Limit % Credit Rating
AAA	A-1+	100%
AA	A-1	100%
A	A-2	80%

This report is intended to not only meet the City's regulatory and policy obligations, but also to summarise how the City's funds have been invested and with which financial institution.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

Total investments for the period ended 28 February 2023 were $99,143,682.06.

Of the total investment portfolio, $54,009,725.79 is internally restricted and $2,829,209.96 externally restricted, to satisfy the City's legislative responsibilities and to set aside funds for future projects. The balance of the investment funds represents working capital and funding required for the City's 2022/23 operating and capital expenditure requirements.

LEGISLATIVE COMPLIANCE

Investment Policy applies. It is noted that the City currently has 4% in fossil fuel free investments.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Funds have been invested in accordance with the City's Investment Policy.	

FINANCIAL IMPLICATIONS

Income earned from investments is recognised in the City's financial statements.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

That Council receives the Investment Portfolio Report for the period ended 28 February 2023 with investments totalling $99,143,682.06.

City of Bayswater
Investment Register
Balance as at 28 February 2023

Investment Number	Bank	Lodgement Date	Maturity Date	Rate %	Principal $	Accrued Interest $	Maturity Interest $	Maturity Amount $
200788	National Australia Bank	02/11/22	07/03/23	3.76	2,109,857.53	25,646.62	27,168.03	2,137,025.56
200767	Westpac Bank	05/09/22	14/03/23	3.75	5,000,000.00	90,410.96	97,602.74	5,097,602.74
200778	Bendigo Bank	05/10/22	21/03/23	3.78	2,565,420.15	38,789.15	44,368.41	2,609,788.56
200797	National Australia Bank	06/12/22	28/03/23	3.83	1,850,000.00	16,306.36	21,741.81	1,871,741.81
200795	Suncorp Bank	15/11/22	04/04/23	3.90	1,600,000.00	17,950.68	23,934.25	1,623,934.25
200804	Commonwealth Bank	17/01/23	04/04/23	3.91	1,500,000.00	6,748.77	12,372.74	1,512,372.74
200803	Commonwealth Bank	11/01/23	11/04/23	4.09	2,023,757.81	10,885.04	20,409.46	2,044,167.27
200798	Commonwealth Bank	13/12/22	18/04/23	4.02	1,200,000.00	10,176.66	16,652.71	1,216,652.71
200805	Commonwealth Bank	17/01/23	18/04/23	4.07	1,000,000.00	4,683.29	10,147.12	1,010,147.12
200806	Commonwealth Bank	17/01/23	26/04/23	4.10	1,500,000.00	7,076.71	16,680.82	1,516,680.82
200807	Commonwealth Bank	17/01/23	02/05/23	4.12	2,000,000.00	9,481.64	23,704.11	2,023,704.11
200792	Suncorp Bank	08/11/22	09/05/23	4.30	1,000,000.00	13,194.52	21,441.10	1,021,441.10
200779	Westpac Bank	05/10/22	16/05/23	4.00	2,055,000.00	32,880.00	50,220.82	2,105,220.82
200793	Suncorp Bank	08/11/22	23/05/23	4.30	860,000.00	11,347.29	19,857.75	879,857.75
200811	Commonwealth Bank	01/02/23	23/05/23	4.16	750,000.00	2,307.95	9,488.22	759,488.22
200774	Westpac Bank	13/09/22	30/05/23	3.99	2,208,775.89	40,564.02	62,536.19	2,271,312.08
200808	Commonwealth Bank	17/01/23	06/06/23	4.23	1,000,000.00	4,867.40	16,224.66	1,016,224.66
200812	Commonwealth Bank	07/02/23	06/06/23	4.23	500,000.00	1,216.85	6,895.48	506,895.48
200768	Westpac Bank	05/09/22	13/06/23	4.10	3,000,000.00	59,309.59	94,693.15	3,094,693.15
200775	Westpac Bank	13/09/22	13/06/23	4.05	1,610,000.00	30,012.16	48,769.77	1,658,769.77
200813	Commonwealth Bank	16/02/23	20/06/23	4.32	1,100,000.00	1,562.30	16,143.78	1,116,143.78
200769	Westpac Bank	05/09/22	27/06/23	4.10	3,000,000.00	59,309.59	99,410.96	3,099,410.96
200816	Commonwealth Bank	21/02/23	04/07/23	4.34	1,100,000.00	915.56	17,395.67	1,117,395.67
200817	Commonwealth Bank	21/02/23	11/07/23	4.34	1,771,934.93	1,474.83	29,496.65	1,801,431.58
Muni General Funds Total					**42,304,746.31**	**497,117.94**	**807,356.40**	**43,112,102.71**
200739	Bendigo Bank	26/07/22	28/03/23	3.71	1,616,386.43	35,652.17	40,252.45	1,656,638.88
200748	Westpac Bank	17/08/22	25/04/23	3.80	5,162,055.53	104,796.80	134,892.29	5,296,947.82
200790	Suncorp Bank	02/11/22	09/05/23	4.22	2,349,960.30	32,059.90	51,078.48	2,401,038.78
200785	Suncorp Bank	19/10/22	16/05/23	4.10	1,867,974.40	27,697.20	43,853.90	1,911,828.30
200799	Commonwealth Bank	13/12/22	06/06/23	4.15	3,152,320.10	27,597.91	62,722.53	3,215,042.63
200809	Commonwealth Bank	17/01/23	27/06/23	4.31	2,678,005.04	13,281.44	50,912.18	2,728,917.22
200814	Commonwealth Bank	15/02/23	18/07/23	4.46	5,495,192.98	8,729.08	102,734.51	5,597,927.49
200821	Commonwealth Bank	21/02/23	25/07/23	4.48	1,043,131.41	896.24	19,717.18	1,062,848.59
Muni Reserve Total					**23,365,026.19**	**250,710.73**	**506,163.53**	**23,871,189.72**
200736	Commonwealth Bank	19/07/22	11/04/23	3.91	1,024,079.11	24,573.41	29,180.92	1,053,260.03
200749	Westpac Bank	17/08/22	25/04/23	3.80	602,679.39	12,235.22	15,748.92	618,428.31
200780	Westpac Bank	05/10/22	20/06/23	4.06	685,461.90	11,131.90	19,671.44	705,133.34
200822	ING Bank	28/02/23	08/08/23	4.50	516,989.56	-	10,261.89	527,251.45
Trust Specific Total					**2,829,209.96**	**47,940.53**	**74,863.18**	**2,904,073.14**
200734	Bank of Queensland	13/07/22	14/03/23	3.61	1,143,434.18	26,010.78	27,594.04	1,171,028.22
200753	Westpac Bank	17/08/22	25/04/23	3.80	1,434,938.69	29,131.22	37,497.11	1,472,435.80
200759	Westpac Bank	24/08/22	16/05/23	3.94	1,283,243.04	26,041.75	36,707.78	1,319,950.82
200781	Westpac Bank	05/10/22	06/06/23	4.06	1,104,507.43	17,937.20	29,977.24	1,134,484.67
200776	Westpac Bank	13/09/22	13/06/23	4.05	700,000.00	13,048.77	21,204.25	721,204.25
200800	Suncorp Bank	13/12/22	04/07/23	4.21	1,352,297.94	12,010.26	31,663.41	1,383,961.35
200815	Commonwealth Bank	15/02/23	15/08/23	4.57	1,711,599.65	2,785.92	38,788.60	1,750,388.25
200820	Commonwealth Bank	14/02/23	26/09/23	4.62	1,803,407.43	3,195.74	51,131.79	1,854,539.22
Aged General Funds Total					**10,533,428.36**	**130,161.63**	**274,564.22**	**10,807,992.58**
200801	National Australia Bank	13/12/22	13/06/23	4.15	44,307.89	387.91	916.87	45,224.76
Aged Mertome Gardens Total					**44,307.89**	**387.91**	**916.87**	**45,224.76**
200802	Commonwealth Bank	11/01/23	30/05/23	4.19	1,091,951.64	6,016.80	17,423.66	1,109,375.30
200818	Commonwealth Bank	21/02/23	27/06/23	4.34	1,275,062.27	1,061.27	19,102.88	1,294,165.15
Aged Prudential Requirements Reserve Total					**2,367,013.91**	**7,078.07**	**36,526.54**	**2,403,540.45**
200730	Bank of Queensland	06/07/22	28/03/23	3.60	3,878,554.45	90,662.54	101,373.72	3,979,928.17
200738	Commonwealth Bank	19/07/22	11/04/23	3.91	1,500,000.00	35,993.42	42,742.19	1,542,742.19
200746	Commonwealth Bank	09/08/22	02/05/23	3.74	1,095,044.12	22,777.52	29,846.40	1,124,890.52
200772	Westpac Bank	07/09/22	30/05/23	4.00	954,901.71	18,208.54	27,731.39	982,633.10
200782	Westpac Bank	05/10/22	20/06/23	4.06	4,036,241.21	65,548.56	115,832.38	4,152,073.59
200794	Suncorp Bank	08/11/22	11/07/23	4.35	2,072,319.37	27,661.21	60,508.89	2,132,828.26
200786	Westpac Bank	19/10/22	19/07/23	4.39	1,063,020.99	16,876.70	34,904.08	1,097,925.07
200819	Commonwealth Bank	21/02/23	01/08/23	4.48	3,099,867.59	2,663.34	61,256.78	3,161,124.37
Aged General Reserve Total					**17,699,949.44**	**280,391.81**	**474,195.84**	**18,174,145.28**
Total					**99,143,682.06**	**1,213,788.62**	**2,174,586.56**	**101,318,268.62**

City of Bayswater
Investment Summary
Balance as at 28 February 2023

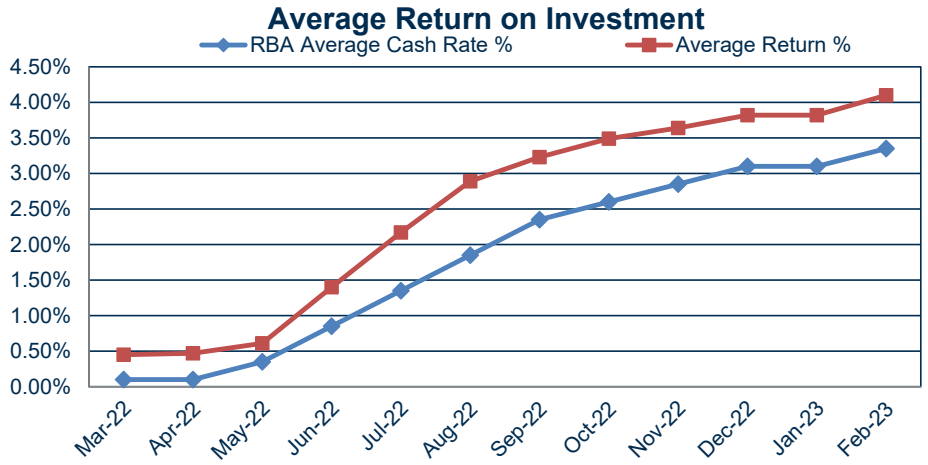
Investments By Maturity Date

Maturity Dates	Principal	Portfolio %	Number of Investments
Less than 30 days	$18,163,652.74	18%	7
Between 30 days and 60 days	$18,547,510.53	19%	11
Between 61 days and 90 days	$13,261,221.86	13%	9
Between 91 days and 180 days	$47,367,889.50	48%	27
Between 181 days and 1 year	$1,803,407.43	2%	1
Total	$99,143,682.06	100%	55

Allocation of Investments

S&P Rating (Short-term)	Bank	Amount Invested	Amount Invested %	Threshold %
A-1+	National Australia Bank	$4,004,165.42	4%	45%
A-1+	Westpac	$33,900,825.78	34%	45%
A-1+	Commonwealth Bank	$40,415,354.08	41%	45%
A-1	Suncorp	$11,102,552.01	11%	35%
A-2	Bank of Queensland	$5,021,988.63	5%	30%
A-2	Bendigo Bank **	$4,181,806.58	4%	30%
A-2	ING	$516,989.56	1%	30%
Total		$99,143,682.06	100%	

** Fossil fuel free investment



City of Bayswater
Investment Portfolio
Balance as at 28 February 2023

Source	Description	Total $	Internally restricted $	Externally restricted $
Municipal	Investment - CoB General Funds	42,304,746.31	-	-
	Investment - CoB Reserve	23,365,026.19	23,365,026.19	-
	Investment - Trust	2,829,209.96	-	2,829,209.96
Sub Total		**68,498,982.46**	**23,365,026.19**	**2,829,209.96**
Aged	Investment - Aged General Funds	10,577,736.25	10,577,736.25	-
	Investment - Prudential Requirements Reserve	2,367,013.91	2,367,013.91	-
	Investment - Aged General Reserve	17,699,949.44	17,699,949.44	-
Sub Total		**30,644,699.60**	**30,644,699.60**	**-**
Grand Total		**99,143,682.06**	**54,009,725.79**	**2,829,209.96**

10.2.4 2022/23 Statutory Mid-Year Budget Review

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	***ABSOLUTE MAJORITY REQUIRED* for limb 2**
Attachments:	1. MYR Financial Activity Statement 2022 23 [**10.2.4.1** - 1 page]

SUMMARY

- A Mid-Year Budget Review (the Review) is required to be undertaken in accordance with the Local Government (Financial Management) Regulations 1996.
- This report presents the results of the Review for the period 1 July 2022 to 31 December 2022 and highlights the significant positive and negative variations that require budget amendment.
- The revised closing position indicates a balanced budget.
- This report recommends that the Council notes the results of the Review, and by Absolute Majority, approves the recommended budget amendments required to the 2022-2023 Budget as a result of the Review.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council:

1. **Notes the 2022-23 Mid- Year Budget Review and attachments; and**
2. **Adopts the budget amendments to the Rate Setting Statement detailed in Attachment 1.**

ABSOLUTE MAJORITY REQUIRED

Cr Giorgia Johnson Moved, Cr Michelle Sutherland Seconded

CARRIED UNANIMOUSLY: 11/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The City of Bayswater reviews its actual versus budget position on an ongoing basis and a budget variation listing is submitted to Council in the monthly Statements of Financial Activity Report.

The Financial Management Regulations (33A) specify that Local Governments must at the least undertake a formal budget review between 1 January and 31 March each year, have it reviewed and adopted by the Council and submit the findings to the Department of Local Government, Sport and Cultural Industries. The City of Bayswater has undertaken the Review within this period based on the financial year to date revenue and expenditure position as at 31 December 2022.

DETAIL

A review of budgets has been undertaken by each of the responsible Managers, and then reviewed by Financial Services and the Executive Leadership Teams. As presented, the amended financial

position for the City as at 31 December 2022 will have no impact to the closing position. This is the net result of both positive and negative variances across both operating and capital budgets and funds to be set aside and funds to be used from specific purpose reserve accounts.

The following table is a summary of the 2022-2023 Mid-Year Review result, with positive variances shown as $xxx and negative variances shown as ($xxx) i.e. in red parentheses.

	Variance between Revised Budget and Budget Review $
Revenue from Operating Activities (excluding rates)	
Operating Grants, Subsidies and Contributions	(140,000)
Fees and Charges	(89,352)
Interest Earnings	1,012,048
Other Revenue	158,991
Expenditure from Operating Activities	
Employee Costs	823,114
Materials and Contracts	(666,592)
Utility Charges	(5,500)
Other Expenditure	10,000
Net Operating Variance	**1,102,709**
Investing Activities	
Purchase of plant and equipment	(75,200)
Purchase and construction of Infrastructure	(143,000)
Net Investing Variance	**(218,200)**
Financing Activities	
Net Reserve Fund Transfers	(884,509)
Net Financing Variance	**(884,509)**
Net Variance as at 31 December 2022 surplus/(deficit)	**0**

Key findings are shown below and amendments are shown in line with the Adopted Annual Budget format in **Attachment 1.**

Whilst the reporting levels adopted by the Council when adopting the 2022-2023 Budget, at its Special Council Meeting held on 18 July 2022, were 10% or $50,000 (whichever is greater), some commentary has been provided on variances less than these amounts where considered necessary to gain a full understanding of the amended net position resulting from the Mid-Year Review.

EXTERNAL CONSULTATION

No consultation has occurred with the public or other agencies on this matter.

FINANCIAL ACTIVITY STATEMENT COMMENTARY

The key material findings in the Operating Budget are outlined below:

Operating grants, subsidies and contributions - ($140,000) Negative Variance

- Crossover Contributions - $140,000 decrease due to significant contractor and materials supply issues which have in turn led to a reduction in crossover applications and income. This is offset by an equivalent reduction in expenditure as noted below.

Fees and charges - ($89,352) Negative Variance

- Development and Planning Approvals - $110,000 decrease due to lower number of applications received for the year.
- Instalments charges - $13,000 decrease as a result of fewer properties paying by instalments

- Electronic Advice of Sale statements (Orders and Requisitions) - $44,000 increase - revenue is higher than budget due to an increase in number of properties up for sale.
- Animal registration - $20,000 increase due to higher than estimated registrations.

Interest Income - Positive Variance $1,012,048

- Increase of $429,789 to interest income from investment of municipal funds due to significant increases to the market interest rate after the 2022-2023 budget adoption.
- Increase of $582,259 to interest income from investment of reserve funds due to significant increases in the market interest rate after the 2022-2023 budget adoption. This interest will be transferred to reserves.

Other Revenue - Positive Variance $158,991

- Workers' compensation claim reimbursement - $70,000
- Additional commission income of $77,078 from the commercial disposal at the City's transfer station. This will be transferred to the General Waste Management Reserve
- Other miscellaneous adjustments - $11,913

Employee costs - Positive Variance $823,114

- At the time of writing this report there were 33 vacant positions although many were close to being filled. This is a significant number and is reflective of the staff turnover being more than 20%. The high vacancy rate throughout the first part of the year and the difficulty in recruiting to positions is also adding additional time to the recruitment process with some positions being advertised multiple times.
- As a result of the above the reduction in employee costs across the City is $823,114. This reduction in expenditure is offset by the use of additional agency staff costing $493,750, resulting in a net budget impact of $329,364. The bulk of the additional agency costs are in the parks and gardens area.

Materials and Contracts – Negative Variance ($666,592)

Material Adjustments:

- Business Systems – additional funding required for Microsoft licences totalling $102,741 as approved by OCM dated 06 December 2022.
- Subscription for procurement of data loss prevention– additional funding required $25,000.
- Community engagement – Additional funding of $27,375 required for business survey to be included in perception survey
- Crossover expenditure is lower than anticipated resulting in a decrease of $140,000 that will be offset by reduced crossover contributions.
- Plant and Equipment Maintenance – additional $151,000 for:
  - Fuel - $136,000 over budget due to higher than anticipated fuel costs
  - Tyres - $15,000 over budget due to higher than expected prices.
- Agency expenses as explained above show a $329,614 increase which relates mainly to Parks and Gardens. This is offset by a reduction in employee costs.
- Waves operations is under budget with $65k related to contractor maintenance that has been delayed due to contractor supply issues.
- Legal Costs – An additional budget of $94,000 is required with $64,000 relating to Planning matters including a SAT case.

Utility Charges - Negative Variance ($5,500)

- Utility costs are currently under budget, and any savings from utilities will be transferred into the Emission Reduction and Renewable Energy Plan.

Insurance Expenditure - Positive Variance $10,000

- Minor budget decrease based on year-to date actuals.

Purchase of Property Plant and Equipment - Negative Variance ($75,200)

Noteworthy Adjustments:

- Replacement of the hot water system at The Rise requires an additional budget allocation of $65,000
- Upgrades to the Council Chamber ($30,200) and wireless microphone system in the Embleton Room ($35,000)
- The LED light retrofit of the Morley Sports and Recreation Club was completed in the previous financial year resulting in reduced budget of $75,000

Purchase and construction infrastructure - Negative Variance ($143,000)

Noteworthy Adjustments:

- An additional budget allocation of $120,000 for improvements at the Paddy Walker Depot. Since the original budget was scoped and estimated there has been a significant increase in contractor and material costs.
- An additional budget allocation of $53,000 that mainly relates to ongoing legal expenses ($35,000) for the 'Design of slip lane at 60 Russell Street corner Walter Road' project.

Reserve Transfers - Negative Variance ($884,509)

Although reported as a negative variance, being able to transfer funds to reserves is a good outcome. The noteworthy transfers include:

- Additional interest income of $582,259 from the higher than expected interest rates being set aside to various reserves.
- The Morley Sports and Recreation Club project which was finalised last financial year had been allocated $75,000 from reserve which is no longer required.
- Overall savings in the review allowed for a net $157,000 to be transferred to the Major Capital Works Development Reserve to help fund future projects.
- The additional commission income regarding commercial disposal at the City's transfer station of $77,078 has been transferred to the General Waste Management Reserve

The anticipated carry forward of capital projects is being undertaken as part of the annual budget process. Any projects identified to be carried forward to 2023-24 do not impact on the mid-year review and are simply re-budgeted as part of the opening balance.

LEGISLATIVE COMPLIANCE

Local Government Act 1995.

Local Government (Financial Management) Regulations 1996, regulation 33A.

The mid-year budget review analysis has been carried out in accordance with the relevant statutory requirements and in consultation with operational officers.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Based on the detailed assessment undertaken by officers, Council adoption of the 2022/23 statutory budget review for the period ended 31 December 2022 authorisation of the budget adjustments is considered appropriate. This will ensure the City meets the legislative reporting timeline and continues to manage the budget in an appropriate manner.	

FINANCIAL IMPLICATIONS

After considering the various positive and negative variances and Reserve Funds adjustments, the mid-year Budget Review has identified an overall balanced budget after Reserve transfers.

However, this is based on the accrual accounting concept and not necessarily reflective of the cash position. The cash position of the City will continue to be monitored to ensure there is adequate cash flow to fund operations.

Furthermore, it must be noted that a balanced budget has been maintained by redirecting many short-term budget surpluses in the form of employment cost savings from vacant positions and temporary underspends in maintenance budgets for civil assets and natural areas and parks towards many funding requests that create ongoing additional funding commitments to the foreseeable future.

While in the short term this approach presents as practical, a continuation of similar measures in the longer term is not recommended due to being financially unsustainable. A key focus of the current review of the Long-Term Financial Model and Plan will be ensuring the City is operating in a sustainable manner over the long term.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes

CONCLUSION

The Budget Review has identified several areas requiring budget amendments. Overall, the net impact of the 2022-2023 Budget Review is represented by a balanced budget after Reserve transfers.

The Budget review is recommended to Council for adoption.

City of Bayswater
Financial Activity Statement
for the period 1 July 2022 to 31 December 2022

	Variance	MYBR Updated Budget	Budget	Amended Budget	YTD Amended Budget	YTD Actual
			$	$	$	$
Net current assets at start of year - surplus/(deficit)	0	7,405,952	7,405,952	7,405,952	7,405,952	12,612,756
Operating activities						
Revenue from operating activities (excludes rates)						
Operating grants, subsidies and contributions	(140,000)	3,415,060	3,534,328	3,555,060	603,730	614,983
Fees and charges	(89,352)	22,505,352	22,594,704	22,594,704	18,092,999	18,162,856
Interest earnings	1,012,048	2,368,110	1,356,062	1,356,062	874,884	1,419,110
Other revenue	158,991	980,422	821,431	821,431	457,517	525,792
Profit/(Loss) on asset disposal	0	41,027	41,027	41,027	41,027	0
	941,687	29,309,971	28,347,552	28,368,284	20,070,156	20,722,741
Expenditure from operating activities						
Employee costs	823,114	(38,230,945)	(39,054,059)	(39,054,059)	(19,736,941)	(17,944,513)
Materials and contracts	(666,592)	(42,059,468)	(41,386,144)	(41,392,876)	(15,037,997)	(13,809,989)
Utility charges	(5,500)	(3,393,356)	(3,387,856)	(3,387,856)	(1,690,836)	(1,578,224)
Depreciation and amortisation	0	(11,853,404)	(11,853,404)	(11,853,404)	(6,058,326)	(6,061,611)
Insurance expenses	10,000	(1,045,300)	(1,055,300)	(1,055,300)	(1,025,300)	(1,019,628)
Other expenditure	0	(679,425)	(665,425)	(679,425)	(121,237)	(192,127)
Interest expenses	0	(353,690)	(353,690)	(353,690)	(82,264)	(71,001)
Profit/(Loss) on asset disposal	0	(353,161)	(353,161)	(353,161)	(294,678)	0
	161,022	(97,968,749)	(98,109,039)	(98,129,771)	(44,047,579)	(40,677,093)
Adjusted for Non-Cash Items	0	12,216,778	12,216,778	12,216,778	6,322,597	5,318,614
Amount attributable to operating activities	1,102,709	(47,529,680)	(48,632,389)	(48,632,389)	(10,357,691)	(849,192)
Investing activities						
Non-operating grants, subsidies and contributions	0	11,827,498	11,827,498	11,827,498	3,508,514	1,265,171
Purchase of property, plant and equipment	(75,200)	(16,845,292)	(16,770,092)	(16,770,092)	(6,567,374)	(1,580,588)
Purchase and construction of infrastructure	(143,000)	(16,661,864)	(16,458,864)	(16,518,864)	(6,780,935)	(4,250,573)
Purchase of intangible assets	0	(800,000)	(800,000)	(800,000)	(365,600)	(400,724)
Purchase of assets held for sale	0	(1,000,000)	(1,000,000)	(1,000,000)	0	(69,327)
Proceeds from disposal of assets	0	2,350,700	2,350,700	2,350,700	1,112,000	659,239
Proceeds from self-supporting loans	0	1,329	1,329	1,329	1,329	1,330
Amount attributable to investing activities	(218,200)	(21,127,629)	(20,849,429)	(20,909,429)	(9,092,066)	(4,375,473)
Financing activities						
Proceeds from loans	0	14,140,000	14,140,000	14,140,000	6,857,665	0
Repayment of borrowings	0	(571,259)	(571,259)	(571,259)	(143,693)	(143,693)
Payment for principal portion of lease liability	0	(126,595)	(126,595)	(126,595)	(126,595)	(94,143)
Transfer to reserves	(937,509)	(5,519,787)	(4,582,278)	(4,582,278)	(2,017,357)	(827,104)
Transfer from reserves	53,000	6,344,340	6,231,340	6,291,340	1,668,250	0
Amount attributable to financing activities	(884,509)	14,266,699	15,091,208	15,151,208	6,238,270	(1,064,941)
Budget deficiency before general rates	0	(54,390,610)	(54,390,610)	(54,390,610)	(13,211,487)	(6,289,606)
Estimated amount to be raised from general rates	0	54,390,610	54,390,610	54,390,610	54,182,240	54,232,223
Adjusted net current assets at the end of the year - surplus/(deficit)	0	(0)	(0)	(0)	40,970,752	47,942,617

10.3 Works and Infrastructure Directorate Reports

10.3.1 EMRC Council Meeting Minutes - 23 February 2023

Responsible Branch	Sustainability, Environment and Waste
Responsible Directorate:	Works and Infrastructure
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority Required
Attachments:	1. EMRC Cash and Investments Report - November 2022 [**10.3.1.1** - 1 page]

SUMMARY

For Council to receive the Unconfirmed Minutes, Information Bulletin, and Cash and Investments Reports for November 2022, from the Eastern Metropolitan Regional Council's Ordinary Meeting held on 23 February 2023.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council receives the Unconfirmed Minutes, Information Bulletin, and Cash and Investments Report for November 2022, from the Eastern Metropolitan Regional Council's (EMRC) Ordinary Meeting held on 23 February 2023.

Cr Dan Bull Moved, Cr Steven Ostaszewskyj Seconded

CARRIED UNANIMOUSLY: 11/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull, Cr Lorna Clarke and Cr Giorgia Johnson.***

Against: ***Nil.***

Cr Michelle Sutherland noted that she was not in attendance at the EMRC meeting held 23 February 2023 as described in the officer's report.

BACKGROUND

The EMRC held a Council Meeting on 23 February 2023 with Cr Steven Ostaszewskyj and Cr Michelle Sutherland in attendance.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

The purpose of the report is to provide Council with information detailing the items with implications for the City of Bayswater from the EMRC Council Meeting of 23 February 2023.

A full copy of the unconfirmed meeting Minutes and accompanying Information Bulletin can be viewed on the EMRC website:
Council Minutes » Eastern Metropolitan Regional Council (emrc.org.au)

A copy of the Cash and Investments Reports for November 2022 is shown at **Attachment 1**.

Issues considered at the meeting which may impact, or be of interest to, the City of Bayswater are:

- Contribution to Participating Member Councils for the Implementation of Food Organics and Garden Organics (FOGO) *(page 184 of Unconfirmed Minutes)*
- Request for Tender RFT 2022-008 – Provision of Mattress Collection and Recycling Services *(page 187 of Unconfirmed Minutes)*
- 2022/2023 Council Tonnage Comparisons as at 31 January 2023 *(page 31 – Information Bulletin)*
- Sustainability Team Update – October to December 2022 *(page 64 - Information Bulletin)*

LEGISLATIVE COMPLIANCE

Not applicable.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Low	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Low	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This report is provided for information purposes only.	

FINANCIAL IMPLICATIONS

As detailed in the attached Minutes.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Environment and Liveability
Goal E4:	Lessen the City's Impact on the environment through its buildings, infrastructure, services and targets, such as zero emissions by 2040, and empower the community to live sustainably.
Goal E5:	Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.

CONCLUSION

For Council to receive the Unconfirmed Minutes, Information Bulletin, and Cash and Investments Reports for November 2022, from the Eastern Metropolitan Regional Council's Ordinary Meeting held on 23 February 2023.

CASH AND INVESTMENTS
NOVEMBER 2022

Actual June 2022	Actual Year to Date	(F) = Favourable variation (U) = Unfavourable variation	Full Year Forecast	Full Year Budget	Full Year Variance	
		Municipal Cash and Investments				
5,816,060	5,702,888	Cash at Bank - Municipal Fund 01001/00	2,006,230	2,006,230	0	(F)
4,050	4,050	Cash on Hand 01019/00 - 02	4,050	4,050	0	(F)
18,270,369	17,021,690	Investments - Municipal Fund 02021/00	22,660,078	22,660,078	0	(F)
24,090,479	**22,728,628**	**Total Municipal Cash**	**24,670,358**	**24,670,358**	**0**	**(F)**
		Restricted Cash and Investments				
2,207,861	2,215,615	Restricted Investments - Plant and Equipment 02022/01	10,681	10,681	0	(F)
4,509,687	4,525,524	Restricted Investments - Post Closure Site Rehabilitation Red Hill 02022/02	4,964,929	4,964,929	0	(F)
20,460,811	20,532,668	Restricted Investments - Future Development 02022/03	13,134,832	13,134,832	0	(F)
2,107,483	2,114,885	Restricted Investments - Environmental Monitoring Red Hill 02022/04	2,300,936	2,300,936	0	(F)
742,057	744,663	Restricted Investments - Class IV Cells Red Hill 02022/07	879,352	879,352	0	(F)
17,764,498	17,876,335	Restricted Investments - Secondary Waste Processing 02022/09	16,286,784	16,286,784	0	(F)
2,535,771	2,544,676	Restricted Investments - Class III Cells 02022/10	2,120,087	2,120,087	0	(F)
5,345,394	5,364,167	Restricted Investments - EastLink Relocation 02022/13	5,343,168	5,343,168	0	(F)
253,152	546,994	Restricted Investments - Accrued Interest 02022/19	349,503	349,503	0	(F)
1,056,069	1,059,778	Restricted Investments - Long Service Leave 02022/90	1,086,614	1,086,614	0	(F)
56,982,783	**57,525,304**	**Total Restricted Cash**	**46,476,886**	**46,476,886**	**0**	**(F)**
81,073,262	**80,253,932**	**TOTAL CASH AND INVESTMENTS**	**71,147,244**	**71,147,244**	**0**	**(F)**

The Cash at Bank - Municipal Fund represents the balance on the last day of the relevant month. Any portion of the balance available for investment is transferred into the Investment - Municipal Fund account in the following period. Funds held in the Cash at Bank - Municipal Fund continue to accrue interest as per the Westpac commercial rates.

10.4 Community and Development Directorate Reports

Nil.

10.5 Major Projects and Commercial Activities Directorate Reports

10.5.1 Proposed Temporary Road Closure - Railway Parade, Bayswater

Applicant/Proponent:	Evolve Bayswater Alliance/Public Transport Authority
Responsible Branch:	Major Projects
Responsible Directorate:	Major Projects and Commercial Activities
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Consultation Letter [**10.5.1.1** - 2 pages] 2. Public Notice [**10.5.1.2** - 1 page] 3. CONFIDENTIAL - Submissions Received [**10.5.1.3** - 8 pages] 4. Proposed Temporary Traffic Measures [**10.5.1.4** - 1 page]

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

(b) the personal affairs of any person;

CR LORNA CLARKE DECLARED A PROXIMITY INTEREST

In accordance with section 5.60b of the Local Government Act 1995, Cr Lorna Clarke declared a proximity interest in this item as her house is opposite the proposed area for change.

CR JOSH EVESON DECLARED A PROXIMITY INTEREST

In accordance with section 5.60b of the Local Government Act 1995, Cr Josh Eveson declared a proximity interest as his residence will be impacted by the proposed bus route.

At 7:36pm, Cr Lorna Clarke and Cr Josh Eveson withdrew from the Council Chambers and did not participate in consideration or voting on this item.

SUMMARY

For Council to endorse the temporary road closure, following advertising of:

- Railway Parade between Coode Street and Drake Street for a four month period from 31 March to 31 July 2023; and
- Railway Parade between Coode Street and Rose Avenue for a continuous 15-month period from 31 March 2023 to 30 June 2024.

The proposed closure is part of the construction works associated with the METRONET Bayswater Train Station Project.

OFFICER'S RECOMMENDATION

That Council:

1. In accordance with Section 3.50 of the *Local Government Act 1995*, conditionally endorses the temporary full road closure of Railway Parade, Bayswater, between Coode Street and Drake Street from 31 March to 31 July 2023.
2. In accordance with Section 3.50 of the *Local Government Act 1995*, conditionally endorses the temporary full road closure of Railway Parade, Bayswater, between Coode Street and Rose Avenue for a continuous 15-month period from 31 March 2023 to 30 June 2024.

3. Advises Evolve Bayswater that Limbs 1 and 2 are subject to the implementation of the following temporary traffic measures at their cost to the satisfaction of the City during the closure:
   (a) Temporary traffic calming measures being installed and maintained on impacted local roads, including, but not limited to, Burnside Street, Copley Street, Francis Street, Drake Street, Hudson Street, Skew Road and Foyle Road;
   (b) Temporary/alternative vehicle access and maintenance vehicle access to 78-80 Railway Parade, Bayswater (Bayswater Hotel); and
   (c) Temporary vehicle access and waste collection arrangements to:
      (i) All residents on Rose Avenue, Bayswater; and
      (ii) 86–90 Railway Parade, Bayswater (Department of Housing).
   (d) Amendments and installation of additional traffic calming measures will be monitored and considered as required during the closure period.
4. Advises affected residents, businesses and service authorities accordingly.

Cr Sally Palmer advised she would like to move the officer's recommendation with amendments.

PROCEDURAL MOTION

In accordance with clause 11.7 of the *City of Bayswater Standing Orders Law 2021,* Cr Filomena Piffaretti, Mayor, moved that the meeting be adjourned for five minutes to allow Cr Palmer time to put her motion in writing.

Cr Filomena Piffaretti, Mayor Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 7/2

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Sally Palmer and Cr Michelle Sutherland.***

At 7:40pm, the meeting closed to the public and the livestream was suspended.

At 7:51pm, the meeting opened to the public and the livestream resumed.

MOTION

That Council adopts the officer recommendation with the following amendments;

1. Limb 3 subsections (a) and (d) be amended as follows;

(a) "Temporary traffic calming measures and, where considered appropriate, additional footpaths being installed and maintained on impacted local roads, including, but not limited to, Burnside Street, Copley Street, Francis Street, Drake Street, Hudson Street, Skew Road, Cantlebury Road and Foyle Road;" and

(d) "Amendments and installation of additional traffic calming measures and footpaths will be monitored and considered as required during the closure period."

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded.

CR MICHELLE SUTHERLAND DECLARED A PROXIMITY INTEREST

In accordance with section 5.60b of the Local Government Act 1995, Cr Michelle Sutherland declared a proximity interest in this item as she owns property in the area now included in the alternative motion.

At 7:51pm, Cr Michelle Sutherland withdrew from the Council Chambers and did not participate in any further consideration or voting on this item.

AMENDMENT

That the following words be added to the end of limb 3(a): "…with the temporary treatments to be removed within 14 days of the Whatley Crescent – Beechboro Road connection being opened, with the exception of Drake Street;"

Cr Catherine Ehrhardt, Deputy Mayor Moved

As the amendment was accepted by the mover and seconder it became part of the substantive motion.

AMENDMENT

That limb 3 be amended as follows;

"Advises Evolve Bayswater that Limbs 1 and 2 are subject to the implementation of the following temporary traffic measures and additional footpaths at their cost to the satisfaction of the City during the closure:"

Cr Filomena Piffaretti, Mayor Moved, Cr Sally Palmer Seconded.

As the amendment was accepted by the mover and seconder, it became part of the substantive motion.

COUNCIL RESOLUTION

That Council:

1. **In accordance with Section 3.50 of the *Local Government Act 1995*, conditionally endorses the temporary full road closure of Railway Parade, Bayswater, between Coode Street and Drake Street from 31 March to 31 July 2023.**
2. **In accordance with Section 3.50 of the *Local Government Act 1995*, conditionally endorses the temporary full road closure of Railway Parade, Bayswater, between Coode Street and Rose Avenue for a continuous 15-month period from 31 March 2023 to 30 June 2024.**
3. **Advises Evolve Bayswater that Limbs 1 and 2 are subject to the implementation of the following temporary traffic measures and additional footpaths at their cost to the satisfaction of the City during the closure:**
   - **(a) Temporary traffic calming measures and, where considered appropriate, additional footpaths being installed and maintained on impacted local roads, including, but not limited to, Burnside Street, Copley Street, Francis Street, Drake Street, Hudson Street, Skew Road, Cantlebury Road and Foyle Road with the temporary treatments to be removed within 14 days of the Whatley Crescent – Beechboro Road connection being opened, with the exception of Drake Street;**

(b) Temporary/alternative vehicle access and maintenance vehicle access to 78-80 Railway Parade, Bayswater (Bayswater Hotel); and

(c) Temporary vehicle access and waste collection arrangements to:

(i) All residents on Rose Avenue, Bayswater; and

(ii) 86–90 Railway Parade, Bayswater (Department of Housing).

(d) Amendments and installation of additional traffic calming measures and footpaths will be monitored and considered as required during the closure period.

4. Advises affected residents, businesses and service authorities accordingly.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 7/1

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Catherine Ehrhardt, Deputy Mayor, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Elli Petersen-Pik.***

REASON FOR CHANGE

To include Cantlebury Road in the impacted roads and to ensure that appropriate footpaths are available on the impacted local roads.

To ensure the temporary treatments to be removed in a timely manner following the completion of works and the areas reinstated.

It should be noted that the Drake Street treatments may need to be in place a little longer as time will be needed to reinstate the permanent treatments which need to be modified to accommodate buses during the closure period

At 8:05 pm, Cr Lorna Clarke, Cr Josh Eveson and Cr Michelle Sutherland rejoined the meeting.

BACKGROUND

At the Councillor Briefing held on 14 February 2023, prior to the Minister for Transport, the Hon. Rita Saffioti, MLA, announcing the 26-day closure of the Midland and Airport rail lines, Council were advised of the upcoming rail shutdown and proposed road closures to facilitate the construction works for the METRONET new Bayswater Train Station and Morley-Ellenbrook Line projects.

The 26-day shutdown of both of the rail lines commences from Friday, 31 March 2023 to Wednesday, 26 April 2023. During the shutdown period, intensive rail construction works will take place operating 24 hours, 7 days a week throughout this duration. Some of these works include:

- Removal of 1.8 kilometres of existing rail track including ballasts and sleepers;
- Construction of new rail track including cutting and welding of rail lines for the new rail alignment;
- Leake Street pedestrian underpass upgrade;
- Installation of turnback and rail infrastructure;

- Removal and installation of overhead line equipment including cabling and wires;
- Testing of new rail equipment and their connection to the rail network;
- Demolition of the existing Bayswater bridge and the existing station platform;
- Piling and abutment works for the remaining two new rail bridges (Bridge 3 and 4); and
- Piling works for the viaduct on the Morley-Ellenbrook Line.

The Bayswater Train Station will be closed during this period and will remain closed to September 2023 to complete platform works for the new station. During this period, Transperth will provide rail replacement buses and METRONET will provide a free shuttle service between Meltham and Bayswater stations until the Bayswater Station reopens. To ensure the new Bayswater Train Station works are undertaken in a safe and efficient manner, a number of road closures are needed to be implemented leading up to and during the rail shutdown period, as well as following the shutdown period.

Further to a number of short-term road closures, a long-term temporary road closure of a portion of Railway Parade is proposed. Evolve Bayswater Alliance (Evolve) has written to the City requesting temporary closure of a portion of Railway Parade from March 2023 for 15 months to facilitate works associated with the construction of the new Bayswater Station. The works that will be undertaken include:

- Construction of the two additional new bridges including bridge spans, columns and abutments;
- Installation of a new water main and decommissioning of the existing;
- Construction of new bus interchange;
- Construction of new road layout including Beechboro Road South tie-in to Whatley Crescent;
- Installation of new drainage underground tanks; and
- Landscaping works.

The figure below shows the extent of proposed road closure of Railway Parade in red.

EXTERNAL CONSULTATION

The City undertook formal consultation inviting comments as required under Section 3.50 of the *Local Government Act 1995* which included the following:

1. Letters sent to Main Roads Western Australia (MRWA), WA Police, Department of Fire and Emergency Services (DFES), Town of Bassendean, service authorities and all property owners and occupiers **(Attachment 1)** as shown below advising them to provide comment on the proposed temporary closure.

2. The City's website in the Public Notices **(<u>Attachment 2</u>)** section.

3. The City's community engagement website (*Engage Bayswater*) where information and maps of proposed closure details were uploaded and the community were able to provide online feedback. The METRONET website had also provided a link to Engage Bayswater.

The comment period closed on 10 March 2023 and the City received 90 submissions from Engage Bayswater and three via email.

In addition to the above, METRONET had also undertaken the following community engagement to advise the community of the proposed road and rail closures:

- Letter to properties around the Bayswater Station;
- Advertising through various media (outdoor, press, radio, digital);
- Community Advisory Group (CAG) meeting;
- Transperth passenger engagement at Bayswater Station;
- Community drop-in session held on Thursday, 9 March 2023; and
- Engagement with impacted residents/businesses.

OFFICER'S COMMENTS

With the announcement of the rail shutdown for 26 days to safely undertake major works, road closures along Whatley Crescent, King William Street and Railway Parade, as well as, the King William Street/Whatley Crescent intersection have been identified as needed to progress the works. Several short-term road closures prior to and during the rail shutdown are required on sections of these roads to facilitate the following works:

Pre-rail shutdown (24 to 31 March 2023)

(a) Full closure of Railway Parade between Coode Street and Drake Street to all vehicles and cyclists for rail shutdown preparation works including installation of construction fencing and stockpiling of earthworks and rail materials. Access to Rose Avenue and the train station will be maintained during this period.

(b) Partial closure of Whatley Crescent (eastbound) between King William Street and Garratt Road to all vehicles.

Rail shutdown (31 March to 26 April 2023)

(a) Full closure of Railway Parade between Coode and Drake Street to all vehicles. Access to Rose Avenue will be maintained, however, there will be no access to the train station as there will not be any trains running during this period.

(b) Partial closure of Whatley Crescent eastbound between King William Street to Garratt Road to all vehicles for the rail shutdown works as well as for the completion of the Leake Street underpass.

Old Bayswater Bridge Demolition Works (14 to 17 April 2023)

The demolition and removal of the old Bayswater Bridge will take place during the rail shutdown period.

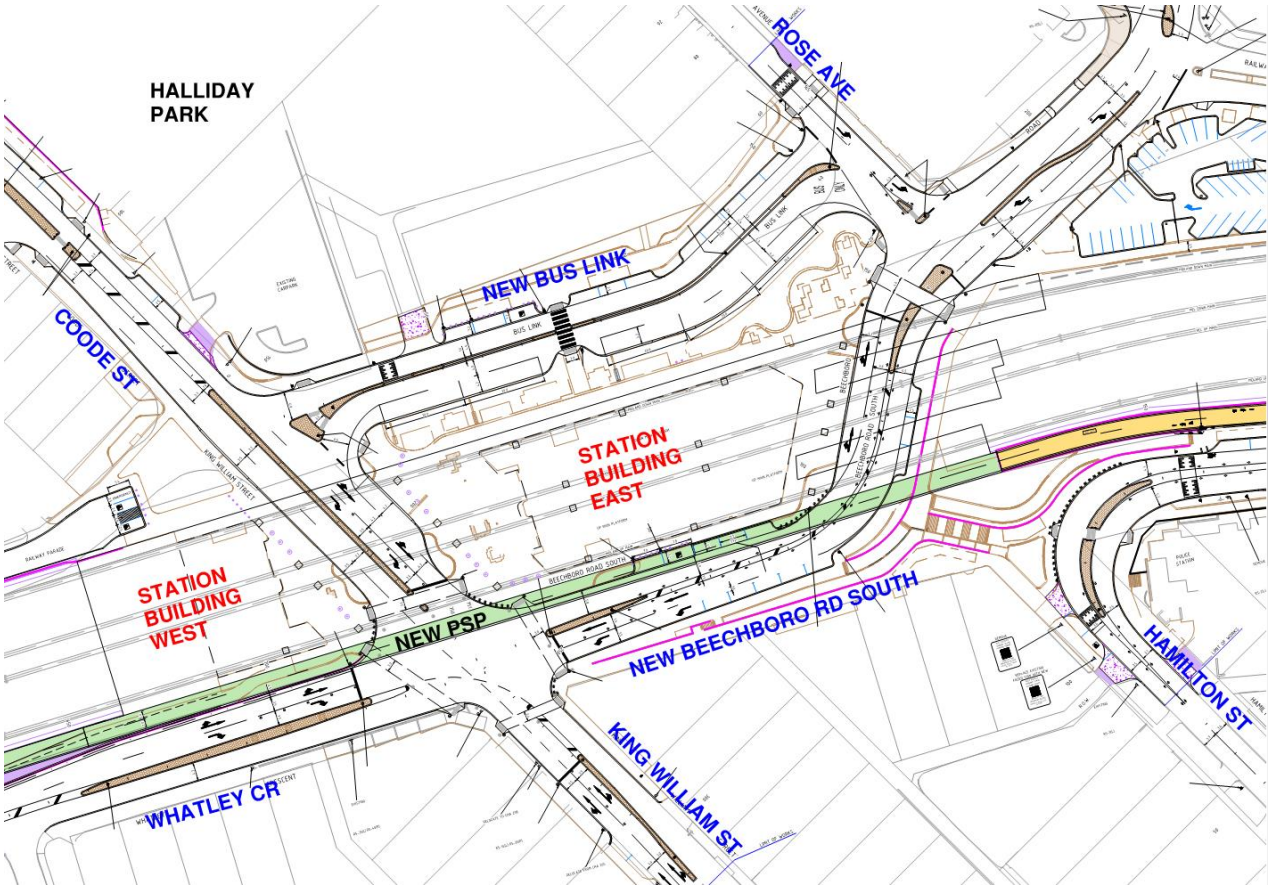
(a) Full closure of the King William Street/Whatley Crescent intersection to all vehicles, cyclists and pedestrians to undertake the demolition and removal of the old bridge.

(b) Partial closure of Whatley Crescent eastbound between King William Street to Garratt Road to all vehicles. The PSP detour will be rerouted via the finished Leake Street underpass.

(c) Full closure of Railway Parade between Coode and Drake Street to all vehicles, pedestrians and cyclists.

(d) Partial closure of Coode Street between Broun Avenue and Railway Parade under local traffic only access set up.

Following the completion of the above closures, the long-term temporary closure of Railway Parade will be required to complete the Station building and platform works, the new bus interchange, realignment of Railway Parade and permanent modifications to the road network. The ultimate layout of the new road network is shown below.



Although this closure will have a significant impact on the existing traffic, pedestrians and some residential access within the Bayswater Town area and immediate surrounds, the closure of this portion of Railway Parade is necessary as it is currently sitting on the new bus interchange area. This closure will enable the removal of the existing Railway Parade formation which will then facilitate the construction of the new road formation in the new alignment and design level.

Following the consultation period, a total of 98 submissions were received **(Attachment 3)** and a summary of the main themes arising from the submissions are listed below.

MAIN THEME	OFFICER'S RESPONSE
Significant impact to the Bayswater town area	The City acknowledges the impact the closure will have on residents and businesses. METRONET have advised that they will make every effort to reduce the level of impact to residents and all work will comply with the Noise and Vibration Management Plans. METRONET have also advised that they will provide the following: • Free shuttle bus service between Meltham and Bayswater Stations until the Bayswater Station reopens. • Free SmartRider travel for all existing, regular Bayswater passengers. • Respite/relocation offer to identified residents close to construction works.
Complete New Beechboro Road South connection to Whatley Crescent prior to the closure	METRONET had indicated that the safest and quickest way to get the project complete is to undertake these road closures for major rail line works prior to the connection of Beechboro Road South into Whatley Crescent. Following further discussions with METRONET however, they have now revised the duration of the closure and the completion of

MAIN THEME	OFFICER'S RESPONSE
	the connection road to Whatley Crescent is expected to be completed by the end of July 2023.
Road closure is too long	As indicated above, METRONET has now revised the scheduling of works such that the New Beecboro Road South connection to Whatley Crescent will be in place by the end of July 2023. Although the temporary long-term closure of Railway Parade between Coode Street and Drake Street will still be required to remain in place, to complete the rail and road works, the majority of vehicle access requirements will not be impeded following the opening of the new road connection.
Compensation for local businesses and others affected	METRONET has advised that consideration for compensation will be treated on an individual basis following the prescribed process. Any claims made to the Alliance will be reviewed and assessed by METRONET accordingly.
Where will the traffic be detouring	Major traffic will be detoured along the main arterial routes of Coode Street, Collier Road, Guilford Road, Grand Promenade, Garratt Road and Broun Avenue. Local traffic, where affected, will be detoured onto the arterial routes via Railway Parade, Whatley Crescent and Clavering Road.
Rat-Running	The rat-running issues raised relate to both regional through traffic as well as local traffic using the local road network to their destinations, bypassing the designated detour routes on the arterial roads. Due to the considerable distance on some of the proposed detour routes, residents have expressed concerns with the amount of traffic that is likely to increase on roads such as Burnside Street, Copley Street, Francis Street, Drake Street, Skew Road and Hudson Street. As a result the City is proposing traffic calming on local roads to discourage their use.
Pedestrian Access from north	Although pedestrian access will be constricted during the closure, it will still be maintained to enable pedestrians to access the town site on the south side of the rail from Railway Parade.

Of the 98 respondents, 56 indicated they did not support the closure, 18 indicated they did support and the remaining 24 did not indicate a clear decision for the closures.

Although these closures will cause significant impact to residents, businesses and pedestrians within the Bayswater town site, they are required to undertake the works necessary. The closures will ensure efficient work progress in removing and installing the new bridge and will also provide the safest work environment for the project and the public. As part of these closures, officers have reviewed the proposed construction scope of works and the possibility to reduce the duration of the road closure period or to minimise the extent of closures with the intention to keep the level of impact to the surrounding residents and businesses to a minimum. As part of the assessment of Evolve's traffic management plan, officers have also identified potential streets where road users may travel to avoid the determined detour route.

Road Closure Period

As indicated in the consultation summary table above, it is necessary for METRONET to close Railway Parade from Coode Street to Drake Street to construct Bridge 3 and Bridge 4 and to complete the New Beechboro Road South connection to Whatley Crescent including all the associated piling and abutment works. Following subsequent discussions with METRONET, the duration of the closure has now been revised with the expected completion of the connecting road to Whatley Crescent to be by the end of July 2023. Although the section of Railway Parade between Coode Street and Rose Avenue will remain closed, the new connecting road will allow traffic access through the town site and onto other arterial roads.

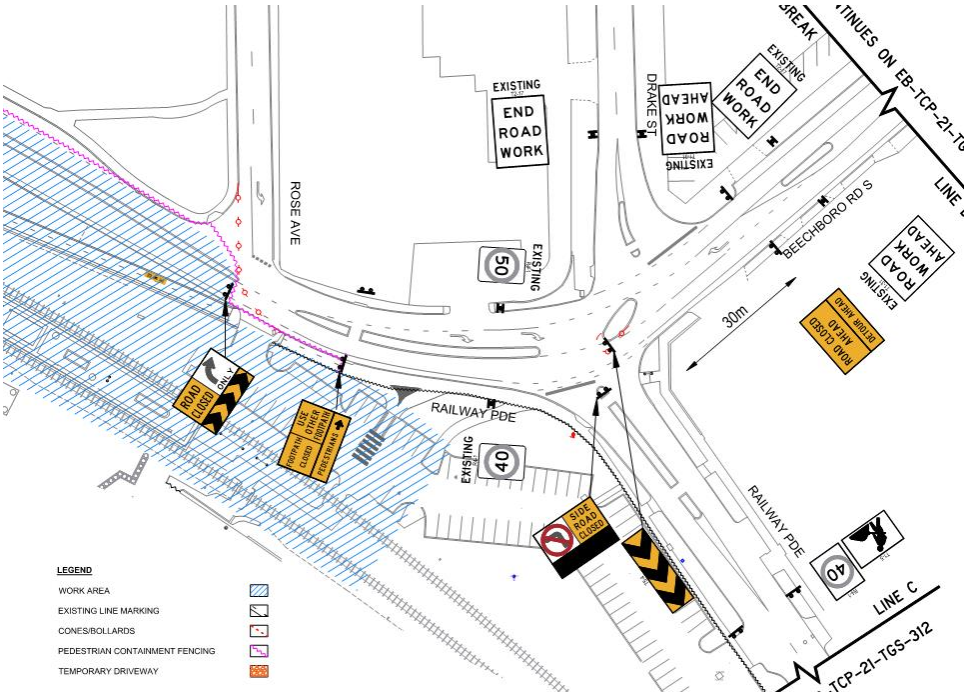
In addition to the feedback received as shown above, officers have also identified a number of issues with Evolve on the potential impact the closure would cause to the community during the assessment of their proposed road closure management plans. These include:

- Access and waste collection services to:
  - Rose Avenue properties; and
  - Department of Housing properties (86-90 Railway Parade, Bayswater).
- Railway Parade access restrictions and service pit access on Rose Avenue for the Bayswater Hotel (78-80 Railway Parade, Bayswater); and
- Potential rat running within the local road network.

Property Access Arrangements

Properties on Rose Avenue

Vehicle access to all the properties on Rose Avenue will be maintained throughout the rail shutdown closure period. Below is the proposal for vehicles to access Rose Avenue via Railway Parade.



There will be extended periods, however, where Railway Parade will need to be closed from Coode Street to Drake Street entirely. When this occurs, it has been proposed that Rose Avenue residents will access their properties via a temporary vehicle track from the end of Rose Avenue to Drake Street via Halliday Park. Below is an indication of the track location.

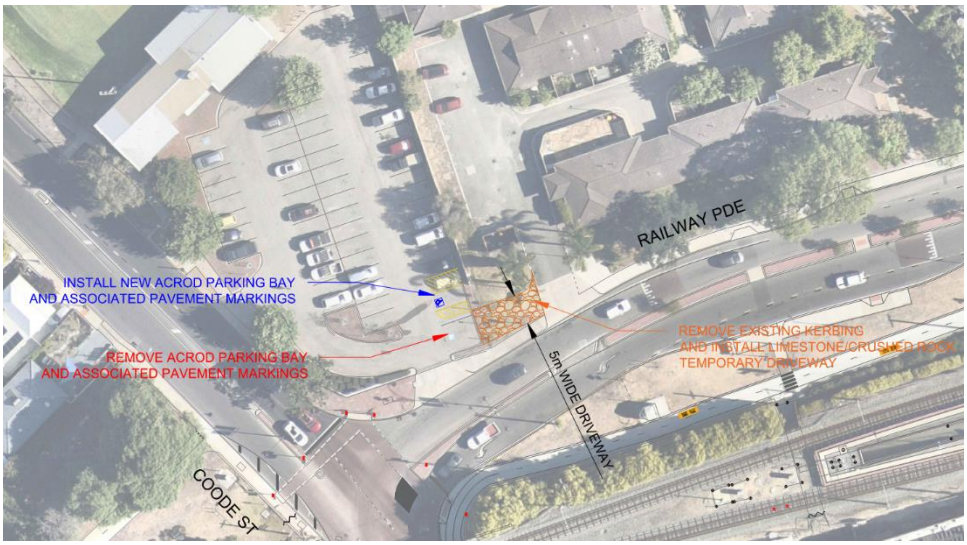
The temporary Halliday Park access will be in place for the majority of the remaining closure period subsequent to the completion of the New Beechboro Road South connection to Whatley Crescent. The kerbside waste collection for these properties will also utilise this temporary track and Evolve will make provisions for a turn around to enable the waste truck access and egress when this set up is in place. Safety of park users will also need to be considered in regards to the provision of this alternate access.

Department of Housing Property - 86-90 Railway Parade, Bayswater

Due to the nature of how residents at 86-90 Railway Parade access their properties from Railway Parade, temporary access will need to be managed via the City's public carpark on the corner of Coode Street and Railway Parade.

Initially, during the rail shutdown (31 March to 26 April), access will occur by entering the City's public carpark from Coode Street then via a switchback on Railway Parade, as indicated below.

After the shutdown works are complete, a temporary crossover will be constructed within the Railway Parade reserve to provide ongoing property access to 86-90 Railway Parade. This will be required once works commence for Railway Parade as shown below.



Arrangements have been made with Evolve to enable waste vehicle access to service this property during the closure period.

<u>Bayswater Hotel - 78-80 Railway Parade, Bayswater</u>

As with Rose Avenue, access to the Bayswater Hotel property from Railway Parade will remain open, however, at some points, access will need to be restricted to progress works along Railway Parade. The existing vehicle path layout accommodates a one-way movement which will not need to be altered.

The existing access on Drake Street will remain unaffected and maintenance vehicle access would also be able to utilise the Halliday Park temporary access during the period when Rose Avenue access becomes restricted.

Temporary Traffic Measures

Local area traffic management

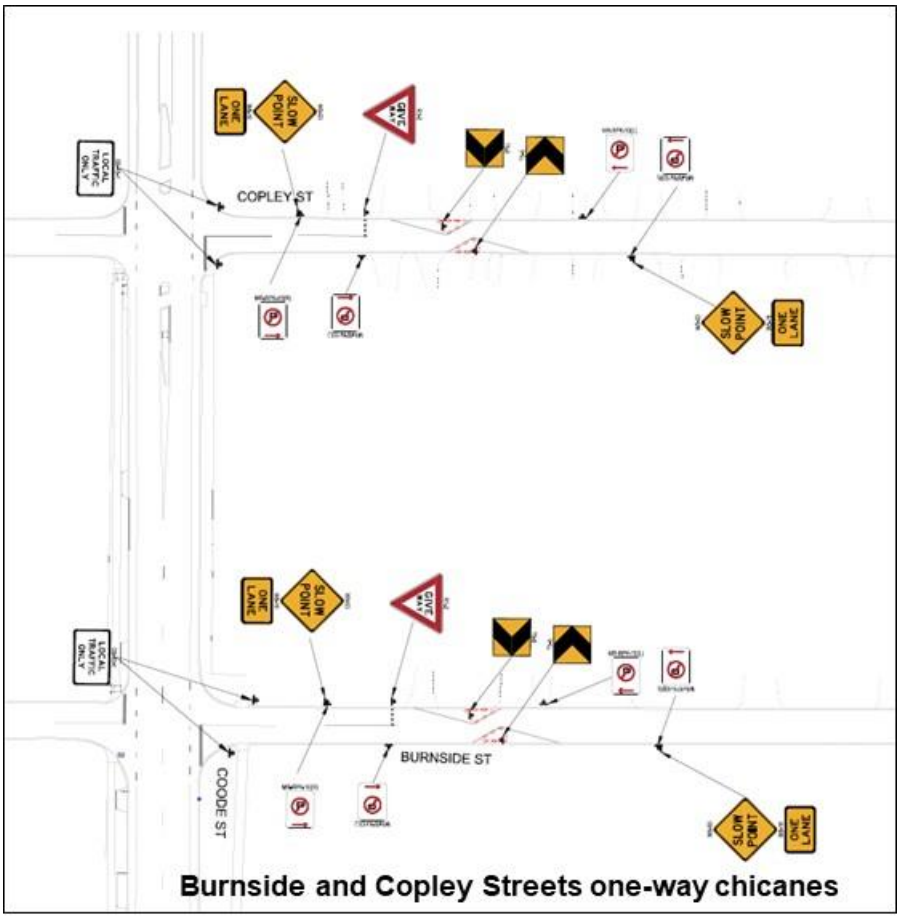
The section of Railway Parade between Coode Street and Drake Street is classified as a District Distributor road under Main Roads WA's road hierarchy, as such, it carries traffic between suburbs and regions and provides connection to other distributor roads. Due to this, the development of traffic management plans, in particular detour routes, is generally based on utilising adjoining distributor roads such that any regional traffic will remain on the distributor road network rather than be diverted through the local road network.

Given there is a considerable distance for motorists to travel on some of the proposed detours, it is noted that there is a strong likelihood that both regional through traffic and local traffic would use the local road network as a shortcut to bypass the designated detour routes. Although Evolve's traffic management contractor has taken into consideration the implementation of measures to deter any vehicles from using the local road network, it is recommended that the Council requests Evolve to implement further temporary traffic measures.

The streets identified for local area traffic management during the closures are Burnside Street, Copley Street, Francis Street, Drake Street, Hudson Street, Skew Road and Foyle Road. Installing temporary local area traffic management treatments, as has been done in the past, assists to reduce or eliminate unwanted traffic. The proposed treatments for installation are a combination of one way chicanes and bolt-in speed cushions.

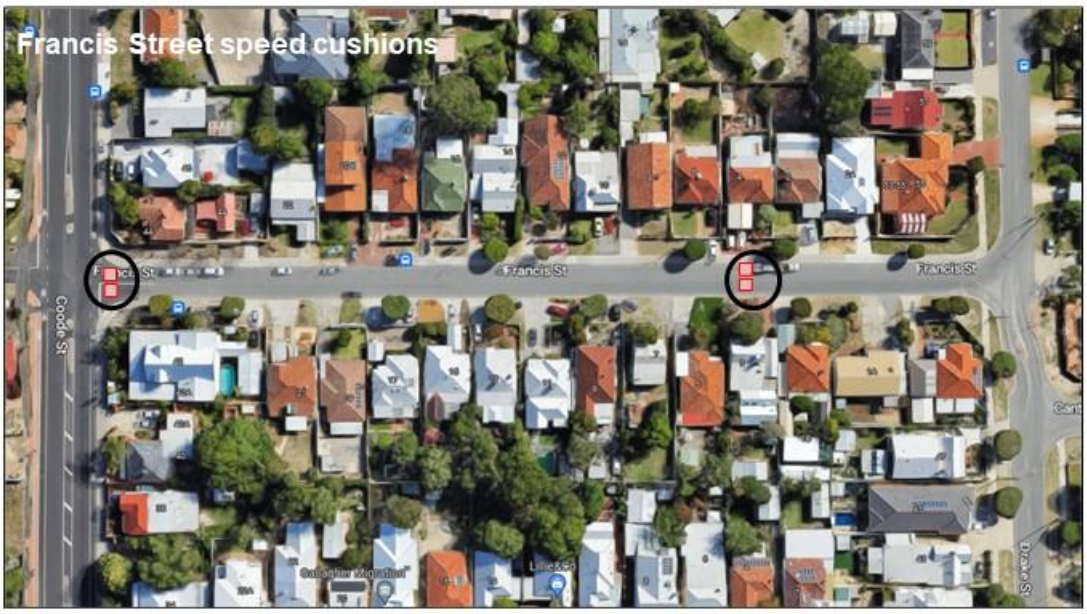
The one-way chicanes are effective in addressing unwanted traffic on residential streets, as have been demonstrated on Murray Street and Almondbury Street whilst the speed cushions are a balance in mitigating traffic and accommodating Transperth buses. Speed cushions are recommended for Francis and Drake Streets as the number 48 Transperth bus route has been rerouted onto these streets in lieu of the Railway Parade closure.

An example of each treatment is shown below.



Burnside and Copley Streets one-way chicanes

Drake Street speed cushions



A plan depicting all proposed temporary traffic measures is enclosed as **Attachment 4**.

It should also be noted that the intent of the officer's recommendation is that if other roads are identified as being unduly impacted during the closure, Evolve will be required to implement appropriate traffic calming measures for these roads.

Public Transport

Train Replacement Buses

At the commencement of the rail shutdown period, and until September this year, Bayswater Station will not be in operation. During the rail shutdown, train replacement buses will be operating from the existing bus stops on King William Street adjacent to the Bayswater Library as shown below for both City and Midland/Airport bound travellers. After the shutdown, trains will be operating again, however the Bayswater Station will remain closed to facilitate the construction of the station building and platforms.

Shuttle Bus Service

The station will remain closed until September 2023. While the station is closed, a shuttle bus service will be operating from the Bayswater Station to Meltham Station so that Bayswater passengers can continue to access the Midland and Airport Lines.

The shuttles will utilise the existing train replacement bus stop on Whatley Crescent and the Meltham Station southern carpark for the bus turn around.

The proposed route for the shuttle service are as follows:

- From Meltham to Bayswater - commencing from existing train replacement bus stop at Meltham Station; Whatley Crescent east, Garratt Road south, Guildford Road east, King William Street north and stopping at the existing train replacement bus stop.
- From Bayswater to Meltham - commencing from existing train replacement bus stop at King William Street, continuing on King William Street north, Whatley Crescent west, turning into Meltham Station carpark, Whatley Crescent east and stopping at the existing train replacement bus stop.

Below shows the proposed route provided by PTA.

The existing Transperth bus route 48FB and 48TB have also been impacted by the closure and as such the route has been altered by Transperth during the works. Transperth has altered the routes which bypass the existing stops along Langley Road (west of Reman Road), Drake Street (between Langley Road and Francis Street), Francis Street and Coode Street. To also service the catchment on the south side of the rail line on King William Street, Transperth is planning to use a number of local streets such as Burnside Street and Drake Street. Due to the existing site constraints however on some of these roads, City officers are continuing to work with Transperth and Evolve to ensure the route servicing all existing streets can be provided during the closure period.

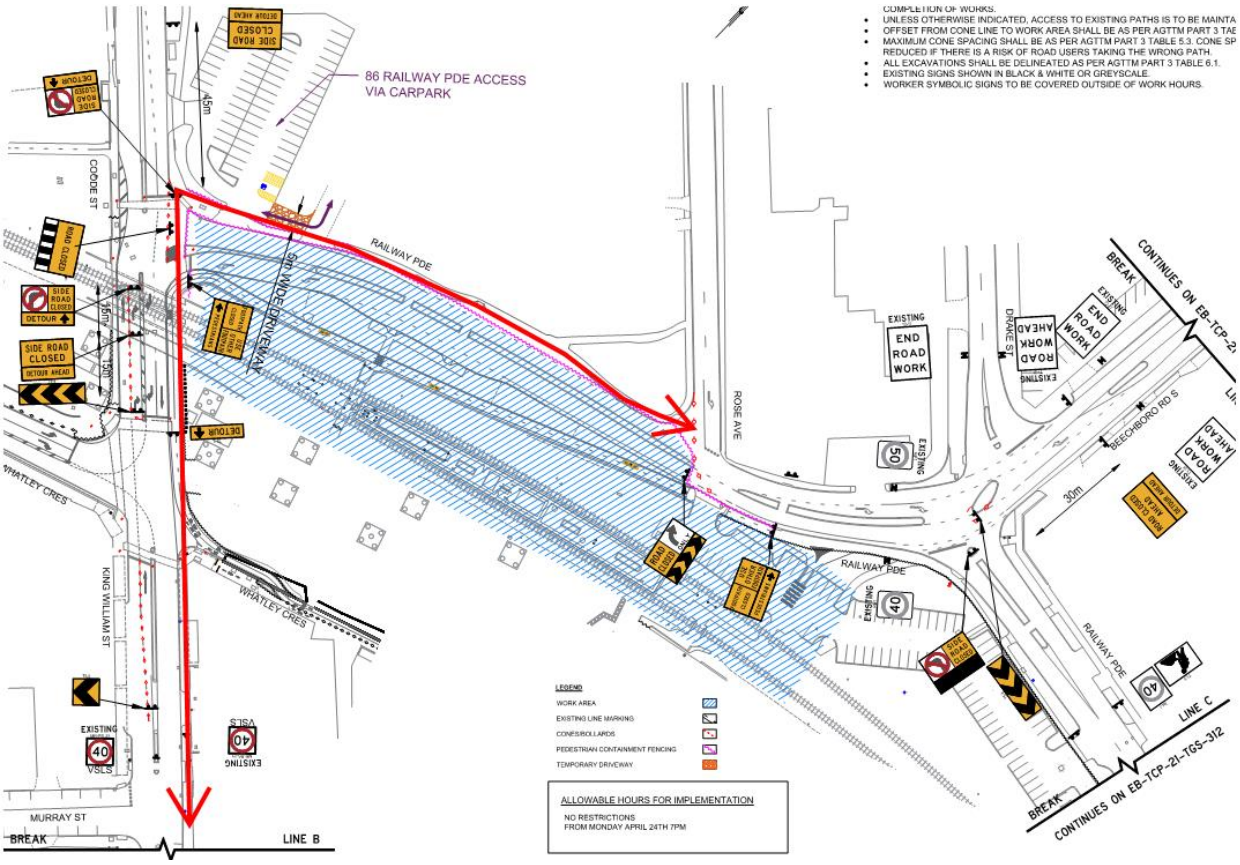
Leake Street Underpass

The completion of the Leake Street pedestrian underpass will be complete during the rail shutdown period. This underpass will be temporarily closed from 31 March to 13 April to safely complete the remaining works. These works are necessary to be undertaken during this period as this section of the underpass is directly below the rail lines. The proposed works include the installation of 16 pre-cast concrete box culverts, drainage, lighting and concreting.

It should be noted that this closure will include one week of the school term (Friday 31 March to Thursday 6 April). During this period, Evolve's traffic controllers will be in place to safely guide the school children to access via the King William Street subway underpass. The upgraded Leake Street underpass will re-open to pedestrians on Friday 14 April in time for the closure of the King William Street-Whatley Crescent intersection, required for the removal of the old Bayswater bridge.

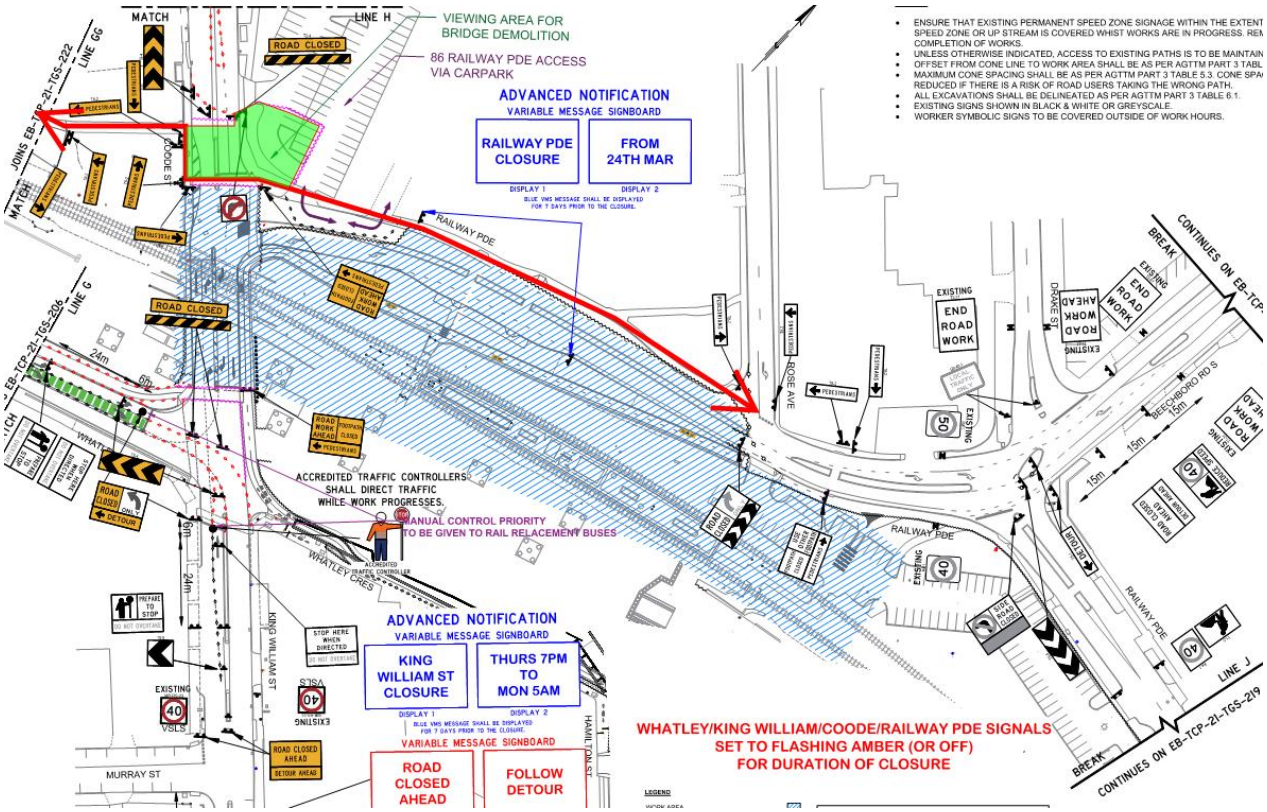
Pedestrian Movements

During the Railway Parade closure, the footpath on the south side of Railway Parade between Coode Street and Rose Avenue will be closed. In order to maintain pedestrian access, however, the north side of Railway Parade will remain open and pedestrians will be directed to this path to enable access to the townsite on the south side of the rail as shown below.



When the King William Street and Whatley Crescent intersection is required to be closed to facilitate the demolition of the old Bayswater bridge between 14 to 17 April 2023, pedestrians will be redirected to the upgraded Leake Street underpass to access the townsite from one side to the other.

It should be noted that during this period, a viewing area will be created for pedestrians to view the demolition of the bridge. This area is indicated in green below.



Principal Shared Path (PSP) detour

The current PSP detour as shown below, will remain in place during the construction of the Leake Street underpass. Upon completion of the underpass, which is when the demolition of the old Bayswater bridge begins, this PSP detour will be redirected from Railway Parade to the new Leake Street underpass and onto Whatley Crescent.

It should be noted that there would still be a requirement for Evolve to undertake additional intermittent road closures on roads such as Coode Street, King William Street and the King William Street/Whatley Crescent intersection following the opening of the new Beechboro Road connection. These closures are to facilitate the raising of the road pavement profile as well as the installation of drainage underground tanks beneath the road pavement.

Council should note that although the approval for the proposed road closure commences from 31 March, implementation of the traffic management for the road closure will be commencing on 24 March to undertake the necessary works in preparation for the rail shutdown as stated above.

Should Council not wish to endorse the proposed temporary closure, preventing the temporary road closure is considered to carry high risks in terms of strategic direction, reputation and community and stakeholders as this would be contrary to the City's previous position on the Train Station development application and may delay the construction of a State Government project or result in other mechanisms being used to facilitate the closure with a less favourable outcome to the community.

LEGISLATIVE COMPLIANCE

Section 3.50 of the *Local Government Act 1995* outlines the requirements relating to the closure of roads to vehicles. The provisions include that prior to approving a closure exceeding four weeks, the local government is to:

"..(4)..

(a) give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission; and

(b) give written notice to each person who —

(i) is prescribed for the purposes of this section; or

(ii) owns land that is prescribed for the purposes of this section; and

(c) allow a reasonable time for submissions to be made and consider any submissions made."

The consultation that was undertaken as outlined in the External Consultation section of this report complied with the requirements of the Act.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Moderate
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The consultation undertaken complies with the requirements of the Act and allows Evolve to continue with the Bayswater Station works in a safe and efficient manner. Notwithstanding this, approval carries moderate risk in terms of	

	community and stakeholders as there were a considerable number of feedback received who are opposed to the proposed closure and there will be a level of inconvenience to the surrounding community.

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Advising affected residents and businesses on the proposed temporary closure of Railway Parade, Bayswater

Asset Category: NA **Source of Funds:** Municipal

ITEM NO.	CAPITAL / UPFRONT COSTS ($)	ONGOING COSTS ($) ANNUAL		INCOME ($)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS ($)	CURRENT BUDGET ($)
		MATERIALS & CONTRACT	STAFFING				
1	$3,500	-	-	$3,774	-	-	$0

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Environment and Liveability
Goal E1:	Maintain the identity and heritage of our neighbourhoods while supporting an increase in high quality density around transport nodes.
Goal E3:	Improve the City's walking and cycling network and create safer streets.
Theme:	Vibrancy
Goal V3:	Activate the City's town and neighbourhood centres.
Theme:	Leadership and Governance
Goal L1:	Engage the community in a meaningful way. Provide opportunities for the community to have their say and consider their views when making decisions.

CONCLUSION

This closure is required to enable essential construction works for the METRONET new Bayswater Train Station and Morley-Ellenbrook Line projects.

It should be acknowledged that there will be disruptions and inconvenience caused to the residents due to this closure, however, it is envisaged that the level of inconvenience would be exacerbated if the recommended temporary measures have not been taken into consideration by Evolve as part of the development of the construction traffic management plans for the closure. Given the new Beechboro Road South connecting road to Whatley Crescent is now scheduled to be opened by July 2023 instead of June 2024, it is recommended for this closure to proceed to enable the completion of the station works.

61 Broun Avenue, Morley WA 6062
PO Box 467, Morley WA 6943
P: (08) 9272 0622
F: (08) 9272 0665
mail@bayswater.wa.gov.au
National Relay Service:
1800 555 660
www.bayswater.wa.gov.au

20 February 2023

«Owner_Name»
«Owner_Address_Line1»
«Owner_Address_Line2»

Dear Resident

Proposed METRONET road closures for Bayswater Train Station

On 15 February 2023, the Minister for Transport, the Hon. Rita Saffioti, announced the 26-day closure, of the Midland and Airport rail lines from Friday, 31 March to Wednesday, 26 April 2023.

This closure is required to enable essential construction works for the METRONET new Bayswater Train Station and Morley-Ellenbrook Line projects. During the closure, intensive works will take place, operating 24/7.

The Bayswater Train Station will be closed during this period and will remain closed to September 2023 to complete platform works for the new station. During this period, Transperth will provide rail replacement buses and METRONET will offer a free shuttle service between Meltham and Bayswater stations.

To ensure the new Bayswater Train Station works are undertaken in a safe and efficient manner, road closures need to be implemented. Accordingly, METRONET will provide affected residents with notification of the closures shortly.

The City acknowledges these numerous, ongoing closures are disruptive and frustrating to residents and motorists, however, they are unfortunately necessary to ensure these major projects are completed as efficiently and safely as possible.

Further to a number of short-term road closures, a long-term closure of a portion of Railway Parade is proposed.

In accordance with section 3.50 of the *Local Government Act 1995*, Council will consider a request to grant approval for the temporary closure of Railway Parade between Coode Street and Drake Street, Bayswater, for a period of approximately 15 months from 24 March 2023 to commence the following works:

- Construction of two additional new bridges;
- Installation of a new water main and decommissioning the existing;
- Construction of a new bus interchange;
- Construction of a new road layout including Beechboro Road South tie-in to Whatley Crescent;
- Installation of new drainage underground tanks; and
- Landscaping works.

Prior to Council formally considering the proposed 15-month closure of Railway Parade, comments on the closure are invited and should be lodged in writing with the Chief Executive Officer, PO Box 467, Morley WA, 6943 or mail@bayswater.wa.gov.au by ***Friday 10 March 2023***. Comments received will be considered by Council at its Ordinary Meeting of 28 March 2023.

It should also be noted should the long-term (15-month) closure be approved, the City will work closely with METRONET to ensure that measures are put in place to minimise traffic issues on local roads associated with the closure.

For more information on METRONET projects, residents can contact METRONET directly on 9326 3666 or email info@metronet.wa.gov.au or visit metronet.wa.gov.au

Should you require any further information on the Railway Parade closure, please contact the City's Major Projects team on 9208 2432 or visit https://engage.bayswater.wa.gov.au/

Yours faithfully

DOUG PEARSON
DIRECTOR MAJOR PROJECTS
AND COMMERCIAL ACTIVITIES

City of
Bayswater

Public Notice

61 Broun Avenue, Morley WA 6062 | P: 9272 0622 | F: 9272 0665 | mail@bayswater.wa.gov.au | www.bayswater.wa.gov.au

Temporary road closure – Railway Parade, Bayswater

In accordance with section 3.50 of the *Local Government Act 1995*, notice is hereby given that the City of Bayswater proposes to temporarily close Railway Parade between Coode Street and Drake Street, Bayswater, for a period of approximately 15 months from 24 March 2023.

The temporary closure is required as part of construction works associated with the METRONET Bayswater Train Station redevelopment to commence the following works:

- Construction of two additional new bridges;
- Installation of a new water main and decommissioning the existing;
- Construction of a new bus interchange;
- Construction of a new road layout including Beechboro Road South tie-in to Whatley Crescent;
- Installation of new drainage underground tanks; and
- Landscaping works.

Any person wishing to comment on the closure may lodge a written submission with the undersigned by ***Friday, 10 March 2023***. Submissions should be forwarded to PO Box 467, Morley WA 6943 or mail@bayswater.wa.gov.au

A feedback form and further details on the proposed closure is available at https://engage.bayswater.wa.gov.au/

Should you wish to discuss this matter further, please contact the Major Projects team on 9208 2432.

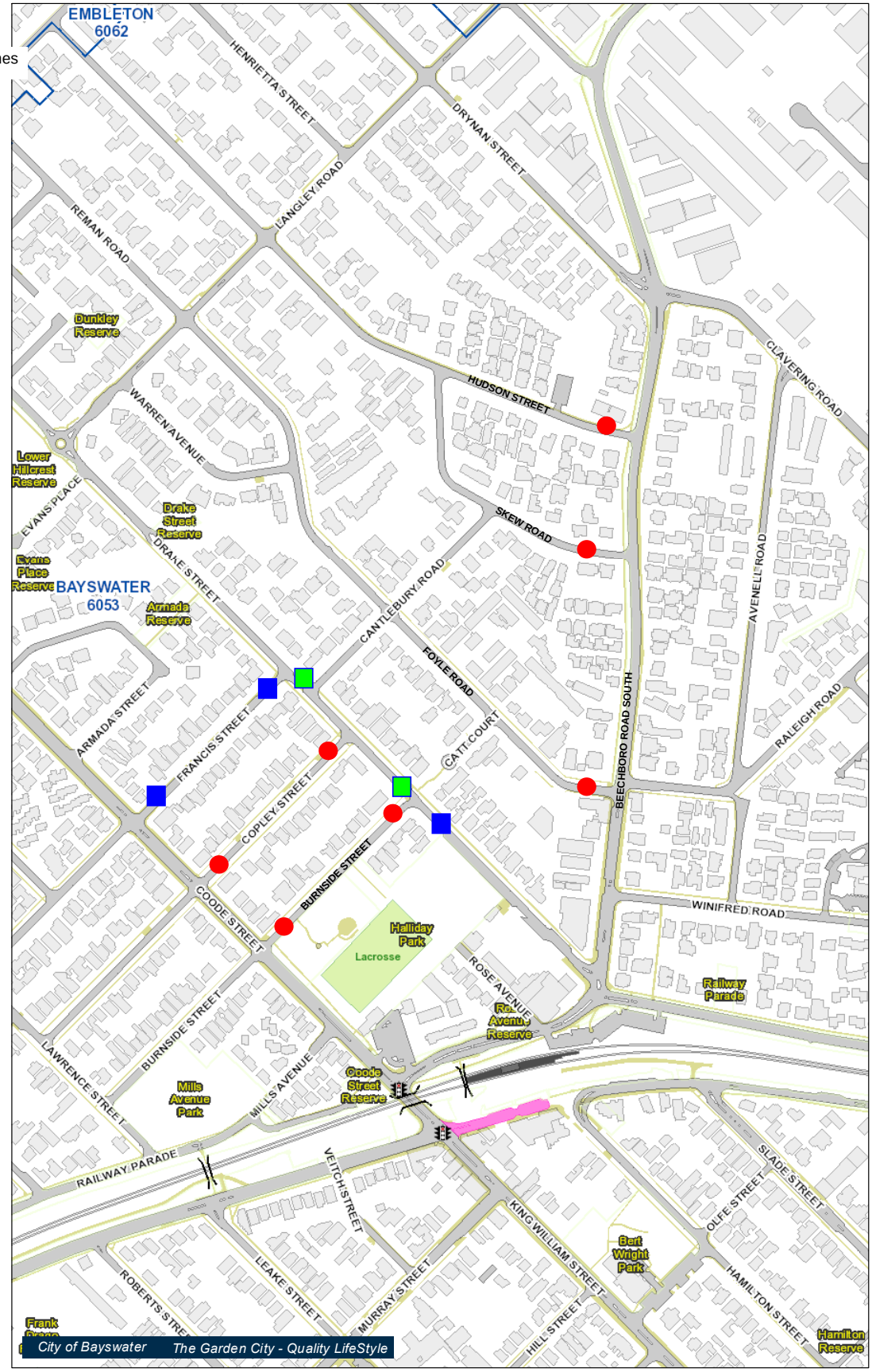
JEREMY EDWARDS
CHIEF EXECUTIVE OFFICER

22 February 2023

One-Way Chicanes

Speed Cushions

Modifications to Existing Chicane



Designed by : Asset & Mapping Services
City of Bayswater

Map extracted from CitySpatial.
Original paper size A3 Portrait
Copyright (c) 2021 City of Bayswater

City of Bayswater - Spatial Layout

Map Created by: Asset & Mapping

Print Date: 16 Mar 2023 4:52:49 PM

1:4,514

0 0.0275 0.055 0.11 0.165 0.22 km

10.6 Sub Committee Reports

10.6.1 Skate and Bike Development Advisory Committee Meeting - 20 February 2023

10.6.1.1 SABDAC Member Resignation

Responsible Branch:	Project Services
Responsible Directorate:	Major Projects and Commercial Activities
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required

SUMMARY

For Council to receive the resignation from the Skate and Bike Development Advisory Committee (SABDAC) Community Member, Ms Kate Bowker, and consider options in relation to the vacant position.

At 8:24pm Cr Lorna Clarke withdrew from the meeting and did not return.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council:

1. **Accepts the resignation from Ms Kate Bowker, community member on the Skate and Bike Development Advisory Committee (SABDAC) and notes that the Chairperson will write to Ms Bowker thanking her for her involvement with the Committee.**
2. **Does not fill the vacant community member position on the SABDAC for the term ending in October 2023.**

Cr Giorgia Johnson Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

Ms Kate Bowker, a community representative on the City's SABDAC has resigned from the Committee due to other commitments.

At the Ordinary Council Meeting held on 21 July 2020, Council resolved to reinstate the SABDAC.

Accordingly, following the expression of interest for community members, Council, at its Ordinary Meeting of 25 January 2022 resolved in part as follows:

"That Council:

1. *Amends the Terms of Reference for the Skate and Bike Development Advisory Committee to increase the membership of Industry/Community representatives from 3 to 5.*
2. *Appoints Applicants 1-5 as Industry/Community representatives to the Skate and Bike Development Advisory Committee (SABDAC) for the period up to October 2023."*

In accordance with the above, the Terms of Reference were amended as detailed below with five community members, including Ms Kate Bowker, appointed to SABDAC for the period up to October 2023.

TERMS OF REFERENCE Skate and Bike Development Advisory Committee	
Purpose	The purpose of the Committee is to make recommendations to Council on establishing, designing and upgrading existing and future skate park/BMX/Scooter parks within the City.
Elected Member membership:	Five Elected Members*. **minimum three required under legislation*
External Member membership:	Five Industry/Community Representatives
Role of Representatives:	The roles and responsibilities of the City of Bayswater representatives on this Committee are: • Member in own right; and • Spokesperson for City of Bayswater.
Non-Voting Members:	Manager Project Services
Delegated Authority:	Nil.
Meetings:	Committee meetings are to be in accordance with the *City of Bayswater Standing Orders Local Law 2021*.
Meeting occurrence:	Quarterly or as required.
Day of Meeting:	Monday
Time of Meeting:	6:30pm
Location of Meeting:	City of Bayswater, Civic Centre, 61 Broun Ave Morley WA 6062.
Liaison Officer:	Director Major Projects and Commercial Activities or nominated officer.

On 11 November 2022, the SABDAC Chairperson, Cr Josh Eveson, received a written resignation from Ms Bowker, regrettably advising that she is unable to commit any more time to SABDAC due to family and other volunteering commitments.

As per the requirements of section 4 of *Local Government (Administration) Regulations 1996*:

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

EXTERNAL CONSULTATION

No consultation has been undertaken with the public on this matter.

OFFICER'S COMMENTS

Following the resignation of Ms Bowker from the SABDAC, Council may determine whether to fill the position or leave the position vacant.

The Terms of Reference for the Committee allows for five community members, however, with one less community member, the Committee is still able to achieve a quorum (five members) with the remaining community and Councillor representatives.

Furthermore, it should be noted that the Committee's term expires in October 2023 and there are only two scheduled SABDAC meetings remaining for the year as follows:

- Monday, 22 May 2023; and
- Monday, 21 August 2023.

Notwithstanding the above, should Council wish to seek a replacement Committee member, this would require the City to:

- Seek expressions of interest for the vacant position. It should be noted that all previous nominations were successful in being appointed to the Committee, so advertising may need to go out to a wider area to attract applicants.
- A report would need to be presented to Council to recommend a suitable replacement for the position. This process could potentially take a couple of months, allowing enough time for applicants to respond and pending advertising deadlines. This may result in a new Committee member only being able to potentially attend one of the two remaining scheduled meetings which may not be cost effective for the City or beneficial for a new member. Noting that expressions of interests may be recalled in October/November 2023.

LEGISLATIVE COMPLIANCE

- *Local Government Act (1995);* and
- *Local Government (Administration) Regulations (1996).*

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The officer's recommendation is low risk for the City, as there are sufficient Committee members to obtain a quorum for SABDAC.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2017-2027 (as amended), the following applies:

Theme: Leadership and Governance

Goal L1: Engage the community in meaningful way. Provide opportunities for the community to have their say and consider their views when making decisions.

CONCLUSION

It is recommended, to not fill the vacant position on the SABDAC as there are sufficient Committee Members to achieve a quorum of the Committee and there are only two scheduled SABDAC meetings remaining until the term ends in October 2023.

10.6.1.2 Skate/Scooter/BMX Facility Bookings

Responsible Branch:	Project Services
Responsible Directorate:	Major Projects and Commercial Activities
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required

SUMMARY

For Council to consider exclusive use hire options at the City of Bayswater and Crimea Skate Parks.

ADDITIONAL INFORMATION

Please note, there is no Committee recommendation to Council on this item as the motion for the officer's recommendation was lost.

OFFICER'S RECOMMENDATION

That Council approves exclusive use hire of the City of Bayswater and Crimea Skate Parks to incorporated not-for-profit organisations and sporting peak bodies for the purpose of hosting Regional, State or National level competitions.

COUNCIL RESOLUTION

That Council does not approve exclusive use hire of the City of Bayswater and Crimea Skate Parks to incorporated not-for-profit organisations and sporting peak bodies for the purpose of hosting Regional, State or National level competitions.

Cr Sally Palmer Moved, Cr Dan Bull Seconded

CARRIED: 9/1

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Michelle Sutherland.***

REASON FOR CHANGE

For Council to approve each application on a case-by-case basis.

BACKGROUND

The Skate and Bike Development Advisory Committee considered the Officer's Recommendation at the SABDAC meeting held 20 February 2023. The item was lost 3/4 with no alternative Committee recommendation proposed.

Council consideration of the Officer's recommendation is required to determine a resolution on the item.

The City provides open and accessible skate, scooter and BMX facilities at the City of Bayswater Skate Park, Wotton Reserve, Embleton and the Crimea Skate Park, Morley. There is a BMX track at Lightning Park, however, this facility is not suitable to accommodate formal events.

All facilities are provided within public open space and available to the community to use free of charge with no formal or exclusive hire arrangement.

EXTERNAL CONSULTATION

There has been no formal community engagement to date.

The City has liaised with the Public Transport Authority as the key funding body of the City of Bayswater Skate Park.

OFFICER'S COMMENTS

With the development of the City of Bayswater Skate Park and the facility hosting the biggest vert ramp in WA, the City is receiving enquiries from coaches and individuals wishing to hire the skate park area for exclusive use events that would be closed off to the public.

The City, under section 3 (permits) of the *Property Local Law*, hires other facilities such as sporting fields located within public open space areas to accommodate clubs and associations for exclusive use to members during specified times. The City applies approved fees for such hire periods.

As per the above arrangement, the City has previously granted exclusive use of the old Wotton Skate Park to host state level competitions and championships in the disciplines of skate, scooter and BMX.

Previously approved hire has been granted under the following terms:

- Hirer is an incorporated association or sporting peak body;
- Appropriate certification such as coaching qualifications, relevant experience and working with children checks;
- Third party liability insurance;
- Venue/ground bond (minimum $350 up to a maximum to be determined) and key bond $200. Refundable up on satisfactory completion of hire with no ground/facility damage; and
- Ground hire fee as applicable:
    - Half day reserve hire $165; and
    - Full day reserve hire $278.

The City also facilitates coaching clinics and come and try sessions provided by an experienced organisation and or peak body. The majority of these sessions are open to all and free of charge to access. Exclusive use of a facility is generally not required to host clinics and come and try sessions.

The City has received requests from coaches, individuals and parents wishing to hire all or part of the City of Bayswater Skate Park for the purpose of:

- Exclusive group or individual coaching;
- Children’s birthday parties; and
- Other private events/corporate activities.

Such events can be accommodated, but it would be at the detriment of regular casual users not being able to access the site at certain booked times. To date and unless booked for significant events such as State/National Championships which occur approximately one to two times per year, regular casual users can come and enjoy the facilities during daylight hours and up to 9.30pm at both the City of Bayswater and Crimea skate parks.

If regular bookings are permitted, casual users would not be able to access either the whole or certain elements within a facility during hired periods. There would be limited opportunities to advise potential users when certain facilities may not be available.

The City has conducted a review of neighbouring local governments to determine whether they make their skate park facilities available for general hire as follows:

LOCAL GOVERNMENT/ SKATE PARK	DETAILS	
City of Vincent Leederville Skate Park		The whole facility is not available for exclusive hire. The City permits specific elements or sections of the skate park to be hired i.e. half pipe. All other areas of the facility remain open to the public during a sub section period of hire. The City also hosts open access community events within the venue.
City of Fremantle Esplanade Youth Plaza		The City will accept a venue booking for a skate school / clinic or similar with the stipulation that the public is still able to use the Park at the time of a booking. The City also considers bookings for large skate competitions etc. where the facility is closed and for the exclusive use of competition participants only. The rationale is that it brings value / activation to the City and encourages regular users to spectate higher level competition (if they are not enrolled as participants themselves).
City of Stirling Bina Parkland Skate Park		The facilities are not exclusively hired out, however, the City does promote skate events and clinics within the venue that are generally open and accessible to all.
City of Stirling Scarborough Beach Skate Park		
City of Kwinana The Edge Skate Park		Due to the Skate Park being public open space, the City does not allow exclusive hire of the venue. The City does promote skate events and clinics within the venue that are generally open and accessible to all.

LOCAL GOVERNMENT/ SKATE PARK	DETAILS	
City of Mandurah Skate Park		Due to the Skate Park being public open space, the City does not allow exclusive hire of the venue. The City does promote skate events and clinics within the venue that are generally open and accessible to all.

Based on the above review, it appears that most local governments consider skate parks as public open space and do not permit exclusive hire of skate/BMX facilities. They do, however, promote internal clinics, come and try events and allow major competitions.

The City of Bayswater Skate Park is unique to other parks within WA due to having an international competition standard vert ramp. To maximise the use of this one of a kind vert ramp, it is recommended that only major State and National level events and competitions are accepted for exclusive hire at this venue. Not only will the local community get to see expert riders use the facilities, it will bring more visitors to the City of Bayswater.

Any formal coaching within the City of Bayswater skate parks should take place by competent personnel within an open public access environment. Private exclusive hire activities by individuals or corporate organisations is not recommended.

LEGISLATIVE COMPLIANCE

- *Local Government Act (1995);* and
- *Local Government Property Local Law*

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officers recommendation has been assessed against the City's adopted risk tolerance.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The officer's recommendation is low risk for the City. The recommendation supports high level competition and maintains the broader community access to the City's skate and BMX facilities.	

FINANCIAL IMPLICATIONS

The following ground hire fees are currently applicable for City reserves with refundable bonds, however, will be reviewed as part of the 2023-24 budget consideration:

- $165 half day reserve hire fee; and
- $278 full day reserve hire fee.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Community
Goal C3:	Maximise the use of the City's facilities and parks by all sections of the community.

CONCLUSION

All skate, scooter and BMX facilities are provided within public open space and available to the community to use free of charge with no formal or exclusive hire arrangement.

The City facilitates coaching clinics and come and try sessions provided by an experienced organisation and or peak body. The majority of these skate, scooter and BMX sessions are open to all and free of charge to access.

The City has reviewed neighbouring local governments who only permit major events and competitions as well as open access clinics to be held within their skate park facilities.

10.6.2 Inclusion and Diversity Advisory Committee - 23 February 2023

10.6.2.1 Access and Inclusion Plan 2020 - 2024 Progress Report - September 2022 to January 2023

Responsible Branch:	Community Development
Responsible Directorate:	Community and Development
Authority/Discretion:	Information Purposes
Voting Requirement:	Simple Majority Required
Attachments:	1. IDAC Information Update September 2022 to January 2 [**10.6.2.1.1** - 18 pages]
Refer:	Item 10.6.3.1: OCM 25.10.2022

SUMMARY

For Committee/Council to note the City of Bayswater Access and Inclusion Plan 2020-2024 (AIP) progress to date, as contained within **Attachment 1.**

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council notes the information as detailed in Attachment 1 to this report on the City's Access and Inclusion Plan 2020–2024 progress from September 2022 to January 2023.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***
Against: ***Nil.***

BACKGROUND

At the Ordinary Council Meeting held on 24 March 2020, Council adopted the eight actions associated with the seven outcome areas within the AIP. This report provides a progress update for the City's Inclusion and Diversity Advisory Committee (IDAC) on the AIP strategies progressed from September 2022 to January 2023.

EXTERNAL CONSULTATION

As this is a progress report only, community consultation is not required.

OFFICER'S COMMENTS

The City progressed 14 deliverables within the AIP Outcome Areas from September 2022 to January 2023, as detailed in **Attachment 1.**

Outcome	Action	Information Report
Outcome 1	People with disability have the same opportunities as other people to access the services of, and any event organised by, the City of Bayswater.	6

Outcome 2	People with disability have the same opportunities as other people to access buildings and other facilities of the City of Bayswater.	4
Outcome 3	People with disability receive information from the City of Bayswater in a format that will enable them to access the information as readily as other people are able to access it.	2
Outcome 4	People with disability receive the same level and quality of service from the staff of the City of Bayswater as other people receive from the staff of the City of Bayswater.	1
Outcome 7	People with disability have the same opportunities as other people to obtain and maintain employment with the City of Bayswater	1

LEGISLATIVE COMPLIANCE

- *Disability Services Act 1993 (amended 2004).*

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	It is considered that there are low risks associated with the information provided in this report, as it is for noting and meets the outcomes and objectives of the City's AIP. The information will be used to inform the City's Annual Progress Report to the Department of Communities for 2023/24.	

FINANCIAL IMPLICATIONS

The following financial implications are applicable:

Item 1: Implementation of the City's AIP, second financial year (2022/23)

Asset Category: Not applicable **Source of Funds:** Municipal

LTFP Impacts: This item is not itemised in the City's Long Term Financial Plan

Notes: The budget amount listed in the table below was adopted by Council at the Special Council Meeting held 18 July 2022. The budget listed is reflective of the 2021/22 adopted annual operational budget to implement the City's AIP strategies in 2022/23.

ITEM NO.	CAPITAL / UPFRONT COSTS ($)	ONGOING COSTS ($) ANNUAL		INCOME ($)	ASSET LIFE (YEARS)	WHOLE OF LIFE COSTS ($)	CURRENT BUDGET ($)
		MATERIALS & CONTRACT	STAFFING				
1	$67,366 (Year 2022/23)	N/A	N/A	N/A	N/A	N/A	$67,366 (Year 2022/23)

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Community
Goal C1: Create safe and inviting places for people to come together.
Goal C4: Empower the community by helping them develop social connections.

CONCLUSION

It is recommended that Committee/Council notes the information provided in **Attachment 1**, as the City's AIP progress update from September 2022 to January 2023.

City of Bayswater Access and Inclusion Plan 2020 - 2024 INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023	
AUTHOR	**Manager Business Services**
BRANCH	Business Services
STRATEGY	**1.1 Increase access and inclusion awareness with City engaged agents, contractors, local businesses and service providers.**
ACTION	(a) Develop and share an information package for agents and contractors including information on how to make services and events more accessible.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	Tender documents for civil projects that will have a direct impact on the public are independently reviewed by Business Services prior to being released to the market.
OUTCOME	Where a civil project is likely to impact on public access, for example construction of footpaths and access ramps, the tender scope is reviewed to ensure that it includes provisions for the contractor to maintain appropriate access during the work, if it is likely to be protracted. The review included whether any such temporary access can be accommodated within the contractor's fee structure or whether it needed to be addressed as a variation.

City of Bayswater Access and Inclusion Plan 2020 - 2024 INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023	
AUTHOR	**Manager Project Services**
BRANCH	Project Services
STRATEGY	**1.2 Build partnerships to support people with disability to participate in their community**
ACTIONS	(d) Provide and promote information to sporting clubs and community groups to assist with the inclusion of people with disability.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	The City's Club Liaison Officer works with community clubs and groups with training, partnerships, support and information that is inclusive of people with disability.
OUTCOME	KidSport The City supports the KidSport program, a State Government initiative that enables eligible Western Australian children to participate in community sport with financial assistance for club fees. The City's Club Liaison Officer processed five vouchers for children with disability. From a club perspective, Bayswater Waves Swim School and Scorpions Netball Club both received registrations from children with disability in this period. Club Connection E-Newsletter Published monthly, the Club Connection e-newsletter provides up-to-date information on grants, training opportunities and community news and information. In the December 2022 edition, the City promoted the Accessibility Champions Course, which is a free online course to champion greater accessibility within local sporting clubs and leisure providers for people with disability. Community Directory There are 92 service providers, community groups and sports clubs listed on City's Community Directory that provide programs and activities to those living with disability. In November 2022, Superyou Therapy, a new NDIS provider, was added to the Directory. They offer support through occupational therapy, speech pathology and physiotherapy services.

City of Bayswater Access and Inclusion Plan 2020 - 2024 INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023	
AUTHOR	**Manager Community Development**
BRANCH	Community Development
STRATEGY	**1.2 Build partnerships to support people with disability to participate in their community**
ACTIONS	(a) Develop and share an information package for agents and contractors, including information on how to make services and events more accessible.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	The City's Events team is responsible for delivering event information to contractors to make their services more accessible and included allocation of ACROD parking, grass matting and positioning the Age Friendly Ambassadors close to the information tent to be more accessible.
OUTCOME	Avon Descent The City's contractors supported positioning and access to food, information and food services in close proximity to the pathways and ACROD parking, an included adjacent to restrooms enabling people with a disability easier access to information and services. Carols by Candlelight Contractors ensured services were located adjacent to the path to enable easier access to services. Additional ACROD parking was created along the road to enable ease of access to the event close to the staging area.

City of Bayswater **Access and Inclusion Plan 2020 - 2024** **INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023**	
AUTHOR	**Manager Community Development**
BRANCH	Community Development
STRATEGY	**1.2 People with disability have the same opportunity as other people to access the services of, and any event organised by, the City of Bayswater.**
ACTION	(e) Raise public awareness and understanding of people with disability by celebrating local achievements of 'International Day of People with Disability.'
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	The *International Day of People with Disability* is an annual day celebrated on 3 December. To align with the 2022 theme for the International Day of People with Disability, 'Not all Disabilities are Visible', the City hosted Sensory Storytime at the Civic Centre on 2 December 2022. The City of Bayswater Sensory Storytime program was developed for children with autism or other challenges related to sensory experiences. The Sensory Storytime program aimed at engaging children in activities that support the development of social play and literacy within a group setting. Each session focused on a different theme with songs, activities, a reading of one story, and sensory playtime and exploration. An invitation was extended to Councillors, local disability service providers and their clients, community members and City staff. Children of all abilities were welcomed to attend this event.
OUTCOME	The City was successful in attaining a grant from Developmental Disability WA for $1,000 to contribute towards the event. The event was attended by the Minister for Disability Services, Fisheries, Seniors and Ageing (**Image 1**), Councillors, staff, community members and their families (**Image 2**). The story 'We're Going on a Bear Hunt' by a community member was read by storyteller and classical pianist Richard Brider. The community member is blind and a Braille reader, he read his own book that was translated into Braille when he was a child. The storyteller was accompanied by an AUSLAN Interpreter, and the story was projected onto a screen with captions providing an alternative format. Children engaged in a sing along with Richard on piano, while the AUSLAN interpreter taught basic sign language for children to sing and sign along. Sensory stations were set up around the room for the children to engage in sensory play. Kites Toybox Sensory Toy Library, displayed sensory toys, resources and information to support play and development for children living with developmental challenges. Toys from the Toy Library were available for the children to explore.

Image 1 and 2: - Sensory Storytime at City of Bayswater Civic Centre

City of Bayswater Access and Inclusion Plan 2020 - 2024 INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023	
AUTHOR	**Manager Development and Place**
BRANCH	Development and Place
STRATEGY	**1.2 Build partnerships to support people with disability to participate in their community.**
ACTION	(c) Investigate and source funding for a business awareness program to improve access and inclusion, such as how to attract more customers by providing better access to businesses.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☒ 2023/24
INFORMATION	The City updated the Community grants to enable businesses to apply to improve their shopfronts and access to their premises. The grants will be advertised in February 2023.
OUTCOME	The place making grants offers potential for businesses to improve access and inclusion at shopfronts and access to premises.

City of Bayswater **Access and Inclusion Plan 2020 - 2024** **INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023**	
AUTHOR	**Manager Environmental Health and Statutory Building**
BRANCH	Environmental Health and Statutory Building
STRATEGY	**1.2 Build partnerships to support people with disability to participate in their community.**
ACTION	(d) Provide and promote information to sporting clubs and community groups to assist with the inclusion of people with disability.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	The City continued to run a Health and Wellbeing Program, aimed at providing inclusive, and all ability opportunities for all community members to participate. <u>Wheelchair and Seated Tai Chi – Bayswater and Morley Libraries</u> The Wheelchair and Seated Tai Chi at Bayswater and Morley Libraries ran for 4 weeks with a qualified Tai Chi instructor and were designed to include participants of all abilities. <u>Healthy at Home – All Abilities Yoga</u> The All Abilities Yoga was included as a part of the Healthy at Home Program for older adults operating at the Community Centres. The All Abilities Yoga was facilitated by a qualified yoga instructor and health practitioner. The yoga sessions were simplified and were able to be performed in a seated or standing position. The sessions were open to people of all ages and abilities.
OUTCOME	<u>Wheelchair and Seated Tai Chi – Bayswater and Morley Libraries</u> The Wheelchair and Seated Tai Chi at Bayswater and Morley Libraries was well received with 23 residents registering for the program. Feedback from the program was positive with one participant stating that the sessions were low impact, but still challenging, and another participant stating that the teacher was patient and encouraging (**Image 1**) <u>Healthy at Home – All Abilities Yoga</u> The All Abilities Yoga sessions were open to people of all ages and abilities. The program was well received with 32 residents registered for the yoga sessions. Feedback was extremely positive with participants stating the course was designed with inclusion in mind, with the instructor providing modifications and clear instructions.

Image 1: Wheelchair and seated Tai Chi at Bayswater Library.

City of Bayswater Access and Inclusion Plan 2020 - 2024 INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023	
AUTHOR	**Manager Project Services**
BRANCH	Project Services
STRATEGY	**2.1 Improve building accessibility in the planning, design and construction phases.**
ACTION	(d) Allocate funds into the draft annual budget to address access barriers from audits to improve City owned buildings and facilities
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	The Community Capital Program is part of the City's Community Grants Program. Community and sporting not-for-profit organisations can apply for matched funds to improve City-owned facilities and infrastructure.
OUTCOME	As part of the 2022/23 Community Capital Request program, the City partnered with Cahoots (disability service provider) to replace five doors to enable disability access at the Bayswater Family Centre (**Image 1**). This project greatly improved the accessibility of the Bayswater Family Centre, enabling Cahoots to continue a broad range of inclusive social activities held at the centre. Key benefits included: • Provision of a welcoming venue for people of all abilities, by enhanced and inclusive and accessible nature of the facility • Continued support through Cahoots to over 1,500 people in the Perth metropolitan area, most of whom are living with a disability.

Image 1: Accessible entry at Bayswater Family Centre

City of Bayswater Access and Inclusion Plan 2020 - 2024 INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023	
AUTHOR	**Manager Community Development**
BRANCH	Community Development
STRATEGY	**2.1 Improve building accessibility in the planning, design and construction phases.**
ACTION	(d) Allocate funds into the draft annual budget to address access barriers from audits to improve City owned buildings and facilities.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	In 2021, the City Access and Inclusion Officer conducted an audit on the entrance accessibility at the Morley Community Centre and found that the ramp and doorway was a barrier to people using wheelchairs and/or walking frames.
OUTCOME	The outcome was the removal the ramp and sliding door that improved accessibility at the centre for older adults using the centre with wheelchairs and walking frames (**Image 1**).

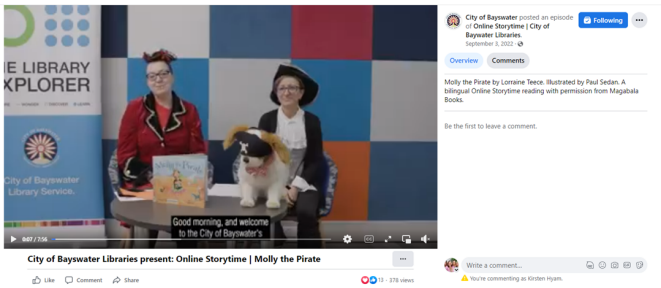
Image 1: More accessible entrance at Morley Community Centre.

City of Bayswater Access and Inclusion Plan 2020 - 2024 INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023	
AUTHOR	**Manager Building Works**
BRANCH	Building Works
STRATEGY	**2.2 Improve the range of accessible restroom facilities**
ACTION	(b) Investigate the feasibility of purchasing, hiring or building a Changing Place facility; and funding opportunities.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	The Proposed Capital Works program for 2023/24 has requested $400,000 in the budget for the construction of Change Places to satisfy action 2.2B.
OUTCOME	Seeking to apply for funds to improve the range of accessible restroom facilities for people with disability into future planning.

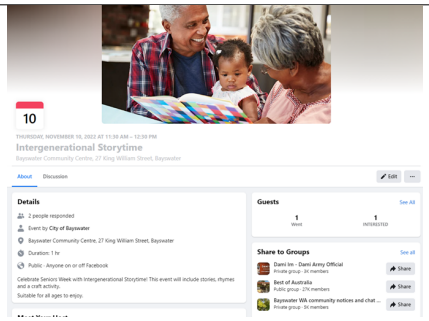
City of Bayswater **Access and Inclusion Plan 2020 - 2024** **INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023**	
AUTHOR	**Manager Project Services**
BRANCH	Project Services
STRATEGY	**2.6 Develop accessible design and inclusive play spaces to support social development for people with a range of disability.**
ACTION	(a) Design and develop play spaces in line with the City's *Parks and Play Space Classification Hierarchy*; providing accessible infrastructure and play equipment in parks, including continuous accessible pathways, fountains, shelter, shade, and seating. Where possible and appropriate, engage education and disability service providers in the design of play spaces across the City.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	In July 2019, the City endorsed a 'Play Space Strategy', as a framework to guide the planning, design and management of play spaces across the City. In October 2022, the *Play Space Strategy* was reviewed and updated, maintain the position of accessibility and inclusion as a priority. The City will commit to including at least one piece of equipment that is accessible and inclusive for all people, including children with disability, across all future regional and district play space redevelopments. **Image 1 and 2** below picture the zero depth pool entry at Maylands Waterland redevelopment, and the basket swing installed at Gibbney Reserve, respectively.
OUTCOME	The outcomes delivered include interactive and accessible play equipment at Gibbney Reserve and the Maylands Waterland.

Image 1

Image 2

City of Bayswater **Access and Inclusion Plan 2020-2024** **INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023**	
AUTHOR	**Manager Communications and Marketing**
BRANCH	Communications and Marketing
STRATEGY	**3.1 Diversify accessible information and communication methods.**
ACTION	(b) Provide information in accessible formats on request for people with disability.
DELIVERABLE	☐ **2020/21** ☐ **2021/22** ☒ **2022/23** ☐ **2023/24**
INFORMATION	The City produced numerous publications in accessible formats upon request, including the *Bayswater Beat* and *Strategic Community Plan*. **Videos with captions:** • Bilingual Online Storytime - Molly the Pirate *Also presented in Italian • Online Storytime – Little Nic's Big Day *Presented in AUSLAN • Maylands Waterland Family Fun Day • City of Bayswater Skate Park preview • Online Storytime - My Shadow is Pink *Presented in AUSLAN • City of Bayswater Community Art Awards 2022 • Meet the City of Bayswater's first LGTBQIA+ representatives • Online Storytime – Whale in the Bath *Presented in AUSLAN • Bilingual Online Storytime – There's a shark in the loo *Also presented in Polish • A Christmas message from the Mayor • Online Storytime – Big Beach BBQ *Presented in AUSLAN • Online Storytime – 12 Dogs of Christmas  **Events (PrideFEST, Seniors Week, older adults, inclusion, etc):** • International Day of People with Disability Sensory Storytime *Presented in AUSLAN

	• Sensory Storytime (Ages 3-5) • Hi, Tech! Learn - iPhones for Beginners • Hi, Tech! Learn - Emails for Beginners • EXDRAGAGANZA • Pickleball for Older Adults • Pride Roller Derby • Intergenerational Storytime • Intergenerational Fitness Fun • Hi Tech! Learn - Android Phones for Beginners • Drumming Circle • Guide Dogs WA visit • Memory Café • Intersex Community Coffee Meet Up • Pride in the Park • Drag Queen Storytime • Meet the City of Bayswater LGBTQIA Representatives, Clint Strindberg & Kay Barnard • Healthy at Home – Meditation is for Everyone • Hi, Tech! - Accessing Music Through Technology • Healthy at Home – Heart Beat 45+ Course • Healthy at Home - Medication Management Workshop • Aqua Skills 55+ • Healthy at Home – Sleep Better Live Better Workshop • LETS - Learning English Through Storytime (Ages 3-5) • Healthy at Home – Gut Health Workshop • Drag Queen Storytime with Moxie Heart • Healthy at Home - Healthy Eating for Healthy Ageing • Get Online Week – Holiday with Hi, Tech! • Pickleball for Older Adults • Savvy Seniors - Common text and email scams • Savvy Seniors - How are you going to get around? • Savvy Seniors - Financial support and education for older women



Posts:

- Baysie resident Lesley loves Pickleball
- Accessibility upgrades to Cahoots, Bayswater Family Centre
- International Day of People with Disability photo album
- International Day of People with Disability post
- PrideFEST wrap-up
- Meet Clint and Kay – the City's first LGTBQIA+ reps - video
- Seniors Week wrap-up
- We're Going on a Bear Hunt – IDPwD
- Communications Board at Gibbney Reserve
- Seniors Week
- Meet Clint Strindberg AKA Cougar Morrison and Kay Barnard, our two LGBTQIA+ representatives
- Hearing Bus visit
- PrideFEST
- Installation of counter hearing loops
- Pickleball program for older adults

City of Bayswater **Access and Inclusion Plan 2020 - 2024** **INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023**	
AUTHOR	**Manager Governance and OPD**
BRANCH	Governance, Organisational Planning and Development
STRATEGY	**3.2 Review the accessibility of information in digital formats.**
ACTION	(a) Review the City's website in line with W3C Web Accessibility Guidelines and make improvements.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	The City commenced the live-streaming of its Agenda Briefing Forums, Ordinary Council Meetings and Special Council Meetings in April 2021. Live-streaming allows interested community members to 'tune-in' to Council Meetings, without having to physically attend the meeting. The live-streamed recordings are also available on the City's website in an archive. The live-streaming service is provided through YouTube, which allows 'subtitles / closed captions' to be used. The City has been using this feature since it commenced live-streaming its meetings. This feature makes it easy to search for items of interest in the meeting recordings, as well as allowing those with a hearing impairment to read the transcript of the meeting. These recordings have view rates of anywhere between 80 and 800 views for each meeting. Example provided below:
OUTCOME	Agenda Briefing Forums, Ordinary Council Meetings and Special Council Meetings can be watched through 'live-stream' and via video recordings, giving viewers the flexibility to watch the meeting when it is most convenient to them. The live-streaming and video recordings also have closed captions and volume control, making these meetings accessible to those with hearing impairments. They also allow community members to view meetings without having to physically attend the Council Chambers.

City of Bayswater Access and Inclusion Plan 2020 - 2024 INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023	
AUTHOR	**Manager Community Development**
BRANCH	Community Development
STRATEGY	**4.1 Promote the City's commitment to access and inclusion in the Customer Service Charter.**
ACTION	(a) Provide and promote a range of options for community members to connect and communicate with the City.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	Bayswater Community Centre was recurrently experiencing technical issues with its telephone line, frequently dropping out and not working. After investigation, the City's IT team discovered that the line was not part of the City's interconnected network and caused connectivity issues. The old line was disconnected for a period of three months, which saw inquiries diverted to a new number now in place improving customer service and accessibility.
OUTCOME	Extensive communications were sent out to the community, notifying them of the new number. With the majority of the older adult members who attend the Centre preferring telephone communication over email, the new telephone line has significantly improved accessibility for the Centre.

City of Bayswater **Access and Inclusion Plan 2020 - 2024** **INFORMATION UPDATE REPORT: SEPTEMBER 2022 TO JANUARY 2023**	
AUTHOR	**Manager People, Culture and Safety**
BRANCH	People, Culture and Safety
STRATEGY	**7.2 Continue investment in building and promoting an inclusive workplace culture.**
ACTION	(b) In consultation with staff, review workplace design and ergonomics to enable reasonable adjustments for staff with disability.
DELIVERABLE	☐ 2020/21 ☐ 2021/22 ☒ **2022/23** ☐ 2023/24
INFORMATION	The City aims to provide an inclusive and flexible recruitment process and practice and improve accessibility of work facilities to enable more employment of people living with disability. To assist in meeting this aim, the *Workplace Adjustments Management Practice (WAMP)* was developed in collaboration between the City's Access and Inclusion Officer and the City's People, Culture and Safety team. The WAMP provided a guiding framework for the City to support and enable people with disability, during recruitment and employment, through the provision of reasonable adjustments to the physical environment to accommodate disability. The Workforce Diversity and Inclusion Committee has informed the WAMP to ensure it takes into consideration workplace design and ergonomics to enable reasonable adjustments for those with a disability. Scheduled for endorsement by ELT in February 2023, the WAMP is a major step in working towards the employment and retention of staff living with a disability.
OUTCOME	Once endorsed, the Management Practice will provide a framework for the City known as an employer that promotes and embraces diversity in its workforce.

10.6.3 Audit and Risk Management Committee - 7 March 2023

10.6.3.1 Project EDEN

Responsible Branch:	Information Services
Responsible Directorate:	Corporate Services
Authority/Discretion:	Information Purposes
Voting Requirement:	No Voting Required / Simple Majority
Attachments:	1. PROJECT EDEN Tech One Migration ARC Briefing [**8.1.1** - 16 pages]
Refer:	OCM 26.07.2022 Item 14.1.1

SUMMARY

This report provides the Audit and Risk Committee with an update of Project EDEN: the upgrade of the City's Enterprise Resource Planning (ERP) software.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council notes the Project EDEN update.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The City's Executive Leadership Team (ELT) endorsed the Digital Strategy 2021-2031 in January 2022. One of the key themes of the strategy is systems harmonisation.

The City's ERP solution is rapidly approaching end of life with no new features from October 2023 and support for the on- premise hosted solution ceasing in October 2024.

At the Ordinary Council Meeting on 26 July 2022, Council authorised the Chief Executive Officer to continue its partnership with Technology One and on-board to the Software as a Service platform for the period 30 June 2022 to 30 June 2027.

A project governance structure was developed which incorporates:

- Roles & Responsibilities
- Program Structure & Reporting
- Timeframes for key decisions
- Risk Management Process
- Escalation Process
- Stakeholder Engagement / Communications Plan
- Work Breakdown Structure

Following the commencement of the project, a project name of 'Project EDEN' was selected. As this is a significant project, having a project name allows the project to be easily referenced by staff and gives it a profile.

EXTERNAL CONSULTATION

Mr Cohen, founder of Cohesis, has been engaged as the project director and has been working with the Director of Corporate Services, the Manager Information Services and key staff to initialise the project, develop budget requirements and create the initial briefing materials – including the attachment to this report. Mr Cohen will attend the Audit and Risk Management Committee to discuss the project.

OFFICER'S COMMENTS

Project EDEN is a large complex digital transformation project that is in-line with the City's Digital Strategy 2021-2031. The project will deliver significant outcomes for the community and City staff.

The project will be rolled out in two main phases. Phase one being the 'lift and shift'. This includes moving the current ERP from on premise to the cloud. Phase two is the upgrade which involves moving to the newest version of Technology One platform being CiAnywhere.

Communication is critical to the success of Project EDEN. This will include not only the internal communication, however regular project updates to ELT and the Audit and Risk Management Committee. An internal communications plan is being developed to support this significant transformational project.

Change management will also be significant with this project. This will be particularly important to manage and embed the change and also to maximise the benefits from the enhanced technology.

As the project progresses, a risk register will be maintained. To date the key risks identified are:

- Budget – the project is a multi-year project and annual funding is subject to Council approval as part of the budget adoption. The City's draft Long-Term Financial Plan does include an allocation for the project. At this stage it is estimated that a budget of $5.1m will be required for this project.
- Resourcing – the current workforce market may impact the City's ability to recruit the staff that will be required over the course of the project. More work is being completed on the resourcing that will be required. Many teams across the organisation are already stretched and a project of this scale could place additional pressures on those teams. Generally, across the industry, there is a shortage of consultants who can assist with the project.

LEGISLATIVE COMPLIANCE

Nil.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low

Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This is a digital transformation project that aligns to our Digital Strategy and will impact (for the better) service delivery across all areas of the business. The project requires a significant level of investment over multiple financial years and as such appropriate levels of governance are being established.	

FINANCIAL IMPLICATIONS

The 2022/23 Budget includes an allocation of $750,000 for the project. The Long-Term Financial Plan includes an allocation of funds for the future years.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

Project EDEN is in the early stages and as the project progresses, further updates will be provided to the Audit and Risk Management Committee.

City of
Bayswater

Tech One ERP Migration – ARC Briefing

Simon Cohen
February 2022

Contents

City of Bayswater

1. Program Background
2. Technical Overview
3. Estimated Costs
4. Strategic Risks & Issues
5. Questions

City of Bayswater

1. Program Background

1. Program Background

City of Bayswater

- Tech One (on Premise Solution) is end of life.
- No new features after Oct 23.
- Support ends Oct 24.
- Technology One offered a significantly reduced fee for migrating to CIA.
- City did not place EOI / Tender into the marketplace.
- Now committed to implementing Technology One.
- Majority of implementation forecasted to occur over the next 2-3 years.
- Opportunity to reduce technical debt, improve processes, digitise & automate.
- Review longer term ERP strategy during this timeframe.

1. Program Background - Continued

City of Bayswater

- A lot of preparatory work has been done.
- IS Team are working to complete as many pre-requisites as possible.
- Tech One migration (workshops) commenced Dec 2022.
- First 6-9 months – "lift" Technology One platform to the cloud (like for like)
- Then begin migration to CIA
- All branches will be affected / required to provide key resources.
- **Not purely an ICT Project.**
- **It is Organisational Transformation Project.**
- **Effective Governance, Change management & ELT Support is essential in ensuring success.**

City of Bayswater

2. Technical Overview

2. Technology One - COB Ecosystem Overview & High-Level Approach

City of Bayswater

TechOne Solutions

CORE ENTERPRISE SUITE

1	Fleet & Plant	1	Payroll	1	Human Resources
1	Supply Chain	2	Corp Performance Planning	1	Financial Management
1	Fixed Assets	0	Safety	0	Enterprise Budgeting

- Accounts Receivable,
- Investments, Leases,
- Purchase Cards &
- Account Payable

ENTERPRISE CASH RECEIPTING (ECR)

Cash Receipting | Online Payments | End of Day Rec

ENTERPRISE CONTENT MANAGEMENT (ECM)

Document Registration | Retention Disposal | Search

Classification | NAR

PROPERTY & RATING

Fees & Charges | Rates / Modelling | Valuations

Property + Land | Pensioner Rebates | E-Services

GIS (ESRI)

Online Mapping Services | Spatial DB | SSIS Entities

- Landgate Integration
- SPROC -> Change Status Requirements
- LIDAR
- Tree Canopy

CIA CI On Premise

Non-TechOne Solutions

Tenderlink	Experian
Open Windows	Litmos
Pinforce	Red Office
DocAssembler	LivePro
Objective Trapeze	Ezescan
Blue Beam	Big Red Sky
Integrity	Phoenix
Event Bookings	Spreadsheet Registers
Office 365	Operating Assets

Further Analysis ERP migration potential

Unsure As Is

City of Bayswater

3. Estimated Costs

3. Estimated Costs – Considerations

City of Bayswater

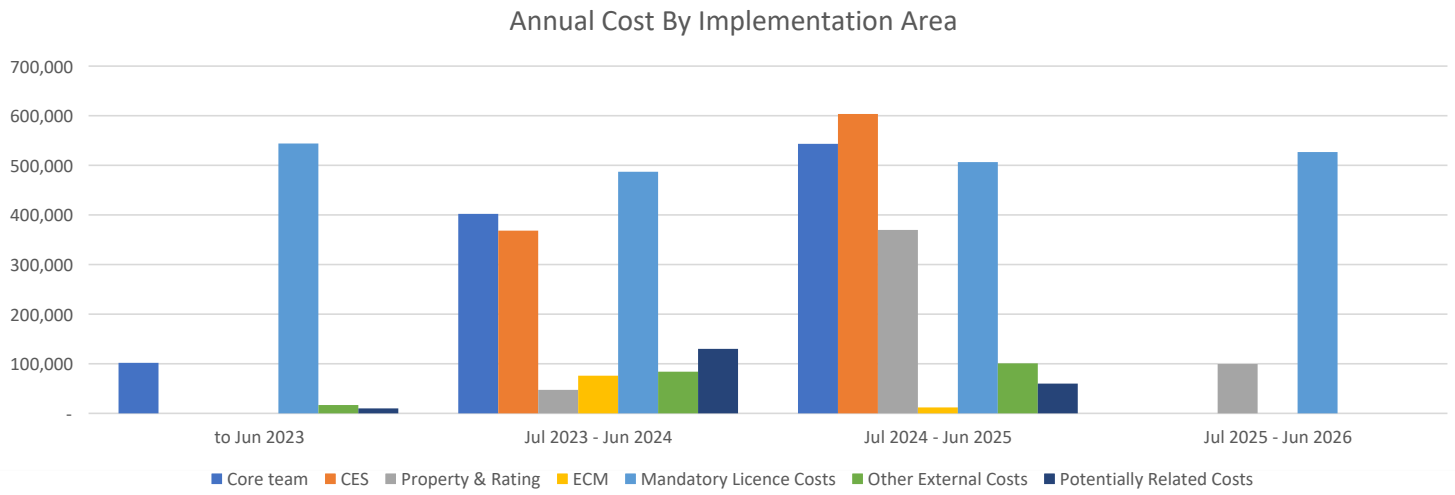
- Costs are extremely difficult to calculate.
- Based on insights from other councils, conservative, educated assumptions.
- Implementation engagement with Technology One has only just begun.
- Scope of contract is unclear (Like for Like).
- Some big decisions still need to be made (e.g. GIS, Assets).
- Recognises that significant external assistance will be required to assist (in addition to Tech One resources)
- Costs also recognise that internal people assigned to the project will need to be backfilled.
- Costs also include potentially related costs (e.g. website re-skin, Technology One training, Boomi Integration, Contact Centre Integration).

- **What is presented are educated estimates given what we know…**

3. Estimated Costs

City of Bayswater

	Yr1	Yr2	Yr3	Yr4	
Implementation Area	to Jun 2023	Jul 2023 - Jun 2024	Jul 2024 - Jun 2025	Jul 2025 - Jun 2026	**Totals**
Core team	101,835	402,128	543,303	-	**1,047,267**
CES	-	368,322	603,494	-	**971,816**
Property & Rating	-	47,356	369,743	99,471	**516,570**
ECM	-	75,923	11,954	-	**87,877**
Mandatory Licence Costs	543,980	487,016	506,497	526,757	**2,064,250**
Other External Costs	16,800	84,000	100,800	-	**201,600**
Potentially Related Costs	10,000	130,000	60,000	-	**200,000**
Total Cost	**672,615**	**1,594,746**	**2,195,791**	**626,228**	**5,089,381**



City of Bayswater

4. Strategic Risks & Issues

4. Risks & Issues - Identification

City of Bayswater

A significant amount of preparatory work has been performed over the past 6-9 months providing significant insight into some of the Risks and Issues that need to be resolved to support a successful migration.

Risks will be following the following naming convention: **EDEN-Rnnn**

- EDEN-**Risk nnn**
- Where **nnn** is the ID number.

Issues will be following the following naming convention: **EDEN-Innn**

- EDEN-**Issue nnn**
- Where **nnn** is the ID number.

4. Initial Risks

City of Bayswater

Program Area	Risk ID	Risk Description	Details	Date Raised	Probability	Impact	Frequency	Response	Owner(s)	Mitigation Actions	Comments	Status	Target Due Date	Action Owners	Date Last Reviewed
Scoping & Requirement Gathering	EDEN-R0001	Lack of scope clarity	There are many moving parts to the target solution (e.g. GIS) which have knock-on effects to downstream systems and processes	1-Nov	HIGH	HIGH	MEDIUM	Currently working through key integration options / dependencies	SC / RVD	Early Engagement with Technology One.	Meeting requested with Sonja and Richard for w/c 3rd Jan	Open	Ongoing	Simon, Richard, Lorraine	15-Jan
Costs & Budgets	EDEN-R0002	Contractual clarity / potential for total cost escalation	Understanding is that the migration is like-for-like migration but as the on-prem solution is being readied for various integrations it is unclear at what point and how much additional Tech One consulting & licences will be required.	1-Nov	HIGH	HIGH	MEDIUM	Currently going through the project initiation with Tech One	Project Board	Early Engagement with Tech One to determine what is Out of Scope.	Current phase is a lift of the on-premise solution t othe cloud. Workshops to be held in January 2023. These should help provide further clarity.	Open	Ongoing	Simon, Richard	15-Jan
Internal Resourcing	EDEN-R0003	Lack of available resources	All branches are busy and many are under-resourced. City has also suffered from losses of key people. Project has budget to hire to bring resources into the project team.	1-Nov	HIGH	HIGH	HIGH	Linnet has been seconded onto the project for a fixed 2 year period - this will provide the project with	ELT	People saying they are too busy. Knowledge drain.	This is not an easy fix but needs constant management.	Open	Ongoing	Lorraine, CEO	15-Jan
Change Management	EDEN-R0004	Lack of leadership buy-in	Has been a concern that the ELT were not across the complexity and impact of this project and see this as an IT project.	1-Nov	MEDIUM	HIGH	MEDIUM	Awareness sessions have been held to inform Managers and coordinators of the impending project and the reuqirement for a number of dependent actions to be taken.	SC, ELT	Important for ELT to stress importance of this project within own teams and for Managers / Coordinators to make resources available.	This has been happening but will no doubt require affirmation from time-time	Open	Ongoing	Simon, Richard, ELT	15-Jan

4. Initial Risks - continued

City of Bayswater

Program Area	Risk ID	Risk Description	Details	Date Raised	Probability	Impact	Frequency	Response	Owner(s)	Mitigation Actions	Comments	Status	Target Due Date	Action Owners	Date Last Reviewed
Communications	EDEN-R0005	Lack of internal alignment	Concerned that branches would (pro-) actively support the implemntation by allocating resources and helpingt to meet pre-requisite tasks. Also concern that branches would continue to try and implement non-core solutions without considering the impact on the overall strategy.	1-Nov	HIGH	HIGH	MEDIUM	Awareness sessions have been held to inform Managers and coordinators of the impending project and the reuqirement for a number of dependent actions to be taken.	ELT	Project Board & ELT Updates	So far everything has been done that can be done but now need to start to develop a comms plan - as we start to have things to communicate.	Open	30/06/2023	Simon	15-Jan
Strategy	EDEN-R0006	Sideline work to mature GIS/CRM potentially counters other initiatives to streamline Tech One – GIS migration path.	Important that decsions around GIS and CRM are taken in conjunction with IS to ensure a solution that meets the City's strategy.	1-Nov	MEDIUM	HIGH	MEDIUM	Ongoing conversations between Richard & Sonja	Project Board / GIS	Detailed Early Engagement to determine GIS migration path	Meetings scheduled with Sonja for when she returns from holiday	Open	30/06/2023	Simon, Richard, Sonja	15-Jan
Costs & Budgets	EDEN-R0007	Risk that the Council do not approve funding	The ELT have been made aware of the projected costs and these have been incorporated into the Long Term Financial Plan but this still needs to be fromally approved.	12-Jan	HIGH	HIGH	LOW	Appropriate Engagement needed with the ELT and council to ensure funding for the project is secured.	Program Board	Communication with ELT has already happened. Funding incorporated int othe LTFP and this Risk will be highlighted to the Audit & Risk Committee (Feb	So far everything is being done that can be done. Cost estimates are fluid as we progress internal requirements capture and work with Tech One to understand required activities.	Open	30/06/2023	Simon Cohen / Linnet Solomons	15-Jan

City of Bayswater

4. Initial Strategic Issues - continued

Program Are	Issue ID	Issue	Description	Date Raised	Impact	Mitigation Actions	Owner(s)	Comments	Target Due Date	Action Owners
Internal Resourcing	EDEN-I0001	IS Team Resourcing	IS Team (which will bear a significant portion of this project) is already stretched and has multiple competing requests which are mal-aligned to the implementation.	1-Dec	HIGH	Alternative IS Team Structure is being drafted to incorporate specific Project resourcing requirements. No new software should be introduced without consultation of the Project Board and IS. ELT to adopt Executive IT Procurement Policy and cloud Strategy Framework.	PROJECT BOARD			
Strategy	EDEN-I0002	City has fragmented views on application requirements.	Culture is for branches to often source their own non-core software or to not engage with IS thus preventing alignment on the wider picture.	1-Dec	HIGH	ELT to adopt Cloud Strategy Framework - currently in review with DCS	PROJECT BOARD			
Strategy	EDEN-I0003	Desire to incorporate move to Tech One e-invoicing likely to be	Needs to be considered as part of wider EA landscape	1-Dec	HIGH	Determine whether e-invoicing is included within the scope of the contract and if not determine likely	PROJECT BOARD			
3rd Party Vendor (Non Tech One)	EDEN-I0004	Banking Migration – Chart of accounts – new bank control account maybe required.	Needs further investigation. It is also related to eServices module which is ideally required to be in place before we "lift" to the cloud.	1-Dec	HIGH	Determine Banking migration timeline and schedule COA work as needed. Where possible plan ahead.	Linnet Solomons			
3rd Party Vendor (Non Tech One)	EDEN-I0005	Onboard merchant account with integrations to Tech One (Australia Post Securepay, CBA Bpoint, WestPac, Nab Transact, PayPal classic)	Needs further investigation. It is also related to eServices module which is ideally required to be in place before we "lift" to the cloud.	1-Dec	MEDIUM	Tech One have provided details of compatible merchant integrations. Task for Finance / IS to determine optimal finance (cost and transaction clearing efficiency) and technical solution.	Linnet Solomons			

City of Bayswater

5. Questions

10.6.3.2 2022 Annual Compliance Audit Return

Responsible Branch:	Governance Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority
Attachments:	1. 2022 Compliance Audit Return Questions [**8.2.1** - 26 pages] 2. CONFIDENTIAL - Final Report Compliance Audit Return Review [**8.2.2** - 22 pages]
Refer:	Item 10.6.1.3: OCM 22.02.2022

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

(e) a matter that if disclosed, would reveal —

(iii) information about the business, professional, commercial or financial affairs of a person.

CR CATHERINE EHRHARDT, DEPUTY MAYOR DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Catherine Ehrhardt, Deputy Mayor declared an impartial interest in this item as she is indirectly mentioned in the attached CAR responses as she is the Councillor that self-reported to the Department

SUMMARY

Local governments are required to prepare and submit an Annual Compliance Audit Return each year, and that has now been completed for the reporting period 1 January 2022 to 31 December 2022.

The Compliance Audit Return (CAR) is essentially a self-assessment by each local government of how it has complied with the *Local Government Act 1995* (the Act). The CAR must be reviewed by the Audit Committee before being considered and adopted by Council. The final step is to submit it to Department of Local Government, Sport and Cultural Industries (DLGSCI) by the due date of 31 March 2023.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER RECOMMENDATION TO COUNCIL)

That Council adopts the completed Compliance Audit Return for the period 1 January 2022 to 31 December 2022, as included in Attachment 1.

Cr Giorgia Johnson Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The *Local Government Audit Regulations 1996,* (the Regulations) prescribe the requirements for local governments to carry out an annual Compliance Audit Return, which is essentially a self-assessment for the reportable period against a series of questions that are issued by the Department of Local Government, Sport and Cultural Industries.

Regulations 13 – 15 set out the requirements for the compliance audit return to be conducted, including that it is to be reviewed first by the audit and risk management committee. The results of that review are required to be reported to Council before adoption.

The adopted CAR must be received by the Department by no later than 31 March following the reportable period to which the audit relates.

The topics in the CAR for the 2022 reportable period are similar to that of previous years. The 2021 compliance audit return was considered by Council at its Ordinary Meeting of 22 February 2022.

EXTERNAL CONSULTATION

The City's Internal Auditors William Buck were engaged to assist in the auditing process for the 2022 CAR.

OFFICER'S COMMENTS

The Compliance Audit Return for the reportable period 1 January 2022 to 31 December 2022 is shown at **Attachment 1.** The Audit and Risk Management Committee is required to review this completed Compliance Audit Return, and any comments will be considered in the follow up report to Council.

This year there was a delay in the department releasing the CAR with the City receiving the 2022 questionnaire in mid-January 2023.

This year's CAR is similar to previous years and contains a total of 107 questions that are identified within the following categories and comments have been included where appropriate.

The 2022 CAR has the following categories:

- Commercial Enterprises by Local Governments
- Delegation of Power/Duty
- Disclosure of Interest
- Disposal of Property
- Elections
- Finance
- Integrated Planning and Reporting
- Local Government Employees
- Official Conduct
- Other and
- Tenders for Providing Goods and Services.

Unlike the previous CAR the section relating to Local Government Elections can be marked as non-applicable.

This year the City trialled using its corporate and governance software program "Attain" to assist in capturing responses from relevant branch managers. Officers found the system made collating the responses more efficient, however there were a couple of software features that required improvement. Officers provided this information to the software developers who have made the required adjustments and it is expected these changes will significantly improve the process for future Compliance Audit Returns.

Results of the William Buck Internal Review

As part of the Internal Audit Plan 2022/23 the City's Internal Auditors were engaged to consider the processes used to comply with specific sections of the *Local Government Act 1995* (and supporting regulations), as they relate to the completion of the 2022 CAR, and to report the results to the City.

A sample of 34 out of the 107 questions were selected for testing to report on the City's Compliance Audit Return. The scope of the audit was to consider the following areas:

- Review processes used to complete the Annual Compliance Audit Return.
- Review the selected evidence to support the responses. The following areas of the CAR were selected to perform sample testing:
  - CEO Recruitment Process.
  - Major Land Transactions and corresponding Business Plans.
  - Controls and processes involved in procurement.
- Review quality assurance process to ensure accuracy of the responses.

In their report Compliance Audit Return Review (**Attachment 2**) William Buck's internal auditors noted;

"*there appears to be support and commitment across business units interviewed to provide timely responses to CAR questions".*

"The majority of the CAR questions sampled were complied with by the City and delegation of the CAR questions are managed effectively".

In terms of findings and recommendations, William Buck identified one instance of non-compliance, resulting in one finding, and made two recommendations requiring management action. Management has since addressed the two recommendations.

From a process perspective, the auditors also indicated a lack of documented guidelines to ensure adequate response to the CAR questions.

During the review the auditors identified four inaccurate CAR response answers, all four responses have since been corrected.

Current practice is for the Governance team to review management responses and supporting evidence prior to finalising the CAR, this enables any errors or inaccurate responses by management to be confirmed and updated, as required prior to the submission of the CAR. However, the delay in receiving the 2022 questionnaire from the DLGSCI, meant that the Governance Team had not yet performed their review of management responses prior to the audit commencing and this resulted in the auditors identifying four inaccurate responses.

Management has agreed to develop processes to provide guidance to staff completing the CAR as well as processes informing the review of responses and evidence by the Governance Team.

Results of the Compliance Audit Return

Overall, the 2022 Compliance Audit Return for the City identifies two area of non-compliance.

Finance

Question 3: Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022?

Answer: The City has not yet received the auditor's report, for the financial year ended 30 June 2022, from the Office of the Auditor General (OAG). The estimated receipt date is the end of February 2023.

As soon as the auditor's report is received, the Annual Report and Financial Statements will be submitted to the Audit and Risk Management Committee and Council for consideration.

Tenders for providing goods and services

Question 2: Subject to the Local Government (Functions and General) Regulations 1996, regulation 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 regulation 11(1) of the Regulations?

Answer: The City identified one non-compliance, where the aggregate of the work was over $250,000 and should have followed the tender process. Unfortunately, due to system and reporting limitations, City officers were unable to identify this until after the spend had already occurred.

City officers will continue to monitor and manage exception reporting to flag expenditure that exceeds contract limits.

As part of the ERP review, integration between the contract management system and the financial system will be investigated.

LEGISLATIVE COMPLIANCE

- Section 7.13(i) of the *Local Government Act 1995*
- Regulations 13 - 5 of the *Local Government (Audit) Regulations 1996*

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Moderate
Governance	Low	Moderate
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This option meets the legislative requirements for Council to adopt the Annual Compliance Return. The Reputational and Governance risk ratings have been increased to Moderate to reflect any potential delays in submitting the Compliance Audit Return by the due date, subject to what additional information may be required by Council. Amending any of the comments will not affect the	

	submission process, and Council may wish to simply amend some of the comments.

FINANCIAL IMPLICATIONS

The delivery of this audit was within the budgeted 40 hours, at a cost of $4,800.00.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Leadership and Governance
Goal L4:	Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

The questions for the 2022 CAR are similar to those of previous years, and the responses are as per **Attachment 1**. The required process is that the responses are considered by the Audit and Risk Management Committee before adoption by Council.

Home (/) / Compliance Audit Return (/CAR/) / **Compliance Audit Return Form**

Compliance Audit Return Form

Start ✔
Details ✔
Commercial Enterprises ✔
Delegation ✔
Disclosure of Interest ✔
Disposal of Property ✔
Elections ✔
Finance ✔
IPR ✔
Employees ✔
Conduct ✔
Other ✔
Tenders ✔
Documents ✔
Review
Finalise

Print

Details

Local Government

Bayswater, City of

Created By

Karen D'Cunha

Year of Return

2022

Status

Draft

Commercial Enterprises by Local Governments

1. Has the local government prepared a business plan for each major trading undertaking that was not exempt in 2022? *

N/A

☑ **Add comments**

Please enter comments *

No applicable activities undertaken in 2022.

2. Has the local government prepared a business plan for each major land transaction that was not exempt in 2022? *

N/A

☑ **Add comments**

Please enter comments *

No applicable activities undertaken in 2022.

3. 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 2022? *

N/A

☑ **Add comments**

Please enter comments *

No applicable activities undertaken in 2022.

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 2022? *

N/A

☑ **Add comments**

Please enter comments *

No applicable activities undertaken in 2022.

5. During 2022, did the council resolve to proceed with each major land transaction or trading undertaking by absolute majority? *

N/A

☑ **Add comments**

Please enter comments *

No applicable activities undertaken in 2022.

Delegation of Power/Duty

1. Were all delegations to committees resolved by absolute majority? *

Yes

☑ **Add comments**

Please enter comments *

All delegations to Committees were resolved by an absolute majority at the Ordinary Council Meeting of 7 December 2021 and the Ordinary Council Meeting of 6 December 2022.

2. Were all delegations to committees in writing? *

Yes

☑ **Add comments**

Please enter comments *

In the Minutes of the Ordinary Council Meeting of 7 December 2021 and the Ordinary Council Meeting of 6 December 2022. All delegations are in writing in a register which is published on the City's website.

3. Were all delegations to committees within the limits specified in section 5.17 of the Local Government Act 1995? *

Yes

☐ **Add comments**

—

4. Were all delegations to committees recorded in a register of delegations? *

Yes

☑ **Add comments**

Please enter comments *

The delegations register can be found on the City's website.

5. Has council reviewed delegations to its committees in the 2021/2022 financial year? *

Yes

☑ **Add comments**

Please enter comments *

At its Ordinary Council Meeting of 7 December 2021

6. Did the powers and duties delegated to the CEO exclude those listed in section 5.43 of the Local Government Act 1995? *

Yes

☐ **Add comments**

—

7. Were all delegations to the CEO resolved by an absolute majority? *

Yes

☑ **Add comments**

Please enter comments *

Yes, at the Ordinary Council Meeting of 25 January 2022.

8. Were all delegations to the CEO in writing? *

Yes

☑ **Add comments**

Please enter comments *

Yes. The delegations to the CEO were approved by Council in the minutes of its meeting on 25 January 2022 and are published in a register on the City's website.

9. Were all delegations by the CEO to any employee in writing? *

Yes

☑ **Add comments**

Please enter comments *

Yes, delegation memos are sent out to individuals and saved in ECM (the City's record keeping system).

10. Were all decisions by the Council to amend or revoke a delegation made by absolute majority? *

Yes

☑ **Add comments**

Please enter comments *

Yes, at the Ordinary Council Meeting of 25 January 2022

11. Has the CEO kept a register of all delegations made under Division 4 of the Local Government Act 1995 to the CEO and to employees? *

Yes

☑ **Add comments**

Please enter comments *

The City keeps a record of all delegations to the CEO and to employees, and manages this through the "Attain" Governance Software Application. The register is also published on the City's website.

12. Were all delegations made under Division 4 of the Act reviewed by the delegator at least once during the 2020/2021 financial year? *

Yes

☑ **Add comments**

Please enter comments *

At the Ordinary Council Meetings of 7 December 2021 and 25 January 2022.

13. Did all persons exercising a delegated power or duty under the Local Government Act 1995 keep, on all occasions, a written record in accordance with Local Government (Administration) Regulations 1996 regulation 19? *

Yes

☑ **Add comments**

Please enter comments *

The City keeps records of use of financial delegations using its software system Core Enterprise Suite. Other determinations are recorded on ECM, Property and Rating and the City's website (for example, planning determinations made under delegated authority).

Disclosure of Interest

1. Where a council member disclosed an interest in a matter and did not have participation approval under sections 5.68 or 5.69 of the Local Government Act 1995, did the council member ensure that they did not remain present to participate in discussion or decision making relating to the matter? *

Yes

☑ **Add comments**

Please enter comments *

At the Ordinary Council Meeting of 6 December 2022, the Council resolved to allow a Councillor to participate in a matter (item 10.3.2) in which they had declared an interest. The Councillor in question erroneously remained in the chambers and voted on the motion which allowed them to participate in the matter. The Councillor has self-reported this error to the Department.

2. Were all decisions regarding participation approval, including the extent of participation allowed and, where relevant, the information required by the Local Government (Administration) Regulations 1996 regulation 21A, recorded in the minutes of the relevant council or committee meeting? *

Yes

☑ **Add comments**

Please enter comments *

The City minutes instances where the Council or Committee has allowed members disclosing interests to participate in the meeting. Eg Item 10.3.2 OCM 6.12.2022

3. Were disclosures under sections 5.65, 5.70 or 5.71A(3) of the Local Government Act 1995 recorded in the minutes of the meeting at which the disclosures were made? *

Yes

☑ **Add comments**

Please enter comments *

All disclosures are recorded in the minutes of the meeting at which they are made. These are recorded in two places in the minutes, section 5. "Disclosure of Interest Summary" and also at the beginning of the item for which the declaration was made.

4. Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day? *

Yes

☑ **Add comments**

Please enter comments *

The City Manages its Primary and Annual Returns through Attain and there were no instances of non-compliance in 2022.

5. Was an annual return in the prescribed form lodged by all relevant persons by 31 August 2022? *

Yes

☑ **Add comments**

Please enter comments *

The City Manages its Primary and Annual Returns through Attain and there were no instances of non-compliance in 2022.

6. On receipt of a primary or annual return, did the CEO, or the mayor/president, give written acknowledgment of having received the return? *

Yes

☑ **Add comments**

Please enter comments *

The City's governance application Attain is set up for the CEO to receive and formally receipt primary and annual returns.

7. Did the CEO keep a register of financial interests which contained the returns lodged under sections 5.75 and 5.76 of the Local Government Act 1995? *

Yes

☑ **Add comments**

Please enter comments *

The City manages its returns using Attain which produces this register.

8. 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 of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28? *

Yes

☑ **Add comments**

Please enter comments *

The City publishes this register on its website

9. When a person ceased to be a person required to lodge a return under sections 5.75 and 5.76 of the Local Government Act 1995, did the CEO remove from the register all returns relating to that person? *

Yes

☑ **Add comments**

Please enter comments *

The City uses Attain to manage its returns and if a person ceases to be a relevant person, Governance receives a separation advice and updates the system accordingly.

10. Have all returns removed from the register in accordance with section 5.88(3) of the Local Government Act 1995 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

☑ **Add comments**

Please enter comments *

Attain keeps a record of returns and the City also keep the hard copy for a minimum period of 5 years.

11. Did the CEO keep a register of gifts which contained a record of disclosures made under sections 5.87A and 5.87B of the Local Government Act 1995, in the form prescribed in the Local Government (Administration) Regulations 1996, regulation 28A? *

Yes

☑ **Add comments**

Please enter comments *

The City Manages it's Gift Register using Attain

12. Did the CEO publish an up-to-date version of the gift register on the local government's website? *

Yes

☐ **Add comments**

—

13. When people cease to be a person who is required to make a disclosure under section 5.87A or 5.87B of the Local Government Act 1995, did the CEO remove from the register all records relating to those people? *

Yes

☑ **Add comments**

Please enter comments *

The Register has been checked and all records only relate to relevant persons.

14. Have copies of all records removed from the register under section 5.89A(6) Local Government Act 1995 been kept for a period of at least five years after the person ceases to be a person required to make a disclosure? *

Yes

☑ **Add comments**

Please enter comments *

The City has the forms stored in Attain and records go back to 2017.

15. 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

☑ **Add comments**

Please enter comments *

The City's templates for selection reports on requests for quotes and tenders require employees to disclose their interests including the nature and extent of the interest.

16. Where council applied to the Minister to allow the CEO to provide advice or a report to which a disclosure under section 5.71A(1) of the Local Government Act 1995 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

☑ **Add comments**

Please enter comments *

There were no instances of this occurring during 2022.

17. Was any decision made by the Minister under section 5.71B(6) of the Local Government Act 1995, recorded in the minutes of the council meeting at which the decision was considered? *

N/A

☑ **Add comments**

Please enter comments *

There were no instances of this occurring during 2022.

18. Did the local government prepare and adopt, by absolute majority, a code of conduct to be observed by council members, committee members and candidates within 3 months of the prescribed model code of conduct coming into operation (3 February 2021)? *

Yes

☑ **Add comments**

Please enter comments *

The City's Code of Conduct was adopted at its Ordinary Council Meeting of 23 February 2021

19. Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the Local Government Act 1995? *

No

☑ **Add comments**

Please enter comments *

There were no additional requirements adopted.

20. Has the CEO published an up-to-date version of the code of conduct for council members, committee members and candidates on the local government's website? *

Yes

☑ **Add comments**

Please enter comments *

https://www.bayswater.wa.gov.au/city-and-council/management-and-governance/codes-of-conduct-and-model-ceo-standards

21. Has the CEO prepared and implemented a code of conduct to be observed by employees of the local government? *

Yes

☑ **Add comments**

Please enter comments *

This can be found at: https://www.bayswater.wa.gov.au/CityOfBayswater/media/Documents/City-of-Bayswater-Code-of-Conduct.pdf

Has the CEO published an up-to-date version of the code of conduct for employees on the local government's website? *

Yes

Disposal of Property

1. 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) of the Local Government Act 1995 (unless section 3.58(5) applies)? *

N/A

☑ **Add comments**

Please enter comments *

22 Russell St, Morley was disposed of via a public tender.

2. Where the local government disposed of property under section 3.58(3) of the Local Government Act 1995, did it provide details, as prescribed by section 3.58(4), in the required local public notice for each disposal of property? *

N/A

☐ **Add comments**

—

Elections

1. 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 in accordance with regulation 30G(1) and regulation 30G(2) of the Local Government (Elections) Regulations 1997? *

N/A

☑ **Add comments**

Please enter comments *

As 2022 was not an election year there were no gifts declared. The 2021 register is on the City's website however does not contain any records as there were no gifts declared by candidates who became elected members.

2. Did the CEO remove any disclosure of gifts forms relating to unsuccessful candidates, or successful candidates that completed their term of office, from the electoral gift register, and retain those forms separately for a period of at least two years in accordance with regulation 30G(4) of the Local Government (Elections) Regulations 1997? *

N/A

☑ **Add comments**

Please enter comments *

This was done in 2021 however no gifts were declared in 2022 as it was not an election year.

3. Did the CEO publish an up-to-date version of the electoral gift register on the local government's official website in accordance with regulation 30G(5) of the Local Government (Elections) Regulations 1997? *

N/A

☑ **Add comments**

Please enter comments *

This was done in 2021 however no gifts were declared in 2022 as it was not an election year.

Finance

1. Has the local government established an audit committee and appointed members by absolute majority in accordance with section 7.1A of the Local Government Act 1995? *

Yes

☑ **Add comments**

Please enter comments *

The Audit and Risk Management Committee was established by an absolute majority at the Ordinary Council Meeting of 26 October 2021.

2. Where the council delegated to its audit committee any powers or duties under Part 7 of the Local Government Act 1995, did it do so by absolute majority? *

N/A

☑ **Add comments**

Please enter comments *

The Council has not delegated any power or authority to the Committee under Part 7 of the Act.

3. Was the auditor's report for the financial year ended 30 June 2022 received by the local government by 31 December 2022? *

No

☑ **Add comments**

Please enter comments *

The City has not yet received the auditor's report from the OAG. The estimated receipt date from the OAG is the end of February 2023.

4. Where the local government determined that matters raised in the auditor's report prepared under section 7.9(1) of the Local Government Act 1995 required action to be taken, did the local government ensure that appropriate action was undertaken in respect of those matters? *

N/A

☑ **Add comments**

Please enter comments *

The report is still in the drafting stage and has not yet been received.

5. 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? Was a copy of the report given to the Minister within three months of the audit report being received by the local government? *

N/A

☑ **Add comments**

Please enter comments *

The City is in the process of drafting the management letter for the 2021/22 audit findings. The completed letter will be returned to OAG at the end of February 2023.

6. Within 14 days after the local government gave a report to the Minister under section 7.12A(4)(b) of the Local Government Act 1995, did the CEO publish a copy of the report on the local government's official website? *

N/A

☑ **Add comments**

FIN-AR-Publish14DaysComments *

The auditor's report for 2021/22 has not yet been received.

7. Was the auditor's report for the financial year ending 30 June 2022 received by the local government within 30 days of completion of the audit? *

N/A

☑ **Add comments**

Please enter comments *

The auditor's report for 2021/22 has not yet been received.

Integrated Planning and Reporting

1. Has the local government adopted by absolute majority a strategic community plan? *

Yes

☐ **Add comments**

Please provide the adoption date or the date of the most recent review *

25/05/2021

—

2. Has the local government adopted by absolute majority a corporate business plan? *

Yes

☐ **Add comments**

Please provide the adoption date or the date of the most recent review *

11/06/2019

—

3. Does the corporate business plan comply with the requirements of Local Government (Administration) Regulations 1996 19DA(2) & (3)? *

Yes

☐ **Add comments**

—

Local Government Employees

1. Were all CEO and/or senior employee vacancies advertised in accordance with Local Government (Administration) Regulations 1996, regulation 18A? *

Yes

☐ **Add comments**

—

2. Was all information provided in applications for the position of CEO true and accurate? *

Yes

☑ **Add comments**

Please enter comments *

The CEO recruitment process was undertaken by an independent consultant, Lester Blades. Lester Blades has confirmed that all applications were vetted as part of the CEO recruitment process.

3. 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) of the Local Government Act 1995? *

Yes

☐ **Add comments**

—

4. Did the CEO inform council of each proposal to employ or dismiss senior employee? *

N/A

☑ **Add comments**

Please enter comments *

There were no proposals to employ or dismiss senior employees in 2022.

5. 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

☑ **Add comments**

Please enter comments *

There were no proposals to employ or dismiss senior employees in 2022.

Official Conduct

1. Has the local government designated an employee to be its complaints officer? *

Yes

☑ **Add comments**

Please enter comments *

The Chief Executive Officer is the City's Complaints Officer (as per Council Resolution of 23 February 2021)

2. 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) of the Local Government Act 1995? *

Yes

☑ **Add comments**

Please enter comments *

A register has been kept although there were no breaches finalised by the Local Government Standards Panel during the reporting period

3. Does the complaints register include all information required by section 5.121(2) of the Local Government Act 1995? *

Yes

☐ **Add comments**

—

4. Has the CEO published an up-to-date version of the register of the complaints on the local government's official website? *

Yes

☐ **Add comments**

—

Other

1. Did the CEO review the appropriateness and effectiveness of the local government's financial management systems and procedures in accordance with the Local Government (Financial Management) Regulations 1996 regulations 5(2)(c) within the three financial years prior to 31 December 2022?

Yes

☑ **Add comments**

Please provide the date of council's resolution to accept the report. *

22/02/2022

Please enter comments *

The report from an Internal Audit of the City's finance systems and associated procedures, including asset management, was endorsed by Council at its meeting of 22 February 2022.

2. 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 Local Government (Audit) Regulations 1996 regulation 17 within the three financial years prior to 31 December 2022?

Yes

☐ **Add comments**

Please provide the date of council's resolution to accept the report. *

23/06/2020

—

3. Where a disclosure was made under sections 5.87A or 5.87B of the Local Government Act 1995, were the disclosures made within 10 days after receipt of the gift? Did the disclosure include the information required by section 5.87C of the Act?

Yes

☑ **Add comments**

Please enter comments *

Councillors and the CEO register their gifts in Attain and none were late.

4. Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?

Yes

☑ **Add comments**

Please enter comments *

The policy can be found at https://www.bayswater.wa.gov.au/online-services/forms-and-publications/policies/2021/attendance-at-events-policy.
The policy was adopted by Council, by an absolute majority, at its Ordinary Council Meeting of 8 December 2020.

5. Did the CEO publish information on the local government's website in accordance with sections 5.96A(1), (2), (3), and (4) of the Local Government Act 1995?

Yes

☐ **Add comments**

—

6. Did the local government prepare and adopt (by absolute majority) a policy in relation to the continuing professional development of council members?

Yes

☑ **Add comments**

Please enter comments *

https://www.bayswater.wa.gov.au/online-services/forms-and-publications/policies/2021/elected-members-attendance-at-conferences,-seminar
The policy was adopted on 19 April 2011 and was last reviewed 7 December 2021.

7. Did the local government prepare a report on the training completed by council members in the 2021/2022 financial year and publish it on the local government's official website by 31 July 2022?

Yes

☑ **Add comments**

OQ-CouncilMemberTrainingPublishComments *

Delegates reports are provided at next Council meeting following the elected member training session. An online register is also kept.

8. By 30 September 2022, did the local government submit to its auditor the balanced accounts and annual financial report for the year ending 30 June 2022?

Yes

☐ **Add comments**

—

9. When adopting the annual budget, did the local government take into account all its expenditure, revenue and income?

Yes

☐ **Add comments**

—

Tenders for Providing Goods and Services

1. Did the local government comply with its current purchasing policy, adopted under the Local Government (Functions and General) Regulations 1996, regulations 11A(1) and (3) 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

☑ **Add comments**

Please enter comments *

The Procurement Policy sets out the business rules for quotations. Where the spend is or was expected to be below $250K, we have been going out for quotations in accordance with our purchasing policy. We have not identified any areas of non-compliance.

2. Subject to Local Government (Functions and General) Regulations 1996, regulation 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 regulation 11(1) of the Regulations? *

No

☑ **Add comments**

Please enter comments *

One non-compliance has been identified. We have identified one area of work where the aggregate of the work was over $250,000. Ideally this work should have been covered by one contract, that followed the tender process. Unfortunately, due to system and reporting limitations, we were unable to identify this until after the spend had already exceeded $250K.

3. When regulations 11(1), 12(2) or 13 of the Local Government Functions and General) Regulations 1996, required tenders to be publicly invited, did the local government invite tenders via Statewide public notice in accordance with Regulation 14(3) and (4)? *

Yes

☑ **Add comments**

Please enter comments *

All tenders are advertised in the West Australian newspaper

4. Did the local government comply with Local Government (Functions and General) Regulations 1996, Regulation 12 when deciding to enter into multiple contracts rather than a single contract? *

Yes

☑ **Add comments**

Please enter comments *

No contracts were identified as being deliberately split to avoid reg 12.

5. If the local government sought to vary the information supplied to tenderers, was every reasonable step taken to give each person who sought copies of the tender documents or each acceptable tenderer notice of the variation? *

Yes

☑ **Add comments**

Please enter comments *

Addendums were issued via Tenderlink to all parties

6. Did the local government's procedure for receiving and opening tenders comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 15 and 16? *

Yes

☑ **Add comments**

Please enter comments *

Tenders are closed via Tenderlink (locked process)

7. Did the information recorded in the local government's tender register comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulation 17 and did the CEO make the tenders register available for public inspection and publish it on the local government's official website? *

Yes

☑ **Add comments**

Please enter comments *

On-line tender register

8. 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

☑ **Add comments**

Please enter comments *

No late tenders were received during the reportable period

9. 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

☑ **Add comments**

Please enter comments *

Tenders were evaluated against the criteria included in the RFT document

10. Did the CEO give each tenderer written notice containing particulars of the successful tender or advising that no tender was accepted? *

Yes

☑ **Add comments**

Please enter comments *

All unsuccessful parties were notified in writing

11. Did the local government's advertising and expression of interest processes comply with the requirements of the Local Government (Functions and General) Regulations 1996, Regulations 21 and 22? *

N/A

☑ **Add comments**

Please enter comments *

No EOI's were issued during the reportable period

12. 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

☑ **Add comments**

Please enter comments *

No EOI's were issued during the reportable period

13. Were all expressions of interest that were not rejected under the Local Government (Functions and General) Regulations 1996, Regulation 23(1) & (2) assessed by the local government? Did the CEO list each person as an acceptable tenderer? *

N/A

☑ **Add comments**

Please enter comments *

No EOI's were issued during the reportable period

14. Did the CEO give each person who submitted an expression of interest a notice in writing of the outcome in accordance with Local Government (Functions and General) Regulations 1996, Regulation 24? *

N/A

☑ **Add comments**

Please enter comments *

No EOI's were issued during the reportable period.

15. Did the local government invite applicants for a panel of pre-qualified suppliers via Statewide public notice in accordance with Local Government (Functions and General) Regulations 1996, Regulations 24AD(4) and 24AE? *

Yes

☑ **Add comments**

Please enter comments *

One panel contract was advertised during the reporting period. It was advertised in the West Australian newspaper under Local Government Tenders

16. 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? *

Yes

☑ **Add comments**

Please enter comments *

Addendums were issued to all registered parties

17. Did the local government's procedure for receiving and opening applications to join a panel of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 16, as if the reference in that regulation to a tender were a reference to a pre-qualified supplier panel application? *

Yes

☑ **Add comments**

Please enter comments *

The same procedure was used for receiving and opening submissions for the one panel contract advertised in the reporting period as for all other tenders.

18. Did the information recorded in the local government's tender register about panels of pre-qualified suppliers comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24AG? *

N/A

☑ **Add comments**

Please enter comments *

The contract was not formally awarded until 31 January 2023, and a response will therefore be provided in the 2023 return.

19. 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

☑ **Add comments**

Please enter comments *

No panel contract submissions were rejected due to lateness (all were received by the stipulated closing date and time)

20. 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? *

Yes

☑ **Add comments**

Please enter comments *

The evaluation was conducted in accordance with the stated criteria.

21. Did the CEO send each applicant written notice advising them of the outcome of their application? *

N/A

☑ **Add comments**

Please enter comments *

The contract was not formally awarded until 31 January 2023, and a response will therefore be provided in the 2023 return.

22. Where the local government gave regional price preference, did the local government comply with the requirements of Local Government (Functions and General) Regulations 1996, Regulation 24E and 24F? *

N/A

☑ **Add comments**

Please enter comments *

Only applies to regional local governments.

Documents

There are no notes to display.

Close Previous Next

10.6.3.3 Financial Sustainability Review - Audit

Responsible Branch:	Governance and Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. CONFIDENTIAL - Financial Sustainability Review [**8.3.1** - 72 pages]
Refer:	Item 8.1 ARMC 4 August 2020 Item 8.5 ARMC 10 November 2020 Item 8.1 ARMC 9 February 2021 Item 11.1 OCM 26 April 2022

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

(f) a matter that if disclosed, could be reasonably expected to —

(ii) endanger the security of the local government's property;

COUNCIL RESOLUTION

That discussion of this item be moved to the beginning of section 14 in order to be behind closed doors for discussion of the confidential attachment.

Cr Josh Eveson Moved, Cr Giorgia Johnson Seconded

CARRIED: 5/5

In accordance with section 5.21(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member, Cr Filomena Piffaretti, Mayor, used her casting vote to carry the motion.

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik and Cr Dan Bull.***

SUMMARY

The Financial Sustainability Review, performed by Paxon Group has been completed following the Council resolution for the CEO to present an independent detailed analysis of expenditure, revenue and financial management over the past 5 years to Council to understand the current financial situation.

COUNCIL RESOLUTION

That the meeting be closed to the public.

Cr Sally Palmer Moved, Cr Assunta Meleca Seconded

CARRIED: 7/3

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj, Cr Michelle Sutherland and Cr Elli Petersen-Pik.***

At 9:50pm, the meeting closed to the public and the livestream was suspended.

PROCEDURAL MOTION

That the meeting be reopened to the public.

Cr Dan Bull Moved, Cr Michelle Sutherland Seconded

CARRIED: 7/3

For: ***Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca and Cr Josh Eveson.***

At 9:52pm, the meeting reopened to the public and the livestream resumed.

Cr Catherine Ehrhardt, Deputy Mayor, withdrew from the meeting at 9:53pm.

PROCEDURAL MOTION

That the meeting be closed to the public.

Cr Giorgia Johnson Moved, Cr Filomena Piffaretti, Mayor Seconded

CARRIED: 5/4

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj, Cr Michelle Sutherland, Cr Elli Petersen-Pik and Cr Dan Bull.***

At 9:54pm, the meeting closed to the public and the livestream was suspended.

Note: Following discussion of item 10.6.3.3 the meeting remained closed to the public enable consideration of the items in section 14.

Cr Catherine Ehrhardt, Deputy Mayor rejoined the meeting at 9:58pm.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION)

That Council:

1. **Endorses the Financial Sustainability Review report, including management agreed actions and timeframes as contained in Financial Sustainability Review (Attachment 1).**
2. **Keeps the Financial Sustainability Review (Attachment 1) confidential until such time as it has been considered by Council, after which it is recommended it is made available to the public through the Ordinary Council meeting minutes and on the City's website.**
3. **Notes that agreed actions are entered into the City's Audit Log Register for progress reporting.**
4.

Cr Giorgia Johnson Moved, Cr Josh Eveson Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

2020 Review
As is usual practice, the City's audit program was developed in consultation with the CEO and approved by Council. A review into the City's financial sustainability was one area covered as part of the 2017-2019 Internal Audit Program.

The Financial Sustainability Internal Audit Review was performed by the City's Internal Auditors at the time, Paxon Group. The final auditors report – Internal Audit Review Report – Financial Sustainability (auditors report) was presented to the Audit and Risk Management Committee (ARMC) meeting on 4 August 2020.

The Financial Sustainability internal audit focused on identifying gaps within the City to ensure long-term financial sustainability. The key areas that were addressed as part of the audit were:

1. Limitations in revenue growth
2. Shifting responsibility for social and infrastructure programs from Federal and State Government to the City
3. Inadequate long-term financial planning, and
4. Under resourced financial reporting function.

In their report, Paxon auditors recommended the City adopt the following key recommendations:

#	Key Recommendations 2020
1	Rate Setting
2	Formalised Framework for Financial Planning
3	Formalised Framework for Commercial Activities
4	Cost Reduction Strategies
5	Exit of Aged Care
6	Provision of Adequate Resourcing

At the ARMC meeting on 4 August 2020, a Procedural Motion to defer the Internal Audit – Financial Sustainability (Paxon Group) item to the next meeting was carried. This was to enable the CEO to provide management responses to the Paxon Group Internal Audit – Financial Sustainability.

As part of the 10 November 2020 ARMC agenda, 29 management responses to address the audit findings and recommendations were presented. The Committee was unable to consider the report as a Special Council Meeting had been scheduled for that evening so the item was deferred to the next meeting of the ARMC, to be held in February 2021.

At the 9 February 2021 ARMC meeting, 29 management responses and action plans to address findings and recommendations were presented. The Committee recommended to note the management responses and action plans, including timeframes and that implementation of actions be monitored through the City's Audit Log. At the 23 February 2021 meeting, Council endorsed the Committee's recommendation.

Management commenced implementing the management actions to address the Financial Sustainability review findings, reporting progress of implementation to the ARMC on a quarterly basis. Since the time of the Internal Audit Review Report – Financial Sustainability was performed to the time the 2022 review was performed, management implemented 15 of the 29 agreed actions. Progress against these actions was provided to the ARMC and Council through the Audit Log. The remaining 14 actions will continue to be implemented by City Officers.

2022 Review
At the Ordinary Meeting of Council, 26 April 2022, the Council resolved as follows:

"That, following the Long-Term Financial Plan briefing given to Council on 14 March 2022 and in relation to the issues it raised pursuant to the City's long-term financial health:

1. *Council requests the Chief Executive Officer to present an independent detailed analysis of expenditure, revenue and financial management over the past 5 years to Council to understand the current financial situation.*

2. *The key outcomes of this independent analysis should include, but not necessarily be limited to:*
   (a) *determination of the causes of the predicted deficit position;*
   (b) *recommendations of potential solutions for Council to consider, with a view to achieving a balanced budget in the short term; and*
   (c) *identification of priorities for reducing expenditure.*

3. *The guiding principle of this independent analysis is to be the minimisation of any financial burden on residents, ratepayers and businesses and avoid significant rate increases.*

4. *Council approves an allocation of up to $50,000 for the preparation of this independent analysis to be funded by savings identified by the CEO in the 2021/2022 budget.*

5. *The finalisation of the review of the Long-Term Financial Plan be delayed until such time as this independent analysis has been completed."*

In June 2022, the City engaged Paxon Group to perform this review. The findings of this review are outlined below.

EXTERNAL CONSULTATION

The Financial Sustainability Review was performed in consultation with Paxon Group.

OFFICER'S COMMENTS

As requested by Council at their 26 April 2022 meeting, the Financial Sustainability Review is now completed. The fieldwork was performed from August 2022 to October 2022, with detailed and extensive analysis of expenditure, revenue and budget processes over the 5-year period to 30 June 2021. Further analysis of information was performed by Paxon Group following the closing of the fieldwork, with the City providing further information as required. The City received the final report, which included the acceptance of the management actions to address the audit findings from the Paxon Group, in mid-February 2023.

The report noted six key high-level findings, each with a number of recommendations for the City to consider.

A summary of the observations requiring management action are as follows:

#	Key Finding Categories 2022
1	Integrated Planning & Reporting Framework
2	Budgeting and Variances
3	Project Management
4	Grant Applications
5	Investments

6	2020 Paxon Report

The Financial Sustainability review identified several areas that have impacted the financial sustainability of the City. Improving the City's performance in these key areas would improve the financial management and sustainability of the City.

The Financial Sustainability review audit report identifies a renewed commitment to the Integrated Planning and Reporting Framework (IPRF) including the updating of the City's Long-Term Financial Plan (LTFP) as integral to good fiscal management. An updated LTFP will ensure the short, medium and long-term effects of financial decision making are considered in line with available resourcing, alignment with strategic objectives and financial sustainability.

As part of the 2023/24 planning process, Council and the City will need to ensure service areas are adequately resourced to address the findings of the review.

Detailed auditor observations along with managements intended actions to address the recommendations are included in Confidential Attachment - Financial Sustainability Review (**Attachment 1**). Current City practice is to maintain the confidentially of audit reports, this is due to contractual obligations and ensuring the security of the local government's property is not endangered. City officers recommend the confidential attachment (**Attachment 1**) - Financial Sustainability Review be made public after Council consider the report. The reason for this is to align with the publishing of the 2020 report.

LEGISLATIVE COMPLIANCE

Local Government Act 1995 Section 7.1A

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The City commissioned the Financial Sustainability Review and a number of recommendations are included in the auditor's report for corrective action as necessary. Proposed timeframes for implementation take into consideration the level of risk to the City and resource capacity. Council and the Executive Leadership Team will be required to ensure services areas adequately resourced to address the findings of the review.	

FINANCIAL IMPLICATIONS

The delivery of this audit was within the budgeted amount of $50,000.00.

Council and the Executive Leadership Team will need to ensure service areas are adequately resourced to address the findings of the review.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Leadership and Governance
Goal L2:	Plan and deliver projects and services in a sustainable way. Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

As part of the Internal Audit Function, implementation of management all actions to address audit findings are monitored through the City's Audit Log Register. On a quarterly basis management are required to provide an update on the status of implementation of the actions. Progress reporting is provided to the Audit and Risk Management Committee and then Council.

Actions deemed complete by management follow a close-out process. Internal audit will follow-up and obtain evidence that audit actions have been implemented by management before recommending close-out to the Audit and Risk Management Committee.

PAXON

CITY OF BAYSWATER

Financial Sustainability Review

Final | February 2023

paxongroup.com.au

Perth • Sydney • Melbourne • Brisbane • Adelaide • Darwin |
Liability Limited by a scheme under Professional Standards Legislation

TABLE OF CONTENTS

BACKGROUND AND SCOPE OF REVIEW **3**
EXECUTIVE SUMMARY **4**
INHERENT LIMITATIONS **6**
1. INTEGRATED PLANNING AND REPORTING FRAMEWORK **7**
1.1 STRATEGIC COMMUNITY PLAN (SCP) 8
1.2 CORPORATE BUSINESS PLAN (CBP) 9
1.3 LONG TERM FINANCIAL PLAN (LTFP) 9
1.4 INFORMING STRATEGIES 10
1.5 CONCLUSION 11
2. BUDGETING AND VARIANCES **12**
2.1 BUDGETING PROCESS COMPLIANCE 12
2.2 BUDGETING PROCESSES 12
2.3 COST AND BUDGET VARIANCES 13
2.4 RATE INCREASES 14
2.5 RESERVE FUNDING STRATEGY 14
3. PROJECT MANAGEMENT **16**
4. GRANT APPLICATIONS **20**
5. INVESTMENTS **22**
6. FOLLOW-UP OF THE 2020 PAXON REPORT **23**
7. APPENDIX A – 2020 PAXON REPORT **25**

PAXON

BACKGROUND AND SCOPE OF REVIEW

Paxon Group (Paxon) conducted a review of Financial Sustainability for the City of Bayswater (City) in 2020. The Report delivered by Paxon focused on identifying gaps within the City, with a purpose to safeguard long term financial sustainability. The key areas that were addressed are as follows:

1. Limitations in revenue growth
2. Shifting responsibility for social and infrastructure programs from Federal and State Government to the City
3. Inadequate long-term financial planning, and
4. Under resourced financial reporting function.

The Report was presented to the Audit and Risk Management Committee (Committee) in June 2020. The findings in the Report were added to the Audit Log for monitoring the implementation of management recommendation, and the actions arising from the review were used to report the City's status to the Committee.

In June 2022, the City engaged Paxon to perform a review of Financial Sustainability, but with a slightly different scope of work. The fieldwork was performed from late August to late October 2022, with detailed analysis of expenditure, revenue and budget processes over the 5-year period to 30 June 2021.

The key outcomes of this engagement include, but are not limited to:

- Determination of the causes of the predicted deficit position
- Recommendations of potential solutions for Council to consider, with a view to achieving a balanced budget in the short term, and
- Review the recommendations presented from the Financial Sustainability Report (dated June 2020) and to determine if any have been implemented or not and reasons why.

Paxon's work in delivering this Review included:

- Comparison of budget processes to the following to assess compliance and good practice:
  - Local Government Act
  - Local Government (Financial Management) Regulations
  - WALGA Accounting Manual
  - Integrated Planning & Reporting Framework (IPRF)
  - Strategic Budget Policy
- Follow-up of the 2020 Financial Sustainability Report recommendations
- A review of documentation supporting the budget processes for the 5 years including, workshops, presentations and actions arising from them
- Allocation of administrative overheads
- The IPRF documents and supporting strategies
- Review of financial information including:
  - Analysis of budgets to actual and long term financial plan
  - Carried forward amounts
  - Interim budgets
  - Annual reports
  - Identification of under/overspend related to services and projects
- Project management processes and their link to finance
- Grant processes and their link to finance, and
- Investment processes.

PAXON

EXECUTIVE SUMMARY

In summary, our review has identified several areas that have impacted the financial sustainability of the City. The performance of these areas could be improved which would collectively enhance the financial management and sustainability of the City. This along with decision making at all levels of the City being aligned with an updated integrated planning and reporting framework (IPRF) should result in improvement.

Our work has identified that many of the IPRF related documents and particularly the Long Term Financial Plan (LTFP) require update. The LTFP has not been updated since 2017. This document is key in guiding financial planning decisions within the City, as it provides a guide to the short, medium and longer term effects of financial decision making on the City's resources, financial sustainability and the achievement of strategic objectives, with which the LTFP should be aligned. Without this document or maintaining its relevance through regular update, decisions can only be made with a limited short term outlook as the information to support effective longer term decision making is not in place.

Our review of budget processes has identified that in the earlier years within scope the process is not fully documented which makes it hard to follow and understand the basis for decision making. This is exacerbated by changes in key financial positions since then. There is also limited linkage of budget information used for decision making to IPRF documents. This makes it difficult for decision makers to assess alignment with strategic objectives or the relative urgency of proposed items such as projects when prioritising items during any period.

We also noted that the degree of financial information provided for projects at budget approval stage is limited and that there is no requirement for Finance to review the information prior to its inclusion within the list of projects proposed for budget. This increases the risk of inaccuracy of financial information, particularly in relation to areas such as overheads, depreciation and whole of life costs, which makes forecasting less accurate and expenditure overruns more likely. This can also be compounded by delayed delivery of projects, which we have identified. This exposes them to inflationary risk and the potential for scope creep which also runs the risk of increased cost and increased pressure on the City's reserves to finance the project. These delays could be due to a lack of understanding of the required timeframe during project planning or over optimism in the lead time required to get project works underway. Either way this leads to carry forwards and prioritising delayed projects over others which may have been more feasible for delivery in that budget.

We have also noted large carry forward balances within budgets arising from delayed projects. This leads to increased delivery requirements the following year and an on-going issue in carry forward balances and cost increase.

There are no documented processes for identifying and accessing funding grants related to strategic objectives of the City. The approach should be similar to Projects to ensure they are fully financially assessed by operations and finance at an early stage for whole of life costs, including after the grant funding stage has expired, for after this stage the cost of service provision may be borne by the City.

We are not concluding that decisions on budget proposals are incorrect or not aligned with strategy but there is insufficient information to show alignment with strategy and as documented above, IPRF documentation requires update. This results in decision makers not being fully informed as to the wider and future context of their decisions.

In relation to implementation of the Paxon 2020 report recommendations 15 out of 29 have been implemented and reported to Committee. Many of these completed recommendations should continue to be considered by the City going forward as they may become an appropriate option for the City at a later time. The remaining open recommendations relate to the update of IPRF documents and policy.

PAXON

A summary of our recommendations is summarised below and detailed within sections 1-6 of this report:

Reference	Recommendation
Integrated Planning & Reporting Framework	
1.1	The next review of the SCP should include more detailed financial information as recommended by the IPFRG.
1.2	The next review of the CBP should include more detailed financial information as recommended by the IPFRG.
1.3	The LTFP should be updated and then annually reviewed and amended to ensure it remains relevant and is a good basis for resource planning decisions.
1.4.1	Informing strategies to the IPRF should be reviewed and updated to include specific priorities and their estimated cost. They should also be linked to the LTFP and other components of the IPRF.
1.4.2	As raised in Paxon's 2020 report Asset Management Plans should be put in place.
Budgeting and Variance	
2.2.1	A clear trail of the budgeting process should be maintained and formally recorded to evidence decision making.
2.2.2	Improved linkage between budget documents and IPRF documents to facilitate decision making which is aligned with strategic objectives and available resource.
2.4	The LTFP once updated should be used to assist in modelling during budget processes to provide a clear view of financial sustainability and the impact of decisions on future periods.
2.5	The capital works strategic funding policy should be maintained and potentially restrictions on its usage considered so that aims of the reserve can be achieved.
Project Management	
3.1	The project approval thresholds should be documented and going forward projects signed off in accordance before including within budget deliberations.
3.2	All Preliminary Project Proposal Templates and underlying financial information should be reviewed by Finance prior to submission to Council for budgetary consideration.
3.3	All proposed projects should have a clear reference to strategic objectives and/or asset management strategy.
3.4	Budget should not be allocated to projects unless the timing of the planned activity is likely to proceed. This should take into account activity such as stakeholder consultation which can extend timelines.
Grants	
4.1	Grant funding/acceptance processes should be documented and include identifying, assessing, applying and delegated authorisation. This should be similar in nature to the project management framework and include documented consideration of strategic alignment, a whole of life cost assessment, risk assessment and relevant timeframes.
4.2	Current services should be assessed and consideration given to the continued provision of service if they are non-mandatory.
Investments	
5.1	Actions arising from the Land Acquisition and Disposal Strategy should be given timeframes for monitoring against and the outputs aligned with the LTFP.
2020 Paxon Report	
6.1	Consideration should continue to be given to the closed actions from the 2020 report that are strategic in nature.

PAXON

INHERENT LIMITATIONS

Due to the inherent limitations in any internal control structure, it is possible errors or irregularities may occur and not be detected. Further, the internal control structure, within which the control procedures that have been reviewed operate, has not been reviewed in its entirety and therefore no opinion is expressed as to the effectiveness of the greater internal control structure.

It should also be noted our review was not designed to detect all weaknesses in control procedures as it was not performed continuously throughout the period subject to review.

The review conclusion and any opinion expressed in this report have been formed on the above basis.

PAXON

1. INTEGRATED PLANNING AND REPORTING FRAMEWORK

All local governments are required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995.

5.56. Planning for the future

(1) A local government is to plan for the future of the district.

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The Local Government (Administration) Regulations 1996, Division 3 provides further information of the minimum requirements, which includes the development of a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP).

A successful integrated planning and reporting process will deliver a:

- SCP that clearly links the community's aspirations with the council's vision and long term strategy
- CBP that integrates resourcing plans and specific council plans with the strategic community plan, and
- Clearly stated vision for the future viability of the local area.

The Integrated Planning and Reporting Framework (IPRF):

- Recognises that planning for a local government is holistic in nature and driven by the community
- Builds organisational and resource capability to meet community need
- Optimises success by understanding the integration and interdependencies between the components, and
- Emphasises performance monitoring so that local governments can adapt and respond to changes in community needs and the business environment.

The Integrated Planning and Reporting Guidelines provide a process that aims to:

- Ensure community input is explicitly and reliably generated
- Provide the capacity for location-specific planning where appropriate
- Update long term objectives with these inputs
- Identify the resourcing required to deliver long-term objectives, and
- Clearly convey long term financial implications and strategies.

The status of the City's IPRF related documents and supporting strategies is set out below:

IPRF Document	Period Covered
Strategic Community Plan	2021 - 2031
Corporate Business Plan	2017 - 2027
Long Term Financial Plan	2017 - 2027
Workforce Plan	2017 - 2027
Asset Management Strategy	2021 - 2031

PAXON

1.1 Strategic Community Plan (SCP)

Across the period covered by Paxon's review there have been three SCP in place. These have covered 2016-26, 2017-27 and more recently 2021-31.

The 2016-26 version of the SCP included key points of the long term financial plan, including objectives and underlying financial assumptions. There is little to no financial information contained within the two later versions of the SCP.

The Integrated Planning and Reporting Framework and Guidelines (IPRFG) suggests a model content which is discretionary, but includes section 6 on Resourcing Implications, such as the 10 year financial profile and asset and workforce requirements. This should be a consideration within the SCP to a degree in order to provide a clear basis for the community's expectations and linkage to the other IPRF documents.

Recommendation	Management Comment
1.1 The next review of the SCP should include more detailed financial information as recommended by the IPFRG.	The Strategic Community Plan was last adopted by Council in 2021, and is not due for a major review until 2025. Through the LG Reform Program currently being implemented by the State, it is likely that Council's will only be required to have one 'Plan' in the future. This Plan will combine the elements of the Strategic Community Plan with the Corporate Business Plan. It is generally the Corporate Business Plan that contains more detailed financial information (as this needs to undergo annual review), or the Long-Term Financial Plan (which is also annually reviewed). Please see agreed action for the Corporate Business Plan. Agreed Action: The next review of the Strategic Community Plan is due in 2025. This recommendation will need to be reviewed following implementation of the Local Government Reforms. Manager Governance and OPD 31 December 2025

PAXON

1.2 Corporate Business Plan (CBP)

The CBP 2017-27 includes the LTFP and an assumption of rate increases over the duration of the CBP.

As recommended the CBP includes sections on the Workforce Plan and Asset Management Plans at a high level, as the intent of the CBP is to demonstrate how resources will be mobilised to deliver the SCP. However, given that all of these documents were last updated in 2017 this is now no longer relevant.

An update of the CBP was performed for 2019-23, but only provides a high level summary, with no financial content. Four years is the more typical duration of a CBP as advised by the IPRFG.

Recommendation	Management Comment
1.2 The next review of the CBP should include more detailed financial information as recommended by the IPFRG.	The Corporate Business Plan for 2023/24 to 2027/28 is currently being prepared alongside the 10 year Long-Term Financial Plan and Annual Budget. The existing Workforce Plan is currently under review , and work on Asset Management Plans is currently underway. Informing Strategies and Plans will be considered as part of the development of the Corporate Business Plan, including workforce planning and asset management considerations. Workforce and Asset Management considerations are also considered in the Long-Term Financial Plan. These key IPRF documents will continue to be developed and improved over time. Agreed Action: Finalise the Long-Term Financial Plan for 2023-2033 Manager Financial Services 30 June 2023 Agreed Action: Corporate Business Plan for 2023/24 to include the financial information recommenced by the Department through the IPRF, including the cost of services, projects and the capital works program. Manager Governance and OPD 30 June 2023

1.3 Long Term Financial Plan (LTFP)

The LTFP covers the period from 2018-27 and was approved at the same time as the CBP 2017-27. It uses the 2016/17 budget as the base along with the assumption of a 4.9% rate increase in 2017/18 and 3.5% thereafter.

Investments were also noted to have been budgeted to provide a return of 2.6-2.85%, but it is likely that the actual return would have been well below this, further limiting income.

The LTFP was not updated and so does not take account of the effects of Covid, the changing economy or the amended activity of the City.

Recommendation	Management Comment
1.3 The LTFP should be updated and then annually reviewed and amended to ensure it remains relevant to current economic conditions. It is then utilised a good basis for	The Long-Term Financial Plan is currently being developed, with a first draft due for presentation to Council in March 2023. This plan, once endorsed by the Council, will be reviewed annually at the commencement of the City's annual business planning process. This process will be documented in a management practice, setting out the City's commitment to integrated planning and reporting.

PAXON

Recommendation	Management Comment
resource planning decisions.	Agreed Action: Annual review and update of the LTFP to be incorporated into annual business planning and budgeting work program. Manager Financial Services 30 June 2023 Agreed Action: Annual review and update of LTFP to form part of the business planning and budgeting cycle. This process will be documented in an Integrated Planning and Reporting Management Practice. Manager Governance and OPD 30 June 2023

1.4 Informing Strategies

An Asset Management Strategic Plan 2021/31 was adopted in May 2021. This is an overview document of asset management focussed on principles but does not contain key planned asset projects and is not specifically linked to the LTFP, though it does indicate that better integration between planning documents is envisaged.

The documentation of Asset Management Plans was raised in our 2020 review and are at varying stages of development.

The Workforce Plan covers the period 2017-27 and requires review and update.

Recommendation	Management Comment
1.4.1 Informing strategies to the IPRF should be reviewed and updated to include specific priorities and their estimated cost. They should also be linked to the LTFP and other components of the IPRF.	Through the City's annual business planning process, actions arising from informing strategies and plans will be reviewed and prioritised by management. Those actions identified for completion within a business planning year, will then be included in the services plans or project plans for that year, fully costed and submitted to Council for approval through the Corporate Business Plan and Annual Budget. The City already has a number of Asset Management Plans in place. These are being considered as inputs to the review of the Long-Term Financial Plan. The Asset Management Plans will continue to be refined and improved over time. Agreed Action: Actions prioritised from informing strategies and plans are to be included in the IPRF and budgeting process. This process will be documented in a Management Practice. Manager Governance and OPD 30 June 2023
1.4.2 As raised in Paxon's 2020 report Asset Management Plans should be put in place.	Agreed Action: Finalise development of the City's Asset Management Plans Principal Asset and Mapping Services 30 September 2023

PAXON

1.5 Conclusion

Overall the City has in place or in the case of the Asset Management Plan's is putting in place the required component parts of the IPRF, however in some instances there is the clear need to update documents. It was also noted that in some cases the documents are generic and do not provide specific guidance or financial assumptions, particularly in relation to financial information which could then be used to monitor compliance or to act as a guideline in decision making.

This results in a looser structure within which to make budgeting decisions and less well informed and the increased possibility of short term decisions as there is a limited view of context without the relevant supporting and up to date information being available.

PAXON

2. BUDGETING AND VARIANCES

2.1 Budgeting Process Compliance

The City has a Strategic Budget Policy in place which was adopted by Council in January 2020 and amended in June 2022. This documents the principles that should underpin budgeting processes, the scope of policy, new initiatives, funding strategies and funding priority. Paxon endorses the policy and its intent.

However, upon review of the budget processes implemented within the scope of this review it is not always clear how the principles within the policy are enacted. We believe they are highly likely to have been implemented through discussion but cannot be evidenced during this review as there is no supporting record to evidence this. This particularly relates to the linkage of areas of spend on services and projects to strategic objectives and documented decisions made in prioritising projects and new initiatives. This will be elaborated upon within sections 3 and 4 of this report.

We also reviewed budgeting processes against compliance requirements within the following:

- Local Government Act
- Local Government (Financial Management) Regulations
- Integrated Planning and Reporting Framework (IPRF) and Guidelines
- Integrated Planning and Reporting Advisory Standard
- Integrated Planning and Reporting Long Term Financial Plan Guidelines, and
- WALGA Accounting Manual, Section 4.

Overall, the budget compliance requirements are being met in terms of the Local Government Act and Regulation, but there are areas for improvement noted in relation to meeting the requirements of the IPRF and maintaining the currency and alignment of the relevant documents, which is detailed within Section 1.

2.2 Budgeting Processes

Paxon requested and obtained budget process documentation for each of the five years within the scope of review. This included:

- Workshop presentations, minutes and outcomes
- Draft budget details at various stages of each process
- Budget process timelines, and
- Committee and Special Council Meetings containing Annual or Interim Budget agenda items

The objective of this was to review processes to assess how aligned decision-making was with strategic documents and the levels of information available at each stage of budgeting to enable effective decision making.

The extent of documentation received differed greatly for the years in scope, in part due to changes in staff and potentially the existence and/or identification of records to document the processes and related budgeting decision making. Given this it is not possible to determine how significantly budget processes differed from year to year and which, if any, were more effective.

Overall it was noted that the information presented did not include direct references to strategic objectives or if they were referenced it was at a high level and did not document how closely new projects and assets were aligned to existing strategic objectives or planning documents and their priority, in order to inform decision making and how this would impact on the long term financial position of the City.

Within Councillor Workshop, Council and Committee Agenda it was noted that they contained comments that the reports were aligned with SCP, CBP and LTFP, but it was not clear how this was achieved as there is no clear documented linkage. This was particularly noted the further the budget period process gets from the last update of the referenced documents. This should not be construed as comment that they are not aligned, but more the fact that it is unclear how this is achieved and the impact it may have.

PAXON

Recommendation	Management Comment
2.2.1 A clear trail of the budgeting process should be maintained and formally recorded to evidence decision making.	The development of the budget is an iterative process between Council and the Administration. Major versions of the budget (operating and capital) are recorded throughout the annual process. Agreed Action: Summary notes and actions will be maintained from all workshops with Council and ELT to develop the budget. Versions of the budget will be retained. Manager Financial Services N/A - ongoing
2.2.2 Improved linkage between budget documents and IPRF documents to facilitate decision making which is aligned with strategic objectives and available resource.	The City has introduced a Council-led business planning process for 2023/24, which includes the identification of priorities from Council at the commencement of business planning. The City has a series of workshops scheduled with Council to commence the iterative budget process which links strategic objectives with available resourcing. Agreed Action: The City's commitment to implementing an integrated planning process will be documented in a Management Practice. Manager Governance and OPD 30 June 2023

2.3 Cost and Budget Variances

A detailed breakdown of operational cost per activity was requested to identify significant variances at individual service and at the total operational cost level in comparison to budget.

	2016/17	2017/18	2018/19	2019/20	2020/21
Budget	59,477,792	65,763,232	84,783,468	85,711,366	90,936,868
Actual	79,504,450	81,048,021	83,077,260	82,535,814	88,978,543
Variance	20,026,658	15,284,789	-1,706,208	-3,175,552	-1,958,324

We noted that there were significant differences noted within the first 2 years at individual service and total levels. Management have informed us that this was due to depreciation not being included within the budgets within the finance system in 2016/17 and 2017/18. Depreciation was manually included within the statutory budget. However, it was not possible to effectively analyse the variances against the services. Depreciation has been included within the finance system since 2018/19.

The explanation provided by management for variances in the last 3 years related largely to carried forward amounts and the impact of COVID.

PAXON

In the table below is a comparison of the LTFP, budget (as obtained from Finance) and actual audited balances for income against operational cost (excluding capital expenditure). It was noted that the budgeted bottom line is always higher than the other two measures which possibly suggests a degree of over optimism in budgeting. The trend of actual surplus being consistently lower than the budgeted amount reflects on the deficiency of the budget process as highlighted above. This bottom line includes the balance for capital and uncompleted work carry forwards. See page 13 for further analysis of carry forwards.

	2017/18			2018/19			2019/20		
	LTFP $'000	Budget $'000	Actual $'000	LTFP $'000	Budget $'000	Actual $'000	LTFP $'000	Budget $'000	Actual $'000
Rates/Fees & Charges	83,706	88,120	83,415	85,811	86,334	84,543	89,533	90,739	89,613
Operational Cost	71,379	71,034	69,617	71,808	70,807	70,789	74,349	72,324	72,687
	12,327	17,085	13,797	14,002	15,527	13,573	15,184	18,415	16,926

2.4 Rate Increases

The LTFP was established based upon an assumption of a 4.9% increase in 2017/18 and then subsequent 3.5% annual increases. The planned increases were actioned in the first two years, but were then lower, particularly in 2020/21 due to Covid.

It was also noted that for the years 2015/16 and 2016/17 the increases were lower than planned.

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
LTFP Assumed rates increase	4.5%	4.5%	4.9%	3.5%	3.5%	3.5%
Actual Rates increase	3.75%	3.25%	4.9%	3.5%	2.95%	0.72%
Difference	-0.75%	-1.25%	-	-	-0.55	-2.78%

If rates income is lower than planned within the LTFP, then expenditure must also reduce to match this or become unsustainable as the difference will have a compounding effect and implications of decisions in one year can have a long term effect in preceding years.

Recommendation	Management Comment
2.4 The LTFP once updated should be used to assist in modelling during budget processes to provide a clear view of financial sustainability and the impact of decisions on future periods.	The Long-Term Financial Plan will be annually reviewed to check assumptions and parameters with Council. Agreed Action: The City's commitment to implementing an integrated planning process, including the annual review of the Long-Term Financial Plan, will be documented in a Management Practice. Manager Governance and OPD 30 June 2023

2.5 Reserve Funding Strategy

During the 2016/17 budgeting process Council recognised that in addition to specific asset reserves there was the need for medium / long term asset funding, as the capital works program was being funded from reserves.

At the Community, Technical, Finance and Corporate Services Committee on 16 August 2017, and subsequently at Council the following was endorsed:

PAXON

That Council:

1. Amends the Long-Term Financial Plan 2018-2019 - 2028-2029 to reference the following: That an allocation to the Reserve Funds be made using the following calculation: 2018-2019 Year 1 = 1% of the rates; 2019-2020 Year 2 = 1% of the rates plus 2018-2019 increase; 2020-2021 Year 3 = 1% of the rates plus 2018-2019 and 2019-2020 increases; 2021-2022 Year 4 = 1% of the rates plus 2018-2019, 2019-2020 and 2020-2021 increases; 2022-2023 Year 5 = 1% of the rates plus 2018-2019, 2019-2020, 2020-2021 and 2021-2022 increases; and 2023-2029 Year 6 and on 1% of the rates including increases from 2018-2019, 2019-2020, 2020-2021 and 2021-2022 increases.

2. Authorises any surpluses generated through efficiency and performance improvements to be transferred to reserves at the end of the financial year.

An existing reserve called Major Capital Works was utilised.

We agree that this was a prudent measure to take to assist with the financial sustainability of the City through internal funding of asset related requirements.

This was incorporated into the Strategic Budget Policy in 2020 and amended in 2022 to clarify the intent of the resolution and to provide flexibility to '1% of rates revenue to be transferred to the Major Capital Works Reserve Annually'.

Deposits were made but in general usage has exceeded deposits and in practice the desired outcome was not fully delivered. The trend of the Major Capital Works reserve as per Financial Statements, Cash and Cash Equivalents is as follows:

	2017/18	2018/19	2019/20	20/20/21*	2021/22*	2022/23*
Closing Balance	$2,372,752	$3,994,987	$1,263,060	$702,204	$1,208,659	$210,036

**Estimated Actual amounts taken from published Annual Budget.*

We also noted that there were no restrictions included as to how and where the reserve could be used. In raising this point Paxon are not questioning the usage of the reserve, particularly in light of the financial effects of Covid on income and the related stimulus package, but it would appear that it has not been possible to achieve the desired benefits envisaged when the reserve was established so the initial driver remains.

Recommendation	Management Comment
2.5 The capital works strategic funding policy should be maintained and potentially restrictions on its usage considered so that aims of the reserve can be achieved.	The City currently has a cash-back reserve policy Agreed Action: As part of the annual business planning and budgeting process, usage of reserve funds to be considered and endorsed in line with the requirements of the Strategic Budget Policy and Cash-Backed Reserve Policy. Manager Financial Services On-going

The trend of all reserves as per the Financial Statements 'Reserves Cash Backed' can be seen below, with an initial increase or stability in the balance from 2014/15 through to 2019/20, before a large, budgeted decrease in 2021/21 and recent efforts by Council to be more financially sustainable.

	2014/15 $'000	2015/16 $'000	2016/17 $'000	2017/18 $'000	2018/19 $'000	2019/20 $'000	2020/21 * $'000	2021/22 * $'000	2022/23 * $'000
Closing Balance	$40,934	$42,200	$44,417	$41,134	$43,082	$46,017	$31,640	$34,311	$42,435

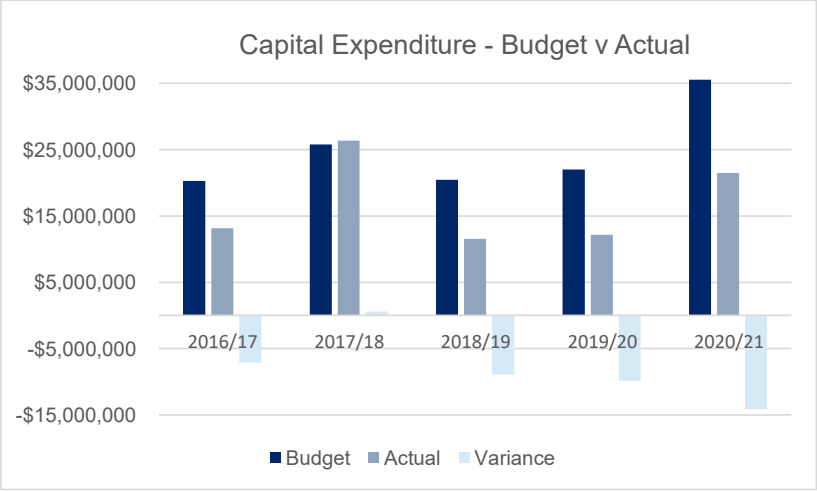
**As per Annual Budget*

PAXON

3. PROJECT MANAGEMENT

In the table below the difference between the annual capital expenditure budgeted and the actual has generally seen an increase in the underspend variance over the period of review. For the past 3 years the variance has been over 40% of budgeted spend and on average it is 32%.

Although some of this may be due to efficiency from underspending on delivery, much will be due to delays in budgeted projects and carried forward amounts.



Unaudited budged carry forward amounts have shown the following trend as per the Special Council Minutes from each period:

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
Carry Forward	$3,390,000	$4,230,000	$4,617,256	$4,719,778	$8,105,359	$15,344,013	$11,638,505

This sets an expectation at Council and in the Community of project delivery, which cannot be delivered without either more resource due to the increased workload to progress more projects. It is also likely to increase the cost of projects due to inflation and the longer the overall period of planning and delivery the more likely other socioeconomic factors both positive and negative may impact upon the projects.

Project Management Process

The City has documented project management processes and templates in place which were updated in 2020. Below is a summary of the key points of the process that relate to the scope of this review.

Project Proposal

At the Project Initiation stage there is a Preliminary Project Proposal Template which includes a small section on Finance and also contains an ‘other areas consulted’ section. It requires approval from a project sponsor which, depending on the value and nature of the project, may be a Director, Executive Leadership Team or the CEO. We are unsure of the thresholds for approval as they don’t appear to be documented. The budget information consists of a very high level consideration of initial and whole of life cost but Finance have no detailed input or review into this and there is no formal review and sign-off required from Finance of budgets at this stage. This level of information is used for proposing inclusion within budget consideration by Council.

PAXON

There may be further underlying information for the projects proposed that resides outside of this document, but there is no requirement for any of this information to have been reviewed by Finance. Council see a summary list of projects, a brief description and method of funding from which to select projects.

More detailed financial information should be required and provided within the project proposal to promote good decision making. This would then be based upon costing that has been reviewed and signed-off by Finance e.g. whole of life cost, on-going maintenance and overhead may not be accurately assessed.

Finance are not seen as a business partner to the operational units of the City, hence are not consulted to obtain their expert inputs for establishing accurate budgets as early as possible in the planning process. Early accurate budgets will enhance the budget process, through having more accurate information on which to base decisions.

Review of the 19/20 Pat O'Hara Master Plan included consultation with 3 other teams, but not Finance. It was also noted that there is a field for referencing to the CBP, but this is not always completed and some projects/initiatives list the LTFP as the driver for the project, which shouldn't be the case as the LTFP should record the financial resource requirements allocated based upon the SCP, CBP, AMP and Workforce Plan, not direct the activity.

Project Planning

The Project Plan Template is used at this stage. This requires more detail on Finance such as depreciation, operating and staff costs and the initial funding source/budget to be documented within the template. However, again there is no required sign-off by Finance to approve this.

Project Implementation

This stage involves cost management and review. This will be better guided if the budget is more accurate at the outset as this will aid earlier identification of issues/variances and enable earlier management intervention.

There are also templates for Project Status and Closure.

Information was requested for the actual cost against budget for projects within the scope period. Analysis was performed of this information to highlight significant variances related to delayed delivery and cost over-runs or shortfalls in funding, the impacts and any link to causes within underlying processes.

It should be noted that the purpose of this review was not to determine whether the projects were appropriate priorities for the City to undertake, their relative success or to assess operationally implemented project management processes and no conclusion is reached in regard to this.

PAXON

Maylands Waterland (Project P30800)

$3 million was estimated as the budgeted cost within the Corporate Business Plan in 2017. This was referenced as being funded with a grant, but a loan has also been required of $1,500,000 to finance the works, with around $430,000 in a cash backed reserve. We do not have a current estimate to complete for the project.

	Budget	Actual Expenditure	Variance
2017/18	$200,140	$10,140	($189,860)
2018/19	$1,500,000	$0	($1,500,000)
2019/20	$1,700,000	$42,520	($1,657,480)
2020/21	$2,650,000	$873,283	($1,776,717)

Over time it appears that the cost of the project has increased given the budgeted amount increases year on year. This is potentially due to changes in the substance of the project, but also likely due to the delays in the timing of works. It also means that funds budgeted for this project, but not spent, can't be spent on other projects and results in greater carry forwards and increased delivery expectations on the City the following financial year.

Projects should not be budgeted for works unless there is greater certainty they can proceed on the anticipated timeframe. To enable this the City may wish to progress further through the project management planning process to have a better idea of cost and timeframe for delivery prior to allocating budgeted funds to deliver the project.

Peninsula Golf Course Irrigation (Project N33100)

As can be seen in the table below and similarly to the Maylands Waterland project, there has been annual budgeting of cost but very little expenditure, as the project could not be progressed. We understand the previous operator of the course had proposed to contribute to the replacement in conjunction with proposed upgrades to the course. These negotiations were protracted and ultimately the lease for the golf course was reassigned to a new operator.

This leads to costs being carried forward and increasing capital delivery workload in future periods and the knock-on effect of the deferral of projects leading to increased cost.

	Budget	Actual Expenditure	Variance
2016/17	$1,100,000	$41,602	($1,058,398)
2017/18	$1,106,275	$47,485	($1,058,790)
2018/19	$1,058,790	$6,557	($1,052,233)
2019/20	$58,610	$43,212	($15,398)

PAXON

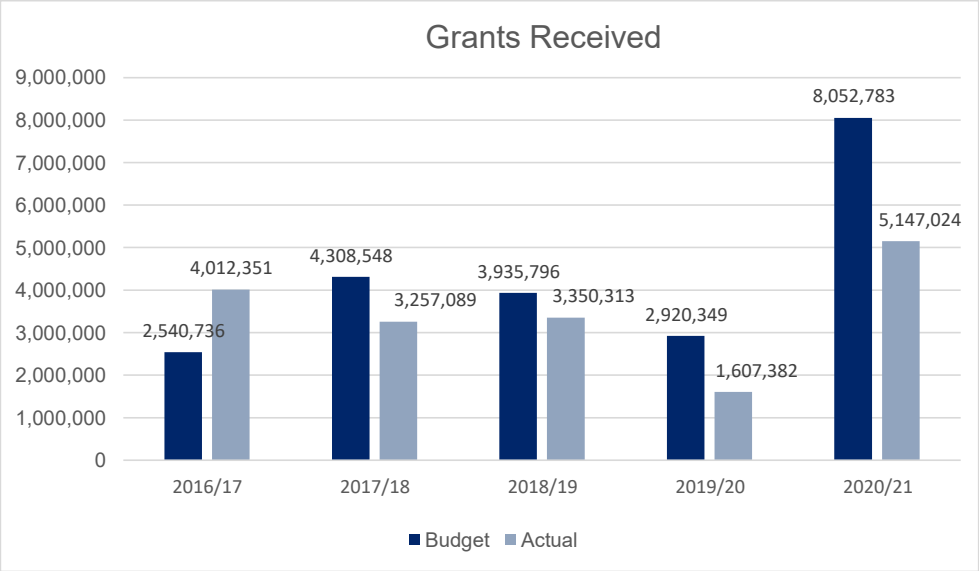
The upgrading of the reticulation is still required as it is reaching the end of its useful life and negotiations will commence with the new operator in relation to potential course upgrades and the replacement of the reticulation.

Recommendation	Management Comment
3.1 The project approval thresholds should be documented and going forward projects signed off in accordance before including within budget deliberations.	The City considers that high level project plans should be prepared to support business cases where funding is sought for new capital projects or major upgrades. It would be unreasonable to expect a project plan to be developed for all renewal projects, as an input into the business planning process. Project plans would be considered through the annual business planning process with Council and the Administration. This improvement could be included in the annual business planning process for 2024/25. Agreed Action: Include the requirement for high level project plans to support applications for funding for new capital projects and major upgrades in the annual business planning process for 2024/25. Manager Governance and OPD 30 June 2024
3.2 All Preliminary Project Proposal Templates and underlying financial information should be reviewed by Finance prior to submission to Council for budgetary consideration.	
3.3 All proposed projects should have a clear reference to strategic objectives and/or asset management strategy.	
3.4 Budget should not be allocated to projects unless the timing of the planned activity is likely to proceed. This should take into account activity such as stakeholder consultation which can extend timelines.	

PAXON

4. GRANT APPLICATIONS

As can be seen from the table below, the level of grants varies each year, but is generally not aligned with budget, which is a consistent theme with the City. Although items of this nature cannot always be foreseen and the timing of receipt of funds may change, a more pro-active approach may result in greater predictability and help ensure alignment with strategy.



Grant funding should be considered in the same way as a new service or project management would be as receiving a grant or other external funding can result in short term funding of resource which after the period would require operational funding by the City or on-going maintenance costs e.g. cctv or skate park.

There does not appear to be any guidance related to the City's processes for identifying, assessing and applying for Grants and how this should be administered.

The City should establish a process for identifying, assessing and reviewing grant opportunities to ensure they are aligned with strategy and the full medium to long term implications are understood, prior to application. This should include assessment along the same lines as recommended for planning for projects including the assessment of whole of life costs and their funding and strategic alignment. This is because often grant funding will only cover the initial cost of an asset or service, or the provision of operational cost for a set period. This could leave the City to pick up the on-going cost of operating and maintaining assets or services.

Although funding offered to the City in the form of election commitments may be made with tight expenditure requirements and at short notice and the City is keen to accept the funding,, it is important that they are still thoroughly assessed to ensure that any change in strategy or redirection of funding is sustainable and to understand the knock on effect for other projects or service that may be delayed or cancelled.

Morley Sports and Recreation (Project 80613)

East Perth District Basketball Association in conjunction with Perth Bayswater Rugby Club and 1st Morley Scouts initiated this project. This was supported by a 2017 state election commitment of $75,000 to develop a masterplan culminating in a $2 million state government grant. The project was estimated at $5.5m in the 2020/21 budget.

Cost was then revised up to $6.5 million by September 2020 as presented to Executive. By January 2022 the cost to completion is estimated at $6.8 million as per the Project Control Group Report produced by

PAXON

Savills, an increase of 23% all to be borne by the City. In addition, a Council resolution for Morley Sport and Recreation Centre – Basketball Court Extension, resolved by Council at the Special Council Meeting on 30 June 2021 with a transfer of $2.9 million from reserves from the Les Hansman Centre Development Reserve be used to fund the project. We understand that the Les Hansman Centre will still be developed, though it has not been confirmed the extent, timing and cost of this.

Although this may be a worthy project and benefits for the community received, it does not appear that this project was specifically within strategy or consequently the LTFP and has been largely in response to funding being offered, rather than a project which the City had identified and prioritised.

Where funding is offered of this nature, as per our recommendation above, the full impact of the project should be costed and approved prior to accepting and if necessary additional funding should be sought.

Consideration should also be given and evidence documented that section 3.18 of the Local Government Act has been explicitly considered:

(1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.

(2) In performing its executive functions, a local government may provide services and facilities.

(3) A local government is to satisfy itself that services and facilities that it provides —

(a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and

(b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and

(c) are managed efficiently and effectively.

Early engagement with politicians and stakeholders, including Finance could manage expectations better and proactively generate funding for existing strategic priorities.

Recommendation	Management Comment
4.1 Grant funding/acceptance processes should be documented and include identifying, assessing, applying and delegated authorisation. This should be similar in nature to the project management framework and include documented consideration of strategic alignment, section 3.18 of the Act, a whole of life cost assessment, risk assessment and relevant timeframes.	The City's current approach to grant management is decentralised. The City may benefit from a centralised 'approach' to the management of grants. The development of a Grant Management and Funding Framework is a substantial piece of work and will require appropriate resourcing and expertise to develop. Services are reviewed annually as part of the business planning process. Services linked with grant funding can also be reviewed at this time. It should not be completed as a separate exercise. A 'deep dive' service review could be undertaken for grant funding and management. This would need to be appropriately resourced, the findings of the review could be considered as an input by Council for the 2024/25 annual business planning process. Agreed Action: Review the grant management service approach and develop a Grant Management and Funding Framework for approval by ELT. As part of the development of the Framework, resourcing of the service is to be considered and fed into the responsible areas service plan as part of the Business Planning Process. Director Corporate and Strategy 31 December 2023
4.2 Consideration should be given to reviewing existing services to assess if they are mandatory or not and if the City wishes to continue provision.	

PAXON

5. INVESTMENTS

There is an Investment Policy and Investment Manual for standardisation of cash deposits for excess cash held by the City.

There is a Land Acquisition and Disposal Policy in place, and reporting of the status of implementation is provided to the ARMC on a regular basis. It was noted from the ARMC agenda for the meeting of 6 December 2022 that there is an implementation plan for the policy and its status is reported to ARMC and Council, but that the more strategic elements of the action plan have not yet started, such as the:

- Establishment of Land Management Working Group
- Governance and Management Practice to support the strategy
- Obtaining commercial advice on the locations and opportunities for strategic and investment acquisitions, and
- Implement a process for reviewing the strategy.

The report states that the plan is on track but no timeframe for implementation of these point sis documented.

A clear strategy within investments could result in better alignment with an updated LTFP as the objectives would be clearly understood, resulting in an increased likelihood of their achievement.

Recommendation	Management Comment
Actions arising from the Land Acquisition and Disposal Strategy should be given timeframes for monitoring against and the outputs aligned with the LTFP.	Part four of the Land Acquisition and Disposal Strategy identified 'surplus' land that requires further investigation to enable a Council decision on the disposal or redevelopment of properties. Following a Council workshop to identify specific properties for further investigation in relation to disposal, redevelopment or retention, Council will consider the results of the investigations and will decide on which ones are to be disposed, retained or redeveloped and this will then feed into the City's LTFP Agreed Action: Land Acquisition and Disposal Strategy to be updated following Council decision on the disposal, retention or redevelopment of specified properties within the City's portfolio. Outcomes will be fed into LTFP and business planning process to enable progression of the Council recommendations and monitoring. Director Community and Development 30 June 2023

PAXON

6. FOLLOW-UP OF THE 2020 PAXON REPORT

The Financial Sustainability review was performed by Paxon in 2020.

The key areas that were addressed are as follows:

- Limitations in revenue growth
- Shifting responsibility for social and infrastructure programs from Federal and State governments to the City
- Inadequate long-term financial planning, and
- Under resourced financial reporting function.

It was presented to the committee in August 2020, at which it was deferred to the November 2020 meeting to enable the CEO to develop management actions in response to the recommendations. It was then delayed to the February 2021 committee, at which the report was noted and management action plans added to and subsequently tracked within the Audit Log.

The process for progressing management actions to a completed status was documented within the committee agenda of 12 September 2022, as follows:
"Actions deemed complete by management follow a close-out process. This process requires Internal Audit to obtain evidence that audit actions have been implemented by management before recommending close-out to the committee. Evidence is collected and/or reviewed by the Coordinator Risk Management each quarter and reviewed by the Internal Auditors on an annual basis.

If an action is closed-out by management in the audit log register but close-out is not agreed by internal audit, the audit action will go back into the audit log register and be monitored until adequate evidence is produced that it can be closed out. On an annual basis all closed-out actions are reported to the committee through the Audit Log Report."

As the City has an appropriately designed process in place for monitoring and reporting the status of management actions through the committee and there is independent verification of the completion of actions we have not performed a review of items completed, as they have already progressed through the process outlined above. However, we have performed a sense check of the current reported status to assess if it aligns with the work performed during this review and have not noted any issues.

The following key recommendations were noted in the 2020 Report:

1. Rate settings that ensure the creation of intergenerational equity
2. Creation of a formalised framework that seeks integration for the development of budgeting, long term strategic and financial plans. It is imperative that input within this framework is provided by both from elected members and management
3. Develop a framework to support Commercial Activities. The framework would include a business case for each proposal that contains stringent metrics that can demonstrate the social and economic benefit to the City both in the short term and long term
4. Cost reduction strategies that seek to utilise partnerships with neighbouring local governments;
5. Continue to exit aged care and related assets, and
6. Provide adequate resourcing within the Finance area to support the increased compliance burden, improve inter-directorate share of financial data and analytics and ensure assessment and reporting against the long-term financial plans.

PAXON

Recommendations from the review were added to the Audit Log and reported to committee for the first time in May 2021. The status of recommendations are summarised below, as reported to the committee:

Status	May 2021	August 2021	December 2021	February 2022	September 2022
Total	29	29	29	29	29
Completed	10	11	12	14	15

The remaining open recommendation action plans relate to the update of documents required by the Integrated Planning and Reporting Framework, in particular the Long Term Financial Plan and Asset Management Plans and the development of policy in certain areas.

Actions of this nature are medium term implementations as they require consultation with Council and in some instances the community, which the timeframes within the Audit Log reflect.

However, the recommendations for consideration made in the 2020 report that have been marked as completed may still be relevant for on-going consideration by management as they may be or become potentially viable options for the City in the future. We are not saying that they should be reopened within the audit log.

All completed recommendations are identified below, with the relevant one's that could be reconsidered in bold:

5.1.3 Impact of Covid 19

5.1.6 Usage of specified area rebates to be considered

5.1.8 Consideration of grant funding resource

5.2.1 Pro-active management of cost shifting from State to Local Government

5.2.3 Partnerships

5.3.2 Optimising investment revenue

5.3.3 Sales of aged care assets

5.3.4 Identify infrastructure renewal gaps

5.3.5 Review of operational costs

5.3.6 Consideration of loan borrowings

5.4.1 Resourcing of Finance Function

5.6.1Corporate reporting System

5.8.1 Report functionality for reporting to Committee

5.8.2 Governance Framework

5.8.3 Budget Review & Expenditure Committee

Recommendation	Management Comment
6.1 Consideration should be given to the closed actions from the 2020 report that are strategic in nature and which although maybe not have been appropriate for consideration when last considered may become so.	Comment: On-going. As part of continued improvement processes, closed actions may be revisited as the operating environment changes. Agreed Action: Continue to monitor implementation of actions through the Audit Register process. Coordinator Risk Management On-going

Within **Appendix A** we have included the full 2020 Report.

7. APPENDIX A – 2020 PAXON REPORT

City of Bayswater

Internal Audit Review Report

Financial Sustainability

PAXON GROUP

Private Client Services
Audit and Assurance
Taxation

Perth • Melbourne • Sydney | June 2020 – Final Version

Liability limited by a scheme approved under Professional Standards Legislation.

PAXON GROUP

Table of Contents

Executive Summary **3**

1 Introduction **7**
- 1.1 Planning for the Future 7
- 1.2 Definition of Financial Sustainability 7
- 1.3 City's Context 8
- 1.4 Internal Audit Objective 8

2 Scope **9**

3 Methodology **10**

4 Inherent Limitations **11**

5 Detailed Audit Findings **12**
- 5.1 Review of Limitations in Revenue Growth 14
- 5.2 Shifting Responsibility for Social and Infrastructure Programs 23
- 5.3 Long Term Financial Planning 26
- 5.4 Resourcing of Financial Reporting Function 30
- 5.5 Integrated Planning and Reporting 31
- 5.6 Financial Management 34
- 5.7 Asset Management 37
- 5.8 Risk Management 40
- 5.9 Governance 42

Reference List **45**

PAXON GROUP

Executive Summary

The City of Bayswater (City) engaged Paxon Group to undertake a review of the Financial Sustainability of the City.

The City can be defined as being a 'mature' local government. It has a limited capacity to grow its rate base by large land developments and can only rely on urban infill. This is coupled with aging infrastructure and demographic. With these constraints, the City must ensure there is a long-term focus on financial sustainability that supports the needs of the City today and into the future.

Paxon's report, focuses on identifying gaps within the City to ensure long term financial sustainability. The key areas that were addressed are as follows:

- Limitations in revenue growth;
- Shifting responsibility for social and infrastructure programs from Federal and State governments to the City;
- Inadequate long-term financial planning; and
- Under resourced financial reporting function.

As articulated within the detailed audit findings and recommendations of this report, the City has been weakened, by decisions, both in service delivery and capital investments, that have been made for short term benefit without addressing the implications it may have on the long term financial sustainability of the City. In particular decisions around assets that have or are about to reach their life cycle.

For the City to seek a position of financial sustainability, it should look at adopting the following key recommendations (with detailed explanation of these and others please refer to section 5 of the report):

1. Rate settings that ensure the creation of intergenerational equity;
2. Creation of a formalised framework that seeks integration for the development of budgeting, long term strategic and financial plans. It is imperative that input within this framework is provided by both from elected members and management;
3. Develop a framework to support Commercial Activities. The framework would include a business case for each proposal that contains stringent metrics that can demonstrate the social and economic benefit to the City both in the short term and long term;
4. Cost reduction strategies that seek to utilise partnerships with neighbouring local governments;
5. Continue to exit aged care and related assets; and
6. Provide adequate resourcing within the Finance area to support the increased compliance burden, improve inter-directorate share of financial data and analytics and ensure assessment and reporting against the long-term financial plans.

During the review further to the Risks that were agreed to as part of our engagement, we identified that there were risks associated with the current Integrated Planning & Reporting obligations. This is important in addressing the financial sustainability of the City. The key recommendations that are listed above incorporate our findings with this area that are summarised as the following:

PAXON GROUP

Risks	Findings
Limitations in revenue growth	• Rates are the single greatest contributor to revenue and the greatest risk to revenue growth. Legal constraints, the financial capacity of ratepayers to accept rate increases and the political environment all contribute to current rate setting practices; • Paxon queries the effectiveness of the "*Cash-Backed Reserves Policy*", based on the City's current cultural practices which challenge the accumulation of reserves. These cultural practices are: ○ Linking rate increases to the CPI; ○ 'Annual budget to annual budget' practice for determining financial needs; ○ Low rate base for the City; and ○ Councils in the past taking a short-term view on the financial planning for the City. • Consideration of the effect of Covid-19 on the City's financial sustainability will be included in the review of the City's "*Long-Term Financial Plan 2017-18 to 2026-27*"; • Due to the financial challenges Covid-19 presents to ratepayers, some service charges and fees have been waived and some has been reduced by 50% going forward; • The City does not apply differential general rates as a means to help increase rate revenue; • Finance does not play a role in setting the amount of service charges for service of a private nature; • The City does not pursue grant funding adequately; and • Commercial activities are not a current focus area for the City.
Shifting responsibility for social and infrastructure programs from Federal and State governments to the City	• Cost shifting trends are not quantified and its effect is not included in annual budgets and long-term financial plans; • The City provides services exclusively for the benefit of the community or other government tiers without any cost recovery; and • Partnerships for service delivery is limited to EMRC membership which focuses on waste management. Opportunities exist for cooperation and cost sharing with other local governments for services which include procurement, rangers, and security.
Inadequate long-term financial plan does not represent the City's financial capacity	• The City's "*Long-Term Financial Plan 2017-18 to 2026-27*" (LTFP) has not been updated since it was compiled in 2017; • Very low interest revenue is generated from cash investments due to the City having a risk adverse approach to investments; • Parcels of land have been acquired as 'strategic buys for investment purposes and not service delivery'. These land parcels are long-term investments and does not provide a secure continuous cash inflow benefit to the City; • The City owns several aged care facilities which includes 2 residential aged care facilities and 4 independent units. The

PAXON GROUP

Risks	Findings
	City is at risk to finance any losses generated by a retirement village. In addition, the City is responsible to maintain the aged care buildings. Paxon was informed the City is 'happy to divest' aged care facilities as it is no longer being regarded as a 'core business' of the City. Notwithstanding the City's perspective that "aged care funds aged care" the City's incurs significant expenditure to maintain these facilities; • The City does not quantify infrastructure renewal gaps; • A service review was performed in October 2017 to identify cost savings. Another review is presently required; and • The City is debt-free at present in compliance with its culture. However, Council has recently adopted a "*Loan Borrowing*" policy. An amendment in June 2020 broadens the City's ability to borrow giving the City additional scope for resourcing.
Under resourced financial reporting function	A fixed term contractor has been appointed and a project plan has been drafted for a review of the City's LTFP. However, financial information will be needed on a continuous basis in order to manage the City's financial sustainability. Thus, dedicated resources will be necessary on a permanent basis for this purpose.
Poor integrated planning and reporting	• The City's Strategic Documents are out of sync as these documents were finalised by individual responsible managers without contributions from other stakeholders prior to its approval by Council; • Councillors have a short-term financial perspective of matters. This disagrees with City's management's long-term perspective for the City which is essential to the vision disclosed in the Strategic Documents and the financial sustainability of the City into the future; • A newly appointed Manager Governance and Organisational Strategy is responsible to facilitate the integration of the City's Strategic Documents; and • An annual planning and reporting cycle will be introduced to help ensure the City's Strategic Documents remain relevant.
Financial management lacks vision	• The City's accounting records have a historic transactional structure and lacks a 'forward thinking' perspective; • The City does have several financial policies, but policies for essential financial matters are outstanding; • Cash flow projections are made on a daily basis. It is not the City's practice to prepare rolling cash flow projections; • Monthly financial statements are provided to both executive management and Council; and • Financial reports are also provided to the Audit and Risk Management Committee and the Budget Review and Expenditure Committee.

Risks	Findings
Asset management does not support financial sustainability	• The City provided only two draft asset planning documents being: ○ "Asset Management Strategy"; and ○ "Transport Asset Management Plan – Part 1- Summary – 2019-2029". • A short-term ('annual budget to annual budget') approach regarding asset expenditure (capital and operational) is followed; and • Life-cycle management can be improved as assets are currently not always replaced at the right time.
Governance needs improvement	• The City does not have a Corporate Governance Charter nor a Governance Framework; and • The Budget Review and Expenditure Committee should be utilised more effectively and in particular should guide implementation of the recommendations included within this Report.

Paxon would like to take an opportunity to thank the assistance of the staff at the City for their time and providing the requested information, including during the onset of the COVID-19 pandemic.

1 Introduction

1.1 Planning for the Future

The Local Government Act 1995, in section 5.56 places an obligation on the City of Bayswater (City) to plan for the future:

"*(1) A local government is to plan for the future of the district.*

(2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district."

The Local Government (Administration) Regulations 1996 states in regulation 19C:

"*(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.*

(2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

(4) A local government is to review the current strategic community plan for its district at least once every 4 years."

The Local Government (Administration) Regulations 1996 states in regulation 19DA:

"(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(4) A local government is to review the current corporate business plan for its district every year."

Financial sustainability is vital to help ensure the viability of both the Strategic Community Plan and the Corporate Business Plan.

1.2 Definition of Financial Sustainability

The definition of financial sustainability, from the perspective of local government can be found in the Australian Local Government Association report entitled: *"National Financial Sustainability Study of Local Government – Commissioned by the Australian Local Government Association – November 2006"* which states:

"The financial sustainability of a council is determined by its ability to manage expected financial requirements and financial risks and shocks over the long term without the use of disruptive revenue or expenditure measures, which is determined by:

- *healthy finances in the current period and long-term outlook based on continuation of the council's present spending and funding policies and given likely economic and demographic developments, and*
- *ensuring infrastructure renewals/replacement expenditure matches forward looking asset management plan expenditure needs."*[1]

1.3 City's Context

The City of Bayswater (City) recently reviewed its level of strategic assurance reporting against a Public Sector Risk Report for 2019, published by Jardine Lloyd Thompson Pty Ltd (JLT). The JLT Public Sector Risk Report examines the claims and risk environment within local government as identified by CEO's and General Managers. The JLT report ranks 13 risks overall to local government, and highlights the continued importance of Financial Sustainability, with it being ranked as the leading risk for the second year.

The major driver for Financial Sustainability's ranking continues to be limitation of revenue growth, operations, rate capping, along with cost shifting from State and Federal Government to local government. As the shift of asset and infrastructure costs continues, local governments are required to be more resourceful to manage their existing operations along with new activities.

The City must ensure there are adequate controls in place to mitigate the risks associated with Financial Sustainability. Specific deficiencies in the City's control environment include:

- Long Term Financial Plan is out of date;
- A lack of resources in the finance team inhibits the presentation of timely and relevant financial information, between directorates and to Council and restrict their ability to make well-considered financial decisions; and
- Asset renewal as such is not well defined due to a current change-over from an 'age and depreciation' perspective to a 'service condition intervention level' perspective. When an asset reaches the intervention level, a decision is made by City engineers as to the replacement or continued operation of the asset. Thus, a decision as to an asset's continued use or replacement is not made with reference to its age or the fact it may be fully depreciated. This approach creates a lack of clarity regarding asset renewal which impedes identification of gaps between funding allocated through long-term financial planning and the City's Asset Management Plans as informed by the City's asset renewal modelling.

1.4 Internal Audit Objective

The overall objective for this internal audit is to provide assurance effective and efficient controls are in place for Financial Sustainability.

2 Scope

The following topic was covered in the internal audit:

Topic	Key Risks
Financial Sustainability	• Limitations in revenue growth; • Shifting responsibility for social and infrastructure programs from Federal and State governments to the City; • Inadequate long-term financial plan does not represent the City's financial capacity; and • Under resourced financial reporting function.

3 Methodology

Our methodology for the internal audit comprised:

- Conducting an initial meeting with management to obtain an understanding of processes and potential issues;
- Developing overview documentation of the processes including key controls by discussion with staff and review of the processes;
- Evaluating the adequacy of the controls to cover the identified risks and testing the compliance with the key controls;
- Researching the issues, weaknesses and potential improvements noted from our discussions and review of the existing processes including compliance with key controls;
- Developing appropriate recommendations for improvement for discussion with management;
- Drafting a report of findings and recommendations and obtaining formal responses from management; and
- Finalising the report and issuing it to the Director Corporate and Strategy for distribution to the Audit Committee and relevant management.

4 Inherent Limitations

Due to the inherent limitations in any internal control structure, it is possible errors or irregularities may occur and not be detected. Further, the internal control structure, within which the control procedures that have been reviewed operate, has not been reviewed in its entirety and therefore no opinion is expressed as to the effectiveness of the greater internal control structure.

It should also be noted our internal audit was not designed to detect all weaknesses in control procedures as it was not performed continuously throughout the period subject to review.

The internal audit conclusion and any opinion expressed in this report have been formed on the above basis.

5 Detailed Audit Findings

To assess the effectiveness of financial sustainability of the City, it is important to confirm the legislative compliance framework that stipulates the strategic planning process that are required to be set for both short and long term. This framework, when adhered to, provides support to the financial sustainability of Local Governments.

The Department of Local Government, Sport and Cultural Industries (DLGSC) issues Long Term Financial Plan Guidelines which states:

Integrated Planning and Reporting (IPR) is a framework for local governments to:

- Articulate the community's vision, outcomes and priorities;
- Allocate resources to achieve the vision, striking a considered balance between aspirations and affordability; and
- Monitor and report progress.

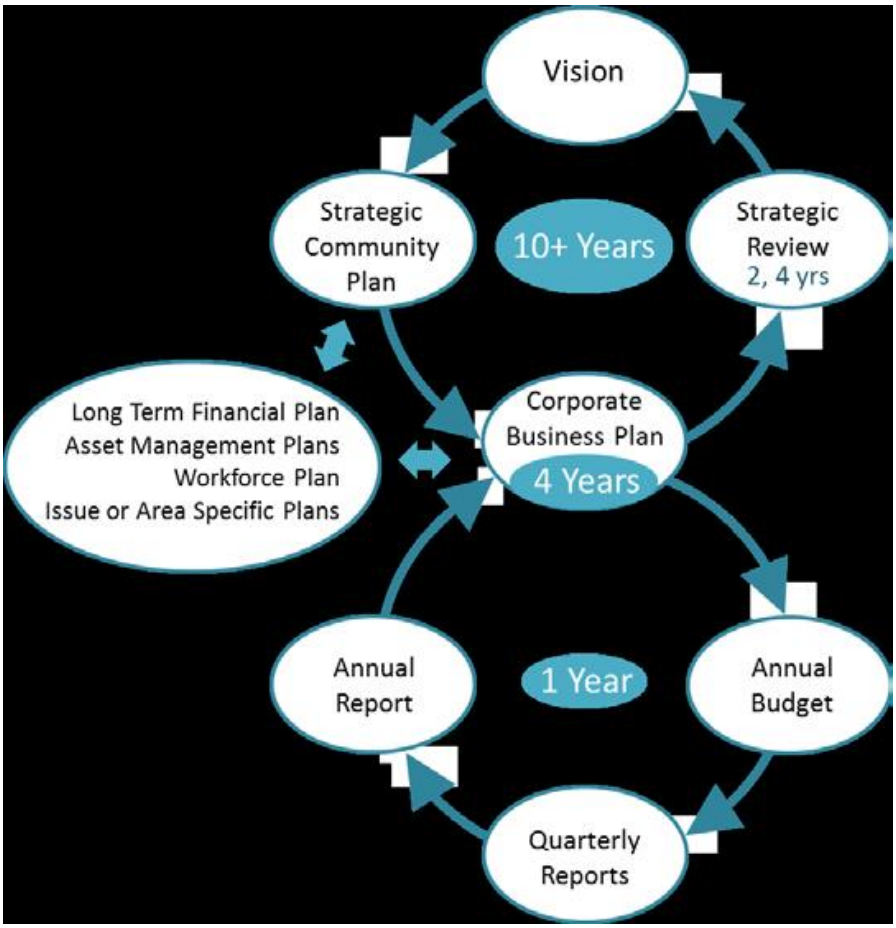
IPR consists of the following "suite" of plans (see figure 1 below):

- A Strategic Community Plan that clearly shows the community vision, strategic direction, long and medium-term priorities and resourcing implications with a horizon of 10+ years;
- A Corporate Business Plan which contains a four-year delivery program, aligned to the Strategic Community Plan, and accompanied by four-year financial projections; and
- Informing Strategies, consisting of the core Informing Strategies (Long Term Financial Plan, Asset Management Plan and Workforce Plan) and any other issue or area specific council plans (e.g. Disability Access and Inclusion Plan) that inform the Strategic Community Plan and Corporate Business Plan. The core Informing Strategies play a vital role in prioritisation and integration.

"**The Long-Term Financial Plan is a 10-year rolling plan** that informs the Corporate Business Plan in the activation of Strategic Community Plan priorities. **The Long-Term Financial Plan includes robust forecast budgets for four years accompanying the Corporate Business Plan.** From these planning processes, annual budgets that are aligned with strategic objectives can be developed

The Long-Term Financial Plan is therefore a key element of the Integrated Planning and Reporting Framework that enables local governments to set priorities, based on their resourcing capabilities, **for the delivery of short, medium and long term community priorities.** It is also an indicator of a local government's long-term financial sustainability and allows early identification of financial issues and their longer term impacts. The Long-Term Financial Plan highlights linkages between specific plans and strategies and enhances the transparency and accountability of the council to the community."[2] (emphasis added)

Figure one as referred to in the above-mentioned reference is portrayed below:[3]



These documents are collectively referred to as the Strategic Documents. The double-heads on several of these arrows illustrates the interface between the Strategic Documents and the need to assess and review them in unison.

The City's planning should address its future over the long-term, the medium-term and the short-term, based on its legislative obligations and the guidance provided by the DLGSC. Paxon has found currently there is a disconnect between the City's needs as disclosed in its long-term plans and its current needs as disclosed in its annual budgets. The City's planning focusses on short-term treatments for the four key risks identified in the scope of the engagement and detailed in the following section of this report.

5.1 Review of Limitations in Revenue Growth

5.1.1 Rate Setting

Findings	Recommendations
• Rate setting is the single greatest risk to revenue growth. As per the City's *"Annual Report - 2018/19*", rate revenue presented 63% of total revenue (2017/18: 62%). Thus, rate revenue is a significant portion of total revenue. Financial sustainability demands a long-term perspective of financial transactions. It requires a vision of financial transactions which will only incur 20 to 30 years into the future. This vision, once quantified discloses the current need for the City to accumulate reserves to fund capital expenditure and operational expenditure which will only be incurred decades into the future; • The City has a mature rate base and limited opportunities exist for further developments or 'infills' which may increase the rate base. From a financial perspective, rates alone cannot sustain the City in the future. However, rate setting takes place in a rigid environment. Legal constraints, the financial capacity of ratepayers to accept rate increases and the political environment all contribute to current rate setting practices; and • The legal constraints which limit the City's ability to generate rate revenue is evident from recent land devaluations announced by Landgate. The City received a letter from Landgate approximately two months ago which stated property valuations across commercial, industrial, and residential property would fall by 15% (in general terms) as from 1/07/2019. Local governments are obligated in terms of section 6.28 of the Local Government Act 1995 to use land valuations as a rate base. The City expects an average decrease of 13% for property values within its borders. Thus, prima facie, calculating rates for the 2020/2021 financial year using the 13% lower property values will result in a substantial 13% decrease in rate revenue. The City has considered different options in reaction to this potential decrease in rate revenue. The City has decided to increase its rate in the dollar by 13% to counter the effect of the property value decrease. This will result in ratepayers having rate charges for the same amount as for the 2019-2020 financial year.	The City should follow a balanced approach when setting rates. However, rates cannot be set based on the funding needs for the ensuing financial year only. It is imperative the City obtain traction at present for the creation of intergenerational equity. The City should consider: • Make optimal use of the legal parameters for setting rates as per the Local Government Act 1995, including: ○ Section 6.33 - differential general rates; ○ Section 6.34 – limits on revenue or income from general rates (estimated general rate amount may not be more than 110% of the amount of the budget deficiency); and ○ Section 6.37 – specified area rates. • Balance such increases with the financial capacity of ratepayers to accept rate increases and the political will of Council to approve such increases. It is imperative to demonstrate to ratepayers by Council that any proposed changes to the Rate Setting platform provides direct benefit to the community by adequately funding community services both from recurrent and future spending, which allows the accumulation of reserves (intergenerational equity).

PAXON GROUP

5.1.2 Accumulation of Reserves

Findings	Recommendations
• Paxon notes the City's "Annual Report - 2018/19" records a cash backed reserve of only $3,994,977 for major capital work; • Paxon notes the minutes of a meeting of the Covid-19 Advisory Committee, held on 14 May 2020, records the meeting's decision to recommend to Council the approval of: ○ A "*Cash-Backed Reserves Policy*"; and ○ The consolidation of reserves to form a new reserve titled "*Economic Stimulus Reserve*" with a value of $10,597,934. • Paxon queries the effectiveness of the "*Cash-Backed Reserves Policy*", based on the City's current cultural practices which challenge the accumulation of reserves. These cultural practices are: ○ Linking rate increases to the CPI; ○ 'Annual budget to annual budget' practice for determining financial needs; ○ Low rate base for the City; and ○ Councils in the past taking a short-term view on the financial planning of the City. <u>Linking Rate Increases to the CPI</u> • This approach results in limiting rate increases, if approved to the Consumer Price Index (CPI). The CPI measures quarterly changes in the price of a 'basket' of goods and services which account for a high proportion of expenditure by the CPI population group (i.e. metropolitan households). Thus, it provides a consumer's perspective on price increases. This is beneficial, from a rate payers' perspective when comparing rate increases with inflation; and • However, local governments provide services to the community which have a different cost structure to a 'basket' of goods. Council services are affected by growth in construction, material and wage costs, rather than changes in prices for common household goods and services as measured by CPI. Paxon examined price increases published by the Australian Bureau of Statistics for Western Australia and found:	• Paxon endorses the "*Cash-Backed Reserves Policy*", as recommended for Council's approval. However, to help ensure the financial sustainability of the City the mere approval and implementation of the policy in isolation will be insufficient. The City should consider increasing its revenue base by means other than rate revenue, including: ○ Better diversification of investments; ○ Grant funding; and ○ Broadening commercial activities. • The City should, as a priority, start accumulating reserves now to fund future expenditure - both capital and operational. Future service delivery to the community will demand: ○ Capital expenditure (for example: asset purchases) and ensuing operational expenditure (for example: asset maintenance & replacement); and ○ New operational expenditure for services without cost recovery. <u>Linking Rate Increases to the CPI</u> The City cannot continue the current practice to limit rate increases to the CPI. The City should commission a review to ensure future rate increases are directly linked the current inflation rate that is associated with the direct costs that make up the City's 'basket' of services to the community.

Findings	Recommendations
○ All groups CPI - Perth: Increased from 95.6 in March 2010 to 113.5 in March 2020 (average annualised increase of 1.79%)[4]; ○ Total hourly rates of pay excluding bonuses - Private and Public - All industries: Increased from 100.0 in June 2009 to 130.3 in June 2019 (average annualised increase of 3.03%)[5]; ○ Road and bridge construction: Increased from 94.0 in March 2010 to 109.9 in March 2020 (average annualised increase of 1.59%)[6]; and ○ Building construction: Increased from 99.0 in March 2010 to 102.9 in March 2020 (average annualised increase of 0.39%)[6]. As per the City's *"Annual Report - 2018/19"*, employee costs represented 44.66 of total expenses (2017/18: 46.55). By limiting rate increases to CPI means the City is in real terms diminishing the buying power of its revenue and accumulated reserves. <u>'Annual Budget to Annual Budget' Practice</u> The current budget bid process, as followed in budget workshops, results in budget allocations for projects based on political positions and not necessarily funding priorities based on long-term plans. Political positions, for the greater part, is based on a short-term perspective and not a long-term perspective of funding needs. <u>Low Rate base for the City</u> The CoB has a low general rate base. The COB's general rate was 0.0621 in the dollar as per the 2018-2019 budget. The Town of Bassendean's (ToB's) general rate was 0.0723 in the dollar as per their 2018-2019 budget. Applying the ToB's general rate for 2018-2019 to the CoB's rate value of properties would have increased general rate revenue from $41,867,627 to $48,744,435, an increase of $6,876,808 or 16.43%. This lower general rate revenue is significant in itself and will accumulate to a significant amount over time (as it has most probably done up to the present day). Furthermore, the existing gap between the CoB's general rate in the dollar and that of the ToB will	<u>'Annual Budget to Annual Budget' Practice</u> The City cannot afford to apply 'tunnel vision' in its approach to budget compilation. The integrated planning and reporting structure for the City should steer budget preparation. In particular, the Long-Term Financial Plan which should include *"robust forecast budgets for the four years accompanying the Corporate Business Plan"*[7]. <u>Low Rate base for the City</u> The City should consider reviewing the benefits of amending its current general rate to a rate which is equivalent to neighbouring councils. Obviously, such an increase should occur: • Within the legal parameters for setting rates as included in section 6.34 of the Local Government Act 1995; and • As balanced with the financial capacity of ratepayers to accept rate increases and the political will of Council to approve such increases. It is imperative to demonstrate to ratepayers and Council the need to apply a higher rate base, amongst others, to help accumulate reserves (intergenerational equity) and to fund current and future programs.

Findings	Recommendations

increase exponentially over time as both rates are adjusted to accommodate inflationary pressures.
 	
<u>Short-term financial outlook of Councils</u>
 	
Councillors have a four-year term of office as specified in section 2.28(2) of the Local Government Act 1995. There is a risk that Councils will have a short-term perspective of matters including community expectations which can be accentuated by the media. In contrast, the City is required by legislation and guided by the DLGSC to plan beyond the short term. A long-term perspective of community expectations is essential to help ensure the financial sustainability of the City into the future.
	<u>Short-term financial outlook of Councils</u>
	
	The City should seek to develop and formalise the integration framework between Council and Management in terms of the annual and long-term financial planning process. To develop this framework the areas to consider:
	• Councils and management must have a mutually inclusive perspective of community expectations, irrespective of when those expectations will materialise, to help ensure the City's financial sustainability. Specific activities to help ensure this:
	  ○ Understanding the long-term perspective disclosed in the Strategic Documents steers the annual budget process (and not vice versa);
	  ○ Annual planning and reporting cycle;
	  ○ Facilitation of the integration of the Strategic Documents; and
	  ○ Integration of the annual budget across Directorates and elected members.
	• Council should participate in the proposed annual planning and reporting cycle to be introduced to help ensure the Strategic Documents remain relevant.

5.1.3 COVID-19

Findings	Recommendations
• Paxon notes the City has implemented a Covid-19 Advisory Committee. This Committee includes Councillors, the CEO and senior management. The purpose of the Committee is: "To consider urgent measures that require Council direction in relation to the COVID-19 Coronavirus pandemic."; • Paxon notes the minutes of a meeting of the Covid-19 Advisory Committee, held on 14 May 2020, records the meeting's decision to recommend to Council the approval of budget adjustments to fund current Covid-19 expenditure; • However, Covid-19 may also influence service delivery to the community in the long-term (for example: the aquatic centre). Covid-19 may be more	The City should consider the impact of Covid-19 on all its Strategic Documents and make appropriate changes where applicable.

Findings	Recommendations
of a long-term challenge than a short-term challenge; and • Paxon was informed a fixed term contractor has been appointed and a project plan has been drafted for a review of the Long-term Financial Plan (LTFP). The project will include consideration of the effect of Covid-19 on the financial sustainability of the City.	

5.1.4 Service Charges/Fees and Charges.

Findings	Recommendations
• The Local Government Act 1995 in section 6.15 empowers the City to receive: ○ Service charges (section 6.15(1)(a)(ii)); and ○ Fees and charges (section 6.15(1)(a)(iii)). Collectively referred to as service charges and fees; • The Local Government Act 1995 in section 6.17 allows the City with flexibility (with some exceptions) in setting the level of fees and charges; • Due to the financial challenges Covid-19 presents to ratepayers, some service charges and fees have been waived and some has been reduced by 50% going forward. However, the City cannot subsidise ratepayers on an indefinite basis; and • Paxon did not undertake a review of all fees and charges levied by the City to determine the extent of cost recovery taking place. However, based on a sample of fees and charges examined, it is evident current cost recovery practices in the City is insufficient.	The City should undertake a formal review of all current fees and charges levied for service delivery to ensure as a bare minimum that full cost recovery takes place.

5.1.5 Differential General Rates

Findings	Recommendations
• The Local Government Act 1995 in section 6.33 empowers the City to impose differential general rates; • At present the City does not levy differential general rates as a means to help increase rate revenue. The City has four different GRV rating	The City should consider undertaking a formal cost/benefit analysis of utilising differential rating as a legitimate tool to assist in increasing rate revenue and supporting the financial sustainability of the City.

Findings	Recommendations
categories being residential, residential vacant land, commercial and industrial. The same rate in the dollar (0.06393) and minimum rate ($906) applies across all four GRV categories; • The current City opinion is that applying differential rating to the four GRV categories may be politically sensitive (for example: to increase commercial rates may be politically disastrous as the Galleria is the City's biggest ratepayer); and • Furthermore, due to the financial challenges Covid-19 presents to ratepayers, the City COB has decided not to consider differential general rates at present.	

5.1.6 Specified Area Rates

Findings	Recommendations
• The Local Government Act 1995 in section 6.37 empowers the City to impose a specified area rate on rateable land within a portion of its district for the purpose of meeting the cost of the provision by it of a specific work, service or facility if the local government considers that the ratepayers or residents within that area have: ○ Benefited or will benefit from; ○ Access to or will have access to; or ○ Contributed or will contribute to the need for, that work, service or facility. • At present, the City does not levy specified area rates; and • The current City opinion is that specified area rates is a grey area as it is challenging to determine which ratepayers benefit from, have access to or contributed to the need for the work, service or facility which will justify imposing a specified area rate.	The City should consider undertaking a formal cost/benefit analysis of utilising specified area rates as a legitimate tool to assist in increasing rate revenue and supporting the financial sustainability of the City.

5.1.7 Services of a Private Nature

Findings	Recommendations
• Some services provided by the City can be regarded as being of a private nature (for example: commercial rent); • In terms of section 6.17(3) of the Local Government Act 1995, the basis for determining a fee or charge is not to be limited to the cost of providing the service or goods. The private nature of such services justifies the City making a profit on the delivery of such a service; • However, the current practice in the City is as follows: ○ The responsible business unit indicates under what section of the Local Government Act 1995 a service charge should be levied and the amount thereof; and ○ Finance accepts the service charge amount at face value. • There is a risk that the full cost of providing the service is not recovered via the service charge.	• The formal integration of financial data across directorates should be investigated to allow for efficient sharing of financial data. This will also assist with achieving resourcing efficiency within Finance; and • Finance should play a role in collaboration with the responsible directorate in setting the amount of service charges for service of a private nature to ensure: ○ Full cost recovery takes place; and ○ A fair profit margin is recovered in the service fee.

5.1.8 Grant Funding

Findings	Recommendations
Grant funding from state and federal government bodies is not adequately pursued by the City. At present, no dedicated resource is employed to pursue grant funding. Thus, the pursuit of grant funding is left to each individual directorate.	The City should investigate the needs of an adequate resource to support grant funding opportunities. The success of additional grants will support the broadening nature of increasing the revenue 'pie' of the City.

5.1.9 Commercial Activities

Findings	Recommendations
• At present, some commercial activities are undertaken, being gym facility, golf courses, aged care and membership of the EMRC; and • Commercial activities are not a current focus area for the City. Paxon was informed scope exists for providing such activities.	• For the City to diversify its Revenue risk it should consider measures in extending its Commercial Activities program; and • A framework should be developed which includes the following key elements: ○ Determination on how proposed commercial activity will provide long-

Findings	Recommendations
	term benefit to the City's ratepayers (from both financial and service delivery perspective); ○ Incorporating commercial decisions into its Strategic and Long-Term Planning; ○ Undertaking business cases for proposed commercial activities that demonstrate the community and financial benefit to the City, with predetermined metrics to ensure suitability; and ○ The use of financing for such initiatives if and where required.

5.1.10 Minimum Payments

Findings	Recommendations
Consideration was given to increasing the minimum rate of $906 by 10%. A minimum rate results in a rate on land which is greater than the general rate which would otherwise be payable on that land. However, section 6.35(3) of the Local Government Act 1995 requires that the general minimum is imposed on not less than 50% of the: • Total number of separately rated properties in the district; or • Number of properties in each category referred to in subsection 6, on which a minimum payment is imposed. Compliance with these stipulations prevents its current application within the City.	Paxon is satisfied with the City's current approach.

5.1.11 Completeness of Rate Levies

Findings	Recommendations
The City accepts the VGO roll but checks the revaluation rolls received against the City's records on as regular basis. Discrepancies between VGO records and the City's records are investigated and resolved. This practice helps ensure: • Rates are levied on all rateable land; and • Rate basses (improved and unimproved values) are correct.	Paxon is satisfied with the City's current approach as it does support the accuracy of the rates raised which is aligned with current valuation. This de-risk any concerns over 'lost' revenue.

5.1.12 Rebates provided to pensioners and seniors

Findings	Recommendations
A dedicated resource is responsible to continuously check the eligibility of pensioners and seniors to granted rebates.	Paxon is satisfied with the City's current approach and supports accuracy of Revenue raised by the City.

5.2 Shifting Responsibility for Social and Infrastructure Programs

Definition of Cost-Shifting

To assess the implications relevant to the City for Shifting Responsibility for Social and Infrastructure Programs, Paxon reviewed various reports that had been commissioned throughout Australia on this topic. It is a pressing matter for local governments at the moment. To ensure its relevance to the City it is important to define its application appropriately, by stating that it is a constant funding pressure confronting local government which occurs when Federal and State programs transfer service delivery responsibilities to local government with insufficient funding or grants which do not keep pace with the costs to deliver those services.

Major Types of Cost-Shifting

The Local Government and Shires Association of NSW produced a report entitled: "*Are Councils Sustainable, Final Report: Findings and Recommendations, Independent Inquiry into the Financial Sustainability of NSW Local Government*. This report identifies the following "*major types of cost shifting*":

- "*The withdrawal or reduction of financial support once a program is established therefore leaving Local Government with the choice of continuing the program or suffering potential political backlash if the service is cancelled;*
- *The transfer of assets without appropriate funding support;*
- *The requirement to provide concessions and rebates without compensation payments;*
- *Increased regulatory and compliance arrangements; and*
- *Failure to provide for indexation of fees and charges for services prescribed under state legislation or regulation*."[8]

The above elements are all relevant to the current challenges facing the City. Please find the following itemised findings and recommendations.

5.2.1 Cost Shifting Trends

Findings	Recommendations
• At present, cost shifting trends are not quantified and its effect is not included in annual budgets and long-term financial plans; • The City's perspective is future operational costs for assets transferred by government is insignificant. The City is aware that the WA State Government Metronet transport project may result in it incurring future operational expenditure once it is handed over, however, such future expenditure has not been quantified; • Paxon was informed the City has just commenced considering cost-shifting practices that are occurring in the eastern states. Specifically, "environmental scanning" is currently investigated although it may not be totally relevant to a suburban council; and • From the information reviewed, Paxon can determine that it is evident the City has a reactive approach to managing cost shifting trends.	• The City should follow a pro-active approach to addressing the current trend of shifting responsibility for social and infrastructure programs from Federal and State governments to local governments; • Government proposals for future cost shifting should be obtained and its effect on the financial sustainability of the City should be assessed; • The City should actively pursue government funding or government contractor funding for assets to be transferred (even if only for the short term). Such funding will provide the City with reaction time within which to address the funding challenges presented by such asset transfer; and • The estimated costs for projects earmarked to be completed by government and transferred to the City should be identified, quantified, and included in long-term financial plans and annual budgets.

5.2.2 Cost Recovery

Findings	Recommendations
• The City provides services exclusively for the benefit of the community or other government tiers without any cost recovery. Paxon was informed the City: ○ Provides immunisation services without any cost recovery; and ○ Collects the Emergency Services Levy on behalf of the state government without any cost recovery. • The Local Government Act 1995 in section 6.15 empowers the City to receive: ○ Service charges (section 6.15(1)(a)(ii)); and ○ Fees and charges (section 6.15(1)(a)(iii)). • The Local Government Act 1995 in section 6.17 requires the City when determining the amount of a fee or charge for a service to, amongst others, take into consideration the cost to the local government of providing the service.	These following suggested measures will help assist the financial sustainability of the City: • All services provided by the City exclusively for the benefit of the community or other government tiers should be identified, quantified, and appropriately included in annual budgets and long-term financial plans; and • The City should consider recovering the cost of providing services to the community or other government tiers from the beneficiaries of these services.

5.2.3 Partnerships

Findings	Recommendations
• Currently, partnerships for service delivery is limited to EMRC membership which focuses on waste management; and • Paxon was informed opportunities exist for cooperation and cost sharing with other local governments for services which include procurement, rangers, and security.	The City should examine opportunities for cooperation and cost sharing with other local governments regarding service delivery. Specifically, the identified opportunities regarding partnerships for procurement, rangers, and security should be investigated.

5.3 Long Term Financial Planning

Following findings and recommendations are in response to the risk associated with inadequate long-term financial plans that do not represent the City's financial capacity and sustainability.

5.3.1 Outdated Long Term Financial Plan

Findings	Recommendations
• The City has a "*Long-Term Financial Plan 2017-18 to 2026-27*" (LTFP). The LTFP has not been updated since it was compiled in 2017. As a result, the LTFP is outdated and does not provide strategic direction for annual updates of other strategic document which includes the annual review of the Corporate Business Plan and the annual budget; and • Paxon was informed a fixed term contractor has been appointed and a project plan has been drafted for a review of the LTFP. The project will include consideration of the effect of Covid-19 on the financial sustainability of the City.	The project plan for the review of the LTFP should be approved and implemented without delay. A detailed recommendation for the update of the LTFP was included in section 5 of this Report.

5.3.2 Investment Revenue

Findings	Recommendations
• At present, very low interest revenue is generated from cash investments due to the City having a risk adverse approach to investments; • Parcels of land have been acquired as 'strategic buys for investment purposes and not service delivery'. These land parcels are long-term investments and does not presently provide a secure continuous cash inflow benefit to the City; • The Director Corporate and Strategy is currently busy updating the "*Investment*" policy whilst having regard to the legislative constraints. Emphasis will be placed on making investments for a maximum period of 12 months. More flexibility will be incorporated into interest-bearing deposits placed with authorised deposit-taking institutions (ADI's) which will enable such investments in Standard and Poor long-term ratings below triple A; and • Paxon notes the City's "Annual Report - 2018/19" records term deposits to the value of $74,745,301 as at 30/06/2019 (2018: $67,779,924).	The City should optimise its returns on cash investments whilst complying with the objectives to: • Safeguard the City's cash and investments portfolio; and • Ensure liquidity for the City's business objectives over the long, medium and short term.

5.3.3 Sale of Assets

Findings	Recommendations
• The City initially provided aged care services as there was a gap in the market. Little consideration was given at the time of the investment on the recurrent capital needs of these services and associated infrastructure. Once the assets reach their effective life, the City is forced to reassess the current needs of the community versus further requirements to make capital investments. Due to aging infrastructure and the cost to maintain these facilities at a functional level, aged care facilities may be seen as a liability and not an asset; • The City owns several aged care facilities which includes 2 residential aged care facilities and 4 independent units. The two residential aged care facilities are the City of Bayswater Residential Care Hostel and the Carramar Hostel (both of which are managed and operated by Juniper). The Carramar Hostel also includes an independent living section; • The City receives federal funding for the residential care facilities which may only be used to cover expenditure at those facilities. No federal or state government grants are received for the independent living units. In terms of recent amendments to the Retirement Villages Act 1992, any surpluses generated by a retirement village may be used exclusively for the benefit of the retirement village - cannot be transferred to the City. The risk is the City will be responsible to finance any losses generated by a retirement village. In addition, the City is responsible to maintain the aged care buildings. However, the City's perspective is that 'aged care funds aged care'. Thus, incoming residents pay an initial lump sum (ingoing fees), retention fees and fortnightly rental contributions which helps in reducing the City's risk; • On 1 April 2019, Hall & Prior (Fresh Fields Management (Mertome Village) Pty Ltd) entered into a long-term lease with the City and acquired the business and assets associated with Mertome Village. Hall & Prior operates Mertome Village and the Hostel. The lease contract for the business (bricks and mortar) is for an initial 40-year period, which may be extended to last for 99 years. During the first 7 years of the lease, the City will receive no cash inflow from the lease (rent	The City should expedite its consideration of the sale of its aged care facilities. The City should consider the options of outright sale or long-term lease to any purchaser.

Findings	Recommendations
free period); and • Paxon was informed the City is 'happy to divest' aged care facilities as it is no longer being regarded as a 'core business' of the City. Notwithstanding the City's perspective that "aged care funds aged care" the City's incurs significant expenditure to maintain these assets. Thus, the City is currently considering the sale of further aged care facilities.	

5.3.4 Infrastructure Renewal Gaps

Findings	Recommendations
• Infrastructure renewal gaps originate when assets deteriorate faster than local governments can fund their maintenance and renewal; • Paxon was informed the City does not quantify infrastructure renewal gaps. However, Paxon found the draft "*Transport Asset Management Plan – Part 1- Summary – 2019-2029*" includes a "*Projected and Planned Expenditure Requirements and Expenditure Gap*". This expenditure gap is estimated to accumulate over the period 2020—2021 to 2019-2030 to $17,094,863; and • Paxon was informed current delays in obtaining "*forward and projected plans*" from relevant service areas has resulted in an inability to quantify expenditure gaps for property and recreation assets.	• The City should as a first step, quantify infrastructure renewal gaps across all its asset classes. This process should be undertaken without delay; and • Once quantified, the City's Strategic Documents should be updated to appropriately address the estimated infrastructure renewal gaps specifically strategies to fund these gaps.

5.3.5 Cost Savings

Findings	Recommendations
• A service review was performed in October 2017 to identify cost savings. Paxon was informed another review is required; • Council participated in a strategic workshop which was held in January 2020; • City is planning on investing in governance infrastructure (IT systems and processes) to enable the City to be more effective and efficient in delivering services to the community in future; and • Paxon was informed opportunities exist for cooperation and cost sharing with other local governments for services which include procurement, rangers, and security.	The City should commission a review of all its operational costs. This review should be a formalised process and be undertaken regularly either on two to three-year cycle. This review should include quantification of the following: • Operative Costs; • Cost to operate City's assets; • Regulatory compliance costs; and • Identify opportunities for partnerships with neighbouring Councils regarding service sharing models.

5.3.6 Borrowings

Findings	Recommendations
• The City is debt-free at present in compliance with its culture. It is a good position to be in; • Council has adopted a "*Loan Borrowing*" policy on 27/11/2018. Council has recently adopted (at its meeting of 23 June 2020) an amendment to the loan borrowing policy, to reflect that consideration only be given to borrowings which are to fund new or major upgrades to City assets, or strategic land acquisitions, where the City has the capacity to repay the interest on the debt and accumulate cash reserves to ensure full principal repayment upon loan maturity. This broadens the City's ability to borrow giving the City additional scope for resourcing. It has been suggested to Council to consider loans due to the low cost of finance (with current loan rates being competitive with WA Treasury rates); and • The City has also implemented 'off balance sheet' financing techniques for assets (gym equipment).	• To support diversification of the Revenue source to the City and to ensure financial sustainability, loan borrowings should be considered as part of any strategy planning. To support maintenance of the City's reserves, certain investments which meet strict criteria can be acquired with the use of borrowings; and • The City should consider loan borrowings to form part of their long-term plans to assist with: ○ Major capital works including infrastructure renewal gaps; and ○ Investments to assist diversification of its revenue base.

PAXON GROUP

5.4 Resourcing of Financial Reporting Function

Organisations to have effective financial oversight and accurate long-term financial planning, finance divisions are required to have the appropriate resources. This includes having the capacity to deliver on the legislative reporting requirements and adhere to the increase obligations that have been brought on by Office of the Auditor General (OAG) for the annual external audit. It is important also that the Finance area can assist with other directorates with financial analytics and access to data.

The following findings and recommendations provided by Paxon should have no bearing on any personnel's performance or capabilities. The review was based on the operation of the City as a whole and as such no dispersions should be made.

Findings	Recommendations
• Paxon identified the requirements on Finance have increased considerably over the years. This includes the organisational review, the incorporation of the new risk framework and the increased obligations by the OAG. Further to this, there is a need to ensure that financial data and information is also made available between each directorate to assist with decision making. For the City to ensure it meets is legislative and internal obligations, Paxon can determine that the finance area is currently under resourced to deliver on these items; and • Paxon was informed a fixed term contractor has been appointed and a project plan has been drafted for a review of the LTFP. The project will include consideration of the effect of Covid-19 on the financial sustainability of the City.	Financial information will be needed on a continuous basis in order to manage the City's financial sustainability. Thus, additional resources will be necessary on a permanent basis for this purpose. This additional resource(s) should also incorporate the following: • The LTFP is but a single document within the City's portfolio of Strategic Documents. The relevance of the City's Strategic Documents demands continuous effort and extends far beyond compilation of these documents and annual updates of specific documents (Corporate Business Plan and annual budget). Key performance measures are needed to monitor progress and help ensure the City stays on track. This will require information gathering, assessment and reporting on a perpetual basis. Resources will most probably be required across all the City's directorates. The City has to establish whether skilled resources are available to undertake these tasks and appoint additional resources as and when required; and • Paxon recommends a formalised financial integration between all directorates and council regarding budget setting and long- term financial planning. This will allow all stakeholders to provide input and observe how current decisions will affect the City's financial sustainability. Finance should be one of the major custodians of delivering this recommendation.

5.5 Integrated Planning and Reporting

Integrated planning and reporting were not included as a risk in the scope of the engagement. However, Paxon identified it as a risk during the performance of this review and felt it was necessary to include in this report.

5.5.1 Review Cycle

The review cycle for the Strategic Documents is as follows:

Strategic Document	Review Cycle
Strategic Community Plan	At least once every four years. However, the Department of Local Government and Communities proposes a two-year review.
Corporate Business Plan	Annual Basis.
Lon-Term Financial Plan	10 Year rolling plan. Thus, a review is required on an annual basis.
Asset Management Plans	If and as required.[9]
Workforce Plan	If and as required.[10]
Annual Report	Self-explanatory.
Annual Budget	Self-explanatory.

5.5.2 Guidance

Paxon notes the Department of Local Government and Communities publishes a suite of other documents to assist local governments in developing IPR documents. These documents include:

- Integrated Planning and Reporting Framework and Guidelines;
- Integrated Planning and Reporting Advisory Standard;
- Asset Management Framework and Guidelines;
- Workforce Planning Toolkit;
- Model Long Term Financial Planning;
- Abridged Model Long Term Financial Planning; and
- Long Term Financial Planning Tools.

Risk	Findings	Recommendations
Poor Integrated Planning and Reporting	**Strategic Documents** • Paxon examined the City's Strategic Documents and found it included: ○ "*Strategic Community Plan - 2017-2027*"; ○ "*Corporate Business Plan 2019-2023*"; ○ "*Long-Term Financial Plan 2017-18 to 2026-27*"; ○ "*Asset Management Strategy*"; ○ "*Transport Asset Management Plan – Part 1- Summary – 2019-2029*"; and ○ "*Workforce Plan 2017-27*". • Paxon notes a minor review of the "*Strategic Community Plan - 2017-2027*" (SCP) was endorsed in April 2019. Paxon was informed a major review of the SCP is currently being undertaken. Paxon notes the "*Asset Management Strategy*" is dated January 2019 and is still a draft document. However, none of the other Strategic Documents have been updated since its inception; • Strategic Documents are currently not integrated (out of sync). Thus, these documents do not share the same vision for the City. This is due to the fact these documents were finalised by individual responsible managers without contributions from other stakeholders prior to approval by Council; and • No specific policy or procedure document exists to guide the compilation of the Strategic Documents.	• Based on the review cycle for the Strategic Documents (see section 5.1.3 above) the following documents must be updated without delay: ○ "*Strategic Community Plan - 2017-2027*"; ○ "*Corporate Business Plan 2019-2023*"; and ○ "*Long-Term Financial Plan 2017-18 to 2026-27.*" • Based on the fact the Strategic Documents are not integrated at present, a review of all these documents is essential to ensure a clear and cohesive vision for the City; and • A specific policy document should be introduced which sets principles for the integrated planning and review process. Guidance is provided in the suite of documents published by the DLGSC (see section 5.1.4 above).
	Contrasting Financial Perspectives Councillors have a four-year term of office as specified in section 2.28(2) of the Local Government Act 1995. Thus, there is a risk that Councillors will have a short-term perspective of matters including community expectations. This, short-term perception of community expectations is accentuated by the media. In contrast, the City's management have a long-term perspective for the City which is essential to the vision disclosed in the Strategic Documents and the financial sustainability of the City into the future.	• Council should strengthen their focus on the long-term vision of the City's future. Council should participate in the proposed annual planning and reporting cycle to be introduced to help ensure the Strategic Documents remain relevant; • City management should be more pro-active in communicating their vision of the City's future to Council; and • Internal stakeholders, at least, should be provided with the opportunity to provide input to draft Strategic Documents prior to its approval by Council.

Risk	Findings	Recommendations
Poor Integrated Planning and Reporting (continued)	**Manager Governance and Organisational Strategy** A newly appointed Manager Governance and Organisational Strategy is responsible to facilitate the integration of the Strategic Documents.	Paxon is satisfied with the City's current approach.
	Annual Planning and Reporting Cycle An annual planning and reporting cycle will be introduced to help ensure the Strategic Documents remain relevant. This cycle will include workshops to enable stakeholders to make contributions regarding the annual review of the Strategic Documents and the budget. Thus, contributions will not be limited to committee members.	Paxon is satisfied with the City's current approach.

PAXON GROUP

5.6 Financial Management

Financial management was not included as a risk in the scope of the engagement. However, Paxon identified it as a risk during the performance of the review as it plays an integral part in ensuring the accuracy of information to assess the short term and long term needs of the City.

Findings	Recommendations
Forward Vision A new chart of accounts was implemented as from 01/07/2018. This has increased the City's ability to review past financial transactions. The City's accounting records have a historical transactional structure. However, it lacks a 'forward thinking' perspective. Paxon was informed the City will implement a corporate reporting system which will facilitate a dual approach to financial management.	The City should implement the proposed integrated corporate reporting system without delay.
Policies • Paxon found the City does have several financial policies. However, the City does not have policies which deal with the following financial matters: ○ Accounting policy; ○ Budget variations; ○ Contract variations - authority to incur a liability; ○ Management of leases; ○ Disposal of property; ○ Contributed assets; and ○ Payments under section 5.50 of the Local Government Act 1995 (Payments to employees in addition to contract or award). • Paxon notes Council adopted a "*Strategic Budget Policy*" in January 2020. Paxon was informed: "*Accounting Policy is in draft and is nearing finalisation*". Paxon notes the City does have a "*Contract Management*" policy. However, this policy does not specifically address the matter of contract variations. Paxon notes the City does have an "*Asset Management*" policy. However, this policy does not specifically address the disposal of assets and contributed assets.	• The City should consider the introduction of policies which deal with: ○ Accounting policy; ○ Budget variations; ○ Contract variations - authority to incur a liability; ○ Management of leases; ○ Disposal of property; ○ Contributed assets; and ○ Payments under section 5.50 of the Local Government Act 1995 (Payments to employees in addition to contract or award). • The City does have several financial policies, but policies for essential financial matters are outstanding.

Findings	Recommendations
Cash Flow • Paxon was informed: ○ Cash flow projections are made on a daily basis. Every Tuesday the liquidity of investments is examined from the perspective of cash flow requirements; and ○ In the short-term the City is able to maintain sufficient liquidity to meet its creditor and payroll requirements. As a control, the City's investment portfolio is carefully managed to ensure that there is sufficient liquidity available to fund these requirements. • Paxon notes the City's "*Investment Policy*" states: *"This policy sets the following objectives:* • *safeguard the City's cash and investments portfolio;* • *achieve appropriate earnings; and* • *manage the City's cash resources to ensure sufficient liquidity to meet the City's business objectives over the long, medium and short term."*; and • Paxon was informed it is not the City's practice to prepare rolling cash flow projections. However, a specific cash flow projection for the next two years was compiled recently. The Department of Local Government and Communities' publication "*Integrated Planning and Reporting - Long Term Financial Plan Guidelines – September 2016*" states: ***"The Long-Term Financial Plan is a 10-year rolling plan*** *that informs the Corporate Business Plan in the activation of Strategic Community Plan priorities.* ***The Long-Term Financial Plan includes robust forecast budgets for four years accompanying the Corporate Business Plan.*** *From these planning processes, annual budgets that are aligned with strategic objectives can be developed.*[11] (emphasis added)	• The City should expand its liquidity focus to include the risk of liquidity shortfalls in the medium to long-term. Thus, for expenditure beyond creditor and payroll requirements; and • Cash flow should be made on an annual basis to facilitate the roll forward of both the: ○ Long-Term-Financial-Plan; and ○ Corporate Business Plan which should be reviewed annually.
Financial Reports • Monthly financial reports are provided to both executive management and Council. Executive management consists of the CEO, directors, Manager Financial Services and 2 other managers. The executive management team meets on a weekly basis and focuses on payroll expenditure and capital expenditure. The Manager Financial Services makes a presentation on either capital or operational matters on a	Paxon is satisfied with the City's current approach.

Findings	Recommendations
monthly basis (ad hoc reporting); and • Financial reports are also provided to the Audit and Risk Management Committee and the Budget Review and Expenditure Committee. These reports are specific to the committee's responsibilities. The information provided to the Audit and Risk Management Committee include annual financial statements, relevant OAG reports (including an indication as to how the City would have fared if it was subjected to the same OAG audit), debtors' write-offs and amended financial policies which take account of local government and OAG reports.	
Independent Auditor's Reports • Paxon read the "*Independent Auditor's Report to the Rate Payers of the City of Bayswater*", as included in the City's "*Annual Report – 2017/18*". The independent auditor expressed an unqualified opinion on the City's financial report; and • Paxon read the "*Independent Auditor's Report to Councillors of the City of Bayswater*", as included in the City's "*Annual Report – 2018/19*". The independent auditor expressed an unqualified opinion on the City's annual financial report.	Paxon is satisfied with the City's current approach.
Outstanding Rates Outstanding rates are never written off. The City did sell a property during this financial year to recover outstanding rates. However, service charges are written off. The City uses internal resources to follow-up outstanding rates and service charges - not a collection agent. Due to the financial challenges Covid-19 presents to ratepayers, the City will introduce a financial hardship policy.	Paxon is satisfied with the City's current approach.
Rates Smoothing 'Rates smoothing' is offered to ratepayers which allows the spread of rate payments into smaller, more manageable cash flows (on a weekly, fortnightly or four weekly basis). However, this payment method incurs interest at 5.5% (thus, the incentive remains for rate payers to expedite their rate payments). Nonetheless, this is an alternative payment method to lump sum payments (being full payment, two instalments or four instalments).	Paxon is satisfied with the City's current approach.

5.7 Asset Management

Asset management was not included as a risk in the scope of the engagement. However, Paxon identified it as a risk during the performance of the review, as Asset Management plays an important part in the financial sustainability of the City.

Findings	Recommendations
Asset Planning Documents • Paxon examined the City's "*Asset Management Policy*" which identifies the following asset classes: ○ Property; ○ Transport; ○ Recreation; ○ Plant and Equipment; and ○ Information and Communication Technology (ICT). • Asset planning documents provided for examination by Paxon were limited to drafts of: ○ "*Asset Management Strategy*"; and ○ "*Transport Asset Management Plan – Part 1- Summary – 2019-2029*". • Paxon was informed the status of asset management plans for other asset classes is as follows: ○ Property (land and buildings) (draft format); ○ Recreation (draft format); and ○ ICT (plan exists). • Paxon was informed the "*Asset Management Strategy*" (Strategy Document) is: ○ Only a draft document, dated January 2019 and needs a review; and ○ Currently with the Director Works and Infrastructure awaiting feedback. The Director's perspective for not progressing the Strategy Document is that he awaits the Long-Term Financial Plan to be updated. • Paxon examined the Strategy Document and found it to be incomplete in respect of addressing plant and equipment and ICT; and	• The Strategy Document should: ○ Be updated and resubmitted for approval; ○ Provide a holistic and integrated strategy across all the different asset classes; ○ Interfaces with the City's suite of Strategic Documents to ensure a clear and cohesive vision for the City; and ○ Shared with other stakeholders prior to approval to obtain their contributions. • Asset management plans should be finalised without delay for: ○ Property; ○ Recreation; ○ Plant and Equipment; and ○ Information and Communication Technology (ICT). These asset management plans are needed to: ○ Assist in maintaining the relevance and accuracy of the City's suite of Strategic Documents; and ○ Comply with the City's "*Asset Management Policy*".

Findings	Recommendations
• Paxon notes the City's "*Asset Management Policy*" states: *"**Asset management plans will form part of the City's day-to-day business practices** and will be used to make informed decisions in relation to service delivery when it comes to considering the need to acquire new assets, renew existing assets, upgrade existing asset or dispose of existing assets to support service delivery.* *Asset management plans will be prepared in accordance with the International Infrastructure Management Manual recommended format and **will include long term financial modelling of the renewal profile of each asset class and will be underpinned by long term financial plans** in accordance with industry standards and the Integrated Planning Framework.* ***The City has limited resources and is custodian of a large number of assets, some of which have reached or gone beyond their economic life.** It is therefore, imperative that informed decisions be made in relation to asset expenditure."* (emphasis added)	
Short-term Focus • Currently the focus is on a short-term ('annual budget to annual budget') approach regarding asset expenditure (capital and operational). The motivation for this approach is that asset expenditure is driven by: ○ The transfer of new assets to the City by State government and the provision of limited funding, if provided, to only cover short term operational expenditure (for example: projects: Tonkin highway and three new train stations); ○ Council's adoption of projects which will result in new or upgraded assets, both of which will add to future operational costs; and ○ Operational expenditure driven by the current asset base in the City. Thus, after providing for the above-mentioned demands on available funds, no funds remain with which to consider asset expenditure beyond the ensuing financial year; • As a result, the City does not have (cash backed) reserves to fund new capital projects. Paxon notes the City's "Annual Report - 2018/19" records a cash backed reserve of only $3,994,977 for major capital works. Paxon	The short-term financial focus for asset management is the product of the current financial sustainability challenges confronting the City. Several recommendations have been made in this report to address this matter.

Findings	Recommendations
notes the minutes of a meeting of the Covid-19 Advisory Committee, held on 14 May 2020, records the meeting's decision to recommend to Council the approval of the consolidation of reserves to form a new reserve titled "*Economic Stimulus Reserve*" with a value of $10,597,934. However, this increased reserve will still be inadequate to fund major capital works in the future; and • To help manage this funding shortfall, strategies used include: ○ Excessive reliance is on grant funding; and ○ Determining asset replacement with reference to asset condition (scales are used for different asset conditions) and not the criteria of age and depreciation as used in the past.	
Life-cycle management • Paxon was informed life-cycle management can be improved as assets are currently not always replaced at the right time. Asset replacement is dependent on available funding and may result in assets not been replaced at the best possible time. Late replacement may necessitate the replacement of other assets as well to optimise functionality across an asset system; • Paxon was informed asset management service plans are included in the asset management plans currently been compiled. These service plans set 'service condition intervention levels' for assets. When an asset reaches that level, a decision is made by City engineers as to the replacement or continued operation of the asset; and • Paxon notes the drafted "*Transport Asset Management Plan – Part 1-Summary – 2019-2029*" includes a comprehensive set of asset management service plans.	• Asset management service plans should be completed for all the asset classes of the City; and • Records should be kept of the decisions taken when assets reached their 'service condition intervention level'.
Asset Register A comprehensive asset inventory is kept, and regular 'audits' are performed to maintain the register's accuracy and completeness. Asset management information is readily available and integrated. This enable public service custodians with access to asset used for service delivery.	Paxon is satisfied with the City's current approach.

5.8 Risk Management

Risk management was not included as a risk in the scope of the engagement. However, Paxon considered whether it as a risk during the performance of the review, to ensure that financial sustainability is adequately addressed as a risk within the City.

Findings	Recommendations
Risk Management Framework • The City does not maintain a risk register and risk treatment plans. The City has in place a strategic risk focus approach as recorded in its "*Risk Management Framework*" (Framework); • The City's risk tolerance statements are aligned to specific categories of risk which include: ○ Strategic Direction – moderate risk; and ○ Financial management – low risk. • The Framework states regarding strategic direction: *"The City cannot be successful in achieving the objectives of its Strategic Community Plan without clear goal setting and future planning. Understanding that anticipated issues may arise from time to time, the City will make every effort to achieve or significantly progress its key deliverables.* *The City will only tolerate risks in this category as long as it does not result in the following:* • *A significant change in strategic objective.* • *A delay in project delivery of over twelve months.* • *Exceeds the capacity of the long-term financial plan."*; and • The Framework states regarding financial management: *"To ensure that the City is well prepared for financial uncertainty it considers its budget with a long-term outlook, ensuring that income streams promote long term financial sustainability (through long term financial planning, long term asset planning).* *The City has a low risk approach to its financial resources, so it is not willing to accept risks that may result in the disruption of its long-term financial plan and its financial position. The City will only tolerate risks in this category as long as it does not result in the following:*	Paxon is satisfied with the City's current approach and treatment.

Findings	Recommendations
• *Individual projects don't exceed 15% over budget.* • *Annual budget doesn't go into deficit.* • *Initiatives are within the capacity of the long-term financial plan."*	
Crisis Management Plan A Crisis Management Plan was drafted by Riskwest in December 2018. The draft plan was updated by the Coordinator Risk Management in June 2019 (for training and walkthrough). The plan was approved by the Executive Leadership Team in December 2019. A validation exercise for the plan was conducted in November 2019. The plan addresses prolonged outages for approximately one month. This plan does not cover emergencies like pandemics (Covid-19). Riskwest who prepared the original plan will conduct a specific assessment to take account of Covid-19.	Paxon is satisfied with the City's current approach.

5.9 Governance

Governance was not included as a risk in the scope of the engagement. However, Paxon considered whether it as a risk during the performance of the review to ensure that Governance provides adequate framework to support appropriate and accurate processes and decision making to ensure sustain financial sustainability.

Findings	Recommendations
New Committee • Paxon was informed the Budget Review and Expenditure Committee (Committee) is struggling to gain traction. At present not all Councillors are members of the Committee. It is normal practice for Councillors to request detailed reports from City management to enable Councillors to make informed decisions. Compilation of such reports places a significant demand on the City's resources; and • Paxon notes the Committee has held two meetings since its inception.	The City should consider investment in software tools and techniques which will enable it to expedite the gathering of relevant information (external and internal) and the actual writing of reports. This investment will enhance the effectiveness and efficiency of all reports produced by the City.
Governance Framework • Paxon notes the City does not have a Corporate Governance Charter nor a Governance Framework. Paxon found the following local governments do have Governance Frameworks: ○ City of Wanneroo; and ○ City of South Perth. • Paxon notes the City has a Code of Ethics and a Code of Conduct. However, these documents focus on employees and councillors. Thus, it is inward looking. A Governance Framework is outward looking and will enhance the level of trust external stakeholders feel when interacting with the City.	The City should introduce a Governance Framework. The City should consider the Governance Frameworks of the: • City of Wanneroo; and • City of South Perth.
Code of Ethics Paxon examined the City's "*Code of Ethics- Employees – January 2013*". Specifically, Paxon noted: • Section 4 "*Ethical Conduct*"; and • Section 5 "*Responsibility to Disclose or Report*".	Paxon is satisfied with the City's current approach.

Findings	Recommendations
Code of Conduct Paxon examined the City's *"Code of Conduct – 2018 – Council Members and Committee Members"* which articulates this role in section 1.1 entitled: *"Role of Council Member":* *"In fulfilling the various roles, Council Members activities will focus on:* *…**achieving sound financial management and accountability in relation to the City of Bayswater's finances**.* *…In carrying out its functions the City of Bayswater **is to use its best endeavours to meet the needs of current and future generations** through integration of environmental protection, social advancement and economic prosperity."* (emphasis added)	Paxon is satisfied with the City's current approach.
Audit and Risk Management Committee Paxon examined the "*Terms of Reference*" of the Audit and Risk Management Committee which discloses the following: • "*Objective*": "*The primary objective of the Committee is to provide independent oversight so that Council can be satisfied with the performance and effectiveness of the City's financial reporting, governance systems, risk management and internal control practices.*"; and • *"Duties and Responsibilities"*: "*In addition to the above functions, the Committee also has the following responsibilities:* *… Receive progress reports on the City's Integrated Planning and Reporting Framework (IPRF) documents including the Strategic Community Plan, Corporate Business Plan, Workforce Plan, Asset Management Plans and the Long-Term Financial Plan."*	Paxon is satisfied with the City's current approach.

Findings	Recommendations
Budget Review and Expenditure Committee Paxon examined the "*Terms of Reference*" of the Budget Review and Expenditure Committee which discloses the following: • "*Objective*": "*The primary objective of the Committee is to provide guidance and oversight as part of the Budget process and workshops, as well as review and monitor monthly expenditure and delivery of significant or strategic financial commitments and financial and/or economic impacts on or by the City of major capital projects.*"; and • *"The roles and functions of the Committee are to:* *(a) Guide and assist the City in determining the funding requirements for maintaining assets and meeting normal operational requirements,* *(b) Consider funding requirements for capital works projects, including major projects that are at risk of going over budget,* *and any adjustments required to the scope of major projects to meet budgetary limits.* *(c) Identify any cost offsets, or grant funding opportunities to reduce the financial impact of major projects on the budget and Long-Term Financial Plan.* *(d) Review expenditure reprioritisation opportunities to maintain alignment between the Long-Term Financial Plan and the Strategic Community Plan, Asset Management Plan, Workforce Plan, ITC Plan and other key planning documents.* *(e) Support the principles of long-term financial sustainability in the development of the annual budget and rate setting statement.* *(f) Provide support and direction for the development of policies relating to the City's financial sustainability, rating strategies, grant funding and investments.* *(g) Review and monitor expenditure. "*	Paxon is satisfied with the establishment of this committee and its term of reference. The Committee should be utilised more in particularly with the recommendations that are present within this report for the City to develop an integration framework for long term planning that includes all levels of the City.

PAXON GROUP

Reference List

References are as follows:

No.	Reference
1	Australian Local Government Association, *National Financial Sustainability Study of Local Government – Commissioned by the Australian Local Government Association – November 2006*, Sydney https://fdocuments.in/document/national-financial-sustainability-study-of-local-government-national-financial.html
2 to 3, 7 and 11	Department of Local Government and Communities, 2016, *Integrated Planning and Reporting - Long Term Financial Plan Guidelines – September 2016*, Perth https://www.dlgsc.wa.gov.au/docs/default-source/local-government/integrated-planning-and-reporting/integrated-planning-and-reporting-long-term-financial-plan-guidelines.pdf?sfvrsn=fdb403b4_4
4	Australian Bureau of Statistics, 6401.0 Consumer Price Index, Australia, TABLES 3 and 4. CPI: Groups, Weighted Average of Eight Capital Cities, Index Numbers and Percentage Changes https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6401.0March%202020?OpenDocument
5	Australian Bureau of Statistics, 6345.0 Wage Price Index, Australia, Table 2a. Total Hourly Rates of Pay Excluding Bonuses: All Sectors by State, Original (Financial Year Index Numbers for year ended June quarter) https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6345.0Mar%202020?OpenDocument
6	Australian Bureau of Statistics, 6427.0 Producer Price Indexes, Australia, Table 17. Output of the Construction industries, subdivision and class index numbers https://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/6427.0Mar%202020?OpenDocument
8	Local Government and Shires Association of NSW, 2006, *Are Councils Sustainable, Final Report: Findings and Recommendations, Independent Inquiry into the Financial Sustainability of NSW Local Government*, Sydney https://www.lgnsw.org.au/files/imce-uploads/35/final-report-findings-and-recommendations.pdf
9 to 10	Department of Local Government and Communities, 2016, *Integrated Planning and Reporting – Framework and Guidelines – September 2016*, Perth

Perth

Level 5, 160 St Georges Terrace
Perth Western Australia 6000

Telephone: +61 8 9476 3144

Facsimile: +61 8 9476 3188

GPO Box 2753, Perth WA 6001

Melbourne

Level 27, 101 Collins Street
Melbourne VIC 3000

Telephone: +61 3 9111 0046

Facsimile: +61 3 9111 0045

Sydney

Level 57, MLC Centre, Martin Place
Sydney NSW 2000

Telephone: +61 2 8355 3690

Facsimile: +61 2 8355 3689

www.paxongroup.com.au

providingvalue

PAXON

PERTH
Level 5, 160 St Georges Terrace, Perth WA 6000
Telephone: +61 8 9476 3144

SYDNEY
Level 15, 56 Pitt Street, Sydney NSW 2000
T: +61 2 8379 6144

MELBOURNE
Level 27, 101 Collins Street, Melbourne VIC 3000
Telephone: +61 3 9111 0046

ADELAIDE
Level 30, 91 King William Street, Adelaide SA 5000
Telephone: +61 8 8113 5739

BRISBANE
Level 19, 10 Eagle Street, Brisbane QLD 4000
Telephone: +61 7 3121 3240

DARWIN
Level 16, 19 Smith Street The Mall, Darwin City NT 0800
Telephone: +61 8 6314 3066

paxongroup.com.au | mail@paxongroup.com.au

10.6.3.4 Risk Management Framework and Policy Review

Responsible Branch:	Governance and Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. Council Policy: Risk Management - Current [**8.4.1** - 1 page] 2. Council Policy: Risk Management - Proposed [**8.4.2** - 2 pages] 3. Risk Management Framework - Current [**8.4.3** - 14 pages] 4. Risk Management Framework - Proposed [**8.4.4** - 24 pages]
Refer:	Item 9.1 ARMC 12 February 2019

SUMMARY

The City is committed to the principles, framework and process of managing risk as outlined in the Australian / New Zealand International Standard for Risk Management (AS/NZS ISO 31000:2018).

Council Policy: Risk Management, outlines the City's commitment to risk management.

The Risk Management Framework outlines the City's approach to risk management and contains the operational detail.

A review of the City's Risk Management Policy and the Risk Management Framework has been undertaken against AS/NZS ISO 31000:2018 standard. The revised documents are presented to Council for consideration and adoption.

Based on feedback from the Audit and Risk Management Committee the Risk Management Framework Attachment 4 has been updated.

OFFICER'S RECOMMENDATION

That Council:

1. Adopts the Council Policy: Risk Management - Proposed as contained in Attachment 2 to this report.
2. Endorses the Risk Management Framework - Proposed as contained in Attachment 4 to this report.

COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION TO COUNCIL)

That Council:

1. **Adopts the Council Policy: Risk Management - Proposed as contained in Attachment 2 to this report.**
2. **Endorses the Risk Management Framework - Proposed as contained in Attachment 4 to this report.**
3. **Request the Chief Executive Officer to add document control to the footer of each page of the attachments contained within the report.**

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The City of Bayswater Risk Management Framework establishes the City's approach to risk management and outlines the processes in place to support effective risk management, reporting and legislative obligations.

A review of Council Policy: Risk Management and the Risk Management Framework have been undertaken to align with the ISO 31000:2018 Risk management - Guidelines.

The Audit and Risk Management Committee considered the item at the 7 March 2023 meeting and based on feedback the Risk Management Framework Attachment 4 the document footer has been updated to include document management control.

EXTERNAL CONSULTATION

External consultation with LGIS and benchmarking with a number of other Local Governments has taken place.

OFFICER'S COMMENTS

A review of the City's Risk Management Framework (Framework) has been completed. The Framework **(Attachment 4)** has been updated to align with the changes to the Australian Standard AS ISO 31000:2018 Risk Management – Guidelines (which supersedes AS/NZS ISO 31000:2009) and includes improvements to the City's risk management practices.

The City's risk management arrangements continue to be reviewed and improved to provide an integrated and consistent approach across the City for the identification, assessment and treatment of risks.

The updated Framework provides the guidance to integrate risk management into activities and functions performed by the City and supports the City's Risk Management Policy which outlines the City's commitment and approach to managing risks.

The framework was last endorsed by Council in 2019 and prior to that 2017 after being deployed within the City since 2014. The recent amendments to the Framework will assist with improving the City's risk maturity level, and assist in meeting the City's obligations as part of the Chief Executive Officer's three yearly review of the appropriateness and effectiveness of the City's systems, in regard to risk management, internal control and legislative compliance.

Australian Standard AS ISO 31000:2018 Risk Management – Guidelines aims to deliver a clearer, shorter and more concise guide (compared to AS/NZS ISO 31000:2009) that will help organisations use risk management principles to improve planning and make better decisions.

The recently amended Risk Management Policy better defines the City's risk management approach and outcomes, as well as updating risk management terminology, and has allowed for amendments to the Framework. The main changes to the framework include:

Type of Risk	• Strategic – Linked to Strategic Community Plan • Operational – Linked to the delivery of Service • Project – Major Projects
Risk Assurance	• 3 Lines Model • Alignment to the audit process
Evaluation and Acceptance of Risk	• Appetite • Effectiveness of Control
Risk Treatment	• Quarterly Reporting Process
Management and Reporting of Risk	• Risk Rating • Appetite

The current Risk Management Framework has been provided in **Attachment 3** for comparison.

Risk Appetite

The City has documented risk tolerance statements, the statements articulate the City's attitude towards different types of risks and the boundaries that apply to risk taking.

In order to assist the City to achieve our goals, objectives and outcomes and implement our strategies, it is proposed that risk appetite and tolerance levels be reviewed. The intent of the review will ensure risk appetite and tolerance provides guidance on the City's willingness to assume, or be exposed to a level of risk in order the achieve our objectives.

Risk appetite statements will be defined by focussing on the following key elements:

1. What are our Strategic Risks?
2. What level of risk is the City willing to tolerate in pursuit of its strategic objectives?

The Framework will be updated to include risk appetite and tolerance once developed. A workshop with the Executive Leadership Team and an awareness session and risk workshop with the Audit and Risk Management Committee, presenting the draft Strategic Risk Register and Risk Appetite Statements for input and approval is planned in the first half of 2023.

Council Policy: Risk Management

The Risk Management Policy **Attachment 2** has been updated to align with good practice principles, the updated draft includes risk management definitions and a detailed policy statement.

The policy statement articulates the City's commitment to managing risk, implementation of the risk management framework and the high-level approach to risk management.

The current policy has been provided in **Attachment 1** for comparison.

LEGISLATIVE COMPLIANCE

Local Government (Audit) Regulations 1996

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Low

Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The officer's recommendation seeks to update the Risk Management Framework and Council Policy: Risk Management	

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Leadership and Governance
Goal L4:	Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

That Council adopts the Council Policy: Risk Management and endorses the Risk Management Framework.

COUNCIL POLICY: RISK MANAGEMENT

POLICY OWNER: Manager Governance

POLICY STATEMENT: The City of Bayswater Risk Management Policy is an outline of the City's commitment to managing risks that may impact the City's strategies, goals or objectives.

POLICY DETAILS: The Risk Management Policy is enacted through: the City's Risk Management Framework; and the Corporate Risk Register which is a repository for the City's strategic and operational risk issues and various management processes.

- This Policy aims to achieve best practice in the management of risks that may affect the City's customers, people, assets, objectives or services.
- This Policy adopts the principals of Australian Standard ISO 31000:2019 Risk Management - Guidelines. This standard will guide an integrated and systematic approach to managing risk within the City.
- Risk Management will form part of the strategic, operational, project and line management responsibilities.
- The Chief Executive Officer and directors are responsible for monitoring the corporate implications of the Risk Management Policy.
- All employees of the City are recognised as having a role in Risk Management and are responsible for applying Risk Management practices in their work area.
- The City's Risk Management Framework articulates the City's risk appetite and assessment criteria.
- To effectively implement this policy a review process will be adopted to report on the achievement of policy objectives.

RELATED LEGISLATION AND OTHER REFERENCES

- *Local Government Act 1995*
- *Local Government (Audit Regulations) 1996*
- *ISO 31000:2019 Risk Management - Guidelines*

Adopted by Council:	14 May 2019
Reviewed:	
Strategic Link:	Governance and Leadership
ECM Ref:	3432561

City of
Bayswater
Policy 4399748

Risk Management

Responsible Division	Office of the CEO
Responsible Business Unit	Governance and Organisational Planning and Development
Responsible Officer	Manager – Governance and OPD
Affected Business Units	All
ECM Document Set ID	4399748

Purpose

To outline the City's commitment and approach for managing risks that may impact on the achievement of its objectives.

Definitions

Risk – AS/NZS ISO 31000:2018 defines risk as "effect of uncertainty on objectives''. A risk is often specified in terms of risk sources, potential events or circumstances and the consequences and likelihood that flow from it.

Risk Management – AS/NZS ISO 31000:2018 defines risk management as "coordinated activities to direct and control an organisation with regard to risk''.

Risk Management Framework – ISO Guide 73:2009 Risk Management - Vocabulary defines a risk management framework as a "set of components that provide the foundations and organizational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organization".

Policy Statement

The City is committed to the principles of managing risk as outlined in AS/NZS ISO 31000:2018 Risk Management – Guidelines by maintaining a risk management process that deals with identification, analysis, evaluation, treatment, monitoring, reviewing, recording and reporting of risk.

This policy encompasses:

- The implementation of the Risk Management Framework across the organisation in accordance with the Standard AS/NZS ISO 31000:2018 Risk Management – Guidelines; and
- To ensure the Framework is integrated into strategic and operational planning and project management.

The following applies to the City's approach to risk management:

- The Council, Chief Executive Officer and Directors are to provide leadership, oversight and active participation in risk management activities within their areas of responsibility, as defined within the Risk Management Framework.
- All employees are encouraged to develop an understanding and awareness of risk, as required by their role, through relevant training programs where applicable.
- The Risk Management Framework, including criteria for risk assessments, is to be used in all activities that contribute to achieving the City's objectives.
- Risks, controls and responsibilities are recorded in the City's risk register, or individual project register, and are updated as required by risk owners.
- Reporting of risk is to comply with the requirements within the Risk Management Framework, or as otherwise requested by Council or the Chief Executive Officer.

Risk Tolerance: The City accepts the taking of controlled risk, aiming to maintain risks at targeted levels within each key area of business, whilst considering the cost and value of controls implemented against their overall benefit. Innovative approaches and the development of new opportunities to improve service delivery are encouraged, provided that the risks are properly identified, analysed and evaluated ensuring exposures are acceptable, managed and reported as defined within the Risk Management Framework.

Related Legislation

Local Government Act 1995 – Section 5.41

Local Government (Audit) Regulations 1996 – Regulation 17

Related Documentation

Risk Management Framework

Document details

Relevant delegations	Nil		
Risk evaluation	Moderate		
Strategic link	Leadership and Governance		
Council adoption	May 2019	**Resolution**	10.5.2.1
Next review due	2025		
Reviewed/modified	February 2023	**Resolution**	

City of
Bayswater

Risk Management Framework

Risk Management Framework

City of Bayswater

INTRODUCTION: This document sets out the City's approach to the identification, assessment, management, reporting and monitoring of risks.

It is essential that all areas of the City adopt this framework to ensure:

- Strong Corporate Governance.
- Compliance with relevant Legislation, Regulations and Internal Policies.
- Integrated Planning and Reporting requirements are met.
- Uncertainty and its effects on objectives is understood.

Further information or guidance on risk management procedures is available from the City's Governance team.

WHY DO RISK MANAGEMENT? The City's objective is to manage risks to minimise the exposure of itself and its stakeholders while maximising the efficiency and effectiveness of its operations in accordance with best practice. Regulation 17 of The Local Government (Audit) Regulations 1996 also requires that the CEO review the appropriateness and effectiveness of the City's systems and procedures in relation to risk management, internal controls and legislative compliance.

The review is to be reported to the City's Audit and Risk Management Committee every two years. As such, the City need to implement an effective risk management system that identifies risks relating to its strategic and operational plans, mitigates risk through internal controls and ensures that its legislative compliance requirements are continually met.

It is anticipated that the Risk Management Framework will add value to the City's decision making processes by guiding prioritisation and allocation of resources, improving the ability to achieve the objectives of the City, promoting forward planning.

RISK MANAGEMENT OBJECTIVES: In adopting this Risk Management framework the City aims to:

- Optimise the achievement of our vision, mission, strategies, goals and objectives.
- Provide transparent and formal oversight of the risk and control environment to enable effective decision making.
- Embed appropriate and effective controls to mitigate risk.
- Achieve effective Corporate Governance adherence to relevant statutory, regulatory and compliance obligations.
- Enhance organisational resilience.
- Identify and provide for the continuity of critical operations.

RISK APPETITE STATEMENT: The City's Risk Appetite Statement articulates the City's attitude towards different types of risks and the boundaries that apply to risk taking. The purpose of taking this approach is to create a sound foundation for risk management. Setting the risk appetite explicitly articulates the attitudes (appetite) to and boundaries (tolerance) of risk the Council expects senior management to take. This provides boundaries and expectations, resulting in an organisational culture where decisions are made with consideration for risk.

The City's risk tolerance statements are aligned to specific categories of risk;

Strategic Direction - Moderate Risk

The City cannot be successful in achieving the objectives of its Strategic Community Plan without clear goal setting and future planning. Understanding that anticipated issues may arise from time to time, the City will make every effort to achieve or significantly progress its key deliverables.

The City will only tolerate risks in this category as long as it does not result in the following:

- A significant change in strategic objective.
- A delay in project delivery of over twelve months.
- Exceeds the capacity of the long-term financial plan.

Reputation - Low Risk

The City's elected members and employees are expected to uphold values within the City's Code of Conduct at all times.

As the City has a low risk approach to reputation, the City is not willing to accept risks in most circumstances that may result in reputation damage. For example, the City will only tolerate risks as long as it does not result in the following:

- Negative publicity in state-wide media and publications.
- A formal inquiry by the State or other integrity agencies.
- Loss of public confidence in the City's elected members or employees.

Governance - Low Risk

The City will put in place a strong governance framework with a focus on principals of good governance, informed and consistent decision making and compliance with all legislative and reporting requirements.

As the City is risk averse in its approach to governance it is not willing to intentionally accept risks in circumstances that may result in legislative non-compliance or non-compliance with the City's governance framework.

Community and Stakeholder Management - Moderate Risk

Every effort will be made to ensure that the City develops strong and positive relationships with the community and other key stakeholders. The City will ensure that all community considerations are taken into account in its decision making.

The City is only willing to accept a balanced risk of potential disruption to how the City manages its relationships with key stakeholders, whilst continuing to make decisions for the wider community. The City will only tolerate risks in this category as long as it does not result in non-compliance with community consultation requirements or policies.

Financial Management - Low Risk

To ensure that the City is well prepared for financial uncertainty it considers its budget with a long term outlook, ensuring that income streams promote long term financial sustainability (through long term financial planning, long term asset planning).

The City has a low risk approach to its financial resources, so it is not willing to accept risks that may result in the disruption of its long term financial plan and its financial position. The City will only tolerate risks in this category as long as it does not result in the following:

- Individual projects don't exceed 15% over budget.
- Annual budget doesn't go into deficit.
- Initiatives are within the capacity of the long-term financial plan.

Environmental Responsibility - Low Risk

The City will act responsibly in adopting environmentally sustainable practice within the resources it has available for this purpose. To provide amenity to the community, the City is committed to preserving its natural environment.

Taking a balanced risk approach, the City will only tolerate risks in this category as long as it does not result in the following:

- Loss of tree canopy cover within property controlled by the City.
- Increased overall carbon footprint of the City.
- Intentional harm to flora or fauna.

Service Delivery - Low Risk

The City has a low risk approach to its capacity to deliver services. The City will only tolerate risks in this category as long as it does not result in the following:

- Loss of statutory services.
- Loss of discretionary services already offered.
- Delay or non-completion of new or renewal infrastructure projects beyond financial year.

Organisational Health and Safety - Low Risk

The City places high priority on providing a safe workplace for staff, volunteers and contractors. The City has a low risk approach to management of Occupational health and safety and well-being within the workplace. As such the City will only tolerate risks in this category as long as it does not result in the following:

- Injury or death to an employee.
- Injury or death to a member of the public.
- Breach of the City's policies and procedures relating to organisational well-being.

THE RISK MANAGEMENT PROCESS

The City's approach to Risk Management is in accordance with industry standard *AS/NZS ISO 31000:2018 Risk Management - Guidelines*. The process of risk management is outlined in Figure 1 below.

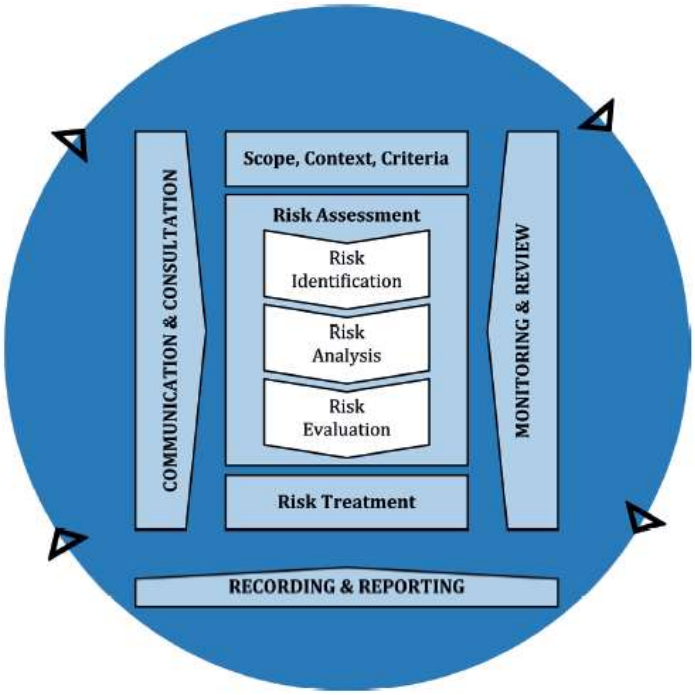


Figure 1: Risk Management Process (Source AS/NZS 31000:2018)

The main elements of the risk management process are explained as follows:

Communication and Consultation Communication and consultation aims to bring together different areas of expertise for each step of the risk management process, ensure that relevant views are appropriately considered when defining risk criteria and when evaluating risks and provide sufficient information to facilitate risk oversight and decision making.

Establish the context This identifies the City's objectives and defines the internal and external environment in which it operates. Understanding the external context is important in order to ensure that the objectives and concerns of external stakeholders are considered. Understanding the internal context will enable risk management to be aligned with the City's culture, structure, strategies and processes.

Risk Identification Using the specific risk assessment context as the foundation and in conjunction with relevant stakeholders, answer the following questions, capture and review the information within each Risk Profile: What can go wrong? / What are areas of uncertainty? (Risk Description), how

	might this risk eventuate? (Potential Causes) and what are the current measurable activities that mitigate this risk from eventuating? (Controls)
Risk Analysis	To analyse risks the City's Risk Assessment and Acceptance Criteria is applied to determine the: adequacy of existing controls, relevant consequence categories and the likely worst level of impact (Consequence) and probability that the risk will eventuate to the impact level of consequence (Likelihood). By combining the measures of consequence and likelihood, determine the risk rating (Level of Risk).
Risk Evaluation	The City is to verify the risk analysis and make a risk acceptance decision based on: Controls Assurance (i.e. are the existing controls in use, effective, documented, up to date and relevant), existing controls rating. Level of risk, risk acceptance criteria and examination of risk versus reward/opportunity. The risk acceptance decision needs to be documented and those risks that are acceptable are then subject to the monitor and review process.
Risk Treatment	For unacceptable risks, determine treatment options that may improve existing controls and/or reduce consequence / likelihood to an acceptable level. Risk treatments may involve actions such as avoid, share, transfer or reduce the risk with the treatment selection and implementation to be based on: Cost versus benefit, Ease of implementation and Alignment to organisational values / objectives.
Monitor and Review	The Risk Management process should be continually monitored and reviewed to ensure that controls are effective, new information is gathered, latest changes and trends are identified, successes and failures are recorded, lessons are learned, changes in internal and external context are detected and emerging risks are captured.

Risk Management Framework

City of Bayswater

RISK ASSESSMENT PROCESS

The Risk Management process applied throughout the City is guided by the AS/NZS 31000:2018 model. This model provides a systematic method for identifying, analysing and prioritising risks that require treatment plans and management action.

Risk Consequence

Firstly, the risk is assessed by considering the relevant consequence categories and the worst level of impact (Consequence).

Measures of Consequence							
Rating (Level)	**Health**	**Financial Impact**	**Service Interruption**	**Compliance**	**Reputational**	**Property**	**Environment**
Insignificant (1)	Negligible injuries	Less than $5,000	No material service interruption	No noticeable regulatory or statutory impact	Unsubstantiated, low impact, low profile or 'no news' item	Inconsequential or no damage.	Contained, reversible impact managed by on site response
Minor (2)	First aid injuries	$5,001 - $50,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non compliances	Substantiated, low impact, low news item	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate (3)	Medical type injuries Lost Time Injuries <5 days	$50,001 - $500,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Substantiated, public embarrassment, moderate impact, moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major (4)	Lost time injury >5 days	$500,001 - $5,000,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Substantiated, public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic (5)	Fatality, permanent disability	More than $5,000,000	Indeterminate prolonged interruption of services – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages or penalties	Substantiated, public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution Complete loss of plant, equipment & building	Uncontained, irreversible impact

Risk Management Framework

City of Bayswater

Risk Likelihood
Secondly, the risk is assessed by considering the probability that the risk will eventuate to the impact level of consequence.

Measures of Likelihood			
Rating	**Description**	**Frequency**	**Probability**
Almost Certain	The event is expected to occur in most circumstances	More than once per year	> 90% chance of occurring
Likely	The event will probably occur in most circumstances	At least once per year	60% - 90% chance of occurring
Possible	The event should occur at some time	At least once in 3 years	40% - 60% chance of occurring
Unlikely	The event could occur at some time	At least once in 10 years	10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances	Less than once in 15 years	< 10% chance of occurring

Risk Management Framework

City of Bayswater

Overall Risk Rating
By combining the measures of consequence and likelihood, determine the risk rating (level of risk).

Risk Matrix					
Consequence / Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	Moderate	High	High	Extreme	Extreme
Likely	Low	Moderate	High	High	Extreme
Possible	Low	Moderate	Moderate	High	High
Unlikely	Low	Low	Moderate	Moderate	High
Rare	Low	Low	Low	Low	Moderate

Risk Management Framework

City of Bayswater

Adequacy of existing controls

In order to assess the significance of each risk the City rates the effectiveness of existing controls. A control can include any process, policy, device, practice or other action which impacts on the consequence or likelihood of a particular risk occurring.

Existing Controls Ratings		
Rating	**Foreseeable**	**Description**
Effective	There is little scope for improvement.	1. Processes (Controls) operating as intended and aligned to Policies / Procedures. 2. Subject to ongoing monitoring. 3. Reviewed and tested regularly.
Adequate	There is some scope for improvement.	1. Processes (Controls) generally operating as intended, however inadequacies exist. 2. Nil or limited monitoring. 3. Reviewed and tested, but not regularly.
Inadequate	There is a need for improvement or action.	1. Processes (Controls) not operating as intended. 2. Processes (Controls) do not exist, or are not being complied with. 3. Have not been reviewed or tested for some time.

Risk Management Framework

City of Bayswater

Risk Treatment

The level of risk will determine the City's response to the particular risk (Risk Treatment).

Risk Acceptance Criteria			
Risk Rank	**Description**	**Criteria**	**Responsibility**
LOW	Acceptable	Risk acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Operational Manager
MODERATE	Monitor	Risk acceptable with adequate controls, managed by specific procedures and subject to semi-annual monitoring	Operational Manager
HIGH	Urgent Attention Required	Risk acceptable with effective controls, managed by senior management / executive and subject to monthly monitoring	Director / CEO
EXTREME	Unacceptable	Risk only acceptable with effective controls and all treatment plans to be explored and implemented where possible, managed by highest level of authority and subject to continuous monitoring	CEO / Council

Risk Management Framework

City of Bayswater

Corporate Risk Register

A corporate risk register is used to capture the City's strategic and operational risks. The corporate register is reported to the City's Audit and Risk Management Committee on a quarterly basis. Further actions to reduce risks are the responsibility for the Manager of that relevant area.

Risk #	Description of Risk	Risk Category	Existing risk rating			Current Controls	Existing Controls Rating	Revised risk rating			Further control activities	Risk Owner	Task Alert	RISK STATUS	Notation & Next Review
			Likelihood	Consequence	Rating			Likelihood	Consequence	Rating					
6.	*Supplier (Vendor) Validation*	*Procurement and Tendering*	*Possible*	*Minor*	*Moderate*	*There is a process to create a supplier (vendor) in the payment system. However this does not necessarily imply that the supplier is preferred or has been appointed on any contractual basis. The system does not automatically populate the contract number when setting up purchase requisitions (this information has to be manually entered).* *The inherent risk is that once a supplier a (vendor) is created in the payment system, it could be interpreted by buyers that the supplier is preferred or on contract. Further to this, it is difficult to detect instances where several suppliers (vendors) exist in the system for similar goods or services, possibly leading to duplication or unnecessary set up costs.*	Adequate	*Unlikely*	*Minor*	*Low*	*There are recognised limitations which make system detection of duplicated suppliers (vendors) difficult. A business review of the enterprise procurement system is scheduled for late 2018/early 2019 and system enhancements may resolve some of these issues.* *In the interim, internal training and monitoring will be required to limit duplication of suppliers (vendors) in the system and reinforce the requirement to manually input contract reference numbers.*	*Manager Governance*	.		

Risk # - this corresponds with the risk number allocated in the corporate risk register.
Description of Risk - The risk issue under consideration.

Risk Category - Existing risk themes are utilised to assist in the categorisation of related risks.
Existing Risk Rating - Risk rating completed at last review**.**

Current Controls - The internal controls the City has in place to mitigate risk.

Existing Controls Rating - Review of the effectiveness of the internal controls.

Revised Risk Rating - Overall residual risk rating considering the current controls in place.
Further Control Activities - These are future actions planned in order to bring the level of risk down to the City's accepted risk appetite.
Risk Owner - This is the relevant officer responsible for ensuring that the risk issue is appropriately managed.
Task Alert - Target date for completion of further control activities.
Notation and Review - for progress comments.

Risk Management Framework

City of Bayswater

Roles and Responsibilities

Council

- Review and approve the City's Risk Management Policy and Risk Assessment & Acceptance Criteria.
- Appoint / Engage External Auditors to report on financial statements annually.
- Establish and maintain an Audit & Risk Management Committee in terms of the Local Government Act.

Audit & Risk Management Committee

- Support Council to provide effective corporate governance.
- Oversight of all matters that relate to the conduct of External Audits.
- Must be independent, objective and autonomous in deliberations.
- Make recommendations to Council on External Auditor appointments.

Executive Leadership Team

- Appoint Internal Auditors as required under the Local Government (Audit) regulations.
- Liaise with Council in relation to risk acceptance requirements.
- Approve and review the appropriateness and effectiveness of the Risk Management Framework.
- Drive consistent embedding of a risk management culture.
- Analyse and discuss emerging risks, issues and trends.
- Document decisions and actions arising from 'risk matters'.
- Own and manage the Risk Profiles at City Level.

Governance Team

- Oversee and facilitate the Risk Management Framework.
- Support reporting requirements for Risk matters.

Directorates

- Drive risk management culture within work areas.
- Own, manage and report on specific risk issues as required
- Assist in the Risk & Control Management process as required.
- Highlight any emerging risks or issues accordingly.
- Incorporate 'Risk Management' into staff meetings, by regularly discussing and reviewing:
    - New, emerging and / or existing risks.
    - Adequacy of Controls.
    - Progress of any outstanding issues and / or actions.

Employees

- To manage risks for which they are accountable.
- Responsible for escalating/communicating risks to their manager.
- Required to act in a manner that does not place at risk the safety of themselves, other employees or community members.

Risk Management Framework

City of Bayswater

Risk Management Policy

The City has in place a Risk Management Policy which describes our commitment and objectives around management and risks for managing uncertainty in the City's strategies, goals and objectives, and achievement of effective governance and organisational resilience.

The City's Commitment to Risk Management

This Risk Management Framework, the Corporate Risk Register, Risk Management Policy and any subsequent risk-based audits will be reviewed by the Audit & Risk Management Committee on a bi-annual basis. A review of processes and documentation relating to the City's risk management systems is to be formally reviewed every three years, with the next full review due February, 2022.

This framework will remain in force unless otherwise determined by Council.

Author:	Risk Management Advisor
Endorsed:	
Review:	

City of
Bayswater

Risk Management Framework

DRAFT

Acknowledgement

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koora, boordiar's ye yay ba boordiar's boordawyn wah.

The City of Bayswater acknowledges the Traditional Custodians of the land, the Whadjuk people of the Noongar Nation, and pays its respects to elders past, present and emerging.

Document details

Document custodian:	Manager Governance and Organisational Planning and Development
Document author:	Coordinator Risk Management
Business unit:	Manager Governance and Organisational Planning and Development
Directorate:	Office of the CEO
Affected business areas:	All branches
ECM document set ID:	4399846

Revision history

Rev	Date	Description	Prepared by	Approved by
1	Dec 2022	First Draft	Coordinator Risk Management	Council

Disclaimer

This document remains the property of City of Bayswater. Its contents are confidential and shall not be reproduced, destroyed or given away without the express, written permission of City of Bayswater. The electronic version of this document is the Master Copy and is a controlled document. Unless specifically noted thereon, hard copies of this document are uncontrolled.

DRAFT

Table of Contents

1 Introduction **1**

2 Risk Appetite **2**

3 Strategic Management Model **2**

4 Risk Assurance **3**

5 Roles and Responsibilities **5**

6 Risk Management Process **8**

Communication and Consultation 8

Scope, Context and Criteria 8

Risk Assessment 10

Risk Identification 11

Risk Analysis 11

Risk Evaluation 13

Risk Treatment 16

Monitoring and Review 16

Recording and Reporting 17

Appendix A **18**

Table 3: Consequence 18

Table 5: Risk Matrix 19

Strategic Risk Appetite 20

7 Definitions **21**

DRAFT

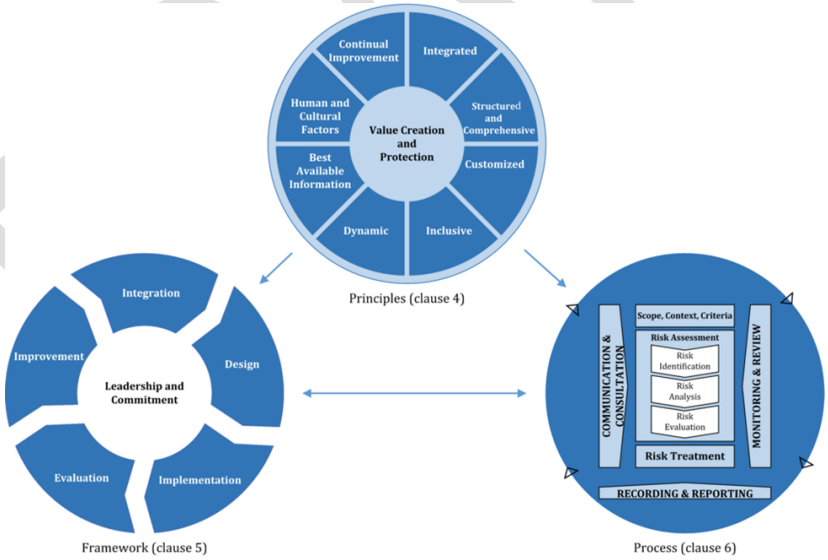
1 Introduction

The City of Bayswater (the City) recognises that risk management is fundamental to the City achieving its strategic and operational objectives, and that it plays an integral role in day-to-day management and decision making at all levels within the City. The City is committed to embedding risk management practices across the organisation to support the delivery of goals, objectives and outcomes in the Strategic Community Plan, Corporate Business and Annual Service Plans and to assist it in meeting its legislative obligations.

The Risk Management Framework (Framework) is a key component of the City's governance arrangements. It is the structure upon which the risks are identified and managed. It allows risk management practices to be applied consistently right across the City, which enables Council to confidently make decisions that are timely, informed and cognisant of the factors that may impact the success and delivery of its strategic, operational and project goals, objectives and outcomes.

Risk management activities and processes within the City are aligned to the AS/NZS ISO 31000:2018 Risk management – Guidelines.

Figure 1: Relationship between the risk management principles, framework and process



The objectives of this Framework are:

1. To align risk with the City of Bayswater Strategic Community Plan and Corporate Business Plan;

2. Support the City in identifying, analysing and documenting risks to strategic, operational and project objectives (Risk Registers);
3. To establish an integrated and effective approach to risk management;
4. Provide accountability for the management and reporting of risk; and
5. Support the City's risk reporting and legislative obligations.

The Framework will be reviewed every two years.

2 Risk Appetite

In order to assist the City to achieve our goals, objectives and outcomes and implement our strategies, risk appetite statements are developed. Risk appetite is the amount of risk that an organisation is willing to accept or retain.

Risk appetite statements are defined by focussing on the following key elements:

1. What our Strategic Risks?
2. What risk is the City willing to take in pursuit of its strategic objectives?

Risk Appetite statements are then set against each strategic risk. Defined risk appetite statements against each strategic risk provides guidance on the nature and extent of risk the City is prepared to take. (Refer Appendix A – Strategic Risk Appetite)

3 Strategic Management Model

Risk management activities are a key part of all business processes. In particular, there is a strong relationship between the risk management process and the cycle of corporate and operational planning activities, as seen in Figure 2 below. As the vision, strategy and business objectives are established for each City service, so too should related risks be identified and assessed. When strategic and corporate plans and budgets are prepared; City branches identify and assess risks to their goals and objectives, leading to a ranking of risks, and finally, to the establishment of appropriate risk treatments and controls. It is important to remember that risk management is not a once a year process, risk management is embedded in everyday business management and planning.

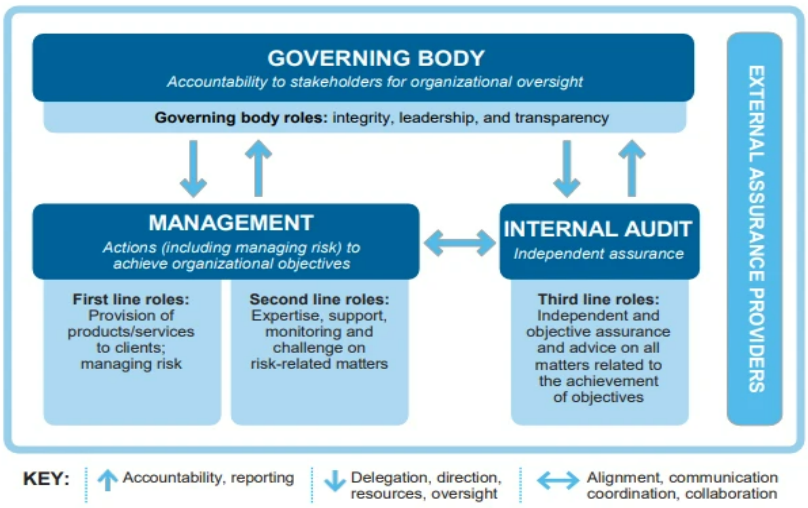
DRAFT

Figure 2: Alignment between the City's risk management approach and the Integrated Planning and Reporting Framework.

4 Risk Assurance

The City adopts a "three lines" model when managing its risks (Figure 3). This model ensures roles, responsibilities and accountabilities for decision making are structured and provide assurance that risks are being managed effectively.

Figure 3: Illustrates the risk management relationship with other assurance activities.



First Line: The first line owns the risks attributable to their area of responsibility and are accountable for the appropriate management of risk and the effectiveness of risk controls. It is imperative that management understand and accept their accountability for owning and managing their risks. This accountability cannot be delegated to another function, such as the Risk Management team.

Second Line: The focus of the second line is on managements testing of 1st line controls (independent of the operational unit) ensuring first line controls are in place, properly designed, operating as intended and governance of controls is effective. As part of this assessment, controls are reviewed and improvements recommended to operational units and overall trends reported to senior management.

Risk Management does this by performing internal control assurance reviews with the intent to assess that controls are operating in a manner that provides reasonable assurance that the organisation's objectives and goals will be achieved.

Control assurance reviews generally focus on critical controls, critical controls are often associated with risks where the consequences might be significant or severe if the controls were to fail.

Control Assurance Reviews are performed at the request of the ELT, Branch Managers or as result of the Office of the Auditor General (OAG) publishing a performance or focus audit that impacts local government.

Findings identified as part of the review process are reported to the ELT and ARMC as required. Management action to address the findings is recorded and monitored in through the City's Performance Reporting Process. Progress reporting is provided to the ELT and ARMC.

Third Line – Internal Audit: Internal audit forms the organisation's third line. An independent internal audit function will, through a risk-based approach to its work, provide assurance to the ELT and ARMC. This assurance will cover how effectively the organisation assesses and manages its risks and will include assurance on the effectiveness of the first and second lines. It encompasses all elements of the Framework. Internal audit should use a risk-based approach in developing and executing the internal audit plan in order to focus on the greatest threats to the organisation.

External Auditor/Regulator: External auditors and regulators reside outside the City's structure and may perform independent assessments on the whole or some part of the 1st, 2nd or 3rd lines.

5 Roles and Responsibilities

Risks are managed by those accountable for the delivery of the services of the City. The risk management function does not itself manage risks but manages the Framework, provides advice to operational management and coordinates reporting of risk status. The table below details specific roles and responsibilities.

Table 1. Roles and Responsibilities

Body or Position	Risk Roles and Responsibilities
Council	1. Adopt and review Risk Management Policy and Framework 2. Review the appropriateness of risk appetite 3. Oversight of the Audit and Risk Management Committee
Audit and Risk Management Committee	1. Guide and assist the City in carrying out its functions under Part 6 Financial Management and Part 7 Audit of the *Local Government Act 1995,* and relating to other audits and other matters related to financial management. 2. Review the Chief Executive Officer's Report on: (1) the appropriateness and effectiveness of the City's systems and procedures in relation to risk management, internal control and legislative compliance as required by Regulation 17 the *Local Government (Audit) Regulations 1996* and; (2) the appropriateness and effectiveness of the financial management systems and procedures of the City under regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996*.
Chief Executive Officer	1. Overall responsibility for risk management. 2. Ensures establishment of a risk management process that is implemented and maintained in accordance with the Risk Management Policy and Framework.

DRAFT

Body or Position	Risk Roles and Responsibilities
	3. Ensures reviews are undertaken at least once every three years on the: • appropriateness and effectiveness of the City's systems and procedures in relation to risk management, internal control and legislative compliance and the appropriateness (as required by Regulation 17 the *Local Government (Audit) Regulations 1996*. • effectiveness of the financial management systems and procedures of the City (as required by regulation 5(2)(c) of the *Local Government (Financial Management) Regulations 1996).* 4. Ensures results of reviews are reported to Council through the ARMC.
Directors	1. Promotes a positive risk culture. 2. Ensures inclusion of appropriate risk management in all planning activities. 3. Manages the strategic risk portfolio including raising new risks as they arise and ensuring mitigation strategies are appropriate and effective. 4. Provides appropriate direction for reported risk and associated control activities. 5. Provides feedback on the appropriateness and effectiveness of risk management plans, frameworks and procedures.
Branch Managers/Risk Owners **(1st line)**	1. Provide leadership through a solid understanding of the City's risk management documentation (such as the Policy and Framework).

DRAFT

Body or Position	Risk Roles and Responsibilities
	2. Ensure all planning activities use the City's risk management documentation consistently and effectively. 3. Monitor use and effectiveness of risk management within their areas of responsibility including appropriateness of documentation and outcomes. 4. Support attendance to risk-based training. 5. Ensure risks are reported appropriately with regard to tolerances and targets.
Risk Management **(2nd Line)**	1. Leading the risk management function. 2. Developing and implementing an enterprise risk management framework that is fit for purpose. 3. Risk reporting to the ARMC. 4. Supporting ELT and Managers to manage their risks through: • Provision of risk management advice and guidance to staff; • Maintenance of the Framework and Policy.
Internal Audit **(3rd Line)**	1. Develops a risk-based internal audit program in conjunction with the CEO and Internal Audit Function. 2. Completes internal audit reports detailing observations and making recommendations where appropriate, for risk mitigation and system improvements. 3. Provides audit reports to the relevant audience.
All Employees	1. Identify and raise potential risks within their area of control. 2. Apply effective management of risk. 3. Escalate all risk information to Branch Managers.

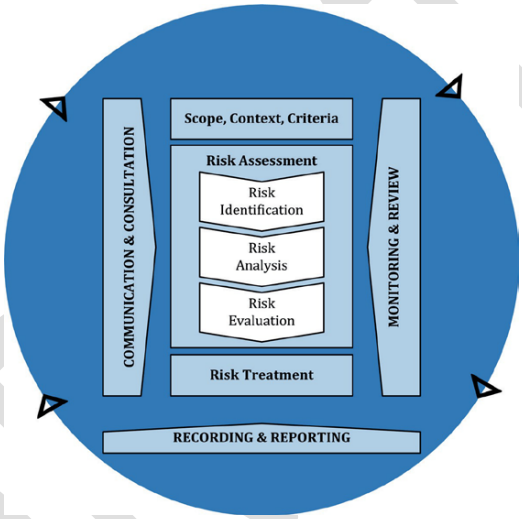
DRAFT

Body or Position	Risk Roles and Responsibilities
	4. Be aware of the City's risk management documentation (such as the Policy and Framework) and how to apply them as applies to their role.

6 Risk Management Process

The Risk Management process to be followed within the City is shown in Figure 4 below and is in accordance with the AS/NZS ISO 31000:2018 *Risk Management - Guidelines*.

Figure 4: Risk Management Process



Communication and Consultation

Effective internal and external communication and consultation throughout the risk management process allows all stakeholders to understand the basis on which decisions are made and the reasons actions are required.

Scope, Context and Criteria

Scope

Risks are assessed at the following levels:

Strategic: Strategic risks are the risks that affect or are created by the City's business strategy and strategic outcome. The City's Strategic Risks are documented in the City's Strategic Risk Register. The review of the City's Strategic Risk Register is aligned with the City's strategic and business planning process.

Operational: Operational risks are risks that will prevent Branches from delivering their annual business plans and services to the community. Branches assess and review their risks in accordance with this Framework. Branch operational risks are considered at the City's strategic and business planning process. All operational risks are linked to the City's Strategic Risk Profile, this enables to the evaluation of risk against the applicable appetite statement.

Operational risks include service, fraud, misconduct, integrity, compliance and business continuity risks.

Project: Project risks are the risks related to a specific project or lifecycle/phase of a project.

Context

When conducting a risk assessment external and internal context should be considered.

External context are factors which are outside the City's control, and may include the following:

- Community expectations;
- Federal and State legislation;
- Political change and funding;
- Partnership/relationship management; and
- Global shifts including economic change, environmental change, social change, technological change, natural disasters and short- and long-term health impacts.

Internal context are factors which are inherent in the operations of the City and are ultimately within the City's remit to control or mitigate. The following internal factors to be considered may include:

- Strategic objectives;
- Policies and procedures;
- Systems and technology;
- Budget allocation;
- Organisational culture; and
- Internal relationships.

DRAFT

Risk Assessment

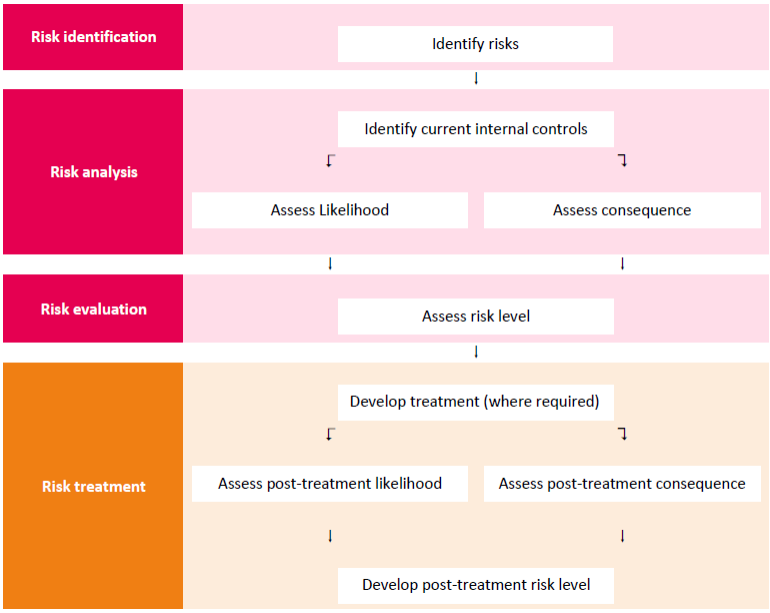
Once the scope, context and criteria are established, risks need to be assessed.

The risk assessment stage includes:

- risk identification
- risk analysis
- risk evaluation.

The assessment stage is followed by treatment. An overview of the risk assessment and treatment stages are set out below.

Figure 5: Risk assessment and treatment stages overview



Risk Identification

Risk identification involves:

"… finding, recognising and describing risks that might help or prevent the City achieve its objectives."

Relevant, appropriate and accurate information is important in identifying risks.

The risk identification process identifies unwanted events, undesirable outcomes, emerging threats as well as existing and emerging opportunities (by utilising the what, why, when, and how questions).

Describe what the risk is and specifically where control may be lost. Risks can also be described as an event. The risk description should not be confused with outcomes following an event, or the consequences of an event. One way to identify and describe risks is to consider who did what and what the result was i.e. the Actor, Action, Outcome method.

Risk Analysis

Risk analysis is:

"…a detailed consideration of uncertainties, resources, consequences, likelihood, events, scenarios, controls and their effectiveness."

An analysis of each risk to determine the residual risk rating includes considering:

- the **effectiveness of existing controls** intended to mitigate the risks
- the **consequence** for the city if the risk did occur
- the **likelihood** of the consequence level occurring

Using the control effectiveness table (table 2), consequence table (table 3) and likelihood table (table 4) risks are analysed and assigned a residual risk rating (table 5). It is critical that every branch uses the same risk analysis process/matrix to allow for a proper comparison of risks across the City.

a) Effectiveness of Existing Controls

A control is any action that either reduces the likelihood of the event occurring or reduces the potential consequences arising from the event. For each risk identified, there may be a single control or multiple controls in place to address the risk.

There are three key categories for controls:

Preventative – Controls that aim to reduce the likelihood of the risk occurring (i.e. policies and procedures, training);

Detective – Controls that aim to identify failures in the current control environment (i.e. audits and investigations, performance reviews); and

Corrective – Controls that aim to reduce the consequence and/or rectify a failure after it has been discovered (i.e. business continuity plans, insurance, disaster recovery plans).

Controls must be documented, implemented, tested and audited to provide assurance that the controls in place are effective. Implementation of effective controls will ensure the residual risks are within the defined risk appetite.

When identifying, implementing and evaluating controls to address Work Health and Safety risks, the Hierarchy of Control must be used. Elimination of the hazard is always the most effective control measure. Refer to 0005 Management Practice Hazard Management and 0018 Procedure Hazard Management for further information on controlling WHS risks.

The following table provides guidance in assessing the effectiveness of control.

Table 2. Control Effectiveness

Collective Rating	Detailed Description
Good Practice/Excessive	No control gaps. Controls may be reducing residual risk too far below risk appetite.
Satisfactory	Some control weaknesses / opportunities for improvement identified. Controls are effective and reducing the residual risk at or below risk appetite.
Some improvement opportunity	Adequate level of control in most areas. However, some minor to moderate control weaknesses identified. Controls are reducing residual risk to risk appetite but may not be effective.
Unacceptable risk exposure	Significant control gaps that result in the controls not influencing the risk level. Controls do not reduce residual risks to risk appetite and/or are ineffective.

DRAFT

b) Determine the Residual Risk Rating

There are three components to this step:

1. **Consequence** - determine relevant consequence categories (Table 3) and rate the 'probable worst consequence' if the risk eventuated with existing controls in place. This is not the worst-case scenario but rather a qualitative judgement of the worst scenario that is probable or foreseeable.

   An event can have multiple consequences and can be rated in severity from insignificant to severe. When analysing the consequence of a risk event, the level of impact (1 to 5) in relation to each of the consequence categories defined in Table 3 Consequence must be considered.

2. **Likelihood** - Determine how likely it is that the 'probable worst consequence' will eventuate with existing controls in place. Table 4 below provides guidance on assessing the likelihood.

Table 4: Likelihood

Rating	Descriptor
Almost Certain	The event is already occurring or is expected to occur
Likely	The event is likely to occur
Possible	The event might occur
Unlikely	The event is not usually likely to occur
Rare	The event is only expected to occur in exceptional circumstances

3. **Risk Rating** - Ascertain the risk rating by cross referencing the consequence and likelihood ratings (refer Table 5 – Risk Matrix)

Risk Evaluation

Once risks have been analysed, they need to be evaluated against the City's risk appetite and tolerance. The evaluation is used to determine if further action is required to reduce identified residual risks to an acceptable level.

The purpose of risk evaluation is to:

"… support decisions. Risk evaluation involves comparing the results of the risk analysis with the established risk criteria to determine where additional action is required."

The evaluation considers the residual risk and should conclude with one of the following outcomes:

Table 6: Management of Risk

Outcome	Action
Avoid	Not to proceed with the activity.
Accept	Retaining the risk by informed decision.
Share	Sharing the risk through contracts or insurance.
Mitigate/Treat	Reduce the likelihood by improving management controls or reduce the consequence by implementing strategies to minimize the consequences (i.e. contingency planning).

Management of Risk

The acceptability and management of risks must be reviewed against the established risk appetite. As part of the risk acceptance process, controls rated as 'some improvement opportunity' or 'unacceptable risk exposure' require control improvement strategies (treatments) to be considered.

- Risks that are equal to or below strategic risk appetite are recommended to be accepted.
- Risks that are well below strategic risk appetite are recommended to be reviewed for control removal.
- Risks that are above risk appetite should have additional controls introduced to reduce risk.

DRAFT

Table 7: Risk Acceptance Criteria

Residual Risk Rating							
EXTREME		HIGH		MEDIUM		LOW	
↓		↓		↓		↓	
Is the Risk level within the established risk appetite							
Yes ↓	No ↓	Yes ↓	No ↓	Yes ↓	No ↓	Yes ↓	No ↓
Acceptability							
Acceptable with existing controls ↓	Unacceptable with existing controls ↓	Acceptable with existing controls ↓	Unacceptable with existing controls ↓	Acceptable with existing controls ↓	Unacceptable with existing controls ↓	Acceptable with existing controls ↓	Unacceptable with existing controls ↓
Action							
Risk requires: 1. Active monitoring 2. Reporting to ELT/ARMC to ensure risk remains consistent with City's objectives and appetite	Risk requires: 1. Active management 2. Escalation to ELT 3. Risk treatment must be established 4. Reporting to ELT/ARMC to ensure risk remains consistent with City's objectives and appetite	Risk requires: 1. Active monitoring 2. Ensure risk remains consistent with City's objectives and appetite 3. Risk status reported to ELT/ARMC	Risk requires: 1. Active management 2. Risk treatment plan must be established 3. Risk status reported to ELT/ARMC	Risk requires: 1. Regular monitoring 2. Ensure controls do not substantially change 3. Annual reporting to ELT	Risk requires: 1. Existing control effectiveness to be reviewed. 2. Risk treatment plan MUST be established, implemented and monitored. 3. Annual reporting to ELT	Risk requires: 1. Ensure existing controls do not substantially change	Risk requires: 1. Existing controls effectiveness to be reviewed

DRAFT

Risk Treatment

The aim of risk treatment is to:

".. select and implement options for addressing risk."

After finalising the risk assessment, the risk treatment process is undertaken. The evaluation of the risk and the risk appetite will determine if the residual risk is at an acceptable level or if treatment is required. Risk treatments can include enhancing existing controls, implementing new controls, or avoiding the risk altogether by no longer undertaking the activity, program or service.

The objective of treating risks is to reduce the residual risk identified in the assessment to an acceptable level.

Monitoring and Review

Monitoring and review is:

"… to assure and improve the quality and effectiveness of process design implementation and outcomes."

The implementation of risk treatments is actively monitored until the new or improved controls are in place. Risk owners will be responsible for ensuring the controls are implemented in a timely manner and remain effective. When a new or improved control has been implemented the risk, owner is to review the control in practice over time to ensure it continues to be effective.

The City's monitoring, review and reporting process is outlined in the table below

Table 8: Monitoring, review and reporting process

Risk	Monitoring and Review	Reporting Escalation
Strategic	ELT will review the Strategic Risk Register on an annual basis as part of the Business Planning process. Annual strategic risk reporting will be provided to the ARMC. Quarterly strategic risk progress reporting will be introduced once strategic risks and risk appetite indicators are established.	Escalation of strategic risks will be reported in accordance with the Risk Evaluation process by the Risk Management Team

Risk	Monitoring and Review	Reporting Escalation
Operational	Branch Managers are responsible for reviewing their operational risks on an annual basis as part of the business planning process or when there is a change in circumstances and ensure that controls/treatment plans are on track with intended progress.	Escalation of operational risks will be reported in accordance with the Risk Evaluation process by the Risk Management Team
Project	The Project Manager is responsible in assessing the risks associated with the project.	Escalation of project risks will be reported in accordance with the Risk Evaluation process by the Risk Management Team
Safety	Branch Managers are responsible in ensuring safety hazards identified are addressed. Review of risks is conducted by the Work, Health and Safety Advisor in conjunction with Branch Managers.	Escalation of safety risks will be reported in accordance with 0003 Management Practice Incident Management Reporting and Investigation and 0004 Procedure Incident and Hazard Reporting and must be reported to the Work Health and Safety Advisor.
Contract	Branch Managers have the responsibility in ensuring that risk assessment is applied at the procurement-planning phase.	Escalation of contract risks will be reported in accordance with the Risk Evaluation process and must be reported to the Manager Business Services.

Recording and Reporting

Risk management process and its outcomes should be:

"… documented and reported through appropriate mechanisms."

Risk reporting is provided to the ELT and where applicable ARMC as per Table 5 Risk Acceptance Criteria, reporting provides an update on the management of risk and control.

Fraud, misconduct, integrity and business continuity risks will be reported to the ARMC on an annual basis (or as often as required) as per the applicable framework.

Progress report against the implementation of Risk Treatment Plans will be provided as part of the Quarterly Performance Reporting Process.

Appendix A

Table 3: Consequence

DESCRIPTION	PEOPLE	FINANCIAL LOSS	REPUTATION	SERVICE DELIVERY	ENVIRONMENT	GOVERNANCE AND COMPLIANCE
Insignificant **(1)**	• Reportable incident	• A financial loss / cost / revenue / penalty / variance of <$5,000	• Minor news / media impact, normal level of complaints, easily resolved issue; or • No impact on staff; or • No discernible impact on stakeholder confidence	• Temporary disruption / delays, easily cleared backlog • Impact managed through routine operations; or • Negligible interruption to support infrastructure; or • Negligible impact on the City's key objectives	• Transient impact on the environment.	• Minimal regulatory impact; or • Minor internal breach of policy or process requiring attention; or • Non - compliance with no subsequent reports; or • Improvement action
Minor **(2)**	• First aid injuries	• A financial loss / cost / revenue / penalty / variance of between $5,000 - $50,000	• One-off negative metro media coverage; or isolated customer complaints; or • 10-20% of media stories are negative for a period of up to 7 days; or • increase in staff turnover • 10-15% increase in turnover of full-time ongoing permanent employees for rolling 12-month period; or • Limited discernible impact on stakeholder confidence	• Some key services disrupted, minor setbacks that are easily remediated. • Additional management intervention to manage impact; or • Interruption to infrastructure; or • Minor impact on the City's key objectives	• Contained reversible damage using existing resources	• Minor regulatory breaches/non-compliance; or • Breach of policy, process requiring internal investigation; or • Disciplinary action; or • Significant Audit item reported to Minister
Moderate **(3)**	• Medical treatment injuries (MTI)	• A financial loss / cost / revenue / penalty / variance of between $50,000 - $150,000	• Substantiated issue, public embarrassment, manageable news / media profile; or • 20-50% of media stories are negative for a period of up to 7 days; or • 15%-20% increase in turnover of full-time ongoing permanent employees for rolling 12-month period; or • Publicly reported / acknowledged negative impact on stakeholder confidence	• Significant adjustment to resource allocation; or • Loss of support infrastructure; or • Moderate impact on the City's ability to meet key objectives; or • Some key deliverables delayed, some program delay / cancellation	• Clean-up required, additional resources may be required, external agency involvement	• Moderate regulatory beaches/noncompliance resulting inspection/reports; or • Report to CCC/PSC as meets reporting criteria, internal investigation
Significant **(4)**	• Lost time injuries (LTI)	• A financial loss / cost / revenue / penalty / variance of between $150,000 - $5,000,000	• Day to day disruption, local news / media profile, effort and expense required; or • Greater than 50% of media stories being negative for a period of up to 30 days; or • 20%-30% increase in turnover of full-time ongoing permanent employees for rolling 12-month period	• Impact cannot be managed with current resources; or • Long-term loss of support infrastructure; or • Major impact on the City's ability to achieve key strategic objectives.	• Uncontained, major but recoverable contamination, coordinated response from external agencies, significant resources required.	• Major regulatory breaches/non-compliance; or • City / City Officer receives a fine issued by a regulator; or • CCC oversight or investigation; or • Qualified audit opinion on Financial Statements; or • Fraud and Corruption (deemed serious misconduct)
Severe **(5)**	• Fatality; or • Permanent disability	• A financial loss / cost / revenue / penalty / variance of between >$5,000,000	• Widespread multiple news / media profile, significant damage requiring external investigation and intervention; or • Greater than 50% of media stories being negative for a period of more than 30 days; or • >30% increase in turnover of full-time ongoing permanent employees for rolling 12-month period	• Impact cannot be managed with current resources; or • Ongoing loss of support infrastructure; or • City not able to achieve key objectives; • Severe delays, cancellations, routine activities terminated, immediate intervention required.	• Uncontained, extensive contamination, potentially irreversible. External intervention and considerable resources required to manage	• Breach involving external investigation and / or third-party actions; or • An officer of the City facing criminal prosecution or the maximum level of fines able to be imposed by a Regulator on an individual; or • City receives an enforceable undertaking from the regulator; or • Breaches of conditions that have funding impacts on the city; or • CCC public enquiry into the City; or • Systemic fraud and corruption (deemed serious misconduct)

DRAFT

Table 5: Risk Matrix

CONSEQUENCE							LIKELIHOOD				
DESCRIPTION	PEOPLE	FINANCIAL LOSS	REPUTATION	SERVICE DELIVERY	ENVIRONMENT	GOVERNANCE AND COMPLIANCE	Almost Certain (5)	Likely (4)	Possible (3)	Unlikely (2)	Rare (1)
Insignificant (1)	• Reportable incident	• A financial loss / cost / revenue / penalty / variance of <$5,000	• Minor news / media impact, normal level of complaints, easily resolved issue; or • No impact on staff; or • No discernible impact on stakeholder confidence	• Temporary disruption / delays, easily cleared backlog • Impact managed through routine operations; or • Negligible interruption to support infrastructure; or • Negligible impact on the City's key objectives	• Transient impact on the environment.	• Minimal regulatory impact; or • Minor internal breach of policy or process requiring attention; or • Non - compliance with no subsequent reports; or • Improvement action	5 Medium	4 Low	3 Low	2 Low	1 Low
Minor (2)	• First aid injuries	• A financial loss / cost / revenue / penalty / variance of between $5,000 - $50,000	• One-off negative metro media coverage; or isolated customer complaints; or • 10-20% of media stories are negative for a period of up to 7 days; or • increase in staff turnover • 10-15% increase in turnover of full-time ongoing permanent employees for rolling 12-month period; or • Limited discernible impact on stakeholder confidence	• Some key services disrupted, minor setbacks that are easily remediated. • Additional management intervention to manage impact; or • Interruption to infrastructure; or • Minor impact on the City's key objectives	• Contained reversible damage using existing resources	• Minor regulatory breaches/non-compliance; or • Breach of policy, process requiring internal investigation; or • Disciplinary action; or • Significant Audit item reported to Minister	10 High	8 Medium	6 Medium	4 Low	2 Low
Moderate (3)	• Medical treatment injuries (MTI)	• A financial loss / cost / revenue / penalty / variance of between $50,000 - $150,000	• Substantiated issue, public embarrassment, manageable news / media profile; or • 20-50% of media stories are negative for a period of up to 7 days; or • 15%-20% increase in turnover of full-time ongoing permanent employees for rolling 12-month period; or • Publicly reported / acknowledged negative impact on stakeholder confidence	• Significant adjustment to resource allocation; or • Loss of support infrastructure; or • Moderate impact on the City's ability to meet key objectives; or • Some key deliverables delayed, some program delay / cancellation	• Clean-up required, additional resources may be required, external agency involvement	• Moderate regulatory beaches/noncompliance resulting inspection/reports; or • Report to CCC/PSC as meets reporting criteria, internal investigation	15 High	12 High	9 Medium	6 Medium	3 Low
Significant (4)	• Lost time injuries (LTI)	• A financial loss / cost / revenue / penalty / variance of between $150,000 - $5,000,000	• Day to day disruption, local news / media profile, effort and expense required; or • Greater than 50% of media stories being negative for a period of up to 30 days; or • 20%-30% increase in turnover of full-time ongoing permanent employees for rolling 12-month period	• Impact cannot be managed with current resources; or • Long-term loss of support infrastructure; or • Major impact on the City's ability to achieve key strategic objectives.	• Uncontained, major but recoverable contamination, coordinated response from external agencies, significant resources required.	• Major regulatory breaches/non-compliance; or • City / City Officer receives a fine issued by a regulator; or • CCC oversight or investigation; or • Qualified audit opinion on Financial Statements; or • Fraud and Corruption (deemed serious misconduct)	20 Extreme	16 High	12 High	8 Medium	4 Low
Severe (5)	• Fatality; or • Permanent disability	• A financial loss / cost / revenue / penalty / variance of between >$5,000,000	• Widespread multiple news / media profile, significant damage requiring external investigation and intervention; or • Greater than 50% of media stories being negative for a period of more than 30 days; or • >30% increase in turnover of full-time ongoing permanent employees for rolling 12-month period	• Impact cannot be managed with current resources; or • Ongoing loss of support infrastructure; or • City not able to achieve key objectives; • Severe delays, cancellations, routine activities terminated, immediate intervention required.	• Uncontained, extensive contamination, potentially irreversible. External intervention and considerable resources required to manage	• Breach involving external investigation and / or third-party actions; or • An officer of the City facing criminal prosecution or the maximum level of fines able to be imposed by a Regulator on an individual; or • City receives an enforceable undertaking from the regulator; or • Breaches of conditions that have funding impacts on the city; or • CCC public enquiry into the City; or • Systemic fraud and corruption (deemed serious misconduct)	25 Extreme	20 Extreme	15 High	10 High	5 Low

Strategic Risk Appetite

KRA	Strategic Risk	Risk Appetite Statement	Risk Appetite

DRAFT

7 Definitions

Consequence: The outcome of an event affecting organisational objectives.

Control: The measure that maintains and/or modifies a risk.

Inherent risk: Level of risk with no controls in place. Risks are initially analysed, considering the likelihood and the impact of the risk without considering the mitigating controls in place.

Likelihood: Chance of something happening.

Operational risk: Operational risks are risks that will prevent the Branch from delivering to their Business Plan objectives.

Residual risk: Level of risk with controls in place. The residual risk rating for a particular risk is based on its potential impact and the likelihood of the risk occurring considering the controls that are in place.

Risk: The effect of uncertainty on objectives. An effect is a deviation from the expected, and it can be positive, negative or both and can address, create or result in opportunities or threats.

Risk analysis: The process to comprehend the nature of risk and to determine the level of risk.

Risk assessment: The overall process of risk identification, analysis and evaluation.

Risk appetite: The amount of risk that an organisation is willing to pursue, retain or take.

Risk criteria: The reference to evaluate the significance of risk.

Risk evaluation: The process of comparing the results of the risk analysis with the risk criteria to determine whether additional action is required.

Risk identification: Recognising and defining the risks that might help or prevent an organisation from achieving its objectives

Risk owner: The person with the accountability and authority to manage the risk.

Risk profile: The description of any set of risks.

Risk treatment: Options for addressing risk.

Strategic risk: Risks that affect or are created by the City's business strategy and strategic outcome.

DRAFT

10.6.3.5 City of Bayswater Integrity Framework

Responsible Branch:	Governance and Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	City of Bayswater Integrity Framework **(Attachment 1)**

SUMMARY

In late 2019, the Public Sector Commission launched an integrity strategy model for Western Australian public authorities and encouraged the public sector to embrace and implement the strategy.

City officers have prepared a draft City of Bayswater Integrity Framework outlining the policies, mechanisms and responsibilities that will help the City to deliver our Strategic Community Plan 2021-2031 with a high level of honesty, objectivity, ethics and accountability.

The Integrity Framework is underpinned by the City's values and vision for the future.

Based on feedback from the Audit and Risk Management Committee the Integrity Framework Attachment 1 has been updated.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council endorses the City of Bayswater Integrity Framework.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

As part of the launch of an integrity strategy model for Western Australian public authorities, the Public Sector Commission (PSC) released a range of integrity framework resources for all public authorities. These comprehensive resources, including a template and guide, help authorities develop integrity frameworks, or evaluate and strengthen an existing framework.

Whilst local governments are not compelled to develop their own Integrity Framework the Commission recommends all public authorities consider developing and implementing one.

Using the templates provided by the PSC, the City of Bayswater Integrity Framework (Framework) has been developed. The intent of the Framework is to identify and coordinate the approach to promoting integrity and preventing misconduct, assisting oversight and informing stakeholders about the City's approach to integrity. Thereby assisting the City met our requirements under regulation 17 of the Local Government (Audit) Regulations 1996 (WA) which requires the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to:

(a) risk management; and

(b) internal control; and

(c) legislative compliance.

The Audit and Risk Management Committee considered the item at the 7 March 2023 meeting and based on feedback the Integrity Framework Attachment 1 the document footer has been updated to include document management control.

EXTERNAL CONSULTATION

The City has adopted the WA Government Integrity Strategy in developing the City of Bayswater Integrity Framework. The City recognises the work of the WA Government in developing and implementing the Integrity Strategy for WA Public Authorise 2020-2023. The City also consulted with the City of Joondalup. The City of Joondalup, worked with the Local Government Integrity Working Group (LGIWG) to develop their Integrity Framework and Action Plan. LGIWG and the City of Joondalup, hope that by sharing integrity-based information, documents and best practices, integrity within the sector will be enhanced.

OFFICER'S COMMENTS

The City of Bayswater Integrity Framework (Framework) **(Attachment 1)** is based on the Integrity Strategy for WA Public Authorities 2020-2023 and focuses on the following four key improvement areas with actions and controls to promote integrity and help prevent misconduct and corruption.

1. Plan and act to improve integrity.
2. Model and embody a culture of integrity.
3. Learn and develop integrity knowledge and skills.
4. Be accountable for integrity.

Integrity involves developing and maintaining a professional and respectful workplace. It involves ethical leadership, active management and supervision, the right people, effective processes and confident professional reporting.

Workplace integrity is about creating a workplace that fosters the development of high professional standards, and demonstrates the values of the organisation.

An ethical and professional workplace is the best safeguard against risks to integrity, including improper conduct, misconduct and corruption.

Therefore, the Framework must align to the City's Risk Management Framework, Fraud and Corruption activities and Code of Conduct (for Elected Members and Employees). Integrity actions and initiatives require a planned and coordinated approach together through the Governance and Organisational Planning and Development and People, Culture and Safety branches.

Supporting the implementation of the Framework, an Integrity Action Plan (Action Plan) will be developed. The Action Plan follows the PSC Integrity Framework Maturity Self-Assessment Tool. The assessment tool assists public authorities to evaluate their approaches to promoting integrity and reducing misconduct risks, as well as identifying any gaps in the current approaches that could be actioned/improved.

City staff will finalise the actions to take place and agree on action milestones. Once complete the Action Plan and ongoing implementation of actions will be reported to the Audit and Risk Management Committee.

LEGISLATIVE COMPLIANCE

The Public Sector Commissioner intends to instruct public sector bodies under the Public Sector Management Act 1994 to have an integrity framework in place by June 2023.

Regulation 17 Local Government (Audit) Regulations 1996 (WA)

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The City of Bayswater Integrity Framework will promote integrity and reduce misconduct risks.	

FINANCIAL IMPLICATIONS

The City of Bayswater Integrity Framework will be implemented within existing resource allocations. Future costs as part of the implementation of the Action Plan will be considered as part of the annual business planning process.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance
Goal L4: Communicate in a clear and transparent way.
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

The City has a commitment to embed and improve integrity, and to ensure appropriate and effective systems and processes are established to meet the City's expectations to mitigate misconduct.

City of
Bayswater

Integrity Framework

DRAFT

Acknowledgement

Ngalla City of Bayswater kaatanginy baalapa Noongar Boodja baaranginy, Wadjuk moort Noongar moort, boordiar's koora koora, boordiar's ye yay ba boordiar's boordawyn wah.

The City of Bayswater acknowledges the Traditional Custodians of the land, the Whadjuk people of the Noongar Nation, and pays its respects to elders past, present and emerging.

Document details

Document custodian:	Manager Governance and Organisational Planning and Development
Document author:	Coordinator Risk Management
Business unit:	Governance and Organisational Planning and Development
Directorate:	Office of the CEO
Affected business areas:	Internal and Council
ECM document set ID:	4399624

Revision history

Rev	Date	Description	Prepared by	Approved by
1	Dec 22	First Draft	Coordinator Risk Management	

Disclaimer

This document remains the property of City of Bayswater. Its contents are confidential and shall not be reproduced, destroyed or given away without the express, written permission of City of Bayswater. The electronic version of this document is the Master Copy and is a controlled document. Unless specifically noted thereon, hard copies of this document are uncontrolled.

DRAFT

Contents

1 Introduction 1

2 Integrity Model 1

Defining Integrity 1

Integrity Model for the City of Bayswater 2

3 Plan and Act to Improve Integrity 3

Roles and Responsibilities 3

Legislative and Regulations 7

Risk Analysis and Planning for Integrity 8

Internal Controls, Audit and Governance 8

Fraud and corruption detection systems 11

4 Model and Embody a Culture of Integrity 11

Values and Culture 11

Leadership and Management Attitude 12

5 Learn and Develop Integrity Knowledge and Skills 13

Integrity Education and Capacity 13

6 Be Accountable for Integrity 14

Response to Integrity Breaches 14

Self-assessment and Review 14

7 Oversight 15

8 Relevant City of Bayswater Documents 16

DRAFT

1 Introduction

The City of Bayswater (the City) delivers a wide variety of services, programs and facilities for its community and there is a rightful expectation that these are delivered and managed in an efficient and effective way.

As custodians of public funds and personal information, the City must establish and maintain the trust of its community in the use of those funds and information, to deliver an overall benefit for the entire community. This trust is established and maintained by ensuring those that work in the City (being elected members, employees, contractors, suppliers and volunteers) operate with integrity and behave in an ethical, transparent and accountable manner.

Integrity is a cornerstone of good governance and organisations that act with integrity, incidences and impacts of misconduct, fraud and corruption are not only minimised, but organisational benefits can be achieved such as improved productivity and efficiency; positive working relationships; and effective collaboration and engagement. The City's Integrity Framework (Framework) is aligned to the City's Strategic Community Plan (and specifically its theme and goal area of Leadership and Governance) and aims to guide the organisation in providing the highest level of integrity for its community. It also considers factors and conditions for implementation that influence within, and outside of, the City's operations. The City commits to ensuring all elected members, employees, contractors, suppliers and volunteers understand and operate within the Framework and that the elements contained within are continuously enhanced and reviewed so that integrity forms part of the City's day-to-day business, decision-making and operations.

Jeremy Edwards

Chief Executive Officer

2 Integrity Model

Defining Integrity

The Integrity Strategy for WA Public Authorities 2020-2023 published by the Public Sector Commission, provides the following:

"Integrity is a non-negotiable to assure Western Australians that public authorities act in the interest of the community each and every day through the decisions we make and the actions we take".

Integrity is important in ensuring the WA Government (including local government) is trusted and accountable for its actions. It is achieved by:

- Serving the public interest.

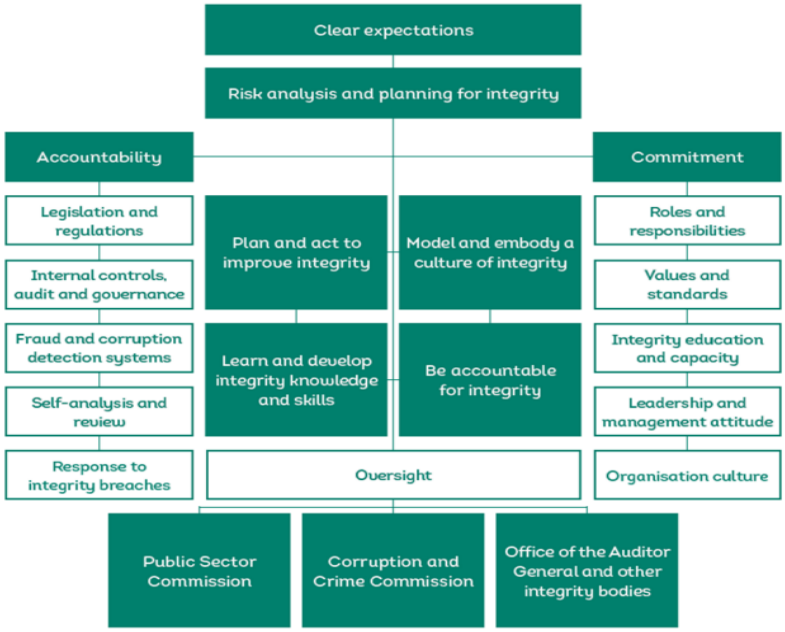
- Using powers responsibly, for the purpose and in the manner for which they were intended.
- Acting with honesty and transparency, making reasoned decisions without bias by following fair and objective processes.
- Preventing and addressing improper conduct, disclosing facts without hiding or distorting them.
- Not allowing decisions or actions to be influenced by personal or private interests.

The City's primary values as included in section 4 define the minimum standards of conduct and integrity to be observed by the City of Bayswater elected members, employees, contractors and suppliers.

Integrity Model for the City of Bayswater

The Integrity Model for the City of Bayswater provides an integrated representation of the City's Integrity Framework. Overall, City integrity is reliant on the two key ideologies of Commitment and Accountability that must be exercised continually by all components of the Organisation.

Figure 1 – City of Bayswater Integrity Model



3 Plan and Act to Improve Integrity

The ability to plan and act to improve integrity is the foundation of the City's Integrity Framework. It is where the City identifies, develops and implements its approach to managing integrity based on identified risks.

Roles and Responsibilities

Every employee and elected member are responsible for integrity and has a role to play. The table below details specific roles and responsibilities.

Body or Position	Integrity Role
Council	1. Adopt and review the City's Integrity Framework 2. Approve the City's Code of Conduct 3. Designate a senior employee as complaints officer in accordance with section 5.120 of the Local Government Act 1995 (currently the Chief Executive Officer) 4. Receive reports from the Audit and Risk Management Committee in relation to integrity risks, audit activities and other integrity controls.
Audit and Risk Management Committee	1. Advise Council on all matter relating to the City's integrity risks. 2. Receive and review regular reports on integrity risk performances 3. Receive and review internal audits associated with integrity risks 4. Oversee the implementation of the City's Integrity Framework
Elected Members	1. Model leadership and conduct that align with the City's commitment to integrity.

DRAFT

Body or Position	Integrity Role
Chief Executive Officer	1. Responsible for the implementation and enforcement of integrity policies for the City. 2. Drives a culture of integrity through the active demonstration of the City's values and by communicating the importance of meeting integrity standards. 3. Provides leadership in the prevention, detection and response to misconduct. 4. Notify the Corruption and Crime Commission (for major misconduct) or the Public Sector Commission (for minor misconduct) or any suspected incidences of misconduct as required by section 28 of *the Corruption and Crime Commission Act 2003*, including requirements relating to confidentiality. 5. Ensure the City complies with the *Public Interest Disclosure Act 2003*, including requirements relating to confidentiality. 6. Ensures the City complies with Division 9 of the *Local Government Act 1995* including requirements relating to confidentiality. 7. Provide reports and advice to the Audit and Risk Management Committee and Council on integrity matters.
Directors	1. Demonstrate commitment to integrity through the active demonstration of City values and by building an accountable workplace culture. 2. Reinforce the requirement for integrity by employees and ensure that there are mechanisms in place to: • Identify and assess integrity risks.

DRAFT

Body or Position	Integrity Role
	• Proactively identity and communicate branch specific risks. • Promote employee awareness of integrity. • Endure that report of misconduct are dealt with appropriately. • Actively participate in integrity reporting at Leadership meetings. 3. Ensure confidentially is maintained in all investigations and any findings that are made.
Director Corporate and Strategy	1. Notify the Corruption and Crime Commission (for major misconduct) or the Public Sector Commission (for minor misconduct) or any suspected incidences of misconduct by the CEO, as required by section 28 of *the Corruption and Crime Commission Act 2003*, including requirements relating to confidentiality.
Governance & OPD Branch	1. Oversee the development and review of the Integrity Framework. 2. Manage strategic and operational risk registers that include integrity risks. 3. Promote a culture of integrity through collaboration, training and other activities. 4. Conduct activities that promote integrity awareness. 5. Manage the investigation of all reports of misconduct relating to Elected Members 6. Ensure confidentiality is maintained in all investigations and any findings that are made.

DRAFT

Body or Position	Integrity Role
Internal Audit	1. Plan and conduct audits that address integrity risks. 2. Receive reports of alleged misconduct. 3. Report in writing any suspected fraudulent activities or corrupt practices identified during an internal audit to the Chief Executive Officer. 4. Monitor and report on the status of implementation of management action to address audit findings. 5. Ensure confidentiality is maintained in all investigations and any findings that are made.
People, Culture and Safety Branch	1. Ensure appropriate training on Code of Conduct. 2. Ensure compliance with legislative provisions, policies and procedures related to integrity matters 3. Deliver ethical training and awareness to employees, volunteers and contractors. 4. Manage the investigation of all reports of misconduct relating to employees. 5. Ensure confidentiality is maintained in all investigations and any findings that are made. 6. Ensure that appropriate disciplinary action is taken when there is evidence of misconduct in accordance with the City's policies and procedures. 7. Ensure that appropriate pre-employment screening is carried out for new employees and existing employees who are promoted to positions of trust.
Branch Managers and Principals	1. Demonstrate commitment to integrity through active demonstration of City values and by building an accountable workplace culture.

DRAFT

Body or Position	Integrity Role
	2. Commit to follow a robust and unbiased recruitment and selection process and only to recruit and engage individuals who are closely aligned with our City values. 3. Report any suspected act of misconduct in accordance with the City's misconduct reporting process. 4. Ensure specific behaviours relating to integrity are addressed in the annual performance review. 5. Ensure all employees complete the Code of Conduct training. 6. Ensure that all employees are aware of the City's policies and procedures and understand their responsibilities. 7. Implement controls to minimise actions of misconduct and integrate integrity risks management into all aspects other the service functions. 8. Ensure confidentiality is maintained in all investigations and any findings that are made.
All Employees	1. Ensure an awareness and understanding of City Integrity Framework and the employee's role within the framework. 2. Abide by the Integrity Framework and any misconduct controls. 3. Actively support and contribute towards any integrity risk management initiatives. 4. Report any instances of misconduct through the City's reporting processes. 5. Ensure awareness, understanding and support of all City policies, management practices and procedures relevant to their role.

Body or Position	Integrity Role
	6. Ensure confidentiality is maintained in all investigations and any findings that are made.

Legislative and Regulations

The Local Government Act 1995 is the key legislative instrument which provides the City of Bayswater the power to make policies, plans and strategies, and local laws, which are generally used to establish and maintain the quality of life and amenity in keeping with community expectations.

The City's legislative, policy and planning instruments are available on the City's website.

The City is also responsible for administering a number of State and Commonwealth Acts and regulations.

The City also has obligations under State legislation to report matters related to integrity including, but not limited to:

- Corruption, Crime and Misconduct Act 2003.
- Financial Management Act 2006.
- State Records Act 2000.
- Industrial Relations Act 1979.

Risk Analysis and Planning for Integrity

Risk Management Policy and Framework

The City's Risk Management Policy describes the commitment to understanding and managing the City's risk environment, fostering a positive risk culture and taking measures to ensure risks are contained to acceptable levels.

The policy and framework are aligned with the Australian Standard/International Organisation for Standardisation (AS/NZS ISO) *31000:2018 Risk management – guidelines*.

The City's Risk Management Framework supports and expands on the Risk Management Policy. The Framework provides the guidance to integrate risk management into activities and functions performed by the City.

Internal Controls, Audit and Governance

Policies, Protocols, Procedures and Processes

To ensure policies, protocols, procedures and processes are current, the City's policies, procedures and processes assign responsible Directorates and review dates. The City's Policy Register is available on the City's website. Business critical processes and procedures are documented in the internal process documentation system Promapp.

Controls relating to integrity risks include but are not limited to:

Instrument	Control Owner
Code of Conduct Employees Elected Members	People, Culture and Safety Governance & OPD
Delegations	Governance & OPD
Fraud and Corruption Control Plan	Governance & OPD
Declaring and managing conflicts of interest	Governance & OPD
Offer, acceptance and provision of gifts, benefits and hospitality	Governance & OPD
Managing official and/or confidential information	Business Services
Recordkeeping plan	Business Services
Discipline and investigations	People, Culture and Safety
Integrity risk management (e.g. risk management policy and procedures, strategic and operational risk registers, internal audit charter)	Governance & OPD
Human resource management (e.g. recruitment and selection policy, secondary employment policy, employee integrity/screening policy, leave management policy)	People, Culture and Safety

Instrument	Control Owner
Financial management	Financial Services
(e.g. financial management manual, use of purchasing cards policy, procurement policy)	Business Services
Information and communications technology management	Information Services
(e.g. acceptable use of IT equipment policy, cyber security policy)	

Audit

The internal audit functions are maintained in line with the *Local Government Act 1995*, *Local Government (Audit) Regulations 1996* and *Local Government (Financial Management) Regulations 1996*. These functions are described in the City's Audit and Risk Management Committee Charter.

The internal audit function helps maintain and improve organisational effectiveness by providing risk-based and independent assurance advice to the Chief Executive Officer and Audit and Risk Management Committee.

The internal audit function also assists the Chief Executive Officer achieve business objectives by systematically collecting and reporting information through the Audit and Risk Management Committee. This includes risk exposure and management, internal controls, compliance, and organisation performance.

The internal audit function also ensures the appointment of external auditors to undertake reviews of risk management, internal control and legislative compliance.

A risk-based internal audit plan is prepared annually by the internal audit function. The plan sets audit topics and identifies resources required for the year in alignment with the City's objectives and key risks. It is presented to the Audit and Risk Management Committee. The Chief Executive Officer may vary the plan and change priorities.

The Committee provides advice to the Council on the effectiveness of the risk management and governance frameworks, and external accountability obligations.

The Committee has two independent members.

Governance Framework

The City's Governance Framework has been prepared to ensure our compliance with all relevant legislation, including the *Local Government Act 1995.*

The Governance Framework:

- provides clear guidelines for the roles of the Council, Chief Executive Officer, and employees and ensures that all responsibilities are properly allocated and discharged by those accountable;
- develops a culture of best practice in relation to governance processes;
- enables processes throughout the City by setting guidelines; and
- provides an induction tool for new employees.

Fraud and corruption detection systems

The City's Fraud and Corruption Control Policy objective is to communicate the City's zero tolerance approach and response actions to fraudulent and corrupt conduct within the performance of its functions and interactions with contractors and suppliers, the community and all other stakeholders of the City.

The Policy establishes the City's approach to preventing, detecting and responding to reports of suspected fraud, corruption and misconduct.

The Fraud and Corruption Control Plan outlines the systems and activities the City has in place for detecting fraud, corruption, integrity breaches and other errors and irregularities.

4 Model and Embody a Culture of Integrity

Values and Culture

The City's values are guiding principles to help us choose how we work every day. They help us select the right way of working and support us in making sound decisions.

Values set the tone for our City's culture and when aligned with the standards in the Code of Conduct ensures we act ethically and with integrity. We all need to make sure our actions always reflect our values.

The City's values are:

Accountability - We do what we say we will do, the right way and on time. Working together we take responsibility and pride in delivering quality service in an efficient way.

Excellence - We are a 'can do' organisation where we are responsive, efficient, professional, friendly and positive, continually striving for service excellence.

Respect - We respect and care, promoting a positive, safe and inclusive workplace where people contribute and feel part of team, valued, listened to and acknowledged.

I**nnovation** - We challenge the status quo through embracing change and thinking outside the box to broaden our horizons.

Integrity is supported when elected members and employees model the City's values.

A positive culture promotes openness and honesty, makes accountability and responsibility clear and encourages debate on important issues. It is also more likely that the organisation will retain high calibre employees who want to work and participate in the activities of the City.

The City fosters and cultivates a culture of integrity through:

- Encouraging an open culture where ethical dilemmas, public integrity concerns, and errors can be discussed freely, and, where appropriate, with employee representatives, and where leadership is responsive and committed to providing timely advice and resolving relevant issues.
- Providing clear rules and procedures for reporting suspected breaches of conduct standards, and ensure, in accordance with fundamental principles of procedural fairness, protection against all types of unjustified treatments as a result of reporting misconduct and integrity violations, in good faith and on reasonable grounds.
- Providing alternative channels for reporting suspected breaches of conduct standards, including when appropriate the possibility of confidentially reporting to a body with the mandate and capacity to conduct an independent investigation.
- Communicating the City's Codes of Conduct (at pre-employment and during employment) and Public Interest Disclosures processes.
- Undertaking Employee Surveys to determine perceptions of observance to values and standards of integrity.
- Publishing registers on the City's website for public inspection in accordance with the *Local Government Act 1995*. These include, but are not limited to the Gifts Register, Minor Breaches Register, Complaints Register, Declarations of Interest Register and Electoral Gifts Register.

Leadership and Management Attitude

From the perspective of integrity, there is a continuing need to give life to the City's primary values and standards of behaviour; to create an environment that supports ethically sound

behaviour and decision-making; and to instil a sense of shared integrity responsibility and accountability among elected members and employees. Ineffective oversight by formal and informal leaders, especially when coupled with weaknesses in other internal integrity systems and controls, presents real integrity risks for any public authority.

A “do it right” climate must be created and continually reinforced and communicated from the highest level of the organisation, being elected members and the City’s Leadership Team (the Chief Executive Officer, Directors and Branch Managers). In turn, all other leaders in the City (formal and informal) must also demonstrate and reflect the highest standards of integrity for other employees to follow.

Effective leadership and supervision can have a significant impact on the performance and integrity of teams and help to detect and prevent misconduct at the City.

Matters related to integrity should be continually promoted and discussed at regular meetings between leaders and employees so that ethical standards of behaviour can not only be reinforced, but also for integrity issues or concerns to be highlighted so that clarification or any further educational instruments or processes can be investigated and implemented.

5 Learn and Develop Integrity Knowledge and Skills

Integrity Education and Capacity

Integrity education and capacity equips officers with the knowledge and tools to behave with integrity in every interaction and relationship in the workplace and outside of it.

The table below provides the City’s integrity education and training plan.

Audience	Message	Mechanism
Job applicants	Vision and values Code of conduct Integrity expectations	In job descriptions Applicant packs Website/jobs board materials
New starters (including temporary staff, volunteers and contractors)	Vision and values Code of conduct Policies and procedures Reporting pathways	Induction Litmos training May require acknowledgement of code and policies
All employees	How to manage complaints How to have difficult conversations	In-house training, may from time to time be run by external service providers

Audience	Message	Mechanism
	How to recognise red flags PID awareness Risk awareness	
Elected members	Code of conduct Policies and procedures Reporting pathways	Induction In-house training, may from time to time be run by external service providers

6 Be Accountable for Integrity

Response to Integrity Breaches

To protect integrity and build public trust, authorities must deal with, and appropriately respond to, behaviour that does not align with expectations and standards.

The City does not tolerate corrupt or other improper conduct, including mismanagement of public resources, in the exercise of the public functions of the City, by its elected members and employees, contractors, suppliers or volunteers. In view of this it actively promotes and supports disclosures being made by elected members, employees and members of the public, as to corrupt or other improper conduct that is happening or may happen.

The City will take all reasonable steps to provide protection to elected members, employees, contractors, suppliers and volunteers who make disclosures from any detrimental action in reprisal for the making of a disclosure or misconduct report and also does not tolerate any of its elected members or employees engaging in acts of victimisation or reprisal against those who make a disclosure.

The City's Codes of Conduct contain principles and minimum requirements to ensure compliance with relevant legislation and standards. In addressing matters, the City may take investigative and disciplinary action in line with relevant City policies.

Where complaints against elected members, committee members or candidates are upheld they will be included in the City's Complaints Registers, available on the City's website. The Chief Executive Officer has a statutory obligation to notify the Public Sector Commission and Department of Local Government, Sport and Cultural Industries (minor misconduct), Corruption and Crime Commission (serious misconduct) and Western Australia Police (criminal conduct).

Where relevant, any reports and discipline processes are used as opportunities to improve practices and strengthen controls.

Self-assessment and Review

The City will self-assess and review the framework on a biennial basis examining ways to continuously improve it by:

- Making judgements informed by data and evidence about what is currently working and what is not.
- Identifying gaps between the current and desired future state.
- Deciding the best way to address any gaps and get to the desired future state based on operating context, risks and resourcing.
- Development of an Integrity Action Plan.

The City also uses available tools (e.g. Integrity Snapshot Tool, Integrity and Conduct Annual Collection, Integrity in Financial Management Self-Assessment Checklist, Compliance Program, Local Government and Public Sector Inquiry Reports and the like) to assess what is currently in place and the maturity of its approach to integrity.

7 Oversight

Oversight agencies and their particular role relevant to local government:

The Department of Local Government, Sport and Cultural Industries aims to help to improve the capacity of local governments to respond to community demands and expectations, and improve levels of accountability and legislative compliance.

Ombudsman WA is an impartial and independent agency that receives, investigates and resolves complaints about State Government agencies, local governments and universities, and undertakes major investigations with all the powers of a standing Royal Commission.

Corruption and Crime Commission assesses, investigates and exposes serious misconduct in the Western Australian public sector; as well as encouraging public sector agencies to implement practices that minimise their risk of serious misconduct. Public Sector Commission works to promote and maintain integrity, conduct and ethics in the Western Australian public sector; as well as assessing minor misconduct.

Office of the Auditor General supports accountability and continuous improvement in the public sector through an informed Parliament and community. Its mission is to serve the public interest through independent auditing and reporting on State and local government finances and performance.

Framework oversight - The Chief Executive Officer, with the support of the Executive Leadership Team, is responsible for oversight of the Integrity Framework. The following processes are in place to provide the Council and Chief Executive Officer with assurance that the approach to practicing, managing and accounting for integrity is sound, and the framework is working as intended:

- Integrity matters included in the Executive Leadership Team agenda as required.
- Regular reporting to the Executive Leadership Team:
  - Regular review of the conflicts of interest, secondary employment, and gifts and benefits register.
  - Regular reporting on the staff development and training plan as it relates to integrity matters.
  - Progress reporting from internal audit provided to ensure audit corrective actions are implemented.
  - Progress reporting on risk management matters as they relate to integrity.
- Council/Audit and Risk Management Committee:
  - Annual Compliance Audit Return.
  - Regular reporting on internal audit coverage and annual work program.
  - Regular reporting on identifying and management of misconduct and integrity matters affecting the City or local government sector.
  - Policy documents as they relate to integrity matters.
  - Monitors the effectiveness of the City's Risk Management Framework including integrity risks.
  - Three yearly reviews of the appropriateness and effectiveness of the City's systems and procedures in relation to risk management, internal controls and legislative compliance and report to the Council the results of those reviews.
  - Three yearly reviews of the appropriateness and effectiveness of the City's financial management systems and procedures of the City and report to the Council the results of those reviews.

8 Relevant City of Bayswater Documents

The following key City of Bayswater documents are relevant to the Integrity Framework:

- Strategic Community Plan
- Governance Framework
- Code of Conduct – Elected Members
- Code of Conduct for Employees
- Risk Management Framework
- Audit and Risk Committee Terms of Reference and Charter
- Public Registers
- Risk Management Policy
- Fraud Corruption and Misconduct Control Policy
- Elections Caretaker Policy
- Attendance at Events Policy
- Customer Service Charter

DRAFT

10.6.3.6 Quarterly Performance Review - Audit - Qtr. 2 - 2022/23

Responsible Branch:	Governance and Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. Audit Function Dashboard - Quarter 2 - 2022-23 [**10.6.3.6.1** - 3 pages] 2. CONFIDENTIAL - Audit Register Overdue/Complete - Quarter 2 - 2022-23 [**10.6.3.6.2** - 5 pages]

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

(f) a matter that if disclosed, could be reasonably expected to —

(ii) endanger the security of the local government's property;

SUMMARY

The Quarterly Performance Review – Quarter 2 (Oct – Dec) – Audit provides an update to the Audit and Risk Management Committee (ARMC) progress in implementing the annual internal audit program and the implementation of agreed internal and external audit recommendations.

Quarter 2 reporting period opened with 81 actions and closed with 84 actions.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council receives the confidential attachments Audit Function Dashboard – Quarter 2. 2022/23 and Audit Register by exception.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The Quarterly Performance Report – Audit provides an update to the ARMC on audits completed, progress in implementing the annual internal audit program and the implementation of agreed internal and external audit recommendations.

This report is supported by the Audit Function Dashboard – Quarter 2. 2022/23 **(Attachment 1)** and the Audit Register – Overdue/Complete - Quarter 2. 2022/23 **(Attachment 2)**. The dashboard provides a high-level snap shot of key information relating to all audit actions. The detailed Audit Register presents actions by exception only, these are actions that are overdue and/or complete this quarter. The Audit Register provides further details on the implementation of agreed internal and external audit
observations.

EXTERNAL CONSULTATION

Consultation has occurred with the City's outsourced Internal Auditors – William Buck.

OFFICER'S COMMENTS

Annual Internal Audit Program

The approved Annual Internal Audit Program 2022/23 includes the following three audits:

- Customer Complaint Handling, Escalation and Resolution
- Compliance Audit Return Review
- Regulation 17 Review

The Compliance Audit Return review is complete. The outcomes of this audit are presented as part of this agenda. The Regulation 17 review is scheduled to commence April 2023.

Audit Register

Management agreed actions to address auditor observations are recorded in the City's Audit Register. On a quarterly basis management provide progress updates on the status of implementation of agreed actions.

Quarter 2 reporting period opened with 81 actions, 7 actions closed and 10 actions were added, closing the period with 84 open actions.

Status	**No.**
Period Open	81
Actions Added	10
Actions Complete	7
Period Close	**84**

Ten new actions have been added to the Audit Register from previously completed audits as follows:

- Customer Complaint Handling, Escalation and Resolution (3 actions)
- Audit Log Review - Re-opened actions (7 actions)

Of the 84 open actions, 33 are not yet due and 51 are overdue. One overdue action is rated as Extreme and 15 are rated as High.

Audit Name	Original Actions	Previously Closed	Closed this Period	Open	Overdue	Not Yet Due
City Property Leasing	-	-	0	6	3	3
Corporate Record Keeping & Performance Reporting	-	-	0	4	4	0
Finance	-	-	1	10	5	5
Financial Sustainability	-	-	2	19	19	0
Regulation 17 Review	-	-	0	5	4	1
Tender Evaluation & Procurement	-	-	1	14	12	2
Payroll Reconciliation	-	-	1	2	0	2
OAG IS 2020	-	-	0	3	3	0
OAG Financial 2020	-	-	0	1	0	1

2022/23 Audit Reporting						
Swimming Pool Inspections	13	12	0	1	1	0
Customer Services Complaints/Compliments	3	0	0	3	0	3
OAG IS 2021	17	5	1	11	0	11
OAG Financial 2021	7	1	1	5	0	5
Total	**40**	**18**	**7**	**84**	**51**	**33**

Overdue actions have increased this quarter, from 46 Qtr. 1 to 51 Qtr. 2. For fourteen actions management have requested amended due dates. Management have advised whilst amended due dates are requested, significant progress has been made in implementing the actions.

	Qtr. 4	Qtr. 1	Qtr. 2
Number of overdue actions	45	46	51

Seven (7) actions were completed by management this quarter.

	Qtr. 4	Qtr. 1	Qtr. 2
Number of complete actions	36	20	7

Overdue and completed management action progress comment detail is provided in the Audit Register, the register presenting actions by exception only, these are actions that are overdue and/or complete this quarter. All actions open and not yet due are reported and monitored by the Executive Leadership Team.

LEGISLATIVE COMPLIANCE

Local Government Act 1995 Section 7.1A - A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Moderate
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Moderate
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Receiving updates on the City's Audit Log Register reduces the City's risk exposure by providing Council with up-to-date information about the City's progress against agreed actions.	

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Leadership and Governance

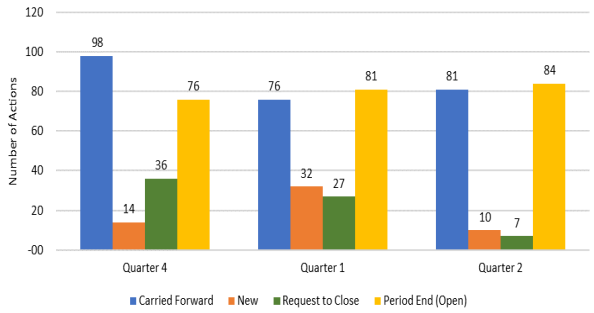
Goal L2: Plan and deliver projects and services in a sustainable way.
Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

Actions arising from the City's internal and external audits are recorded and monitored within the City's Audit Log Register. Progress on the implementation of actions is reported on a quarterly basis to the Audit and Risk Management Committee.

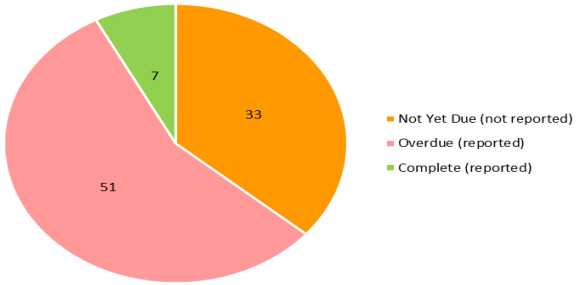
Audit Function Dashboard – All Actions – Quarter 2.

Status of Actions by Quarter



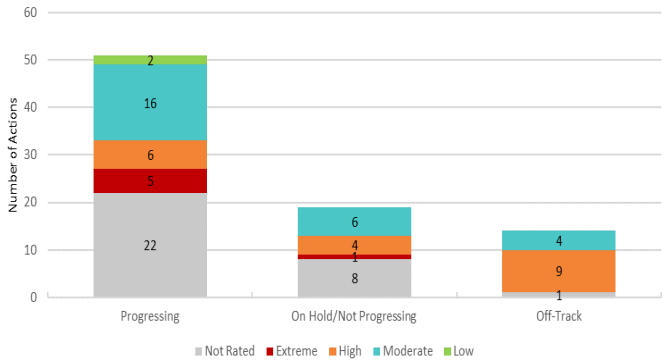
Quarter 2 opened with 81 actions, 10 new actions were added, 7 actions closed. Closing the period with 84 open actions.

Status of Actions Qtr. 2 (91)

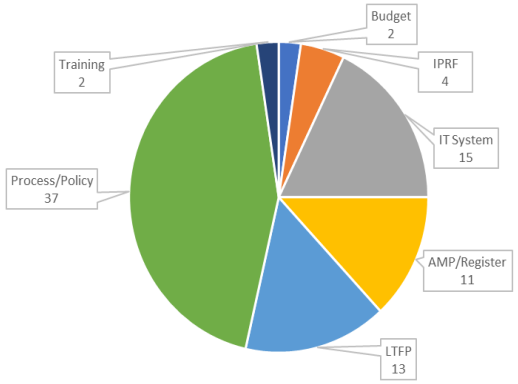


91 actions were managed during Qtr. 2 reporting. Management *closed* 7 actions this quarter, leaving 84 actions open, open actions are made up of Overdue and Not Yet Due actions. 51 actions are *Overdue* and 33 actions *Not Yet Due*.

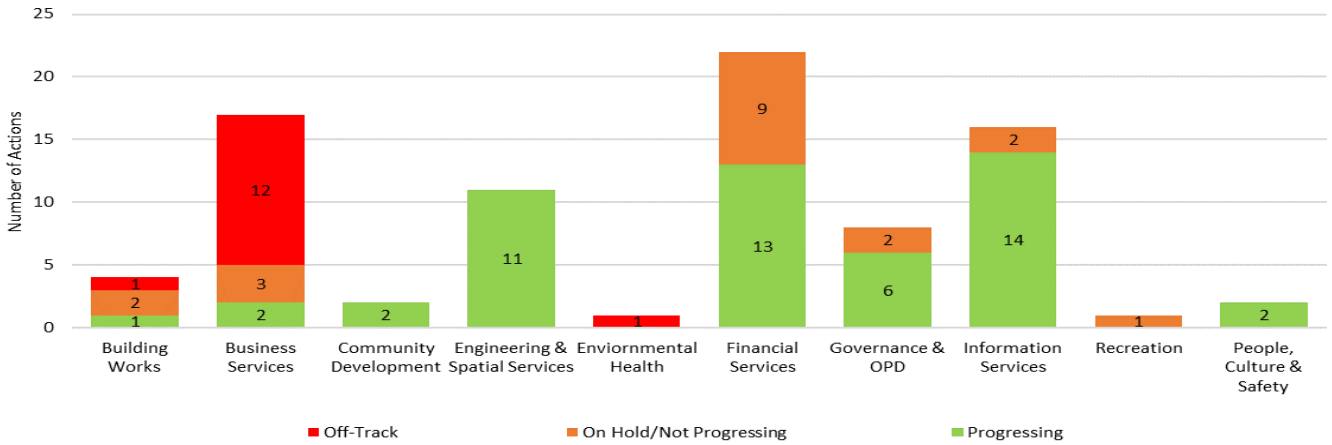
Open Actions by Risk Rating (84)



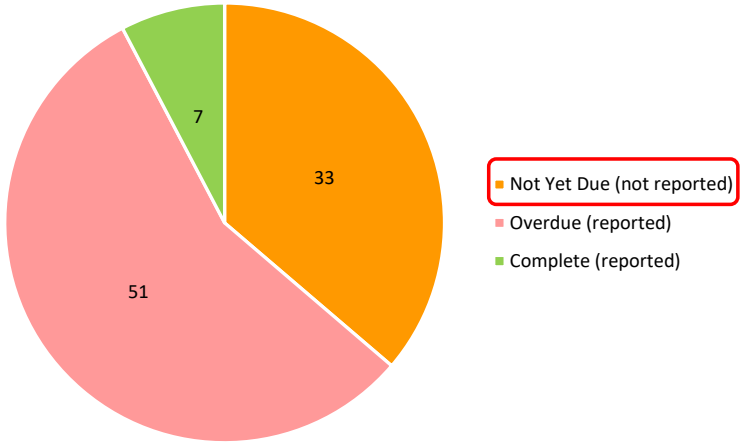
Open Actions by Type (84)



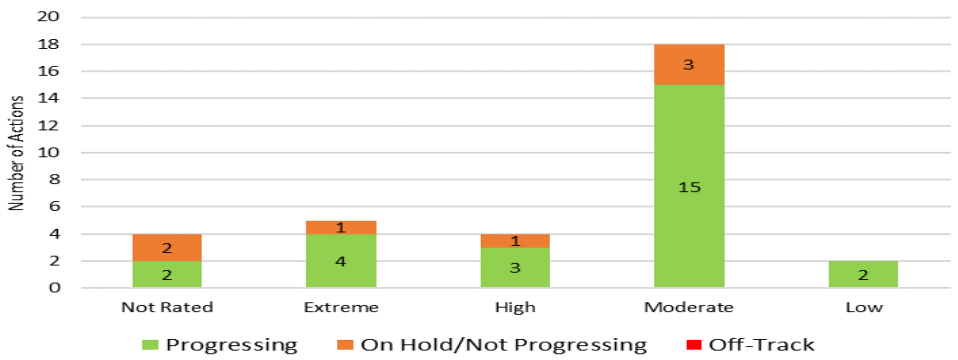
Open Action Status by Branch (84)



Audit Function Dashboard – Not Yet Due – Quarter 2.



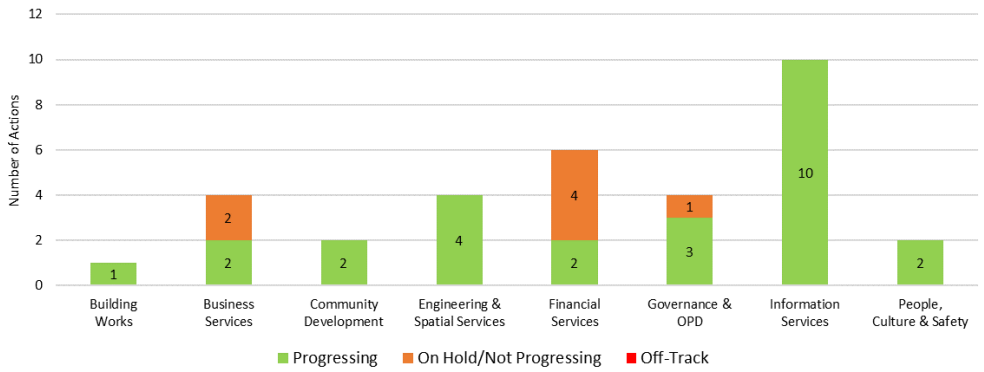
Status of Actions Not Yet Due (33)



There are 33 actions Not Yet Due at the end of Quarter 2 reporting. As depicted in the graphs, most actions are progressing as intended with no actions flagged as off-track. The action rated as 'extreme' and flagged as 'on-hold/not progressing' relates to aged care divestment project. Management is monitoring this action.

Implementation of actions Not Yet Due reported and monitored to the Executive Leadership Team.

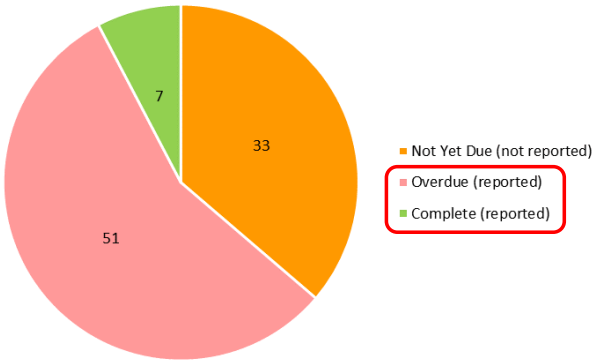
Not Yet Due Actions by Branch (33)



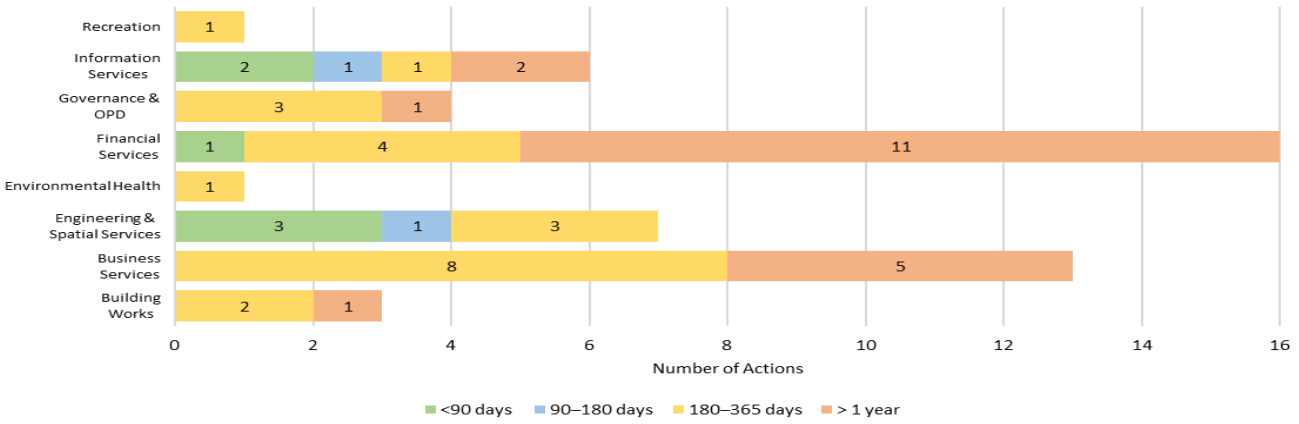
Audit Function Dashboard – Exception – Quarter 2.

There are 51 actions overdue at the end of Quarter 2 reporting.

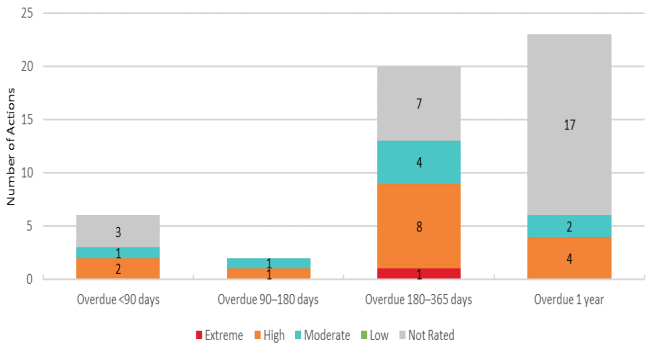
Seven (7) actions have been marked as complete this quarter. Details on actions by exception (overdue and complete) is provided in Attachment 2 – Audit Register.



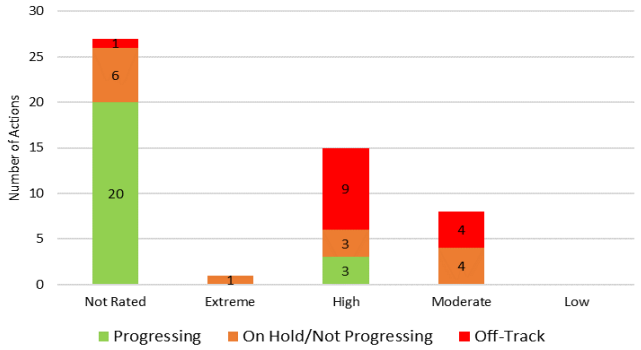
Overdue Actions (days) by Branch (51)



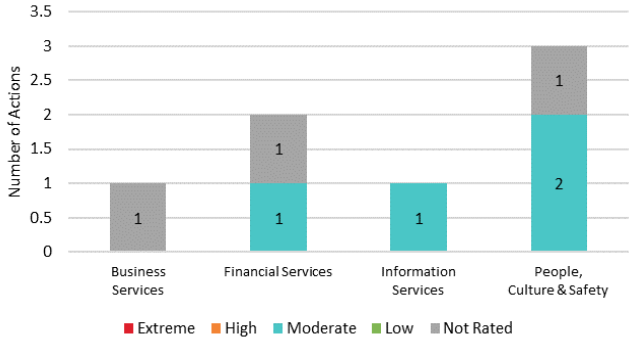
Overdue Actions (days) by Risk Rating (51)



Status of Overdue Actions (51)



Complete Actions by Branch (7)



10.6.3.7 Quarterly Performance Review - Risk Management - Qtr. 2 - 2022/23

Responsible Branch:	Governance and Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. CONFIDENTIAL - JLT Public Sector Top Cyber-Security Controls Review 2022 - City of Bayswater [**10.6.3.7.1** - 32 pages] 2. Fraud Risk Management - Better Practice Guide [**10.6.3.7.2** - 64 pages]

Confidential Attachment(s) in accordance with Section 5.23(2) of the Local Government Act 1995 (WA):

(f) a matter that if disclosed, could be reasonably expected to —

(ii) endanger the security of the local government's property;

SUMMARY

The Quarterly Performance Report – Risk Management provides a quarterly update on the below items:

- Risk Management
- Fraud and Corruption Control
- Business Continuity

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council:

1. Notes the Confidential (Attachment 1) JLT Public Sector Top Cyber-Security Controls Review 2022 – City of Bayswater.

2. Notes the Quarterly Performance Report – Risk Management.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The Quarterly Performance Report – Risk Management provides an update to the Audit and Risk Management Committee (ARMC) on the status of risk management within the City.

EXTERNAL CONSULTATION

Consultation occurred with key internal stakeholders.

OFFICER'S COMMENTS

Risk Management

Strategic Risk Management

With the review of the Risk Management Framework complete, work will commence on the establishment of the Strategic Risk Register.

Strategic risks are risks that affect or are created by the City's strategy and strategic objectives/outcomes. Strategic risks are generally corporate, high-level, long-term risks, that may affect the future direction of the City.

It is proposed that a workshop be held with the Executive Leadership Team and Council to set the strategic risks and risk appetite within the first half of 2023.

Operational Risk Management

Service risk assessments with Managers scheduled to commence Quarter 3 - 2022/23.

LGIS Cyber-Security Controls Review

The City was selected to participate in the LGIS Cyber Risk Pilot Program. The sector wide approach to identifying and managing this emerging risk followed the Office of the Auditor General's report on the sector identifying significant issues and vulnerabilities. As the City is a local government mutual indemnity scheme member, LGIS funded this risk management initiative in recognition of the significant exposures the sector has in this area.

The Cyber Risk Pilot assessed the City's cyber-practices against the Australian Signals Directorate Essential Eight (8) Maturity Model.

As detailed in the confidential report JLT Public Sector Top Cyber-Security Controls Review 2022 – City of Bayswater **(Attachment 1)**, 83% of the City's controls were assessed to be:

> *Adequate controls are in place across all or most categories of the specified area. While some controls may require attention or development, implementation has been largely achieved to an acceptable level. Score: 80% - 100%*

Eight controls were rated that required further improvement. As part of the operational risk review process, the City's Executive Leadership Team will consider further treatment options.

Fraud and Corruption Control

The Office of the Auditor General (OAG) published the Fraud Risk Management – Better Practice Guide **(Attachment 2)** June 2022.

The City was not a participant in this review, however as per current practice, to ensure the City adopts good practice in the industry, a review of the City's fraud risk management practices against the OAG's Better Practice Principles has been completed.

The Better Practice Guide highlights the importance of a fraud and corruption risk management program and the current state of fraud control in the Western Australian public sector. The Better Practice Guide provides guidance to those responsible for developing and implementing an entity's fraud risk management program.

The City has recently reviewed and updated the Risk Management Framework and developed the City of Bayswater Integrity Framework, both documents clearly sets out the relevant policies and

processes in place for managing fraud and corruption risks. A review of the City's approach to managing fraud and corruption is scheduled for review first half of 2023.

Integrity Framework

The Integrity Framework represents the City's commitment to effective management of fraud and corruption risks and promotion of a culture of integrity.

Features of the Framework include:

- policies and processes for dealing with fraud and corruption, gifts and benefits, conflict of interest, and misconduct are consolidated and clarified;
- mandatory training, for all employees as part of our induction process, on ethical and accountable decision-making; and
- risk workshops (including fraud), held in all branches, on identifying risks, controls and treatment actions within business planning and reporting processes.

Risk Management

The Better Practice Guide recommends a fraud control system that uses an effective fraud risk management program.

The City's Risk Management Framework approach covers all categories of risk including fraud and corruption risks.

Continued education of risk management requirements will increase the identification of fraud and corruption risk and prevention activities.

Fraud and Corruption Prevention

Whilst the City has some detection activities and strategic controls in place to prevent fraud and corruption occurring, including a comprehensive Annual Internal Audit Plan, Risk Management and Control Assurance reviews, additional improvements are required. Improvements will ensure the City is more fraud resistant/resilient through preventative and detection processes, in addition to improving reporting avenues to strengthen our ability to respond to fraud.

As part of the implementation of the Integrity Framework, management have committed to develop an Integrity Action Plan. The Action Plan follows the Public Sector Commissions Integrity Framework Maturity Self-Assessment Tool, and assists public authorities to evaluate their approaches to promoting integrity and reducing fraud and misconduct risks.

The Action Plan will include actions to be implemented that will strengthen integrity and conduct controls relating to fraud risks. The Action Plan, once finalised will be reported to the ARMC.

Business Continuity

Business continuity risks will be assessed as part of the Service risk assessment process, the City's Business Continuity Plan (BCP) will then be updated.

Risk management is closely linked to business continuity. The risk management process defined in AS/NZS ISO 31000:2018 Risk Management - guidelines establishes the scope, needs and priorities for managing risk, which includes the response to the event.

Risk management and BCP need to be considered as part of an integrated whole. The BCP should be one of the required outcomes of the risk management activities of the City while acknowledging that the identification, analysis and evaluation of risk continues to be an important step in developing the BCP itself.

An unanticipated or worst-case event, regardless of its magnitude, has the potential to cause major disruption to the City. Through preparedness and appropriate action, the impacts of disruptions can be managed to the extent that they are reduced to, or maintained at, a level that can be accepted, making it easier to plan the City's strategic future. The BCP provides the capability for City to adequately plan for and manage these business disruptions, as an important control in the risk management process.

LEGISLATIVE COMPLIANCE

Not Applicable

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Receiving risk management quarterly reporting supports the ARMC assist the Council to fulfil its governance and oversight responsibilities in relation to risk management.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Leadership and Governance
Goal L2:	Plan and deliver projects and services in a sustainable way. Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

This report provides the ARMC a quarterly update on the appropriateness and effectiveness of the City's systems and procedures in relation to risk management, internal controls and legislative compliance through management and monitoring of risk.

Western Australian
Auditor General's Report

Fraud Risk Management – Better Practice Guide

Report 20: 2021-22
22 June 2022

Office of the Auditor General
Western Australia

Report team:
Carl Huxtable
Chiara Galbraith

National Relay Service TTY: 133 677
(to assist people with hearing and voice impairment)

We can deliver this report in an alternative format for those with visual impairment.

© 2022 Office of the Auditor General Western Australia.
All rights reserved. This material may be reproduced in whole or in part provided the source is acknowledged.

ISSN: 2200-1913 (print)
ISSN: 2200-1921 (online)

The Office of the Auditor General acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.

WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT

Fraud Risk Management – Better Practice Guide

Report 20: 2021-22
June 2022

This page is intentionally left blank

THE PRESIDENT
LEGISLATIVE COUNCIL

THE SPEAKER
LEGISLATIVE ASSEMBLY

FRAUD RISK MANAGEMENT – BETTER PRACTICE GUIDE

This report has been prepared for submission to Parliament under the provisions of section 23(2) and 24(1) of the *Auditor General Act 2006*.

Better practice checklists regularly feature in my Office's performance audit reports as a means of providing guidance to help the Western Australian public sector perform efficiently and effectively. This is the third comprehensive stand-alone better practice guide we have produced.

CAROLINE SPENCER
AUDITOR GENERAL
22 June 2022

Contents

Auditor General's overview 2

Part 1: Introduction 3

1.1 About this guide 3

1.2 Who should use this guide 3

1.3 What is fraud and corruption 3

1.4 Fraud control principles 4

1.5 Acknowledgements 5

Part 2: Why develop a fraud risk management program 6

2.1 Overview 6

2.2 Public sector requirements 6

2.3 Impact of fraud in the WA public sector 6

2.4 Status of fraud control maturity across the sector 8

Part 3: How to develop a fraud risk management program 10

3.1 Overview 10

3.2 Where to look for fraud vulnerabilities 11

3.3 Fraud risk management process 12

Appendix 1: Glossary 25

Appendix 2: References 27

Appendix 3: Fraud control system benchmarking tool 28

Appendix 4: External threat assessment tool 32

Appendix 5: Tools to support the fraud risk management process 37

A5.1 Communication and consultation tool 37

A5.2 Scope context and criteria tool 38

A5.3 Risk assessment tools 39

A5.4 Risk treatment tools 50

Auditor General's overview

Fraud and corruption are ever present and growing threats to businesses, including the Western Australian public sector. As well as loss of funds, fraud and corruption can result in loss of confidence in government institutions. The community needs to have faith that the public sector is serving them well for democracy to work.

The social contract between taxpayer and Government is threatened when public money is misappropriated or other wrongdoing occurs. It strikes at the core of trust, accountability and transparency in Government.

Good governance is important to protect our power, water, justice and transport infrastructure, as well as our health, education and regulatory systems from ineffectiveness, inefficiency and of course failure to deliver what people need when they need it.

It is therefore critical that all levels of the Western Australian (WA) public sector commit to good governance to safeguard public assets from fraudulent or corrupt activity. To do this, every WA public sector entity must understand, in detail, the risks that occur generally within the public sector environment and the specific risks relevant to the activities they undertake.

A common motivator for most people who join the public sector is a desire to do a good job. To assist with this we develop and share guidance on better practice. The purpose of this Better Practice guide is to raise the standard of fraud and corruption control across the WA public sector. Parts 1 and 2 of this guide are aimed at decision makers, highlighting the importance of a fraud and corruption risk management program and the current state of fraud control in the WA public sector. Part 3 is aimed at guiding those responsible for developing and implementing an entity's fraud risk management program.

The guide follows the establishment of our Forensic Audit team as set out in my report of December 2021, its purpose being to uplift fraud resilience within the WA public sector. As has always been the case, public sector entities are responsible for the prevention and detection of fraud and corruption. This guide is intended to empower entities to do more to discharge their governance responsibilities by better controlling their risks of fraud and corruption.

We encourage entities to use this guide along with the tools and other available resources to manage the risk of fraud against their entity. While fraud risks cannot be eliminated, a robust and well-resourced fraud risk management program can minimise the likelihood and consequences of fraud events.

We thank the Commonwealth Fraud Prevention Centre for their generous support in helping develop this guide as well as McGrathNicol Advisory for their guidance. We also extend our appreciation to the State entities that provided valuable feedback on the draft guide.

Part 1: Introduction

1.1 About this guide

This Better Practice Guide aims to help Western Australian (WA) public sector entities to manage their fraud and corruption risks. It outlines why fraud and corruption risk management is important (Part 2) and provides practical guidance on the process of developing a fraud and corruption risk management program (Part 3).

The guide refers to a range of tools which are included in the appendices and available on our website (www.audit.wa.gov.au). The online tools will be updated as required.

1.2 Who should use this guide

This guide is intended for use by WA public sector entities (entities) and may be applicable to other organisations.

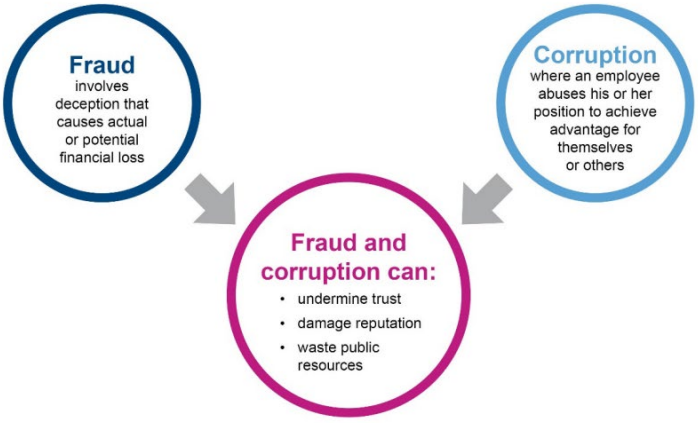
Parts 1 and 2 are intended for directors general, chief executive officers, managers and other key decision makers. Part 1 outlines the high-level principles entities should apply to fraud and corruption risk management and Part 2 highlights the importance of entities implementing an effective fraud and corruption risk management program.

Part 3 is for those tasked with fraud risk management within an entity. It aims to step them through the process of developing, executing and monitoring an entity's fraud and corruption risk management program.

Ultimately, preventing and detecting fraud and corruption is the responsibility of every person in the WA public sector, and as such, this guide may be relevant for all public sector employees.

1.3 What is fraud and corruption

Fraud and corruption involve a benefit being obtained through dishonesty and/or an abuse of position to the detriment of another person or entity (Figure 1). They can pose a risk to an entity's finances, reputation, and service delivery. More seriously, they go to the heart of trust and confidence in Government. In this guide, we use the term fraud to include corruption.



Source: OAG using information from the Victorian Auditor General's Office – *Fraud and Corruption Control* report, March 2018

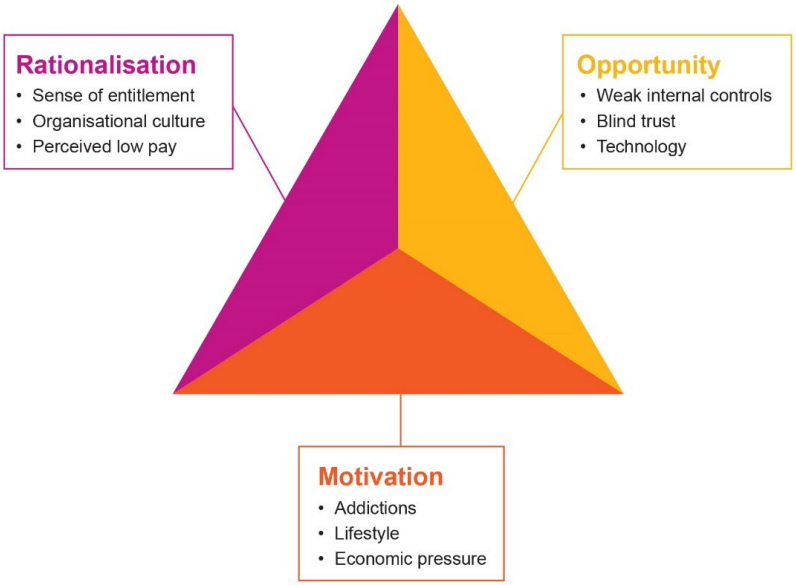
Figure 1: Definitions of fraud and corruption

Not all fraud can be prevented – every organisation, public or private, is vulnerable. A robust and rigorous fraud control system, with appropriate prevention and detection processes, can reduce the risk of fraud occurring and minimise losses.

To effectively fight fraud an entity must first acknowledge that fraud occurs and then seek to understand how and why it occurs. The fraud triangle (Figure 2) outlines 3 key elements that are generally present when fraud has occurred in an entity:

- **Opportunity** – a vulnerability within systems or processes is identified and exploited.
- **Motivation** – also referred to as pressure, is the reason someone commits fraud.
- **Rationalisation** – how someone justifies their fraudulent behaviour to themselves.

With the right mix of motivation, opportunity and rationalisation even the most trusted employee can be tempted to commit a fraudulent act.



Source: OAG adapted from Other People's Money[1]

Figure 2: The fraud triangle

A fraudster's personal motivation and the ability to rationalise their behaviour is largely beyond an entity's control although, entities will benefit from being alert to and aware of behavioural red flags in respect of their staff and suppliers. The most effective way for an entity to manage its risk of fraud is by controlling the opportunity – implementing or enhancing controls aimed at preventing fraud or detecting it quickly if it does occur.

1.4 Fraud control principles

To build a robust and effective fraud risk management program requires 10 essential principles. Each of the following principles link to 1 or more stages of a better practice fraud risk management program as set out in this guide.

[1] *Other People's Money: A Study in the Social Psychology of Embezzlement*, Dr Donald Cressey, Free Press 1953.

Strong leadership	An entity's leadership must model a commitment to fraud control, establishing a strong 'tone at the top' culture to demonstrate their personal commitment to operating with integrity and encouraging a 'finding fraud is good' mindset.
Recognise fraud as a business risk	Entities must acknowledge they are vulnerable to fraud. Fraud should be viewed and treated in the same way as an entity's other enterprise risks.
Adequate control resourcing	Entities should invest in appropriate levels of fraud control resourcing including specialist information system security management personnel.
Clear accountability for fraud control	Entities should establish clear personal accountabilities for fraud control at the governance, executive management and management levels.
Implement and maintain an effective fraud control system	An effective fraud control system (FCS) can reduce the opportunity for fraud. It needs to align with better practice guidance, be fully implemented, monitored and updated periodically.
Periodic assessment of fraud risks	Fraud risk assessments should be carried out periodically or whenever a significant change that affects the entity occurs.
Effective awareness raising program across the entity	To ensure employees recognise red flags for fraud, entities should establish an effective awareness program.
Open channels to report suspicions of fraud	To encourage whistle-blowers to come forward entities should support: • active reporting of fraud through accessible anonymised reporting channels • ensure that the entire workforce is aware of organisational expectations for reporting detected or suspected cases of fraud • ensure they have robust whistle-blower protection policies and procedure that includes assurance that victimisation of those who, in good faith, make such reports will not be tolerated.
Implement a fraud detection program	An effective fraud detection program that includes detection measures such as data analytics and post-transactional review are important.
Consistent response to fraud incidents	Rapid and robust response to suspected fraud events with effective investigation procedures will drive decisive action and result in better outcomes for detected fraud incidents. A strong and consistent response to all fraud events will send a strong message to the workforce that the entity will not tolerate fraud, no matter how minor.

Source: OAG

Table 1: Foundation principles for fraud control

1.5 Acknowledgements

We would like to express our appreciation to the entities and their employees who contributed to the development of this guide.

We also acknowledge and express our appreciation to the Commonwealth Fraud Prevention Centre (CFPC) and Standards Australia, who willingly shared their original intellectual property in the development of this guide, and McGrathNicol Advisory, who were engaged to provide technical expertise.

Part 2: Why develop a fraud risk management program

2.1 Overview

In this part of the guide, we outline why entities should develop a fit for purpose fraud risk management program. In summary:

- there are WA government requirements to implement integrity measures to protect the financial and reputational position of entities
- the financial, reputational and human impact on an entity and its employees when fraud occurs can be significant
- entities' fraud control maturity is not meeting best practice.

Fraud risk management has a critical role in preventing and promptly detecting fraud to minimise loss, retain trust in entities and protect employees.

2.2 Public sector requirements

Entities are required to consider their risks and implement protections.

Treasurer's Instruction (TI) 825 requires all WA State government entities to develop and implement a risk management program. The TIs state, where possible, entities' policies and procedures should be consistent with Australian Standards including:

- AS ISO 31000:2018 – *Risk management - Guidelines* (risk standard)
- AS 8001:2021 – *Fraud and corruption control* (fraud control standard).

Similarly, Regulation 17 of the Local Government (Audit) Regulations 1996 requires local government CEOs to review their entity's systems and procedures, including for risk management, to ensure they are effective and appropriate for the entity's needs.

In addition to these requirements, the Public Sector Commission encourages all entities to commit to implementing its *Integrity Strategy for WA Public Authorities 2020-2023.* This strategy includes the *Integrity Snapshot Tool* which enables entities to self-assess their current integrity position and help identify areas for improvement.

This guide is intended to aid all entities in the application of the above Australian Standards and is not a replication of them. Entities should obtain a copy of the above from Standards Australia or from an authorised distributor to ensure a full and proper understanding of the content and their compliance with them.[2]

2.3 Impact of fraud in the WA public sector

The Association of Certified Fraud Examiners Report to the Nations 2022, estimated that fraud losses in businesses, government and not-for-profits are approximately 5% of their

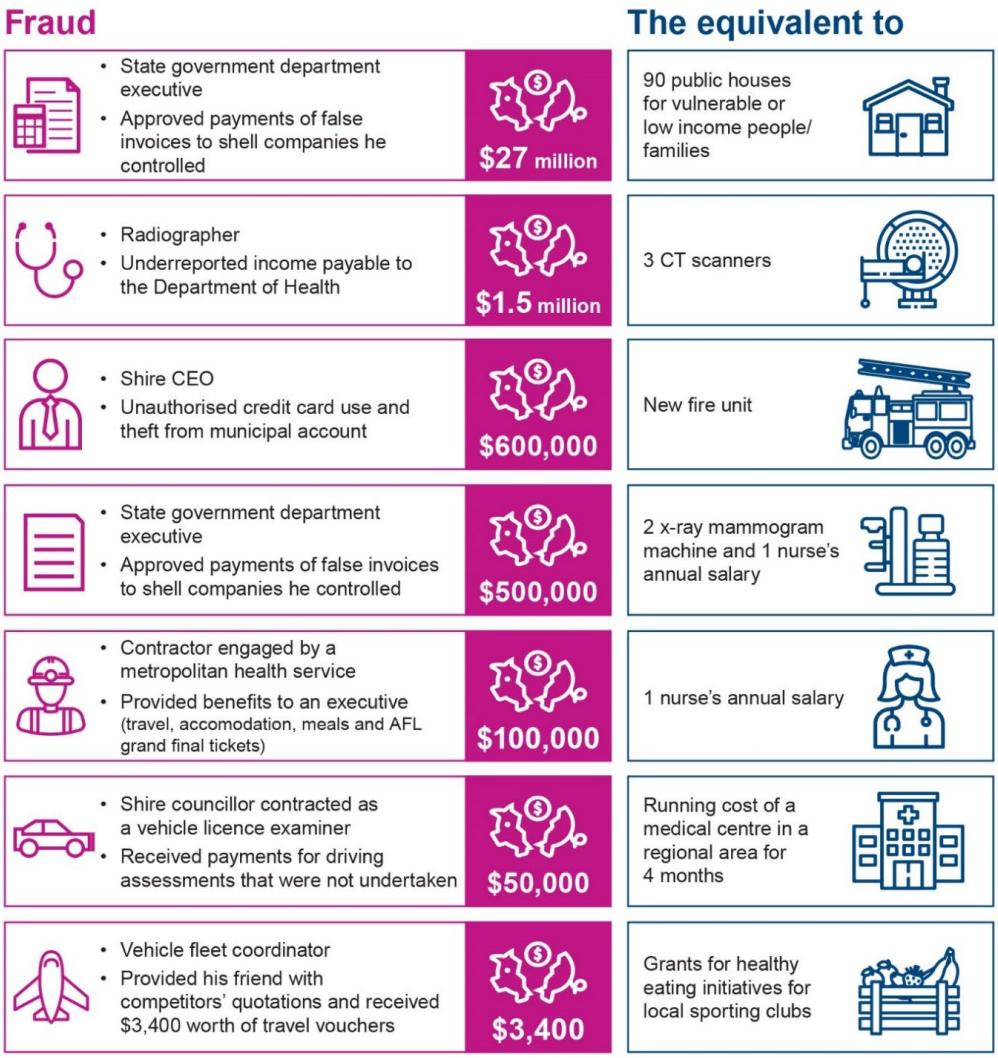
[2] Reproduced by Office of the Auditor General (WA) with the permission of Standards Australia Limited under licence CLF0622OAGWA.

Copyright in AS 8001:2021 and AS ISO 31000:2018 vests in Standards Australia and ISO. Users must not copy or reuse this work without the permission of Standards Australia or the copyright owner.

annual turnover.[3] If this estimate is an accurate reflection of actual fraud losses within the WA public sector, the impact on the people of WA, and the services to them, is considerable.

Fraud within the WA public sector is typical of instances in other jurisdictions and sectors where investigations regularly find deficiencies within entities' controls. These deficiencies may have been identified earlier if the entities had a robust and rigorous fraud risk management program in place.

The following is a short summary of some detected fraud events within the WA public sector in the last 15 years and the practical impact on service delivery. These incidents demonstrate that the WA public sector remains vulnerable to fraud by members of its own workforce as well as external fraudsters.



Source: OAG

Figure 3: Examples of known fraud in the WA public sector

[3] Association of Certified Fraud Examiners, *Occupational Fraud 2022: A Report to the Nations.*

The impact of fraud goes beyond financial and service delivery losses and includes:

- **Human impact**: Those who rely on government services (such as the elderly, the vulnerable, the sick and the disadvantaged) are often the ones most harmed by fraud, increasing the disadvantage, vulnerability and inequality they suffer.
- **Reputational impact**: When it is handled poorly, fraud can result in an erosion of trust in government and industries, and lead to a loss of international and economic reputation. This is particularly true when fraud is facilitated by corruption.
- **Industry impact**: Fraud can result in distorted markets where fraudsters obtain a competitive advantage and drive out legitimate businesses, affecting services delivered by businesses and exposing other sectors to further instances of fraud.
- **Environmental impact**: Fraud can lead to immediate and long-term environmental damage through pollution and damaged ecosystems and biodiversity. It can also result in significant clean-up costs.[4]
- **Organisational impact**: The impact of fraud on employees can be significant. It can lead to low morale, mistrust, inefficient additional oversight and ultimately staff leaving due to the entity's damaged reputation. It can also result in reduced efficiency and effectiveness of the entity's activities.

2.4 Status of fraud control maturity across the sector

In 2021, we conducted a high-level review of State government entities' fraud risk management. As reported in our *Forensics Audit Report – Establishment Phase*, we found many entities fell well short of better practice. We reported similar results in our 2013 report, *Fraud Prevention and Detection in the Public Sector,* and in our 2019 report, *Fraud Prevention in Local Government*. Significant work is required across the public sector to raise the standard of fraud risk management to a satisfactory level.

As part of our 2021 review we asked: "Has the entity completed an assessment of its fraud and corruption risks?" Set out at Table 2 is an analysis of the findings of that review.

Responses			
Assessment completed	Assessment in progress	Assessment not completed	Total
71	12	11	92

Source: OAG

Table 2: Number of entities who have completed an assessment of their fraud and corruption risks

We selected a sample of 12 entities for more detailed analysis. This further analysis highlighted several key themes as set out in Table 3 below:

Theme	Summary	Why it matters
Lack of a risk framework	Some entities did not have an overall risk framework that could be applied in the context of fraud risk.	An overall risk framework ensures consistency in approach to all the entity's identified risks.

[4] Commonwealth Fraud Prevention Centre, *The total impacts of fraud* (accessed 17 May 2022).

Theme	Summary	Why it matters
Entity size not an indicator of quality	Several larger entities provided insufficient details to show they had undertaken a fraud risk assessment. This suggests that inadequate resourcing is not the sole cause of poor fraud risk assessments being conducted.	The public sector collectively provides a diverse range of services and entities should apply a fit for purpose approach to their fraud risk assessment.
Lack of collaboration	Our analysis suggested a lack of collaboration with risk and process owners in the identification and analysis of the entity's fraud risks.	Collaboration is important because different employees bring different perspectives and experience.
No fraud risk register	Many entities did not have a fraud risk register, despite this being a requirement of their fraud control program.	Entities cannot efficiently monitor and review fraud risks if they have not been documented. The appropriate way to document an entity's fraud risks is in a fraud risk register.
Failure to assess fraud risk	It was clear from our analysis that a significant proportion of entities had not assessed their fraud risks. In many cases entities mistook a fraud control framework for a fraud risk assessment.	Entities must ensure they have a sound understanding of fraud risks that could impact their organisation – this can only be done by implementing a comprehensive process to identify, analyse and evaluate specific fraud risks that could impact the entity.
Data analytics not targeted	Entities had not identified and assessed relevant fraud risks prior to undertaking data analytics to identify fraudulent transactions.	Data analytics is a useful tool for the prevention and detection of fraud, but it requires discipline for it to be efficient and effective. Entities risk implementing inefficient and costly data analytics that are not effective for fraud risks specific to their entity.
Excessive generalisation	Fraud risks that were identified were excessively general rather than being linked to specific processes.	Entities must properly identify and define their vulnerabilities to enable implementation of effective controls.
Risk register limited to strategic risks	Fraud had been identified as an overall strategic risk; however, we saw little evidence that specific fraud risks were identified for individual business units or that a comprehensive fraud risk assessment had been undertaken across all parts of the organisation.	

Source: OAG

Table 3: Themes identified from survey of entities' fraud control maturity

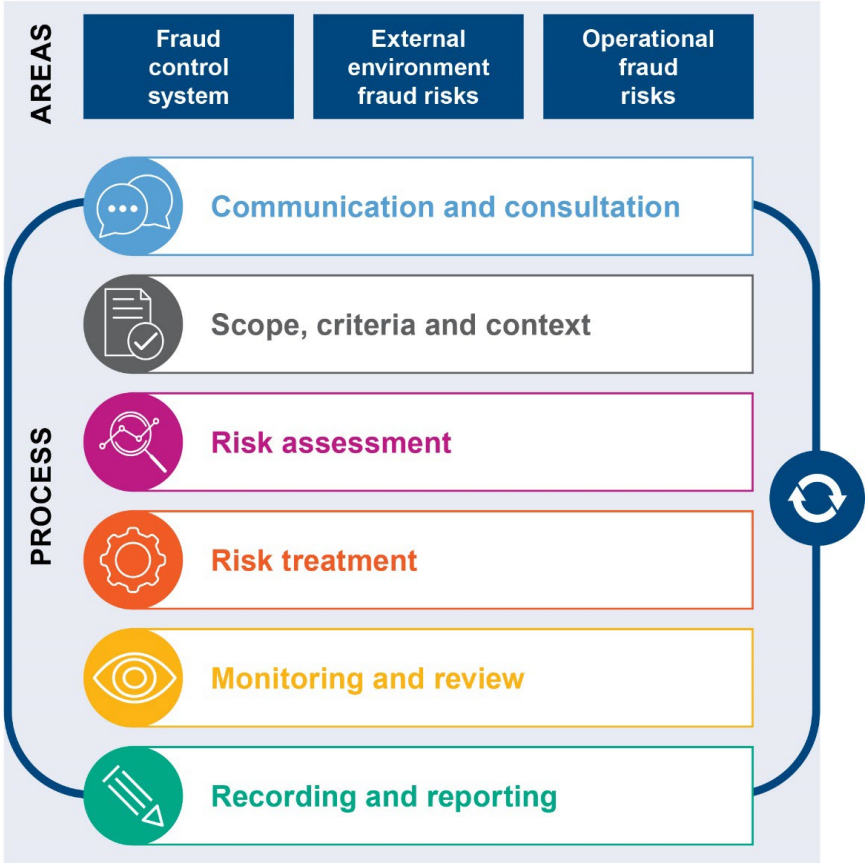
Part 3: How to develop a fraud risk management program

3.1 Overview

To effectively manage fraud risks, entities should develop and implement a robust and effective fraud risk management program. The program should be tailored to an entity's objectives, environment and risk profile and cover:

- the 3 areas where fraud vulnerabilities can be found (based on AS 8001:2021 – *Fraud and corruption control*) – section 3.2
- the 6-stage process to manage risks (based on AS ISO 31000:2018 *Risk management – Guidelines)* – section 3.3.

The diagram below is a simple illustration of the fraud risk management program.



Source: OAG based on AS 8001:2021 and AS ISO 31000:2018

Figure 4: Risk management process including 3 areas of fraud risks to consider

3.2 Where to look for fraud vulnerabilities

In accordance with AS 8001:2021, effective management of fraud risk requires a comprehensive examination of an entity's overall fraud control system (FCS), external threats and operational (or internal) activities.

Our survey of State government entities found that most entities who had taken steps to manage their risk of fraud only considered 1 of the 3 vulnerability areas and none provided evidence that they had considered all 3.

The following is a brief overview of the 3 areas of fraud vulnerability. Whilst we have focused the fraud risk management process that follows at 3.3 on operational risks, it can be applied to the other 2 areas of fraud vulnerability.

A fraud control system is the tools and techniques used to mitigate an entity's fraud risks. When considering fraud risks, analysing the existing control environment is important to assess how closely it aligns to better practice.

AS 8001:2021 – *Fraud and corruption Control* Clause 2.10 identifies 4 elements for an FCS: foundation, prevention, detection and response, examples of these are included in the table below:

FCS elements	Overview
Foundation	Adequate resourcing to implement a multi-faceted approach to managing fraud risks. Examples include specialist resourcing, awareness training, risk management, information security management systems.
Prevention	Prevention controls are the most common and cost-effective way to mitigate fraud. Examples include an integrity framework, internal controls, workforce screening, physical security.
Detection	Detection controls can help to identify when fraud has occurred but are not as cost-effective as preventative measures. Examples include post-transactional review, data analytics, whistle-blower management.
Response	Response controls can assist the entity to respond to a fraud incident after it has occurred and are the least cost-effective, however can significantly reduce the impact of present and future frauds. Examples include investigation, disciplinary procedures, crisis management, recovery.

Source: OAG based on AS 8001:2021 – *Fraud and corruption control* Clause 2.10

Table 4: Elements of a fraud control system

Entities may not have formally documented their FCS, but it is likely they have several existing controls.

Designing and implementing a robust fraud risk management program will inevitably strengthen an entity's FCS. It is for this reason it is recommended an entity assess their FCS against better practice prior to undertaking the fraud risk management process.

The fraud control standard (Clause 2.10) sets out an approach to developing and implementing an entity's FCS and a structure for documenting it. Appendix 3 is a tool for entities to benchmark their current FCS maturity against the fraud control standard.

Updating the fraud control system documents throughout the fraud risk management process assists entities to monitor their increased maturity.

External threats come from outside an entity and are largely beyond their control. The fraud control standard recommends entities consider the 6 external factors that can impact an organisation, known as the PESTLE model. The model is explained in the table below and a complete tool is provided in Appendix 4:

PESTLE factor	**Overview**
Political	To identify the political situation of the country, State or local government area in which the entity operates, including the stability and leadership of the government, whether there is a budget deficit or surplus, lobbying interests and local, regional, national or international political pressure.
Economic	To determine the economic factors that could have an impact on the entity including interest rates, inflation, unemployment rates, foreign exchange rates and monetary or fiscal policies.
Social	To identify the expectations of society by analysing factors such as consumer demographics, significant world events, integrity issues, cultural, ethnic and religious factors, and consumer opinions.
Technological	To identify how technology, including technological advancements, social media platforms and the role of the internet more broadly, is affecting or could affect the entity.
Legal	To identify how specific legislation, including industry specific regulations, and case law are affecting or could affect the entity's future operations.
Environmental	To identify how national and international environmental issues are affecting or could affect the entity.

Source: OAG based on AS 8001:2021 – *Fraud and corruption control,* Clause 2.9

Table 5: External factors that can impact an entity

Operational fraud risks are the fraud risks associated with an entity's day-to-day operations. There will be risks that are common to all entities (e.g. procurement, payroll, asset management) and those that are entity specific (e.g. property development, grant administration, major projects). Operational risks will also include changes in function or activity (e.g. new government initiative, creation of a relief fund in response to a natural disaster). The following section, Fraud risk management process, is focused on managing your operational fraud risks and discusses this in more detail. We also provide further tools in the appendix to assist with better managing them.

3.3 Fraud risk management process

In this section we have mapped out the 6 stages in the risk management process as summarised in Figure 4 above. It is not a linear process; each stage will connect to others at different times throughout the risk management cycle.

We describe the stages and introduce several tools which can be used to assist in developing an effective fraud risk management program. The complete tools are included in the appendices and are available on our website. These tools are not an exhaustive list, there are many tools available (free and for a fee) and entities should determine which ones best suit their needs.

Communication and consultation

To effectively identify fraud risks within an entity's processes and systems, it is essential that the people who best know and run or control the business processes and business area are adequately engaged throughout the fraud risk management process. Entities should also consider if subject matter experts need to be engaged, such as information system security specialists.

Communication and consultation are intended:

"…to assist stakeholders in understanding risk, the basis on which decisions are made and the reasons why particular actions are required."[5]

Employees can feel challenged when asked to respond to questions or contribute to discussions about fraud risks – they may feel that considering this issue with them or in their presence is, in effect, calling their integrity into question. Those tasked with the fraud risk management program should keep the people they need engaged and at ease throughout the process to ensure the best outcome.

Communication and consultation	Better practice
Promote awareness and understanding of fraud risks	• Implement multimodal training programs specific to fraud risks – "What is a fraud risk" • Effectively communicate to employees that the objective is to protect the integrity of the entity and employees
Bring different expertise together throughout the process using effective mechanisms	• Engage different levels of expertise and experience to bring various perspectives • Use a variety of communication methods such as emails, workshops, one-on-one interviews and surveys to obtain a wide range of feedback and opinions
Build a sense of inclusiveness and ownership for process owners (e.g. one-on-one interviews, focus groups)	• Use fraud risk workshops to obtain "buy in" from process operators and owners • Invite all relevant employees, regardless of seniority, to attend a workshop
Obtain sufficient knowledge from relevant stakeholders of business processes to facilitate fraud oversight and decision making	• Facilitate fraud risk workshops to discuss and map business processes and internal controls • Ask attendees to consider "what could go wrong?" in processes they engage with or manage • Identify areas of fraud risk in a process map that requires internal controls
Engage with relevant stakeholders to obtain feedback and information to support decision-making	• Structure emails and/or surveys that focus on fraud risks for specific processes • Adopt appropriate modes of communication

Source: OAG

Table 6: Better practice examples of the communication and consultation stage

[5] AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.2.

One way to enhance communication is by meeting one-on-one to facilitate a better understanding of relevant risk and control issues.

To help with communication and consultation, entities should prepare a communication plan that outlines the intended methods, people and timelines for consultation. This also forms the basis of reporting to any oversight committees on the progress of projects in the fraud risk management program. Examples of methods of communication and consultation are provided in Appendix 5.1.

Scope, context, and criteria

Establishing the scope, context and criteria for the fraud risk assessment is done using the communication and consultation processes outlined above. They will differ for each entity and will be determined by the size and complexity of the process being assessed.

> *"…Scope, context and criteria involve defining the scope of the process and understanding the external and internal context."*[6]

Case study 1: Example of scope, context and criteria for a risk assessment of selected parts of the Procure to Pay process

Factor	Procure to Pay

Scope	• The specific parts of the Procure to Pay process to be assessed are: supplier selection, onboarding vendors, purchase validation (business case, receipt of goods/services) and release of payment.
	• We will engage with the finance business unit and operational staff responsible for purchase orders and validation of receipt of goods/service.
	• The entity's risk assessment policy dated 31 January 2020 will be applied in conjunction with the approved fraud risk assessment program dated 30 June 2021.
	• As the entity's procurement staff are across the State, we will need to engage in a number of online meetings with potential site visits.
	• Timeline:
	  ○ engagement with procurement staff by 30 June 2022
	  ○ identification of risks by 31 October 2022
	  ○ completion of risk register and mapping of risks by 31 December 2022
	  ○ first review to Internal Audit and Risk Committee (IARC) by 28 February 2023
	  ○ second review to IARC by 30 April 2023
	  ○ submission to Board for approval by 31 May 2023.

[6] AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.3.

Context	Internal factors include: • the strategic objectives of the entity are: community focused delivery of services, sound business practices and quality services. A list of the specific goods, services or works to be procured are provided in Annexure A • the existing employee level in the Procure to Pay process is sufficient, however, their experience is inadequate. No training has been delivered in identifying indicators of potential fraud • there is no assessment of fraud controls within vendors • the entity has policies and processes in respect of independence for supplier selection panels and purchase validation. External factors include: • increasing fraud trends targeting procurement and finance teams (i.e. business email compromise - fake emails impersonating an internal senior person or a vendor) • recent known scams in the public domain that have been uncovered.
Criteria	• The below risk criteria are taken from the entity's risk assessment policy dated 31 January 2020. • The entity rates likelihood risk on a scale from extremely unlikely to almost certain. Within the Procure to Pay process, rare is conceivable but unlikely, unlikely is conceivable and has occurred in the past but unlikely in the next year. • The entity rates consequence risk on a scale from negligible to catastrophic across the following loss factors: financial, reputational, legal, service delivery. • Within the Procure to Pay process, negligible has no negative consequence, low disrupts internal non-management process and has no external financial loss, moderate requires corrective action by senior management, potential disciplinary action and minor financial impact etc.

Entities will need to develop a scope, context and criteria for all activities and processes they perform. The CFPC's *Fraud Risk Assessment Leading Practice Guide* provides a strategic profiling tool in support of its recommendation that entities responsible for multiple activities and processes prioritise the areas of the entity that are at higher risk for fraud.

Scope, context and criteria	Better practice
Define the scope of the activity being assessed for fraud risk including objectives and decisions to be made prior to commencing any fraud risk assessment	• Clearly document the scope and objective of the process that is being assessed for fraud risks • Circulate a document that sets out the scope to all employee participating in the fraud risk assessment • Break down complex processes into manageable scopes

Scope, context and criteria	Better practice
Establish the context of the fraud risk activity	• Understand the external environment • Understand the internal operating environment • Reflect the specific environment of the activity to which the fraud risk management process is to be applied
Align the fraud criteria with an overarching risk management framework used to assess all business risks for consistency	• Review the entity's existing risk management framework prior to commencing to ensure up-to-date and fit-for-purpose • Align consequence and likelihood criteria and the risk rating matrix with existing framework
The fraud risk assessment criteria should reflect the organisation's values, objectives and resources and be consistent with policies and statements about risk management	• Review the entity's existing risk management policy to understand the entity's risk appetite

Source: OAG

Table 7: Better practice examples of the scope, context and criteria stage

Appendix 5.2 provides a guide on how you could outline your scope, context and criteria.

Risk assessment

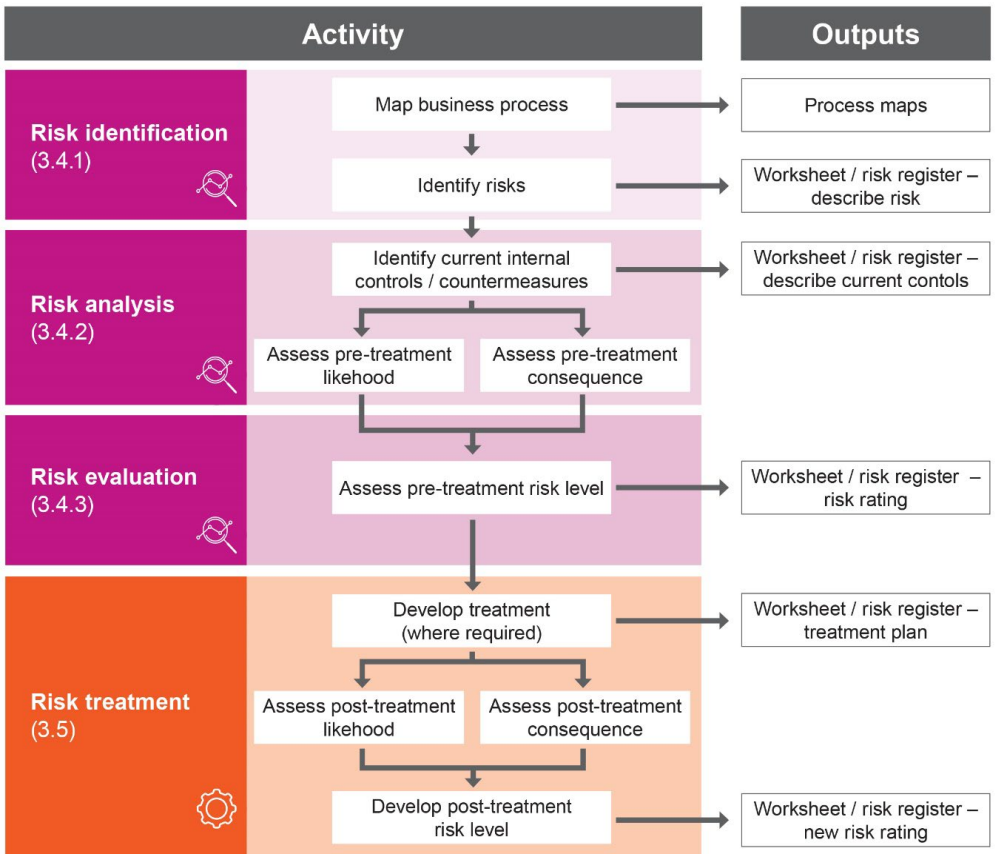
Once the scope, context and criteria are established, entities need to assess their fraud risks.

If an entity has a detailed risk assessment approach, then it is logical and likely more efficient to apply that for fraud risks as well.

AS ISO 31000:2018 *Risk Management - Guidelines* sets out 3 sub-phases in the risk assessment stage:

- risk identification
- risk analysis
- risk evaluation.

The assessment stage is followed by treatment. An overview of the risk assessment and treatment stages is set out below.



Source: OAG based on AS ISO 31000:2018 *Risk Management - Guidelines* Clause 6.4 and 6.5

Figure 5: Risk assessment and treatment stages overview

Identifying risks

Think like a fraudster. Discover what you don't know.

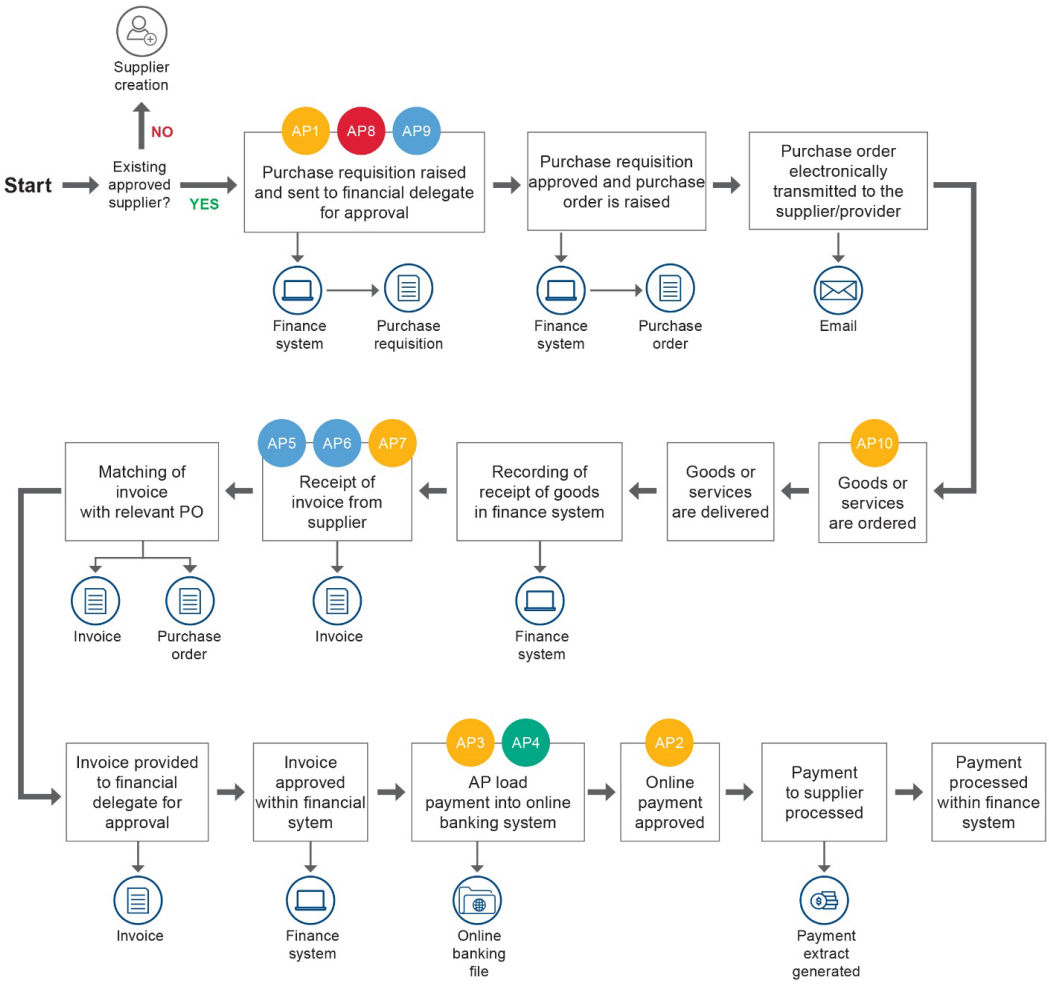
Risk identification involves:

"… finding, recognising and describing risks that might help or prevent an organisation achieve its objectives."[7]

It is important to avoid the temptation to be defensive and dismiss risks before they have been properly analysed and evaluated.

Identifying fraud risks should be viewed as a creative process. Brainstorm the various fraud schemes that have and could be committed within or against the entity. An effective way to identify fraud risks is to map the process that is being assessed and identify vulnerabilities within the process. Below is an example of an accounts payable process map, sometimes referred to as a flow chart. The coloured circles represent identified fraud risks in the accounts payable (AP) process.

[7] AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.4.2.



Source: OAG

Figure 6: Accounts payable process map

A fraud risk assessment should consider common methods used by fraudsters and look for vulnerabilities within the entity's processes and activities. This will involve challenging assumptions about, and existing processes within, an entity to identify gaps and thinking of creative ways to circumvent internal controls.

Common frauds are a good place to start but entities should not stop there. Risk identification needs to be realistic but at the same time entities should remember that even the most far-fetched fraud scheme can occur when the right balance of motivation, rationalisation and opportunity are present. Asking hypothetical questions about how fraud could be perpetrated in a structured and controlled way will put the fraud risk assessment process on the right path.

Finally, a good fraud description will allow you to understand ways to prevent or detect the fraud. One way to identify and describe your fraud risks is to consider who did what and what the result was, also described below as the Actor, Action, Outcome method[8]:

[8] Commonwealth Fraud Prevention Centre, *Fraud Risk Assessment – Leading Practice Guide.*

- actor – accounts payable (AP) officer
- action – submits and processes fictitious invoice
- outcome – payment of invoice results in money going to AP officer's bank account.

Fraud risks that have been identified should be adequately documented on a fraud risk worksheet. Fraud risk worksheets can function as an aid to the risk assessment but also as a fraud risk register and an implementation worksheet.

Appendix 5.3 includes:

- an example of a fraud risk worksheet
- risk assessment and treatment process overview
- key questions you could ask when trying to identify fraud risks
- the CFPC's Actor, Action, Outcome method of describing fraud risks
- an example diagrammatic presentation of assessed fraud risks
- a short summary of fraud risks that are commonly found in the public sector environment. The summary is not intended to be an exhaustive list. The examples in section 2.3 would also be useful in this exercise.

Analysing fraud risks

Once the potential fraud risks within the business unit or process have been identified the next step is to analyse the risks.

Risk analysis is:

"… a detailed consideration of uncertainties, resources, consequences, likelihood, events, scenarios, controls and their effectiveness."[9]

Fraud risk analysis requires input from employees within the business unit(s) being assessed and any additional subject matter experts who can add value to the process.

An analysis of each risk includes considering:

- **the likelihood** of the risk occurring
- **the consequence** for the entity if it did occur
- **resourcing constraints** impacting controls
- **the effectiveness of existing controls** intended to mitigate the risks.

The entity should use its established risk analysis matrix to analyse the likelihood, consequences, and strength of existing controls to assign a risk rating to each fraud risk. It is critical that every business unit within an entity use the same risk analysis matrix to allow for a proper comparison of risks across the entity.

Figure 7 below is an example of a risk assessment matrix that shows the likelihood combined with the consequences risks results:

[9] AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.4.3.

Likelihood	Consequence				
	Negligible	Low	Moderate	Major	Extreme
Almost Certain	Medium	High	Very High	Very High	Very High
Likely	Medium	High	High	Very High	Very High
Possible	Low	Medium	High	High	Very High
Unlikely	Low	Low	Medium	High	High
Rare	Low	Low	Low	Medium	Medium

Source: OAG

Figure 7: Example of a risk assessment matrix

Sometimes an entity undertaking a fraud risk assessment can overestimate the effectiveness of internal controls. One technique to fully assess their effectiveness is to conduct a walk-through of the relevant process or activity and determine if the controls are currently operating effectively. Applying a sceptical approach to the controls and adopting the mindset of a determined fraudster can help to assess if a control can be overridden or avoided. Internal audit resources can also be helpful in this assessment.

Risk analysis	Better practice
Consider uncertainties, risk sources, consequences, likelihood, events, scenarios, controls and their effectiveness	• Detailed documentation of the analysis including reasoning for decisions for example if a risk is determined to be HIGH for consequence document why and what inputs were used
Events can have multiple causes and consequences and affect multiple objectives	• Deep dive analysis to identify all causes, both internally, externally and potential consequences
Scrutiny of existing controls	• Sufficiently analyse and test existing controls including walk-throughs and penetration testing • Consider engaging specialists to identify gaps in existing system controls

Source: OAG

Table 8: Better practice examples of the risk analysis stage

Evaluating fraud risks

Once an entity's fraud risks have been analysed, they need to be evaluated against the entity's risk appetite and tolerance. This should be defined in the entity's risk management policy and framework. The evaluation is used to determine if further action is required to reduce identified residual risks to an acceptable level.

Entities' risk appetites and tolerances vary and depend on factors such as the circumstances of a particular program, the cost-benefit of implementing controls to reduce the risk of fraud, resources or other constraints and reputational risk. Risk tolerance is not static and should be determined on a case-by-case basis for each risk identified.

The purpose of risk evaluation is to:

"… support decisions. Risk evaluation involves comparing the results of the risk analysis with the established risk criteria to determine where additional action is required." [10]

It is important that the evaluation of fraud risks involves detailed input from the process and risk owners and includes senior employees who can consider the cost of countering fraud against the entity's risk tolerance. The evaluation considers the residual fraud risk and should conclude with one of the following outcomes[11]:

- avoid the risk
- accept the risk
- remove the risk source
- change the likelihood
- change the consequences
- share the risk
- retain the risk.

These conclusions, and links to any supporting documentation, should be included in the fraud risk assessment worksheet.

Risk evaluation	Better practice
Evaluate results from risk assessment	• Comparing the results of the risk analysis with the established risk criteria to determine if and where additional action is required
Record and communicate evaluation results	• Risk evaluation outcomes are recorded, communicated and then validated at appropriate levels of the organisation

Source: OAG

Table 9: Better practice examples of the risk evaluation stage

Risk treatment

After finalising the risk assessment, the risk treatment process is undertaken. An entity's evaluation of the risks and its risk appetite will determine if the residual risk is at an acceptable level or if treatment is required. Risk treatments can include enhancing existing controls, implementing new controls, or avoiding the risk altogether by no longer undertaking the activity, program or service.

An entity needs to consider how to mitigate the residual fraud risks that remain above the entity's tolerance level. The objective of treating the fraud risk is to reduce the residual risk identified in the assessment to an acceptable level.

[10] AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.4.4.

[11] AS ISO 31000:2018 *Risk management - Guidelines* Section 6.5.2.

The aim of risk treatment is to:

".. select and implement options for addressing risk."[12]

An overview of the risk treatment process has been set out in Figure 5.

Some treatments may enhance existing controls or introduce new controls. Fraud controls are specific measures, processes or functions that are intended to prevent or detect fraud events or to enable the entity to respond to them. These would be suitable to address the following outcomes:

- accept the risk
- change the consequence
- change the likelihood
- change both the consequence and likelihood
- share the risk
- retain the risk.

Subject to the entity's risk appetite and tolerance, not every risk will require the development and implementation of treatments.

Risk treatment	Better practice
Determine appropriate risk treatments	• Select risk treatment options with the entity's objectives, risk criteria and available resources • Balance the potential benefits against cost, effort or disadvantage of implementation
Document implementation plan	• Document the treatment plan outlining the responsibilities, resources and other relevant implementation information in the fraud risk worksheet
Risks that do not have a treatment option	• If no treatment options are available or if treatment options do not sufficiently modify the fraud risk, the risk is recorded and kept under ongoing review
Remaining risk is documented	• Inform decision makers and other stakeholders of the nature and extent of the remaining risk after treatment • Document the remaining risk and subject to monitoring, review and, where appropriate, further treatment
Consider beyond economic consequences	• Justification for risk treatment is broader than solely economic consequences and considers the entity's obligations, voluntary commitments and stakeholder views

Source: OAG

Table 10: Better practice examples of the risk treatment stage

[12] AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.5.

A useful way to examine your controls is to ensure they are specific, measurable, achievable, relevant and timed (SMART). This model and examples of internal controls that may be applied with a view to change the consequence, likelihood or both are provided at Appendix 5.4.

Monitoring and review

Entities should actively monitor the implementation of fraud risk treatments, because until the new or improved controls are in place, the fraud risk will remain above this tolerance level. Fraud risk owners will be responsible for ensuring the controls are implemented in a timely manner and remain effective. When a new or improved control has been implemented the entity should review the control in practice over time to ensure it continues to be effective.

Further, it is essential that entities have a program to continuously monitor and review their fraud risks. Sometimes only small changes to a business process or function can alter the inherent fraud risk rating, result in the emergence of new fraud risks, or impact the effectiveness of existing controls.

Monitoring and review is:

"… to assure and improve the quality and effectiveness of process design implementation and outcomes."[13]

Monitoring and review	Better practice
Monitoring and review takes place during all elements of fraud risk management program	• Monitoring and review includes planning, gathering and analysing information, recording results and providing feedback
Monitoring and review progress is reported	• Results of monitoring and review are incorporated throughout the entity's performance management, measurement, and reporting activities

Source: OAG

Table 11: Better practice examples of the monitoring and review stage

Recording and reporting

As noted earlier, fraud risks identified through a fraud risk assessment can be integrated into the entity's broader enterprise risk register. Whether entities combine all risks into a single source risk register or maintain a separate fraud risk register, they must be documented and reported. Entities should report to appropriate oversight committees and management including any audit committees which are responsible for overseeing the entity risk management and internal controls.

Risk management process and its outcomes should be:

"… documented and reported through appropriate mechanisms."[14]

[13] AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.6.

[14] AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.7.

The fraud risk assessment worksheet details several key processes and outcomes that should be documented including the methodology for the risk assessment, the results and the response.

Recording and reporting	Better practice
Detailed recording of fraud risk assessment process	• Worksheets include adequate information that demonstrates reason for decisions made and actions taken
Ongoing monitoring and periodic review of the fraud risk management process and its outcomes is planned, and responsibilities clearly defined	• Updates provided to senior management and those charged with governance on progress • Monitoring through audit committee • Documented responsibilities for undertaking fraud risk management are outlined in the entities' FCS

Source: OAG

Table 12: Better practice examples of the recording and reporting stage

Conclusion

Fraud is a pervasive and growing issue within Australia. Fraud can be initiated by employees or close associates of an entity and, increasingly, by parties with no apparent connection to the entity. It can also involve collusion between internal and external parties.

Historically, the approach of many Australian entities to fraud risk management has been wholly reactive. Entities that embrace adequate and proportionate approaches to managing fraud risks will increase their chance of reducing fraud events.

We encourage entities to use this guide along with the tools and any other available resources when applying AS ISO 31000:2018 – *Risk management - Guidelines* and AS 8001:2021 – *Fraud and corruption control* to manage the risk of fraud against their entity. While fraud risks cannot be eliminated, a robust and well-resourced fraud risk management program can minimise the likelihood and consequences of fraud events.

Appendix 1: Glossary

Term	Definition
Better practice guide (BPG)	A fraud risk assessment better practice guide (this report).
Bribery	Offering, promising, giving, accepting or soliciting of an undue advantage of any value (either financial or non-financial) directly or indirectly, and irrespective of location(s), in violation of applicable law, as an inducement or reward for a person acting or refraining from acting in relation to the performance of that person's duties.
Cloud computing	The practice of using a network of remote servers hosted on the internet to store, manage, and process data, rather than a local server or a personal computer.
Close associate	A person with a close connection with the organisation other than an employee (e.g. director, consultant, contractor).
Collusive tendering	The act of multiple tenderers for a particular contract colluding in preparation of their bids – also often referred to as bid rigging.
Conflict of interest	A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.
Corruption	Dishonest activity in which a person associated with an entity (e.g. director, executive or employee) acts contrary to the interests of the entity and abuses their position of trust in order to achieve personal advantage or advantage for another person or entity.
Cryptocurrency	A digital currency in which transactions are verified and records maintained by a decentralised system using cryptography, rather than by a centralised authority.
Data theft	Also known as information theft. The illegal transfer or storage of personal, confidential, or financial information.
Enterprise risk	Risks arising from the general operation of an entity that can impact on the entity's ability to meet its objectives (refer also definition of 'risk' below).
FCS	Fraud Control System - a framework for controlling the risk of fraud against or by an entity.
Fraud	Dishonest activity causing actual or potential gain or loss to any person or entity including theft of moneys or other property by persons internal and/or external to the entity and/or where deception is used at the time, immediately before or immediately following the activity.
Identity fraud	Also known as identity theft or crime. It involves someone using another individual's personal information without consent, often to obtain a benefit.
Internal control	Internal control is a process, effected by an entity's board of directors, management and other personnel, designed to provide reasonable assurance that information is reliable, accurate and timely.
Malware	Malicious software intentionally designed to cause disruption to a computer, server, client, or computer network, leak private information, gain unauthorised access to information or systems, deprive user's access to information or which unknowingly interferes with the user's computer security and privacy.

Term	Definition
Nepotism and/or Cronyism	Where the appointee is inadequately qualified to perform the role to which he or she has been appointed. The appointment of friends and associates to positions of authority, without proper regard to their qualifications.
OAG	The Office of the Auditor General.
PESTLE model	Consideration of 6 external environmental factors that can impact an entity, namely the political, economic, social, technological, legal and environmental factors.
Phishing and/or Spear-phishing	Cyber-intrusion. Theft of intellectual property or other confidential information through unauthorised systems access.
Ransomware	Form of malware designed to encrypt files on a device, rendering any files and the systems that rely on them unusable.
Risk	The effect of uncertainty on objectives. An effect is a deviation from the expected. It can be positive, negative or both, and can address, create or result in opportunities and threats.
Risk appetite	The level of overall risk an entity is prepared to accept in pursuing its objectives.
Risk tolerance	The level of risk an entity is prepared to accept in relation to specific aspects of its operation – the practical application of the concept of 'risk appetite' to specific risk categories (relevantly to the subject of this guide, this can include application of an entity's risk appetite to the concept of fraud risk).
Social engineering	A broad range of malicious activities accomplished through human interactions (e.g. psychological manipulation of people into performing actions or divulging confidential information).

Appendix 2: References

Reference
Association of Certified Fraud Examiners, 2022.
Association of Certified Fraud Examiners, *Occupational Fraud 2022: A Report to the Nations*, 2022.
Australian Cyber Security Centre Australian Cyber Security Centre analysis, 2022.
Commonwealth Fraud Prevention Centre, *Fraud Risk Assessment Leading Practice Guide*, 2022.
Cressy, D., *Other People's Money: A Study in the Social Psychology of Embezzlement*, Free Press, 1953.
Department of Justice, *Corporations Act 2001*, 2001.
Department of Justice, *Western Australia Corruption, Crime and Misconduct Act 2003*, 2022.
Department of Justice, *Western Australia Financial Management Act 2006*, 2022.
Department of Justice, *Western Australia Government Financial Responsibility Act 2000*, 2021.
Department of Justice, *Western Australia Procurement Act 2020*, 2021.
Department of Justice, *Western Australia Public Interest Disclosure Act 2003*, 2017.
Department of Justice, *Western Australia Public Sector Management Act 1994*, 2022.
Department of Treasury, Treasurer's Instructions – specifically TI 825 *Risk Management and* TI 304 *Authorisation of Payments*, 2022.
Enacting legislation for GTEs and other government bodies
Office of the Auditor General Western Australia, *Forensic Audit Report – Establishment Phase*, November 2021.
Office of the Auditor General Western Australia, *Fraud Prevention and Detection in the Public Sector*, June 2013.
Public Sector Commission WA, *Integrity Strategy for WA Public Authorities*, 2019.
Standards Australia, AS 8001:2021 – *Fraud and corruption control*, June 2021.
Standards Australia, AS ISO 37001:2019 *Anti-bribery management system*, 2019.
Standards Australia, AS ISO 31000:2018 *Risk management – Guidelines* Risk Assessment, 2018.
Standards Australia, SA SNZ HB 436-2013 *Risk Management Guidelines* (companion to AS ISO 31000:2018), 2013.

Appendix 3: Fraud control system benchmarking tool

An important component of the periodic assessment of the efficacy of an entity's FCS is to determine whether an entity's FCS aligns with the requirements and guidance set out in the standard, in effect, a benchmarking of the entity's fraud control program against the requirements and guidance of the standard. An organisation's performance against each element of the standard can be assessed in accordance with a 5-element rating scheme as set out below.

Alignment with AS 8001:2021 – *Fraud and corruption control* best practice model	Rating
Meeting better practice	5
Approaching better practice	4
Minimum acceptable level	3
Inadequate but some progress made towards better practice	2
Inadequate - no progress towards achieving better practice	1

The following are the relevant steps required to prepare and deliver an FCS benchmarking project:

Step 1	Consult and collaborate across the entity in a consideration of the FCS benchmarking model and determine which, if any, elements of the model are not relevant to the entity's own circumstances, make necessary adjustments to the model in preparation for analysis.[15]
Step 2	Gather all entity documentation pertaining to the control of fraud risk within the entity – this would include: • current FCS documentation • current governing body charter • most recent fraud risk assessment • the entity's disciplinary procedures • recent analysis of awareness raising activities within the entity • most recent external environmental scan analysis

[15] e.g. requirements and guidance of AS 8001:2021 Section 3.6 *Performance Based Targets* may not be relevant to public sector entities and could therefore be removed from the model.

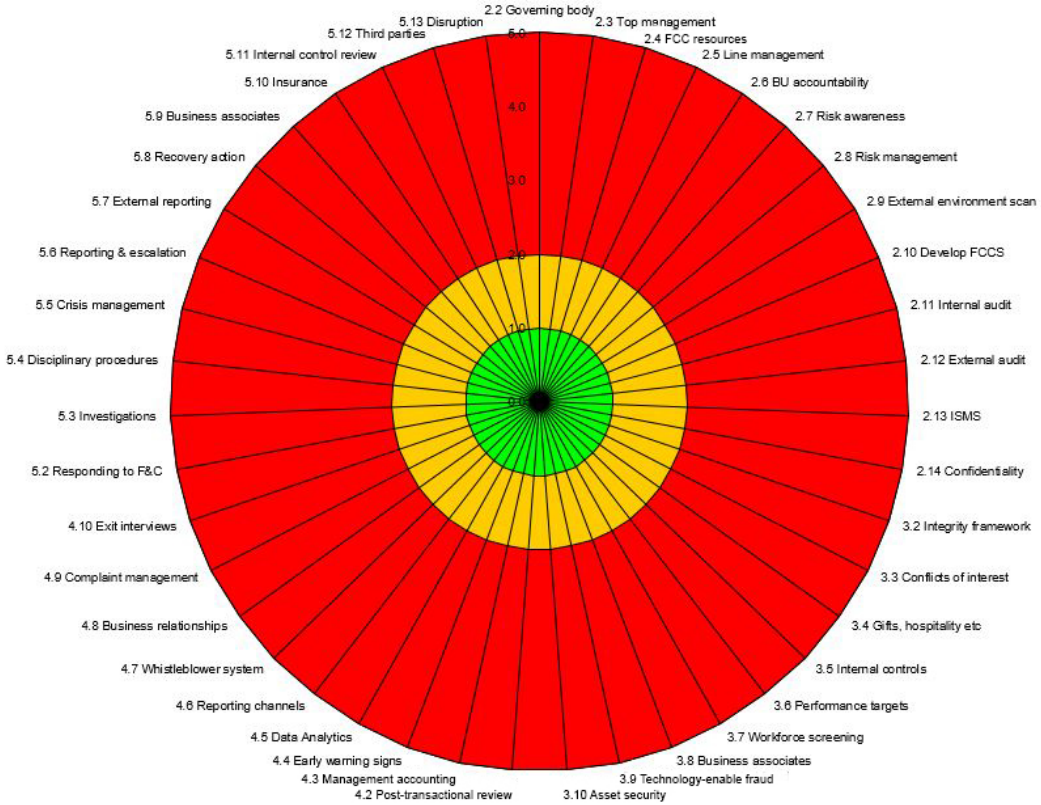
	• internal audit charter • any recent internal audit reports in relation to fraud risk management • all integrity related documentation • current workforce screening policy • current cybersecurity / information system management policies • a summary of the last 5 years fraud incidents covering results could provide insight into common activities, themes and weaknesses. Details such as number of events per year, fraud theme (procurement, CC etc), quantum, fraud substantiated Y/N, vulnerability identified, how vulnerability treated, date vulnerability treated • reports of analysis of internal control efficacy including pressure testing transactions.
Step 3	Consult broadly across the entity to arrive at a realistic and reliable assessment of the entity's current performance against each relevant element of AS8001:2021. Consultation would include: • if a relevant policy or procedure is currently in place or is proposed • the frequency of review of all relevant policies and procedures • if there is adequate resourcing to ensure that the FCS is properly and effectively administered • the culture within the entity in terms of adherence to the key elements of the FCS.
Step 4	Collaborate with relevant system and process owners to arrive at a rating on a scale of 1 to 5 for each element of the FCS being assessed in terms of its current alignment with AS 8001:2021.
Step 5	Consult broadly within the organisation in relation to initiatives currently in train for implementation in the future, collaborate with relevant system and process owners to arrive at a rating on a scale of 1 to 5 for each element of the FCS being assessed in terms of its future alignment with AS 8001:2021 on the assumption that the initiative is fully implemented.
Step 6	Enter scores into the model and review the output chart.
Step 7	Present to the relevant oversight committee within the entity.
Step 8	Implement remedial action required for the entity to better align with the better practice model per AS 8001:2021.
Step 9	Monitor the ongoing efficacy of the FCS in light of this analysis over time.

Presentation of the benchmarking analysis

The outcome of this analysis can be usefully presented in a variety of tabular or graphical formats. The way in which the benchmarking analysis results are presented will depend on the needs of the entity. One particularly visual way of presenting the outcomes of the benchmarking analysis is by way of a 'spider-web' diagram as shown below.

A Microsoft Excel tool is provided on our website with detailed instructions to assist in the preparation of this analysis and production of the spider web diagram is detailed below.

The spider web diagram is particularly useful for presenting current and future state alignment of an entity's FCS with AS 8001:2021 and for showing improvement over time. For example, if a spider web diagram depicting the current and anticipated alignment of the entity's FCS with AS 8001:2021 is presented to each meeting of the relevant oversighting committee (e.g. an audit committee) the committee would be able to efficiently monitor progress against action items initiated to address identified gaps.



The green area	Represents the entity's current alignment with the requirements and guidance of AS 8001:2021.
The amber area	Represents the entity's anticipated future alignment with the requirements and guidance of AS 8001:2021 once initiatives currently in train are fully implemented. Theoretically, the amber area should progressively turn to green over the projected implementation timeframe.
The red area	Represents the current 'gap' between either the current alignment (green) or anticipated future alignment (amber) with the requirements and guidance of AS 8001:2021.

Appendix 4: External threat assessment tool

Assessment of external threats using the PESTLE model requires a rigorous 7-step process as follows:

Step 1: Consult and collaborate across the entity, make necessary adjustments to the worksheet in preparation for analysis.

Step 2: Gather all documentation pertaining to external threats in the environment in which the entity operates or is considering operations.

Step 3: Consider the most recent fraud risk assessment conducted in relation to the entity's operation.

Step 4: In collaboration with risk and process owners, consider the six PESTLE factors that could impact the entity's fraud risks.

Step 5: Identify external factors that need to be addressed by the entity to more effectively control fraud risks.

Step 6: Develop risk treatments for risks that need to be further mitigated and adjust in fraud risk assessment and fraud control system.

Step 7: Review external threats periodically.

The following is an example worksheet for assessing external threats against an entity using the PESTLE model.

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
Political			
To identify the political situation of the country in which the organisation operates, including the stability and leadership of the government, whether there is a budget deficit or surplus, lobbying interests and international political pressure.	1. Has there been a recent change in government (at local, state or federal level)? 2. Is there any anticipated change in government funding foreshadowed? How will a change in funding impact the entity's fraud exposure (e.g. an increase in funding for grants or a decrease in funding for administration)? 3. Is there any legislative change anticipated in relation to employment law that may impact the entity's ability to manage its fraud exposure?	Insert text	Insert text

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
	4. Is there a likely increase or reduction in government mandated regulation? 5. If yes, will that give rise to an increase in the entity's fraud exposure (either internally or externally initiated fraud)? 6. Are there any other political factors the entity should consider?		
Economic			
To determine the economic factors that could have an impact on the organisation, including interest rates, inflation, unemployment rates, foreign exchange rates and monetary or fiscal policies.	1. Are all economies in which the entity operates currently stable? 2. If there are indications of instability in an economy in which the entity operates, to what degree will this impact the risk of fraud within or against the entity? 3. Are there any key economic decisions (either recently implemented or in contemplation) likely to have an impact on the entity's fraud exposure (e.g. rising interest rates, a change in taxation rates)? 4. Is there currently significant pressure on wages and salaries that could act to reduce disposable income of the general population and to what degree could that impact on the entity's fraud exposure? 5. Is there likely to be a change in employment levels in the economy in the next three to five years?	Insert text	Insert text

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
	6. Is there likely to be a change in working arrangements that may increase the risk of fraud within the entity (e.g. remote working, flexible working arrangements)? 7. Are there any other economic factors the entity should consider?		
Social			
To identify the expectations of society by analysing factors such as consumer demographics, significant world events, integrity issues, cultural, ethnic and religious factors, and consumer opinions.	1. Has there been a marked decline in integrity standards within the broader community or is this anticipated going forward? How could these changes impact the entity's fraud exposures in the future? 2. Is it likely that the entity will only be able to attract adequate human resource is by offering work arrangements that are not sustainable for the entity? 3. Are there any other social factors they should consider?	Insert text	Insert text
Technological			
To identify how technology, including technological advancements, social media platforms and the role of the internet more broadly, is affecting or could affect the organisation.	1. Does the entity have a heavy reliance on technology internally? 2. Does the entity have a heavy reliance on technology to interact with external parties including business associates, customers, clients	Insert text	Insert text

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
	and the general public? 3. Does the entity embrace leading edge cyber-security? 4. Does the entity have strict policies governing the use of its IT equipment by the workforce for personal purposes? 5. Does the entity have strong controls over the use of technology in the course of remote working? 6. Does the entity closely monitor developments in technology-enabled fraud? 7. Are there any other technological factors that the entity should consider?		
Legal			
To identify how specific legislation, including industry specific regulations, and case law are affecting or could affect the organisation's future operations.	1. Does the entity have a strong compliance function? 2. Does the entity have a strong sense of its own duties of integrity when interacting with external parties (i.e. is there a risk of the entity itself being accused of fraudulent or other illegal conduct)? 3. Are there indicators of significant change in the regulatory landscape affecting the entity? 4. Is the entity aware of its vicarious liabilities in relation to the conduct of members of its own		

PESTLE factor	Example questions to consider	External threat assessment	Action to be taken (risk assessment, risk treatments, fraud control system)
	workforce? 5. Are there any other legal factors that the entity should consider?		
Environmental			
To identify how local, national and international environmental issues are affecting or could affect the organisation.	1. Does the entity operate in circumstances where there is a likelihood of a high environmental impact? 2. If so, does this give rise to any raised risk of manipulation of financial or non-financial reporting? 3. Are there any other environmental factors that the entity should consider?		

Appendix 5: Tools to support the fraud risk management process

A5.1 Communication and consultation tool

Fraud risk owners can sometimes encounter problems with those responsible for developing, implementing and maintaining fraud controls relating to their risks. This may be because a control owner is experiencing staffing or funding constraints or they lack the requisite expertise. In these circumstances the person tasked with performing the fraud risk program can assist through:

- requesting progressive pieces of work
- fostering productive linkages between parties responsible for fraud control
- providing expert advice to stakeholders
- seeking strategic support from the senior staff to formulate solutions to impediments at the operational or program level.

The table below describes some methods for communication and consultation across an entity.

Structured one-on-one discussion with the process / risk owners	Speak with relevant business units – the people who work with the systems and processes every day. Meet one-on-one to facilitate an enhanced understanding of relevant risk and control issues.
Convene focus groups with process and risk owners and stakeholders	Facilitate detailed discussion of fraud risks with focus groups along with one-on-one meetings as an effective way to identify risks, internal controls that should mitigate those risks, whether they are operating as intended (think like a fraudster), assessing risks and developing effective risk treatments.
Seek input on fraud risk matters from across the entity	Invite the entire workforce to provide their input in relation to the entity's fraud exposures in an online survey.
Regular reporting to the project management committee	A project to manage fraud risk should be subject to a rigorous program of two-way communication between the oversight committee and the practitioner/team tasked with the project.
External communication and consultation	The project committee and the team responsible for delivering the project should consider the benefits of communication and consultation with parties external to the entity such as regulators, subject matter experts and peer organisations.
Reporting to the audit and risk committee	It is important for an audit and risk committee to be informed of developments in relation to fraud risks because they are responsible for overseeing the entity's risk management and internal controls.

A5.2 Scope context and criteria tool

Factor	Definition	Fraud risk assessment "XX Process"
Scope	The boundaries within which the fraud risk assessment will take place.	• The specific parts of the XX process to be assessed for fraud risks. • The business units and operational teams involved in the processes to be assessed. • Tools to be used in the fraud risk assessment. • Logistical considerations, milestones and timelines for completing the fraud risk assessment.
Context	The internal and external factors influencing the environment the entity operates in.	Internal factors may include: • The strategic objectives of the entity and how this influences the XX process. • The existing employee level in the XX process and their experience, as well as their level of training in identifying indicators of potential fraud. External factors include: • Increasing fraud trends targeting XX process. • Recent known scams in the public domain that have been uncovered.
Criteria	Likelihood and consequence criteria aligned to an entity's existing risk framework that can be used to rate fraud risks identified in the fraud risk assessment.	• Likelihood criteria is a rating scale (i.e Extremely unlikely to Almost certain) set by the entity to identify the expected frequency of a fraud risk in the XX process being realised, both with no internal controls in place (inherent) and existing controls in place (residual). • Consequence criteria is a rating scale (Low – Catastrophic) across a number of defined loss factors (i.e. financial damage, reputational damage, legal damage), to identify the expected impact of a fraud risk in the XX process being realised both with no internal controls in place (inherent) and existing controls in place (residual). • What is acceptable frequency / consequence.

A5.3 Risk assessment tools

A5.3.1 Example fraud risk assessment worksheet

A fraud risk assessment worksheet can be used to document all relevant information for each risk identified and assessed. Having applied the worksheet for this purpose it can also then be used as a risk register (alternatively, identified and assessed fraud risks could be included in the entity's enterprise risk register).

Fraud Risk (Short Title)

AP 1	Corruption in procurement (kickbacks)

Risk Level

Pre-treatment	Post-treatment
Very High	High

Description of Risk

Procurement employee obtains a benefit from a supplier on the understanding that the employee will award work to the supplier.

Current Internal Controls	Rating	Proposed Treatment (If Applicable)	Rating	Priority	Responsibility
Documented policies and procedures for procurement transactions >$50,000 are in place.	Partially Effective	Training and awareness initiatives for staff.	Effective	High	HJG
Conflict of interest declaration forms are required to be completed by all staff.	Effective	Regular review of the conflict of interest declaration register.	Effective	Medium	HJG
Independent evaluation of tender bids are undertak	Ineffective	Documented evaluation reports to be prepared and submitted to those charged with governance.	Effective	High	HJG
Missing control: There is no regular transaction review of purchases over $50,000.	Ineffective	Finance to review regular reports (i.e. monthly) with expenditure broken down by vendor.	Effective	Medium	HJG
Due diligence is performed on successful vendors.	Partially Effective	Due diligence checks should include open source information background checks on Directors.	Effective	Low	HJG
An independent party reviews any vendor complaints from the tender process.	Partially Effective				

Overall Ratings

Pre-treatment	
Internal Control	Partially Effective
Consequence	Major
Likelihood	Likely
Post-treatment	
Internal Control	Effective
Consequence	Moderate
Likelihood	Possible

Risk Owner	Department	System Business Unit	Division	Entered By	Date Assessed
HJG	Procurement	Accounts Payable	Finance	JNH	13 May 22

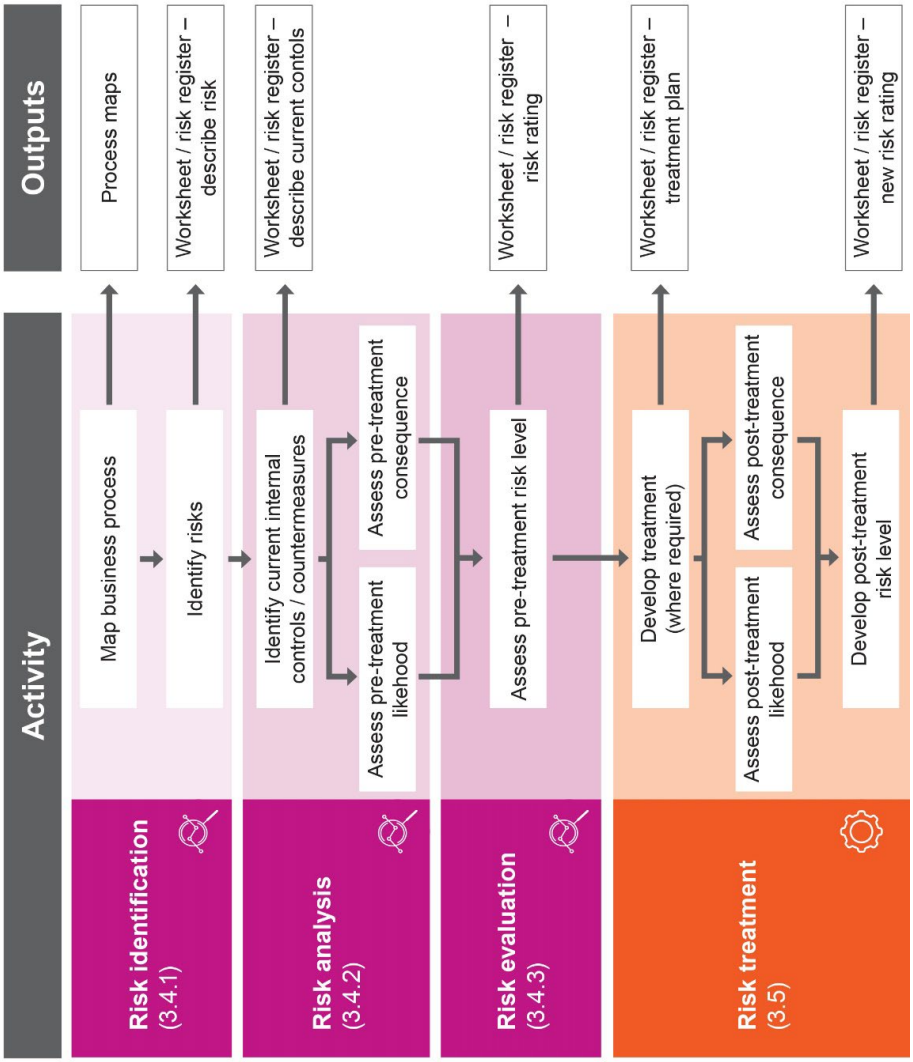
The following is a short summary of the information that would be recorded on each risk assessment sheet (note that much of the information referred to in the following table will not have been prepared in the risk identification stage when the fraud risk worksheet is first created. The worksheet is intended to build over time as the entity works its way through the identification, analysis, evaluation and treatment development phases).

As noted above, each identified risk should be recorded on a separate risk assessment worksheet. The risk assessment worksheet can then be used as the entity's register of fraud risks. Alternatively, identified and assessed fraud risks can be recorded in the entity's enterprise risk register.

Data field	Information to be recorded (for each risk)
Fraud Risk Number	A reference number unique to each risk – the risk number is used in all outputs of the risk assessment process.
Fraud Risk (Short Title)	Short description of the risk that is generally used to identify the risk being discussed in relevant outputs.
Description of Risk	A more detailed outline of the risk consistent with the short title.
Risk Owner	The individual or position within the business unit who has primary responsibility for the business systems relevant to the identified fraud risk.
Department	The department to which the business unit belongs (see below).
System Business Unit	The business unit that has most control of the business systems and processes relevant to the identified risk.
Entered By	The individual or position who entered the fraud risk particulars into the risk assessment worksheet.
Date Assessed	The date on which the worksheet was populated.
Current Internal Controls	A short active title / description of each existing internal control (e.g. "System controls only allow limited authorised users to change bank accounts") and a short statement as to how the internal control mitigates the risk.
Current Internal Controls Rating	A rating on an appropriate scale (i.e. "Ineffective", "Partially Effective" or "Effective") of the effectiveness of each internal control on mitigating the risk.
Proposed Treatment (If Applicable)	Treatments the entity proposes to take to strengthen the existing internal control framework and reduce the risk rating to an acceptable level.
Proposed Treatment (If Applicable) Rating	A rating on an appropriate scale (i.e. "Ineffective", "Partially Effective" or "Effective") of the effectiveness of each treatment on mitigating the risk.
Proposed Treatment Priority	The proposed priority of the treatment.
Overall Ratings – Pre-treatment Internal Control	A rating on an appropriate scale (i.e. "Ineffective", "Partially Effective" or "Effective") of the overall effectiveness of the existing internal control framework on mitigating the risk.

Data field	Information to be recorded (for each risk)
Overall Ratings – Pre-treatment Likelihood	A rating on an appropriate scale (i.e. “Almost Certain” to “Rare”) of the likelihood of a risk being realised with the existing internal control framework.
Overall Ratings – Pre-treatment Consequence	A rating on an appropriate scale (i.e. “Extreme” to “Negligible”) of the consequence of a risk being realised with the existing internal control framework.
Overall Ratings – Post-treatment Internal Control	A rating on an appropriate scale (i.e. “Ineffective”, “Partially Effective” or “Effective”) of the overall effectiveness of the post-treatment internal control framework on mitigating the risk.
Overall Ratings – Post-treatment Likelihood	A rating on an appropriate scale (i.e. “Almost Certain” to “Rare”) of the likelihood of a risk being realised with the post-treatment internal control framework.
Overall Ratings – Post-treatment Consequence	A rating on an appropriate scale (i.e. “Extreme” to “Negligible”) of the consequence of a risk being realised with the post-treatment internal control framework.
Overall Risk Rating Pre-treatment	A rating on an appropriate scale (i.e. “Very High” to “Low”) of the fraud risk level by reference to the risk matrix (taking into account the assessed effectiveness of pre-existing internal controls).
Overall Risk Rating Post-treatment	A rating on an appropriate scale (i.e. “Very High” to “Low”) of the fraud risk level by reference to the risk matrix taking into account the assessed effectiveness of the post-treatment internal control framework.

A5.3.2 Risk assessment and treatment process overview



Source: OAG based on AS ISO 31000:2018 *Risk management - Guidelines* Clause 6.4 and 6.5

A5.3.3 Key fraud risk identification questions

Some key questions to ask when trying to identify fraud risks are listed below.

Key questions that need to be asked in identifying fraud risks
If I wanted to steal from this entity, knowing what I know about the current business systems process and internal controls, how would I do it?
If I wanted to get some sort of improper financial or non-financial advantage out of my position, how would I do it?
What do I know about this process that nobody else knows or checks?
Who has sole control over specific systems or processes that nobody else has visibility over?
What forms of payment does this process have – is it cash, card, EFT etc?
How can this process be made easier for the process owner at the expense of the entity?

A5.3.4 Commonwealth Fraud Prevention Centre's 'Actor, Action, Outcome' method of describing fraud risks[16]

An effective method for describing fraud risk is to consider the actor, action and outcome. The level of detail is important when describing fraud risks. Without sufficient detail it becomes difficult to consider the factors (i.e. actors and actions) that contribute to the fraud risk and how fraud controls will specifically address these contributing factors.

An example of a poorly defined fraud risk from the invoice payment process provided would be "Fraud in the invoice payment process".

The following are more accurately defined fraud risks from the same example:

- "a service provider (Actor) submits a falsified invoice (Action) to receive a payment for services not provided (Outcome)"
- "a service provider (Actor) coerces an official to approve and/or process a falsified invoice (Action) to receive a payment for services not provided (Outcome)"
- "an official (Actor) manipulates the finance system (Action) to divert an invoice payment to their own bank account (Outcome)".

Judgement should be applied in striking a balance between capturing sufficient detail and documenting a manageable number of fraud risks. This could be achieved by combining similar risks and clearly documenting the various contributing factors (actors and actions).

[16] Commonwealth Fraud Prevention Centre '*Fraud Risk Assessment – Leading Practice Guide*'.

The description can help with an entity's assessment of its fraud risks and how it considers ways in which to control it. Some of these controls may already exist and some may be new.

For example, an entity might limit the opportunity for an accounts payable officer to submit and processes a fictitious invoice that pays into an employee's account by:

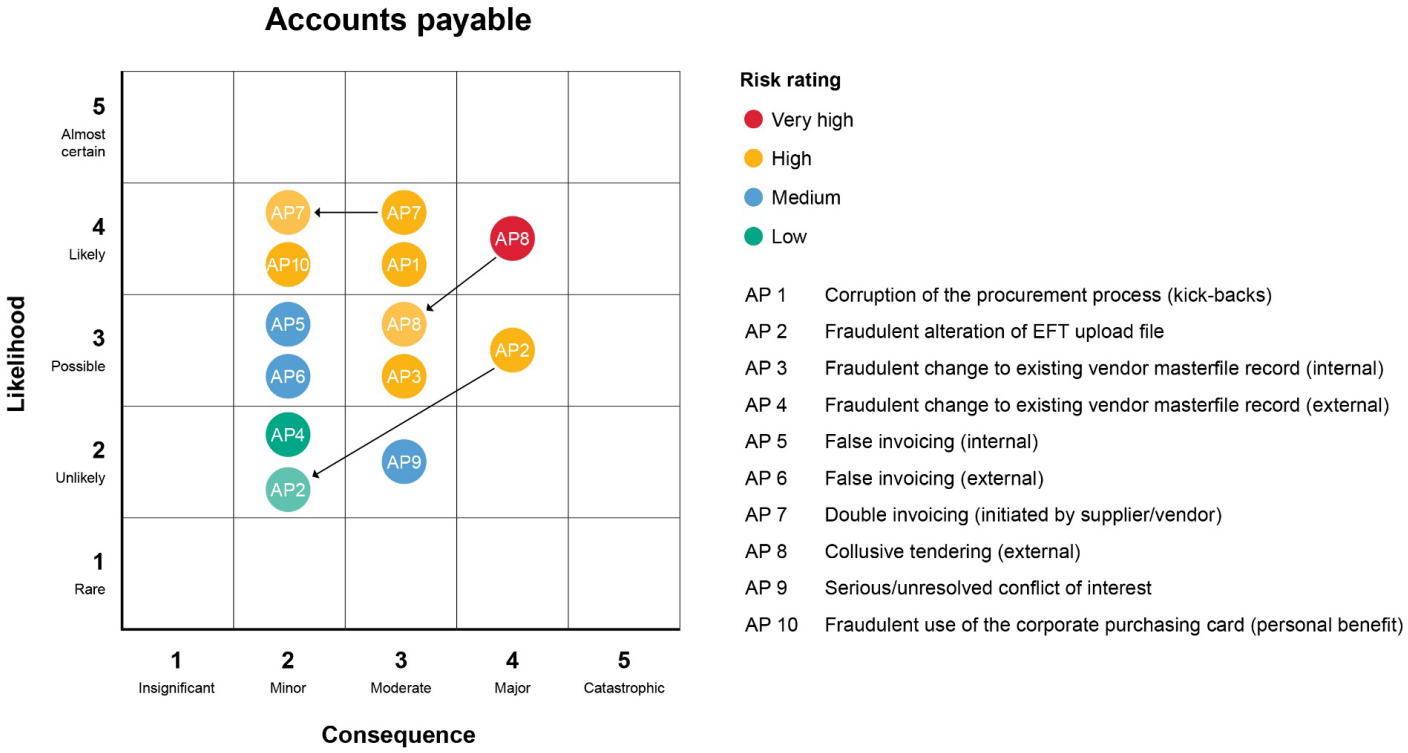
- splitting the authorising powers (submit and process)
  - segregation of duties between invoice entry and payment authority
- validating the invoice details (fictitious invoice)
  - third party verification of goods/services being received
  - check supplier details in your supplier master file are an exact match to public records (e.g. Australian Business Register)
- cross-checking internal records (employee account)
  - compare bank accounts in supplier payment file against employee bank accounts.

Entities can link each of the above controls back to distinct parts (actor, action, outcome) of the fraud description.

A5.3.5 Example diagrammatic presentation of assessed fraud risks

It can be useful to present identified and assist fraud risks in diagrammatic form.

The following example shows the relative ratings of likelihood and consequence and the resulting overall risk rating for ten accounts payable related fraud risks. Diagrammatic analysis is also useful to show the projected change in risk rating as a result of implementation of a treatment plan introducing new or revised internal controls / fraud controls. The change in rating in relation to risk PR-1 is due to the introduction of new or revised internal controls that will reduce the consequence of the risk if it did occur (although in this example the likelihood remains unchanged).



A5.3.6 Example public sector fraud risks

The following is a short summary of fraud risks that are commonly found in the public sector environment. This summary is not intended to be an exhaustive list, but it can be used as a 'thought provoker' in the identification of operational risks types facing the entity being assessed.

Accounts payable fraud	
False invoicing (creation of a fictitious vendor)	A fictitious vendor is created in the finance system to which payments for false invoices are made for goods/services not ordered and not delivered (typically fraud of this type involves personnel within the entity but it can be perpetrated at times by external parties acting alone or by external parties operating in collusion with a member of the target entity's workforce)
Fraudulent change to vendor master file	Fraudulent change to the entity's vendor master file (i.e. change of bank details to divert legitimate vendor payments to an account controlled by the perpetrator) – this can be done by a person internal to the entity, a person external to the entity or by collusion between internal and external persons
Online banking fraud	Manipulation of vendor or other payments in the online banking system immediately prior to execution of the payment file in the entity's online banking system – the fraudulent manipulation of the online payment file is concealed by making false entries in the entity's accounting records
False invoicing (existing vendor)	Manipulation and processing of fraudulent payments for invoices apparently rendered by a legitimate vendor but, in fact, fraudulently generated and issued by the perpetrator who is generally a member of the entity's own workforce
Duplicate payments for the invoices already settled	More than one payment is made for the same invoice – this can be initiated inadvertently by a vendor who issues the same invoice twice in error but the vendor then fails to report the double receipt and fraudulently converts the duplicate payment

Procurement and tendering	
Corruption of the procurement process (involving personnel within the entity)	Corruption involving an employee of the entity and a vendor in the selection of a winning bid or tender often involving bribery / kickbacks but often motivated by personal or family association between the bidder and the entity's employee without direct financial reward – corruption can involve provision of a confidential bid price, contract details or other sensitive information to gain an advantage for one tenderer over other tenderers
Bid rigging (excluding personnel within the entity)	Collusive tendering between multiple bidders for the same contract for mutual advantage (no involvement of the entity's personnel)

Procurement and tendering	
Conflicts of interest	Undeclared association between an employee of an entity and a tenderer giving rise to an actual or perceived bias in awarding of a contract
Improperly receiving hospitality, gifts and benefits	An employee receiving or soliciting hospitality, gifts or benefits from a vendor or potential vendor hoping to gain a commercial advantage in doing so – depending on the circumstances, this behaviour may constitute fraud

Falsification and manipulation of claims for work-related expenditure	
Use of the entity's funds for personal expenditure	Claiming employee expenses for business-related expenditure not incurred or incurred for personal use or benefit (supported by false or inflated receipts / invoices)
Double-dipping	Claiming multiple reimbursements for the same expenses or claiming for expenses paid personally using receipts for purchases already made via another of the entity's reimbursement systems

Diversion of incoming funds	
Accounts receivable fraud	Redirection of incoming receipts to a spurious account followed by write-off of accounts receivable balance
Unauthorised discounts	Processing unauthorised discounts for early payment of invoices where the discount value is fraudulently transferred to the employee's own bank account
An authorised application of unknown receipts	Funds can be received by an entity where the source of the funds is unknown and the funds are allocated to a suspense account pending rectification – a possible fraud involves the transfer of part of the balance of the suspense account to an employee's own benefit with a manipulation of the accounting system to conceal the theft
Inflating invoice value	Inflating the value of an invoice raised by the entity with receipts in payment of the invoice directed to a spurious account controlled by the staff member concerned who then redirects the correct (reduced) value of the invoice to the entity's correct account
Vendor overpayment	Deliberately overpay a vendor in payment of an invoice for goods or services validly received, claim a refund for the overpayment and then direct the remittance to a spurious bank account
Theft of cash all funds received	Fraudulently failing to record receipt of cash received and then misappropriate for own benefit

Payroll	
Timesheet fraud	Fraudulent submission of falsified timesheets for casual employees who did not work with diversion of resulting remuneration generated to own account
Fraudulent alteration of remuneration rates	Alteration of remuneration rates (salaries or hourly rates) in the payroll system in relation to the employee making the change or for another employee in exchange for personal benefit
Ghost employee fraud	Fabrication of fictitious employees on the payroll with remuneration paid to own account
Fraudulently failing to record personal leave	An employee taking personal leave (annual, long-service, sick or carer's leave) without recording the leave in the HR system
Worker's compensation fraud	Worker's compensation fraud – fraudulent claims for injuries not sustained

Assets and Inventory	
Asset theft	Theft of the entity's assets, including computers and other IT related assets
Information theft	Theft or abuse of proprietary or confidential information (customer information, intellectual property, pricing schedules, business plans, etc)
Unauthorised private use of employer property	Use of employer property for personal use or benefit
Cash theft	Theft of petty cash

Manipulation of financial reporting	
Fraudulent manipulation of an entity's financial reporting	Fraudulent manipulation of financial reports in order to make it appear that a business entity has performed better (in financial or non-financial terms) than it has actually performed – this can be motivated by a need to demonstrate a certain level of personal performance in order to secure a performance bonus but may also be driven in the public sector by the need to meet political expectations

Cyber-borne attack	
Business email compromise	Emails impersonating vendors or an executive instructing payment to be made to a spurious bank account or a change to existing bank details
Phishing emails	Emails designed to dupe employees into providing personal information (i.e. by clicking on a link or opening an attachment)
Malware	Installing malware onto a computer or computer system within the entity which then issues fraudulent instructions (e.g. to change the bank account of a vendor in the vendor masterfile or change the payroll bank account of one or more employees)

A5.4 Risk treatment tools

A5.4.1 SMART principle for co-designing fraud controls[17]

Think about the fraud risk you have described and ways in which you might be able to prevent, monitor or detect the exploitation.

The following table outlines the 'SMART' principle which can be applied to help co-design controls with key risk stakeholders.

Specific	The control should have a clear and concise objective. They should also be well defined and clear to anyone with a basic knowledge of the work. Consider: who, what, where, when and why.
Measurable	The control and its progress should be measurable. Consider: • What does the completed control look like? • What are the benefits of the control and when they will be achieved? • The cost of the control (both financial and staffing resources).
Achievable	The control should be practical, reasonable and credible and should also consider the available resources. Consider: • Is the control achievable with available resources? • Does the control comply with policy and legislation?
Relevant	The control should be relevant to the risk. Consider: • Does the control modify the level of risk (through impacting the causes and consequences)? • Is the control compatible with the entity's objectives and priorities?
Timed	The control should specify timeframes for completion and when benefits are expected to be achieved.

[17] Commonwealth Fraud Prevention Centre '*Fraud Risk Assessment – Leading Practice Guide*'.

A5.4.2 Example internal controls that may be effective in controlling fraud risks

The following is a short summary of internal controls that experience has shown may be effective in controlling fraud risks in each of the categories contemplated in A5.3.6 above.

Once again, this is not intended as an exhaustive list and is intended to promote consideration of current and possible internal controls within each WA public sector entity when undertaking a targeted fraud risk assessment. It is anticipated that these internal controls may be effective in controlling fraud by:

- preventing a fraudulent transaction from being processed
- quickly detecting a fraudulent transaction after it has been processed thereby preventing any further transactions and minimising loss
- assisting an entity to respond to fraud incidents that have been detected.

The internal controls set out below can be used to:

- identify internal controls already in place during the risk analysis phase of the risk assessment
- identify internal controls that may be useful in further mitigating fraud risk in the risk evaluation phase of the risk assessment.

Accounts payable fraud
• Separate procurement and payment functions
• Separate handling (receipt and deposit) functions from record keeping functions (recording transactions and reconciling accounts)
• Require reconciliation to be completed by an independent person who does not have record keeping responsibilities
• Monitor the entity's financial activity, compare actual to budgeted revenues and expenses
• Require procurement and accounts payable employees to take leave of a minimum duration (e.g. two weeks at a time) with another member of the team performing their role in their absence
• If the entity is so small that duties cannot be separated, require an independent check of work being done supplemented by appropriate and effective data analytics and other reviews appropriate to the entity's situation

Procurement and tendering
• Implement a tendering / contracting panel made up of independent personnel (i.e. unconnected to the procurement processes), to oversight the awarding of contracts
• Standard contract conditions and specifications to be used with variations to be approved by senior management
• Use evaluation criteria as agreed by the contract panel prior to tendering
• Contract terms and conditions should be those of the purchasing department and not subject to change without the written approval of senior management
• Clear audit trails with written records including formal authorisation of changes to original documentation
• Independent post-transactional review of a substantial sample of tendering and contracting transactions with a particular focus on high-risk transaction types
• Splitting of contacts should not be permitted unless authorised by senior management
• Management reviews of the reasonableness and competitiveness of prices
• Ensure contractors with a poor performance record are removed from the approved supplier's list

Falsification and manipulation of claims for work-related expenditure
• Limit the number of entity issued purchasing cards and users
• Set account limits with purchasing card providers (value, items that can be purchased etc.)
• Require employees with entity issued purchasing cards to submit itemised, original receipts for all purchases followed by lodgement of hard copy supporting documentation
• Independent rigorous examination of credit card transactions each month including detailed review of relevant receipts, invoices and other supporting documentation

Falsification and manipulation of claims for work-related expenditure
• Periodic review of a sample of hardcopy supporting documentation
• Monitor the entity's financial activity, compare actual to budgeted revenues and expenses
• Require an explanation of significant variations from budget

Diversion of incoming receipts
• Send official notification to all regular providers / suppliers with particulars of the entity's bank account with statement that this is the only account to which refunds should be remitted
• Independent post-transactional view of a sample of invoices rendered to identify any manipulations
• Independent post-transactional review of emails between accounts payable / accounts receivable personnel within the entity and customers / clients to determine if there is any indication of manipulation of invoices raised or payments made

Payroll
• Payroll system procedures and training
• Segregation of duties preventing payroll batch file payments or payroll master file changes without two approvers
• Limited system administrator access to the payroll system
• System controls to prevent changes to pay rates or salaries without approval
• Changes to payroll masterfile (e.g. particularly for bank account numbers) only available to employees via an HR 'kiosk' in the HR system – system unable to process a change of bank account number outside of the HR kiosk
• HR system to automatically generate a confirmation email to the employee where there has been a change of masterful data
• Rigorous approval process for creation of new employees in the payroll system

Payroll
• Timely notification process from HR to Payroll of employees due to resign from the entity
• Periodic review of payroll system audit logs
• Management review of variance reports from previous payroll run to confirm reasons for significant differences
• Employee background checks for new hires with access to the payroll system – this should include criminal record screening and specific questions about any previous integrity concerns / disciplinary findings etc.
• Mandatory password changes for those with access to the payroll system to a suitable strength and complexity
• Physical security of computers used by payroll staff with direct system access
• Electronic timesheet systems and approval process for overtime

Assets and inventory
• Physical security of desirable assets (i.e. laptops, IT equipment)
• Password protection and remote wiping capability in the case a laptop is lost or stolen
• Regular stocktakes of assets and inventory and updating asset registers
• Security of cash (i.e. petty cash) and gift vouchers in locked tins or a safe
• Tracking systems for assets and approval process for transfer of location
• Maintain vehicle logs, listing the dates, times, mileage or odometer readings, purpose of the trip, and name of the employee using the vehicle

Manipulation of financial reporting
• Active engagement with entity's external auditor in relation to the annual audit (i.e. working collaboratively with the auditor to identify any manipulation of the financial reporting)
• Analysis to identify unusual activity
• Detailed review of journal and other adjustments to the general Ledger with a focus, as a minimum, on high value transactions

Cyber-borne attack
• BitLocker protection of all IT assets to ensure security of data
• Access to databases/systems require unique user logon identification and password authentication
• Document authorisation that is needed to establish accountability and issue, alter, or revoke user access
• Prohibit shared user logon IDs and passwords, and user logon IDs and passwords
• Set database user access permissions that are based on the principles of privilege and separation of duties
• Restrict access to servers and office locations which contain sensitive and confidential data by physical security to authorised personnel
• Access to databases/systems require unique user logon identification and password authentication

This page is intentionally left blank

This page is intentionally left blank

Auditor General's 2021-22 reports

Number	Title	Date tabled
19	Forensic Audit – Construction Training Fund	22 June 2022
18	Opinion on Ministerial Notification – FPC Sawmill Volumes	20 June 2022
17	2022 Transparency Report – Major Projects	17 June 2022
16	Staff Rostering in Corrective Services	18 May 2022
15	COVID-19 Contact Tracing System – Application Audit	18 May 2022
14	Audit Results Report – Annual 2020-21 Financial Audits of State Government Entities Part 2: COVID-19 Impacts	9 May 2022
13	Information Systems Audit Report 2022 – State Government Entities	31 March 2022
12	Viable Cycling in the Perth Area	9 December 2021
11	Forensic Audit Report – Establishment Phase	8 December 2021
10	Audit Results Report – Annual 2020-21 Financial Audits of State Government Entities	24 November 2021
9	Cyber Security in Local Government	24 November 2021
8	WA's COVID-19 Vaccine Roll-out	18 November 2021
7	Water Corporation: Management of Water Pipes – Follow-Up	17 November 2021
6	Roll-out of State COVID-19 Stimulus Initiatives: July 2020 – March 2021	20 October 2021
5	Local Government COVID-19 Financial Hardship Support	15 October 2021
4	Public Building Maintenance	24 August 2021
3	Staff Exit Controls	5 August 2021
2	SafeWA – Application Audit	2 August 2021
1	Opinion on Ministerial Notification – FPC Arbitration Outcome	29 July 2021

Office of the Auditor General
Western Australia

7th Floor Albert Facey House
469 Wellington Street, Perth

Perth BC, PO Box 8489
PERTH WA 6849

T: 08 6557 7500
F: 08 6557 7600
E: info@audit.wa.gov.au
W: www.audit.wa.gov.au

@OAG_WA

Office of the Auditor General for
Western Australia

10.6.3.8 Quarterly Performance Review - Corporate - Qtr.2 - 2022/23

Responsible Branch:	Governance and Organisational Planning and Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. 2022 12 14 Q2 FINAL AGENDA [**8.8.1** - 30 pages]

SUMMARY

This report provides an update on the implementation of services, Corporate Business Plan actions, Informing Strategies actions, Corporate and Strategic Measures and the CEO KPIs for quarter 2 (Oct – Dec) 2022/23.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council notes the Quarterly Performance Review - Corporate Qtr. 2 (Oct – Dec) 2022/23.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

Quarterly Reporting

Section 5.56 of the Local Government Act 1995 (WA) requires all local governments to effectively plan for the future. Regulations, Standards and Guidelines further explain this requirement and set out the framework for local government Integrated Planning and Reporting (IPR), comprising a ten-year Strategic Community Plan (SCP), a four-year Corporate Business Plan (CBP), supporting resource plans and regular reporting. The intent of the framework is to ensure the priorities and services provided by the City are aligned with community vision, needs and aspirations.

Under the Integrated Planning and Reporting Framework (IPRF), it is required that local governments report every year on their performance to their community. The measurement and reporting process not only demonstrates accountability to their community, but also provides an opportunity to assess in-year implementation progress, thus supporting achievement and continuous improvement.

This report supports the annual reporting process and continuous improvement. Quarterly reports are provided for the following:

- Services
- Corporate Business Plan actions
- Informing Strategies actions
- Corporate and Strategic Measures
- CEO KPIs

Informing Strategies

In the December agenda a separate report was provided on the annual progress of a number of Informing Strategies and a schedule was approved for quarterly and more detailed reporting on the implementation of these during the 2023/24 financial year. At this meeting feedback was received from Committee members on the practicality of these reports and a request was made to refine and re-focus future reporting.

In view of this request, City officers are reviewing the approach to reporting on the implementation of informing strategies and plans, and as such no further 'in-depth' implementation progress reports on informing strategies and plans have been submitted for consideration this quarter.

This provides the opportunity to address the feedback and review the approach, process and format for detailed reporting on informing strategies in line the IPRF guidelines. The revised approach and format will be submitted for consideration, together with quarter 3 reports, at the next meeting.

This report does, as noted above, provide a quarterly update on in-year progress with Informing Strategies.

EXTERNAL CONSULTATION

No external consultation was undertaken to prepare this report.

OFFICER'S COMMENTS

The following information is current as at 31 December 2022 (the end of Q2).

City Services

Service reporting provides a high-level overview of how the service is progressing and assists in identifying improvements in service delivery and contribute towards achievement of our vision.

There are currently 35 services reported against. All services are tracking as intended to implement their 2022/23 Branch Plans.

Status of Implementation	No.
On-Track	35
On-Hold	0
Off-Track	0

Corporate Business Plan (CBP) Actions

The 4-Year Corporate Business Plan is the City's medium-term planning document that contains actions which have been developed in response to the vision, goals and outcomes of the City's Strategic Community Plan.

Monitoring and reporting against the Corporate Business Plan is undertaken through the quarterly reporting process. There are currently 23 actions management provide progress reporting against.

Status of Implementation	No.
On-Track	20
On-Hold	3
On-Track	0

CBP Action	Status	Progress Comment: Q2
Develop remaining Parking Management Strategies for Town Centres.	Q2 On-Hold	Noranda is the only town centre without an endorsed Parking Management Plan. The City intended to develop the plan as a part of the Noranda District Centre Precinct Plan, which was not funded in the FY2022/2023 budget. Therefore, this project is not progressing further at this time.
Develop and implement a streetscape upgrade plan for Noranda.	Q2 On-Hold	No funding has been allocated to this projected. The City intended to develop the plan as a part of the Noranda District Centre Precinct Plan, which was not funded in the FY2022/2023 budget. Therefore, this project is not progressing at this time.
Prepare a Structure Plan and built form policies for each town centre: Maylands; Morley; Noranda; Bayswater.	Q2 On-Hold	Noranda is the only town centre without an endorsed Precinct Plan. The City requested a budget allocation to develop a Precinct Structure Plan for the Noranda Town Centre as a part of the 22/23 budget process, however no funds were allocated. The City received funding for a precinct plan in the area surrounding the new Morley train station. The City is currently in discussions with DPLH to partner on the plan, to ensure consistency between both agencies and to pool resources.

Informing Strategies

Progress of implementation of Council adopted plans and strategies actions during the quarter is provided by management. There are currently 25 plans and strategies and progress is reported as follows:

Status of Implementation	No.
On-Track	22
On-Hold	2
Off-Track	1

Strategy	Status	Progress Comment: Q2
Destination Marketing Strategy	Q2 On-Hold	Funds are not allocated to implement this strategy in 2022/23 the City is working with businesses to assist them to use the Destination Marketing strategy style guides to promote their own businesses.
The Platform Youth Action Plan 2019 - 2023	Q2 On-Hold	The City is progressing with a focus on: • Priority 1 Health and Wellbeing and • 2.3 Establish partnerships with a local business to deliver work experience. (The deliverables for the plan are on hold whilst the City fills a vacant position, forecast to be mid-March, with a focus on delivering Youth Week in April 2023)
Local Housing Strategy/ Local Planning Strategy 2012	Q2 Off-Track	The City has been focusing on the development of the Local Planning Strategy, this supersedes the Local Housing Strategy. The City is no longer actively implementing this strategy.

Corporate Business Plan (CBP) and Strategic Community Plan (SCP) Measures

Reporting progress towards the achievement of the objectives in the Strategic Community Plan and the Corporate Business Plan is an integral part of the City's Integrated Planning and Reporting Framework. The City uses the Annual Report to inform the community of its achievements and progress. Quarterly progress reporting is collected where possible and used to assist in the development of the Annual Report. A copy of the quarterly report is attached.

CEO Key Performance Indicators (KPI's)

CEO KPI's are set by Council. For the 2022/23 year there are 8 CEO KPI's. Council will consider these at the CEO Review Committee. A copy is included in the Attachment.

LEGISLATIVE COMPLIANCE

The Local Government Act 1995

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	Accepting this progress report presents low risk and reduces risk long-term by keeping Council informed of progress against the Corporate Business Plan 2019-23 and Strategic Community Plan 2021-2031	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Leadership and Governance
Goal L2:	Plan and deliver projects and services in a sustainable way. Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

This report provides an update on the implementation of actions against the Strategic Community. Plan (SCP), Corporate Business Plan (CBP), Service Plans and Council adopted Plans and Strategies for quarter 2 (Oct – Dec) 2022/23.

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
C4.1.1	Aged Persons Homes	To provide financial and operational oversight of the management agreements for the City's aged care sites until such time as they are divested. Sub-service/s for this service are: Aged Services	Business Services	On-Track	Progress has been made with the Mertome Gardens site - Hall and Prior have agreed to a variation to the management agreement which will resolve the tenancies and the City has met with them re the State Government advocacy. Juniper is continuing to operate all other sites under the terms of the Heads of Agreement.	30%
C1.1.1	Asset Management and Mapping	The provision of location-based services namely spatial, infrastructure assets, land/property and real time emergency management. Sub-service/s for this service are: Spatial Management Corporate Mapping Infrastructure Asset Management Land Tenure Management GPS Emergency Duress Systems	Engineering and Spatial Services	On-Track	Infrastructure Asset Management: Valuation audits are still ongoing and have arranged to meet with auditors in early February. Consider emergency repairs to current asset system or purchase of a new system as an interim to TechOne Strategic AM system. Preparing for Building revaluation with a building report to combine all building information in the organisation. Spatial Information Management: In January ESRI be assisting us to step through the current custom system and document the workings and architecture as part of a knowledge transfer exercise. New 3 yearly licensing has been applied to various GIS platforms. Landgate has confirmed that we no longer can sell maps as an income source as it is in breach of license agreement. Surveying System: New equipment purchased with new GPS/Rover unit still to be purchased that will require review of service agreements and tower surveying services possibly no longer required. Digital Mobile Radio and GPS Enabled Emergency Duress System: Vendor discussions has highlighted some improvements to management practices that will be formalised in the new year. Land Tenure: Ongoing service of maintaining various data sets. Future improvements to be investigated.	50%
C1.1.1	Building Approvals	Provide assessment and processing of building permits within prescribed timeframes to ensure that buildings are constructed or demolished to required standards. Sub-service/s for this service are: Statutory Building	Environmental Health and Statutory Building	On-Track	225 building permits were assessed between October and December 2022.167 swimming pools were inspected between October and December 2022.	54%
C1.1.1	Building Services	To manage and maintain City owned buildings and associated infrastructure in line with the City's Asset Management Plan and lease agreements. Sub-service/s for this service are: Building Services and Maintenance	Building Works	On-Track	Ongoing scheduled maintenance (General and Preventative) being completed in line with service agreements/contracts. Over 50% of Capex projects have been completed with several being deferred due to escalation of costs within the current building industry therefore referred to Budget review for additional funding and/or re scheduling, or deferring projects.	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L3.1.1	Communications and Marketing	The purpose of the Communications and Marketing Branch is to provide high quality, external communications and marketing, including managing the City's brand. Sub-service/s for this service are: Strategy Development Media Management Social Media Communications / Publications Design and Marketing	Communications and Marketing	On-Track	Implemented communications plans to manage reputational risk for Bedford North Scheme Amendment, Underground Power for Maylands and Drake Street Cycle Path. Completed LG Reform communications (internal and external). Delivered an extensive media launch of the City Bayswater Skate Park and the City's Art Awards event. Prepared 24 media releases, responded to 4 media enquiries, produced 95 Facebook posts, 71 Instagram posts, 28 LinkedIn posts and responded to 58 messages. Produced 1 Bayswater Beat, 5 e-newsletters, 1 Year in Review and 5 CEO catch ups and 4 speeches. Completed 97 design projects. Created and implemented guidelines for managing comments on social media. Created a brand style guide for Maylands Waterland.	50%
C1.1.1	Community Care and Aged Services	Support aged and vulnerable providing programmes and connections at the Morley and Bayswater Community Centres and through collaborative partnerships. Sub-service/s for this service are: Community Centre Coordination Active Aging Programs Volunteers	Community Development	On-Track	The Community Centre planning for the new year is now complete with schedules updated. Work is progressing on a branding audit of centres, and re-branding of centre collateral. The City is progressing four priority areas of the active aging programs, and recruiting new volunteers. Improved communications with volunteers and members through monthly combined volunteer meetings introduced. Quarterly newsletters, suggestion boxes and twice yearly surveys been reinstated.	50%
C1.1.1	Community Development	Facilitate, educate and enable community capacity building and services to communities, and in particular vulnerable and marginalised community members. Connect and support our local communities through advocacy and engagement. Sub-service/s for this service are: Access and Inclusion Reconciliation Youth Services Homelessness Community Grants Culture Community Bus	Community Development	On-Track	Access and Inclusion and Reconciliation minor committees are on track and progress reporting on track.	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L1.1.1	Community Engagement	Embedding a culture of engagement and building the organisation's capability in the practice of community engagement, as well as through the direct delivery of engagement initiatives. Sub-service/s for this service are: Community Engagement	Community Engagement	On-Track	Community Engagement Projects that the CE Team have advised / assisted on this quarter include the following: Aboriginal engagement plan, Bedford North scheme amendment and design guidelines, Chisholm College traffic management, Sports club leaseholder project, Trial of mobile security cameras, Crime Prevention and Safety Plan, Drake Street Cycle Path, Events projects x3 as well as the Events Strategy, IDAC Project, Low Cost Urban Road Safety (LCURS) x 3 projects, Play space upgrades x 3, Safe Routes to School x 4 projects, NRUP underground power, SUPP underground power, Ward boundary review, Chaplaincy funding review, Community centre evaluation. Several key projects required intensive support. The engagement team was significantly involved with planning and delivery of the Drake Street Cycle Path face-to-face engagement. This project had a high risk to service delivery, and required substantial collaboration. Similarly, the two contentious Underground Power projects required continuous high-level support. Large undertakings such as the Crime and Safety Plan, Bedford North scheme amendment, and three simultaneous LCURS rollouts necessitated a significant investment of time from the engagement team.	50%
C1.1.1	Community Events	Manage City led community events, support the planning and delivery of community led events within the City, as well as building capacity and relationships to expand community led events and cultural arts. Sub-service/s for this service are: City Led Events Community Led Events Grant Management	Community Development	On-Track	Delivery of City led events between October to December 2022: Avon Descent Finish Line Festival with an estimated 5,000 attendees. Community Art Awards with new category 1,600 attendees and participations in the event and exhibition combined. The Carols by Candlelight attracted an estimated 3,000 attendees and included more community focussed stalls and City information services i.e.. Hub Connectors, Library services and FOGO. The City sponsored the North of Perth Music Festival with an estimated 1800 participations. The Christmas Banner Competition attracted 360 entries and estimated 150 attendees at the exhibition. School scholarships were awarded to five local students at end of year school award ceremonies. There were an estimated 600 attendees. The events plan was scheduled to return to Council for review, and due to staff resourcing this is likely to return to Council in July, with the Calendar of Events Review in March.	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
C1.1.1	Community Safety	Provide 24/7 compliance, enforcement, emergency management and security services to mitigate hazards and contribute to community safety. Sub-service/s for this service are: Community Ranger Security Services Parking Enforcement Emergency Management Call Centre/Administration	Rangers and Security	On-Track	Response provided to spate of graffiti damage committed on numerous premises in Morley commercial precinct. Visible patrols, community engagement and education undertaken. Offending has now ceased. Responded to spate of rock throwing incidents inonalds, Morley which generated comprehensive community concern. Undertook visible patrols in collaboration with police. Offenders identified and offending has ceased. Reduced red tape by creating efficiencies in the alfresco permit application process. Provided information session to DLGSC staff regarding proposed centralised animal registration system. Utilised Town of Bassendean surveillance camera trailer and deployed it in hot spot areas gaining reduction in crime at each location. Local Emergency Management Committee considered a request to amalgamate with Town of Bassendean Local Emergency Management Committee. Officers represented the City at the Australian Security Industry Association Ltd. (ASIAL) conference to observe and examine the latest security trends and products. Officers represented the City at 40th Anniversary of Neighbourhood Watch function at Government House. The RFQ process resulted in a consultant being selected to develop the City's Community Safety and Crime Prevention Plan. Animal registration reminders were sent to households encouraging owners to register cats and dogs. 660 blocks were inspected as part of there City's fire season response. Non compliant blocks have been addressed by way of education and enforcement.	50%
L3.1.1	Customer Service	Provides a front line, first point of contact for customers (both internal and external) wanting to engage with the City for a wide range of business purposes. Sub-service/s for this: External Customer Management Business Support	Community Development	On-Track	Customer Services delivered this quarter include frontline services and business support. Key deliverables this quarter include: - Walk-in customers Served - 7,640 - Visitors signed in - 690 - External telephone calls answered - 16,030 - First call resolution of external telephone calls by Customer Service team - 27% - Landgate Electronic Advice of Sales checks processed - 420 - Plan search request processed - 120 - Payments receipted - 2,020 - Waste Service requests - 2,820 - Knowledge Management System Records created - 160 - Animal registrations and renewals processed - 820 - Snap Send Solve requests processed - 190	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L2.1.1	Depot Administration	Manage the city's depot assets in accordance with, asset management priorities and relevant industry standards. Sub-service/s for this service are: 1. Depot operations 2. Administration Support 3. Customer Request Management 4. Business Development and Improvement	Parks and Gardens	On-Track	Services identified in branch plan are being delivered as planned.	50%
V2.1.1	Economic Development	To encourage new development to occur and to support prospective and existing City businesses. Sub-service/s for this service are: Business Investment and Economic Growth	Development and Place	On-Track	The City has met with a number of developers including; Mirvac, Parcel Group, Juniper Aged Care and Satterley Group in the past quarter to promote development and investment within the City. As a part of these meetings the City has been promoting City owned sites for potential joint venture partnerships. The City is also currently reviewing the car parking plans and cash-in-lieu of car parking and parking dispensation policies to make parking more flexible and less onerous on new developments. A report on the next steps of the Morley Streetscape Detailed Design work was presented to Council at the October OCM. Council requested a further workshop to discuss the matter which will occur early in 2023.	35%
C1.1.1	Engineering Services	Provide and maintain road Infrastructure in accordance with relevant Engineering and Industry Standards. Sub-service/s for this service are: Engineering Design Engineering Administration Engineering Works	Engineering and Spatial Services	On-Track	Engineering capital projects are progressing well. The City commenced and completed some major Engineering projects such as the Camboon /Wolseley R/B and 40 % of the annual resurfacing program along with the resurfacing of the major arterial roads of Coode St from Walter Rd to Beaufort St and the section of Beaufort St to Grand Prom were completed as well. Maintenance programs are also progressing well. Design services are practically at a full complement of staff with a recent position being filled from within the branch leaving their position to now be filled. The City has undertaken consultation for the next stages of the City's Low Cost Urban Road Safety Program(LCURS) and quotes for the installation of treatments for the first two stages were finalised with a view to appointing a contractor in the new year. The Maylands Underground Power program received approval from the State Government and the City has forwarded information to all residents within the area of works with the anticipated program that Western Power has proposed to commence work in late February 2023.	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
C1.1.1	Environmental Health	Monitor and manage public health and to ensure prescribed legislative requirements are being met. Sub service/s for this service are: Environmental Health	Environmental Health and Statutory Building	On-Track	128 food premise inspections were undertaken and 8 public buildings were assessed between October and December 2022. The Branch was down Officers during this period, however measures are in place to meet targets by the end of the financial year.	36%
E4.1.1	Environmental Sustainability	Lead and manage the City's strategic, capital and operational programmes to protect, build resilience and improve the City's natural environment, liveability, urban form and sustainability for current and future residents of the City of Bayswater. Sub-service/s for this service are: Water Quality Monitoring Contaminated Sites Environment area maintenance Carbon reduction	Sustainability Environment and Waste	On-Track	Three water quality sampling runs (Bayswater and Bassendean) completed (Jul, Aug, Sep 2022) cover the Bayswater main drain, and City of Bayswater's geographical areas within the greater Bennett Brook Catchment. Continued maintenance (ongoing) over of natural areas (including some living streams) and reserves via operating and capital budgets (SEW). City of Bayswater, ongoing commitment and funding for water quality monitoring arranged by DBCA at Eric Singleton Bird Sanctuary, with monthly sampling occurring. Implementation of Emissions Reduction Energy Plan.	50%
L4.1.1	Financial Services	Provides overall strategic and operational responsibility and advice for the City's financial process and planning, budgets, rates and investments. Sub-service/s for this service are: Rating Service Accounting Services Cash Management	Financial Services		No report this quarter.	

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L4.1.1	Governance and Council Support	Provides support and guidance to the Executive, Council and City officers to support good governance and decision-making and legislative compliance. Sub-service/s for this service are: Council support and services Governance Policy Development	Governance and OPD		Processes for Council Meetings and agenda briefing forums are being refined. The 2023 meeting schedule was adopted by Council at its meeting on 22 November 2023 and for the first time incorporated both Council and Committee Meetings, Agenda Briefing Forums, Council Briefings and meetings of external bodies to enable for better forward planning. Testing on the online petitions module has now been completed and the module will be rolled out early Q3. The risk based policy review schedule was accepted by the Policy Development and Review Committee on 28 November, and will be presented to Council at its meeting of 31 January 2023. A report on improving transparency was presented to Council at its meeting of 6 December 2022, and Council resolved to improve transparency by making the officer's recommendation and Council resolution on confidential items public where possible and to provide an annual report at Council's December Meeting to release information from confidential reports throughout the year that is no longer confidential. A status update was presented to the Audit and Risk Committee of 6 December 2022 on the City's progress on the proposed reforms to the Local Government Act 1995. The City will continue to work on the reform proposals to ensure compliance can be met when required.	50%
L2.1.1	Human Resources	Provide support and solutions to ensure the City has adequate people capacity and capability to deliver quality services to the Community. We provide a legislative compliant workplace which is safe, engaging and rewarding.. Sub-service/s for this service are: Human Resources Payroll Organisational Development Work Health and Safety	People, Culture and Safety		Team have developed the template and are preparing the stats for the first ELT meeting in January	

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L4.1.1	Information Services	Support for the City's line of business applications, improved technologies and IT infrastructure. Ensure the City's data and information are secure, protected and highly available. Sub-service/s for this service are: Information Services Administration Information and Communications Technology Business Systems and Cyber Security	Information Services	On-Track	Technology One ERP program kicked off in December 2022. Significant effort towards a regular and routine cyber security reporting program of work	50%
L3.1.1	Library Services	Provide vibrant, inclusive libraries that support community harmony, lifelong learning and creativity Provide City access and customer service in local areas. Sub-service/s for this service are: Library and Customer Service Administration Morley Public Library Bayswater Public Library Maylands Public Library	Community Development	On-Track	Library services delivered this quarter include content collect, frontline services and programs. Key deliverables this quarter include: - Items loaned - 84,860 - Public PC sessions - 6,430 - WiFi sessions commenced - 4,525 - New Library memberships processed - 890 - Activity session attendances - 5,290 - Corporate Customer Service - (rates payments, animal registrations/renewals, waste services etc) processed - 3,310 New services/initiatives delivered: -- Sensory story time commenced. A sensory storytime with an interactive approach to storytelling activities that support children with autism or sensory processing challenges. - Digital Mentor programme expanded to include workshops - e.g. Word for Beginners; Emails for Beginners. - Program of activates to support Mental Health Week Online Annual Library use and outcomes survey completed	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L4.1.1	Organisational Planning and Development	Facilitates business planning, reporting and improvement within the organisation. Sub-service/s for this service are: Integrated planning Performance reporting Organisational improvement projects	Governance and OPD		Services Plans for 2022/23 have been costed and finalised with Executive. These will be used as the basis for service plans for 2023/24. Commenced business planning for 2023/24 with Council, Executive and Managers. Workshops and meetings held throughout October and November. Executive have commenced work to review all Informing Strategies and Plans, and identify the priority actions for 2023/24. This work will be incorporated in services plans for 2023/24. The Annual Report for 2021/22 has been circulated to Council and Executive for review and comment. Once the Financial Statements have been finalised by the Auditors, this will be submitted to Council for consideration. Quarterly performance reporting for Q3 and Q4 2021/22 and Q1 2022/23 has been presented to the Audit and Risk Management Committee, and is now up to date. Quarterly performance reporting for Q2 2022/23 is underway. The new OPD Coordinator has commenced in the role, and is being onboarded.	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
E2.1.1	Parks and Gardens	Supporting our community by providing quality green spaces, protecting and enhancing the urban forest and considering the natural environment. Sub-service/s for this service are: 1. Park Infrastructure 2. Park Projects 3. Landscape Design 4. Sports Ground Maintenance 5. Parks Maintenance 6. Civic Gardens Maintenance 7. Streetscapes Maintenance 8. Tree Care 9. Spraying 10. Golf Course Maintenance 11. Irrigation	Parks and Gardens	On-Track	Services and projects identified in branch plan are being delivered as planned. Highlights as follows: Hosted Women's U19 Cricket National Championship at Hillcrest Reserve.	50%
V2.1.1	Place Management and Town Centre Activation	To improve the amenity, function, safety, economic effectiveness and visitation of public spaces and town centres in collaboration with community groups and businesses. Sub-service/s for this service are: Place Management Major Town Centre Events Town Centre Soft Activation	Development and Place	On-Track	The City is currently working with consultants Porter's to develop a workshop/ briefing for Councillors on the Morley Activity Centre Streetscape detailed design project for early 2023. The City is finalising the documents for the Seed Funding grants which are scheduled to be advertised early in 2023. It is noted that no funding was provided for Major Town Centre events in 2022/23 so no action is being taken on these events this financial year.	25%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
E1.1.1	Planning Approval	Ensure planning applications are assessed providing recommendations and approvals. Sub-service/s for this service are: Development approvals Subdivision referrals Design review panel assessments	Development and Place	On-Track	• The City assesses development applications (DAs) within two weeks of lodgement to ensure issues are identified early in the process and applicants are informed of the DA's progress and pathway. • Where a DA meets the fastrack criteria, it is determined within two weeks. • Progression of an online portal for the lodgement of development applications as part of the roll out of eServices across the City. • Updated software for plan assessment which improves officer efficiency with the introduction of new intuitive capabilities. • Online tracking of DAs where applicants can track applications online via the City's website. • A spatial tracking tool for residents to search DAs lodged near them. • The Development Control Unit (DCU) is an internal group of specialist technical officers in their respective service areas who regularly meet to discuss and provide early feedback on DAs. The DCU membership has been expanded to include officers from other service areas in light of the priority focus areas of economic development, trees, sustainability and environment in DA assessments. This improves communication and accelerates early identification and options/resolution of issues. • Applicants are also extended an invitation for their DAs to be reviewed by the DCU prior to application lodgement to assist in the identification of key issues, opportunities and considerations prior to consideration by the Design Review Panel, Development Assessment Panel and/or Development WA.	50%
L2.1.1	Plant, Fleet and Equipment	Manage the city's fleet and depot assets in accordance with, asset management priorities and relevant industry standards. Sub-service/s for this service are: Fleet, Plant and Equipment	Engineering and Spatial Services	On-Track	The City's Plant and Fleet area are still experiencing difficulty with hiring of staff and have managed with contract labour. The strategic project of producing a ten year plant replacement program is now 100% complete . The analysis of FBT for vehicles is 100 % complete . The finalising of a Fleet Management practice is 100 % complete and was presented to ELT for approval. ELT has approved the document with some minor changes with the document to be distributed to HR for implementation has requested for further analysis of associated fleet costs and a report to be presented back to at the end of February of 2023. The Fleet section continue to evaluate opportunities of purchasing electric equipment when plant is due to be replaced.	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L2.1.1	Procurement	Ensure that the City's tendering and procurement meet the regulatory and policy requirements, and reflect sector best practice. Sub-service/s for this service are: Tendering Procurement Contract management	Business Services	On-Track	The new CMS has been deployed and is being rolled out across the operational areas, subject to capacity between other projects. All contract renewals have now been completed, with the exception of some vendor agreements (library services) which are being renegotiated. The IT software licence agreements still need to be taken up in the CMS, which will be done as time permits.	40%
C1.1.1	Project Services	Plans, develops, supports, implements and coordinates responses to major projects (State and City led) within the City. Responsible management of land and property in ownership or in the control of the City. Sub-service/s for this service are: State Projects City Projects Leisure Planning and Facilitation	Project Services	On-Track	Play Space Strategy Review completed. Community Capital Request works completed. 21/35 capital projects completed (includes the new City of Bayswater Skate Park at Wotton Reserve. October 2022 to March 2023 Summer sport season ground bookings completed. Ten+ customer ground booking enquiries administered per day.	50%
C3.1.1	Commercial Activities	Responsible management of land and property in ownership or in the control of the City. Sub-service/s for this service are: Commercial Leases, Licences and Agreements	Recreation and Commercial Activities	On-Track	The Morley Sport and Recreation Centre situation has been a major of focus in the commercial activities in quarter 2. Officers regularly met with BlueFit to negotiate responsibility for the unplanned ongoing operating deficit. Negotiations have hit a major milestone with a report to Council planned for the January 2023 Ordinary Council Meeting. Other Qtr actions included the pending lease end of the Waves cafe and sourcing a new tenant for the RISE cafe and office area. With the resignation of the Economic Development Officer late in the quarter there is no allocation of resources for commercial activities. Plans are being developed to address this situation moving forward.	50%
C3.1.1	Property (Community)	Responsible management of land and property in ownership or in the control of the City. Sub-service/s for this service are: Community Leases, Licences and Agreements	Building Works	On-Track	Minister for Lands consent to the proposed new leases or lease renewals has been sought and approved. Accordingly leases have been sent to tenants for execution. Currently planning for 2023/2024 lease expirations and renewals.	50%
L3.1.1	Records Management	To ensure that the City's electronic document management and record keeping systems are compliant with State Records legislation, audit recommendations and sector best practice. Sub-service/s for this service are: Records management	Business Services	On-Track	All tracking as required - additional funds have been requested in the 2023/24 budget for digitisation of hard copy records (building plans).	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
C1.1.1	Recreation Facilities	Recreation Services facilitate recreation activities and programs for the community at Bayswater Waves, the RISE and Maylands Waterland. The service offering balances commercial operation with subsidised services not provided by the market to maximise social, health and financial outcomes to the City. Sub-service/s for this service are: Bayswater Waves The Rise Maylands Waterland	Recreation and Commercial Activities	On-Track	Strong visitation continues at Bayswater Waves, The RISE and Maylands Waterland. With the warmer Summer weather, aquatic visitation at Waves has significantly increased from qtr 1 with further growth expected for qtr 3. This will be tempered by the final stage of refurbishment due to commence 1 February 2023. Dry program utilisation has not grown as quickly over the quarter with the lingering effects of the COVID pandemic and the pending refurbishment prompting higher than usual suspensions of memberships. Given that members are suspending, rather than cancelling, this abnormally should correct itself at completion of refurbishment works. The RISE visitation remains strong with record participation numbers through core programs and Maylands Waterland is exceeding visitation expectations which has caused a number of operational issues related to waste, parking and plant capacity to deal with bather load.	50%
L4.1.1	Risk Management and Audit	Provides support and guidance to the Executive, Council and City officers to support good governance and decision-making and legislative compliance. Sub-service/s for this service are: Risk Management Internal Audit Insurance	Governance and OPD	On-Track	Internal Audit Charter presented to Dec ARMC. Processes continue to be reviewed, changes implemented has seen an improvement in the reporting of audit actions to the ARMC. The Risk Management Framework review is complete, the updated Framework and Policy will be presented to the February ARMC. The review of the Fraud and Corruption Control Plan has commenced. The plan will complement and align to the Risk Management Framework and Integrity Framework. Reporting of insurance incidents has been included in the new WHS reporting system, Done safe. A review of the controls relating to the management of fleet and the number of incidents resulting in insurance claims is in-progress.	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

SERVICE PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Service	Service Description	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
E1.1.1	Strategic Land-Use Planning	To develop and review the local planning framework (scheme, policies, strategy, precinct plans) in accordance with State and Local requirements, providing parameters to Development Approvals and provide planning advice to community. Sub-service/s for this service are Local Planning Strategy/Town Planning Scheme	Development and Place	On-Track	The City is currently finalising the scope of works for the Morley Station Precinct Structure Plan with the Department of Planning, Lands and Heritage. It is anticipated that the request for tender will be advertised early in the new year. 2 modified parking policies and the draft Payment in Lieu of Parking Plan were adopted for advertising at the December OCM and are set to be put out for public comment in February. The City has advertised an expression of interest for a mobile food vehicle operator to establish a semi-permanent presence at Riverside Gardens and is set to appoint a successful applicant this week. The WAPC has required further modifications to the LPS, to update it to include 2021 census data prior to advertising. These updates are currently being made.	30%
E4.1.1	Waste Management	To provide a quality waste collection and management service to residents and the community. To maximise recovery of waste to minimise landfill costs, emissions and environmental impact. Sub-service/s for this service are Collection Service Waste Education	Sustainability Environment and Waste	On-Track	Total households with the FOGO service at the end of the quarter is 28,553. This is 96% of the agreed total (29,816) for the Better Bins Plus Go FOGO project. There is only 6 months remaining for this project and we are slightly behind schedule, mainly due to staff turnover at multiple levels in the team. The new Waste Education Officer will be prioritising this project and there are several properties in the final stages of the transition. The DWER has been made aware of these concerns and will be in contact with the City to discuss options. The waste education program is continuing to encourage residents to adopt correct waste sorting behaviours and overall sustainable habits. The SEW team participated in a Sustainability Symposium at Chisholm Catholic College in Dec. Year 9 students attended presentations and project specific workshops related to Sustainability, Environment and Waste. The program was a success and the event model will be tailored to meet the needs of other schools within the City. Plans to operate a Household Hazardous Waste drop off at Baywaste are continuing. Talis Consultants have been engaged to assist with the licence amendment for the site. Once the licence amendment is complete, construction of the sheds can begin. The City's current contract with Cleanaway is due to expire 30 June 2023. The City would like to negotiate a shorter extension (1+1 or a 2+1), however Cleanaway have advised they will not agree to anything less than the original 5 year term. The terms of the waste collection services proposed by EMRC are still being reviewed and a report outlining the key services will be provided to Council at the Feb OCM.	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

CORPORATE BUSINESS PLAN PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Title	CBP Action	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L1.1.1	Community Perception Survey	Undertake a community perception survey every two years	Community Engagement	On-Track	Discussions with Economic Development Officer around the business survey. Discussions with Governance team around scheduling and budgeting for the Community Perception Survey.	0%
C1.2.1	Community Recreation Plan	Develop and implement a Community Recreation Plan.	Project Services	On-Track	Community Sport and Recreation Facility Funding outcome for Hillcrest changing due February 2023. Federal Funding Grant agreements for Lightning Park Spectator Shelter and Noranda Soccer Changerooms being drafted	40%
C1.1.1	Maylands Waterland redevelopment	Implement the approved future option for the Maylands Waterland site.	Project Services	On-Track	As per Q1	100%
L3.1.2	Staff Satisfaction Survey	Undertake annual staff satisfaction surveys	People, Culture and Safety	On-Track	Staff satisfaction surveys are completed every two years. This is due to allowing the City to address issues raised in the survey before another survey is undertaken. This has been the case for the last few years	0%
B2.1.4	Bayswater Town Centre pedestrian friendly	Investigate a pedestrian friendly shared place in the Bayswater Town Centre.	Development and Place	On-Track	This will be implemented with Development WA and PTA as part of the redevelopment of the Bayswater Station and the surrounding precinct. The City is working with Evolve (DevWA and PTA's consultants) on detailed road and public realm design of these two agencies.	50%
C1.3.1	CPTED in Town Centre developments	Apply Crime Prevention Through Environmental Design principles in Town Centre developments.	Development and Place	On-Track	CPTED principles are applied through projects as they arise particularly as a part of precinct planning and development application assessments.	50%
B3.2.1	Facilitate shopping precincts	Facilitate the development of shopping precincts.	Development and Place	On-Track	The City is currently implementing the upgrading of the Bedford Shopping Precincts. New alfresco spaces have been installed in front of businesses including the new small bar Djangos.	60%
B3.1.2	Local Planning Strategy & new TPS	Develop and implement a Local Planning Strategy and develop a new town planning scheme.	Development and Place	On-Track	In November 2023 the WAPC required further modifications to the LPS, to update it to include 2021 census data prior to advertising. These updates are currently being made.	40%
B2.1.3	Parking Management Strategies for Town Centres	Develop remaining Parking Management Strategies for Town Centres.	Development and Place	On-Hold	Noranda is the only town centre without an endorsed Parking Management Plan. The City intended to develop the plan as a part of the Noranda District Centre Precinct Plan, which was not funded in the FY2022/2023 budget. Therefore this project is not progressing further at this time.	75%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

CORPORATE BUSINESS PLAN PROGRESS REPORTING - QTR. 2 - 2022/23

SCP Alignment	Title	CBP Action	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
E2.1.3	Public Art Strategic Plan	Develop and implement a Public Art Strategic Plan.	Development and Place	On-Track	The City is developing the Strategy in house a draft document is currently being prepared. It is anticipated to be presented to Council in early 2023.	20%
L1.1.1	Simplify Processes	Investigate opportunities to simplify processes and reduce red tape in all areas of the City's business.	Development and Place	On-Track	Development and Place continually seek opportunities to improve its processes and procedures to reduce red tape to the customer.	50%
B1.1.1	Streetscape upgrade for Morley & Bayswater	Develop and implement a streetscape upgrade plan for Morley and Bayswater.	Development and Place	On-Track	The City is currently working with consultants Porter's to develop a workshop/ briefing for Councillors on the Morley Activity Centre Streetscape detailed design project for early 2023.	30%
B1.1.2	Streetscape upgrade for Noranda	Develop and implement a streetscape upgrade plan for Noranda.	Development and Place	On-Hold	No funding has been allocated to this projected. The City intended to develop the plan as a part of the Noranda District Centre Precinct Plan, which was not funded in the FY2022/2023 budget. Therefore this project is not progressing at this time.	0%
E2.1.1	Strengthen Morley City Centre	Strengthen the Morley City Centre as a pedestrian friendly environment to meet the requirements of a Strategic Metropolitan Centre.	Development and Place	On-Track	The City is currently working with consultants Porter's to develop a workshop/ briefing for Councillors on the Morley Activity Centre Streetscape detailed design project for early 2023.	30%
B3.1.1	Structure Plans & built form policies for each town centre	Prepare a Structure Plan and built form policies for each town centre: Maylands; Morley; Noranda; Bayswater.	Development and Place	On-Hold	Noranda is the only town centre without an endorsed Precinct Plan. The City requested a budget allocation to develop a Precinct Structure Plan for the Noranda Town Centre as a part of the 22/23 budget process, however no funds were allocated. The City received funding for a precinct plan in the area surrounding the new Morley train station. The City is currently in discussions with DPLH to partner on the plan, to ensure consistency between both agencies and to pool resources.	75%
E2.1.2	Town Centre Activation Plans	Implement Town Centre Activation Plans.	Development and Place	On-Track	Respoke are currently constructing the sculptural lighting for the Morley activity centre. Additionally, the Bert Wright Park concept plan is currently being modified to incorporate more landscaping and to ensure it can still be delivered given the rising costs. This is currently being drafted by the City's Landscape Architect. Creative Maylands metagraphic has now been installed.	80%
C2.1.1	Aged Care asset review	Review of Aged Care assets.	Business Services	On-Track	The legal work has begun, and the business plan for the s 3.58 requirements will go to the next meeting of the Afed Care Asset Divestment Committee.	40%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

CORPORATE BUSINESS PLAN PROGRESS REPORTING - QTR. 2 - 2022/23						
SCP Alignment	Title	CBP Action	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L3.1.3	Implementation of Strategies	Provide an annual report to on the implementation of approved strategies.	Governance and OPD	On-Track	The Audit and Risk Management Committee were presented with the Annual Review of Strategies due for review during Q3 and Q4 2021/22 and Q1 2022/23 at the meeting held 6 December 2022, and this work program is back to schedule. A new review schedule has been approved by the Committee for 2022/23, and the next group of Strategies due for review in Q2 2022/23 will be presented to the Committee in February 2023.	50%
L2.2.1	Processes & Systems	Develop, review and implement processes and corporate systems to be more responsive to community needs and contemporary customer interaction.	Information Services	On-Track	Digital signature software deployed in line with the City's digital transformation strategy. ERP project commenced in December 2022.	
L3.1.1	Elected Member Training	Co-ordinate ongoing training programs for elected members.	Governance and OPD	On-Track	Councillor Johnson completed CEO Performance Review Training on 29 November 2022. This will be noted in a Delegate's Report to OCM 31 January 2023. No other Councillors have attended training during the quarter.	50%
N1.1.1	Environmental Liveability Framework (ELF) development & implementation	Develop and implement a City of Bayswater Environmental liveability framework including biodiversity, climate change and urban forest.	Sustainability Environment and Waste	On-Track	The preparation of the 5 year plan is ongoing. To be delivered end of Q4.	50%
N2.1.1	Waste collection practices & FOGO	Review waste collection practices, investigate and implement alternative waste treatment technologies including Food Organics and Garden Organics (FOGO).	Sustainability Environment and Waste	On-Track	FOGO is being rolled out to last Multi Unit Dwellings.	95%
N2.1.2	Waste education for community	Deliver waste education to the community in partnership with other stakeholders.	Sustainability Environment and Waste	On-Track	Waste Recovery Education Officer providing ongoing community education at City events. Waste Education to be provided at Clean-up Australia Day event.	25%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

INFORMING STRATEGIES ACTION PROGRESS REPORTING - QTR. 2 - 2022/23						
SCP Alignment	Strategy	Strategy Actions 2022-2023	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
C4.1.1	Access and Inclusion Plan	Provide high-level update of strategy actions/outcomes implemented this quarter	Community Development	On-Track	Delivered the 2021/22 DAIP Report to the Department of Communities, and completed 28 strategies for year two of the plan. In the reporting period, the City delivered on an additional 14 delivereable in outcome areas 1,2,3,4 and 7	25%
L2.1.1	Advocacy Strategy	Provide high-level update of strategy actions/outcomes implemented this quarter	CEO	On-Track	Progress reported in CEO's KPIs	
C4.1.1	Age Friendly Strategy 2021-2025	Provide high-level update of strategy actions/outcomes implemented this quarter	Community Development	On-Track	The City is progressing with a focus on 4 priorities this quarter; Priority 1 Transportation:2.1 Review the City's existing Community Bus Hire Program and explore opportunities to maximise participation of older residents. Priority 2 Respect and Social Inclusion: 5.2 Investigate opportunities to partner with local businesses and community groups to showcase stories that celebrate 'ageing' in the City of Bayswater. Priority 3 Respect and Social Inclusion: 5.5 Support and actively promote initiatives that raise awareness of elder abuse and broaden the conversation in the community Priority 4 Community Support and Health Services: 8.4 Redevelop 'Older Adults' web pages on the City's website to link users to My Aged Care, NDIS and other Government funded initiatives.	25%
C1.1.1	CCTV Strategy 2019-2028	Provide high-level update of strategy actions/outcomes implemented this quarter	Rangers and Security	On-Track	CCTV trailer borrowed from Town of Bassendean to trial effectiveness as a crime prevention resource. CCTV used to identify suspects and reduce rock throwing and graffiti offences in Morley area. Trial of Licence Plate recognition technology in parking enforcement being undertaken.	50%
E4.1.1	Collective Local Biodiversity Strategy	Provide high-level update of strategy actions/outcomes implemented this quarter	Sustainability Environment and Waste	On-Track	Ongoing environmental restoration of natural areas. Plants ordered for winter 2023 revegetation. Success in securing grant for samphires restoration program.	50%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

INFORMING STRATEGIES ACTION PROGRESS REPORTING - QTR. 2 - 2022/23						
SCP Alignment	Strategy	Strategy Actions 2022-2023	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
L1.1.1	Community Engagement Strategy	Provide high-level update of strategy actions/outcomes implemented this quarter	Community Engagement	On-Track	As part of our commitment to inclusivity, CE Champions meetings have featured topics around diversity and inclusion of our lesser heard groups. A guest speaker came and their materials were promoted through various teams in the organisation. These meetings have been responsive to the needs of the attendees and the organisational climate. As such, a training session was held on the subject of Risk, including a case study on a highly contentious project. As part of our dedication to strengthening organisational excellence and investing in staff learning, 5 staff members have been trained this quarter in engagement basics and as project administrators on Engage Bayswater. Areas identified for improvement in the previous quarter's evaluation of engagement by the community were informativeness and ease of use. The standout area of improvement this quarter is promotion. The qualitative feedback in relation to promotion was conflicting, and revealed the difficulty of addressing this issue. The general slide in weighting towards Acceptable in this quarter is reflective of trends in three key projects (LCURS, Bedford North Scheme Amendment and Drake Street Cycle Path).	50%
C1.1.1	Community Recreation Plan	Provide high-level update of strategy actions/outcomes implemented this quarter	Project Services	On-Track	Community Sport and Recreation Facility Fund application submitted to Department of Local Government Sport and Culture in relation to funding for a Skate and BMX strategy. Development of concept plan and community engagement planning for Riverside Gardens and Hinds Reserve redevelopment. Community group and leaseholder audit conducted in November 2022 for the purposes of updating club information, identifying opportunities for improved club development service and program delivery, and auditing leaseholders to assess performance against their lease KPI's	25%
C4.1.1	Cultural Plan 2019-2024	Provide high-level update of strategy actions/outcomes implemented this quarter	Community Development	On-Track	The City is progressing with a focus on Priority 1. Partner/Collaborate – Opportunities: Consider a range of temporary cultural experiences – self-paced, pop-ups, flash mobs, hands-on activities.	25%
V2.1.1	Destination Marketing Strategy	Provide high-level update of strategy actions/outcomes implemented this quarter	Development and Place	On-Hold	Funds not allocated to implement this strategy in 2022/23 the City is working with businesses to assist them to use the Destination Marketing strategy style guides to promote their own businesses.	0%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

INFORMING STRATEGIES ACTION PROGRESS REPORTING - QTR. 2 - 2022/23						
SCP Alignment	Strategy	Strategy Actions 2022-2023	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
E4.1.1	Emission Reduction and Renewable Energy Plan	Provide high-level update of strategy actions/outcomes implemented this quarter	Sustainability Environment and Waste	On-Track	Sustainability Officer being onboarded to manage project will be delivered Q3	25%
E4.1.1	Environmental Liveability Framework 2021-45	Provide high-level update of strategy actions/outcomes implemented this quarter	Sustainability Environment and Waste	On-Track	Currently developing 5 year strategy.	50%
V2.1.1	Interim Economic Development Plan (currently taking place of the Economic/ Business Framework	Provide high-level update of strategy actions/outcomes implemented this quarter	Development and Place	On-Track	The City has met with a number of developers including; Mirvac, Parcel Group, Juniper Aged Care and Satterley Group in the past quarter to promote development and investment within the City. As a part of these meetings the City has been promoting City owned sites for potential joint venture partnerships. The City is also currently reviewing the car parking plans and cash-in-lieu of car parking and parking dispensation policies to make parking more flexible and less onerous on new developments. A report on the next steps of the Morley Streetscape Detailed Design work was presented to Council at the October OCM. Council requested a further workshop to discuss the matter which will occur early in 2023. A detailed update on the progress on the Strategy was provided to Councillors	35%
E3.1.1	Local Bike Plan	Provide high-level update of strategy actions/outcomes implemented this quarter	Engineering and Spatial Services	On-Track	The final draft has been reviewed and will be forwarded to Councillors during January 2023 with a view to be advertised for final feedback from the community.	85%
C4.1.1	Local Homelessness Strategy	Provide high-level update of strategy actions/outcomes implemented this quarter	Community Development	On-Track	The City in preparing a report on the Homelessness Strategy in March	25%
V2.1.1	Local Housing Strategy/ Local Planning Strategy 2012	Provide high-level update of strategy actions/outcomes implemented this quarter	Development and Place	Off-Track	The City has been focusing on the development of the Local Planning Strategy which supersedes the Local Housing Strategy. The City is no longer actively implementing this strategy.	0%
C1.1.1	Low Cost Urban Road Safety Program (replacing Citywide Traffic Management Implementation Plan)	Provide high-level update of strategy actions/outcomes implemented this quarter	Engineering and Spatial Services	On-Track	LCURS stage 1 including Embleton and Bayswater precincts design complete and arranging contractor for implementation of treatments. LCURS stage 2 of the 6 precinct 2 have collated public comments and the remaining 4 to be initiated by August 2023.	60%
V2.1.1	Morley Activity Centre	Provide high-level update of strategy actions/outcomes implemented this quarter	Development and Place	On-Track	The City is focusing on the development of the Morley Activity Centre Streetscape detailed design project. The City has appointed Porters consultants to undertake the work. A proposed cross section for the plan was presented to Council at the October OCM. The matter was deferred to a Councillor workshop to be held in early 2023.	30%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

INFORMING STRATEGIES ACTION PROGRESS REPORTING - QTR. 2 - 2022/23						
SCP Alignment	Strategy	Strategy Actions 2022-2023	Branch	Status Q2	Progress Comment: Q2	% Complete Q2
C1.1.1	Play Space Strategy 2019-29	Provide high-level update of strategy actions/outcomes implemented this quarter	Project Services	On-Track	Community engagement completed for Birkett and Feredy Reserve Play space redevelopments	50%
C1.1.1	Public Health and Wellbeing Plan 2019-24	Provide high-level update of strategy actions/outcomes implemented this quarter	Environmental Health and Statutory Building	On-Track	The City delivered a range of public health initiatives for the community, which were inclusive of people with disabilities. Health and Wellbeing events were also held for Indigenous residents.	88%
C4.1.1	Reconciliation Action Plan	Provide high-level update of strategy actions/outcomes implemented this quarter	Community Development	On-Track	The City is progressing to deliver the 35 deliverables of the Reconciliation Action Plan	25%
C4.1.1	The Platform Youth Action Plan 2019 - 2023	Provide high-level update of strategy actions/outcomes implemented this quarter	Community Development	On-Hold	The City is progressing with a focus on Priority 1.Health and Wellbeing 2.3 Establish partnerships with a local business to deliver work experience. (The deliverables for the plan are on hold whilst the City fills a vacant position, forecast to be Mid-March, with a focus on delivering Youth Week in April 2023)	25%
V2.1.1	Town Centre Activation Plans Bayswater Morley Maylands Noranda	Provide high-level update of strategy actions/outcomes implemented this quarter	Development and Place	On-Track	Respoke are currently constructing the sculptural lighting for the Morley activity centre. Additionally, the Bert Wright Park concept plan is currently being modified to incorporate more landscaping and to ensure it can still be delivered given the rising costs. This is currently being drafted by the City's Landscape Architect. Creative Maylands metagraphic has now been installed.	60%
V2.1.1	Town Centre Parking Management Plans for Bayswater, Maylands and Morley	Provide high-level update of strategy actions/outcomes implemented this quarter	Development and Place	On-Track	The City has a budget of $10,000 to implement further action in Maylands. Based on feedback from the Maylands Community Reference group the City is investigating parking options along Whatley Crescent with the recent closure of the Caledonian Avenue crossing opening more informal parking which can be formalised. Additionally, the City has commenced discussions with the Our Lady Queen of Martyrs Catholic Church about potential options to use their site in the future.	25%
E4.1.1	Urban Forest Strategy	Provide high-level update of strategy actions/outcomes implemented this quarter	Sustainability Environment and Waste	On-Track	Preparing implementation plan for the 2023 season	25%
E4.1.1	Waterwise Bayswater 2020-2030	Provide high-level update of strategy actions/outcomes implemented this quarter	Sustainability Environment and Waste	On-Track	Waterwise Bayswater plan currently being implemented. Contractor selected for design of Bowded and Rudloc reserve Iconic proposal.	25%

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

CITY OF BAYSWATER- PERFORMANCE MEASURE REPORTING - QTR. 2 - 2022/23											
Action Type	Title	SCP and CBP Measure	Branch	Frequency	Value	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	Progress Indicator Q2	Notes Q2
CBPM	Public Health Plan	Environmental Health - Number of targets achieved from the City's Public Health and Wellbeing Plan	Environmental Health	Quarterly	No.	38	61			On-Track	Of the 69 actions within the plan - 61 (88.3%) have been addressed. 38 (55%) are fully complete and require no further action, 23 (33.3%) have been actioned and are ongoing, 7 are on-track (10.1%) and 1 is no longer applicable due to a budget cut (provision of immunisation clinics).
CBPM	Attendance at City managed events	Number of attendees at City managed events	Community Development	Quarterly	No.	7000	11,765			On-Track	Total number of participations at City led community events in this quarter were approx. 11,765, with the main summer events calendar part way through.
CBPM		Financial Services - Financial Health Score (Department of Local Government, Sport and Cultural Industries)	Financial Services	Annual						On-Hold	This is an annual measure. The 21/ 22 Financial Health Score is currently being prepared and will be reported in the Q3 report.
CBPM	Cycleways and Footpaths	Engineering Services - Kilometres of cycleways and footpaths created or upgraded.	Engineering and Spatial Services	Annual	Kms	TBC				On-Track	Works commenced on the construction of the Crimea concrete path from Morley Drive to Fedders St.
CBPM	City's volunteers	Number of volunteers in the City or percentage of residents who volunteer (Level of volunteerism by City residents (Volunteering WA))	Community Development	Quarterly	No.	41	68			On-Track	The total number of volunteers registered in this quarter is 68, with four (4) in process and the City advertising to recruit new volunteers including accessing student placements for the homelessness hub, and an intern from the McCusker Foundation.
CBPM	Engagement Activities	Number of engagement activities with the business community.	Development and Place	Quarterly	No.	0	4			On-Track	The City has met with a number of developers including; Mirvac, Parcel Group, Juniper Aged Care and Satterley Group in the past quarter to promote development and investment within the City. As a part of these meetings the City has been promoting City owned sites for potential joint venture partnerships.
CBPM	Town Centres - Structure Plans	Progress towards implementing structure plans for town centres.	Development and Place	Quarterly	%	80%	80			On-Hold	Noranda is the only town centre without an endorsed Structure Plan. The structure plan was not funded in the FY2022/2023 budget. Therefore this project is not progressing at this time.
CBPM	Industry Awards	Number of industry awards applied and outcome	Communications and Marketing	Quarterly	No.	0	0			On-Hold	The responsibility for the application of industry awards is now the full responsibility of individual branches and is no longer supported by the Communications Team (due to resources being re-allocated to the Social Media function). This data will be collated and reported in the 3rd quarter.

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

CITY OF BAYSWATER- PERFORMANCE MEASURE REPORTING - QTR. 2 - 2022/23

Action Type	Title	SCP and CBP Measure	Branch	Frequency	Value	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	Progress Indicator Q2	Notes Q2
CBPM	Participation in engagement	Number of participants in community engagement	Community Engagement	Quarterly	No.	13,000	18,200				The City has had 18,200 unique visitors to the engage Bayswater website in the quarter. This is over 5,000 more than the previous quarter, and almost double the same period in the FY 21/22. Over 1,400 people participated in engagement tools such as surveys. There were 258 new registrations to the site, up from 122 in same period in the FY 21/22. This increase represents interest from community members in strengthening their relationship with the City. The graph below shows a more sustained interest over the quarter, compared to the peaks and troughs of this time last year. Drawing a lot of traffic this quarter were the Art Awards, Low Cost Urban Road Safety Program and Ward Boundary and Representation Review. The Low Cost Urban Road Safety Program utilised the interactive mapping tool very effectively. Hundreds of road hazards were pinpointed by local road users. There were also several face-to-face sessions, drawing around 150 people. Drake Street door-knocking was highly successful - a 75% response rate had been achieved from residents directly impacted by the cycle path. The community relied heavily on project FAQs to better understand the Bedford North scheme amendment, Underground Power and Ward Boundary Review. There was also strong interest in Wotton Skate Park updates, reflecting excitement about its official opening. The news items and videos both attracted equally robust views around the 100 mark.
CBPM	Environmental Strategies	The number of environmental strategies developed and outcomes achieved.	Sustainability, Environment and Waste	Quarterly	No.	1	1				FOGO in operation across 98% of the City. Service rolled out to all SUDs. Rollout to MUDs is in progress. Construction of HHW shed to occur
CBPM	Water Usage and Management	Water usage and management	Sustainability, Environment and Waste	Quarterly	No.	-	1				Continued revegetation and Ecozoning including Arbor Park, Bardon Park and Newington
CBPM	Waste Targets	Progress towards meeting State government targets for waste, particularly with regard to the introduction of Food Organics and Garden Organics (FOGO).	Sustainability, Environment and Waste	Annual	%	95%					Ongoing rollout to MUDs continuing currently review bulk waste proposal.
SCPM	Tree Canopy	Parks and Gardens - Percentage of tree canopy cover - (working towards Council's aspirational target of 20% cover)	Parks and Gardens	Quarterly	No.	3,000	0				Progressing planning stage for 2023 winter planting program.
SCPM	Public/Play Space Development	Parks and Gardens - Number of public/play spaces developed	Parks and Gardens	Quarterly	No.	1	0				Public consultation stage completed for Birkett and Feredy Reserve redevelopments. Other projects identified in branch plan are progressing through various stages as planned.

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

CITY OF BAYSWATER- PERFORMANCE MEASURE REPORTING - QTR. 2 - 2022/23											
Action Type	Title	SCP and CBP Measure	Branch	Frequency	Value	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	Progress Indicator Q2	Notes Q2
SCPM	Businesses Operating/Employment Opportunities	Number of businesses operating in the City Number of employment opportunities in the City	Development and Place	Annual	No.	2,125					An audit of the City's businesses was last undertaken in 2021.
SCPM	Events and initiatives	Community and Civic Events - The number of people attending City-led events	Community Development	Quarterly	No.	0	5				The City has not led any Citizenship Ceremonies since August 2022, with a planned larger Australia Day Citizenship event in January. The City approved five (5) community event grants for Round 1, 2022/23 in November being the; Bayswater Christmas Twilight Markets/Bayswater Easter Twilight Markets, WA Multicultural Women's Day, Cultural Performance and Dumpling Tasting, Celebrating Chinese New Year 2023 and Stay Connected, and the Maylands Sport and Recreation Club Summer Celebration.
SCPM	Annual Grant Program	Number or grant applications/outcomes against the annual grant program to support community groups to lead community events and initiatives	Development and Place	Quarterly	No.	0					Seed funding to commence in early 2023. The City is currently preparing the documents to be released in February 2023.
SCPM	Events and initiatives	Number of events and initiatives focused on town centres.	Development and Place	Quarterly	No.	3	6				The City partnered with businesses across the City to host a variety of events for PrideFest including Drag Story Time, Pride in the Park, Meet the City's LGBTQI Reps, An Intersex Workshop, Pride Roller Derby and Extravaganza Bingo night.
SCPM	General Waste	Waste Management -Tonnes of general waste to landfill per year (report by quarter)	Sustainability, Environment and Waste	Quarterly	Tonnes	3,693.64	3871.02				Quantities include the fortnightly residential collections, bulk general waste, MUDs (front lifts), MRF residual waste tonnages and public litter bins. It excludes the waste delivered to Baywaste and any forms of green waste/FOGO as this material is recovered. Total Landfill Q2 (Domestic Waste, Bulk Verge and Constitute) = 3,871.02 tonnes
SCPM	Satisfaction with the Facilities and Services (Community Perceptions Survey Data)	Percentage of the community satisfied with facilities and services for older adults (Community Perceptions Survey Data)	Community Engagement	Annual	%	77.20%					Community Perceptions Survey will commence in Q4
SCPM	Satisfaction with the Footpaths and Cycleways. (Community Perceptions Survey Data)	Percentage of the community satisfied with footpaths and cycleways. (Community Perceptions Survey Data)	Community Engagement	Annual	%	73%					Community Perceptions Survey will commence in Q4
SCPM	Satisfaction with the Streetscapes and Building Design and Scale. (Community Perceptions Survey Data)	Percentage of the community satisfied with streetscapes and building design and scale. (Community Perceptions Survey Data)	Community Engagement	Annual	%	73.10%					Community Perceptions Survey will commence in Q4
SCPM	City-led programs	The number of City-led community programs connecting people to opportunities to participate	Community Development	Quarterly	No.	23	30				Through the Community Centres, the City continued to deliver 12 regular weekly programs through the Morley Community Centre, and 11 regular programs through the Bayswater Community Centre. In this period there were 2,979 participations by older adults across both centres. The Community Bus Outings continued between October and December, with seven (7) community centre outings, and 15 outings by community groups.

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

CITY OF BAYSWATER- PERFORMANCE MEASURE REPORTING - QTR. 2 - 2022/23											
Action Type	**Title**	**SCP and CBP Measure**	**Branch**	**Frequency**	**Value**	**Qtr. 1**	**Qtr. 2**	**Qtr. 3**	**Qtr. 4**	**Progress Indicator Q2**	**Notes Q2**
SCPM	City's volunteers	Community Care and Aged Services - The number of hours the City's volunteers contributed	Community Development	Quarterly	Hours	7000	2000				Number of hours taken from VIRA, City's volunteer management system for the quarter.
SCPM	City-led programs	Library Services - The number of City-led community programs connecting people to opportunities to participate	Community Development	Quarterly	No.	26	54				**Adult Programs** - Number of programs (individual programs not number of sessions) - 32 - Programme attendance – 1,027 **Adult Program highlights for the quarter** - Mental Health Week – Libraries partnered with Environmental Health to host a range of activity sessions aimed at supporting community members to manage their stress and improve wellbeing. - National Recycling Week – Libraries hosted events that focus on ways to reduce waste by reusing and recycling. Events included a Clothing Swap, making beeswax wraps and a Rubbish Truck Storytime. - Delivery of a series of weekly lunchtime talks with the Maylands Historical Peninsula Association. - Plant Swap – to complement the Seed Library housed at the Bayswater Library. **Children and Youth Programs** - Number of programs (individual programs not number of sessions) - 22 - Programme attendance – 4,136 **Children and Youth Program highlights include:** - Morley Study Hub – creating a dedicated study space for secondary school students preparing for end of year exams. - Sensory Storytime – an alternative Storytime for children who find regular Storytime sessions overwhelming. Particularly beneficial for children on the autism spectrum or who have sensory processing issues. - PrideFEST at the Libraries with Drag Queen Storytime at the Maylands Library. - Summer Reading Quest - Children were invited to make Christmas cards for Housebound Library Members.
SCPM	Libraries	The number of visits to City-run libraries	Community Development	Quarterly	No.	54,290	53,455				Bayswater Library - 13,300 Maylands Library - 18,030 Morley Library - 22,125
SCPM	Recreation Centres	The number of visits to City-run recreation centres - Waves and The RISE	Recreation	Annual	No.	Waves 139,081 RISE 50,053	Waves 179,733 RISE 59,394 MWL 1,065				Without any dedicated counting mechanism to track entry a number of assumptions have been made to estimate number of visits. Visitation is tracking in line with budgeted outcomes at both Bayswater Waves and The RISE. MWL was open for this quarter and visitation can only be captured through booking numbers with assumptions of an estimated 15 people per booking. As this is a public open space numbers cannot be captured for the non bookable areas of the park.
SCPM	Satisfaction with the City as a place to live (Community Perceptions Survey Data)	Percentage of community satisfied with the City as a place to live (Community Perceptions Survey Data)	Community Engagement	Annual	%	94.80%					Community Perceptions Survey will commence in Q4

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

- On-Track
- On-Hold
- Off-Track

CITY OF BAYSWATER- PERFORMANCE MEASURE REPORTING - QTR. 2 - 2022/23											
Action Type	Title	SCP and CBP Measure	Branch	Frequency	Value	Qtr. 1	Qtr. 2	Qtr. 3	Qtr. 4	Progress Indicator Q2	Notes Q2
SCPM	Annual Grant Program	Number or grant applications/outcomes against the annual grant program to support community groups to lead community events and initiatives	Community Development	Annual	No.	10	9				The City distributed $21,320 in funding to community groups, with five (5) community grants awarded for community events. The City approved four (4) Community led events during this period. There were no eligible grants awarded the Better Bayswater Grants in Round 1, with total funds available in Round 2.
SCPM	City-led Programs	Environmental Sustainability - Number of City-led community programs connecting people to opportunities to participate	Sustainability, Environment and Waste	Quarterly	No.	7	10				Community planting days completed Community Planting Day program completed, with over 25,000 tube stock planted by 500 volunteers. Continuing to work with "Friends" groups on on-ground management, including work days and grant projects. Provided 2 night stalks with community education. Delivery of waste education programs.
SCPM	Renewable Energy	Environmental Sustainability - Percentage of renewable energy used for corporate operations.	Sustainability, Environment and Waste	Quarterly	%	54	54				Ongoing 100% renewable electricity purchased for all City buildings and facilities. Review of opportunities with new Sustainability Officer.
SCPM	River and Foreshore Health	Environmental Sustainability - Number of projects that support river and foreshore health.	Sustainability, Environment and Waste	Quarterly	No.	1					Have secured 100,000,000 in funding from the Federal election for River Restoration. Ongoing discussion with DBCA to confirm concept for the works
SCPM	Plants Planted in Natural Areas	Environmental Sustainability - Number of plants planted in natural areas (bushlands, wetlands, river foreshore).	Sustainability, Environment and Waste	Annual	No.	89,310					Planting complete as per previous reporting period
SCPM	Tree Canopy	Environmental Sustainability - Percentage of tree canopy cover - (working towards Council's aspirational target of 20% cover)	Sustainability, Environment and Waste	Annual	%	14.55%					Additional Lidar capture to occur Q3

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

CEO KPI PROGRESS REPORTING - QTR. 2 - 2022/23				
SCP Alignment	**Title**	**Deliverable**	**Branch**	**Progress Comment: Q2**
L2.1.1	**Ensure ongoing Financial Sustainability**	**Review the City's Long-Term Financial Plan.** • Draft LTFP presented to Council at the February 2023 Budget Workshop. Financial overview provided November 2022. • Final LTFP ready for Council endorsement by 30 June 2023.	Financial Services	The timetable for the review of the Long Term Financial Plan workshops was circulated to Councillors in October 2022. Workshops are scheduled to commence in February 2023. The Long Term Financial Plan had been placed on hold pending the outcome of the Mayor's Notice of Motion (NOM) resolved by Council at the April Ordinary Council Meeting. The result of this NOM was the appointment of the Paxon Group to conduct a Financial Sustainability review of the previous five years. The draft report from Paxon was received in November 2022 and feedback has been provided to the Paxon Group to make amendments to the final report, it is hoped that this report should be available by February 2023. The high level findings of the Paxon report will be presented to Councillors at the February workshop as well as the report being tabled at the forthcoming Audit and Risk Committee meeting schedule for March 2023. Please note that in future the LTFP will be a document that Council reviews on an annual basis as part of their annual
L2.1.1	**Support Equitable Rating**	**Review the City's rating system.** • Draft Rating Strategy presented to Council at the February 2023 Budget Workshop. • Final Rating Strategy adopted, and rates ready for advertisement by May 2023.	Financial Services	The timetable for the 2022/23 Budget process was circulated to Councillors in October 2022. Budget workshops are scheduled to commence in February 2023. The first budget workshop will include a discussion on the rating strategy and options including differential rates (which was subject of a NOM in April 2022).
V2.2.1	**Review City Property Portfolio**	**Progress the implementation of the City's Land Acquisition and Disposal Strategy.** • Ongoing implementation with quarterly progress updates to 30 June 2023.	Recreation and Commercial Activities	A preliminary review of City properties has been undertaken in quarter 2 with a number of follow up actions prioritised. A report (Item 10.5.1) was tabled at the December 2022 Ordinary Meeting of Council whereby council resolved to: That Council: 1. Amends its 2022-23 budget 2. Notes that the Chief Executive Officer will progress evaluations of strategic properties within the City of Bayswater's property portfolio, for further consideration by Council. In addition to the above, there is also an item scheduled to go to the January Ordinary Council Meeting in 2023 around the Bendigo Bank site in Bayswater with a recommendation to extend the lease of the site with the Bendigo bank.
L4.1.1	**Lead improved organisational change**	**Undertake an organisational review.** • Organisational Review completed and Improvement Plan developed and presented to Council. **Develop and implement an Improvement Plan to ensure alignment and delivery capability of the City's outcomes, defined by Councils' strategic direction.** • Improvement Plan implemented, with quarterly progress reports to Council.	Governance and OPD	An Organisational Assessment, using an accredited Australian Business Excellence Framework consultant Helen Hardcastle from Learning Horizon has been undertaken. Meetings have been held with staff randomly selected across the organisation to provide feedback. Approximately 60 staff provided feedback as part of the assessment. The Organisational Assessment findings have now been drafted and presented to the Executive Leadership Team for consideration at a meeting held 15 December 2022. The CEO will be making a presentation to Council on the findings in February 2023, and discussing recommendations for improvements. Following discussion with Council, an Improvement Plan will be developed and implemented during 2023. It is likely that this

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

CEO KPI PROGRESS REPORTING - QTR. 2 - 2022/23				
SCP Alignment	**Title**	**Deliverable**	**Branch**	**Progress Comment: Q2**
L4.1.1	Lead improved organisational change	**Review the City's approach to the implementation of the Integrated Planning and Reporting Framework to ensure the process is Council-led.** • Council-led business planning and budget process to commence in November 2022. • Council Plan (Corporate Business Plan) and Annual Budget for 2023/24 ready for adoption by 30 June 2023. • Re-establish ongoing quarterly performance reporting against the Council Plan (Corporate Business Plan).	Governance and OPD	A Council-led process has been developed to ensure that Council has early input into business planning processes for 2023/24. An outline of this process is provided in Attachment 3. A workshop to commence business planning for 2023/24 was held with Managers on 20 October 2022, with service plan, branch plan, and FTE templates provided. A workshop to commence business planning for 2023/24 with Council was held 14 November 2022, facilitated by Helen Hardcastle from Learning Horizons. Councillors were asked to provide feedback and identify key priorities for 2023/24. This information was provided back to the Management Team on 21 November 2022 to provide direction on service and project Planning for 2023/24. Managers were also asked to commence work on their budgets for 2023/24. The next workshop with Council is scheduled for February 2023, where Council will be presented the first draft of the Long Term Financial Plan, and the Council's Rating Strategy will be discussed. First drafts of Service Plans and Project Plans for 2023/24 will be prepared in the first quarter of 2023, and will be presented to Council at a workshop in March 2023 along with a first cut of the Capital Works Program, and an updated draft of the Long Term Financial Plan. The service and project plans will form the basis of the Corporate Business Plan for 2023/24. There will be a number of additional workshops and briefings held with Council as the Budget is developed to support the delivery of the Council's priorities. The Executive Team is currently reviewing the City's Informing Strategies and Plans to ensure appropriate prioritisation and resourcing is in place and that actions are prioritised for 2023/24. Work continues internally to develop the City's quarterly performance reporting to Council, with service reporting now established. Performance reporting for 2021/22, quarters 3 and 4 has now been completed and delivered to the Audit and Risk Committee. A first draft of the Annual Report for 2021/22 has been prepared, and circulated to Council for comment. The Financial Statements for 2021/22 are currently with the Office of the Auditor General for review and sign-off (which is anticipated in February 2023). Once completed the Annual Report will be presented to Council for consideration and adoption and the Annual Electors Meeting will be scheduled.
L4.1.1	**Lead sustained Council governance**	**Implement the LG Reforms to ensure ongoing compliance with legislative requirements.** • Ward boundaries review completed and submitted to the LGAB no later than 14 February 2023. • All other reforms, as required by transition dates in legislation, with quarterly progress reports to Council.	Governance and OPD	A Special Council Meeting was held 11 October 2022, where Council determined to follow the Voluntary Pathway to implement the direct election of the Mayor and the reduction of Elected Members from 11 to 9 by 2025. A ward and representation discussion document was approved by Council for public consultation on 25 October 2022. Public consultation occurred through 'Engage Bayswater' up until Thursday 15 December 2022. 161 submissions were received. A report collating submissions will be prepared for the 31 January 2023 Ordinary Council Meeting, with a recommended proposal for submission to the LGAB. An update on the City's status on the proposed reforms to the Local Government Act 1995 was received by the Audit and Risk Committee of 6 December 2022 and this item will be considered by Council on 31 January 2022. The City will continue to provide updates through the Audit and Risk Management Committee on its progress with implementing the reforms.

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

CEO KPI PROGRESS REPORTING - QTR. 2 - 2022/23				
SCP Alignment	**Title**	**Deliverable**	**Branch**	**Progress Comment: Q2**
L4.1.1	Lead sustained Council governance	**Review and improve audit and risk management processes and reduce the number of outstanding audit actions that are older than 12 months.** • Review key audit and risk management processes by 31 Jan 2023. • Implement process improvements identified through review by 30 June 2023 • Reduce overall number of outstanding audit items by 30 June 2023 with quarterly updates on progress to Council.	Governance and OPD	Internal Audit - The following governance documents have been developed for the Internal Audit Function, and presented to the Audit and Risk Management Committee for approval: • An internal Audit Charter • An internal Audit Protocol • An internal Audit Manual A number of key improvements to the internal audit process have been implemented and include: • Updating the audit reporting register to include risk rating, amended due date, % complete, implementation status; • Developing an internal audit dashboard; • Updating the internal audit reporting process to include guidance around responding the audit actions and requesting amended due dates; • Working with action owners to identify agreed actions that address audit findings and considers audit recommendations; • Implementing the Audit Log process to manage completed actions and close out process; and • Developing the 2022/23 Annual Audit Program The new Co-ordinator Risk Management continues to work with action owners to reduce the number of outstanding actions on the Audit Log. To support the organisation to understand the roles and responsibilities of the Audit and Risk Management Committee and the Internal Audit Function a presentation to the Operational Leadership team was delivered in October. Risk Management - A review of the Risk Management Framework and Policy has now been completed. The updated framework includes: • Types of risk and management of risk - Strategic, Operational and Project • Risk Assurance - 3 line model, alignment to Audit • Evaluation and Acceptance of Risk - Appetite and effectiveness of controls • Risk Treatment - Quarterly reporting process • Management and Reporting of Risk - Risk rating and appetite Operational risk assessments against Service Plans will commence Quarter 3 2022/23 and will include identification and assessment of service, integrity, fraud and business continuity risk Fraud and Corruption - The Fraud and Corruption Plan is under review and will be submitted to the May Audit and Risk Management Committee Meeting for consideration. The review process include aligning the approach to ISO 8100:2021
V2.1.1	**Lead economic development, advocacy and the development of future partnerships**	**Identify new business attraction opportunities within the City.** • New Economic Development Strategy presented to Council by 30 June 2023.	Development and Place	The City has engaged an Economic Development Advisor to implement the Interim Economic Development Strategy (IEDS) on a contract until June 2023. There has been some turnover in this position and it has recently been advertised again. The City (CEO) has met with a number of developers including; Mirvac, Parcel Group, Aspen Group, Juniper Aged Care and Satterley Group in the past quarter to promote development and investment within the City. As a part of these meetings the City has been promoting City owned sites for potential joint venture partnerships. The City is also currently reviewing the car parking plans and cash-in-lieu of car parking and parking dispensation policies to make parking more flexible and less onerous on new developments. A report on the next steps of the Morley Streetscape Detailed Design work was presented to Council at the October 2022 OCM. Council requested a further workshop to discuss the matter which will occur early in 2023. Further updates on the progress of the implementation of the IEDS was detailed in a memorandum sent to Councillors on 19 December 2022. Advocacy Opportunities – since commencing in the role as CEO a number of regular political meetings have been held with the Mayor, CEO and either Local Members of Parliament or Ministers, a list of these are as follows: o Lisa Baker MLA (Member for Maylands) - 30 September & 8 December 2022 o Amber-Jade Sanderson (Minister for Health and Member for Morley) - 9 November 2022 & Next meeting scheduled for 5 May 2023 o Rita Saffioti Minister for Transport; Planning & Ports - 10 November 2022 Other meetings with key Stakeholders have included: o Property Council – The Future of Residential Conference - 14 September 2022 o WALGA 'Breakfast with Heads of Agencies' - 3 October 2022 Meeting with Department of Transport, and representatives from other local governments (Ashburton, Swan, Mingenew, Dardanup, Bunbury, Cuballing, Cockburn). • Intersection of Guildford Road and Garrett Road • Urban ForestMeeting with the Water Corporation

PERFORMANCE REPORTING - QUARTER 2: OCTOBER 2022 - DECEMBER 2022

CEO KPI PROGRESS REPORTING - QTR. 2 - 2022/23				
SCP Alignment	**Title**	**Deliverable**	**Branch**	**Progress Comment: Q2**
V2.1.1	**Lead economic development, advocacy and the development of future partnerships**	**Identify opportunities for future partnerships.** • *Ongoing implementation with quarterly progress updates by 30 June 2023.*	Development and Place	The City is partnering with the Department of Planning, Lands and Heritage (DPLH) to develop the Morley Station Precinct Structure Plan (on a 50:50 cost sharing basis). The project will be led by the City in collaboration with the DPLH. This will enable the City to ensure that critical components are fully addressed in the Plan. The City and DPLH are currently finalising the scope of works and it is anticipated that the request for tender for consultant(s) to develop the Plan will be advertised in early 2023.
V2.1.1	Lead economic development, advocacy and the development of future partnerships	**Ensure advocacy is Council led through the development of an advocacy plan.** • *Revised plan to be developed by 31 Jan 2023.* • *Ongoing implementation with quarterly progress updates by 30 June 2023.*	CEO	An updated advocacy plan has not yet been developed. However, research has been conducted on previous advocacy priorities (Attachment 5 refers) and a list will be presented for Council to consider as part of the business planning process for the 2023/24 financial year. Although an official advocacy paper has not been endorsed by Council there has been some progress and update contained within KPI 3.6 above. The CEO is taking the opportunity to update Members of parliament as part of the Advocacy and regular meeting that are now being conducted.

10.6.3.9 Debtors Write-Off

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate and Strategy
Authority/Discretion:	Legislative
Voting Requirement:	Simple Majority Required
Attachments:	1. CONFIDENTIAL - Infringement debtors list - for debts under $500.00 [**8.9.1** - 1 page] 2. CONFIDENTIAL - Infringement debtors list - for debts over $500.00 [**8.9.2** - 1 page] 3. CONFIDENTIAL - Rates debtors list - small balances [**8.9.3** - 1 page] 4. CONFIDENTIAL - Rates debtors list - for debts over $500.00 [**8.9.4** - 1 page]

Confidential Attachment(s) - in accordance with Section 5.23(2)(b) of the Local Government Act 1995 - the personal affairs of any person.

SUMMARY

This report seeks Council approval to write-off debts in accordance with Delegated Authority *Granting Concessions and Write-Offs* and also provides advice to Council on debts that have been written off under delegated authority.

COUNCIL RESOLUTION
(COMMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council:

1. **Notes $7,379.15 of sundry (infringement) debts as outlined in Attachment 1 and Rate penalty interest totalling $711.67 as outlined in this report have been written off under delegated authority.**
2. **Council approves the debt write off totalling $8,516.24 as outlined in Attachments 2, 3 and 4 comprising both rate debts and sundry (infringement) debts that cannot be written off under delegated authority.**

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

This report provides an overview of bad debts that have either been written-off or that require Council approval to write off under Delegated Authority *Granting Concessions and Write-Offs.*

Australian Accounting Standards and the provisions of the *Local Government Act 1995* and Financial Management Regulations require, inter alia, ongoing assessment of the likelihood that debts recognised in the organisation's accounts will be collected.

Debtors are managed in accordance with both the City's Sundry Debt Collection and Recovery Policy and Rates and Charges Collection Policy. While all reasonable efforts are made to recover aged debts, there are also some that, for practical purposes, require write off.

These debts relate to monies due for user charges, infringements, fees and other services rendered, rates related charges. The process for collection of debts is dependent on the type of debt raised and the mechanisms available under the various legislation for recovery. Section 6.12 (1) of the *Local Government Act 1995* allows for debts to be written off by Council, and Delegated Authority *Granting Concessions and Write-Offs* gives the delegated authority to the Chief Executive Officer to write off any sundry debts under $1,000 per account. The CEO is required to advise Council, via a report, when the delegation is exercised.

The previous debt write off was reported 6th December 2022.

EXTERNAL CONSULTATION

Not applicable.

OFFICER'S COMMENTS

Infringement Debtors

The infringement write-off list **(Attachment 1)** refers to current infringements where either the City cannot acquire the offender's details from the Department of Transport or the Fines Enforcement Registry (FER) has advised that the debt is not recoverable or economical to enforce. The amount written off under Delegated Authority is $7,379.15.

There is an additional debt exceeding the $1,000 Delegated Authority threshold that is required to be written off by Council as outlined in **(Attachment 2)**. The FER advised these are classified as irrecoverable as the offender has deceased. There are 2 infringements totalling a debt of $2,705.70.

Rates Debtors and Penalty Interest

Penalty interest associated with rates with an account balance that is $5.00 or less are written off under Delegated Authority. For the period 1 November 2022 to 31 December 2022, 532 properties had a small balance of penalty interest totalling $711.67, which was written off under Delegated Authority.

For rates debts (as opposed to penalty interest and rates relates charges) Council approval is being sought to write off small balances that relate to actual rates totalling $9.55 for 17 property's **(Attachment 3)**. There are also outstanding rates on past properties that that require Council approval to write off totalling $5,800.99 **(Attachment 4)**. Although Council rates are a property related debt, as the original land was subdivided and sold with new titles issued these debts are irrecoverable. Both of these write off require Council approval.

LEGISLATIVE COMPLIANCE

The Sundry Debt Collection and Recovery Policy and Delegated Authority *Granting Concessions and Write-Offs* applies and section 6.12 (1) of *the Local Government Act 1995* states:

"Subject to subsection (2) and any other written law, a local government may —

…(c) write off any amount of money, which is owed to the local government."

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	By writing off these debts, the outstanding debtors account will reflect amounts that are deemed recoverable.	

FINANCIAL IMPLICATIONS

Debts written-off are reflected in the end-of-year operating result. The ongoing review of the City's revenue collection and debt recovery practices is considered to be an important feature of risk management and strengthening corporate governance.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Leadership and Governance
Goal L4:	Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

It is recommended that Council notes an amount of $7,379.15 of sundry (infringement) debts written off in **Attachment 1** and $711.67 of rates penalty interest have been written off under delegated authority. In addition, it is recommended Council approves the debt write off totalling $8,516.24 as outlined in **Attachments 2, 3 and 4** that comprise both rate debts and sundry (infringement) debts that cannot be written off under delegated authority.

10.6.4 Policy Review and Development Committee - 13 March 2023

10.6.4.1 New Policy: Payment to Employees in Addition to a Contract or Award

Responsible Branch:	People, Culture & Safety
Responsible Directorate:	Corporate & Strategy
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. Payment to Employees in Addition to a Contract or Award [**8.1.1** - 3 pages]

SUMMARY

The 'Payment to Employees in addition to a contract or Award provision' is a policy developed under section 5.50 of the Local Government Act 1995 and therefore needs Council approval.

COMMITTEE RECOMMENDATION TO COUNCIL
(OFFICER'S RECOMMENDATION)

That Council adopts the 'Payment to employees in addition to a contract or award provision' policy.

Cr Giorgia Johnson Moved, Cr Sally Palmer Seconded

AMENDMENT

That Council adopts the 'Payment to employees in addition to a contract or award provision' policy, amended to include quarterly reporting to the Audit and Risk Management Committee.

Cr Catherine Ehrhardt, Deputy Mayor Moved

As the mover and seconder accepted the amendment, it became a part of the substantive motion

Cr Elli Petersen-Pik advised he would like to propose a further amendment to the substantive motion.

PROCEDURAL MOTION

In accordance with clause 11.7 of the *City of Bayswater Standing Orders Law 2021,* Cr Filomena Piffaretti, Mayor moved that the meeting be adjourned for five minutes to allow Cr Petersen-Pik time to put the further amendment in writing.

Cr Filomena Piffaretti, Mayor Moved, Cr Sally Palmer Seconded

CARRIED: 5/5

In accordance with section 5.21(3) of the Local Government Act 1995, as votes were equally divided, the Presiding Member, Cr Filomena Piffaretti, Mayor, used her casting vote to carry the motion.

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Catherine Ehrhardt, Deputy Mayor and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj, Cr Josh Eveson, Cr Michelle Sutherland, Cr Elli Petersen-Pik and Cr Dan Bull.***

At 8:43pm, the meeting closed to the public and the livestream was suspended

At 8:48pm, the meeting opened to the public and the livestream was resumed.

AMENDMENT

That a second limb be added to the motion as follows, and the motion be renumbered accordingly:

2. **Include statistics in the Annual Report on the number of payments made under this policy.**

Cr Elli Petersen-Pik Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED: 8/2

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik and Cr Dan Bull.***

Against: ***Cr Michelle Sutherland and Cr Giorgia Johnson.***

As the amendment was carried it became a part of the substantive motion.

COUNCIL RESOLUTION

That Council adopts the 'Payment to employees in addition to a contract or award provision' policy with the following amendments:

1. **Include quarterly reporting to the Audit and Risk Management Committee;**

2. **Include statistics in the Annual Report on the number of payments made under this policy.**

Cr Giorgia Johnson Moved, Cr Sally Palmer Seconded

CARRIED: 9/1

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj.***

REASON FOR CHANGE
To include regular reporting to Council when the policy is used and that the statistics on payments made, be available to the public.

BACKGROUND

Section 5.50 of the Local Government Act 1995 requires the City to have a policy which outlines the payments payable to employees outside their contract of employment or award provisions.

A recent audit highlighted that the City did not have a Council approved policy.

EXTERNAL CONSULTATION

In developing this policy, a review was undertaken of other Local Governments policies in relation to this matter. The findings of this review were considered when developing the proposed policy.

OFFICER'S COMMENTS

In most circumstances, employees are paid within the terms of their contract or award provisions. However, there may be circumstances where a payment in addition to the contract or award would be beneficial to the City and the employee.

Such instances maybe where an employee's employment with the City is no longer tenable, and rather than engaging in a legal process, which costs time and money, a settlement within the terms of the proposed policy may be more appropriate.

While there are processes that deal with these matters, there may be a benefit to settle the matter at any time throughout the process. A settlement could be considered against the cost of a legal process, the time involved and the impact this may have on employees or the broader team culture.

In addition, the proposed policy limits the eligibility of employees that can receive City funding for a farewell function and a gift to long term employees who are retiring.

LEGISLATIVE COMPLIANCE

The implementation of this policy will ensure the City is compliant with section 5.50 of the *Local Government Act 1995* and will satisfy an audit finding.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The approval of this policy will not increase the risk in any of the risk categories.	

FINANCIAL IMPLICATIONS

There is expected to be limited financial implications for this policy, and any additional costs will be covered from the existing budget.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

That Council endorse the Payment in Additional to Contract of Award Provision Policy as attached.

City of
Bayswater

Policy

Payment to Employees in addition to a contract or Award provision

Responsible Division	Corporate & Strategy
Responsible Business Unit	People, Culture and Safety
Responsible Officer	Manager People, Culture and Safety
Affected Business Units	All business units
ECM Document Set ID	-

Purpose

This policy sets out the circumstances in which the City of Bayswater (the City) will pay an employee who is ceasing employment at the City, an amount in addition to any amount to which the employees is entitled to under a contract of employment, industrial instrument, or as ordered by a Court or Tribunal and the matter of assessment of the additional amount.

This Policy is to ensure compliance with Section 5.50 of the *Local Government Act 1995*, which requires all Local Governments to adopt a Policy relating to payment in addition to contact or award to employees who are leaving the Local Government.

Scope

This policy applies to all City of Bayswater employees except those defined as Senior Employees.

Definitions

For the purpose of this policy —

Industrial Instrument means an instrument that has legal application with respect to minimum entitlements to those covered within its scope, including modern awards, industrial agreements and any instrument made under the industrial relations system.

Industrial Tribunals means any jurisdiction that hears and determine claims relating to employment matters.

Senior Employee means employees holding the position of Chief Executive Officer in accordance with Section 5.37 of the *Local Government Act 1995.*

Policy Statement

1. When a payment made in accordance with this policy is permissible

Subject to the Chief Executive Officer's approval, and the employee agreeing to sign a Confidential Deed of Settlement and Release by resigning as an employee, the City may initiate a settlement payment in accordance with the following circumstances:

- **Settlement of a Claim**

  In settlement of a claim or dispute where the employee has or proposes to take action under the relevant industrial relations legislation, up to a maximum of 26 weeks

- **Illness or Impairment**

  To facilitate a situation where an employee is unable to perform their role due to illness or impairment and there has been mutual agreement that the employment must end, up to 26 weeks' pay.

- **Poor Performance/Conduct**

  To facilitate a situation where the City determines an employee is not performing to the satisfaction of the City, and the City proposes that it is beneficial to the City to end the employment relationship by paying a settlement, up to 12 weeks' pay.

2. Manner of Assessment of the Payment

Where the settlement payment is based on the weekly pay, this is the normal ordinary pay (excluding overtime, vehicles or any other allowances or superannuation).

In assessing the payment, the following will be considered:

- The amount recommended by a Court or Tribunal to settle the matter
- The exposure to litigation and the strength of the respective cases
- The cost of legal services
- Disruption to operations
- Length of service and personal circumstances of the employee
- Position held by the employee

3. Other circumstances when a payment in accordance with this policy is permissible

Employees who have worked with the City for a minimum of ten (10) years, and who have confirmed their intent to retire permanently from the workplace may receive a corporate gift to a maximum value up to $500, subject to their being no recent performance or conduct concerns.

4. Payment to Senior Employees

Any payments to Senior Employees under this Policy must be considered by Council.

5. Reporting

Payments made under this policy are to be reported to the Audit and Risk on a quarterly basis.

Statistu

Related Legislation

Draft

Local Government Act 1995 (WA).

Document details

Relevant delegations	Nil.			
Risk evaluation	High			
Strategic link	Goal L4:	Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.		
Council adoption	TBA		**Resolution**	TBA
Next review due	November 2025			

Draft

10.6.4.2 New Policy: Electronic Attendance

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic Legislative
Voting Requirement:	Simple Majority
Attachments:	1. Draft Electronic Attendance Policy [**8.2.1** - 6 pages]

SUMMARY

A draft Electronic Attendance Policy is presented for Council's adoption at **Attachment 1**.

COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL

That Council adopts the Electronic Attendance Policy as contained in Attachment 1.

MOTION

That Council adopts the Electronic Attendance Policy as contained in Attachment 1, with the following amendments:

1. **The following words to be added to the end of clause 5: *"If a member intends to attend an unlegislated meeting such as a briefing or workshop electronically, they do not need to ask for permission, but should advise governance@bayswater.wa.gov.au at their earliest convenience to ensure the appropriate videoconferencing equipment is made available and tested prior to the meeting."***
2. **The words "Briefings and Workshops" to be removed from clause 8.**
3. **The words "briefings or workshop" to be removed from clause 10.**
4. **Clause 24 amended to: *"City Officers will include the details of how to connect to all meetings electronically on the Outlook calendar invite for that meeting."***
5. **The matrices in the addendum to the Policy updated to reflect the amendments in limbs 1-3.**

Cr Filomena Piffaretti, Mayor Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

Cr Elli Petersen-Pik advised he would like to propose a further amendment to the substantive motion.

AMENDMENT

That a new limb two be added, the motion be renumbered accordingly and limb 6 (previously limb 5 prior to renumbering). be amended as follows:

2. **In clauses 6 and 12 replace the words "at least" with "preferably"**

6. **The matrices in addendum to the Policy updated to reflect the amendments in limbs 1-4.**

Cr Elli Petersen-Pik Moved, Cr Filomena Piffaretti, Mayor Seconded

CARRIED: 7/3

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Josh Eveson, Cr Michelle Sutherland and Cr Catherine Ehrhardt, Deputy Mayor.***

As the amendment was carried it was included in the substantive motion.

Cr Georgia Johnson foreshadowed Cr Clarke's proposed alternative motion.

COUNCIL RESOLUTION

That Council adopts the Electronic Attendance Policy as contained in Attachment 1, with the following amendments:

1. **The following words to be added to the end of clause 5: *"If a member intends to attend an unlegislated meeting such as a briefing or workshop electronically, they do not need to ask for permission, but should advise governance@bayswater.wa.gov.au at their earliest convenience to ensure the appropriate videoconferencing equipment is made available and tested prior to the meeting."***
2. **In clauses 6 and 12 replace the words "at least" with "preferably".**
3. **The words "Briefings and Workshops" to be removed from clause 8.**
4. **The words "briefings or workshop" to be removed from clause 10.**
5. **Clause 24 amended to: *"City Officers will include the details of how to connect to all meetings electronically on the Outlook calendar invite for that meeting."***
6. **The matrices in the addendum to the Policy updated to reflect the amendments in limbs 1-4.**

~~Cr Elli Petersen-Pik Moved, Cr Filomena Piffaretti, Mayor Seconded~~

CARRIED: 7/3

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor and Cr Elli Petersen-Pik.***

Against: ***Cr Michelle Sutherland, Cr Dan Bull and Cr Giorgia Johnson.***

REASON FOR CHANGE

To make it easier for members to attend meetings electronically, by removing the requirement to ask for permission from the Mayor to attend non-legislated meetings electronically and ensuring the details for electronic attendance are included in advance on Outlook calendar invites.

BACKGROUND

As part of the State Government's package of local government reforms, the *Local Government Administration Regulations 1996* (Regulations) were amended on 9 November 2022 to enable local governments to continue to conduct Council and Committee meetings outside of emergency situations.

The Department of Local Government, Sport and the Cultural Industries (the Department) issued "Guidelines for Developing Policies on Electronic Attendance and Meetings", which recommended that local governments develop a policy in relation to dealing with requests for electronic attendance at meetings and the expectations of council in relation to equipment and location.

Correction made at Ordinary Council Meeting, 23 May 2023.
This resolution was moved by Cr Filomena Piffaretti, Mayor, and seconded by Cr Catherine Ehrhardt, Deputy Mayor

EXTERNAL CONSULTATION

This policy was developed in accordance with the guidelines provided by the Department of Local Government, Sport and Cultural Industries at "Guidelines for Developing Policies on Electronic Attendance and Meetings".

OFFICER'S COMMENTS

A draft Electronic Attendance Policy is presented in **Attachment 1**. The overarching purpose of the policy is to establish parameters for requests for electronic attendance at meetings and set out expectations of Council and Committee members attending meetings electronically in relation to equipment and location.

This Policy applies to electronic attendance at Ordinary Council Meetings, Special Council Meetings and Committee Meetings for Elected Members, Independent Members of Committees and City Officers who are members of Committees. There are provisions for electronic attendance at these types of meetings in the Regulations. The Regulations mandate who may provide approval for electronic attendance (the Mayor or Council for electronic attendance at meetings, and Council for meetings which are held entirely by electronic means). The regulations also stipulate that electronic attendance must be from a “suitable location” and utilising “suitable equipment”.

The Regulations allow for local governments to develop their own policy positions around how requests for remote attendance at meetings will be made; suitable locations and equipment for remote attendance; the preferred electronic means for remote access; the 50% cap on remote attendance; and the decision-making procedures for matters relating to the holding of meetings conducted by electronic means.

The policy in **Attachment 1** also applies to Elected Member attendance at Agenda Briefing Forums, Council Briefing Sessions and Council Workshops. Although electronic attendance at these types of meetings is not covered by legislation, it is considered important to include them in the policy to provide clarity for members around how to apply for electronic attendance at these types of meetings and to provide controls to ensure confidentiality is able to be maintained at meetings, and to enable all members to effectively engage in communications and deliberations during these types of meetings.

The table below provides a synopsis of the key features in the draft Electronic Attendance Policy:

Provision	Rationale
Requests for electronic attendance to go to the Mayor in the first instance.	Provides a timely avenue for requests for electronic attendance, as requests to Council may only be made at a monthly Council meeting, however requests can be made to the Mayor at any time.
Requests for electronic attendance should be made at least two days prior to the meeting, briefing or workshop for which electronic attendance is being requested.	To allow adequate time for approvals to be organised and for preparation for the electronic attendance.
All requests for electronic attendance should specify the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting.	To ensure the location and equipment can be assessed for suitability against the provisions of the policy.

Provision	Rationale
Requests for electronic attendance at Ordinary Council Meetings, Briefings and Workshops are to be made by email to the Mayor and copied in to governance@bayswater.wa.gov.au; and the CEO.	The regulations require that the Mayor or Council provide approval. The CEO and governance are to be copied in to ensure that the administration are aware of requests and to provide assurance that none are missed.
Requests for electronic attendance at Committee Meetings are to be made by email to the Mayor and copied in to the Committee Chairperson, governance@bayswater.wa.gov.au; and the CEO.	As above, and to ensure that the Committee Chairperson is aware of electronic attendance requests.
Approval to attend a meeting, briefing or workshop electronically will be provided via return email from the Mayor, with a copy sent to all parties included on the original email request.	To ensure all relevant parties are aware of the approval.
Should the application for electronic attendance at a meeting meet the requirements for approval as specified in this policy, and approval for electronic attendance is denied by the Mayor, the member may seek approval of the Council.	Council serves as an avenue of appeal should a request for electronic attendance be denied.
All requests for approval of electronic attendance by Council must be submitted to the Chief Executive Officer, and copied to governance@bayswater.wa.gov.au at least 10 clear working days ahead of the meeting at which the request is to made.	To enable adequate time for a report on the matter to be prepared.
There is no limit to the number of meetings that can be attended electronically due to a public health emergency, state of emergency or a natural disaster (regulation 14(2)(a)).	As per the Regulations.
For Ordinary Council Meetings, Special Council Meetings and Committee Meetings, the member's electronic attendance at the proposed meeting under r14(2)(b) of the Regulations must not result in the member attending more than half of the meetings (including the proposed meeting) of the Council or Committee in the relevant period under an authorisation under r14(2)(b) of the Regulations. This cap does not apply to a member who is a person with a disability as defined in s3 of the *Disability Services Act 1993.*	As per the Regulations.

Provision	Rationale
There is no cap on electronic attendance for Agenda Briefing Forums, briefings and workshops however physical presence is encouraged, particularly for meetings that require a high level of collaboration and involvement.	These types of meetings are not legislated and electronic attendance should be allowed in order to provide flexibility for members of Council.
The City's Governance team will record electronic attendance on the Attendance register and will advise the Mayor or Council if the requester is eligible for electronic attendance based on the percentage of meetings the person has attended electronically under Regulation 14C(2)(b).	To ensure compliance with the 50% cap on electronic attendance as prescribed in the Regulations.
In approving the request, the Mayor or Council must have regard to whether the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting are deemed suitable for the member to be able to effectively engage in deliberations and communications during the meeting, in line with the provisions of this Policy.	To ensure compliance with the Regulations.
Locations within Australia and its Territories are considered to be suitable for electronic attendance. Due to increased cyber security risks with overseas communications networks, attendance from international locations will not be approved.	Connecting from overseas networks has been identified as a cybersecurity risk due to the number of 'hops' between networks.
The location from which the member attends must be indoors, quiet and private.	To enable all members to effectively engage in communications and deliberations during these types of meetings and to ensure confidentiality can be maintained if the meeting is closed to the public.
If other people are present at the location at the time of the meeting, the member must be able to close a door in order or take other measures required to minimise noise and maintain privacy.	As above.
The electronic means for all electronic meetings will be set up by City officers using a software or web-based application approved for use by the City.	To ensure the appropriate software is used for the connection, and is vetted by the City's Information Services department to ensure it is compliant with the City's network policies and does not introduce high cyber security risks.

Provision	Rationale
City officers will provide the details of how to connect to the electronic meeting to the participant as soon as practicable following approval of their electronic attendance by the Mayor or Council.	To provide assurance that officers will set up and provide the link for online attendance within a reasonable timeframe.
Members attending meetings electronically must connect through a suitable network and using suitable equipment.	In line with the Regulations.
Suitable networks include private home internet and WIFI, or a mobile hotspot from a trusted personal mobile device. Due to increased cyber security risks, public WIFI is not considered to be a suitable connection for electronic attendance (this includes connections at cafes, airports, hotels and restaurants).	Public WIFI networks are easy for cyber criminals to compromise. Hence a member using a public network to connect to a remote could not guarantee that confidentiality could be maintained.
Suitable equipment for attending electronic meetings includes City provided devices (such as an Apple iPad or Microsoft Surface) or a personal computer or laptop with antivirus software and a video camera. Mobile phones are not considered to be suitable for attending meetings electronically.	City provided devices are considered to be appropriate for connecting to remote meetings as they have the required specifications, hardware, software and security to be able to join meetings remotely. If a City provided devices is not able to be used, a personal computer or laptop with antivirus software and video camera is considered to be acceptable. Mobile phones are not considered acceptable for connection as the small screen size may limit the ability of the member to participate in effective deliberations and decision making.
It is recommended that remote participants use fully charged headphones with at least 6 hours talk-time during the meeting.	Headphones provide better clarity of sound for all meeting participants, which is of particularly high importance for meetings that are livestreamed.
If the meeting or part of the meeting for which a member is attending electronically is to be closed to the public, the member must make a declaration that they can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).	In line with the Regulations.
This declaration must be recorded in the minutes of the meeting and should be worded as follows: *"I [Member Name], declare that I am able to maintain confidentiality during the closed part of this meeting. If I am no longer able to maintain confidentiality, I will excuse myself from the meeting."*	In line with the Regulations.

Provision	Rationale
Should the member make the above declaration and subsequently cannot maintain confidentiality, they must leave the meeting or the closed part of the meeting.	In line with the Regulations.
The declaration is to be made before the meeting goes behind closed doors.	In line with the Regulations.
Clauses 30. To 33. of this Policy apply to all attendees of meetings where the entire meeting is held by electronic means.	In line with the Regulations.

LEGISLATIVE COMPLIANCE

Disability Services Act 1993, s3.
Local Government Act 1995
Local Government (Administration) Regulations 1996, r.14C-r14E.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The Electronic Attendance Policy introduces controls to manage risks associated with electronic attendance at meetings. These controls include clear procedures for applying for and approval of electronic attendance and requirements to connect using suitable equipment and networks to ensure confidentiality can be maintained when required and to reduce the chance of cyber-attacks which could occur if using unsecured networks.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance
Goal L4: Communicate in a clear and transparent way.
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

A draft Electronic Attendance Policy is presented for Council's consideration at **Attachment 1**.

City of
Bayswater

Electronic Attendance Policy

Responsible Division	Office of the Chief Executive Officer
Responsible Business Unit	Governance and Organisational Development and Planning
Responsible Officer	Manager Governance and Organisational Development and Planning
Affected Business Units	Governance and Organisational Development and Planning
ECM Document Set ID	TBA

Purpose

This Policy establishes parameters for requests for electronic attendance at meetings and the expectations of Council and Committee members attending meetings electronically in relation to equipment and location.

Scope

This Policy applies to electronic attendance at Ordinary Council Meetings, Special Council Meetings and Committee Meetings for Elected Members, Independent Members of Committees and City Officers who are members of Committees.

This policy also applies to Elected Member attendance at Agenda Briefing Forums, Council Briefing Sessions and Council Workshops.

Definitions

For the purpose of this policy —

Briefing means a briefing session of Council as listed in the City of Bayswater Notice of Meetings or an Agenda Briefing Forum for an Ordinary Council Meeting.

Meeting means an Ordinary Council Meeting, Special Council Meeting, or Committee Meeting (including the Audit and Risk Management Committee) of the City of Bayswater.

Natural Disaster includes fire, flood, lightning, movement of land and storm.

Relevant period means the period of 12 months ending on the day on which the proposed meeting is to be held.

Regulation means a regulation from the *Local Government (Administration) Regulations 1996.*

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

Workshop means an informal workshop of Council as listed in the City of Bayswater Notice of Meetings

Draft

Policy Statement

Meetings Held by Electronic Means

1. Meetings may be held by electronic means in accordance with Regulation 14D(2).

"(2) A meeting may be held by electronic means —

(a) if —

(i) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and

(ii) the mayor, president or council considers it appropriate for the meeting to be held by electronic means because of the public health emergency or state of emergency and having regard to the matters in subregulation (2B);

or

(b) if —

(i) a direction is issued under the Public Health Act 2016 or the Emergency Management Act 2005 that prevents the meeting from being held in person; and

(ii) the mayor, president or council authorises the meeting to be held by electronic means; or

(c) if the council otherwise authorises the meeting to be held by electronic means."

2. Under the Regulations, Council cannot authorise a meeting to be held under subregulation (2)(c) if holding the proposed meeting under that authorisation would result in more than half of the meetings (including the proposed meeting) of the council or committee, in the relevant period, being held under an authorisation under subregulation (2)(C).

3. Council must have regard to whether the location from which each member attends the meeting via electronic means and the equipment the member intends to use to attend the meeting are deemed suitable for the member to be able to effectively engage in deliberations and communications during the meeting. Suitable locations and equipment are designated by the provisions of this Policy.

Requests for Electronic Attendance at Meetings

4. Requests for electronic attendance at meetings must be made in accordance with Regulation 14C(2):

"*(2) A member of a council or committee may attend a meeting by electronic means —*

(a) if —

(i) a public health emergency or state of emergency exists or a natural disaster has occurred; and

(ii) because of the public health emergency, state of emergency or natural disaster, the member is unable, or considers it inappropriate, to be present in person at the meeting; and

Draft

(iii) the member is authorised to attend the meeting by electronic means by the mayor, president or council;

or

(b) if the member is otherwise authorised to attend the meeting by electronic means by the mayor, president or council."

5. Requests for electronic attendance at briefings and workshops are not legislated, however are covered by this Policy.

6. Requests for electronic attendance should be made at least two business days prior to the meeting, briefing or workshop for which electronic attendance is being requested.

7. All requests for electronic attendance should specify the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting.

8. Requests for electronic attendance at Ordinary Council Meetings, Briefings and Workshops are to be made by email to the Mayor and copied in to governance@bayswater.wa.gov.au; and the CEO.

9. Requests for electronic attendance at Committee Meetings are to be made by email to the Mayor and copied in to the Committee Chairperson, governance@bayswater.wa.gov.au; and the CEO.

10. Approval to attend a meeting, briefing or workshop electronically will be provided via return email from the Mayor, with a copy sent to all parties included on the original email request.

11. Should the application for electronic attendance at a meeting meet the requirements for approval as specified in this policy, and approval for electronic attendance is denied by the Mayor, the member may seek approval of the Council.

12. All requests for approval of electronic attendance by Council must be submitted to the Chief Executive Officer, and copied to governance@bayswater.wa.gov.au at least 10 clear business days ahead of the meeting at which the request is to made.

13. A matrix can be found it Appendix 1 to this Policy, to assist with making requests for electronic attendance at meetings.

Requirements for Approval

14. There is no limit to the number of meetings that can be attended electronically due to a public health emergency, state of emergency or a natural disaster (regulation 14(2)(a)).

15. For Ordinary Council Meetings, Special Council Meetings and Committee Meetings, the member's electronic attendance at the proposed meeting under r14(2)(b) of the Regulations must not result in the member attending more than half of the meetings (including the proposed meeting) of the Council or Committee in the relevant period under an authorisation under r14(2)(b) of the Regulations. This cap does not apply to a member who is a person with a disability as defined in s3 of the *Disability Services Act 1993.*

16. There is no cap on electronic attendance for Agenda Briefing Forums, briefings and workshops, however physical presence is encouraged, particularly for meetings that require a high level of collaboration and involvement.

Draft

17. The City's Governance team will record electronic attendance on the Attendance register and will advise the Mayor or Council if the requester is eligible for electronic attendance based on the percentage of meetings the person has attended electronically under Regulation 14C(2)(b).

18. In approving the request, the Mayor or Council must have regard to whether the location from which the member wishes to attend the meeting and the equipment the member intends to use to attend the meeting are deemed suitable for the member to be able to effectively engage in deliberations and communications during the meeting, in line with the provisions of this Policy.

Suitable Locations

19. Locations within Australia and its Territories are considered to be suitable for electronic attendance.

20. Due to increased cyber security risks with overseas communications networks, attendance from international locations will not be approved.

21. The location from which the member attends must be indoors, quiet and private.

22. If other people are present at the location at the time of the meeting, the member must be able to close a door in order or take other measures required to minimise noise and maintain privacy.

Electronic Means

23. The electronic means for all electronic meetings will be set up by City officers using a software or web-based application approved for use by the City.

24. City officers will provide the details of how to connect to the electronic meeting to the participant as soon as practicable following approval of their electronic attendance by the Mayor or Council.

Suitable Networks and Equipment

25. Members attending meetings electronically must connect through a suitable network and using suitable equipment.

25. Suitable networks include private home internet and WIFI, or a mobile hotspot from a trusted personal mobile device.

27. Due to increased cyber security risks, public WIFI is not considered to be a suitable connection for electronic attendance (this includes connections at cafes, airports, hotels and restaurants).

28. Suitable equipment for attending electronic meetings includes City provided devices (e.g. tablet or laptop) or a personal computer or laptop with a video camera. Mobile phones are not considered to be suitable for attending meetings electronically.

29. It is recommended that remote participants use fully charged headphones with at least 6 hours talk-time during the meeting.

Draft

Maintaining Confidentiality During the Meeting

30. If the meeting or part of the meeting for which a member is attending electronically is to be closed to the public, the member must make a declaration that they can maintain confidentiality during the meeting or the closed part of the meeting (as the case requires).

31. This declaration must be recorded in the minutes of the meeting and should be worded as follows:

    "I [Member Name], declare that I am able to maintain confidentiality during the closed part of this meeting. If I am no longer able to maintain confidentiality, I will excuse myself from the meeting."

32. Should the member make the above declaration and subsequently cannot maintain confidentiality, they must leave the meeting or the closed part of the meeting.

33. The declaration is to be made before the meeting goes behind closed doors.

34. Clauses 30. to 33. of this Policy apply to all attendees of meetings where the entire meeting is held by electronic means.

Related Legislation

Disability Services Act 1993, s3.

Local Government Act 1995

Local Government (Administration) Regulations 1996, r.14C-r14E.

Related Documentation

Nil.

Document details

Relevant delegations	Nil.		
Risk evaluation	Moderate		
Strategic link	Communicate in a clear and transparent way.		
Council adoption	TBA	**Resolution**	TBA
Next review due	March 2025		

Draft

Appendix 1

Matrix for Making Requests to Attend Meetings Electronically

The request for electronic attendance is due to a Public Health Emergency, State of Emergency or Natural Disaster				
Circumstance	**Type of Meeting**	**Request Approval From**	**Copy In**	**50% Cap Applies?**
Initial request	Ordinary Council Meeting, Special Council Meeting	Mayor	CEO, Governance	No
Initial request	Committee Meeting	Mayor	Committee Chairperson, CEO, Governance	No
Initial request	Agenda Briefing Forum, Council Briefing, Council Workshop	Mayor	CEO, Governance	No
Application for electronic attendance has been denied by Mayor but meets the requirements for approval as specified in this policy	Ordinary Council Meeting, Special Council Meeting	Council. Send request to CEO at least 10 business days clear of the Council meeting at which the request is to be made.	Governance	No

The request for electronic attendance is NOT due to a Public Health Emergency, State of Emergency or Natural Disaster				
Circumstance	**Type of Meeting**	**Request Approval From**	**Copy In**	**50% Cap Applies?**
Initial request	Ordinary Council Meeting, Special Council Meeting	Mayor	CEO, Governance	Yes
Initial request	Committee Meeting	Mayor	Committee Chairperson, CEO, Governance	Yes
Initial request	Agenda Briefing Forum, Council Briefing, Council Workshop	Mayor	CEO, Governance	No
Application for electronic attendance has been denied by Mayor but meets the requirements for approval as specified in this policy	Ordinary Council Meeting, Special Council Meeting	Council. Send request to CEO at least 10 business days clear of the Council meeting at which the request is to be made.	Governance	Yes

Draft

10.6.4.3 Policy Review: Anniversary Recognitions Policy

Responsible Branch:	Governance and Strategy
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority
Attachments:	1. Anniversary Recognitions Policy (Old Format) [**8.3.1** - 1 page] 2. Anniversary Recognitions Policy (New Format) [**8.3.2** - 2 pages]
Refer:	OCM 14.2.2006

SUMMARY

The Anniversary Recognitions Policy provides a guideline for when anniversaries and birthdays of City of Bayswater residents are recognised. This report presents a review of the Policy.

OFFICER'S RECOMMENDATION

That Council endorses the continuation of the Anniversary Recognitions Policy as outlined in **Attachment 2**.

COUNCIL RESOLUTION
(**COMMITTEE RECOMMENDATION TO COUNCIL)**

That Council endorses the continuation of the Anniversary Recognitions Policy as outlined in Attachment 2, amended to increase the maximum value of the card and flowers provided to recipients from $100 to $150.

Cr Josh Eveson Moved, Cr Giorgia Johnson Seconded

CARRIED: 8/2

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj and Cr Elli Petersen-Pik.***

BACKGROUND

The Anniversary Recognitions Policy was first developed in 2006 and has not been reviewed since. The Policy provides a guideline for when anniversaries and birthdays of residents of the City of Bayswater are recognised.

EXTERNAL CONSULTATION

City Officers have conducted a desktop review to find out about how other WA local governments acknowledge important milestones for their residents. Not many other local governments have information on their websites regarding acknowledging resident milestones, and no other relevant policies were found, however City of Stirling and City of Joondalup's websites did contain the following information:

City of Stirling
The City of Stirling recognises birthdays of residents over 100 years old, and wedding anniversaries above 50 in 5-year increments. Recipients receive a plaque, a bottle of wine and chocolates presented by The Mayor or the corresponding Ward Councillors on behalf of Council.

City of Wanneroo
The Mayor will present flowers and a certificate to residents celebrating a 90th or 100th birthday and a 50th or 60th wedding anniversary.

OFFICER'S COMMENTS

The Anniversary Recognitions Policy is still considered to be relevant in its current form, as it recognises significant milestones in the lives of senior City of Bayswater residents, being 50th wedding anniversaries and every ten-year anniversary thereafter and 90th, 100th and every birthday after 100 years.

As these significant anniversaries happen rarely, the cost to the City is nominal. $172.72 has been expended on flowers for this policy so far in 2022/23, and in 2021/22 the amount spent was $254.55.

It is recommended that Council retain the policy with no changes, however update the policy to the City's current policy format as contained in **Attachment 2**.

LEGISLATIVE COMPLIANCE

Nil.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	This Policy is considered to be low risk as it celebrates significant milestones in the lives of senior residents of the City and presents a nominal cost to the City.	

FINANCIAL IMPLICATIONS

There are no new budgeting implications for this Policy. The City expends around $300 per annum on flowers for anniversaries under this Policy.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme:	Community
Goal C4:	Empower the community by helping them develop social connections.
Theme:	Leadership and Governance
Goal L4:	Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

It is recommended that Council endorses the continuation of the Anniversary Recognitions Policy as outlined in **Attachment 2**.

ANNIVERSARY RECOGNITIONS POLICY

Responsible Division	Executive Services
Responsible Business Unit/s	Executive Services
Responsible Officer	Chief Executive Officer
Affected Business Unit/s	Executive Services

PURPOSE:

To provide a guideline for when anniversary and birthdays of residents of the City of Bayswater are recognised.

POLICY STATEMENT:

1. The City of Bayswater shall provide a card and flowers to the value of $100 to residents of the community in recognition of birthdays and anniversaries as follows:
    - Resident or family member shall make formal contact by phone or in writing to the City;
    - Wedding anniversaries will be recognised as follows – 50th wedding anniversary and every ten year anniversary thereafter; and
    - Birthdays will be recognised as follows – 90th birthday, 100th birthday and every birthday after 100 years.

DEFINITIONS:

Nil

RELATED LEGISLATION:

Nil

RELATED DOCUMENTATION:

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	14 February 2006
Reviewed / Modified	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	

City of
Bayswater

Anniversary Recognitions Policy

Responsible Division	Office of the Chief Executive Officer
Responsible Business Unit	Governance and Organisational Planning and Development
Responsible Officer	Chief Executive Officer
Affected Business Units	Office of the Chief Executive Officer
ECM Document Set ID	4431040

Purpose

To provide a guideline for when anniversary and birthdays of residents of the City of Bayswater are recognised.

Definitions

Nil.

Policy Statement

1. The City of Bayswater shall provide a card and flowers up to the value of $100 to residents of the community in recognition of birthdays and anniversaries as follows:

   (a) Resident or family member shall make formal contact by phone or in writing to the City;

   (b) Wedding anniversaries will be recognised as follows – 50th wedding anniversary and every ten year anniversary thereafter; and

   (c) Birthdays will be recognised as follows – 90th birthday, 100th birthday and every birthday after 100 years.

Related Legislation

Nil.

Related Documentation

Nil.

Document details

Relevant delegations	Nil.
Risk evaluation	Low
Strategic link	Leadership and Governance

Draft

	Provide Good Customer Service Respond to the needs of our community in a respectful and timely way.		
Council adoption	14 February 2006		
Next review due	28 March 2027		
Reviewed/modified	28 March 2023	**Resolution**	TBA

Draft

10.6.4.4 Policy Review: Corporate Credit Card

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate & Strategy
Authority/Discretion:	Review
Voting Requirement:	Simple Majority
Attachments:	1. Current Policy with Tracked Changes - Corporate Credit Card Policy [**8.5.1** - 4 pages] 2. Revised Corporate Credit Card Policy [**8.5.2** - 3 pages] 3. Current Agreement with Tracked Changes - Corporate and Purchase Card Employee Agreement [**8.5.3** - 2 pages] 4. Revised Corporate Credit Card Employee Agreement [**8.5.4** - 2 pages]
Refer:	Item 13.2.1 OCM 20.02.2018

SUMMARY

For Council to consider amending the Corporate Credit Card Policy.

OFFICER'S RECOMMENDATION

That Council adopts the revised ‘Corporate Credit Card’ Policy.

COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION TO COUNCIL)

That Council adopts the revised ‘Corporate Credit Card’ Policy with the following amendments under the section entitled "General":

1. **The word "Monthly" inserted before the word "Acquittal" in the first point.**
2. **The words "by Personal Assistant" removed from the fifth point.**
3. **The words "received from their Personal Assistant" removed from the sixth point.**

Cr Giorgia Johnson Moved, Cr Filomena Piffaretti, Mayor Seconded

CARRIED: 9/1

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj.***

BACKGROUND

The Corporate Credit Card Policy is intended to set out the requirements for the management of the City’s corporate credit cards. It was first adopted in February 2013 and previously reviewed in February 2018. Although purchasing using corporate credit cards is low in value, they are a key payment method and need careful consideration in how they are managed.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

The following revisions are proposed to the *'*Corporate Credit Card*'* policy:

Revision	Rationale
Added: Corporate Credit Card is not tied to any form of third-party payment platform	Recommended in the Office of Auditor General's (OAG) report on "Controls Over Purchasing Cards". This will reduce the risk of Corporate Credit Card being used for private purposes.
Added: The return of the card to the Manager Financial Services for safe keeping purposes while on extended leave	Recommended in the OAG's report on "Controls Over Purchasing Cards". This will reduce the risk of Corporate Credit Card being used for private purpose and ensure that the card is securely stored while the cardholder is on extended leave.
Added: Periodically review the necessity of the use of Corporate Credit Card	Recommended in the OAG's report on "Controls Over Purchasing Cards". This will ensure that the card is still set up and used for its intended business purposes.
Added: Masked card number	To comply with the Purchase Card Industry (PCI) standard. This is to reduce the risk of fraudulent transactions and enhance the security level of Corporate Credit Card use.
Modified: Transaction acquittals are to be completed by Personal Assistants within 5 working days	OAG's recommendation on timely acquittal of credit card transactions by stipulating the acquittal timeline. This will facilitate the timeliness of Corporate Credit Card control account reconciliations.
Modified: Reviewing and approving the acquitted transactions received from their Personal Assistant within 5 working days	Recommended in the OAG's report on timely approval of credit card transactions by stipulating the reviewing timeline. This will facilitate the timeliness of Corporate Credit Card control account reconciliations.
Modified: Corporate Credit Cards are to be surrendered to and destroyed by Manager Financial Services	This has changed from "Corporate Credit Cards are to be surrendered to and destroyed by *the CEO*" to "*Manager Financial Services*" in order to facilitate operational efficiency.
Replaced: "Cardholder approval and acknowledgment" form is replaced with "Corporate Credit Card Agreement"	The old acknowledgment is replaced to formalise the cardholder's agreement on the expanded list of detailed responsibilities.

A copy of the revised policy, with amendments shown in 'tracked changes' is provided in **Attachment 1**.

A copy of the revised policy, with amendments included, is provided in **Attachment 2**.

LEGISLATIVE COMPLIANCE

The following provisions of the *Local Government Act 1995* (the Act) and associated regulations impact on the use and control of corporate credit cards:

- Section 2.7(2)(a) and (b) of the Act requires the council to oversee the allocation of the local government's finances and resources and to determine the policies of the local government.

- Section 6.5(a) of the Act requires the Chief Executive Officer (CEO) to ensure that proper accounts and records of the transactions and affairs of the local government are kept in accordance with regulations.
- Local Government (Financial Management) Regulation 11(1)(a) requires local governments to develop procedures for the authorisation and payment of accounts to ensure that there is effective security and appropriate authorisations in place for the use of credit cards.

Use of corporate credit cards should also comply with the City's Procurement Policy.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	That Council adopts the revised Corporate Credit Card Policy.	

FINANCIAL IMPLICATIONS

The expenditure incurred on an annual basis by corporate credit cards is negligible.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.
Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

That Council adopts the revised policy 'Corporate Credit Card Policy'.

City of
Bayswater
Policy

Corporate Credit Card Policy

Responsible Division	Corporate & Strategy
Responsible Business Unit	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Units	All branches
ECM Document Set ID	-

Purpose

To set out ~~the business practices~~ guidelines for the effective use of Corporate Credit Cards in the City's operations.

Scope

This policy applies to the card holders and employees who use and/or manage the City's Corporate Credit Cards ~~or have the responsibility for the employees who actively manage the City's Corporate Credit Card purchase~~.

Definitions

Nil.

Policy Statement

ISSUING OF CORPORATE CREDIT CARDS

Corporate Credit Cards will only be made available to:

- The Chief Executive Officer; and
- Directors.

~~-and shall only be used for work related expenses and in limited circumstances where payment methods such as cheque or EFT would not be practical.~~

LIMITATIONS

Each Corporate Credit Card is not to exceed a monthly limit of $10,000.

CONDITIONS OF USE

~~The corporate credit cards shall:~~ Card holders must ensure that the Corporate Credit Card:

- ~~N~~Is not ~~be~~ used for any private purchases.
- ~~Be~~ Is restricted to trusted and~~,~~ secure internet sites.
- ~~N~~Is not ~~be~~ used for cash advances under any circumstances.

Tracked Changes

- Is used only for work related expenses in limited circumstances where ordinary payment methods are not practical.
- Is not tied to any form of personal reward point system (for example, Flybuys, or any type of loyalty card). Any such reward points shall be the property of the City of Bayswater.
- Is not tied to any form of third-party payment platform (for example, Paypal).

GENERAL

The cardholders are ~~will be~~ responsible for:

- ~~A monthly reconciliation~~Acquittal of transactions ensuring ~~including~~ supporting documentation such as tax invoices and receipts are attached.
- ~~Monthly reconciliations are to be signed and dated and held by the Finance Department (for record and audit purposes).~~
- The administration of credit card uses and any transactions that are incurred.
- ~~The card should not be tied to any form of personal reward point system. Any such reward points shall be the property of the City of Bayswater.~~
- Reporting any fraudulent, unauthorised or disputed transactions.
- The return of the card to the Manager Financial Services for safe keeping purposes while on extended leave (for example, leave longer than 6 weeks)
- Transaction acquittals are to be completed by Personal Assistant within 5 working days.
- Reviewing and approving the acquitted transactions received from their Personal Assistant within 5 working days.

A list of all Corporate Credit Card transactions for the month showing each officer's transactions summarised by nature and type is to be included in the monthly financial reports to Council.

SECURITY

The card is the responsibility of the cardholder. Lost or stolen cards are to be reported immediately to the financial institution and the ~~Director of Finance~~ Manager Financial Services.

A Corporate Credit Card~~n~~ ~~a~~Agreement is to be signed by the cardholder setting out the cardholder's responsibilities and guidelines (see attached).

A register of all current cardholders is to be maintained by the Financial Services ~~e~~ ~~Department~~ and is to include:

- Masked Card Number
- Expiry Date
- Credit Limit

Credit cards are not transferable to other users.

Tracked Changes

On leaving employment with the City of Bayswater, credit cards shall be surrendered to the ~~Chief Executive Officer~~ Manager Financial Services. All surrendered credit cards shall be destroyed by cutting or other method as directed by the ~~Chief Executive Officer~~ Manager Financial Services.

In the event that a cardholder does not comply with the conditions of use, the Chief Executive Officer shall have the discretion to withdraw the card.

Related Legislation

Nil.

Related Documentation

- Corporate Credit Card ~~Cardholder Approval and Acknowledgement Form~~ Agreement.

Document details

Relevant delegations	M-D04A Authority to incur expenses and apply money from the Municipal Fund Account		
Risk evaluation	Medium		
Strategic link	Goal L4: Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.		
Council adoption	28 September 2010	**Resolution**	12.2.17
Next review due	14 March 2023		
Reviewed/modified	26 February 2013, 28 February 2017, 20 February 2018	**Resolution**	12.2.9, 10.9, 13.2.1

Tracked Changes

CORPORATE CREDIT CARD

CARDHOLDER APPROVAL AND ACKNOWLEDGEMENT

APPROVAL Cardholder's Name:
Position:
Credit Limit (Monthly) : $
Chief Executive Officer Signature

ACKNOWLEDGEMENT

I acknowledge receipt of the City of Bayswater Corporate Credit Card and agree that :

1. I will not use the Corporate Credit Card, nor permit it to be used, other than for official Council purposes.
2. I will ensure security of the Corporate Credit Card at all times and will not permit the card to be used by any other person.
3. If the Corporate Credit Card is lost or stolen, I will immediately report it missing to the Chief Executive Officer and the Director of Finance.
4. If my position with City of Bayswater changes or my employment terminates, or I am asked to surrender the card for any other reason, I will immediately return the card.
5. I will retain all original supporting documentation that meets the requirements of a tax invoice for presentation to the relevant authorising officer within the City of Bayswater.
6. I will not misuse the Corporate Credit Card (i.e. use it in a manner otherwise than in accordance with the instructions provided), and agree that in the event of any such misuse I will be liable for disciplinary action.

Card No :
Signature of Cardholder :
Witness Name (print) :

City of
Bayswater
Policy

Corporate Credit Card Policy

Responsible Division	Corporate & Strategy
Responsible Business Unit	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Units	All branches
ECM Document Set ID	-

Purpose

To set out guidelines for the effective use of Corporate Credit Cards in the City's operations.

Scope

This policy applies to the card holders and employees who use and/or manage the City's Corporate Credit Cards.

Definitions

Nil.

Policy Statement

ISSUING OF CORPORATE CREDIT CARDS

Corporate Credit Cards will only be made available to:

- The Chief Executive Officer; and
- Directors.

LIMITATIONS

Each Corporate Credit Card is not to exceed a monthly limit of $10,000.

CONDITIONS OF USE

Card holders must ensure that the Corporate Credit Card:

- Is not used for any private purchases.
- Is restricted to trusted and secure internet sites.
- Is not used for cash advances under any circumstances.
- Is used only for work related expenses in limited circumstances where ordinary payment methods are not practical.

Draft

- Is not tied to any form of personal reward point system (for example, Flybuys, or any type of loyalty card). Any such reward points shall be the property of the City of Bayswater.
- Is not tied to any form of third-party payment platform (for example, Paypal).

GENERAL

The cardholders are responsible for:

- Acquittal of transactions ensuring supporting documentation such as tax invoices and receipts are attached.
- The administration of credit card uses and any transactions that are incurred.
- Reporting any fraudulent, unauthorised or disputed transactions.
- The return of the card to the Manager Financial Services for safe keeping purposes while on extended leave (for example, leave longer than 6 weeks)
- Transaction acquittals are to be completed by Personal Assistant within 5 working days.
- Reviewing and approving the acquitted transactions received from their Personal Assistant within 5 working days.

A list of all Corporate Credit Card transactions for the month showing each officer's transactions summarised by nature and type is to be included in the monthly financial reports to Council.

SECURITY

The card is the responsibility of the cardholder. Lost or stolen cards are to be reported immediately to the financial institution and the Manager Financial Services.

A Corporate Credit Card Agreement is to be signed by the cardholder setting out the cardholder's responsibilities and guidelines (see attached).

A register of all current cardholders is to be maintained by the Financial Services and is to include:

- Masked Card Number
- Expiry Date
- Credit Limit

Credit cards are not transferable to other users.

On leaving employment with the City of Bayswater, credit cards shall be surrendered to the Manager Financial Services. All surrendered credit cards shall be destroyed by cutting or other method as directed by the Manager Financial Services.

In the event that a cardholder does not comply with the conditions of use, the Chief Executive Officer shall have the discretion to withdraw the card.

Related Legislation

Nil.

Draft

Related Documentation

- Corporate Credit Card Agreement.

Document details

Relevant delegations	M-D04A Authority to incur expenses and apply money from the Municipal Fund Account		
Risk evaluation	Medium		
Strategic link	Goal L4:	Communicate in a clear and transparent way. Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.	
Council adoption	28 September 2010	**Resolution**	12.2.17
Next review due	February 2026		
Reviewed/modified	26 February 2013, 28 February 2017, 20 February 2018	**Resolution**	12.2.9, 10.9, 13.2.1

Draft

City of
Bayswater

Corporate ~~Credit and Purchase~~ Card Agreement

Reason for application	New / Renewal
If renewal, has the card been used within the City's Corporate Credit Card policy for the past 12 months?	Yes / No / NA
If renewal, has the card been actively used for the past 12 months?	Yes / No / NA

Based on the review outcome above, I confirm that this position continues to require the Corporate Credit Card.

CEO signature_____ Date_____

Name of Cardholder	
Position Title	
Directorate	

I acknowledge receipt of a Corporate~~/Purchase~~ Credit Card issued in my name and agree to adhere to the following conditions of use for this ~~C~~card in my employment with City of Bayswater:

1. Cardholder ~~R~~responsibilities

a. The ~~C~~cardholder must maintain awareness and comply with; legislation, the City's Code of Ethics~~,~~ and Corporate ~~& Purchase~~ Credit Card Policy.~~Guidelines, policies and procedures~~.

b. The ~~C~~card is to be kept in a secure and safe manner, preventing improper use.

~~c.~~ The ~~C~~card is not transferrable and all transactions are the responsibility of the named cardholder. ~~and is prohibited for use by any other person.~~

~~d.~~c. The ~~C~~card is only to be used for ~~A~~allowable ~~T~~transactions in the performance of official duties for which there is an Annual Budget provision.

~~e.~~d. Transaction records are to be retained as evidence of compliance with legislation and the City's ~~policies~~ policy~~and procedures~~. A Statutory Declaration is required where transaction records have been lost or are unobtainable.

~~f. Statements must be reconciled within one week of receipt by the Cardholder, inclusive of written verification of all transactions to the satisfaction of the CEO.~~

~~g.~~e. Any matter that may affect the integrity or use of the ~~Transaction C~~card must be reported immediately to the Financial Service Branch~~,~~; including:

i. Transactions exceeding~~Exceeding a transaction~~ the limit or breaching a condition of use.
ii. ~~Transaction Card misuse~~Misuse of the card, whether intentional, erroneous or otherwise.
iii. Transactions perceived as fraudulent, unauthorised or disputed.
iv. ~~Transaction~~ Card loss or theft.

~~h.~~f. The ~~C~~cardholder must promptly provide any information requested by the City for the purposes of statement reconciliation or the investigation or audit of the ~~P~~purchase or ~~C~~corporate credit ~~C~~card activities.~~y.~~

~~i.~~g. The ~~C~~card must be returned inclusive of full reconciliation, prior to vacating the above named position with the City.

~~j.~~h. The ~~C~~cardholder agrees to repay to the City, the value of transactions determined as misuse.

2. Conditions and ~~L~~limitations

a. This ~~C~~card is subject to the following limits:

i. Daily transaction limit of $10,000.00
ii. Monthly transaction limit of $10,000.00

~~b.~~ Misuse or any breach of this Agreement will be investigated and where substantiated, the ~~C~~cardholder will be subject to disciplinary action in accordance with their terms of employment.

~~c.~~

Tracked Changes

City of Bayswater

Please acknowledge your acceptance of the above by signing and returning to Financial Servicese.

Cardholder's Signature: _____ Date: _____

Witness Name: _____ Signature: _____

Tracked Changes

City of
Bayswater

Corporate Credit Card Agreement

Reason for application	New / Renewal
If renewal, has the card been used within the City's Corporate Credit Card policy for the past 12 months?	Yes / No / NA
If renewal, has the card been actively used for the past 12 months?	Yes / No / NA

Based on the review outcome above, I confirm that this position continues to require the Corporate Credit Card.

CEO Signature_____ **Date**_____

Name of Cardholder	
Position Title	
Directorate	

I acknowledge receipt of a Corporate Credit Card issued in my name and agree to adhere to the following conditions of use for this card in my employment with City of Bayswater:

1. **Cardholder responsibilities**
   a. The cardholder must maintain awareness and comply with; legislation, the City's Code of Ethics and Corporate Credit Card Policy..
   b. The card is to be kept in a secure and safe manner, preventing improper use.
   c. The card is not transferrable and all transactions are the responsibility of the named cardholder.
   d. The card is only to be used for allowable transactions in the performance of official duties for which there is an Annual Budget provision.
   e. Transaction records are to be retained as evidence of compliance with legislation and the City's policy. A Statutory Declaration is required where transaction records have been lost or are unobtainable.
   f. Any matter that may affect the integrity or use of the card must be reported immediately to the Financial Service Branch, including:
      i. Transactions exceeding the limit or breaching a condition of use.
      ii. Misuse of the card, whether intentional, erroneous or otherwise.
      iii. Transactions perceived as fraudulent, unauthorised or disputed.
      iv. Card loss or theft.
   g. The cardholder must promptly provide any information requested by the City for the purposes of statement reconciliation or the investigation or audit of the purchase or corporate credit card activities.
   h. The card must be returned inclusive of full reconciliation, prior to vacating the above named position with the City.
   i. The cardholder agrees to repay to the City, the value of transactions determined as misuse.
2. **Conditions and limitations**
   a. This card is subject to the following limits:
      i. Daily transaction limit of $10,000.00
      ii. Monthly transaction limit of $10,000.00

Misuse or any breach of this Agreement will be investigated and where substantiated, the cardholder will be subject to disciplinary action in accordance with their terms of employment.

Please acknowledge your acceptance of the above by signing and returning to Financial Services

Cardholder's Signature: _____ Date: _____

Draft

City of Bayswater

Witness Name: _____ Signature: _____

Draft

10.6.4.5 Policy Review: Sundry Debt Collection and Recovery Policy

Responsible Branch:	Financial Services
Responsible Directorate:	Corporate & Strategy
Authority/Discretion:	Review
Voting Requirement:	Simple Majority
Attachments:	1. Current Sundry Debt Collection and Recovery Policy [**8.6.1** - 3 pages] 2. Current Policy with Tracked Changes - Sundry Debt Collection and Recovery Policy [**8.6.2** - 3 pages] 3. Revised Sundry Debt Collection and Recovery Policy [**8.6.3** - 3 pages]
Refer:	Item 10.9 OCM 28.02.2017

SUMMARY

For Council to consider amending the Sundry Debt Collection and Recovery Policy.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council adopts the revised policy 'Sundry Debt Collection and Recovery' as per Attachment 3.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The Sundry Debt Collection and Recovery is intended to set out the requirements for the management of the City's Sundry Debt Collection and Recovery. It was first adopted in July 2014 and previously reviewed in February 2017 and April 2019. It is critical to the financial performance of the organisation as it provides a framework to ensure the efficient and effective recovery of outstanding sundry debts and aligned to the requirements of the Delegated Authority Register FM-D05 Granting Concessions and Write-Offs.

EXTERNAL CONSULTATION

No consultation has yet occurred with the public or other agencies on this matter.

OFFICER'S COMMENTS

The following revisions are proposed to the policy 'Sundry Debt Collection and Recovery'.

Revision	Rationale
Modified: The amount stated on the original policy was inconsistent with the CEO's Delegated Authority that	There is an inconsistency in the current policy whereby it states CEO has delegated authority to write off any bad debts (not including rates or other charges) considered irrecoverable to the limit of $500 per account. This amount is different in the Delegated Authority Register which it allows for $1,000. To avoid the inconsistency, the updated policy

allows bad debt write-off up to $1,000.	will refer to the amount approved within the Delegated Authority Register that from time to time may be amended by Council.

A copy of the current policy, with amendments shown in 'tracked changes' is provided in **Attachment 2.**

A copy of the revised policy, with amendments included, is provided in **Attachment 3.**

LEGISLATIVE COMPLIANCE

Section 6.12 of the *Local Government Act 1995* allows for writing off bad debt, as follows:

Power to defer, grant discounts, waive or write off debts

(1) Subject to subsection (2) and any other written law, a local government may-

(a) when adopting the annual budget, grant a discount or other incentive for the early payment of any amount of money; or*

(b) waive or grant concessions in relation to any amount of money; or

(c) write off any amount of money,

which is owed to the local government.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	That Council adopts the revised 'Sundry Debt Collection and Recovery' Policy.	

FINANCIAL IMPLICATIONS

The bad debt written off under this policy is expected to be immaterial.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031 (as amended), the following applies:

Theme: Leadership and Governance

Goal L4: Communicate in a clear and transparent way.

Provide the community with useful information about Council's policies, services and events and advise the community of engagement outcomes.

CONCLUSION

That Council adopts the revised ‘Sundry Debt Collection and Recovery’ Policy.

1

1

SUNDRY DEBT COLLECTION AND RECOVERY POLICY

Responsible Division	Finance and Corporate Services
Responsible Business Unit/s	Finance
Responsible Officer	Accounts Officer (Receivable)
Affected Business Unit/s	All
ECM Reference	3406377

PURPOSE:

This policy states the Councils position to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.

POLICY STATEMENT:

In order to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service, the City of Bayswater adopts the following policy:

OBJECTIVE

- To provide a framework within which procedures for the recovery of outstanding sundry debts can be developed for the City of Bayswater.
- To ensure all sundry debts owed to the City are paid by the due date and followed up within specified timeframes.
- To ensure the fair, equitable, transparent and consistent approach to the City's sundry debt management decisions and practices.

PRINCIPLES

Debt Management

Prudent debt management practices will apply and include:

- Raising invoices - ensuring debt is raised in accordance with services provided, account details are correct and GST provisions are applied,
- Ensure the issuing of monthly statements to overdue debtors are sent out at the end of each month,
- Reviewing Aged Debtor reports monthly,
- Liaising with departments which requested the invoice to be raised that all information is correct,
- Keeping regular contact with Debtors,
- In consultation with the department initiating the debt, negotiated exemptions up to $100 may be provided depending on the nature of the debt and debtor e.g. community groups or welfare recipients.

Sundry debts other than library:

- Systematic debt recovery approach based on 30 day, 60 day and 90 day timeframes.
- Issuing 7 Day Reminder Letters to Debtors.

- A Notice of Intention to Summons is to be issued at least fourteen (14) days after the due date of the Final Demand Letter to those persons, who did not respond accordingly to the Final Demand Letter. The Notice of Intention to Summons is to specify that the sundry debtors have seven (7) days to pay in full or to enter into a special repayment arrangement – failure to do so will result in a General Procedure Claim being issued without further notice.

- Report Bad Debts and/or Doubtful Debts to the relevant Director or Manager on a regular basis.

- Recommend Write Off of Sundry Debtors when all avenues have failed or it is uneconomical to proceed to recover process.

Sundry debts from library:

- A tax invoice is raised 10 days after an overdue letter has been issued. Two phone calls are made within sixty (60) days of invoice being raised. A Sixty (60) day letter is then issued to the persons, who did not respond accordingly to the tax invoice.

- Recommend Write Off of Sundry Debtors when debts exceed twelve (12) months and debt has been reported to State Library.

Provision of Doubtful Debts

Aged debts greater than 150 days shall be reviewed and provided for as a doubtful debt, following advice from the initiating section, according to an assessment which has regard for:

- The size and nature of the debt.

- The debtor in question.

Aged debts less than 150 days may be provided for as a doubtful debt if the recovery of the debt is known to be unlikely. Any adjustments to the Provision for Doubtful Debts shall be made annually and will be charged to a Bad Debt Expense corporate account.

Write Offs

Debts shall be written off only when all reasonable attempts at recovery have been taken.

Recommendations for write off shall be made by the Director of Finance and Corporate Services following discussion with the department responsible for the raising of the debt.

In accordance with section 6.12(c) of the *Local Government Act 1995* all debts which require Councils approval to be written off will be reported to Council.

Delegated Authorities

In accordance with section 5.42 of the *Local Government Act 1995* the following delegated authority applies:

- The Chief Executive Officer has delegated authority to write off any bad debts (not including rates or other charges) considered irrecoverable to the limit of $500 per account. Any write offs less than $500 will be reported to Council for noting.
- Any amount in excess of $500 to be written off will require the authorisation of

Council. All debts which require Council's approval to be written off will be reported to Council.

DEFINITIONS:

Sundry Debtors comprises accounts receivable due to the City of Bayswater by customers for the supply of goods and services e.g. Income from property including community reserve and hall hire, private works reimbursements and recovery of fines and penalties.

RELATED LEGISLATION:

Local Government Act 1995:

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

RELATED DOCUMENTATION:

Delegated Authority Register - FS-D10

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	22 July 2014
Reviewed / Modified	Date	28 February 2017
Reviewed / Modified	Date	9 April 2019
Reviewed / Modified	Date	

Sundry Debt Collection and Recovery Policy

Responsible Division	Corporate & Strategy
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Unit/s	All branches
Document Ref	34066377

Purpose

This policy states the Councils position to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.

Policy Statement

In order to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service, the City of Bayswater adopts the following policy:

OBJECTIVE

- To provide a framework within which procedures for the recovery of outstanding sundry debts can be developed for the City of Bayswater.
- To ensure all sundry debts owed to the City are paid by the due date and followed up within specified timeframes.
- To ensure the fair, equitable, transparent and consistent approach to the City's sundry debt management decisions and practices.

PRINCIPLES

Debt Management

Prudent debt management practices will apply and include:

- Raising invoices - ensuring debt is raised in accordance with services provided, account details are correct and GST provisions are applied,
- Ensure the issuing of monthly statements to overdue debtors are sent out at the end of each month,
- Reviewing Aged Debtor reports monthly.
- Liaising with departments which requested the invoice to be raised that all information is correct,
- Keeping regular contact with Debtors,

Tracked Changes

- In consultation with the department initiating the debt, negotiated exemptions up to $100 may be provided depending on the nature of the debt and debtor e.g. community groups or welfare recipients.

Sundry debts other than library

- Systematic debt recovery approach based on 30 day, 60 day and 90 day timeframes.
- Issuing 7 Day Reminder Letters to Debtors.
- A Notice of Intention to Summons is to be issued at least fourteen (14) days after the due date of the Final Demand Letter to those persons, who did not respond accordingly to the Final Demand Letter. The Notice of Intention to Summons is to specify that the sundry debtors have seven (7) days to pay in full or to enter into a special repayment arrangement – failure to do so will result in a General Procedure Claim being issued without further notice.
- Report Bad Debts and/or Doubtful Debts to the relevant Director or Manager on a regular basis.
- Recommend Write-Off of Sundry Debtors when all avenues have failed or it is uneconomical to proceed recover process.

Sundry debts from library:

- A tax invoice is raised 10 days after an overdue letter has been issued. Two phone calls are made within sixty (60) days of invoice being raised. A Sixty (60) day letter is then issued to the persons, who did not respond accordingly to the tax invoice.
- Recommend Write Off of Sundry Debtors when debts exceed twelve (12) months and debt has been reported to State Library

Provision of Doubtful Debts

Aged debts greater than 150 days shall be reviewed and provided for as a doubtful debt, following advice from the initiating section, according to an assessment which has regard for:

- The size and nature of the debt.
- The debtor in question.

Aged debts less than 150 days may be provided for as a doubtful debt if the recovery of the debt is known to be unlikely. Any adjustments to the Provision for Doubtful Debts shall be made annually and will be charged to a Bad Debt Expense corporate account.

Write Offs

Debts shall be written off only when all reasonable attempts at recovery have been taken.

Recommendations for write off shall be made by the Director of Finance and Corporate Services following discussion with the department responsible for the raising of the debt.

In accordance with section 6.12(c) of the Local Government Act 1995 all debts which require Councils approval to be written off will be reported to Council.

Tracked Changes

Delegated Authorities

In accordance with section 5.42 of the Local Government Act 1995 the following delegated authority applies:

- The Chief Executive Officer has delegated authority to write off any bad debts (not including rates or other charges) considered irrecoverable as specified in the Delegated Authority Register. ~~to the limit of $500 per account~~. Any write offs ~~less than $500~~performed under the Chief Executive Officers delegation will be reported to Council for noting.
- Any amount in excess of ~~$500~~ the specified value to be written off will require the authorisation of Council. All debts which require Council's approval to be written off will be reported to Council.

Definitions

Sundry Debtors comprises accounts receivable due to the City of Bayswater by customers for the supply of goods and services e.g. Income from property including community reserve and hall hire, private works reimbursements and recovery of fines and penalties

Related Legislation

Local Government Act 1995:

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

Related Documentation

Nil.

Relevant Delegations	Delegated Authority Register - ~~FS-D10~~FM – D05 Granting Concessions and Write-Offs	
Risk Evaluation	Low	
Council Adoption	22 July 2014	**Resolution: 12.3.1.2**
Review/Modified	28 February 2017	**Resolution: 10.9**
Review/Modified	9 April 2019	**Resolution: 10.5.2.1**
Review/Modified	TBA	**Resolution: TBA**

Tracked Changes

Sundry Debt Collection and Recovery Policy

Responsible Division	Corporate & Strategy
Responsible Business Unit/s	Financial Services
Responsible Officer	Manager Financial Services
Affected Business Unit/s	All branches
Document Ref	34066377

Purpose

This policy states the Councils position to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service.

Policy Statement

In order to ensure the efficient and effective recovery of outstanding sundry debtors while maintaining quality customer service, the City of Bayswater adopts the following policy:

OBJECTIVE

- To provide a framework within which procedures for the recovery of outstanding sundry debts can be developed for the City of Bayswater.
- To ensure all sundry debts owed to the City are paid by the due date and followed up within specified timeframes.
- To ensure the fair, equitable, transparent and consistent approach to the City's sundry debt management decisions and practices.

PRINCIPLES

Debt Management

Prudent debt management practices will apply and include:

- Raising invoices - ensuring debt is raised in accordance with services provided, account details are correct and GST provisions are applied,
- Ensure the issuing of monthly statements to overdue debtors are sent out at the end of each month,
- Reviewing Aged Debtor reports monthly.
- Liaising with departments which requested the invoice to be raised that all information is correct,
- Keeping regular contact with Debtors,

Draft

- In consultation with the department initiating the debt, negotiated exemptions up to $100 may be provided depending on the nature of the debt and debtor e.g. community groups or welfare recipients.

Sundry debts other than library

- Systematic debt recovery approach based on 30 day, 60 day and 90 day timeframes.
- Issuing 7 Day Reminder Letters to Debtors.
- A Notice of Intention to Summons is to be issued at least fourteen (14) days after the due date of the Final Demand Letter to those persons, who did not respond accordingly to the Final Demand Letter. The Notice of Intention to Summons is to specify that the sundry debtors have seven (7) days to pay in full or to enter into a special repayment arrangement – failure to do so will result in a General Procedure Claim being issued without further notice.
- Report Bad Debts and/or Doubtful Debts to the relevant Director or Manager on a regular basis.
- Recommend Write-Off of Sundry Debtors when all avenues have failed or it is uneconomical to proceed recover process.

Sundry debts from library:

- A tax invoice is raised 10 days after an overdue letter has been issued. Two phone calls are made within sixty (60) days of invoice being raised. A Sixty (60) day letter is then issued to the persons, who did not respond accordingly to the tax invoice.
- Recommend Write Off of Sundry Debtors when debts exceed twelve (12) months and debt has been reported to State Library

Provision of Doubtful Debts

Aged debts greater than 150 days shall be reviewed and provided for as a doubtful debt, following advice from the initiating section, according to an assessment which has regard for:

- The size and nature of the debt.
- The debtor in question.

Aged debts less than 150 days may be provided for as a doubtful debt if the recovery of the debt is known to be unlikely. Any adjustments to the Provision for Doubtful Debts shall be made annually and will be charged to a Bad Debt Expense corporate account.

Write Offs

Debts shall be written off only when all reasonable attempts at recovery have been taken.

Recommendations for write off shall be made by the Director of Finance and Corporate Services following discussion with the department responsible for the raising of the debt.

In accordance with section 6.12(c) of the Local Government Act 1995 all debts which require Councils approval to be written off will be reported to Council.

Draft

Delegated Authorities

In accordance with section 5.42 of the Local Government Act 1995 the following delegated authority applies:

- The Chief Executive Officer has delegated authority to write off any bad debts (not including rates or other charges) considered irrecoverable as specified in the Delegated Authority Register. . Any write offs performed under the Chief Executive Officers delegation will be reported to Council for noting.
- Any amount in excess of the specified value to be written off will require the authorisation of Council. All debts which require Council's approval to be written off will be reported to Council.

Definitions

Sundry Debtors comprises accounts receivable due to the City of Bayswater by customers for the supply of goods and services e.g. Income from property including community reserve and hall hire, private works reimbursements and recovery of fines and penalties

Related Legislation

Local Government Act 1995:

- *Local Government Act 1995*
- *Local Government (Financial Management) Regulations 1996*

Related Documentation

Relevant Delegations	Delegated Authority Register - FM – D05 Granting Concessions and Write-Offs	
Risk Evaluation	Low	
Council Adoption	22 July 2014	**Resolution** 12.3.1.2
Review/Modified	28 February 2017	**Resolution** 10.9
Review/Modified	9 April 2019	**Resolution** 10.5.2.1
Review/Modified	TBA	**Resolution** TBA

Draft

10.6.4.6 New Policy: Extended Street Verge Policy

Responsible Branch:	Parks and Gardens
Responsible Directorate:	Works and Infrastructure
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority Required
Attachments:	1. Extended Street Verge Policy 2023 [**8.7.1** - 2 pages]
Refer:	Item 10.1.3: OCM 06.12.2022

SUMMARY

For Council to adopt a new policy as requested at the Annual General Meeting of Electors (AGM) held on 7 November 2022 and endorsed by Council at its Ordinary Meeting held on 6 December 2022, which is titled *Extended Street Verge Policy*.

COUNCIL RESOLUTION
(COMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That Council adopts the *Extended Street Verge Policy* as outlined in Attachment 1.

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY BY EXCEPTION (EN BLOC): 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

At its Ordinary Meeting held on 6 December 2022, Council made the following resolution:

"Council requests the Chief Executive Officer to develop a Policy that will enable the following:

1. *Residents of a property whose verge is adjacent to a verge in front of a residential-street water corporation drain can improve and/or maintain that verge, if the resident chooses to do so.*
2. *Residents should be able to improve and/or maintain these verges in accordance with existing polices and laws that are applicable to residential verges.*
3. *Offer the same rebates for these spaces as are currently offered to residents to improve their own verges.*
4. *Offer the subsidised 10 native plants scheme for these spaces as seasonally offered to residents own verges under the "Plants to Residents" programme.*
5. *Recognition of any improved verges, so that the Policy can be endorsed and operational by March 2023."*

A new policy has been developed and is presented as an attachment to this report.

EXTERNAL CONSULTATION

No consultation has occurred with the public or other agencies on the draft policy.

However, there has been discussions with a resident in regard to the possibility of improving a verge adjacent to a Water Corporation drain, which has led to the motion being raised at the AGM. Discussions had also occurred with Water Corporation on the same matter.

OFFICER'S COMMENTS

The new policy effectively extends the provisions of the current *Street Verge Policy* to enable residents to improve and or maintain verges in front of land owned and or managed by utility providers and state agencies where that verge adjoins their verge.

Under this policy, residents are permitted to undertake activities to improve and or maintain these additional verges in a similar way to that permitted in the existing local laws, policies and guidelines that are applicable to residential verges. These are all referenced in the policy under the 'Related Documentation' section.

The policy also includes provision that allows the same rebates, subsidies and programmes for improving residential verges to be applied to improving these additional verges.

Consideration will be given to possibly incorporating this policy into the *Street Verge Policy* when it is reviewed in future.

LEGISLATIVE COMPLIANCE

Not applicable.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The approval of this policy will not increase the risk in any of the risk categories.	

FINANCIAL IMPLICATIONS

There is expected to be limited financial implications for this policy, and any additional costs will be covered from the existing budget.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme	Community
Goal C3:	Maximise the use of the City's facilities and parks by all sections of the community.
Theme:	Environment and Liveability
Goal E2:	Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.
Goal E5:	Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.

Theme:	Leadership and Governance
Goal L1:	Engage the community in a meaningful way. Provide opportunities for the community to have their say and consider their views when making decisions.

CONCLUSION

That Council adopts the *Extended Street Verge Policy* in accordance with its resolution at the Ordinary Council Meeting held on 6 December 2022.

City of
Bayswater

Extended Street Verge Policy

Responsible Division	Works and Infrastructure
Responsible Business Unit	Parks and Gardens, Engineering and Spatial Services
Responsible Officer	Manager Parks and Gardens, Manager Engineering and Spatial Services
Affected Business Units	Parks and Gardens Engineering and Spatial Services
ECM Document Set ID	[ECM document set ID]

Purpose

This policy provides guidance on how residents can improve verge areas adjacent to land owned and / or managed by utility providers and State agencies.

Definitions

For the purpose of this policy —

verge means land within the road reserve that is between the boundary of private or public property and the back of existing kerb or edge of road surface.

Policy Statement

1. An owner or occupier of a property whose verge is adjacent to a verge in front of a property owned and / or managed by a utility provider or State agency can improve and / or maintain that verge subject to meeting the requirements of this Policy.

2. Residents are permitted to improve and / or maintain these verges in a similar way to that permitted in the existing local laws, policies and guidelines that are applicable to residential verges.

3. The improvement and maintenance of the verge must not impact on access to the property. Any modifications to access must be approved in writing by the property owner / manager.

4. Residents will be eligible for rebates, subsidies and programmes when offered by the City in regards to verge improvement initiatives and provision of native plants.

Related Legislation

- *Local Government (Miscellaneous Provisions) Act 1995*
- *Environmental Protections Act 1986*
- *Thoroughfares Local Law 2020*
- *Department of Mines, Industry Regulation and Safety - Guidelines for the management of vegetation near power lines.*

Related Documentation

- *Street Verges Policy*
- *Verge Greening Guidelines*
- *Garden Planting Guideline*
- *Tree Planting Guideline*
- *Urban Tree Planting and Maintenance Policy*
- *Crossovers Policy*

Document details

Relevant delegations	[list]		
Risk evaluation	[low/moderate/high/extreme]		
Strategic link	[link to Strategic Community Plan]		
Council adoption	[date]	**Resolution**	[item no.]
Next review due	[date]		
Reviewed/modified	[date]	**Resolution**	[item no.]
Revision details	[description]		

COUNCIL RESOLUTION - ADOPTION BY EXCEPTION

That the recommendations relating to items: 10.2.2, 10.2.3, 10.6.2.1, 10.6.3.1, 10.6.3.4, 10.6.3.5, 10.6.3.6, 10.6.3.7, 10.6.3.8, 10.6.3.9, 10.6.4.5 and 10.6.4.6 contained in the agenda be adopted by exception as per section 5.5 of the *City of Bayswater Standing Orders Local Law 2021.*

Cr Sally Palmer Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

11 Motions of Which Previous Notice Has Been Given

11.1 Cr Josh Eveson - Bayswater Industrial Area (BIA)

Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Advocacy
Voting Requirement:	Simple Majority Required
Attachments:	Nil

CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Lorna Clarke declared an impartial interest in this item as she knows the Ministers referred to in the Notice of Motion via the Labor Party. Cr Lorna Clarke had withdrawn from the meeting at 8:24pm and did not return therefore did not vote on this item.

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Josh Eveson raised the following motion:

COUNCIL RESOLUTION

"Following the in-person discussions and advocacy for provision of infill sewer across the Bayswater Industrial Area (BIA); Council requests the Chief Executive Officer, with the Mayor, to write to the Minister for Transport, Planning, Ports; Minister for Housing, Lands, Homelessness, Local Government; Minister for Training, Water, Youth; and Minister for Health, Mental Health to formally seek funding provision in the State Governments FY2023/24 budget to fund this vital project aligned to Recommendation 7 of the State's 10-Year Industrial Land Strategy June 2021, and Objective 2, Strategy 1 of the City's Interim Economic Development Strategy."

Cr Josh Eveson Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2021*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

At the Ordinary Council Meeting held 26 April 2022 Council adopted the Interim Economic Development Strategy (IEDS). One of the strategies within the IEDS is:

"2.1: Improve land values through infrastructure upgrades"

This strategy relates to advocating and working with the State Government to install sewer within the Bayswater Industrial Area.

In 2021 the State Government released the 10-Year Industrial Land Strategy (the Strategy). The Strategy has been developed with the aim of providing recommendations on the priority infrastructure required to unlock industrial land across Western Australia over the next decade. The Strategy covers all types of industrial land — Strategic Industrial Areas, General Industrial Areas, and Technology Parks. The Strategy identifies that sewerage infrastructure is critical for industrial areas and includes the following recommendation (recommendation 7 of the Strategy):

"Sewer: Provide sewers in existing industrial estates and develop a new approach for the provision of sewers in future industrial areas."

The Strategy notes that some mature industrial areas (including Bayswater) have evolved without sewers and that:

"Their re-development is currently constrained by this, with very few industries able to use the area without sewers. Some of these industrial areas are located close to public transport and residential populations, and so their redevelopment would help to increase employment density. The WA Government should consider a new approach for the provision of sewer in industrial areas to ensure they are not constrained in the future."

OFFICER'S COMMENT

The City has identified the lack of sewer infrastructure as a major impediment to the redevelopment of the Bayswater Industrial Area (BIA), constraining future investment, innovative and diverse industrial land uses and limiting growth in employment. This is the only area within the City which is not connected to sewer, instead each lot has individual septic tanks or aerobic or alternate treatment units (ATU's). Due to the site requirements (size, uncovered space, number of staff and visitors) of septic tanks and ATU's, the development potential of the area is limited.

In accordance with the strategies identified in the IEDS in May 2022 the City presented to the Industrial Land Steering Committee (ILSC) on 3 May 2022 to seek to establish a collaborative partnership with the committee and its member agencies, to investigate the potential for a business case supporting the provision of infill sewer infrastructure across the BIA, unlocking its potential for regeneration. In October 2022 the City received correspondence from the Chair of the ILSC acknowledging the need for sewer in the BIA to catalyse the redevelopment of the area and to advise that they had written to the Water Corporation encouraging collaboration with the City and requesting a briefing on the options to implement infill sewer in the BIA.

At the WALGA Breakfast with Heads of Agencies Breakfast held 3 October 2022, the City met with the Director General of Water Corporation to discuss infill sewer in the BIA. Water Corporation advised that infill projects are not currently a priority for them as they consider that there is little uptake of development in these project areas. It was advised that if the City wished to continue to

pursue infill sewer in the BIA, it would have to become an advocacy matter for the City and that Water Corporation would only take action if directed by the State Government.

Further advocacy is considered required to continue to pursue the installation of infill sewer in the BIA. Due to the level of conversation required it is considered that the City's Mayor and Chief Executive Officer are best placed to have these discussions and advance the City's position. Letters to the relevant Ministers will help recommence the conversation and ensure that the project remains under their consideration.

LEGISLATIVE COMPLIANCE

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Environment and Liveability

Goal E4: Lessen the City's Impact on the environment through its buildings, infrastructure, services and targets, such as zero emissions by 2040, and empower the community to live sustainably.

It is considered that the installation of infill sewer within the BIA will enable the regeneration of the BIA and increase the number and diversity of businesses within the area.

CONCLUSION

It is considered that further advocacy can be undertaken by the Mayor and Chief Executive Officer to advocate for the need for infill sewer in the Bayswater industrial area.

11.2 Cr Giorgia Johnson - City of Bayswater Actions that could be Implemented to Prevent Future Gas Connections to Residential Properties.

Responsible Branch:	Development and Place
Responsible Directorate:	Community and Development
Authority/Discretion:	Review
Voting Requirement:	Simple Majority Required
Attachments:	Nil

CR LORNA CLARKE DECLARED A FINANCIAL INTEREST

In accordance with section 5.60A of the Local Government Act 1995, Cr Lorna Clarke declared a financial interest in this item as her employer, the Economic Regulation Authority, deals with gas connections. Cr Lorna Clarke had withdrawn from the meeting at 8:24pm and did not return therefore did not participate in consideration or voting on this item.

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Giorgia Johnson raised the following motion:

At 9:18pm Cr Catherine Ehrhardt withdrew from the meeting.

At 9:20pm Cr Catherine Ehrhardt returned to the meeting.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

"That Council requests the Chief Executive Officer to provide a report to Council at the April 2023 Ordinary Council Meeting in relation to effective actions that the City of Bayswater could implement to prevent future gas connections to residential properties."

Cr Giorgia Johnson Moved, Cr Dan Bull Seconded

LOST: 5/5

In accordance with section 5.12(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member, Cr Filomena Piffaretti, Mayor, used her casting vote and the motion was lost.

For: ***Cr Sally Palmer, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.***

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2021*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

In July 2021 the Council adopted the City of Bayswater: Emission Reduction and Renewable Energy (ERRE) Plan which sets out a plan to enable the City to meet and exceed the targets established in the ERRE Plan and achieve net zero by 2040 as follows:

- 2025 - 100% renewable electricity for the City's operations, excluding street lighting;
- 2030 - 100% renewables and/or carbon offsets for all City energy use, including street lighting; and
- 2040 - Net Zero greenhouse gases for the City energy-related and value chain emissions.

This plan applies to the City's buildings and operations only, not private properties.

The State Government has announced that it will introduce a bill to Parliament later this year to enshrine in law an emissions target of net-zero by 2050, as well as interim five-year targets the first of which will be set by the end of the year for either 2028 or 2029. It is not yet clear whether this bill will apply to private properties.

OFFICER'S COMMENT

The majority of properties within the City of Bayswater already have an existing connection to the gas network. The City has no direct involvement in the connection of private buildings to the gas network as a part of the local government planning/building framework and application processes. In the event a property does not have an existing gas connection the property owner can apply directly to the supplier to have a connection installed without the City's involvement. It is noted that while connection to water, sewer and electricity is a requirement of subdivision, connection to gas is not, it is at the discretion of each individual land owner.

The City is already working towards reducing energy usage in its own buildings in accordance with the ERRE Plan.

The City could advocate to the State Government to introduce requirements to reduce private gas connections.

LEGISLATIVE COMPLIANCE

Nil.

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Environment and Liveability
Goal E5: Protect and enhance the City's natural environment and biodiversity, and encourage the community to participate in its protection.

The reduction in use of gas connections across the City will help to reduce greenhouse gas emissions within the City and help to achieve the net zero emissions.

CONCLUSION

The City has no direct control over private properties connection to the existing gas network. There is opportunity for the City could advocate to the State Government to introduce requirements to reduce private gas connections.

11.3 Cr Elli Petersen-Pik - Permitting more than One Tree per Verge

In accordance with clause 5.3(1) of the City of Bayswater's *Standing Orders Local Law 2021*, Cr Elli Petersen-Pik raised the following motion:

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)
"That Council:

1. ***Amends the Urban Tree Planting and Maintenance Policy to replace the sentence* "Generally, one tree will be planted per verge abutting private property, while properties with larger or corner frontages may receive more." *with* "More than one tree may be planted per verge abutting private property, subject to space available. Property Owners will be given the option to request more than one verge tree to be planted in front of their property."*; and***
2. ***Requests the Chief Executive Officer to implement the amended policy during the forthcoming planting season."***

Cr Elli Petersen-Pik Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

LOST: 5/5

In accordance with section 5.12(3) of the Local Government Act 1995, as the votes were equally divided, the Presiding Member, Cr Filomena Piffaretti, Mayor, used her casting vote and the motion was lost.

For:	***Cr Sally Palmer, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***
Against:	***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Josh Eveson and Cr Michelle Sutherland.***

MATERIAL FACTS

In accordance with clause 5.3(3) of the City of Bayswater *Standing Orders Local Law 2021*, the Chief Executive Officer may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

OFFICER'S COMMENTS

The City's current *Urban Tree Planting and Maintenance Policy* provides officers with flexibility to make recommendations according to their expertise, regarding appropriate tree species and numbers for planting on verges within the City. This is generally done in consideration of available space, underground services, above ground infrastructure and at times, the preferences of the individual property owner. It is also done to ensure new trees have room to mature so that canopy growth is maximised. Should the assessing officer believe there is sufficient room for more than one tree, then that is recommended, as it is in the best interests of the City and community to maximise available space in favour of tree canopy.

Further, during tree planting campaigns, residents are encouraged to contact the City to discuss their needs and any queries they have in relation to tree planting on verges adjacent to their property, which includes requesting additional trees. This has resulted in more trees being planted where feasible.

The proposed amendment does seek to provide further emphasis on the ability of property owners to request additional trees.

LEGISLATIVE COMPLIANCE

Not applicable.

FINANCIAL IMPLICATIONS

City resources in regard to officer time required to prepare reports.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme:	Community
Goal C3:	Maximise the use of the City's facilities and parks by all sections of the community.
Theme:	Environment and Liveability
Goal E2:	Remain focused on greening the City's suburbs and streetscapes and increasing the tree canopy.

CONCLUSION

Should the Notice of Motion be carried by Council, the *Urban Tree Planting and Maintenance Policy* will be amended and will have immediate effect.

12 Questions From Members Without Notice

12.2 Question From Members Without Notice

Cr Catherine Ehrhardt, Deputy Mayor

Question 1
What has been the total cost to the City of Bayswater for each of the Local Government elections since 2010?

Question 2
What has been the total cost for the WAEC to be engaged by the City of Bayswater for each of the Local Government elections since 2010?

Question 3
What has been the total cost to the City of Bayswater for their own staff time for each of the Local Government elections since 2010, including a breakdown of costs?

Response
Cr Filomena Piffaretti, Mayor advised that questions 1, 2 and 3 will be taken on notice.

Cr Sally Palmer

Question 1
Will there be free mulch given to residents in the future?

Response 1
Mr Des Abel, A/CEO took the question on notice.

Cr Georgia Johnson

Question 1
When are the bike plans coming back to Council?

Response 1
Mr Des Abel, A/CEO took the question on notice.

Cr Josh Eveson

Question 1
Following on from last month, I still have concerns about non-compliance, environmental and safety issues in the Bayswater Industrial Area. Can the City provide details regarding any focused efforts or any changes that have been made to address some of these concerning behaviours that business owners are witnessing and are reporting almost daily to me?

Question 2
On the same topic but in a different location, I've been contacted by businesses and residents near the old Bunnings site on Russell Street. Have there been any resources of focus campaigns etc. around that area?

Response 1 and 2
Mr Des Abel, A/CEO took questions 1 and 2 on notice.

Cr Elli Petersen-Pik

Question 1
In relation to a question asked by a resident in tonight's public question time, the question refers to figures in the draft Long Term Financial Plan 2023-32, however this document is confidential, so my question is how did the resident receive a copy of the confidential document?

Response 1
Cr Filomena Piffaretti, Mayor took the question on notice.

Question 2
Following on from that, would this be considered as a breach of confidentiality?

Response 2
Mr Des Abel, A/CEO advised that the question will be taken on notice and City would have to investigate the circumstances.

13 New Business Of An Urgent Nature

COUNCIL RESOLUTION

That item 13.1 be dealt with as urgent business.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Dan Bull Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

13.1 Motions for the 2023 National General Assembly of Local Government

Responsible Branch:	Governance Organisational Planning & Development
Responsible Directorate:	Office of the CEO
Authority/Discretion:	Advocacy
Voting Requirement:	Simple Majority Required
Attachments:	1. NGA Motions Discussion Paper [**13.1.1** - 20 pages] 2. Draft ALGA Motion City of Bayswater [**13.1.2** - 1 page] Draft ALGA Motion - Town of Bassendean [**13.1.3** - 2 pages]

SUMMARY

Council endorsement is sought for a motion put forward by Cr Catherine Ehrhardt, Deputy Mayor for the National General Assembly of Local Government (NGA), to be held in Canberra 13-16 June 2023. The Town of Bassendean has also requested Council's support for a motion it intends to put forward to the NGA in relation to FOGO.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

That Council: 1. Endorses Cr Catherine Ehrhardt, Deputy Mayor's draft motion to the Australian Local Government Association's 2023 National General Assembly, as contained in Attachment 2. 2. Supports the FOGO motion put forward to the Australian Local Government Association's 2023 National General Assembly by the Town of Bassendean, as contained in Attachment 3.

Cr Catherine Ehrhardt, Deputy Mayor Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

BACKGROUND

The Australian Local Government Association (ALGA) is the national voice of local government, representing 537 councils across the country.

ALGA has convened the 29th National General Assembly of Local Government (NGA), to be held in Canberra on 13-16 June 2023. The purpose of the NGA is to build the profile of local government on the national stage and demonstrate to the Australian Government the strength and value of working with local government nationally.

As part of the NGA, debate on motions was introduced as a vehicle for councils from across the nation to canvas ideas, and solutions to the challenges facing Australia's councils and communities. Outcomes of debate on motions (NGA Resolutions) could then be used by participating councils to inform their own policies and priorities, as well as their own advocacy to the Federal Government and Federal MPs. At the same time, they assist ALGA, and its member state and territory associations to gain valuable insight into council priorities, emerging national issues, and gauge the level of need and support for emerging policy and program initiatives and advocacy.

EXTERNAL CONSULTATION

The City's Chief Executive Officer was contacted by the Interim Chief Executive Officer of the Town of Bassendean in relation to the FOGO motion being proposed by the Town of Bassendean.

OFFICER'S COMMENTS

ALGA has developed a Discussion Paper for the 2023 NGA, to guide councils considering submitting motions (**Attachment 1**). This includes amended criteria for 2023, with a view to improving the quality and relevance of motions included in the Business Papers.

A notice of motion to this year's NGA is required to either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build communities; or
- New program ideas that would help the local government sector to deliver national objectives.

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome i.e. call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

This year's call for motions focuses on the following eight priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;
- Local Government Workforce;
- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters; and
- Housing.

The CEO sent out a memorandum to all Councillors on 17 March 2023 seeking motions for consideration and endorsement by Council for the NGA.

The Deputy Mayor, Cr Catherine Ehrhardt, has put forward the following motion for Council's endorsement:

> *"This National General Assembly calls on the Federal Government to support the ongoing financial sustainability of local governments by appropriately funding their delivery of infant immunisations to the community."*

This motion focuses on the priority area of community wellbeing and is considered to meet the criteria for the NGA as specified above. The background and key arguments for the motion can be found in **Attachment 2**.

The Town of Bassendean has also asked if the City can support a motion prepared by their Mayor, Cr Kathryn Hamilton, as contained in **Attachment 3**. The motion reads as follows:

> "*This National General Assembly calls on the Australian Government to commit to appropriate funding mechanisms for the establishment of Food Organics and Garden Organics (FOGO) processing facilities, nationally; as an undertaking to co-partner with local governments and their regional associations to reduce greenhouse gas emissions from landfills, closing the loop on a priority waste stream and progressing healthy soils initiatives.*"

The motion focuses on the priority area of Climate Change and Renewable Energy and is considered to align to the City's environment and liveability goals.

The background and key arguments for the motion can be found in **Attachment 3**.

LEGISLATIVE COMPLIANCE

Nil.

RISK ASSESSMENT

In accordance with the City's Risk Management Framework, the officer's recommendation has been assessed against the City's adopted risk tolerance. Comments are provided against each of the risk categories.

Risk Category	Adopted Risk Appetite	Risk Assessment Outcome
Strategic Direction	Moderate	Low
Reputation	Low	Low
Governance	Low	Low
Community and Stakeholder	Moderate	Low
Financial Management	Low	Low
Environmental Responsibility	Low	Low
Service Delivery	Low	Low
Organisational Health and Safety	Low	Low
Conclusion	The risks of endorsing/supporting these motions are considered to be low as they advocate for the Australian Government to commit to more funding for services that are important to the Community.	

FINANCIAL IMPLICATIONS

Nil.

STRATEGIC IMPLICATIONS

In accordance with the City of Bayswater Strategic Community Plan 2021-2031, the following applies:

Theme: Environment and Liveability

Goal E4: Lessen the City's Impact on the environment through its buildings, infrastructure, services and targets, such as zero emissions by 2040, and empower the community to live sustainably.

Theme: Leadership and Governance

Goal L2: Plan and deliver projects and services in a sustainable way.

Work together to deliver the best outcomes for the community by managing our resources in a financially sustainable way.

CONCLUSION

It is recommended that Council endorse the motion put forward by Cr Catherine Ehrhardt, Deputy Mayor and support the motion by The Town of Bassendean in relation to FOGO, to be tabled at the National General Assembly of Local Government (NGA), to be held in Canberra on 13-16 June 2023.

AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

2023 NGA

OUR COMMUNITIES OUR FUTURE

DISCUSSION PAPER

Call for Motions

13 – 16 JUNE 2023

NATIONAL CONVENTION CENTRE

CANBERRA

The Australian Local Government Association (ALGA) is pleased to convene the 29th National General Assembly of Local Government (NGA), to be held in Canberra 13 - 16 June 2023.

This discussion paper contains essential information for Australian councils considering submitting motions for debate at the 2023 NGA.

It is recommended that all councils and delegates intending to attend this event familiarise themselves with the guidelines for motions contained in this paper.

Key Dates

24 March 2023	13 June 2023	14 - 15 June 2023	16 June 2023
Acceptance of Motions	Regional Cooperation & Development Forum	National General Assembly	Australian Council of Local Government

To submit your motion, visit: alga.com.au

Background to ALGA and the NGA

ALGA was established in 1947, and its structure is a federation of member state and territory local government associations.

Its mission is to champion and strengthen Australian councils by representing the agreed position of ALGA members, the seven local government associations from around Australia, who represent 537 Australian councils.

In 1994, the ALGA Board, in consultation with its member associations, established the NGA as a unique forum to engage with councils directly at the national level.

The purpose of the NGA was to build the profile of local government on the national stage and demonstrate to the Australian Government the strength and value of working with local government nationally.

As part of the NGA, debate on motions was introduced as a vehicle for councils from across the nation to canvas ideas, and solutions to the challenges facing Australia's councils and communities.

Outcomes of debate on motions (NGA Resolutions) could then be used by participating councils to inform their own policies and priorities, as well as their own advocacy to the Federal Government and Federal MPs.

At the same time, they assist ALGA, and its member state and territory associations to gain valuable insight into council priorities, emerging national issues, and gauge the level of need and support for emerging policy and program initiatives and advocacy.

Changes for 2023

The ALGA Board has undertaken a comprehensive review of the motions process.

As a result, ALGA has allocated additional time for debate on motions at the 2023 NGA and amended the criteria with a view to improving the quality and relevance of motions included in the Business Papers.

The updated criteria for motions is listed on page 6.

ALGA's policies and priorities will continue to be informed by motions and determined by the ALGA Board and based on the positions of its member associations.

ALGA's Board thanks all councils for attending the NGA, and those that will take the time to submit motions for debate at this event.

Submitting Motions

The theme of the 2023 NGA: Our Communities, Our Future.

This theme conveys the critical importance of our communities, how they are the focus of our attention, and how they are at the centre of all our work.

Our communities are the reason that local governments exist, and it is the health and wellbeing of our communities that will shape Australia's future.

This discussion paper is a call for councils to submit motions for debate at the 2023 NGA, to be held in Canberra 13 - 16 June 2023.

A notice of motion to this year's NGA should either:

- Focus on practical and deliverable programs and policies that the Australian Government can support and work directly with the local government sector to build our communities; or
- New program ideas that would help the local government sector to deliver national objectives.

Motions should be concise, practical and able to be implemented.

They must also meet the guidelines for motions outlined in this paper.

You are encouraged to read all the sections of the paper but are not expected to respond to every issue or question. Your council's motion/s should address one or more of the issues identified in the discussion paper.

Motions must be lodged electronically using the online form available at www.alga.com.au and be received no later than 11:59pm on Friday 24 March 2023.

All notices of motions will be reviewed by the NGA Subcommittee to ensure that they meet the criteria included in this paper.

The Subcommittee reserves the right to select, edit or amend notices of motions to facilitate the efficient and effective management of debate on motions at the NGA.

All NGA resolutions will be published on www.nationalgeneralassembly.com.au.

As the convenor of the NGA, the ALGA Board will communicate resolutions to the relevant Australian Government Minister and publish Ministerial responses as they are received on this website.

If your council does submit a motion, there is an expectation that a council representative will be present at the NGA to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 NGA.

Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

This National General Assembly calls on the Australian Government to ...

Other things to consider

Please note that it is important to complete the background section on the form. Submitters of motions should not assume that NGA delegates will have background knowledge of the proposal.

The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion.

Motions should not be prescriptive in directing how the matter should be pursued.

Try to keep motions practical, focussed, relatively simple and capable of being implemented to ensure that relevant Australian Government Ministers provide considered, thoughtful and timely responses.

Multi-point motions that require cross portfolio coordination have not historically received meaningful responses from the Government.

All motions submitted will be reviewed by the NGA Subcommittee, in consultation with state and territory local government associations, to determine their eligibility for inclusion in the NGA Business Papers.

When reviewing motions, the Subcommittee will consider the motions criteria, clarity of the motion and the importance and relevance of the issue to local government.

If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. With the agreement of the submitting council, these motions may be edited before inclusion in the NGA Business Papers.

To ensure an efficient and effective debate where there are numerous motions on a similar issue, the Subcommittee will group motions together under an overarching strategic motion.

The strategic motions will have either been drafted by ALGA or will be based on a motion submitted by a council which best summarises the subject matter.

Debate will occur in accordance with the rules for debate on motions published in the Business Papers and will focus on the strategic motions.

Associated sub-motions will be debated by exception only or in accordance with the debating rules.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.com.au.

All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and endorsement of your council.

> **Motions should be received no later than 11:59pm on Friday 24 March 2023.**

Setting the scene

'Through a devastating pandemic, through a succession of dangerous and damaging natural disasters, through global uncertainty and painful price rises – The Australian people have demonstrated the best of our national character. Resolute and resilient in hard times. Practical and pragmatic about the challenges we confront. Optimistic and confident in a better future. And ready to work together to build it.'

The Hon Jim Chalmer MP, Federal Treasurer Budget Speech 2022-23

The opening statement of the Federal Treasurer's first Budget Speech describes the backdrop against which the 2023 NGA will be held.

The 2022 NGA was held just weeks after the change in the Federal Government on 21 May 2022. On 25 October 2022, the new Government handed down its first Budget which updated the economic outlook, realigned priorities and outlined how the Government was to meet its election promises.

The Budget update foreshadows deteriorating economic conditions, citing global challenges, slowing growth, high inflation and higher interest rates, and acknowledges the mounting cost of living pressures on individuals, families and communities.

Key updates include:

- The economy is expected to grow solidly this financial year, by 3 ¼ percent – before slowing to 1 ½ percent growth for 2023/24, a full percentage point lower than what was forecast in March;
- That slowing growth will have an effect on employment, but jobs will continue to be created, and unemployment is expected to stay low by historical standards – at 4 ½ percent in 2023/24 and 2024/25;
- Inflation is expected to peak at 7 ¾ percent late in 2022, before moderating over time to 3 ½ percent through 2023/24, and returning to the Reserve Bank's target range in 2024/25; and that
- When that inflation moderates, real wages are expected to start growing again in 2024.

The Government is also committed to repairing the Budget in a 'measured and responsible' manner consistent with the objective of maintaining full employment and the delivery of essential services. It foreshadows that this will be achieved through spending restraint, with new spending focused on high-quality and targeted investments and building on the capability of the Australian people, expanding the productive capacity of the economy, and supporting action on climate change.

The Budget also included a focus on measuring and improving community wellbeing.

By the time of the 2023 NGA, the Government will have delivered its second Budget, which will provide further updates to the economic outlook and also refine its economic strategy going forward.

The 2023 NGA provides you - the elected representatives of Australia's local councils and communities - with the opportunity to engage with the Federal Government and key Ministers.

Further, it is your opportunity to advocate for new or extended programs and policy initiatives that could strengthen local governments' capacity to deliver services and infrastructure to communities across the nation.

This year's call for motions focusses on eight priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;
- Local Government Workforce;
- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters; and
- Housing.

1. Productivity

In February 2022, the then Federal Treasurer asked the Productivity Commission to undertake an inquiry into Australia's productivity performance and provide recommendations on productivity enhancing reform.

This inquiry was the second of a regular series, undertaken at five-yearly intervals, and recognises that productivity growth is vital for Australia's future. Drawing on the Intergenerational Report the Treasurer notes that '… future growth in income and living standards will be driven from productivity growth as the participation effects of young migration are offset by an ageing population.'

ALGA engaged SGS Economics and Planning to undertake research to support its submissions to this inquiry.

SGS Principal and Partner Dr Marcus Spiller presented on some of the findings of this research at the 2022 NGA. In his presentation he identified that local governments generate local economic activity through employment, payment of wages and expenditure on goods and services in the local economy. In addition, SGS identified nine ways local government supports the productive capacity of the broader economy.

Figure 1 – Nine ways local governments contribute to the productive capacity of the broader economy:

Providing Urban Infrastructure
Arterial roads
Major cycleways
Green space networks
Clean streets

Mitigating externalities in urban development
Development approvals
Building controls
Separation of incompatible uses

Place making & Visitor economy
Tourism infrastructure
Culture and arts
Place quality/attractions
Safe streets

Providing land for housing
Strategic planning for housing development
Infrastructure coordination to support housing development

Better local labour markets
Provision/ facilitation of child care services
Facilitating access to training
Supporting social enterprises as skill accumulators
Supporting key worker housing

Climate mitigation & adaptation
Mapping & management of climate change hazards
Emergency management and recovery
Regulated retreat
Renewable energy networks

Providing land for business
Strategic planning for employment areas
Infrastructure coordination to support employment lands

Business clusters & innovation
Promotion of local business districts
Business incubators
Business angels

Circular economy
Resource recovery and reuse
Management of landfill

Sources: Adapted from SGS Research for ALGA's Submission to Productivity Commission (2022)

Are there programs and initiatives that the Commonwealth Government could implement to improve local government's capacity to support productivity growth?

Are there programs that could support one, or all of the identified ways local government contributes to productivity in the broader economy?

2. Local Government Infrastructure

The 2021 National State of the Assets Report (NSoA) shone a spotlight on local government infrastructure assets. While the technical report shows that local government assets such as roads, bridges, buildings, parks and recreation, stormwater, water and wastewater and airports and aerodromes are generally in good to very good condition, around 10 percent are not fit for purpose, and around 20 - 25 percent are only fair and over time will need attention.

Over the past 12 months this situation has further deteriorated as a result of natural disasters, and particularly flooding across the eastern seaboard.

The technical report shows that in 2019/20 non-financial infrastructure assets were valued at $342 billion and were depreciating at $7.7 billion per year. Replacement costs of these infrastructure assets were in the order of $533 billion.

While 86 percent of councils have adopted long term financial plans, one third of councils do not have asset management plans for their major assets, or if they do, they are out-of-date. Of the councils that do have asset management plans only 66 percent included financial projections in their financial plan.

Asset management and long-term financial planning are essential tools for councils to manage community assets now and into the future.

Are there programs or initiatives that the Commonwealth Government could adopt to improve the long-term sustainability of council's infrastructure?

Are there programs or initiatives that the Commonwealth Government could provide to improve the sector's capacity to manage local government infrastructure and to integrate these plans into long-term financial plans?

3. Community Wellbeing

While the NSoA focuses attention on physical assets, local governments also provide a wide range of important community services that improve local wellbeing. These services are provided at the discretion of councils based on local characteristics, needs, priorities and resources of the local community.

Australian Bureau of Statistics (ABS) data shows that local government annual expenditure in 2020/21 was $43 billion. It is important to note that nationally local government is 83 percent self-sufficient. That is, the vast majority of local government services and infrastructure are funded at the local level either through rates, fees and charges, sale of goods and services, and interest, and only 17 percent comes from grants and subsidies from other levels of government. Unfortunately, many of these grants and subsidies are tied, and often require matching funding which restricts the ability to address local priorities in the way the council and community might like.

Local government community services are broadly defined and may include but not limited to:

- environmental health including food safety;
- childcare, early childhood education;
- aged care, senior citizens;
- services to the disabled;
- programs to address disadvantage, to reduce poverty and homelessness;
- sporting and recreational programs;
- arts and cultural activities, program and festivals;
- tourism and economic development activities; and
- library services.

Councils also play a key role making places that are attractive and liveable for current and future workers, and closing the gap between Indigenous and non-Indigenous Australians.

ALGA's research shows that almost one in four councils are heavily reliant on federal Financial Assistance Grants, which make up at least 20 percent of their annual operating revenue. Financial sustainability of local governments remains an ongoing issue which threatens local service provision and community wellbeing.

Noting the funding arrangements for the provision of local government community services in your area and across the country, are there programs and initiatives that the Commonwealth Government could implement to improve the delivery of these services?

Are there changes to existing programs, including to administrative arrangements, that would significantly improve local government human service planning and provision of services and infrastructure across Australia?

Are there new programs the Australian Government could develop that would support councils to close the gap between Indigenous and non-Indigenous Australians?

What are the actions the Australian Government could take to support councils to improve their ongoing financial sustainability, and their capacity to deliver the services their communities need?

4. Local Government Workforce

Local government is a major employer in Australia providing employment, career advancement and training opportunities for more than 190,800 Australians, across an estimated 400 occupations. In many communities, the council is one of the largest employers.

There are 537 local councils in Australia. Importantly, they are geographically dispersed and provide essential public administration to every corner of the nation.

According to the 2022 National Local Government Workforce Skills and Capability Survey, more than 90 percent of local governments are experiencing skills shortages, resulting in around two thirds of councils having their projects impacted or delayed.

Skills shortages occur for a variety of reasons including an inability to compete against the private sector, worker accommodation, support services for families, ageing of the workforce and geographic isolation. The attrition rate (or rate of turnover) of local government staff is estimated to be between 15 – 20 percent per annum.

The most cited skills shortages include engineers, urban planners, building surveyors, environmental officers and human resources professionals.

ALGA's submission to the Productivity Commission's Productivity Inquiry called on all levels of government to work together to improve training pathways and address skills and labour shortages for the benefit of councils, communities, and businesses right across Australia.

While local government must face its immediate workforce challenges, it must also anticipate the changing nature of work, and future skills needed to meet the changing needs of our communities.

Are there programs or initiatives that the Commonwealth Government could implement that would enhance local government's capacity to attract and retain appropriately skilled staff now and into the future?

Are there programs or changes to existing programs that would increase local government's ability to employ apprentices and trainees?

Are there other initiatives that the Commonwealth Government could provide to improve the sector's ability to plan and develop skills fit for the future?

5. Data, Digital Technology and Cyber Security

Provision of information technology to all Australians is vital for innovation, economic growth and social equity. However, it is potentially even more important to regional Australia where the tyranny of distance increases the inequity of services available – including education, health, economic and social.

Innovative technology is becoming more broadly available and has the ability to boost productivity and economic growth.

Councils around Australia continue to embrace new technologies to improve their service delivery standards and broaden consultation and engagement with their local communities. However, many councils lack basic technological infrastructure and have a shortage of necessary skills and resources.

In October 2022, cyber-attacks on major Australian corporate organisations including Optus and Medibank Private highlighted the critical importance of cyber security. It is a timely reminder as digital information, services and products become an increasing feature of modern business operation including in local government.

Like all risks, local government must manage the risk of cyber-attack and address cyber security. At a national level, there is a poor understanding of local government's vulnerability to cyber-attacks and a lack or inadequacy of risk management strategies and business continuity planning within the sector. While this is primarily a responsibility of the sector itself, governments at all levels must work together to ensure that the public have confidence in government information management systems and its security.

Drawing upon your own council experience, and your knowledge of other councils within your state, or territory, are there programs and initiatives that the Commonwealth Government could implement to help local government develop its digital technology services and infrastructure and/or to improve cyber security within the sector?

6. Climate Change and Renewable Energy

Local governments are playing an important leadership role in addressing climate change, supporting a wide range of programs to lower the carbon footprint of their own business operations and in their local communities.

As a sector, local government is leading the debate for lowering carbon emissions, sourcing renewable energy, responding creatively to reduce greenhouse gas emissions from landfills, and facilitating the construction of green buildings and water sensitive design of cities and towns.

Councils also have a role to play supporting communities in transition, moving away from fossil fuels to new industries.

Pragmatically, local government has been at the forefront of addressing the impacts of climate change and adapting to reduce its environmental footprint. These impacts include an increased number of days with high temperatures, less rainfall and more droughts in southern Australia, less snow, more intense rainfall and fire weather, stronger cyclones, and sea level rise. These changes will increase stress on Australia's infrastructure and physical assets and natural ecosystems that are already threatened, and significantly affect agriculture, forestry, fisheries, transport, health, tourism, finance and disaster risk management.

At the 2022 NGA, there were five Strategic Motions and 15 associated motions debated concerning this issue. Councils are encouraged to review these motions on ALGA's website prior to developing new motions for debate at the 2023 NGA.

Noting the Government's commitment to reducing emissions, are there programs and initiatives that the Commonwealth Government could develop to assist councils in their work to address climate change and reduce emissions?

7. Natural Disasters

Over the past five years, Australian communities have experienced unprecedented natural disasters. At the time of writing, almost every community in Australia, particularly those on the East Coast, had been adversely affected by wet weather conditions associated with the La Nina weather pattern.

Councils in Western Australia are still recovering from a cyclone in 2021, and the Black Summer bushfires in 2019/20 burned approximately 250,000 square kilometres across the country.

The impacts of heavy rainfall, record breaking floods and associated social disruption and damage to infrastructure have exposed weaknesses as well as the strength of current emergency management systems.

There have been numerous NGA motions in the past regarding natural disasters. This year, councils are encouraged to draw on their practical experience of the improvements that could be made to managing emergencies.

Please note, however, that many aspects of emergency management are state or territory responsibilities, and your motions should focus on how the Commonwealth Government could assist.

What new programs could the Australian Government develop to partner with local government to improve the current natural disaster management systems to further assist in recovery and build resilience?

8. Housing

A lack of affordable housing remains one of the biggest issues for Australian councils and communities.

There is less social and affordable housing stock available than there was a decade ago, and more low-income Australians are experiencing housing stress.

The shortage and rising costs of rental properties and affordable home ownership are having significant social and economic impacts in cities and towns across Australia, including rural and regional communities.

This is due to a range of factors including changes to recent migration patterns, cheap finance and labour and material shortages in the construction sector.

While the provision of affordable housing is not a local government responsibility, councils often facilitate affordable housing within their communities, operating within state/territory planning, financial and other legislation requirements.

Some councils are going further, addressing thin markets and developing land and housing themselves, delivering local solutions to meet the needs of their communities.

Local government also plays an important role addressing some of the causes of homelessness, including social inclusion programs that can assist mental health and family violence issues, as well as providing support for people currently experiencing homelessness.

What new programs and policies could the Australian Government develop to partner with local government to support the provision of more affordable housing?

How can the Australian Government work with councils to address the causes and impacts of homelessness?

Conclusion

Thank you for taking the time to read this discussion paper and your support for the 2023 National General Assembly of Local Government.

A FINAL REMINDER:

- Motions should be lodged electronically at www.alga.com.au and received no later than 11.59pm on Friday 24 March 2023.
- Motions must meet the criteria published in this paper.
- Motions should commence with the following wording: 'This National General Assembly calls on the Australian Government to...'
- Motions should not be prescriptive in directing how the matter should be pursued
- Motions should be practical, focussed and relatively simple.
- It is important to complete the background section on the form.
- Motions must not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- When your council submits a motion there is an expectation that a council representative will be present at the 2023 National General Assembly to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2023 National General Assembly in Canberra.

AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

8 Geils Court
Deakin, ACT, 2600

02 6122 9400
alga@alga.asn.au

www.alga.com.au

Proposed Motion

"This National General Assembly calls on the Federal Government to support the ongoing financial sustainability of local governments by appropriately funding their delivery of infant immunisations to the community."

National objective

For appropriate funding to be made available to local governments for the delivery of infant immunisations.

Background

- Historically many local governments provided infant immunisations to support the National Immunisation Program.
- Local government operated immunisation clinics are considered to be highly valued and are utilised by community members from a diverse range of socio-economic backgrounds.
- The immunisations administered are only partially funded by the Federal Government via a Medicare rebate.
- The rebate amount does not reflect the current cost to local government in providing the service.
- Many local governments have ceased providing infant immunisations mainly due to the associated costs.

Summary of Key Arguments

- Infant immunisation services help to reduce the number of cases of disease in Australia which are preventable by vaccination (i.e. Diphtheria, Tetanus, Pertussis, Polio, Measles, Mumps, Rubella, Hepatitis B, Chickenpox, Influenza, Pneumococcal, Meningococcal Group ACWY).
- Local governments are moving towards 'proactive' rather than 'reactive' public health. Immunisations are considered to be an effective 'proactive' measure in protecting public health; particularly in light of the recent COVID-19 outbreak.
- The immunisations administered through local governments with appropriate Federal Government funding would contribute towards national immunisation targets, especially the service being more convenient for community members resulting in higher presentation rates. This would in turn reduce the pressure on medical centres (and hospitals), enabling them to focus on other healthcare matters.

2023 National General Assembly Draft Motion
Australian Government investment in Food Organics and Garden Organics (FOGO) processing infrastructure

MOTION
This National General Assembly calls on the Australian Government to commit to appropriate funding mechanisms for the establishment of Food Organics and Garden Organics (FOGO) processing facilities, nationally; as an undertaking to co-partner with local governments and their regional associations to reduce greenhouse gas emissions from landfills, closing the loop on a priority waste stream and progressing healthy soils initiatives.

National Objective
Why is this a national issue and why should this be debated at the NGA? (max 200 words)

This motion aligns with the NGA's 6th priority area "Climate Change and Renewable Energy" and in particular 'lowering carbon emissions and responding creatively to reduce greenhouse gas emissions from landfills".

The lack of FOGO processing capabilities across the nation is a significant concern as the various states and local governments attempt to reduce methane emissions by diverting organic waste from landfill. Source separation and recycling of household organic waste aligns with Commonwealth, State and Local Government strategies for waste reduction, reuse and recycling. The development of circular economy processes adds real value to local communities via the production of new circular materials, job creation and economic development.

Municipal Solid Waste (MSW) accounts for one third of the total waste stream and FOGO accounts for approximately 50% of MSW. Lack of FOGO processing infrastructure is a serious impediment to achieving state and national net zero emission targets. Many local governments lack the resources to underwrite the establishment of new FOGO processing infrastructure, upgrade existing GO facilities or to expand existing processing infrastructure to receive increasing volumes of FOGO material. This fact is a significant impediment to the adoption of FOGO programs at a local level.

Summary of Key Arguments
Background information and supporting arguments (max 500 words)

FOGO is the single biggest high impact emissions mitigation action currently available at a household level. FOGO processing is a joint responsibility of local, state and federal government, with local government's role as community implementor and catalyst and state/federal government joint role as policy makers, funders and change-makers.

There is a lack of adequate FOGO processing infrastructure across the nation, to receive the expected volumes of FOGO material once all local governments have introduced a third bin (FOGO bin). FOGO is food organics and garden organics collected from households, which have been separated at the source, to reduce contamination.

FOGO is screened, composted and combined with other organic materials to produce a range of Australian Standard Soil Conditioners and Mulch products with the products used in a range of applications from urban amenity to agriculture.

Establishing FOGO processing facilities will result in the production of composted soil conditioner that can be incorporated into topsoil to improve growing properties; and

composted mulch to be applied to the soil surface to protect topsoil, retain moisture, prevent runoff, suppress weeds.

Environmental benefits include:

- Greenhouse gas savings equivalent to 0.22 Tco2-e per household pa. as a result of diverting FOGO from landfill
- Building soil health and biodiversity
- Improving soil water retention
- Reducing reliance on synthetic fertilisers
- Using material close to the source to reduce transport emissions
- Returning organic matter to the carbon deficient soils
- Achieving net zero targets, nationally

Key facts about FOGO processing:

- FOGO derived products are processed to meet Australian Standards AS 4454 for composts, soil conditioners and mulches or AS 4419 for topsoils.
- The FOGO process removes physical contamination, and pasteurisation eliminates pathogens and weed seed propagation.
- Certified fit for purpose FOGO product can be used in major infrastructure projects, used to improve soil health in the agriculture sector and used in landscaping and garden applications, including households.

Investing in FOGO processing facilities will result in:

- Reducing carbon emissions generated from organics decaying in landfill
- Regional prosperity through enduring jobs and growth (National Taskforce extra 6 jobs per 10kT of material)
- Achieving a typical overall recovery rate of 67% with a 3-bin FOGO system where 95% of the FOGO material is diverted from landfill (an average of 300kg per household per annum)
- Delivering state and federal government targets for Carbon Emissions Reduction and the National Healthy Soils Strategy

The business case for FOGO processing facility investment in Australia is compelling and, with assistance from the Federal Government, will support local governments to transition to net zero emissions by 2050. Such collaboration will deliver economic and environmental benefits for the nation.

14 Meeting Closed To The Public

COUNCIL RESOLUTION
That the meeting be closed to the public and the live-streaming be suspended.

Cr Sally Palmer Moved, Cr Assunta Meleca Seconded

CARRIED: 7/3

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj, Cr Michelle Sutherland and Cr Elli Petersen-Pik.***

At 9:50pm, the meeting closed to the public and the live-streaming was suspended.

NOTE: The meeting was closed to the public prior to discussion of item 10.6.3.3 and remained closed for the discussion of items in section 14.

14.1 Matters for Which the Meeting May be Closed

14.1.1 Aged Care Asset Divestment Committee - 2 March 2023

14.1.1.1 Business Plan for Major Land Transaction

Responsible Branch:	Business Services
Responsible Directorate:	Corporate & Strategy
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority

REASON FOR CONFIDENTIALITY

Item 14.1.2.1 Business Plan for Major Land Transaction is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

(e) a matter that if disclosed, would reveal —

(iii) information about the business, professional, commercial or financial affairs of a person,

CR LORNA CLARKE DECLARED AN IMPARTIAL INTEREST

In accordance with regulation 11 of the Local Government (Rules of Conduct) Regulations 2007, Cr Lorna Clarke declared an impartial interest in this item as someone who is known to her is moving to a property identified in the report. Cr Lorna Clarke had withdrawn from the meeting at 8:24pm and did not return therefore did not vote on this item.

At 10:10pm Cr Steven Ostaszewskyj withdrew from the meeting.

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION)
That limbs 1-3 of the Committee recommendation as contained in the "Confidential Report" be adopted and a fourth limb be adopted as follows;

That Council:

3. **Keep this resolution confidential until the Major Land Transaction has been advertised**

Cr Dan Bull Moved, Cr Sally Palmer Seconded

CARRIED UNANIMOUSLY: 9/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

At 10:12pm Cr Steven Ostaszewskyj returned to the meeting.

14.1.1.2 Update on Divestment of Mertome Gardens

Responsible Branch:	Business Services
Responsible Directorate:	Corporate &Strategy
Authority/Discretion:	Executive/Strategic
Voting Requirement:	Simple Majority

REASON FOR CONFIDENTIALITY

Item 14.1.2.2 Update on Divestment of Mertome Gardens is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

(e) a matter that if disclosed, would reveal —

(iii) *information about the business, professional, commercial or financial affairs of a person,*

COUNCIL RESOLUTION
(COMMITTEE/OFFICER'S RECOMMENDATION TO COUNCIL)

That limbs 1-3 of the Committee recommendation as contained in the "Confidential Report" be adopted and a fourth limb to be adopted as follows;

4. **The Council keep the resolution confidential until the negotiations between Hall and Prior and the State Government are finalised**

Cr Dan Bull Moved, Cr Josh Eveson Seconded

CARRIED UNANIMOUSLY: 10/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Michelle Sutherland, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

14.1.2 Morley Sport and Recreation Centre Management Agreement Negotiations

Responsible Branch:	Recreation and Commercial Activities
Responsible Directorate:	Major Project and Commercial Activities
Authority/Discretion:	Executive/Strategic

REASON FOR CONFIDENTIALITY

This is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal —

- ***(i) a trade secret; or***
- ***(ii) information that has a commercial value to a person; or***
- ***(iii) information about the business, professional, commercial or financial affairs of a person,***

To be Provided Under Separate Cover.

COUNCIL RESOLUTION

That limbs 1-3 of the officer's recommendation as amended in the "Confidential Report" be adopted and a fourth limb to be adopted as follows;

4. **Retains this resolution as confidential, as it relates to possible future legal proceedings.**

Cr Josh Eveson Moved, Cr Sally Palmer Seconded

CARRIED: 6/4

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor and Cr Giorgia Johnson.***

Against: ***Cr Steven Ostaszewskyj, Cr Michelle Sutherland, Cr Elli Petersen-Pik and Cr Dan Bull.***

14.1.3 Deed of Variation - Land ID 3134776

Responsible Branch:	Recreation and Commercial Activities
Responsible Directorate:	Major Projects and Commercial Activities
Authority/Discretion:	Executive/Strategic
Voting Requirement:	***ABSOLUTE MAJORITY REQUIRED***

REASON FOR CONFIDENTIALITY

This is a CONFIDENTIAL REPORT in accordance with section 5.23(2) of the Local Government Act 1995 (WA), which permits the meeting to be closed to the public for the business relating to:

(b) the personal affairs of any person;

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;

(e) a matter that if disclosed, would reveal —

(ii) information that has a commercial value to a person; or

At 10:21pm Cr Michelle Sutherland withdrew from the meeting and did not return.

COUNCIL RESOLUTION

That limbs 1-2 of the officer's recommendation as amended in the "Confidential Report" be adopted and a third limb to be adopted as follows;

4. **Keeps this resolution confidential until the consultation on the necessary road closures commences.**

Cr Josh Eveson Moved, Cr Catherine Ehrhardt, Deputy Mayor Seconded

CARRIED UNANIMOUSLY: 9/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

COUNCIL RESOLUTION

That the meeting be reopened to the public.

Cr Steven Ostaszewskyj Moved, Cr Dan Bull Seconded

CARRIED UNANIMOUSLY: 9/0

For: ***Cr Filomena Piffaretti, Mayor, Cr Assunta Meleca, Cr Steven Ostaszewskyj, Cr Sally Palmer, Cr Josh Eveson, Cr Catherine Ehrhardt, Deputy Mayor, Cr Elli Petersen-Pik, Cr Dan Bull and Cr Giorgia Johnson.***

Against: ***Nil.***

At 10:22pm, the meeting reopened to the public.

14.2 Public Reading of Resolutions that May be Made Public

15 Closure

There being no further business to discuss, the Chairperson, Cr Filomena Piffaretti, Mayor, declared the meeting closed at 10:22pm.