Minutes of Council Meeting

held on

Tuesday 28 July 2026 at 5:30 pm

in the Council Chambers, 83 Mandurah Terrace, Mandurah

Mayor	A Kearns	
Deputy Mayor	J Smith	Coastal Ward
Councillor	J Cumberworth	Coastal Ward
Councillor	O Mulder	Coastal Ward
Councillor	J Green	East Ward
Councillor	D Wilkins	East Ward
Councillor	P Jackson	North Ward
Councillor	C Knight	North Ward (electronic attendance)
Councillor	A Zilani	North Ward
Councillor	R Burns	Town Ward
Councillor	D Schumacher	Town Ward

Ms C Mihovilovich	Chief Executive Officer
Mr J King	Acting Director Business Services
Ms J Thomas	Director Place and Community
Mr J Campbell-Sloan	Director Strategy and Economic Development
Mr M Hall	Director Built and Natural Environment
Ms J Weber	Manager Governance and Legal Services
Ms L Grieve	Minute Officer

Confirmed

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1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 5:30 pm and announced that the Council Meeting is being live streamed in accordance with the City's Council Meetings – Live Streaming, Recording and Electronic Attendance Policy.

Attendance at this meeting may involve the collection of personal information, including an individual's image, voice, and any statements made. Recordings are made for the purpose of fulfilling legislative requirements, maintaining accurate records, and enabling transparency in decision making. Recordings may be published or made available to the public in accordance with applicable legislation. Personal information is managed in accordance with applicable privacy legislation and the Council Privacy Policy.

By being present at this meeting, members of the public consent to the City livestreaming and recording and subsequently publishing their voice on the City's website.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor Kearns acknowledged that the meeting was being held on the traditional land of the Bindjareb people, and paid her respects to their Elders past and present.

George Walley kindly prepared this statement.

People have been here for a long time. I want to acknowledge the presence of people over that long time with firstly the Bindjareb Noongar people who continue to have an ongoing connection to this land. They have been here for over 50,000 years. This place Mandjoogoordap or Mandurah, acknowledges a beautiful name, full of intent of people living here and others visiting here. That intent gives us an idea of their ancestral land usage over that long period. Mandurah, the gathering place is unique because even today we still gather here in the most beautiful place for many important reasons. Let us embrace the notion of people being in this space as we move forward as one community.

3 APOLOGIES

Leave of Absence **Apologies**
Cr S Wright

4 DISCLAIMER

The Mayor advised that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the *Local Government Act 1995* (Section 5.25(e)) and the *City of Mandurah Standing Orders 2016* (Section 13.1(1)) establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person.

The City of Mandurah expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

Confirmed

5 ANSWERS TO QUESTIONS TAKEN ON NOTICE

5.1 Ken Pitts

The following question was taken on notice at the Annual Electors Meeting held on 9 February 2026.

Question 1
Is the works and maintenance department understaffed as repair works and garden maintenance appears to be lacking?

Examples:
a) The entrance medium strip on Mandurah Terrace in Silver Sands always looks bad and
b) Path in Fairbridge in Halls Head, the path sunk and reported last October, and at this stage it has still not been repaired - this is high case path among waterways.

Does the maintenance department require further funding?

City of Mandurah Response
The following response was provided to Mr Pitts via email on 31 March 2026.

Regarding the above question you raised at the City's Annual Elector's General Meeting on Monday, 9 February, I advise that adequate provision is made in the City's annual operational budget and I am pleased to provide you with an update on both examples you provided.

The medium strip on Mandurah Terrace has recently been attended to as part of its scheduled maintenance program, which included weeding and the removal of any litter and leaves. Looking ahead, City officers will also be replenishing vegetation where necessary during the winter planting season, which takes place in June and July.

Regarding the footpath repairs along Fairbridge Road, I can advise that these works have now been completed. Due to the footpath being constructed on top of the seawall, the repair process involved several components and was carried out in carefully planned stages to ensure the best outcome.

6 AMENDMENT TO STANDING ORDERS

Modification to *Standing Orders Local Law 2016* – electronic attendance at meeting.

OCM26/64 Council Resolution

MOTION
Moved: **Deputy Mayor J Smith**
Seconded: **Cr D Wilkins**

That Council:

1. **Suspend the operation of the following provisions of the *City of Mandurah Standing Orders Local Law 2016* for the duration of this electronic meeting to ensure Cr C Knight can follow and participate in the meeting as it progresses:**
2. **Standing Order 7.2 Members to occupy own seats whilst present in meeting room. Relevant only for Elected Members attending the Council Chambers.**
3. **Agree under Standing Orders 8.1(1) and 12.2, that instead of requiring a show of hands, a vote will be conducted by exception with the Presiding Member calling for those Members against each motion. If no response is received the motion will be declared carried and minuted accordingly.**
4. **Reiterate the requirement as per Standing Order 7.3 for Members to advise the Presiding Member when leaving or entering the meeting at any time.**

Confirmed

CARRIED: 11/0
For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr D Schumacher, Cr O Mulder and Cr R Burns
Against: Nil

7 PUBLIC QUESTION TIME

The Mayor opened Public Question Time at 5:39 pm.

7.1 Public Questions

7.1.1 Gary Buckland

Question 1
Who is going to take responsibility for the Galileo Loop area maintenance, wall barriers, car parks, footpaths, bridge maintenance?

City of Mandurah Response
The City is responsible for the maintenance of the public infrastructure assets located within the road reserve and public open space on Galileo Loop.

Question 2
Who is taking responsibility for the Breakwater Parade seawall as it is crumbling and large limestone rocks are falling into the ocean.

City of Mandurah Response
The City is responsible for the maintenance of the Breakwater Parade seawall. The City's coastal engineering consultant recently inspected the condition of the seawall and found it to be in relatively good condition. The City also regularly undertakes maintenance inspections of its coastal and marine assets and any minor repair and maintenance works are arranged as needed.

Question 3
The groins 1.2.3 silver sands area have become unsafe with large limestone rock movement.

City of Mandurah Response
The Silver Sands groynes are also considered to be in relatively good condition and again these will be subject to upcoming maintenance inspections, following which, any minor repair and maintenance works will be arranged. Warning signage is also located at these groynes to advise of the risk of instability of the rock structures.

7.1.2 Darren Stride

Question 1
In its letter dated 27 July 2026, the City stated that commercial general waste remains restricted because of a Kwinana Energy Recovery "waste acceptance and compliance matter." Given that Council approved Deed of Variation No. 3 to the KER Waste Supply Agreement on 24 February 2026, will the City identify the specific contractual or waste-acceptance requirement causing the restriction and state what must occur before commercial access resumes?

City of Mandurah Response
The Kwinana Waste to Energy (KER) facility recently experienced significant disruption due to blockages caused by the uncontrolled size and nature of materials being delivered by the City, to the facility. The materials causing the issue are varied however larger metal items are of particular concern. City officers are presently working with the KER facility and Cleanaway in an effort to resume a level of service for impacted commercial businesses, as soon as possible. This is

Confirmed

expected to include revised handling and sorting of commercial waste at both the City's Waste Management Centre and the KER facility.

Question 2
The City's Waste Management Centre has operated by compacting all general waste material that is deposited at the center and transporting the compacted materials to the KER facility. Upgraded waste handling practices, including the sorting and separation of bulky waste items will lead to significant operational changes and this has not needed to be considered before the recent disruptions experienced at the KER facility.

City of Mandurah Response
The City's Waste Management Centre is a waste transfer station only. It operates by compacting all general waste material that is deposited at the center and transports the compacted materials to the KER facility.

The City, in consultation with Cleanaway, is currently exploring the feasibility of upgrading its waste handling and sorting practices, including the separation of bulky waste items. Previously, this has not needed to be considered before the recent disruptions experienced at the KER facility.

Question 3
The City acknowledged that diversion causes additional travel and expense but confirmed that it has conducted no formal assessment of the costs imposed on local businesses. Stride Skip Bins recorded 89 diverted loads out of 144, approximately 6,141 additional kilometres and estimated additional costs of $10,692 over seven weeks. Will Council undertake and publish an economic-impact assessment and consider reimbursement or temporary financial relief for demonstrable losses caused by these restrictions?

City of Mandurah Response
The City has not entered into an agreement with any commercial business that guarantees this service and will not offer financial relief to related commercial businesses. The City is aware that there is an impact on local commercial businesses and, as a priority, is continuing to work with the KER facility and Cleanaway in an effort to resume a level of service as soon as possible.

The Mayor closed Public Question Time at 5:47 pm.

8 PUBLIC STATEMENT TIME

Nil

9 LEAVE OF ABSENCE REQUESTS

OCM26/65 Council Resolution

MOTION
Moved: **Cr R Burns**
Seconded: **Cr D Wilkins**

That leave of absence be granted to Councillor A Zilani from 5 August 2026 to 19 August 2026 inclusive.

CARRIED: 11/0
For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr D Schumacher, Cr O Mulder and Cr R Burns
Against: Nil

Confirmed

10 PETITIONS

Nil

11 PRESENTATIONS

Nil

12 DEPUTATIONS

Nil

13 CONFIRMATION OF MINUTES

13.1 Ordinary Council Meeting held on 23 June 2026

OCM26/66 Council Resolution

MOTION
Moved: **Cr D Schumacher**
Seconded: **Cr J Green**

That the Minutes of the Ordinary Council Meeting held on 23 June 2026 be confirmed.

CARRIED: 11/0
For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr D Schumacher, Cr O Mulder and Cr R Burns
Against: Nil

14 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Cr R Burns left the meeting at 5:51 pm.
Cr R Burns returned to the meeting at 5:52 pm.

At the invitation of the Mayor, Councillors updated the meeting on the following recent activities:

14.1	Deputy Mayor Smith	Probus 50th Anniversary
14.2	Cr J Green	National Tree Day & Community
14.3	Mayor A Kearns	Local Legend for July

15 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS

Nil

16 QUESTIONS FROM ELECTED MEMBERS

16.1 Questions of Which Due Notice Has Been Given

Nil

16.2 Questions of Which Notice Has Not Been Given

16.2.1 Cr A Zilani

Question 1
Given the upcoming State election in the electorate of Secret Harbour, does the City intend to use this opportunity to advocate to all candidates and political parties for State funding of the long

Confirmed

awaited pedestrian bridge across Mandurah Road between Madora Bay and Lakelands to improve safety for school students and other pedestrians and if so, what specific advocacy actions will be undertaken to maximise the likelihood of securing funding commitment?

City of Mandurah Response
The Mayor confirmed that correspondence has been sent to all candidates, offering them an opportunity to meet and discuss advocacy priorities. The Mayor will be advocating for a number of initiatives, including this project and others identified on the priority list. For candidates who choose to meet with her, discussions will focus on the City's current priorities, advocacy initiatives, and the outcomes we hope to see from this election.

Question 2
Would you like to publish those commitments before the election so people can vote accordingly?

City of Mandurah Response
The Mayor confirmed that no commitments made by candidates will be published, as it is a matter for each candidate to determine what commitments they choose to make.

Question 3
Can the CEO please provide an update on the current status of matters relating to Hall Park Western Foreshore and advise what further steps reports or council decisions may be required before any final decision is made?

City of Mandurah Response
It remains with the State Government and is still required to be considered by Parliament. If approved by the State Government, the matter will be presented to Council for consideration of the lease. However, if approval is not granted, an update on the status of the matter will be provided to Council, although no further decision by Council would be required.

Question 4
Given the significant community interest in Halls Park, can the CEO explain how the City will ensure that community feedback and the long-term public value of this reserve is considered as part of any future decision making process.

City of Mandurah Response
As you will recall, extensive community consultation has already been undertaken. In relation to the decision Council will be required to make regarding the lease, there is also a public submission process, and the City will follow the relevant statutory process.

16.2.2 Cr R Burns

Question 1
Recently there was an Indigenous cultural survey conducted at the Western Foreshore. If something new comes from that or results from that, is there a decision or if there's a change of information, what is the likelihood that would come back to Council for consideration or review if there is new information or does that lay wholly and solely with the State Government?

City of Mandurah Response
It is a State Government process. The decision rests with the State Government. The City would rely on and act in accordance with any advice provided by the State Government.

Question 2
I'm seeking an update regarding the recurring flooding affecting the northern end of a road and adjoining streets particularly Rockford Street and the aptly named Moat Street where residents have advised that flooding occurs during significant rainfall events. Can the City confirm whether it recognises this as an ongoing flooding and drainage issue and outline its current understanding of the nature and extent of the problem?

Confirmed

City of Mandurah Response
The City has been made aware of flooding issues in Rockford Street and the surrounding area and is currently undertaking hydrological modelling to determine the extent of the issue. The outcomes of this work will assist the City in identifying and progressing potential solutions.

Question 3
Can the CEO or associated staff officer please clarify which aspects of this issue fall within the City's responsibility and which fall under the responsibility of other agencies such as the Water Corporation or other State Government authorities particularly where storm water drainage groundwater sewage and pumping infrastructure may be involved.

City of Mandurah Response
The City is responsible for stormwater drainage infrastructure within that area. Similarly, the Water Corporation and other State Government agencies are responsible for their respective infrastructure and any associated impacts within the precinct.

Question 4
Has the City undertaken or is currently undertaken any internal investigations, engineering assessments or discussions with the relevant agencies regarding this area? If so, could the CEO or staff outline the current status of that work and whether a long-term solution has been identified?

City of Mandurah Response
As previously advised, the City is currently undertaking modelling to determine the extent of the drainage issue. Once this work has been completed, the City expects to be in a position to identify and progress potential solutions to address the issue.

Question 5
If the City considers that infrastructure improvements or other mitigation measures are required, does it have an action plan for this locality and what time frame can affect residents can affected residents reasonably expect before meaningful progress is made?

City of Mandurah Response
We would expect the outcomes of the modelling to be known within the next couple of months. Once those outcomes are available, the City will be in a better position to determine the appropriate next steps and provide more meaningful timeframes for any future works or actions.

Question 6
More broadly, what is the City's approach when assessing applications for higher density infill residential development in established suburbs? In particular, how does the City satisfy itself that existing drainage, storm water, and other supporting infrastructure are capable of accommodating the increased intensity of development, particularly in areas that are already experienced flooding and drainage constraints.

City of Mandurah Response
It depends on the applications received. For higher-density and medium-density developments in the City centre, we first ensure that all necessary information has been provided to enable a decision to be made.

The information is then referred to the relevant experts within the City, such as drainage and stormwater engineers within the Built and Natural Environment directorate. These officers review the information provided, identify any additional information or investigations that may be required, and provide feedback throughout the assessment process.

Depending on the application, the City may also recommend conditions or requirements to ensure that drainage infrastructure is adequate to meet the expected needs of the development and

Confirmed

surrounding area. These recommendations are provided to the planning team for consideration and, where appropriate, may be included as conditions of development approval.

17 BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil

18 RECOMMENDATIONS OF COMMITTEES

Nil

Confirmed

19 REPORTS

Subject: 19.1 Disability Access and Inclusion Plan 2026-2031

Summary

The draft City of Mandurah Disability Access and Inclusion Plan 2026-2031 (referred to as the DAIP or the Plan) was advertised for public comment from 28 May – 28 June 2026, following Council endorsement to release the draft.

A targeted and accessible engagement approach was developed to maximise participation and reduce barriers to providing feedback. This included a flyer outlining the available engagement options, supported by distribution across City facilities as well as direct delivery to local community and disability service organisations. An audio version of the flyer will further support visibility and accessibility.

To support inclusive and informed engagement, the City established multiple feedback channels. Feedback opportunities were provided through a survey on Mandurah Matters, email, hard copy requests and direct discussion with the City's Access and Inclusion Officer. A drop-in session at Mandurah Library further strengthened the engagement approach by providing an accessible in-person opportunity for community members to discuss the draft plan, supported by large print A3 copies to enhance accessibility.

A total of 22 people provided feedback during the public comments period. Feedback received demonstrated strong overall support for the Plan's strategic direction. As a result of the public engagement on the draft Plan, improvements were made to strengthen the DAIP, while maintaining the core intent of the plan.

The final DAIP establishes a structured and forward-looking framework to guide Council's decision-making, priorities, and service delivery in relation to disability access and inclusion aligned to the seven outcome areas as prescribed by the *Disability Services Act 1993*.

The Plan incorporates:

- Integration of community and stakeholder feedback into clear strategic priorities.
- Alignment with legislated outcome areas and recognised best practice principles in access and inclusion
- A comprehensive Implementation Plan outlining actions, responsibilities, timeframes, and performance monitoring mechanisms
- Strengthened governance, reporting, and accountability measures.

It is recommended to adopt the draft DAIP.

Officer Recommendation

That Council:

1. Approves the City of Mandurah Disability Access and Inclusion Plan 2026-2031 as detailed in Attachment 1.
2. Notes the feedback provided by the community in relation to the Disability Access and Inclusion Plan can be viewed on the Mandurah Matters platform.

OCM26/67 Council Resolution

MOTION
Moved: **Cr J Cumberworth**
Seconded: **Cr J Green**

Confirmed

That Council:

1.1. Approves the City of Mandurah Disability Access and Inclusion Plan 2026-2031 as detailed in Attachment 1.

1.2. Notes the feedback provided by the community in relation to the Disability Access and Inclusion Plan can be viewed on the Mandurah Matters platform.

CARRIED: 11/0
For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr D Schumacher, Cr O Mulder and Cr R Burns
Against: Nil

Confirmed

Subject: 19.2 Local Law Review

Summary

The *Local Government Act 1995* (the Act) provides Western Australian local governments with the authority to make local laws considered necessary for the good government of their districts.

Under section 3.16 of the Act, these local laws must be reviewed periodically by local governments to determine whether they should be retained, amended, or repealed (Section 3.16 Review).

Although recent reforms extend the review period to 15 years, transitional provisions require all local laws that are currently more than 8 years old to be reviewed by December 2026. To meet these obligations, the City of Mandurah (City) is reviewing its suite of local laws through an ongoing Local Law Review Program (Review Program) to ensure compliance with the Act.

Under the City's phased Local Law Review Program, City officers recommend that Council initiate reviews of the following local laws (the Local Laws), being the final round of local laws due for review:

- *City of Mandurah Dog Local Law 2010* - Attachment 1
- *City of Mandurah Health Local Law 1996* - Attachment 2
- *City of Mandurah Standing Orders Local Law 2016* - Attachment 3

Council is requested to resolve that the Local Laws be advertised in accordance with section 3.16(2) of the Act, commencing the statutory review process (Stage One), and notes that engagement with Elected Members will be ongoing.

Officer Recommendation

That Council:

1. In accordance with section 3.16 of the *Local Government Act 1995* determines to undertake a review of the following Local Laws:
   1.1 City of Mandurah *Dog Local Law 2010* as per Attachment 1.
   1.2 City of Mandurah *Health Local Law 1996* as per Attachment 2.
   1.3 City of Mandurah *Standing Orders Local Law* 2016 as per Attachment 3.
2. Determines that the City undertakes local public notice stating that the City proposes to review the following Local Laws for the purposes of inviting submissions:
   2.1 City of Mandurah *Dog Local Law 2010* as per Attachment 1.
   2.2 City of Mandurah *Health Local Law 1996* as per Attachment 2.
   2.3 City of Mandurah *Standing Orders Local Law* 2016 as per Attachment 3.
3. Notes that submissions about the local laws may be made to the City of Mandurah before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.
4. Notes that the results of the above advertising be presented to Council for consideration of any submissions received.

OCM26/68 Council Resolution

MOTION
Moved: **Cr J Cumberworth**
Seconded: **Cr D Wilkins**

Confirmed

That Council:

1. **In accordance with section 3.16 of the *Local Government Act 1995* determines to undertake a review of the following Local Laws:**
   - **1.1 City of Mandurah *Dog Local Law 2010* as per Attachment 1.**
   - **1.2 City of Mandurah *Health Local Law 1996* as per Attachment 2.**
   - **1.3 City of Mandurah *Standing Orders Local Law* 2016 as per Attachment 3.**
2. **Determines that the City undertakes local public notice stating that the City proposes to review the following Local Laws for the purposes of inviting submissions:**
   - **2.1 City of Mandurah *Dog Local Law 2010* as per Attachment 1.**
   - **2.2 City of Mandurah *Health Local Law 1996* as per Attachment 2.**
   - **2.3 City of Mandurah *Standing Orders Local Law* 2016 as per Attachment 3.**
3. **Notes that submissions about the local laws may be made to the City of Mandurah before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.**
4. **Notes that the results of the above advertising be presented to Council for consideration of any submissions received.**

CARRIED: 11/0
For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr D Schumacher, Cr O Mulder and Cr R Burns
Against: Nil

Confirmed

Subject: Amendment to Memorial Council Policy (POL-CMR 12)

Summary

To amend clause 2.1 of the Memorial Council Policy to include that plaques can be reinstated when the infrastructure it is fixed to, is damaged or destroyed and the plaque and infrastructure was in a good condition, and the infrastructure is being replaced.

Officer Recommendation

That Council approve the proposed Council Memorials Policy POL-CMR 12 as detailed in Attachment 1.

OCM26/69 Council Resolution

MOTION
Moved: **Deputy Mayor J Smith**
Seconded: **Cr D Schumacher**

That Council approve the proposed Council Memorials Policy POL-CMR 12 as detailed in Attachment 1.

CARRIED: 11/0
For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr D Schumacher, Cr O Mulder and Cr R Burns
Against: Nil

Confirmed

Subject: 19.4 Civic Honours – Requests for Freedom of Entry and Keys to the City

Summary

The City has received two requests seeking civic recognition from organisations with longstanding connections to the Mandurah community.

The first request is from TS Mandurah Australian Navy Cadets, seeking the granting of Freedom of Entry to the City of Mandurah. The request has been submitted in recognition of the unit's more than 30-year history of youth development, leadership training, community participation and service within Mandurah and the Peel region, and in conjunction with the 125th anniversary of the Royal Australian Navy in 2026.

The second request is from Mandurah State Emergency Service (SES) seeking the conferral of the Keys to the City of Mandurah in recognition of the organisation's 50 years of volunteer service to the Mandurah community and its contribution to emergency response, community safety, disaster recovery and public education.

Council is requested to consider both requests and determine whether the contribution of each organisation warrants the conferral of the requested civic honour.

Officer Recommendation

That Council:

1. Approves the request from TS Mandurah Australian Navy Cadets for Freedom of Entry to the City of Mandurah in recognition of the organisation's longstanding contribution to youth development, leadership and community service within Mandurah and the Peel region.
2. Approves the request from Mandurah State Emergency Service for the conferral of the Keys to the City of Mandurah in recognition of fifty years of dedicated volunteer service to the Mandurah community.
3. Authorises the Chief Executive Officer, in consultation with the Mayor, to finalise all ceremonial, administrative and operational arrangements associated with the granting of these honours.
4. Notes that any associated ceremonies will be coordinated in consultation with the recipient organisations and relevant stakeholders.

OCM26/70 Council Resolution

MOTION
Moved: **Cr D Wilkins**
Seconded: **Cr J Cumberworth**

That Council:

1. **Approves the request from TS Mandurah Australian Navy Cadets for Freedom of Entry to the City of Mandurah in recognition of the organisation's longstanding contribution to youth development, leadership and community service within Mandurah and the Peel region.**
2. **Approves the request from Mandurah State Emergency Service for the conferral of the Keys to the City of Mandurah in recognition of fifty years of dedicated volunteer service to the Mandurah community.**
3. **Authorises the Chief Executive Officer, in consultation with the Mayor, to finalise all ceremonial, administrative and operational arrangements associated with the granting of these honours.**

Confirmed

4. Notes that any associated ceremonies will be coordinated in consultation with the recipient organisations and relevant stakeholders.

CARRIED: 11/0
For: Mayor A Kearns, Deputy Mayor J Smith, Cr J Cumberworth, Cr J Green, Cr D Wilkins, Cr C Knight, Cr P Jackson, Cr A Zilani, Cr D Schumacher, Cr O Mulder and Cr R Burns
Against: Nil

Confirmed

20 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

21 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

22 LATE AND URGENT BUSINESS ITEMS

Nil

23 CONFIDENTIAL ITEMS

Nil

24 CLOSE OF MEETING

There being no further business, the Mayor declared the meeting closed at 6:40 pm.

CONFIRMED..... (MAYOR)

Confirmed

CITY OF MANDURAH

NOTICE OF MEETING

ORDINARY COUNCIL

Members of Council are advised that a meeting will be held in the Council Chambers, 83 Mandurah Terrace, Mandurah and the meeting will be live streamed on:

Tuesday 28 July 2026 at 5:30 pm

CASEY MIHOVILOVICH
Chief Executive Officer
16 July 2026

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1 OPENING OF MEETING AND ANNOUNCEMENT OF VISITORS

Members of the public are advised that the Council Meeting is being live streamed in accordance with the City's Council Meetings – Live Streaming, Recording and Electronic Attendance Policy. By being present at this meeting, members of the public consent to the City live streaming and publishing their voice on the City's website. Members of the public are not subject to video live streaming and only their voice will be captured. For further information on the live streaming of Council Meetings please click here Live Streaming of Council Meetings

2 ACKNOWLEDGEMENT OF COUNTRY

George Walley kindly prepared this statement.

People have been here for a long time. I want to acknowledge the presence of people over that long time with firstly the Bindjareb Noongar people who continue to have an ongoing connection to this land. They have been here for over 50,000 years. This place Mandjoogoordap or Mandurah, acknowledges a beautiful name, full of intent of people living here and others visiting here. That intent gives us an idea of their ancestral land usage over that long period. Mandurah, the gathering place is unique because even today we still gather here in the most beautiful place for many important reasons. Let us embrace the notion of people being in this space as we move forward as one community.

3 APOLOGIES

Leave of Absence
Cr S Wright
Cr J Cumberworth

Apologies

4 DISCLAIMER

Members of the public are advised that any decisions made at the meeting tonight, can be revoked, pursuant to the *Local Government Act 1995*. Therefore, members of the public should not rely on any decisions until formal notification in writing by Council has been received.

5 ANSWERS TO QUESTIONS TAKEN ON NOTICE

5.1 Ken Pitts

The following question was taken on notice at the Annual Electors Meeting held on 9 February 2026.

Question 1

Is the works and maintenance department understaffed as repair works and garden maintenance appears to be lacking?

Examples:
a) The entrance medium strip on Mandurah Terrace in Silver Sands always looks bad and
b) Path in Fairbridge in Halls Head, the path sunk and reported last October, and at this stage it has still not been repaired - this is high case path among waterways.

Does the maintenance department require further funding?

City of Mandurah Response

The following response was provided to Mr Pitts via email on 31 March 2026.

Regarding the above question you raised at the City's Annual Elector's General Meeting on Monday, 9 February, I advise that adequate provision is made in the City's annual operational budget and I am pleased to provide you with an update on both examples you provided.

The medium strip on Mandurah Terrace has recently been attended to as part of its scheduled maintenance program, which included weeding and the removal of any litter and leaves. Looking ahead, City officers will also be replenishing vegetation where necessary during the winter planting season, which takes place in June and July.

Regarding the footpath repairs along Fairbridge Road, I can advise that these works have now been completed. Due to the footpath being constructed on top of the seawall, the repair process involved several components and was carried out in carefully planned stages to ensure the best outcome.

6 AMENDMENT TO STANDING ORDERS

Modification to *Standing Orders Local Law 2016* – electronic attendance at meeting.

7 PUBLIC QUESTION TIME

Public Question time provides an opportunity for members of the public to ask a question of Council. For more information regarding Public Question Time, please visit the City's website About Council Meetings or telephone 9550 3787.

8 PUBLIC STATEMENT TIME

Any person or group wishing to make a Public Statement to Council regarding a matter concerning local government must complete an application form. For more information regarding Public Statement Time, please visit the City's website About Council Meetings or telephone 9550 3787.

9 LEAVE OF ABSENCE REQUESTS

10 PETITIONS

11 PRESENTATIONS

Nil

12 DEPUTATIONS

Any person or group wishing to make a Deputation to Council regarding a matter listed on this agenda for consideration must complete an application form. For more information regarding making a deputation, please visit the City's website About Council Meetings or telephone 9550 3787.

13 CONFIRMATION OF MINUTES

13.1 Ordinary Council Meeting held on 23 June 2026

RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 23 June 2026 be confirmed.

Minutes are available on the City's website Agendas and Minutes

14 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

15 DECLARATIONS OF FINANCIAL, PROXIMITY AND IMPARTIALITY INTERESTS

16 QUESTIONS FROM ELECTED MEMBERS

16.1 Questions of Which Due Notice Has Been Given
16.2 Questions of Which Notice Has Not Been Given

17 BUSINESS LEFT OVER FROM PREVIOUS MEETING

Nil

18 RECOMMENDATIONS OF COMMITTEES

Nil

19 REPORTS

Subject: 19.1 Disability Access and Inclusion Plan 2026-2031

Summary

The draft City of Mandurah Disability Access and Inclusion Plan 2026-2031 (referred to as the DAIP or the Plan) was advertised for public comment from 28 May – 28 June 2026, following Council endorsement to release the draft.

A targeted and accessible engagement approach was developed to maximise participation and reduce barriers to providing feedback. This included a flyer outlining the available engagement options, supported by distribution across City facilities as well as direct delivery to local community and disability service organisations. An audio version of the flyer will further support visibility and accessibility.

To support inclusive and informed engagement, the City established multiple feedback channels. Feedback opportunities were provided through a survey on Mandurah Matters, email, hard copy requests and direct discussion with the City's Access and Inclusion Officer. A drop-in session at Mandurah Library further strengthened the engagement approach by providing an accessible in-person opportunity for community members to discuss the draft plan, supported by large print A3 copies to enhance accessibility.

A total of 22 people provided feedback during the public comments period. Feedback received demonstrated strong overall support for the Plan's strategic direction. As a result of the public engagement on the draft Plan, improvements were made to strengthen the DAIP, while maintaining the core intent of the plan.

The final DAIP establishes a structured and forward-looking framework to guide Council's decision-making, priorities, and service delivery in relation to disability access and inclusion aligned to the seven outcome areas as prescribed by the *Disability Services Act 1993*.

The Plan incorporates:
- Integration of community and stakeholder feedback into clear strategic priorities.
- Alignment with legislated outcome areas and recognised best practice principles in access and inclusion
- A comprehensive Implementation Plan outlining actions, responsibilities, timeframes, and performance monitoring mechanisms
- Strengthened governance, reporting, and accountability measures.

It is recommended to adopt the draft DAIP.

Disclosure of Interest

Nil

Confidentiality

Nil

Previous Relevant Documentation

G. 13/03/2021	23 March 2021	Endorsement of Access and Inclusion Plan 2021–2026
OCM26/44	26 May 2026	

Draft Disability Access and Inclusion Plan 2026 – 2031 approved to release for public feedback.

Background

The City of Mandurah's Access and Inclusion Plan 2021–2026 (AIP) is a key document that supports people with disability, older adults, their families, and carers in accessing local services, facilities, and opportunities.

A Disability Access and Inclusion Plan (DAIP) is a strategic framework developed by local governments and public authorities to identify and address barriers to participation. It ensures equitable access across areas such as:

- Public spaces, buildings, and facilities
- Community events and programs
- Information, processes and services
- Employment within local government
- Consultation and engagement with people with disability.

DAIPs are a legislative requirement under the *Disability Services Act 1993* (the Act), promoting inclusive communities where people with disability can participate fully.

As the current plan nears completion, the City has undertaken a review and engagement process to shape the next five-year plan (2026–2031). This process has incorporated community and City officer input through a diverse engagement strategy, ensuring the new plan reflects local needs and strengthens inclusion across all City services and programs.

Comment

The Disability Access and Inclusion Plan (DAIP) 2026–2031 has been developed in alignment with the seven outcome areas as defined by the Act and has been informed by comprehensive consultation with City officers and the community. This engagement process ensured that the Plan reflects both organisational priorities and lived experience, with a focus on practical, achievable actions that support improved access and inclusion outcomes across all service areas.

Public consultation on the draft Plan confirmed strong support for its overall direction and intent. Feedback received during this period was carefully considered, with a number of minor amendments incorporated to strengthen clarity, responsiveness and deliverability.

Support for vulnerable communities in an emergency has been identified as ongoing organisational priority and work is currently underway on the Mandurah Vulnerable Communities Plan.

A summary of the key themes emerging from consultation, and how these have been addressed within the final Plan, is provided below. The full engagement report is available via the City's online engagement platform Mandurah Matters.

DAIP Feedback Summary

The DAIP has been prepared by City officers to be delivered within existing operational and capital budgets. Any increase of service level would require additional budget for staff resourcing and implementation.

Outcome 1 – Services, Programs and Events

Feedback Theme and Feedback Received	City Response / How Addressed in DAIP
Inclusive programs and participation opportunities needed	Addressed through Actions 1.1.1, 1.1.2, 1.1.3, 1.1.4, 1.1.5, 1.1.6 to embed inclusive and accessible programming. These actions address an increase in programs relating to better health and wellbeing, low sensory gym session, improved access to regular programming, social connection activities for young adults, and inclusive programming at City events and school holiday programming.
Ongoing barriers impacting access to some events and programs	Addressed through Actions 1.2.1, 1.2.2, 1.2.3 and 1.3.1, focusing on accessible event planning, improved communication of access features, and building organisational capability to deliver inclusive events.
Positive feedback on inclusive activities and programs	Reinforces current direction of DAIP actions

Outcome 2 – Buildings and Facilities

Feedback Theme and Feedback Received	City Response / How Addressed in DAIP
Need to improve accessibility and inclusivity of public spaces and supporting infrastructure (e.g. beaches, playgrounds, parking and pathways)	Addressed through Actions 2.1.3–2.1.5 and 2.4.1–2.4.4, focused on both inclusive design of new and existing public spaces and improved accessibility of the surrounding infrastructure.
Concerns about ACROD parking availability and usability	Addressed through Actions 2.3.1–2.3.3 including extra-long bays. Also addressed through improvements to feedback processes in 5.1.1
Poor connectivity between infrastructure	Addressed in 2.1.3 which refers to planning for buildings and spaces in an integrated way that supports community.
Accessible toilet improvements required	Addressed through Actions 2.2.1, 2.2.2, and 2.2.3 which refer to guidelines and placement of Universally Accessible Toilet (UAT) provision and exploration of additional changing place facility at the MARC.

Outcome 3 – Communication

Feedback Theme and Feedback Received	City Response / How Addressed in DAIP
Need for clearer, accessible communication and Plain English.	Addressed through Action 3.1.3 which promotes consistent use of plain English, in line with the City's Style Guide.
Issues with accessibility of materials and digital content including the introduction of a utility bar to change text size / colours / language and the drop-down menu.	As part of the procurement process for the City's new website, it was a requirement that the successful vendor be able to deliver a website meeting WCAG AA compliance. A

	WCAG 2.0 and WCAG 2.1 AA scan was completed across the full site before it went live to confirm it met the expected standards. In addition to this, the Centre for Accessibility Australia, through the Digital Access WA Project, is also undertaking an accessibility audit in accordance with the WCAG evaluation methodology the results of which will be made available to us in July.
Need to consider psychosocial, cognitive and neurodiverse needs	Addressed across communication actions throughout the plan. Considering psychosocial, cognitive and neurodiverse needs forms part of applying the principles of universal design.

Outcome 4 – Customer Service

Feedback Theme and Feedback Received	City Response / How Addressed in DAIP
Need to improve staff understanding of disability and inclusion	Addressed through training actions 4.1, 4.1.2, 4.1.3, 4.1.5, 4.2.2 and 4.3.1 which refer to increased staff training using a variety of different methods such as fact sheets, in-person training, awareness video, and immersive experiences. This is in relation to different types of disability, including hidden disabilities.
Concerns about implementation capability	The DAIP was developed in consultation with lead and organisational partners listed in the Implementation Plan. The Plan reflects actions that can be achieved within existing resources or identifies if delivery relies on an external grant.

Outcome 5 – Complaints and Feedback

Feedback Theme and Feedback Received	City Response / How Addressed in DAIP
Complaint and feedback processes need to be more accessible and easier to navigate	Addressed through Actions 5.1.1, 5.1.2, 5.2.1 and 5.2.2, strengthening accessible complaint pathways, improving awareness of reporting options, and supporting staff and community to use these processes.
Low awareness of community feedback options	Addressed through Action 5.2.2 which promotes improved complaint and reporting options.

Outcome 6 – Community Consultation and Engagement

Feedback Theme and Feedback Received	City Response / How Addressed in DAIP
Engagement and consultation processes need to be more accessible and inclusive	Addressed through Actions 6.2.1, 6.2.2 and 6.2.3, strengthening inclusive engagement design, Plain English communication, and accessible feedback pathways.
Need for meaningful engagement with people with disability, including stronger co-design approaches	Addressed through Actions 6.1.1, 6.1.2 and 6.2.1, embedding early engagement with advisory groups and improving engagement practices, with opportunity to further strengthen co-design approaches.

Outcome 7 – Employment

Feedback Theme and Feedback Received	City Response / How Addressed in DAIP
Support for inclusive employment pathways	Addressed through Actions 7.1.1, 7.1.2, 7.1.3 which promote improved employment pathways through training; maintaining a traineeship; and upskilling People Leaders on processes that can make employment more accessible, such as job carving.
Need for clearer outcomes and reporting	The City reports annually on the progress of the DAIP through its quarterly Corporate Plan updates, Annual Report, and annual reporting to the Department of Communities.

Access and Inclusion Advisory Group Comment

This item was considered by the City's Access and Inclusion Advisory Group at its meeting on 16 October 2025 and 30 April 2026 and the following recommendations were made:

1. *Officer Comment:*

Members were broadly supportive of the draft plan, noting that it is comprehensive, easy to follow and includes a strong range of actions across all outcome areas. Positive feedback was provided on actions relating to customised employment, disability awareness training, community engagement and accessible complaints processes.

Members highlighted the importance of accessible information, including accessible PDFs, website content and alternative formats, as well as promoting accessibility more broadly within the community. Feedback also emphasised the value of embedding accessibility into projects beyond minimum compliance requirements to support people with disability and their families to participate in everyday community life, particularly in multigenerational spaces such as sporting facilities, community centres, beaches and playgrounds.

Youth Advisory Group Comment

This item was considered by the Youth Advisory Group at its meeting on 1 October 2025 and the following recommendations were made:

Officer Comment:
The Youth Advisory Group acknowledged existing accessibility initiatives including communication boards at parks, Chill Out Zones at events, wheelchair ramps, Universal Access Toilets and beach access improvements. A major theme of the feedback was the value of sensory-friendly supports, with members recommending additional quiet spaces at events and City facilities, including the MARC, and ensuring these spaces are integrated into the broader environment.

Further recommendations included increasing the use of braille, Social Stories, Auslan and Key Word Sign, improving disability awareness training for customer service employees, strengthening accessible feedback and complaints processes, and promoting customised employment opportunities more broadly.

Consultation

The City sought to engage meaningfully with the community, using planned events and activations between October and December 2025 to have conversations in the community to help inform the new Plan. A total of 341 people were engaged in this process.

The draft City of Mandurah Disability Access and Inclusion Plan 2026-2031 was advertised for public comment from 28 May – 28 June 2026, following Council endorsement to release the draft. A combined total of 22 people submitted feedback during the consultation period.

A targeted and accessible engagement approach was developed to maximise participation and reduce barriers to providing feedback. Channels included:

- Mandurah Matters online survey
- Drop-in session at Mandurah Library for face-to-face engagement
- Team contact details for community to reach out for
    - printed copies of the survey
    - Providing feedback over the phone
    - Providing feedback via email

Promotion of the draft DAIP engagement was delivered through multiple channels including:

- Social media
    - City of Mandurah
    - Elected Members
- City of Mandurah eNewsletters
    - Mandurah News and Events
    - Community Development newsletter
- A5 Flyer
    - Distributed through City of Mandurah facilities and local service providers
    - Link to Mandurah Matters
    - QR code with an audio version of the flyer recorded
- Direct communications to:
    - Access and Inclusion Advisory Group
    - Mandurah Disability Network
    - Local Service Providers

Statutory Environment

The *Disability Services Act 1993* (the Act) requires all local governments and selected State Government agencies to develop, maintain and report on a plan to assist in the promotion of access and inclusion of people with a disability.

Policy Implications

Nil

Financial Implications

The ongoing coordination, facilitation and monitoring of accessibility and inclusion initiatives in the DAIP across the organisation totals $139,446 annually, including staffing cost of 0.53 FTE. Additional financial commitments are contained within operational and capital budgets, therefore existing resourcing reflects the current level of service required to meet statutory obligations and to progress priority actions within the DAIP. While some accessibility features can be separately identified and costed, the majority of access and inclusion outcomes are delivered through the integrated application of universal design principles across the project and are therefore embedded within the overall capital cost.

Implementation of the new DAIP 2026–2031 is not expected to result in additional financial impact. The Plan has been developed on the basis that its actions, projects and outcomes will be delivered within existing operating, capital budgets or grant funding. This approach reinforces that accessibility and inclusion are core business considerations across all service areas, and should be embedded in planning, project design and delivery processes, rather than treated as supplementary or standalone initiatives requiring separate funding allocation.

Economic Implications

Implementing a Disability Access and Inclusion Plan delivers economic benefits by increasing community participation, volunteering, workforce and visitor engagement, maximising the use of public assets, and reducing future costs associated with retrofitting infrastructure and responding to accessibility barriers.

Environmental Implications

Environments that prioritise access and inclusion improve community participation, independence and wellbeing, while reducing barriers, promoting social inclusion and ensuring infrastructure investments benefit the broadest possible range of residents, including people with disability.

Risk Implications

The absence of a current DAIP would present compliance and reputational risk to the City, as it would fail to meet obligations under the *Disability Services Act 1993 (WA)*, which mandates that all local governments prepare, implement and report on a DAIP. In addition, without a current DAIP to guide inclusive practices, there is an elevated risk of non-compliance with the *Disability Discrimination Act 1992*, potentially leading to complaints lodged with the Australian Human Rights Commission.

From an operational perspective, the lack of a current DAIP may result in inconsistent application of accessibility standards across services, facilities and programs, reducing service effectiveness and community participation. It also increases financial and reputational risk, as reactive responses to accessibility issues are typically more costly to retrofit and may attract community criticism.

Failure to develop and implement a DAIP successfully would inhibit the City's ability to create possibility for everyone.

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 are relevant to this report:

Economy
- 1.4 A thriving city that residents are proud to call home and people want to visit.

Community
- 2.1 Access to support services that enhance opportunities for everyone.
- 2.2 Safe and connected communities.
- 2.3 Inclusive and welcoming places, spaces, and neighbourhoods.

Environment
- 3.4 Our built environment is clean, accessible, and sustainable.

Leadership
- 4.2 Sound decisions based on evidence and meaningful engagement.
- 4.3 Effective advocacy focused on the needs of the community and strong relationships with key stakeholders.
- 4.4 Well-maintained assets and facilities that meet the needs of our community.
- 4.5 Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs, and services.

Conclusion

The Disability Access and Inclusion Plan (DAIP) 2026-2031 has been developed to guide the City through the next five years, continuing to build on the work achieved through the delivery of the AIP 2021–2026, progressing equitable access and inclusion outcomes for people with disability.

The Plan reflects legislative requirements, aligning with relevant State frameworks and incorporates feedback from key stakeholders to support improved access to services, facilities, information and employment.

Adoption of the Plan will ensure the City meets its statutory obligations while reinforcing its commitment to disability access and inclusion for the community.

Officer Recommendation

That Council:

1. **Approves the City of Mandurah Disability Access and Inclusion Plan 2026-2031 as detailed in Attachment 1.**
2. **Notes the feedback provided by the community in relation to the Disability Access and Inclusion Plan can be viewed on the Mandurah Matters platform.**

Attachments

1. Disability Access and Inclusion Plan 2026-2031 FINAL [**19.1.1** - 52 pages]

CITY OF MANDURAH

Disability Access and Inclusion Plan 2026-2031

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Acknowledgement of Country

The City of Mandurah would like to acknowledge the Bindjareb people, the Traditional Custodians of this land, and pay respect to all Elders, past and present.

We wish to acknowledge and respect their continuing culture and the contribution they make to the life of this City and the region.

Alternative Formats

Easy Read, plain text, and audio versions of the plan are available to download from the City's website. These formats can be accessed online at any time.

For more information or to request an alternative format, contact the Heritage and Community Capacity team at the City of Mandurah on (08) 9550 3777 or hcc@mandurah.wa.gov.au

Message from the Mayor

Why do we have a Disability Access and Inclusion Plan?

The City of Mandurah is committed to being a vibrant city that delivers possibility for everyone.

The City of Mandurah's Disability Access and Inclusion Plan (DAIP) provides a framework to improve access and inclusion for people with disability across community life. It supports identifying and addressing barriers, as well as embedding accessibility into planning, design, and service delivery across the City's services, facilities, information, employment practices, and community spaces. It reflects the City's commitment to creating a welcoming, inclusive and liveable community where diversity is valued and where people can participate in, and contribute to, community life.

The DAIP is also a legislative requirement under the Disability Services Act 1993 (WA), which requires local governments to plan for improved access and inclusion for people with disability. Through the DAIP, the City of Mandurah translates these obligations into practical actions that respond to local needs, support universal design, and promote dignity, independence and social connection. When we create a community that is accessible for people with disability, we help to create a more inclusive city for everyone.

What is a Disability Access and Inclusion Plan?

A Disability Access and Inclusion Plan (DAIP) is a formal, legislated plan that sets out how an organisation will ensure people with disability can access and participate in its services, facilities, information, employment and events on an equal basis with others.

In Western Australia, all public authorities (including State Government agencies and local governments) are required by law to develop, implement, maintain, and report on a current DAIP.

A DAIP is structured around seven mandatory outcomes set out in the legislation and regulations:

1. Services, programs and events are accessible to people with disability
2. Buildings and facilities are accessible
3. Information and communication are available in accessible formats
4. Quality of service is equitable for people with disability
5. Complaints processes are accessible and inclusive
6. People with disability can participate in all public consultation
7. People with disability can access employment and volunteering opportunities.

The Seven Outcome Areas

People with disability can access employment and volunteering opportunities

Services, programs and events are accessible for people with disability

People with disability can participate in all public consultation

Buildings and facilities are accessible

Complaints processes are accessible and inclusive

Information and communication are available in accessible formats

Quality of service is equitable for people with disability

Why this Plan is called the Disability Access and Inclusion Plan

This document is titled the Disability Access and Inclusion Plan to clearly reflect its purpose and focus toward improving access and inclusion for people with disability. The title provides clarity about the intent of the Plan, while recognising that actions delivered through the Plan also benefit the broader community.

Definitions

Throughout this DAIP, we use the words disability, access and inclusion.

Disability

Disability refers to a range of physical, sensory, cognitive or psychosocial conditions that may be permanent, temporary or episodic, and which impact a person's ability to participate in everyday life.

Access

Access means people with disability can get to and use buildings, places, services, information and events. This includes reducing or removing barriers that may limit participation.

Inclusion

Inclusion means people with disability are considered from the outset in the planning and delivery of places, services and activities. It extends beyond access, focusing on meaningful participation in community life, including the opportunity to contribute, connect and experience a sense of belonging.

The actions in this plan support a range of ability needs. They are not grouped by disability type. They include support for both visible and non-visible disability needs.

Alignment with other City of Mandurah Strategies

The DAIP aligns with other City strategies and plans to support a coordinated approach to identifying and reducing barriers for people with disability across the City.

Strategic Community Plan

The DAIP aligns with the City of Mandurah's Strategic Community Plan by supporting a community where everyone can participate and feel connected. The Plan contributes directly to priorities around inclusive places and spaces, access to services, safe and connected communities, and well-planned, accessible facilities. By embedding disability access and inclusion into planning, service delivery and engagement, the DAIP supports the Strategic Community Plan's intent to ensure community infrastructure, services and decision-making respond to the needs of people with disability as part of broader community planning.

The following Strategic Community Plan actions are identified as those most closely aligned with the intended objectives and actions of the Disability Access and Inclusion Plan 2026-2031:

2.1. Access to support services that enhance opportunities for everyone
2.2. Safe and connected communities
2.3. Inclusive and welcoming places, spaces and neighbourhoods
2.4. An enriched, creative, and empowered community that values culture, heritage, and lifelong learning
2.5. A healthy lifestyle and healthy community, with an emphasis on prevention
3.4. Our built environment is clean, accessible, and sustainable
4.1. A clear and shared vision for Mandurah's future
4.2. Sound decisions based on evidence and meaningful engagement
4.3. Effective advocacy focused on the needs of the community and strong relationships with key stakeholders
4.4. Well-maintained assets and facilities that meet the needs of our community
4.6. A committed, innovative, effective, and values driven Council and workforce.

All Council-endorsed plans and strategies consider inclusion, although ones with a heightened focus that support improved access and inclusion are:

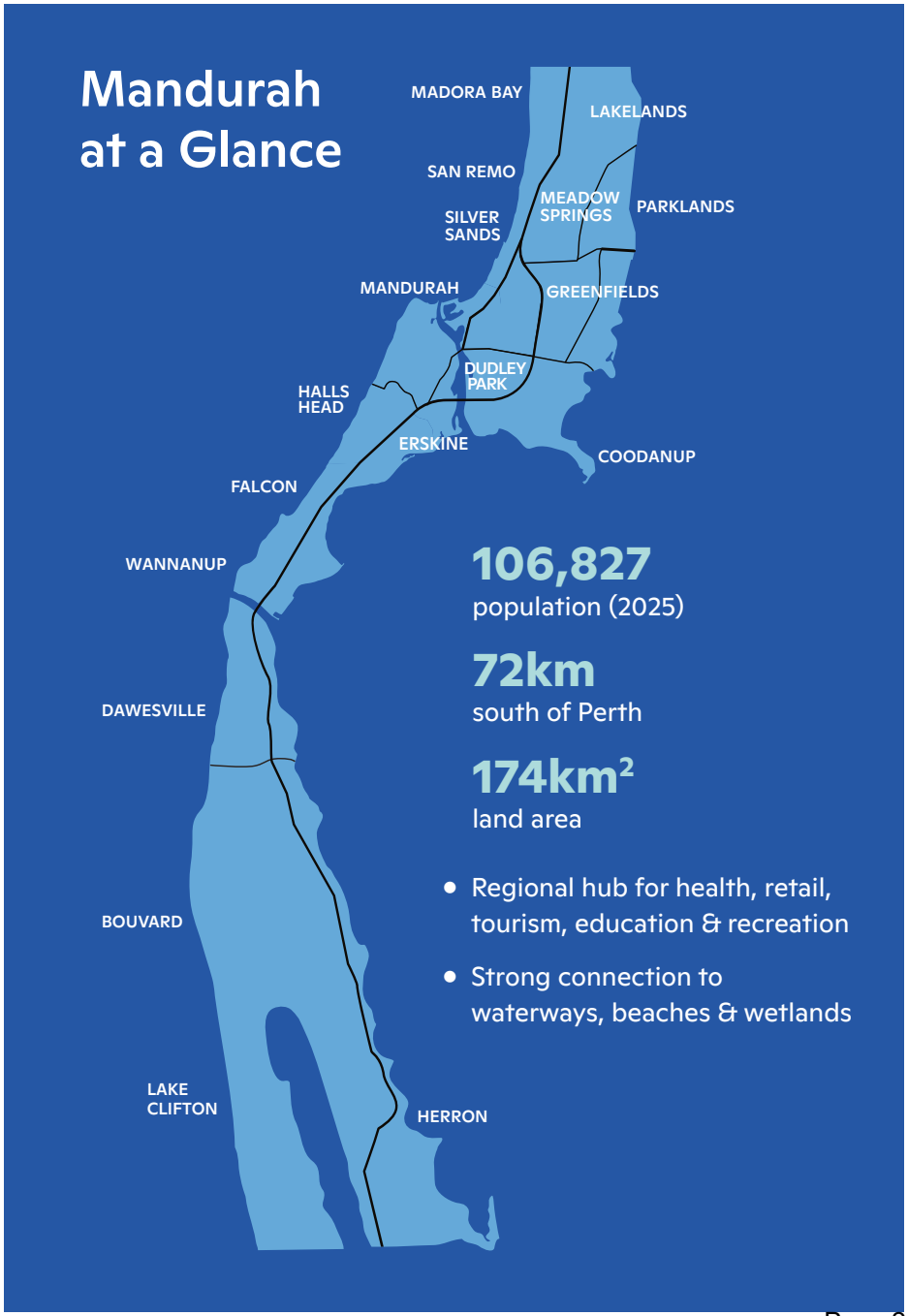
- Corporate Business Plan 2026-2030
- Local Emergency Management Arrangements General Plan 2024 and Sub Plans
- Place Enrichment Strategy 2023-2027
- Youth Strategy 2021-2026
- Arts and Culture Strategy 2023-2028
- Child Safe Plan 2024-2027
- Community Infrastructure Plan 2025
- Festivals and Events Strategy 2026-2030
- Public Health Plan 2026-2030

About Mandurah and our Disability Community Profile

The City of Mandurah is a major regional centre located 72km south of Perth, with an estimated population of 106,827 people and a strong role in servicing both residents and surrounding communities. Known for its natural assets and relaxed coastal lifestyle, Mandurah supports a diverse local economy including health, retail, tourism and education. The City comprises 18 suburbs and its facilities, services and public spaces play an important role in community life across the region.

Mandurah's population profile has important implications for service planning and delivery. The community is older than the Western Australian average, with a median age of 45 and more than a quarter of residents aged 65 and over. In addition, 6.6% of residents report needing assistance with support for everyday tasks, and 11.5% provide unpaid care to family or friends. The prominence of the Health Care and Social Assistance sector, employing 13.5% of residents, further reflects the level of support required within the community, including services connected to the National Disability Insurance Scheme.

These factors highlight the importance of accessible and inclusive infrastructure, services and public spaces that support independence and participation. Higher rates of ACROD parking permits also indicate significant mobility needs within the community. The Disability Access and Inclusion Plan 2026-2031 provides a strategic framework to respond to these needs, supporting improved access, inclusion, and wellbeing for people with disability, carers, older people, and the broader community.



Community Population Snapshot

Children (0-9 yrs)

11.1%
of the population

Youth (10-19 yrs)

11.8%
of the population

Aged (65 and over)

25.6%
of the population

Key Indicators

Median age: 45 years old (WA: 38)

Number of families

25,111

Average number of children per family

1.8

Average number of people per household

2.4

What this means

Mandurah has a significantly older population, with more than 1 in 4 residents aged 65+. This drives increased demand for:

- Accessible infrastructure
- Inclusive services
- Age-friendly community design.

National and State Overview

5.5 million
people in Australia have disability (21.4%)

411,500
people in Western Australia have disability

Disability and Support in Mandurah

People needing assistance

5,954
(6.6%)

Unpaid carers

8,611
(11.5%)

Accessibility Indicator:

High rate of ACROD permits relative to other Local Governments in WA indicates greater mobility support needs

What this means

- Many people with disability use formal and informal supports
- Growing need for accessible places, transport, and services
- Inclusion is essential for community participation and wellbeing.

Workforce Participation

Participation Rate:

84.9%
of people without disability work

60.5%
of people with disability work

Unemployment Rate:

3.1%
People without disability

7.5%
People with disability

What this means

People with disability are less likely to be employed and more likely to be unemployed compared to people without disability.

Mandurah Local Economy

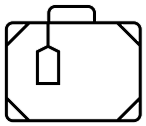
Health Care and Social Assistance:

- Largest employment sector in Mandurah
- Includes disability and community services
- Reflects high demand for accessible and inclusive services, places and spaces.

13.5%
of employed residents

Accessibility and Economic Impact

Research commissioned by the City of Melbourne found that participating businesses in the study generated an estimated $13 in additional revenue for every $1 invested in accessibility improvements. This highlights that accessibility can support both inclusion and economic activity.



Tourism Research Australia reports that travellers with accessibility needs were involved in 23 per cent of domestic day trips nationally. If Western Australia reflects national trends, a similar share of day trips in WA may involve travellers with accessibility needs.

Data from pages 8-10 has been referenced from the following sources:

- Profile.id, Estimated Resident Population (ERP) as of the 30th June 2025, City of Mandurah.
- Australian Bureau of Statistics, 2021 Census QuickStats, City of Mandurah local government area.
- Australian Bureau of Statistics, 2021 Census, Assistance Needed for Core Activities, City of Mandurah local government area.
- Profile.id, Unpaid Care, City of Mandurah, 2021 Census.
- ABS survey of Disability, Ageing and Carers (SDAC, 2022)
- WA State Disability Strategy 2020-2030
- National Disability Services (WA), ACROD Parking Program data, Western Australia.
- Monash University and University of Technology Sydney 2021, Putting
  a dollar value on accessibility, commissioned by the City of Melbourne.
- Tourism Research Australia, Accessible Tourism in Australia, Australian Trade and Investment Commission, 2024, accessed 29 April 2026,
  www.tra.gov.au.
- Australian Institute of Health and Welfare, People with disability in Australia, Participation and inclusion, latest edition.
- Profile.id, Industry of Employment, City of Mandurah residents, 2021 Census.

Planning for Disability Access and Inclusion

The City of Mandurah recognises people with disability as valued members of the community and acknowledges their contribution to the social, cultural and economic life of the City. The way in which community facilities, services, programs and information are planned, designed and delivered is fundamental to enabling participation for people with disability.

The Disability Access and Inclusion Plan (DAIP) 2026-2031 builds on the City's established and ongoing commitment to improving access and inclusion across all areas of its operations.

Approaches to disability support in Western Australia have evolved significantly over time, transitioning from institutional models of care to community-based living that emphasises individual choice and control. The introduction of the National Disability Insurance Scheme (NDIS) has provided individualised supports. While these reforms are in place, meaningful participation in community life continues to depend on the accessibility of public spaces, services, programs and information.

Local government plays an important role within this broader service system, working in partnership with State and Commonwealth governments, service providers and the community.

The DAIP is prepared in accordance with the Disability Services Act 1993 (WA) and provides a structured framework for identifying and addressing barriers, and for guiding ongoing improvements in access and inclusion for people with disability.

The City's planning and implementation of disability access and inclusion initiatives is also informed by the following legislative and policy frameworks:

- Disability Discrimination Act 1992, including the Disability (Access to Premises - Buildings) Standards
- Building Code of Australia
- National Disability Strategy 2021-2031
- National Autism Strategy 2025-2031
- Equal Opportunity Act 1984
- United Nations Convention on the Rights of Persons with Disabilities
- A Western Australia for Everyone: State Disability Strategy 2020-2030.

Access and Inclusion Advisory Group

The City of Mandurah's Access and Inclusion Advisory Group has an advisory role in supporting the City to create an inclusive, accessible, and welcoming community for people of all abilities.

The group provides feedback to the City on policies, plans, services, and projects, with a particular focus on improving access and inclusion for people with disability, their families, carers, and the wider community. It supports the development, implementation, and review of the City's DAIP, advocates for best-practice universal design, and helps identify barriers to participation in civic life. Through collaboration between community members, stakeholders, and the City, the group helps ensure that access and inclusion considerations are embedded across City decision-making and service delivery.

The Access and Inclusion Advisory Group makes a meaningful difference and will be integral to delivering many actions contained within the DAIP.

Thank you to everyone who has participated as a member of this group over the years. Your commitment, advice, information and feedback is incredibly valuable.

Chat and Play at Coodanup Foreshore
CITY OF MANDURAH
Lots of children and adults find it hard to talk. Chat boards like this can help people who find it hard to understand speech.
How to use the board
Point to the symbols to share a message with someone
You can talk while you point at the symbols
If someone can not point, you can read out the words as you point and they can say yes or no
Scan the QR code to use this board on your phone or tablet
what
not, don't, can't
go
climb
Do you want to play?
more, again
rest, break
I don't know
where
want
stop
game
What's your name?
finish
something's wrong
like
I, me, mine, me too
do
play
net, ropes
carousel
slide
something to eat or drink
don't like
look, your, yours
see, look, watch
help
play tower
swing
BBQ, picnic
toilet
something else

Progress and Achievements since 2021

From 2021 to 2026, progress was delivered across all outcome areas of the Disability Access and Inclusion Plan through practical initiatives and collaboration with people with disability and community partners. This work was recognised with the City being named overall winner of the Most Accessible Community in WA Awards in 2021, 2023 and 2025, reflecting continued focus on improving disability access and inclusion across Mandurah.

Outcome Area One

People with disability have the same opportunities as other people to access the services of, and any events organised by, the City of Mandurah.

- Christmas in Mandurah events were made accessible through an accessibility map and audio descriptions for the Christmas Lights Trail, and visual communication supports across key events.
- Crab Fest includes a Chill-Out Zone and sensory container, supported by an Accessibility Guide and Hidden Disabilities Sunflower training for volunteers.
- Tactile bin lids and stickers support independent waste management for people with vision impairment.

Outcome Area Two

People with disability have the same opportunities as other people to access the buildings and other facilities of the City of Mandurah.

- An All-Ability Paddle Launch facility was delivered as the first of its kind in Western Australia.
- The Mandurah Waterfront project delivered connected, accessible movement between the Eastern and Western Foreshores, supported by facilities such as a Changing Places facility, ramped access to the Kwillena Gabi Pool and beach, and inclusive play equipment and communication boards.
- Delivered Universal Access Toilets at public facilities, with full coverage to be completed in 2026/27.

Outcome Area Three

People with disability receive information from the City of Mandurah in a format that will enable them to access the information as readily as other people are able to access it.

- Communication boards provided across public open spaces, facilities and events to support people with communication challenges.
- Information on accessible facilities, programs and services provided in print and online formats, improving access to information.
- My Community Chat Cards were introduced to support people with disability and support networks explore inclusive activities and facilities in Mandurah.
- Increased and formalised networking opportunities, strengthening connection, information sharing and participation for people with disability, and the disability sector.

Outcome Area Four

People with disability receive the same level and quality of service from City officers as other people receive.

- Customer service employees across the organisation trained on the Hidden Disabilities Sunflower initiative to support more inclusive and informed service interactions.
- Annual disability awareness training strengthened employee understanding of disability and inclusive practice across the organisation.
- Introduced clear and easy to find information on the City's website about disability facilities, services, activities and resources, improving access to information and supporting more informed customer service responses.

Outcome Area Five

People with disability have the same opportunities as other people to make complaints to the City of Mandurah.

- City officers met with the Access and Inclusion Advisory Group to support the development of a more inclusive and accessible complaints framework.
- Complaints were managed through telephone, email and face-to-face channels, with interactions also providing opportunities to connect people with disability to local programs and services.

Outcome Area Six

People with disability have the same opportunities as other people to participate in any public consultation by the City of Mandurah.

- Targeted engagement undertaken through disability networks, education support schools and service providers, ensuring the voices of people with disability informed City planning and decision making.
- Engagement materials were strengthened to improve accessibility, including hard copy formats and more accessible online content.
- Major City projects were presented to the Access and Inclusion Advisory Group at key stages, embedding access and inclusion considerations throughout project development.
- A Beach Access Review, facilitated by Spinal Life Australia and supported by City officers, enabled people with disability to directly assess beach accessibility.

Outcome Area Seven

People with disability have the same opportunities as other people to obtain and maintain employment with the City of Mandurah.

- Customised employment delivered to build awareness of inclusive employment practices across Mandurah.
- Exploration days and customised employment trials implemented for people with disability, resulting in two positions being offered to people with disability.
- A disability traineeship provided, delivered in partnership with a local disability employment service provider.
- The Workforce Diversity and Inclusion Strategy 2022 guides inclusive employment within the City, supported by an internal working group.

Community Leadership and Impact

Alongside the City's progress under this Plan, strong leadership has been demonstrated across the Mandurah community. Through the City of Mandurah Community Grants Program, targeted funding has supported initiatives that have developed into sustainable and valued community programs.

These initiatives expand opportunities for people with disability to participate, contribute and connect within community settings, strengthening inclusion and active participation across Mandurah.

Examples of this work include inclusive sport and recreation initiatives, peer support networks, inclusive social programs, capacity building workshops focused on employment and digital access, and creative arts and performance programs.

Development of the Disability Access and Inclusion Plan 2026-2031

This DAIP has been developed to guide the City's commitments to access and inclusion over the next five years. The steps taken by the City to develop the DAIP 2026-2031 are outlined below.

Review of the AIP 2021-2026

The previous AIP was reviewed and analysed to determine what worked well, what could be improved, any actions that were not completed, and the level of achievement. This provided valuable lessons learnt, enabling the City to build on established strengths, and embed continuous improvement into the design and implementation of the new DAIP.

Community Engagement Process

Community engagement informed the development of the City of Mandurah's Disability Access and Inclusion Plan 2026-2031 and was undertaken to ensure the Plan is grounded in the lived experience, priorities and ideas shared by people with disability and the wider community.

The City designed and coordinated the engagement process and developed accessible tools to support participation by people with different access needs and communication preferences. E-QUAL Disability Consultants facilitated two in-person community workshops and one online workshop using City-developed tools, with an additional session facilitated by City officers. Workshops were held at various times across north, central and south Mandurah. An additional workshop was conducted specifically with City employees to inform actions within the Plan.

Engagement tools supported clear communication and meaningful feedback, recognising that people share ideas in different ways. These included flash cards, communication boards, mindful colouring sheets and a visual story to support participation. Feedback was guided by three consistent questions: what the City is doing well in the access and inclusion space, what could be improved, and ideas for future action. A survey provided additional feedback through multiple accessible formats, available online and in hard copy at community locations.

Community engagement information packs supported organisations to gather feedback in their own settings, alongside engagement through advisory groups, networks and pop-up activities at community venues and events. Engagement opportunities were promoted through City communication channels and community networks. In total, 341 submissions were received, informing the priorities and actions of the DAIP 2026-2031.

Key engagement activities also included:

- Access and Inclusion Advisory Group
- Elected Member feedback
- Youth Advisory Group
- Release of the Draft Access and Inclusion Plan 2026-2031 that encouraged feedback from the whole community.

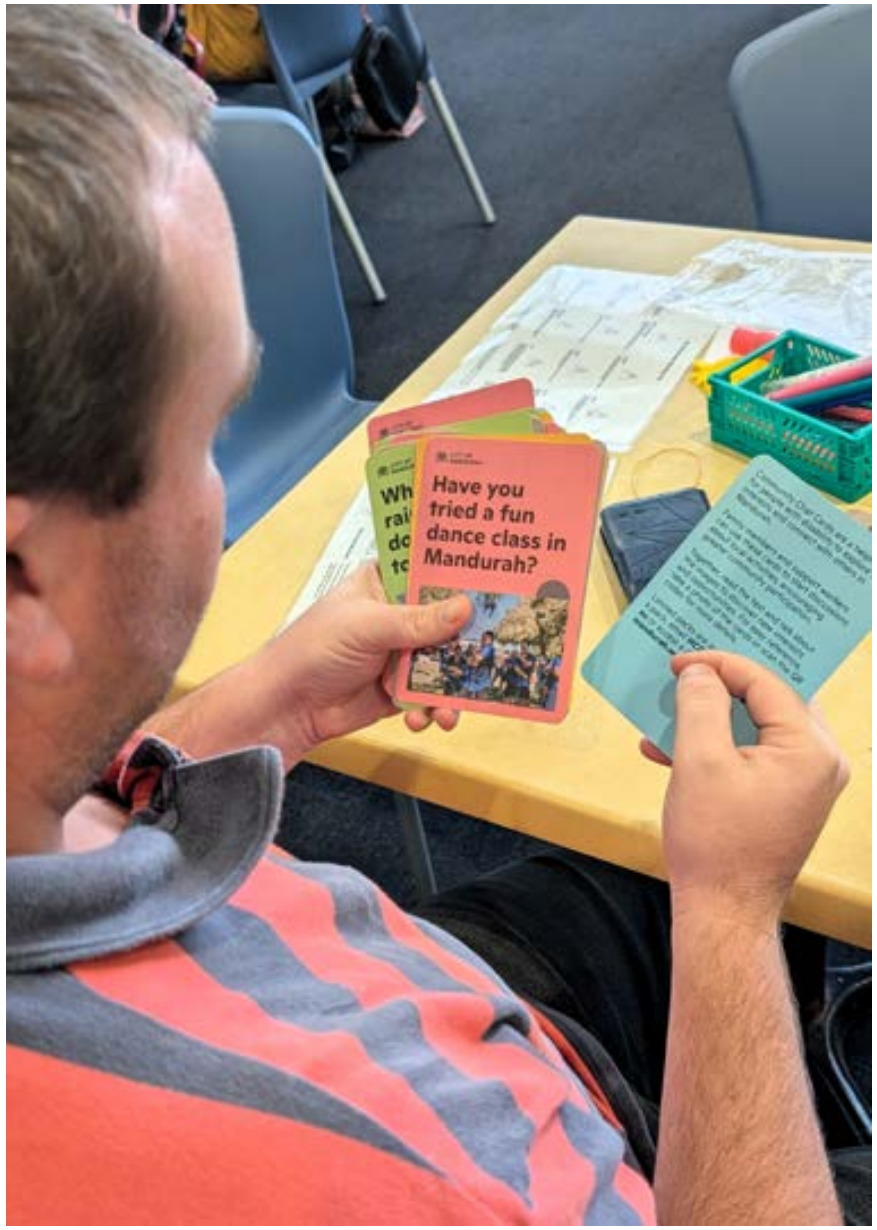
All of these contributions helped shape the new DAIP.

Community Engagement Outcomes

People with disability acknowledged ongoing progress in access and inclusion across Mandurah and emphasised the importance of sustaining these efforts. Inclusion was consistently described as enabling meaningful participation, contribution and connection within community life, rather than solely providing physical access to facilities or services.

Respondents highlighted that positive experiences are most effective when approaches are applied consistently and supported by clear, accessible information. Awareness and understanding of disability, including invisible disabilities, were identified as critical to how people engage with City services, workplaces and community environments. Employment was also raised as an important aspect of broader participation and contribution.

These insights have directly informed the priorities and actions outlined in the City's Disability Access and Inclusion Plan 2026-2031.



Communicating, Implementing and Reporting on the Disability Access and Inclusion Plan

The Disability Access and Inclusion Plan (DAIP) will be communicated through established City and community channels, including City newsletters, social media platforms, and disability, access and inclusion pop-up events and networks. Presentations on the DAIP will also be made available, upon request, to disability service providers, schools and community groups.

The DAIP will be published on the City's website and provided in accessible formats, including a text-only version compatible with screen readers, an Easy Read version in hard copy and PDF, and other alternative formats on request, such as large print, electronic formats and Braille.

Implementation of the DAIP will be supported through internal communication processes to ensure that all City officers, agents and contractors are informed of the Plan and their respective responsibilities.

Progress in implementing the DAIP will be reported annually to the Department of Communities, with key achievements also included in the City's Annual Report.

For further information, contact the City of Mandurah on (08) 9550 3777 or council@mandurah.wa.gov.au

Disability Access and Inclusion Plan 2026-2031 Implementation Plan

Outcome One:

People with disability can access and participate in City of Mandurah services, programs and events in ways that meet their needs.

1.1 Embed inclusive and sustainable practices within City programs that support social connection, participation and wellbeing for people with disability of all ages.

1.2 Ensure access and inclusion for people with disability is incorporated in the planning and delivery of City-led and City-supported services and events.

1.3 Strengthen organisational capacity to consistently deliver inclusive services, programs and events.

1.4 Explore funding and partnership opportunities to support inclusive services, programs and events.

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
1.1.1 Deliver a health and wellbeing activity or program to support better health outcomes for people with disability.	✓	✓	✓	✓	✓	1. Stories of significant change. 2. Participant feedback and participation.	Health Promotion Officer	Coordinator Heritage and Community Capacity
1.1.2 (a) Pilot a low-sensory gym session at the MARC. 1.1.2 (b) If demand and practical requirements are evidenced, initiate session as part of regular programming.	✓ (a)	✓ (b)	✓			1. Pilot program is delivered. 2. Evidence of program outcomes inform future programming. 3. Participant feedback and participation.	Coordinator Recreation Services	Executive Manager Community Services Coordinator Heritage and Community Capacity
1.1.3 Trial heightened inclusive approaches to regular programming within City facilities to further support participation by people with disability of different ages.	✓	✓	✓	✓	✓	1. Two trials per year are completed. 2. Outcome of trials inform future programming.	Coordinator Heritage and Community Capacity	Coordinator Library Services Coordinator Recreation Centres Coordinator Youth Development Coordinator Arts and Culture

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
1.1.4 Trial social connection activities for people with disability aged 18+ at City run facilities in collaboration with facility-based teams. Evaluate participation to inform ongoing delivery.		✓		✓		1. Social connection activities are facilitated at City run facilities with evaluation informing future delivery. 2. Stories of significant change.	Coordinator Youth Development	Coordinator Heritage and Community Capacity Coordinator Library Services Coordinator Recreation Centres
1.1.5 Trial an inclusive activation or event within each of the City's major Festivals and Events programs including but not limited to Crab Fest, Mandurah Arts Festival and Christmas in Mandurah.	✓		✓			1. Stories of significant change. 2. Participant feedback and participation. 3. Outcome of trial informs future programming.	Coordinator Festivals and Events	Manager Economic Development Coordinator Arts and Culture Coordinator Heritage and Community Capacity
1.1.6 Embed accessible process and delivery to City-led programming including but not limited to School Holiday Programming and Term Programming.	✓	✓	✓	✓	✓	1. Participant feedback and participation.	Executive Manager Community Services	Executive Manager Healthy Communities Coordinator Heritage and Community Capacity Coordinator Library Services Coordinator Recreation Centres Coordinator Youth Development
1.2.1 City-led events are consistently accessible, guided by the review, promotion and application of the City's Accessible Event Guidelines to ensure continuous improvement.	✓	✓	✓	✓	✓	1. Evidenced use of the Accessible Event Guidelines for City-led events.	Manager Economic Development Coordinator Festivals and Events	Coordinator Heritage and Community Capacity

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Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
1.2.2 Develop an accessibility statement for City events and implement ensuring inclusion in City communication.	✓	✓	✓	✓	✓	1. Accessibility statement included in communications for all City events. 2. Event delivery teams provided with guidance on preparing and including accessibility statements.	Marketing and Communications Officer Community Services	Coordinator Heritage and Community Capacity
1.2.3 Promote the City of Mandurah's Accessible Event Planning Guide to City-supported event organisers.	✓	✓	✓	✓	✓	1. Evidence of Accessible Event Guide being utilised from the City's website. 2. Number of Accessible Event Guides provided to event organisers.	Manager Economic Development Coordinator Festivals and Events Coordinator Recreation Services	Coordinator Heritage and Community Capacity Coordinator Arts and Culture Coordinator Community Development
1.2.4 Complete a desktop review of Auslan inclusive events, engaging with the local Deaf community and propose City events for Auslan inclusion.		✓				1. City confirms proposed City-led events to include Auslan interpreter. 2. Community feedback.	Coordinator Heritage and Community Capacity	Executive Manager Community Services Manager Economic Development Coordinator Festivals and Events Coordinator Civic Affairs
1.3.1 Deliver an accessible event workshop to City employees and to community members.	✓	✓	✓	✓	✓	1. Employee workshop delivered. 2. Participant feedback from training.	Coordinator Heritage and Community Capacity	Coordinator Festivals and Events

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
1.3.2 Develop a concise accessibility reference sheet that summarises tiered inclusion options for City events and add to the existing Accessible Event Guide.			✓			1. Reference sheet is completed and added to the City's Accessible Event Guide.	Coordinator Heritage and Community Capacity	Coordinator Festivals and Events
1.4.1 (a) Collaborate with local disability service providers, community organisations and people with lived experience to deliver workshops that support people with disability to participate in local government elections.	✓		✓			1. Accessible "How to vote" sessions delivered prior to Local Government elections, supporting participation for people with disability. 2. Advocacy undertaken.	Executive Manager Community Services	Manager Governance and Legal Services Executive Manager Healthy Communities Coordinator Heritage and Community Capacity
1.4.1 (b) Advocate to WALGA to develop and deliver a Candidate Information Webinar with increased accessibility features that provides details about becoming an Elected Member for people who may be interested to nominate in upcoming elections.	✓		✓					

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
1.4.2 Recognise International Day of People with Disability (IDPwD), partnering with community and service providers for events and activities.	✓	✓	✓	✓	✓	1. An event delivered to celebrate International Day of People with Disability (IDPwD) and promoted to the community. 2. IDPwD recognised and celebrated through activities across City facilities. 3. Service providers report positive engagement with participants. 4. Participants report positive engagement with stallholders.	Coordinator Heritage and Community Capacity	Marketing and Communications Officer Community Services

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Outcome Two:

People with disability can access City of Mandurah buildings and facilities in ways that meet their access needs.

2.1 Prioritise practical improvements to existing City buildings and public spaces to strengthen accessibility and inclusion in everyday use.
2.2 Increase accessible toilet and adult change facilities in key locations and improve awareness of their availability.
2.3 Improve the provision, location and usability of ACROD parking to better reflect community access needs across City facilities and public spaces.
2.4 Integrate universal access and inclusive design into public open spaces, playgrounds, beaches and recreation areas to support shared participation.
2.5 Strengthen the maintenance and reliability of accessible infrastructure to ensure access features are consistently available, functional, and safe for use.

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
2.1.1 Enhance accessibility of selected public art by incorporating audio descriptions and accessible information formats as part of project development.	✓	✓	✓	✓	✓	1. Audio descriptions developed and made publicly available for at least three priority public artworks each year. 2. Accessible information formats incorporated into all new public art installations.	Coordinator Arts and Culture	Coordinator Heritage and Community Capacity
2.1.2 Embed accessibility via the Project Management Framework for significant public art / tourism products to ensure there is consideration of how they can be universally accessible.		✓	✓	✓	✓	1. AIAG engaged to provide feedback on future public art / tourism projects. 2. Public art / tourism projects demonstrate accessibility.	Coordinator Arts and Culture	Manager Economic Development

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Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
2.1.3 Develop an internal accessibility guide that stretches beyond minimum compliance to assist City officers create facilities and public open spaces in a way that reflects the City's commitment to access and inclusion.			✓			1. Beyond compliance accessibility guide developed and endorsed. 2. Guide applied in the planning and design of new and upgraded City buildings and public open spaces.	Director Place and Community	Executive Manager Community Services Coordinator Heritage and Community Capacity
2.1.4 When there are City facilities and key public open space renewals, review existing mobility scooter recharge stations and designated parking areas. When City facilities are due for renewal or upgrade, develop project outcomes to inform future delivery.	✓	✓	✓	✓	✓	1. Ensure adequate mobility scooter recharge stations are installed at City facilities and key public open spaces. 2. Designated mobility scooter parking areas established at priority locations.	Executive Manager Community Services	Executive Manager Healthy Communities Executive Manager Built Environment Director Place and Community Coordinator Heritage and Community Capacity
2.1.5 Use the Community Facilities Access Audit 2024 report to inform priority projects that enhance accessibility at identified facilities.	✓	✓	✓	✓	✓	1. Community Facilities Access Audit report reviewed and priority accessibility projects identified. 2. Identified priority projects incorporated into relevant capital works program. 3. Evidence of improved accessibility aligned with the 2024 report. 4. Feedback from users after the completion of works.	Manager Strategic Asset Management	Executive Manager Community Services

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
2.2.1 There are guidelines developed for the suitability and placement Universal Access Toilet (UAT) provisions, to inform new and upgraded facilities based on community need and usage patterns, recognising this may be beyond minimum compliance.			✓			1. Evidence of UAT provision based on need and usage in new and upgraded high-use City facilities. 2. Consideration of more than one UAT reflected in project design and delivery where suitable.	Executive Manager Community Services	Coordinator Heritage and Community Capacity
2.2.2 Explore the viability of an additional adult change facility at the Mandurah Aquatic and Recreation Centre (MARC).		✓				1. Feasibility assessment completed for an additional adult change facility at Mandurah Aquatic and Recreation Centre (MARC).	Executive Manager Healthy Communities	Coordinator Recreation Centres Manager Project Management
2.2.3 Determine need and priority for additional Changing Places facility and apply for external grant funding to assist with the delivery.	✓ (G)	✓				1. External grant funding application submitted for a new Changing Places facility in a high-use location. 2. Funding outcome confirmed and next steps determined.	Executive Manager Community Services	Manager Project Management Coordinator Heritage and Community Capacity
2.3.1 Review the usage of ACROD parking bays at new and upgraded City facilities to reflect demand and inform future parking projects or upgrades.		✓	✓			1. Ratio of ACROD parking bays incorporated into design of new and upgraded City facilities reflects the review. 2. Updated ACROD parking ratios reflected in project design and delivery.	Executive Manager Community Services Executive Manager Development and Compliance	Executive Manager Built Environment

Existing (✓) Endorsed Long Term Financial Plan Operating Budget
New Ext (G) Funding to be sourced external to the City of Mandurah to deliver on this item

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
2.3.2 Install at least one Extra-Long ACROD Bay (ELAB), with clear signage, at applicable or upgraded high-use public parking areas.		✓	✓	✓	✓	1. At least one Extra-Long ACROD Bay (ELAB) installed before 2031 at applicable new or upgraded high-use public parking areas. 2. ELAB installation confirmed at project completion.	Executive Manager Built Environment	Manager Project Management Manager Technical Services
2.3.3 Advocate to the National Disability Services (NDS) and the Australian Building Codes Board (ABCB) for a comprehensive review of the availability, location, and accessibility of ACROD parking bays to ensure adequate provision for individuals who use mobility aids.			✓	✓	✓	1. Advocacy paper submitted to the NDS and the ABCB for consideration and further action.	Executive Manager Community Services	Manager Commercial Services
2.4.1 Develop an Action Plan to improve access to beaches for people with disability. The plan will aim to identify barriers and outline prioritised staged improvements to ensure priority beaches are inclusive, safe, and welcoming for people with disability for example, beach matting, beach wheelchairs, signage and improved access to waterline.		✓	✓	✓	✓	1. Evidence of consultation with the Access and Inclusion Advisory Group and people with disability during the development and implementation of the plan. 2. Feedback from community regarding access to beaches. 3. Stories of significant change.	Executive Manager Natural Environment	Executive Manager Community Services Coordinator Heritage and Community Capacity Manager Marina and Waterways

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
2.4.2 Develop and pilot an inclusive beach come-and-try. Evaluate trial to inform future delivery.				✓	✓	1. Inclusive beach come-and-try day delivered. 2. Attendance and participant feedback documented and reviewed. 3. Stories of significant change.	Coordinator Heritage and Community Capacity	Manager Marina and Waterways
2.4.3 Integrate sensory elements into neighbourhood level parks as part of the annual Parks Renewal Program to support inclusive experiences for people of all ages.	✓	✓	✓	✓	✓	1. Identify priority public open spaces for sensory elements. 2. AIAG engaged to provide input on identified priority locations. 3. Sensory elements incorporated into approved projects. 4. Feedback from community on play elements.	Executive Manager Natural Environment	Executive Manager Community Services Coordinator Landscape Services Coordinator Heritage and Community Capacity
2.4.4 All new and redeveloped playground infrastructure will provide inclusive play and access to people with disability through thoughtful planning and design to enable access by the whole community.		✓	✓	✓	✓	1. New and redeveloped playground projects demonstrate consideration of inclusive play, accessibility and universal design principles at procurement design and construction stages. 2. All new and upgraded playgrounds comply with relevant accessibility requirements.	Executive Manager Natural Environment	Executive Manager Community Services Manager Project Management Coordinator Landscape Services Coordinator Heritage and Community Capacity

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
2.4.5 Investigate options to increase access to boating activity by exploring suitability of enabling public access to a jetty hoist for non-commercial vessels.	✓					1. Investigation completed to explore options for public access to a jetty hoist. 2. Act on findings of the investigation.	Director Place and Community	Director Built and Natural Environment
2.5.1 Promote to people with disability how to submit Customer Requests for Maintenance (CRMs).	✓	✓	✓	✓	✓	1. Information on how to submit maintenance requests for accessible infrastructure published across City platforms. 2. Communication materials include clear instructions and alternative contact options.	Chief Executive Officer	Coordinator Customer Services Coordinator Heritage and Community Capacity
2.5.2 Implement a routine maintenance and servicing schedule for beach matting and beach wheelchairs at priority beaches.	✓	✓	✓	✓	✓	1. Routine maintenance and servicing schedule established for beach matting and beach wheelchairs at priority beaches. 2. Maintenance activities recorded and monitored in accordance with the schedule.	Manager Marina and Waterways	Coordinator Heritage and Community Capacity

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Outcome Three:

People with disability can access City of Mandurah information in formats that meet their communication needs.

3.1 All City communications are provided in formats that are accessible, easy to use and understand.

3.2 Continue to implement visual stories, communication boards and alternative formats across City services, facilities and public spaces.

3.3 Improve wayfinding and access to information on accessible infrastructure across City facilities and public open spaces to ensure people with disability can easily identify available features and understand how to use them.

3.4 Coordinate and facilitate timely information sharing across the disability sector and community networks to improve collaboration and community awareness.

3.5 Ensure City communications represent people with disability in inclusive and authentic ways, reflecting their participation in everyday services, programs and events.

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
3.1.1 Undertake training and embed the use of alternative text for images on the City's digital communication channels and ensure digital documents are provided in accessible formats.	✓	✓	✓	✓	✓	1. Accessible communication standards incorporated into City communication guidelines and templates. 2. Staff provided with guidance and training on preparing accessible digital content. 3. Alternative text and accessible document formats included as part of standard publishing workflows.	Manager Strategic Communications	Executive Manager Community Services Executive Manager Healthy Communities Executive Manager Natural Environment
3.1.2 Provide captions for City videos where audio content is used.	✓	✓	✓	✓	✓	1. Captions included on all City-produced videos containing audio content. 2. Captioning requirement incorporated into video production briefs and publishing processes.	Manager Strategic Communications	Coordinator Civic Affairs

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
3.1.3 Promote consistent use of Plain English across City communications, in line with the City's existing Writing Style Guide, to support clear and accessible information.	✓	✓	✓	✓	✓	1. The City's Writing Style Guide is embedded in all City communications and templates. 2. The use of Plain English promoted regularly to employees through internal communications and training.	Manager Strategic Communications	Executive Manager Community Services Executive Manager Healthy Communities Executive Manager Natural Environment
3.1.4 Develop and share a Key Word Sign quick reference guide for customer-facing employees to support inclusive communication.		✓				1. Feedback from staff and evidence of application. 2. Guide distributed and promoted to relevant teams. 3. Guide made available through internal systems for ongoing access.	Coordinator Heritage and Community Capacity	Executive Manager Healthy Communities Executive Manager Community Services
3.2.1 Provide visual stories for key City facilities and open spaces.	✓	✓	✓	✓	✓	1. Responsible teams develop three new Visual Stories annually for relevant events, programs and facilities. 2. Visual Stories published online and available on request by the relevant service area. 3. Service areas identify and prioritise topics based on community feedback and usage.	Coordinator Heritage and Community Capacity	Executive Manager Healthy Communities Executive Manager Community Services Manager Strategic Communications Executive Manager Communications and Civic Affairs

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
3.2.2 Install communication boards at key City facilities and District and Regional Open Spaces.		✓	✓	✓	✓	1. Priority locations for communication boards identified through consultation and site assessment. 2. At least one communication board installed at identified key City facilities and district and regional open spaces per year. 3. Additional locations considered through annual review and service planning processes.	Coordinator Heritage and Community Capacity	Coordinator Landscape Management
3.3.1 Develop an accessibility map for the City Centre to support wayfinding and navigation for different access needs.		✓				1. Accessibility map for the City Centre developed in consultation with relevant stakeholders. 2. Map includes key accessibility features to support wayfinding for different access needs. 3. Accessibility map published online and made available in alternative formats on request.	Manager Economic Development	Manager Strategic Communications Manager Strategic Planning and Urban Design Strategic Planning

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
3.3.2 Enhance accessibility signage in public open spaces to clearly communicate available features.			✓	✓		1. Priority public open spaces identified for enhanced accessibility signage. 2. Accessibility signage installed or updated to clearly communicate available features. 3. Locations of accessibility signage recorded and maintained.	Coordinator Landscape Management	Coordinator Heritage and Community Capacity
3.3.3 Review and update existing access and inclusion information resources at least every two years, and consider new materials where gaps are identified.		✓		✓		1. Access and inclusion information resources reviewed at least every two years. 2. Outdated materials updated or removed following review. 3. New resources developed where gaps are identified.	Coordinator Heritage and Community Capacity	Executive Manager Healthy Communities
3.3.4 Increase awareness of accessible infrastructure to support participation in the community.	✓	✓	✓	✓	✓	1. Increased awareness monitored through engagement metrics (including reach, views, shares, clicks). 2. Community feedback.	Marketing and Communications Officer Community Services	Executive Manager Community Services Executive Manager Healthy Communities
3.4.1 Review City newsletter channels to improve how disability access and inclusion information is shared.	✓					1. Review of City newsletter channels completed. 2. Identified improvements implemented. 3. Engagement results recorded.	Manager Strategic Communications	Marketing and Communications Officer Community Services

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
3.4.2 Coordinate and deliver the Mandurah Disability Network quarterly meeting and My Community Morning Tea.	✓	✓	✓	✓	✓	1. Attendance recorded for each meeting. 2. Participant satisfaction and feedback.	Coordinator Heritage and Community Capacity	
3.4.3 Deliver annual disability access and inclusion pop-up sessions to promote inclusive services and opportunities in Mandurah.	✓	✓	✓	✓	✓	1. Two disability access and inclusion pop-up sessions delivered each year at identified high-visibility community locations. 2. Locations selected based on community reach and accessibility. 3. Attendance and key outcomes recorded and reported.	Coordinator Heritage and Community Capacity	Executive Manager Community Services Executive Manager Healthy Communities
3.4.4 Maintain the Inclusive Community Activities webpage to support access to community activity information.	✓	✓	✓	✓	✓	1. Local organisations engage with Access and Inclusion Officer to update page regularly.	Coordinator Heritage and Community Capacity	Marketing and Communications Officer Community Services
3.4.5 Community members and service providers are supported to build capacity and contribute to a more inclusive Mandurah through workshops and training initiatives.	✓	✓	✓	✓	✓	1. At least one capacity-building workshop or training initiative delivered each year for community members and service providers. 2. Participation numbers and feedback recorded.	Coordinator Heritage and Community Capacity	

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
3.4.6 Support the delivery of a local disability expo led by community to promote awareness and inclusion.	✓	✓	✓	✓	✓	1. City support provided to at least one locally led disability expo each year. 2. Nature of support (e.g. venue, promotion, in-kind assistance) documented. 3. Participation and outcomes recorded.	Coordinator Heritage and Community Capacity	Marketing and Communications Officer Community Services
3.5.1 Ensure people with disability are represented in everyday City communications through inclusive photography and video across digital and print media.	✓	✓	✓	✓	✓	1. Inclusive imagery guidelines incorporated into City communication standards and briefs. 2. People with disability represented in photography and video across digital and print media each year. 3. Representation reviewed periodically to inform continuous improvement.	Marketing and Communications Officer Community Services	Executive Manager Community Services Executive Manager Healthy Communities

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Outcome Four:

People with disability receive accessible customer service from City officers that meets their needs.

4.1 Embed inclusive practices and shared responsibility across the organisation through ongoing learning and capability development.

4.2 Enhance staff awareness of available access and inclusion supports to strengthen service responses across City services and facilities.

4.3 Strengthen understanding of hidden disability, sensory needs and communication differences to support positive service experiences.

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
4.1.1 Develop and distribute fact sheets for City officers on best practice approaches to accessibility, including interactions with assistance animals, access rights, and other key areas for inclusion.		✓		✓		1. Accessibility fact sheets developed for City officers covering best practice approaches. 2. Fact sheets distributed and made available through internal systems. 3. Content reviewed and updated periodically.	Coordinator Heritage and Community Capacity	Coordinator Customer Services
4.1.2 Offer annual disability awareness learning opportunities for City employees to support ongoing learning.	✓	✓	✓	✓	✓	1. Two disability awareness learning opportunities delivered each year. 2. Attendance recorded and participant feedback.	Coordinator Heritage and Community Capacity	Manager People Services
4.1.3 Develop a disability access and inclusion awareness video for City employees and promote annually.			✓	✓	✓	1. Disability access and inclusion awareness video developed for City employees. 2. Video distributed through internal communication platforms. 3. Viewing data recorded.	Marketing and Communications Officer Community Services	Coordinator Heritage and Community Capacity

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
4.1.4 Offer disability awareness learning opportunities for Elected Members.		✓		✓		1. Disability awareness learning opportunity offered to Elected Members at least every two years. 2. Participation recorded.	Director Place and Community	Executive Manager Communications and Civic Affairs Coordinator Civic Affairs
4.1.5 Deliver an immersive disability awareness workshop for City employees to experience different access needs.		✓		✓		1. Immersive disability awareness workshop delivered for City employees. 2. Workshop includes experiential activities to increase understanding of different access needs. 3. Participation recorded.	Manager People and Culture	Coordinator Heritage and Community Capacity
4.2.1 Review and update the information provided to contractors engaged by the City regarding the Disability Access and Inclusion Plan.	✓	✓	✓		✓	1. DAIP information included in contractor and supplier engagement documentation. 2. Relevant contractors and suppliers provided with DAIP information at commencement.	Executive Manager Commercial Services	Coordinator Heritage and Community Capacity
4.2.2 Enhance staff awareness and communication of available accessibility supports to promote consistent, informed service for people with disability.	✓	✓	✓	✓	✓	1. Accessibility supports communicated to employees. 2. Supports included in employee reference materials. 3. Awareness sessions delivered to relevant teams.	Executive Manager Community Services	Manager Strategic Communications

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
4.3.1 Deliver regular learning opportunities for City employees focused on hidden disability, sensory needs and communication differences.	✓ (Training)	✓	✓ (Training)	✓	✓ (Training)	1. Deliver at least one Hidden Disabilities Sunflower learning session for employees bi-yearly.	Coordinator Heritage and Community Capacity	Manager People Services

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Outcome Five:

People with disability can make complaints and provide feedback to the City of Mandurah using accessible and inclusive processes.

5.1 Ensure complaint and feedback processes are clear, accessible, and easy to use.

5.2 Improve community awareness of the available channels to raise concerns, provide feedback or make a complaint to the City.

5.3 Enhance transparency and accountability by communicating how feedback from the community informs decisions and leads to action.

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
5.1.1 Provide accessible options for complaint and feedback processes by offering multiple channels—including mobile-friendly, online, and paper-based options to support all users.	✓	✓ (Review)	✓	✓	✓ (Review)	1. Accessible online and paper complaint forms available. 2. Information promoted through City channels.	Coordinator Heritage and Community Capacity	Manager Governance and Legal Services
5.1.2 Develop an Easy Read 'how to make a complaint' guide to support all users.		✓			✓ (Review)	1. Easy Read 'how to make a complaint' guide published. 2. Information promoted through City channels.	Coordinator Heritage and Community Capacity	Manager Governance and Legal Services
5.2.1 Create mandatory training for City officers to ensure staff are aware of accessible complaints process and know how to support people to use the complaints process.	✓ (Training)	✓	✓	✓ (Training)	✓	1. Online training explaining how to give feedback and make a complaint developed. 2. Published in online training portal.	Marketing and Communications Officer Community Services	Coordinator Heritage and Community Capacity

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
5.2.2 Promote complaint and reporting options through community engagement activities.	✓	✓	✓	✓	✓	1. Complaint and reporting options promoted through community engagement activities. 2. Promotion incorporated into relevant events and outreach initiatives.	Coordinator Heritage and Community Capacity	Manager Advocacy and Engagement
5.3.1 Strengthen collection and analysis of feedback data.		✓	✓	✓	✓	1. Feedback data analysed for access and inclusion trends. 2. Findings inform planning.	Service Lead	Coordinator Information Management

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Outcome Six:

People with disability can participate in City of Mandurah public consultations through accessible and inclusive engagement methods.

6.1 Engage people with disability early and throughout the planning and delivery of City projects to support meaningful participation in decision-making.

6.2 Provide flexible, accessible, and inclusive consultation methods that accommodate diverse access and communication needs.

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
6.1.1 Promote the Access and Inclusion Advisory Group (AIAG) internally, to ensure City officers know how to suitably engage this group in a timely, relevant and meaningful way.	✓	✓	✓	✓	✓ (Review)	1. AIAG promoted internally through at least one employee newsletter article and one intranet feature each year. 2. AIAG information flyer made available to employees.	Executive Manager Community Services	Coordinator Heritage and Community Capacity
6.1.2 Engage the Access and Inclusion Advisory Group (AIAG) in timely planning of major public space and infrastructure projects.	✓	✓	✓	✓	✓	1. AIAG engaged in early planning of major public space and infrastructure projects. 2. Feedback documented and considered. 3. Project teams report back on how feedback was addressed.	Director Built and Natural Environment	Executive Manager Community Services Executive Manager Built Environment Executive Manager Natural Environment
6.1.3 Update the Council report template to prompt engagement with the Access and Inclusion Advisory Group (AIAG) for City projects.	✓					1. Council report template updated to include a prompt regarding engagement with the AIAG. 2. Update communicated to relevant teams.	Director Business Services	Executive Manager Community Services

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
6.1.4 Promote City feedback and engagement opportunities to people with disability using clear and varied methods.	✓	✓	✓	✓	✓	1. Feedback and engagement opportunities promoted in accessible formats. 2. Information distributed to identified disability networks and community organisations. Distribution channels recorded.	Manager Advocacy and Engagement	Coordinator Heritage and Community Capacity
6.2.1 Develop and share a guide to support City employees to plan and deliver accessible and inclusive community engagement.		✓				1. Accessible and inclusive community engagement guide developed. 2. Guide shared with staff and available internally. 3. Guide used in engagement planning.	Coordinator Heritage and Community Capacity	Manager Advocacy and Engagement
6.2.2 Provide a Plain English option for all City community engagement and consultation materials to support clear understanding and participation.	✓	✓	✓	✓	✓	1. Plain English option included as a standard requirement in engagement briefs and templates. 2. Plain English versions published for identified community engagement activities.	Manager Advocacy and Engagement	Coordinator Heritage and Community Capacity
6.2.3 Embed inclusive and accessible feedback pathways within Mandurah Matters and provide clear guidance to support community members to navigate and contribute feedback.	✓	✓	✓ (Review)	✓	✓	1. Alternative feedback pathways (e.g. phone, email, in-person and Easy Read guidance) incorporated into Mandurah Matters pages. 2. Step-by-step 'how to provide feedback' guide developed and published.	Manager Advocacy and Engagement	Coordinator Heritage and Community Capacity

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
6.2.4 Develop a Guide to Council Meetings, including a visual story, to educate community on how to engage and participate in the City's Council meetings.		✓			✓ (Review)	1. Guide to Council meetings produced and utilised by the community. 2. Feedback from community on improved access and knowledge.	Executive Manager Communications and Civic Affairs	Executive Manager Community Services

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Outcome Seven:

People with disability can access City of Mandurah employment and volunteering opportunities.

7.1 Broaden employment opportunities through accessible recruitment and workplace practices.

7.2 Expand and enhance volunteer and work experience opportunities within the City.

7.3 Support economic participation by identifying and promoting local micro-enterprise, entrepreneurship and self-employment opportunities.

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
7.1.1 In conjunction with the City's Workforce Plan develop training and information for People Leaders to ensure people with disability have employment opportunities.			✓	✓	✓	1. Mandatory training completed by all People Leaders.	Manager People Services	Executive Manager Community Services
7.1.2 Deliver and maintain a disability employment traineeship in collaboration with a local disability employment provider.	✓		✓		✓	1. Traineeships available at the City at the completion of the current DAIP.	Executive Manager Community Services	Manager People Services
7.1.3 Educate the City's People Leaders about the job carving process to design flexible, customised employment opportunities for people with disability.		✓	✓	✓	✓	1. A documented job carving framework is developed and endorsed for use across the organisation. 2. Hiring managers receive guidance or training on implementing job carving and inclusive recruitment practices.	Exectuive Manager Community Services	Manager People Services

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
7.1.4 Review and update the City's template for job vacancy advertisements to clearly communicate accessibility and inclusion information.	✓		✓		✓	1. A formal review of the current job advertisement template is completed, including input from people with disability. 2. Job advertisements clearly outline workplace adjustments, flexible work options and multiple ways to apply. 3. Advertisements are available in accessible formats (e.g. accessible PDF and web format), with alternative formats available on request.	Manager People Services	Executive Manager Community Services
7.1.5 Develop a visual story for attending an interview template to support accessible interviews.		✓				1. Visual Story template developed to support candidates attending interviews. 2. Template made available to recruiting managers and People Services. 3. Use of the template promoted as part of accessible recruitment practices.	Coordinator Heritage and Community Capacity	Manager People Services
7.2.1 Deliver one volunteering pathways workshop for people with disability each year.		✓		✓		1. One volunteering pathways workshop delivered each year during National Volunteer Week. 2. Relevant City teams and external partners engaged to provide information on volunteer roles.	Executive Manager Healthy Communities	Coordinator Heritage and Community Capacity

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
7.2.2 Continue to promote inclusive volunteer opportunities at the City of Mandurah, including Crab Fest.	✓	✓	✓	✓	✓	1. Presentation about volunteering at Crab Fest presented at Mandurah Disability Network meeting. 2. A 'how to volunteer' Easy Read guide developed.	Executive Manager Healthy Communities	Coordinator Festivals and Events Health Promotion Officer
7.2.3 Provide accessible information at the Mandurah Jobs Fair on employment, customised employment, traineeship and volunteer pathways at the City.	✓	✓	✓	✓	✓	1. Accessible employment information is developed and made available at the Mandurah Jobs Fair, including clear pathways for employment, customised roles, traineeships and volunteering. 2. Staff attending the Jobs Fair are briefed on inclusive recruitment pathways and workplace adjustments.	Manager Economic Development Executive Manager Community Services Manager People Services	Health Promotion Officer Coordinator Heritage and Community Capacity
7.3.1 Strengthen inclusive economic participation by promoting opportunities for micro-enterprises to participate in City events and advocating for their inclusion across community events and activities.		✓	✓	✓	✓	1. Opportunities for micro-enterprises led by people with disability, are actively promoted in City event expressions of interest and vendor processes. 2. The number of micro-enterprises participating in City events increases over the life of the Plan. 3. Event planning guidelines incorporate inclusive vendor participation considerations.	Coordinator Heritage and Community Capacity	Coordinator Festivals and Events Coordinator Arts and Culture

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Projects/Actions	Year 1 26/27	Year 2 27/28	Year 3 28/29	Year 4 29/30	Year 5 30/31	Measures of Success	Lead	Organisational Partners
7.3.2 Recognise and support the expertise of people with disability through paid self-employment opportunities.	✓	✓	✓	✓	✓	1. A clear practice is established that people with disability engaged in roles such as guest speakers are offered payment for their expertise. 2. Payment rates are transparent and consistent with the value of professional lived experience expertise.	Coordinator Heritage and Community Capacity	Coordinator Festivals and Events Coordinator Arts and Culture
7.3.3 Continue to deliver opportunities for Australian Disability Enterprises to be engaged as contractors through City procurement and contract processes.	✓	✓	✓	✓	✓	1. Procurement practices continue to enable the engagement of Australian Disability Enterprises where appropriate. 2. Australian Disability Enterprises are considered in relevant purchasing and contract processes.	Manager Commercial Services	Coordinator Heritage and Community Capacity

Existing (✓) Endorsed Long Term Financial Plan Operating Budget

Disability, Access and Inclusion Guiding Principles

This Plan is guided by a set of principles that shape how the City of Mandurah approaches disability access and inclusion across all its services and activities. These principles are based on recognised approaches used in Australia and internationally, including the Social Model of Disability, Universal Design, and Asset-Based Community Development. Together, these approaches inform policy, planning, and community practice, and support decision-making that improves accessibility, participation, and inclusion for people with disability.

Understanding disability through the social model

The social model of disability recognises that disability is influenced by the way environments, systems and structures are designed. Participation can be limited when places, information or processes do not consider a range of access needs. When environments and systems are inclusive and accessible, people with disability can participate and contribute to community life. Disability itself is not the reason a person experiences barriers to participating in community life.

In a local government context, this means making informed design decisions that support participation within available resources. Planning buildings, playgrounds, events and information so they can be used by more people supports broader community involvement. Designing with access and inclusion in mind strengthens public spaces and services for everyone, including people with disability, older people, families, visitors and those with temporary access needs.

Valuing strengths through Asset-Based Community Development

This Plan is informed by Asset-Based Community Development. This approach recognises the strengths, skills, relationships and lived experience within the community. People with disability are contributors to Mandurah's social, cultural and civic life.

Working alongside community members, organisations and networks supports practical solutions that are locally relevant and informed by lived experience.

Accessibility and inclusion

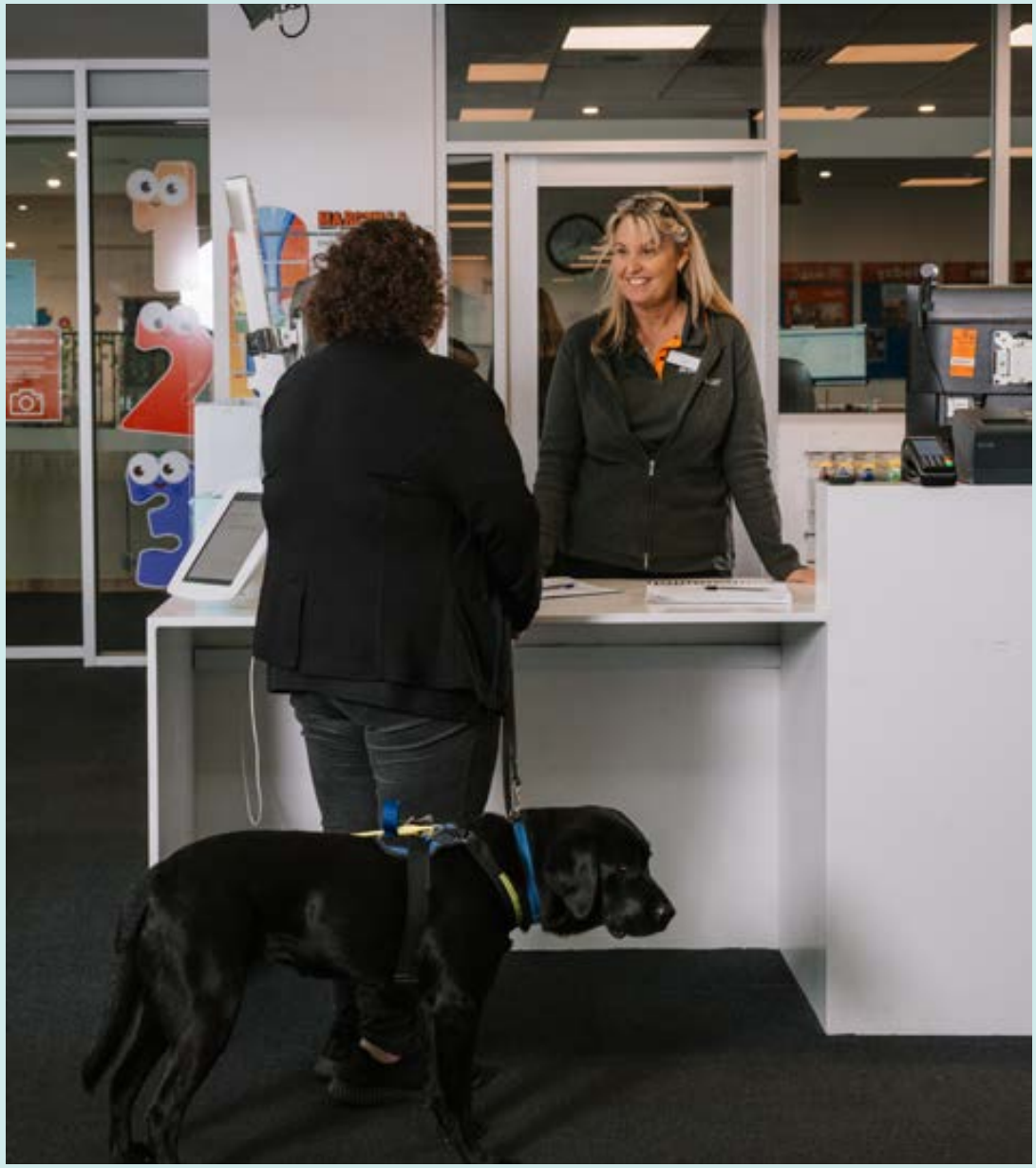
Accessibility and inclusion are closely linked but not the same. Accessibility is about how people can use spaces, services and information in ways that support independence and choice. Inclusion is about what happens once people are there. It reflects whether people feel welcomed, respected and able to take part, share ideas, build connections and contribute to community life. When considered together, accessibility and inclusion support meaningful involvement and contribution across community life.

Universal design

Universal design supports both accessibility and inclusion. It involves designing spaces, information and experiences to work for a wide range of people as part of normal planning and delivery. Considering universal design early supports efficient use of resources and reduces the need for later changes. This approach improves usability and flexibility for the whole community while supporting people with disability.

Shared responsibility and partnership

Disability access and inclusion is a shared responsibility across the City of Mandurah and requires coordinated action across teams. This work is strengthened and made more sustainable through meaningful partnerships with people with disability and the broader community. The City values the lived experience, ideas, and feedback of people with disability and the community, recognising that these insights help inform planning and decision-making, leading to more accessible and inclusive outcomes for people with disability and the wider community.



Language used in this Plan

The City of Mandurah uses person-first language when referring to disability in this Plan. This approach aligns with the Disability Services Act 1993 (WA) and reflects the City's communication practices.

Person-first language places the person before the disability. For example, people with disability. It recognises the person first and acknowledges that disability is one part of a person's identity.

CITY OF MANDURAH

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The National Relay Service (NRS) assists people who are Deaf or have difficulty hearing or speaking on the phone, offering various call services tailored to different needs and preferences.

For more information visit: accesshub.gov.au

This information is available in alternative formats on request.

Subject: 19.2 Local Law Review

Summary

The *Local Government Act 1995* (the Act) provides Western Australian local governments with the authority to make local laws considered necessary for the good government of their districts.

Under section 3.16 of the Act, these local laws must be reviewed periodically by local governments to determine whether they should be retained, amended, or repealed (Section 3.16 Review).

Although recent reforms extend the review period to 15 years, transitional provisions require all local laws that are currently more than 8 years old to be reviewed by December 2026. To meet these obligations, the City of Mandurah (City) is reviewing its suite of local laws through an ongoing Local Law Review Program (Review Program) to ensure compliance with the Act.

Under the City's phased Local Law Review Program, City officers recommend that Council initiate reviews of the following local laws (the Local Laws), being the final round of local laws due for review:

- *City of Mandurah Dog Local Law 2010* - Attachment 1
- *City of Mandurah Health Local Law 1996* - Attachment 2
- *City of Mandurah Standing Orders Local Law 2016* - Attachment 3

Council is requested to resolve that the Local Laws be advertised in accordance with section 3.16(2) of the Act, commencing the statutory review process (Stage One), and notes that engagement with Elected Members will be ongoing.

Disclosure of Interest

Nil.

Previous Relevant Documentation

G.29/1/13	29 January 2013	2013 Amendment Dog Local Law, final adoption
G.40/9/11	27 September 2011	2011 Amendment Dog Local Law, final adoption
G.41/5/11	24 May 2011	Amendment to Dog Local Law– Undertaking
G.33/2/11	22 February 2011	Dog Local Law 2010, final adoption
G.7521	12 December 1995	Health Local Law 1996, final adoption
G.16/01/17	24 January 2017	Standing Orders Local Law 2016, final adoption

Background

Section 3.5 of the Act provides local governments with the power to make local laws to help perform their functions. The City's existing local laws provide the framework for regulating and managing activities across the district.

Reforms to the Act have introduced substantial changes to the Section 3.16 Review requirements, most notably extending the review cycle for local laws from 8 years to 15 years. Under the revised provisions, a local law that is not reviewed within this period will automatically be repealed.

The amended local law provisions commenced on 7 December 2024 and established a two-year transitional period for local governments to address any outstanding reviews. As a result, the City is required to complete reviews and report on all overdue local laws by December 2026 to ensure their continued operation and enforceability.

The table below shows all City local laws and their current Section 3.16 Review status, including both completed and outstanding reviews:

Local Law	Status
Animals, Environment and Nuisance Local Law	Complete
Waste Local Law	Complete
Local Government Property and Public Places Local Law	Complete
Bush Fire Brigades Local Law	Complete (Amendments to the local law are anticipated to progress to Council in Quarter 2 of the 2026/2027 financial year)
Parking and Parking Facilities Local Law	Complete (Amendments to the local law are anticipated to progress to Council in Quarter 2 of the 2026/2027 financial year)
Fencing Local Law	Complete (Amendments to the local law are anticipated to progress to Council in Quarter 2 of the 2026/2027 financial year)
Cemeteries Local Law	Under review – anticipate completion Aug/Sept 2026
Jetties, Waterways and Marina Local Law	Under review – anticipate completion Aug/Sept 2026
Standing Orders Local Law	*Current report
Health Local Law	*Current report
Dog Local Law	*Current report
Cat Local Law	To be reviewed prior to 2034

Comment

The Local Laws were adopted more than eight years ago and have not yet undergone a Section 3.16 Review. Therefore, the Local Laws fall within the transitional requirement and are now due for review.

Local Law Review Program

The City has implemented a tiered Review Program that enables the structured prioritisation of the Section 3.16 Reviews. This approach has allowed the City to allocate resources efficiently across the available timeframe to ensure compliance with legislative obligations. This is the final round of section 3.16 Reviews. Once complete, the City will have met its statutory review obligations under the Act.

The Department of Local Government Industry Regulation and Safety (LGIRS) is progressing reforms relating to meeting procedures, including the development of standard meeting procedures. The reforms are expected to be implemented during 2027–28 Financial Year. Given the anticipated introduction of these regulations, the Department has recommended that any substantive amendments to the Standing Orders Local Law be deferred pending implementation of the reforms. Given that the City's Standing Orders Local Law requires review, Council is requested to commence the section 3.16 process and a further report will be presented in November 2026 with a recommendation to defer the review pending the reforms.

Current Local Law Process

During the public consultation phase of the Section 3.16 Review, relevant City officers and external stakeholders will be consulted to identify any issues or opportunities for improvement in the Local Laws. Elected Members will also be invited to participate and provide input throughout the consultation process.

Following the consultation period, a report will be prepared summarising the feedback received and presenting recommendations for Council’s determination on whether the Local Laws should be

amended, repealed or remain unchanged. It is anticipated that a report on the Section 3.16 Review will be presented to Council in November 2026 to finalise Stage One.

Following consideration of submissions and depending on the nature and extent of submissions received, City officers may undertake further research to determine whether amendments to the Local Laws are appropriate and can be processed in accordance with the Act and the decisions of the Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL).

Should amendments be required, City officers will prepare an Amendment Local Law for Council's consideration to initiate Stage Two of the City's local law-making process in accordance with section 3.12 of the Act.

Consultation

Local public notice will be given to advertise the Section 3.16 Review and invite public comment.

The City will also notify all relevant stakeholders of its intention to undertake the Section 3.16 Review and invite their feedback.

Elected Members will be engaged throughout the review process to contribute to the development of the City's local laws. It is recommended that a workshop be held with Elected Members following the conclusion of the initial public advertising period to facilitate discussion and gather input prior to progressing to the next stage of the local law-making process.

Statutory Environment

Local Government Act 1995

Section 3.16 - Periodic Review of Local Laws:

(2) The local government is to give local public notice stating that —
(a) the local government proposes to review the local law; and
(b) a copy of the local law may be inspected or obtained at any place specified in the notice; and
(c) submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.

(3) After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.

(4) After the report has been submitted to its council, the local government must determine (absolute majority is required) whether it considers that the local law should be repealed, be amended or remain unchanged.*

Policy Implications

POL-GVN 11 The Council Meetings - Live streaming, Recording and Electronic Attendance Policy – Council Policy.

Financial Implications

A budget of $20,000 has been allocated for the local law reviews. Whilst the majority of drafting will be undertaken internally, the City will incur legals fees for final review of the draft, public advertising costs and publishing in the Government Gazette.

Risk Implications

The proposed Section 3.16 Review will ensure legal compliance with the Act. In addition, the review of the local laws is a risk analysis tool to consider whether amendment is required to prevent risk to

reputation, health and environment. It will improve efficiency, without creating undue or unacceptable risk to the City.

In the event that Council do not proceed with the review of the City's local laws by the December 2026 deadline, the laws will lapse, and there will be no operative local law on those matters until a new local law is made in accordance with the Act and adopted by Council.

Environmental Implications

Nil.

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 are relevant to this report:

Community
- Safe and connected communities
- Inclusive and welcoming places, spaces and neighbourhoods
- A healthy lifestyle and healthy community, with an emphasis on prevention
- Modern health facilities and services that are local, accessible, affordable, and fit for purpose

Environment
- Our built environment is clean, accessible and sustainable

Leadership
- Sound decisions based on evidence and meaningful engagement
- Well-maintained assets and facilities that meet the needs of our community
- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs and services
- A committed, innovative, effective, and values driven Council and workforce

Conclusion

In accordance with Section 3.16(1) of the *Local Government Act 1995*, Council is required to undertake a formal review of the *City of Mandurah Dog Local Law, City of Mandurah Health Local Law and City of Mandurah Standing Orders Local Law.*

Council is requested to approve the commencement of the statutory review process by endorsing the advertising of these Local Laws. A report on the outcomes of the review process will be presented to Council following the six-week advertising period.

Officer Recommendation

That Council:

1. In accordance with section 3.16 of the *Local Government Act 1995* determines to undertake a review of the following Local Laws:

1.1 City of Mandurah *Dog Local Law 2010* as per Attachment 1.

1.2 City of Mandurah *Health Local Law 1996* as per Attachment 2.

1.3 City of Mandurah *Standing Orders Local Law* 2016 as per Attachment 3.

2. Determines that the City undertakes local public notice stating that the City proposes to review the following Local Laws for the purposes of inviting submissions:

2.1 City of Mandurah *Dog Local Law 2010* as per Attachment 1.

2.2 City of Mandurah *Health Local Law 1996* as per Attachment 2.

2.3 City of Mandurah *Standing Orders Local Law* 2016 as per Attachment 3.

3. Notes that submissions about the local laws may be made to the City of Mandurah before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.

4. Notes that the results of the above advertising be presented to Council for consideration of any submissions received.

Attachments

1. City of Mandurah Dog Local Law 2010 [**19.2.1** - 25 pages]
2. City of Mandurah Health Local Law 1996 [**19.2.2** - 112 pages]
3. City of Mandurah Standing Orders Local Law 2016 [**19.2.3** - 31 pages]

CONSOLIDATED LOCAL LAW

CITY OF MANDURAH

LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

DOGS LOCAL LAW 2010

(Original Local Law)

Gazette Number 43. 22 March 2011

DOGS AMENDMENT LOCAL LAW 2011

Gazette Number 200. 21 October 2011

DOGS AMENDMENT LOCAL LAW 2012

Gazette Number 39. 8 March 2013

PLEASE NOTE:

This is the consolidated local law incorporating:

- Principle Local Law:
  - City of Mandurah Dogs Local Law 2010; and
- Amendments:
  - City of Mandurah Dogs Amendment Local Law 2011;
  - City of Mandurah Dogs Amendment Local Law 2012.

LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

CITY OF MANDURAH

DOGS LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

CITY OF MANDURAH

DOGS LOCAL LAW 2010

Under the powers conferred by the *Dog Act 1976,* the *Local Government Act 1995* and under all other powers enabling it, the Council of the *City of Mandurah* resolved on 22 February 2011 and subsequently amended on 27 September 2011 and 29 January 2013 to make the following local law.

PART 1 - PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Mandurah Dogs Local Law 2010*.

1.2 Definitions

In this local law unless the context otherwise requires -

Act means the Dog Act 1976;

authorised person means a person appointed by the local government, under section 9.10 of the Local Government Act 1995 to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the Chief Executive Officer of the local government;

dangerous dog means a dog which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog;

district means the district of the local government;

food premises means any premises or vehicle in which a food business, as defined in section 10 of the Food Act 2008, is being carried on;

food transport vehicle has the meaning given to it in the Food Act 2008;

local government means the City of Mandurah;

pound keeper means a person authorised by the local government to perform all or any of the functions conferred on a "pound keeper" under this local law;

Regulations means the Dog Regulations 1976;

thoroughfare has the meaning given to it in section 1.4 of the Local Government Act 1995; and

town planning scheme means a town planning scheme made by the local government under the Planning and Development Act 2005 which applies throughout the whole or a part of the district.

[Amended by Government Gazette No. 100 of 2011]

1.3 Repeal

Part VI of City of Mandurah Consolidated Local Laws relating to dogs as published in the *Government Gazette* of 13 February 1998 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Commencement

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

PART 2 - IMPOUNDING OF DOGS

2.1 Charges and costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995* -

(a) the charges to be levied under section 29(4) of the Act relating to the seizure and impounding of a dog;

(b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 2.2; and

(c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

2.2 Attendance of pound keeper at pound

The pound keeper is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

2.3 Release of impounded dog

(1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.

(2) The pound keeper is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, evidence -

(a) of her or his ownership of the dog or of her or his authority to take delivery of it; or

(b) that he or she is the person identified as the owner on a microchip implanted in the dog.

2.4 Unauthorised entry into or destruction of pound

A person who -

(a) unless he or she is the pound keeper or a person authorised to do so, releases or attempts to release a dog from a pound; or

(b) destroys, breaks into, damages or in any way interferes with or renders ineffective –

(i) any pound; or

(ii) any vehicle or container used for the purpose of catching, holding or conveying a seized dog,

commits an offence.

Penalty: Where the dog is a dangerous dog, $2,000; otherwise $1000.

PART 3 - REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

3.1 Dogs to be confined

(1) An occupier of premises on which a dog is kept must –

(a) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;

(b) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;

(c) maintain the fence and all gates and doors in the fence in good order and condition; and

(d) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on

the premises (other than the tethering of the dog) for effectively confining the dog within the premises.

(2) Where an occupier fails to comply with subclause (1), he or she commits an offence.

(3) (a) The local government may serve a written direction to the owner of any dog to provide suitable enclosure on the property where the dog is normally kept if in the opinion of the local government the dog is not adequately prevented from escaping from the property.

(b) Any person receiving a lawful direction pursuant to subclause (a) shall comply with the direction within 14 days of its service.

Penalty: Where the dog kept is a dangerous dog, $2,000; otherwise $1,000

3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been -

(a) licensed under Part 4 as an approved kennel establishment; or

(b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age if the premises are situated within a townsite.

(3) Where a person fails to comply with subclause (2), he or she commits an offence.

Penalty: Where a dog is a dangerous dog, $2,000 and a daily penalty of $200; otherwise $1,000 and a daily penalty of $100.

PART 4 - APPROVED KENNEL ESTABLISHMENTS

4.1 Interpretation

In this Part -

licence means a licence to keep an approved kennel establishment on premises;

licensee means the holder of a licence;

premises in addition to the meaning given to it in section 3 of the Act, means the premises described in the application for a licence; and

transferee means a person who applies for the transfer of a licence to her or him under clause 4.14.

4.2 Application for licence for approved kennel establishment

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with -

(a) plans and specifications of the kennel establishment, including a site plan;

(b) copies of the notices to be given under clause 4.3;

(c) written evidence that either the applicant or another person who will have the charge of the dogs, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare;

(d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of dogs nominated by the local government;

(e) the fee for the application for a licence referred to in clause 4.10(1);

(f) a report of a suitably qualified acoustic consultant verifying that the various plant, equipment and operational noise levels will comply with the requirements of the *Environmental protections (Noise) Regulations 1997*; and

(g) such other information as the local government requires.

4.3 Notice of proposed use

(1) An applicant for a licence must give notice of the proposed use of the premises as an approved kennel establishment after the application for a licence has been lodged –

  (a) once in a newspaper circulating in the district; and

  (b) to the owners and occupiers within a 200 metre boundary of all land upon which it is proposed to establish the kennel.

(2) The notices in subclause (1) must specify that -

  (a) any written submissions as to the proposed use are to be lodged with the CEO within 14 days of the date the notice is given; and

  (b) the application and plans and specifications may be inspected at the offices of the local government.

(3) Where –

  (a) the notices given under subclause (1) do not clearly identify the premises; or

  (b) a notice given under subclause (1)(a) is of a size or in a location in the newspaper which, in the opinion of the local government, would fail to serve the purpose of notifying persons of the proposed use of the premises,

then the local government may refuse to determine the application for a licence until the notices or notice, as the case may be, is given in accordance with its directions.

4.4 Exemption from notice requirements

Where an application for a licence is made in respect of premises on which an approved kennel establishment is either a -

(a) permitted use; or

(b) use which the local government may approve subject to compliance with specified notice requirements,

under a town planning scheme, then the requirements of clauses 4.2(b), 4.3 and 4.5(a) do not apply in respect of the application for a licence.

4.5 When application can be determined

An application for a licence is not to be determined by the local government until –

(a) the applicant has complied with clause 4.2;

(b) the applicant submits proof that the notices referred to in clause 4.3(1) have been given in accordance with that clause; and

(c) the local government has considered any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises.

4.6 Determination of application

In determining an application for a licence, the local government is to have regard to -

(a) the matters referred to in clause 4.7;

(b) any written submissions received within the time specified in clause 4.3(2)(a) on the proposed use of the premises;

(c) any economic or social benefits which may be derived by any person in the district if the application for a licence is approved;

(d) the effect which the kennel establishment may have on the environment or amenity of the neighbourhood;

(e) whether the approved kennel establishment will create a nuisance for the owners and occupiers of adjoining premises; and

(f) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the approved kennel establishment identified in the preceding paragraphs.

4.7 Where application cannot be approved

The local government cannot approve an application for a licence where -

(a) an approved kennel establishment cannot be permitted by the local government on the premises under a town planning scheme; or

(b) an applicant for a licence or another person who will have the charge of the dogs will not reside on the premises, or, in the opinion of the local government, reside sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare.

4.8 Conditions of approval

The local government may approve an application for a licence subject to such conditions as the local government considers appropriate.

4.9 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: $1,000 and a daily penalty of $100

4.10 Fees

(1) On lodging an application for a licence, the applicant is to pay a fee to the local government.

(2) On the issue or renewal of a licence, the licensee is to pay a fee to the local government.

(3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.

(4) The fees referred to in subclauses (1) to (3) are to be determined and imposed by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.11 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.12 Period of licence

(1) The period of effect of a licence is set out in section 27(5) of the Act.

(2) A licence is to be renewed if the fee referred to in clause 4.10(2) is paid to the local government prior to the expiry of the licence.

(3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.13 Variation or cancellation of licence

(1) The local government may vary the conditions of a licence.

(2) The local government may cancel a licence –

(a) on the request of the licensee;

(b) following a breach of the Act, the Regulations, this local law or any conditions of the licence; or

(c) if the licensee is not a fit and proper person.

(3) The date a licence is cancelled is to be, in the case of –

(a) paragraph (a) of subclause (2), the date requested by the licensee; or;

(b) paragraphs (b) and (c) of subclause (2), the date determined under section 27(6) of the Act.

(4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.14 Transfer

(1) An application for the transfer of a valid licence from the licensee to another person must be –

(a) made in the form determined by the local government;

(b) made by the transferee;

(c) made with the written consent of the licensee; and

(d) lodged with the local government together with –

(i) written evidence that a person will reside at or within reasonably close proximity to the premises the subject of the licence; and

(ii) the fee for the application for the transfer of a licence referred to in clause 4.10(3).

(2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

(3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

(4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 4.15(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.15 Notification

The local government is to give written notice to -

(a) an applicant for a licence of the local government's decision on her or his application;

(b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;

(c) a licensee of any variation made under clause 4.13(1);

(d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;

(e) a licensee when her or his licence is renewed;

(f) a licensee of the cancellation of a licence under clause 4.13(2)(a); and

(g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.13(2), which notice is to be given in accordance with section 27(6) of the Act.

4.16 Inspection of kennel

With the consent of the occupier, an authorised person may inspect an approved kennel establishment at any time.

PART 5 - DOGS IN PUBLIC PLACES

5.1 Places where dogs are prohibited absolutely

(1) Subject to section 8 of the Act and section 66J of the *Equal Opportunity Act 1984* dogs are prohibited absolutely from entering or being in any of the following places –

(a) a construction, building or demolition site, unless tethered or otherwise constrained within the site;

(b) all food premises and food transport vehicles;

(c) an area set aside by a wall, fence, sandpit or other soft fall surface as a children's playground;

(d) an area within the high-water mark, bed or water body of a lake, pond, river, creek, stream or water channel on local government property;

(e) a public building, unless permitted by a sign;

(f) a public swimming pool;

(g) a public toilet block or changing room;

(h) a theatre or picture garden; and

(i) the following beaches and reserves –

(i) the beaches described in schedule 2; and

(ii) the reserves described in schedule 3.

(2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

Penalty: Where the dog is a dangerous dog, $2,000; otherwise $1,000.

[Clause 5.1 amended by Government Gazette No. 100 of 2011]

5.2 Places which are dog exercise areas

(1) Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the following are dog exercise areas -

(a) The beaches described in schedule 4; and

(b) The reserves described in schedule 5.

(2) Subclause (1) does not apply to –

(a) land which has been set apart as a children's playground;

(b) an area being used for sporting or other activities, as permitted by the local government, during the times of such use; or

(c) a car park.

PART 6 - MISCELLANEOUS

6.1 Fouling thoroughfares and Public Places

Any person liable for the control of a dog which excretes on any thoroughfare or public place or on private property within the district without the consent of the occupiers, commits an offence unless the excreta is removed immediately and disposed of –

(a) on private land with the consent of the occupier; or

(b) in a receptacle provided by the local government for that purpose.

Penalty: $200.

PART 7 - ENFORCEMENT

7.1 Definitions

In this Part -

infringement notice means the notice referred to in clause 7.4; and

notice of withdrawal means the notice referred to in clause 7.7(1).

7.2 Modified penalties

(1) The offences contained in Schedule 6 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the third column of Schedule 6 directly opposite an offence is the modified penalty payable in respect of that offence if -

(a) the dog is not a dangerous dog; or

(b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.

(3) The amount appearing in the fourth column of Schedule 6 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

7.3 Prosecution for Offences

A penalty for an offence against this local law (not being a modified penalty) may be recovered by the local government by taking proceedings against the alleged offender in the Magistrates Court.

7.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 7 of the First Schedule of the Regulations.

7.5 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

7.6 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

7.7 Withdrawal of infringement notice

(1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 8 of the First Schedule of the Regulations.

(2) A person authorised to issue an infringement notice under clause 7.4 cannot sign or send a notice of withdrawal.

7.8 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

SCHEDULE 1 - Application For A Licence For An Approved Kennel Establishment

Dog Act 1976

City of Mandurah

Dogs Local Law 2010

(clause 4.2)

I/we (full name) .....

of (postal address) .....

(telephone number) .....

(facsimile number) .....

(e-mail address) .....

Apply for a licence for an approved kennel establishment at (address of premises)

.....

.....

For (number and breed of dogs).....

* *(insert name of person)* ..... will be residing at the premises on and from *(insert date)* .....

* *(insert name of person)* ..... will be residing (sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare) at *(insert address of residence)*

.....

on and from *(insert date)*.....

Attached are -

(a) a site plan of the premises showing the location of the kennels and yards and all other buildings and structures and fences;
(b) plans and specifications of the kennel establishment;
(c) copy of notice of proposed use to appear in newspaper;
(d) copy of notice of proposed use to be given to adjoining premises;
(e) written evidence that a person will reside -
    (i) at the premises; or
    (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
(f) if the person in item (e) is not the applicant, written evidence that the person is a person in charge of the dogs.

I confirm that I have read and agree to comply with the Code of Practice known as ……, in the keeping of dogs at the proposed kennel establishment.

Signature of applicant .....

Date .....

* delete where inapplicable.

Note: a licence if issued will have effect for a period of 12 months – section 27.5 of the *Dog Act 1976*.

OFFICE USE ONLY

Application fee paid on *[insert date]*.

SCHEDULE 2 - Beach Areas Where Dogs Are Prohibited

Dog Act 1976
City of Mandurah
Dogs Local Law 2010

(clause 5.1 (1)(e)(i))

The beach area between -

(a) the western prolongation of Avoca Place south to western prolongation of Madora Beach Road, Madora Bay;
(b) the western prolongation of Ajax Place south to the western prolongation of Acheron Road, San Remo;
(c) the western prolongation of Petina Court south to the north western prolongation of Wade Street, San Remo;
(d) the north western prolongation of Adonis Street south to the north western prolongation of Henson Street, Silver Sands;
(e) the northern prolongation of Stewart Street in a westerly direction to the sea wall;
(f) the north eastern prolongation of Janis Street south to the north eastern prolongation of Sharland Street, Halls Head;
(g) the north western prolongation of Valley Road to beach access adjacent south to the western prolongation of Lot 565 Halls Head Parade, Halls Head;
(h) the northern prolongation of Mercedes Avenue west to the western prolongation of Panamuna Drive, Falcon;
(i) Avalon Beach, the western prolongation of Yeedong Road boat ramp south to the western prolongation of Burna Street, Falcon;
(j) the north western prolongation of the pedestrian access track off Reserve 46606 (Westview Parade car park) north east 250 metres to the pedestrian access track leading from Avalon Place, Wannanup;
(k) the western prolongation of northern end of Hunter St car park south to the western prolongation of Lot 166 Florida Parade; and
(l) western prolongation of the northern boundary of the Melros Beach car park south to the western prolongation of the pedestrian beach access path adjacent to Lot 328 Oceanic Drive, Melros.

[Schedule 2 amended by Government Gazette No. 34 of 2013

SCHEDULE 3 - Reserves Where Dogs Are Prohibited

Dog Act 1976
City of Mandurah
Dogs Local Law 2010

(clause 5.1 (1)(e)(ii))

(1) Northern end of Peelwood Oval (main stadium) portion of Reserve no. 38615 bounded by Peelwood Parade, Old Coast Road and Mahogany Drive, Halls Head.

(2) Rushton Park (main oval/stadium) portion of Reserve no. 19312.

(3) The area commonly known as the Bird Sanctuary situated within Reserve no. 32836 located at the south-east end of John Street, Coodanup, then in a north- west direction along Reserve no. 32836 to the south-west prolongation of William Street.

(4) The island on Yindana Lake Reserve no. 48495, bounded by Yindana Boulevard and Nullewa Parkway Lakelands.

(5) Caterpillar Park playground enclosure, portion of Milgar Reserve No. 34267, bounded by Milgar Street, Park Rd and Reserve Drive, Mandurah.

[Schedule 3 amended by Government Gazette No. 34 of 2013

SCHEDULE 4 - Beach Areas Where Dogs May Be Exercised

Dog Act 1976
City of Mandurah
Dogs Local Law 2010

(clause 5.2 (1)(a))

The beach area between -

(a) The western prolongation of the northern boundary of the district to south to the western prolongation of Avoca Place, Madora;
(b) The western prolongation of the southern boundary of Parmelia Way, Madora south to the western prolongation of Ajax Place, San Remo;
(c) The western prolongation of Acheron Street south to the western prolongation of the beach access path located adjacent to Lot 72 Ronsard Drive, San Remo;
(d) The western prolongation from the southern beach access pathway of the car park located at the intersection of Ronsard Drive/Watersun Parade south to the western prolongation to Petina Court, San Remo;
(e) The north western prolongation of Wade Street south west to the north western prolongation of Priam Road, Silversands;
(f) The north western prolongation of Henson Street south west to the north western prolongation of Stewart Street, Mandurah;
(g) The western extremities of the rock groyne at the Peel Inlet entrance which forms part of Reserve 31499 west to the north eastern prolongation of Janis St, Halls Head;
(h) The north eastern prolongation of Sharland Street south west to the western prolongation of Valley Road, Halls Head;
(i) The western prolongation of the pedestrian beach access pathway adjacent to Lot 565 Halls Head Parade southerly to the western prolongation of the pedestrian beach access pathway adjacent to lots 1670 and 1671 Caravel Way, Halls Head;
(j) The north western prolongation of the pedestrian beach access pathway adjacent to the public toilet located on part of reserve 27051, commonly known as the Calypso beach toilet block southerly to the north western prolongation of the southern end of Gretel Drive, Falcon;

(k) The north western prolongation of Rowena Street south to the northern prolongation of Mercedes Avenue, Falcon;

(l) The northern prolongation of the western end of Falcon Bay car park south to the western prolongation of Yeedong Rd boat ramp, Falcon;

(m) The north western prolongation of the pedestrian access track off Reserve 46606 (Westview Parade car park) southerly to the Dawesville Cut, Wannanup;

(n) The south western prolongation of the southern end of Pyramids Beach car park south to the north western prolongation of the northern end of Hunter St car park, Florida (**see note*);

(o) The western prolongation of the beach access at Lot 166 Florida Parade south to the western prolongation of Edwards Street, Melros; and

(p) The western prolongation of the beach access path adjacent to Lot 328 Oceanic Drive, Melros south to the southern boundary of the district.

[Schedule 4 amended by Government Gazette No. 34 of 2013

*NOTE
Designation of south western prolongation of the southern end of Pyramids Beach car park south to the north western prolongation of the northern end of Hunter St car park, Florida was amended by Council 28/09/22 minute no G.6/9/21

SCHEDULE 5 - Reserves Where Dogs May Be Exercised

Dog Act 1976

City of Mandurah

Dogs Local Law 2010

(clause 5.2 (1)(b))

(1) Reserve no. 48023 excluding recreational area, bounded by Lord Hobart Drive, George Hibbert Drive, Challenger Road and Hope Gardens, Madora Bay.

~~(2) Reserve no: 47852 "Karinga Reserve" bounded by Karinga Road and Guillardon Terrace, San Remo.~~

(3) Reserve no: 27810 bounded by Mandurah Terrace, Silver Sands, excluding the area fenced and set aside as a children's Playground.

(4) Reserve no. 49411 Vivaldi Drive, Mandurah.

(5) Rigel Reserve no. 24709 bounded by Rigel Rd, Cygni Street and Adana St, Dudley Park.

(6) Roy Tuckey Reserve no. 37885 bounded by Balranald, Manildra Drive and Mandurah Road, Dudley Park.

(7) Koolyanga Reserve no.43839 bounded by Koolyanga Rd, Greenfields.

(8) Reserve no. 28458 & 28243 bounded by Dampier Avenue, Novara.

(9) Reserve no. 32836 "Coodanup Foreshore" bounded by Peel Parade, between the southern prolongation of Beacham Street east to the southern prolongation of William Road, Nairns.

(10) Reserve 40075 Leslie Street Reserve bounded by Leslie Street, Waterside Drive and Mandurah Road, Dudley Park.

(11) Reserve no. 39886 & 39890 Waterside Drive, beginning 50m north of BBQ area to northern point of reserve, Dudley Park.

(12) Reserves no. 27810 & 37290 & 37279 & 35461 - western side of Mandurah Terrace from Adonis Street to Watersun Drive, Silver Sands.

(13) Reserve no.37529 – Amazon Drive Reserve (abutting the Bypass Road) excluding the playground equipment area which is a prohibited dog area.

(14) Joseph Cooper Reserve no. 41925 bounded by Mary Street, Dalrymple Tce, McLarty Road and Leighton Road, Halls Head.

(15) Janis Street Reserve no. 32109 bounded by Janis Street, Clipper Way, McLarty Road and Wilkins Street, Halls Head.

(16) Lot no. 1878 of Reserve no. 27051 bounded by Calypso Street and McLarty Road, Halls Head, excluding the car park, toilet and picnic area of the reserve, which is to be a dog on lead area.

(17) Reserve no. 44657- Wilderness Drive, Dawesville.

(18) Portion of Reserve No. 36027 –Estuary Road Foreshore Reserve -from the western side of the existing dual use path on Estuary Road, Dawesville to the estuary foreshore as of the northern commencement of Estuary Road, south to the southern prolongation of Iluka Street, Dawesville. Then to recommence again within the Reserve from the southern prolongation of Loton Road Dawesville south, to the commencement of Warragup Springs picnic area off Estuary Road, Dawesville.

(19) The southern and centre ovals of Peelwood Ovals, portion of Reserve no. 38615 bounded by Old Coast Road,, Peelwood Parade, Mahogany Drive and Fuschis Place, Halls Head.

(20) Lot 500 Dower Street commonly known as Rushton Park North.

(21) Hall Park Reserve no.27581 bounded by Leighton Place and Mary Street, Halls Head, excluding—

a. War Memorial site Reserve no. 42921; and
b. the portion of Reserve no. 27581 bounded by Mary Street, the southern entry into Reserve no. 27581 off Mary Street, north following the driveway and fire brigade running track to the south-east corner of Reserve no. 42921 east to the estuary.

(22) Bortolo Oval Reserve no. 77593 & 41978 bounded by Bortolo Drive, Lowden Street, Murdoch Drive and Waldron Boulevard, Greenfields.

(23) Merlin Oval Reserve no. 27874 bounded by Merlin Street and Old Coast Road, Falcon and Karon Vista, Halls Head.

(24) Falcon Oval Reserve no. 32501 bounded by Lynda Street, Melita Street, Flame Street and Cobblers Street, Falcon.

(25) Reserve no. 47709 bounded by Baloo Crescent and Beachview Court, Wannanup.

~~(26) Reserve no. 48366 bounded by Oakmont Avenue, Meadow Springs.~~

(27) Karinga Reserve 34-38 (Lot 3) Karinga Road, San Remo.

[Schedule 5 amended by Government Gazette No. 34 of 2013

*NOTE Designation of reserve no. 48366 bounded by Oakmont Avenue, Meadow Springs was amended by Council 26/4/22 minute no G.11/4/22

*NOTE Designation of reserve no. 47852 "Karinga Reserve" bounded by Karinga Road and Guillardon Terrace, San Remo was amended by Council 31/10/23 minute no G.13/10/23

*NOTE Designation of Karinga Reserve 34-38 (Lot 3) Karinga Road, San Remo was amended by Council 31/10/23 minute no G.13/10/23

SCHEDULE 6 - Offences In Respect Of Which Modified Penalty Applies

Dog Act 1976

City of Mandurah

Dogs Local Law 2010

(clause 7.2)

Offence	Nature of offence	Modified penalty	Dangerous Dog Modified Penalty
2.4(a)	Attempting to or causing the unauthorised release of a dog from a pound	$200	$400
2.4(b)	Interfering with any pound or vehicle used for the purpose of catching, holding or conveying dogs	$200	
3.1	Failing to provide means for effectively confining a dog	$100	$200
3.2(2)	Keeping more than 2 dogs without approval	$100	$200
4.9	Failing to comply with the conditions of a licence	$200	
5.1(1)(a)	Dog not tethered on building site	$100	
5.1(2)	Dog in place from which prohibited absolutely	$200	$400
6.1	Dog excreting in prohibited place	$100	

Dated this 1st day of March 2011

The Common Seal of the City of Mandurah was affixed by authority of a resolution of the Council in the presence of -

PATRICIA M. CREEVEY, OAM, Mayor

MARK R. NEWMAN, Chief Executive Officer

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HEALTH ACT 1911

CITY OF MANDURAH

HEALTH BY-LAWS 1996

HEALTH ACT 1911

CITY OF MANDURAH HEALTH BY-LAWS 1996

PURSUANT to the provisions of the Health Act 1911 the City of Mandurah, being a local authority within the meaning of the Health Act 1911, having adopted the City of Mandurah Health By-law in the Government Gazette of 21 July 1964, made under the Health Act 1911, and as amended from time to time, has resolved and determined that the adopted By-law shall be repealed and the By-law as set out herein be substituted.

HEALTH ACT 1911

THE CITY OF MANDURAH HEALTH BY-LAW 1996

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16.	Application for Consent to Establish an Offensive Trade
17.	Application for Registration of Premises for Offensive Trade
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HEALTH ACT 1911

THE CITY OF MANDURAH HEALTH BY-LAWS 1996

Under the powers conferred upon it by the Health Act 1911, the Council of the City of Mandurah resolved on 12 December 1995 to make and submit for confirmation by the Executive Director of Public Health and approval by His Excellency the Governor, the following By-laws:

PART 1 - PRELIMINARY

Citation

1. These by-laws may be cited as The City of Mandurah Health By-laws 1996.

Repeal

2. The Health By-laws of the City of Mandurah, the adoption of which was published in the *Government Gazette* on 21 July 1964 and amended from time to time, are repealed.

Interpretation

3. (1) In this By-law, 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 0.076 litres per second;

"approved" means approved by the Manager, Environmental Health Services;

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

"Building Code" means the Building Code of Australia as adopted by the Building Regulations made under the Local Government Act;

"Council" means the Council of the City of Mandurah;

"district" means the municipal district of the City of Mandurah 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 Council under the Act and includes an Acting or Assistant Environmental Health Officer;

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

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

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

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

"Manager, Environmental Health Services" means an Environmental Health Officer appointed by the Council to the office of Manager, Environmental Health Services and includes an Acting Manager, Environmental Health Services;

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

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

"sanitary convenience" includes urinals, water-closets, earth-closets, privies, sinks, baths, wash troughs, apparatus for the treatment of sewage, ash-pits, ash-tubs, or other receptacle for the deposit of ashes, faecal matter, or refuse, and all similar conveniences;

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

"sewer" includes sewers and drains of every description, except 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 authority;

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

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

"Town Clerk" means the Chief Executive/Town Clerk of the City of Mandurah and includes an Acting Town Clerk;

"water" means potable water within the meaning of the Guidelines for Drinking Water Quality In Australia - 1987 as published by National Health and Medical Research Council Standard; 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 with in the closed position.

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

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

PART 2 - SANITATION

Division 1 - Sanitary Conveniences

Interpretation

4. 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 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.

Dwelling House

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

(2) A room in which a toilet is located shall have adequate lighting.

Premises other than a Dwelling House

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

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

(b) the toilets required by this By-law are situated within a reasonable distance and are easily accessible to the persons for whom they are provided; and

(c) the premises have hand wash basins -

(i) in accordance with the Building Code;

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

(iii) provided with an adequate supply of water supplied by taps located over each 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 hand wash basin is provided with -

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

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

Outdoor Festivals

7. (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 hand wash basin for each 500;

(b) for additional males -

(i) one water closet for each 500;

(ii) one urinal stall for each 100; and

(iii) one hand wash basin for each 500;

(c) for the first 1,000 females -

(i) one water closet for each 77; and

(ii) one wash hand basin for each 500; and

(d) for additional females -

(i) one water closet for each 100; and

(ii) one wash hand basin for each 500.

(2) Where, under sub by-law (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 Manager, Environmental Health Services.

Toilets

8. (1) Toilets on premises shall be maintained in accordance with the following requirements -

(a) the door to a toilet, other than an internal toilet, shall be properly screened to a continuous height of 1.8 metres from the floor;

(b) a toilet or its entrance which is visible from overlooking windows shall be properly screened;

(c) the floor of any internal toilet shall be -

(i) of concrete or of other approved impervious material of an approved thickness; and

(ii) graded to a floor waste outlet and proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and

(d) the floor of any external toilet shall be -

(i) of concrete or of other approved impervious material of an approved thickness; and

(ii) graded to the door or alternatively an approved outlet.

(2) Toilets on premises other than a dwelling house shall be maintained in accordance with the following additional requirements -

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

(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.

Temporary Works

9. A person who undertakes temporary work at any place shall -

(a) provide and maintain for the use of persons engaged, whether as employees or as independent contractors or otherwise, one temporary approved toilet for every 20 such persons; and

(b) remove the toilet at the conclusion of the work or at an earlier time in accordance with a direction from the Manager, Environmental Health Services, and ensure the site is left clean.

Maintenance of Sanitary Conveniences and Fittings

10. (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.

Ventilation of Toilet

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

(a) mechanically ventilated to external air, through a fully enclosed duct at a minimum rate of 25 litres per second per fixture, but in no case less than 10 air changes per hour; or

(b) naturally ventilated to the external air by the provision of -

(i) fixed and permanently ventilated windows or skylights;

(ii) fixed glazed louvered windows; or

(iii) wall or ceiling vents, ducted as directly to the outside air as is practical and boxed throughout,

situated in both the room in which the toilet is located and any adjacent airlock.

(2) A mechanical ventilation system provided under by-law 11(1)(a) shall -

(a) be separate and distinct from any other system of mechanical ventilation in the building;

(b) be of an exhaust type;

(c) where it is provided for a building of more than 2 storeys, shall have a ventilating fan and power unit in duplicate; and

(d) be maintained in good working order and condition.

(3) A natural ventilation system provided under by-law 11(1)(b) shall have -

(a) a clear ventilation area of not less than 0.015 square metres per fixture; and

(b) a window of light transmitting area equivalent to not less than ten percent of the floor area.

(4) A toilet with an entrance opening from -

(a) a room used for the manufacture, storage or consumption of food;

(b) a room used for sleeping or other domestic activities; or

(c) a room used as a work place,

shall be mechanically ventilated as required by by-law 11(1)(a) and the entrance shall be fitted with a door having an efficient self closing device.

Public Sanitary Conveniences

12. (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.

(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.

Lighting

13. 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.

Installation

14. (1) Every sanitary convenience shall be installed in accordance with the requirements of the Metropolitan Water Supply Sewerage and Drainage Act 1909 and shall have an adequate supply of water.

(2) Every temporary sanitary convenience shall be drained into the public sewer or treated by an approved chemical method.

Division 2 - Bathroom, Laundries and Kitchens

Bathrooms

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

(a) is adequately lined with a smooth impervious material;

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

(c) is equipped with -

(i) a wash hand basin; and

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

(d) is mechanically ventilated.

(2) The floor of the bathroom referred to in by-law 15(1) shall be -

(a) of concrete or of other approved impervious material of an approved thickness;

(b) properly surfaced with an even fall to a floor waste, suitably trapped and discharging to -

(i) the Water Authority of Western Australia Sewer; or

(ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump.

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

Laundries

16. (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) has a floor of concrete of other approved impervious material of an approved thickness;

(d) is properly surfaced, with an even fall to a floor waste, discharging to -

(i) the Water Authority of Western Australia Sewer; or

(ii) a proper discharge pipe with flap valve fitted and, where necessary, protected by an approved sump; and

(e) is not a room in which food is stored, prepared, served or consumed.

(2) In the case of a single occupancy dwelling, the laundry referred to in by-law 16(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 810 millimetres wide; and

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

Washing or Keeping of Clothes in Kitchens

17. 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.

Kitchens

18. (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 with a capacity of not less than 0.005 cubic metres per person usually accommodated in the house with 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 State Energy Commission of Western Australia; and

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

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

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

(b) boxed throughout.

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

PART 3 - HOUSING AND GENERAL

Division 1 - Maintenance of Houses

Dwelling House Maintenance

19. 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 verandah, roof, walls, steps, handrails, floors or their supports with material of sound quality;

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

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

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

(g) maintain all 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 Act 1909 and any other legal requirements to which they are subject; and

(m) maintain all electric wiring, gas services and fittings to comply in all respects with the requirements of the State Energy Commission of Western Australia.

20. Gutterings and Downpipes – *repealed by Government Gazette No. 43 on 22.3.11*

21. Maintenance of Guttering and Downpipes and Disposal of Rainwater– *repealed by Government Gazette No. 43 on 22.3.11*

Division 2 - Ventilation of Houses

Exemption for Short Term Hostels

22. This Division shall not apply to short term hostels referred to in Division 2 of Part 9.

Overcrowding

23. 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.

Calculate Sufficient Space

24. For the purpose of by-law 23, 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.

Ventilation

25. (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 by-law 25(1) a house shall be deemed to be properly ventilated if it complies with the Building Code, including the provision of -

(a) natural ventilation; or

(b) a mechanical ventilation or air-conditioning system complying with 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 3666-1989; and

(b) in use at all times the building is occupied.

(4) If, in the opinion of the Manager, Environmental Health Services, a house is not properly ventilated, the Council 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 by-law 25(4).

Sub-Floor Ventilation

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

Division 3 - Water Supply

Water Supply

27. (1) The owner of a house shall ensure that it is connected with a separate and independent water supply from the mains of the Water Authority of Western Australia or a water supply to the satisfaction of the local authority.

Rain Water Tanks

28. The owner or occupier of a house from 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 tightÄfitting 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 the water from which is used for human consumption;

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

Wells

29. The owner or occupier of any premises shall not without the written approval of the Manager, Environmental Health Services 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; and

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

Pollution

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

Division 4 - Secondhand Furniture, Bedding and Clothing

Prohibition on Sale

31. A person shall not offer for sale or sell any secondhand furniture, bedding or clothing which is filthy or verminous.

Prohibition of Possession

32. A dealer in secondhand furniture, bedding or clothing shall not have on any premises used for the operation of the business any secondhand furniture, bedding or clothing which is filthy or verminous.

Division 5 - Morgues

Application and Licensing of Morgues

33. (1) 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 prescribed in Schedule 19.

(2) A licence shall -

(a) be in the form set out in Schedule 15; and

(b) expire on 30 June next after the date of its issue.

(3) 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 nonÄabsorbent 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.

(4) An application for a licence of a morgue shall be -

(a) made by the applicant;
(b) made in the form prescribed in Schedule 14; and
(c) forwarded to the Town Clerk with the fee prescribed in Schedule 19.

PART 4 WASTE FOOD AND REFUSE

Part 4 of the City of Mandurah Health By Laws was repealed by the *City of Mandurah Waste Management Local Law 2010* as gazetted 18 February 2011.

PART 5 - NUISANCES AND GENERAL

Division 1 - Nuisances

Interpretation

54. In this Division, unless the context otherwise requires -

"fertiliser" includes manure.

Footpaths etc, to be kept clean

55. An owner or occupier of premises shall maintain in a clean condition a footpath, pavement, area or right of way immediately adjacent to the premises.

56. Escape of Smoke etc. – *repealed by Government Gazette No. 43 on 22.3.11*

Public Vehicles to be kept clean

57. 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 vermin and insects; and

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

Prohibition against Spitting

58. A person shall not spit -

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

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

Transportation, Use and Storage of Offal or Blood

59. 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.

Use or Storage of Fertiliser

60. 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.

Storage and Despatch of Artificial Fertiliser

61. 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 nonÄabsorbent 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.

Storage of Fertiliser in a House

62. The owner or occupier of a house where fertiliser or compost is stored or used shall -

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

(b) treat the fertiliser or compost in such a manner as to effectively prevent it attracting or being a breeding place for flies or other insects; and

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

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

(ii) as may be directed by the Manager, Environmental Health Services.

Vehicles Used for Transporting of Animals and Birds

62A – *repealed by Government Gazette No. 43 on 22.3.11*

Division 2 - Keeping of Animals

Cleanliness

63. 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, vermin or insects;

(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 insects by spraying with a residual insecticide or other effective means.

Animal Enclosures

64. (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 Manager, Environmental Health Services, 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.

Cats

65. (1) Subject to sub by-law (7), a person shall not, without an exemption in writing from the Council, keep more than 3 cats over the ages of 3 months on premises on any land within the district of the City of Mandurah.

(2) An owner or occupier of premises may apply in writing to the Council for exemption from the requirements of sub-by-law (1).

(3) The Council shall not grant an exemption under this by-law unless it is satisfied that the number of cats to be kept will not be a nuisance or injurious or dangerous to health.

(4) An exemption granted under this by-law shall specify -

(a) the owner or occupier to whom the exemption applies;

(b) the premises to which the exemption applies; and

(c) the maximum number of cats which may be kept on the premises.

(5) A person who is granted an exemption under sub-by-law (3) may be required by Council to -

(a) provide for each cat kept at or on the premises a properly constructed shelter with an enclosure complying with the following -

(i) each shelter shall have a floor area of not less than 0.5 square metres for each cat over the age of 3 months kept or to be kept therein; and
(ii) the area of the enclosure appurtenant to each shelter shall not be less than 3 times the area of the shelter;

(b) a shelter or an enclosure shall be situated at a distance of not less than-

(i) 2 metres from the boundary of any lot not owned or occupied by the person by whom the cats are kept;
(ii) 10 metres from any dwelling, church, schoolroom, hall or premises in which food is manufactured, packed or prepared for human consumption

(c) keep all shelters, enclosures, yards and grounds in which cats are kept in a clean condition and free from vermin at all times and clean, disinfect or otherwise deal with them as directed by an Environmental Health Officer from time to time.

(6) A person shall comply with requirements of Council made under By-law 65(5).

(7) A person may keep more than 3 cats on premises used for veterinary purposes or as a pet shop.

Slaughter of Animals

66. (1) Subject to sub by-law (2), a person shall not slaughter any animal within the district.

(2) Sub by-law (1) does not apply to euthanasia of animals by veterinarians or other duly authorised persons.

Disposal of Dead Animals

67. (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

68. **Interpretation –** *repealed by Government Gazette No. 43 on 22.3.11*

69. **Stables –** *repealed by Government Gazette No. 43 on 22.3.11*

70. **Proximity of Animals to a Dwelling House –** *repealed by Government Gazette No. 43 on 22.3.11*

71. **Manure Receptacle –** *repealed by Government Gazette No. 43 on 22.3.11*

Division 4 - Keeping of Poultry and Pigeons

72. **Interpretation –** *repealed by Government Gazette No. 43 on 22.3.11*

73. **Limitation on Numbers of Poultry and Pigeons –** *repealed by Government Gazette No. 43 on 22.3.11*

74. **Conditions of Keeping Poultry –** *repealed by Government Gazette No. 43 on 22.3.11*

75. **Roosters, Geese, Turkey and Peafowls –** *repealed by Government Gazette No. 43 on 22.3.11*

76. **Pigeons or Doves –** *repealed by Government Gazette No. 43 on 22.3.11*

77. **Removal of Non-Conforming Structure or Enclosure –** *repealed by Government Gazette No. 43 on 22.3.11*

Restrictions on Pigeon Nesting or Perching

78. (1) The Council 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 Council order under this by-law.

Division 5 - Car Parks

Interpretation

79. In this Division, unless the context otherwise requires -

"attendant's booth" means a booth which 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

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

Ventilation

80. (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 Manager, Environmental Health Services, a car park is not properly ventilated, the Council may by notice require the occupier within a specified time to -

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

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

(3) An occupier shall comply with a notice under subby-law (2).

Exhaust Air Discharge Points and Exhaust Registers

81. 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 AS1668.2 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.

Car Park Attendant Booths

82. (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, in the opinion of the Manager, Environmental Health Services, an attendant's booth is not properly ventilated in accordance with subby-law (1), the Council may by notice require the occupier to cease using the booth until it is properly ventilated.

(3) An occupier shall comply with a notice under sub by-law (2).

PART 6 - PEST CONTROL

Division 1 - Flies

Interpretation

83. In this Division, unless the context otherwise requires -

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

Fly breeding matter not to be left on Premises unless Covered or Treated

84. 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.

Measures to be taken by an Occupier

85. An owner or occupier of premises shall ensure that -

(a) rubbish receptacles are kept clean and tightly sealed at all times except when refuse is being deposited or emptied;

(b) food scraps and uneaten pet food are wrapped tightly and deposited in a rubbish receptacle without delay;

(c) lawn clippings used on gardens as mulch are raked out thinly;

(d) fertilizers 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 100 millimetres of soil; and

(h) excrement from pets is collected and properly disposed of without delay.

Officer may give Notice directing measures to be Taken

86. 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.

Council may Execute Work and Recover Costs

87. (1) Where -

(a) a person is required under this Division or directed by a notice given under by-law 86, to execute any work; and

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

the Council 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 this By-law.

(2) The costs and expenses incurred by the Council in the execution of a power under by-law 87(1) may be recovered in a court of competent jurisdiction from the person referred to in by-law 87(1).

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in by-law 87(1) in relation to any action taken by the Council under this by-law.

Division 2 - Mosquitoes

Interpretation

88. 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.

Premises to be kept free of Mosquito Breeding Matter

89. 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.

Measures to be taken by an Owner or Occupier

90. 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 destroying 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 no larger than 1.2 millimetres.

Measures to be taken by Occupier

91. 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.

Removal of Undergrowth or Vegetation

92. (1) Where it appears to the Manager, Environmental Health Services 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 Manager, Environmental Health Services under this by-law.

Filling in Excavations etc.

93. Unless written permission to the contrary is obtained from the Council, 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.

Drains, Channels and Septic Tanks

94. 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, 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; and

(c) ensure that, when connecting the premises to the Water Authority's reticulated sewer system, -

(i) the existing septic tank system is pumped out by an approved liquid waste contractor;
(ii) the existing septic tanks have their bottoms broken to allow the seepage of water; and
(iii) the existing septic tanks, and any existing leach drains or soak wells, are filled and compacted or removed, as required by the Manager, Environmental Health Services

Drainage of Land

95. An owner or occupier of land upon which there is water liable to become a breeding place for mosquitoes shall, when required by the Council, 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.

Division 3 - Rodents

Interpretation

96. 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.

Measures to be taken to eradicate Rodents

97. (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 by-law 97(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.

Waste food etc. to be kept in rodent proof Receptacles

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

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

(b) any food intended for birds or other animals,

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

Restrictions on materials affording harbourage for Rodents

99. (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, or 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 by-law.

Eating house etc. to be cleaned after Use

100. An owner or occupier of an eating house, 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.

Restrictions on the Sale or Keeping of Rats

101. (1) Subject to by-law 101(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) By-law 101(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 Council; or

(c) a public hospital or a private hospital within the meaning of those expressions in the Hospital Act 1927.

(3) A person or body specified in by-law 101(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 by-law 97 and ensure that all reasonable steps are taken to destroy the rat.

Division 4 - Cockroaches

Interpretation

102. In this Division, unless the context otherwise requires -

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

Measures to be taken to eradicate Cockroaches

103. (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 by-law 103(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

Interpretation

104. In this Division, unless the context otherwise requires -

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

Measures to be taken to keep premises free from Argentine Ants

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

(a) immediately notify the Council 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

Interpretation

106. In this Division, unless the context otherwise requires -

"European Wasp" means a wasp *Vespula germanica*.

Measures to be taken to keep premises free from European Wasp Nest

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

(a) immediately notify the Council 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 wasp and 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 8 - Vectors of Disease

Interpretation

112. In this Division, unless the context otherwise requires -

"vectors of disease" includes -

(a) fleas (Siphonaptera);

(b) bedbugs (*Cimex lectularius*);

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

(d) body louse (P*ediculus humanus var. corporis*);

(e) head louse (*Pediculus humanus var. capitis*); and

(f) any other insect prescribed by the Council.

Responsibility of the Owner or Occupier

113. The owner or occupier of premises shall -

(a) keep the premises and any person residing in or on the premises free from any vectors of disease; and

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

PART 7 - INFECTIOUS DISEASES

Division 1 - General Provisions

Environmental Health Officer may visit, inspect and report

114. An Environmental Health Officer -

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

(b) who has reason to believe that there has been a breach of the Act, any regulation made under the Act or this By-law relating to infectious diseases, shall, as soon as possible, submit a written report on the matter to the Council.

Requirements on owner or occupier to clean, disinfect and disinfest

115. (1) The Council or the Manager, Environmental Health Services 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 sub by-law (1).

Environmental Health Officer may disinfect or disinfest premises

116. (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 Council 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 Council officer or other person to carry out the direction given under sub by-law (1).

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

(4) The Council shall not be liable to pay compensation or damages of any kind to the owner or occupier of premises in relation to any action taken by the Council or any of its staff or employees under this by-law.

Insanitary houses, premises and things

117. (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 considers that -

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

(b) any thing is insanitary,

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

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

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

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

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

Medical Officer may authorise disinfecting

118. (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 by-law.

Persons in contact with an infectious disease sufferer

119. 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.

Declaration of infected house or premises

120. (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 Manager, Environmental Health Services.

Destruction of infected animals

121. (1) The Manager, Environmental Health Services, upon being satisfied that an animal is or may be infected or is liable to be infected or to convey infection may, by notice in writing, direct that the animal be examined by a registered veterinary officer and all steps taken to enable the condition to be controlled or eradicated or the 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 which is the subject of a notice under sub by-law (1) shall comply with the terms of the notice.

Disposal of a body

122. (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 sub by-law (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.

Council may carry out work and recover costs

123. (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 Council may carry out the work or arrange for the work to be carried out by another.

(2) The costs and expenses incurred by the Council in the execution of a power under this by-law may be recovered in a court of competent jurisdiction from the person referred to in sub by-law (1)(a).

(3) The Council shall not be liable to pay compensation or damages of any kind to the person referred to in subby-law (1)(a) in relation to any action taken by the Council under this by-law.

Division 2 - Disposal of used condoms and needles

Disposal of used condoms

124. (1) An occupier of premises on or from which used condoms are produced shall ensure that the condoms are -

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

(b) disposed of in such a manner as may be directed by the Manager, Environmental Health Services.

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

Disposal of used needles

125. 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.

Division 3 - Tattooing Establishments

Interpretation

126. In this Division, unless the context otherwise requires -

"instrument" means any appliance, implement, needle or tool which may come into contact with the area of skin on which a tattooing procedure is being or is to be carried out; and

"tattooing establishment" means premises within which a procedure involving skin penetration by tattooing is or is intended to be carried on.

Health (Skin Penetration) Regulations 1987

127. A person shall not carry on the business of, or any process or procedure involved in the business of, a tattooing establishment other than in accordance with the Health (Skin Penetration) Regulations 1987.

Duties on owner or occupier

128. An owner or occupier of a tattooing establishment shall ensure that -

(a) each shelf, bench or table on which instruments, tools or utensils are or may be placed are finished with a durable, smooth and impervious material;

(b) a sufficient number of cupboards, cabinets, shelves or similar fittings, finished with durable, smooth and impervious materials are provided for the storage of clean articles;

(c) there is at all times on the premises a sufficient number of suitable receptacles -

(i) constructed of durable, smooth and impervious materials;

(ii) with tight fitting lids;

(iii) marked in permanent and prominent letters of not less than 50 millimetres in height either -

(A) "SOILED LINEN"; or

(B) "WASTE";

(d) all soiled linen, towels, clothes and cloths are deposited in, and only in, the receptacle or receptacles marked "SOILED LINEN";

(e) all hair, paper and other trade wastes are deposited in, and only in, the receptacle or receptacles marked "WASTE";

(f) one hand wash basin is provided for each customer's cubicle; and

(g) each hand wash basin is provided with an adequate supply of hot and cold water.

PART 8 - FOOD PREMISES

Division 1 - General

Interpretation

129. In this Part, unless the context otherwise requires -

"classified" means classified by an Environmental Health Officer;

"dining room" means an eating house, classified as a dining room, in which meals may either be taken away or be consumed (by not more than 20 members of the public) on the premises but does not include a restaurant or tea room;

"eating house" means any, or any part of any, land, premises or place on or in which meals are prepared for service, or are served to the public for gain or reward but does not include -

(a) premises licensed under the Liquor Licensing Act 1988 other than premises in respect of which a restaurant licence under that Act is granted;

(b) a boarding house or lodging house; or

(c) a building or other structure used temporarily for the preparation for service or service of meals to the public at any fair, show, military encampment, races, or other public sports, games or amusements;

"itinerant food vendor" means a person who travels along the road looking for customers and who sells food from his vehicle parked temporarily on the road to customers who stop him or come to him while he is so parked;

"licence" means a licence, issued by the Council under this Part, to carry on the business of an eating house or meat premises;

"meals" means any substance whether solid or liquid or partly solid and partly liquid, used or intended to be used for human consumption but does not include drugs, water, milk, ice cream, soda fountain or iced drinks commonly known as cool or soft drinks, or aerated waters;

"meat premises" means premises used or intended to be used for the manufacture, processing, preparation or packaging of meat or products containing meat;

"prescribed date" means the date fixed by by-law 133;

"proprietor", in relation to -

(a) meat premises means an owner of the meat premises or, if the owner of the meat premises is not the occupier, an occupier of the meat premises and includes a person in charge or apparently in charge of the meat premises; and

(b) an eating house, includes an owner, an occupier, and any person having the management or control of the eating house;

"registered premises" means premises which are registered as an eating house under this Part;

"restaurant" means an eating house, classified as a restaurant, in which meals are or may be either taken away or consumed on the premises by the public but does not include a dining room or tea room;

"take-away food premises" means an eating house, classified to be take-away food premises, where meals are served or prepared for service only in a state in which they may be taken away from the eating house and consumed in the state in which they are served or prepared for service but does not include -

(a) an eating house in which meals are served or consumed at tables;

(b) a tea room; or

(c) an eating house where the only meals served are confectionary;

"tea room" means an eating house, classified as a tea room where the only meals served or prepared for service are -

(a) tea, coffee and similar beverages; and

(b) food which does not require cooking on the premises.

Classification of Eating Houses

130. For the purposes of this By-law, an eating house shall be classified by an Environmental Health Officer as one of the following -

(a) a restaurant;

(b) a dining room;

(c) take-away food premises; or

(d) a tea room.

Consent required to carry out alterations

130A A proprietor of a food premises or eating house shall not make or permit to be made any structural alterations in or additions to the premises without the prior written approval of the local authority nor make or permit to be made any alteration in or addition to the premises or any furniture, fixtures, counters, bins, sinks, drain boards, grease traps, food storage containers and food preparation equipment without the prior written consent of the Manager, Environmental Health Services.

Prohibition on sleeping in food handling premises

130B A proprietor of a food premises or eating house shall not allow any room where food is prepared, stored or handled, to be used for sleeping purposes.

Division 2 - Registration and Licensing of Eating Houses, Meat Premises or Itinerant Vendors

Requirement for Registration and Licensing

131. A person shall not occupy or use or cause, suffer, or permit to be occupied or used any premises as an eating house or meat premises unless and until -

(a) the premises are registered; and

(b) each of the proprietors of the premises is licensed,

in accordance with the provisions of this Part.

Registration of an Eating House or Meat Premises

132. An application for registration of an eating house or meat premises shall be -

(a) made in the form prescribed in Schedule 1;

(b) forwarded to the Town Clerk together with -

(i) the fee prescribed in Schedule 19; and

(ii) in relation to an eating house or meat premises which is not then registered under this Part, a floor plan and specifications of the eating house or meat premises 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 number and sex of each person, including the proprietor or proprietors engaged in the preparation, manufacturer, processing, cooking or serving of meals.

Prescribed Date

133. (1) For the purpose of section 162 of the Act the prescribed date is fixed as the 30th day of June 1985.

(2) For the purpose of section 163 of the Act the 30th day of June in each year is prescribed as the date on or before which the annual application for registration of an eating house or meat premises and licence for the proprietor of an eating house or meat premises shall be made.

Certificate of Registration

134. (1) An application for the registration of an eating house or meat premises shall be determined by the Council which may approve the application, with or without conditions, or reject the application.

(2) Details of any condition of registration or exemption granted under this Part shall be entered on the certificate of registration.

(3) If Council approves, with or without conditions, an application under subby-law (1), then a certificate of registration in the form of Schedule 2 shall be prepared and signed by the Town Clerk or the Manager, Environmental Health Services as soon as practicable.

(4) Registration of an eating house or meat premises takes effect on and from the date on the certificate of registration.

Application for Licence to Conduct an Eating House or Meat Premises

135. An application for a licence to carry on the business of an eating house or meat premises shall be -

(a) made by the proprietor, or where there is more than one proprietor, by each proprietor of the eating house or meat premises or proposed eating house or meat premises;

(b) made in the form prescribed in Schedule 3; an

(c) forwarded to the Town Clerk together with the fee prescribed in Schedule 19.

Licence to Conduct an Eating House or Meat Premises

136. (1) An application for a licence to carry on the business of an eating house or meat premises shall be determined by the Council which may -

(a) approve the application, with or without conditions; or

(b) reject the application.

(2) A licence granted by the Council shall be in the form of Schedule 5, signed by the Town Clerk or the Manager, Environmental Health Services and issued upon and subject to the following conditions -

(a) the holder of a licence shall -

(i) display in the eating house or meat premises in a position visible to the general public; and

(ii) upon the request of an Environmental Health Officer produce to him or her,

the licence and the certificate of registration;

(b) if the holder of a licence changes his or her place of residence, he or she shall within 14 days notify the Town Clerk in writing of the change, and of a new place of residence; and

(c) the holder of a licence shall notify the Town Clerk in writing -

(i) prior to the commencement of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house or meat premises, giving details of the proposed works; and

(ii) of any circumstances affecting the eating house or meat premises which may result in food being, or having been, contaminated.

(3) The holder of a licence shall ensure that the number of persons accommodated, at any one time, in a room in which meals are consumed by the public shall not exceed a ratio of 1 person to each square metre of the floor area of the room.

(4) The holder of a licence shall comply with each condition to which the licence is subject.

Application for transfer of Licence

137. (1) A person may, before the expiration of a licence, apply to the Council for the transfer of the licence.

(2) An application for the transfer of a licence shall be-

(a) made in the form prescribed in Schedule 4;

(b) signed by the proposed transferee of the licence and the holder of the licence; and

(c) forwarded to the Town Clerk together with the fee prescribed in Schedule 19.

Power to Grant or Refuse an Application for Transfer

138. (1) Upon receipt of an application for the transfer of a licence, a Council may -

(a) approve, with or without conditions, the application for the transfer; or

(b) refuse the application for the transfer for any reason that constitutes a ground on which the grant of a licence may be refused.

(2) Where Council approves an application for the transfer of a licence, an endorsement to that effect, signed by the Town Clerk or the Manager, Environmental Health Services, shall be completed on the licence in accordance with the form in Schedule 5 and the transfer takes effect on and from the date of that endorsement.

(3) A person to whom a licence has been transferred under this by-law shall comply with all conditions to which the licence, as transferred, is subject.

Register of Particulars of Registration and Licence

139. The Town Clerk or Manager, Environmental Health Services shall record, in a register of eating houses and meat premises, particulars of each certificate of registration of premises registered as an eating house or meat premises and each licence issued to a proprietor.

Period of Registration and Licence

140. A certificate of registration and a licence shall, unless cancelled in the meantime in accordance with the provisions of the Act, be valid from the date of their issue until the following 30th day of June.

Itinerant Food Vendor's Licence

141. (1) An itinerant food vendor shall not offer for sale or sell food unless he or she -

(a) is the holder of an itinerant food vendor's licence issued by the Council under this by-law; 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 6; and

(c) forwarded to the Town Clerk together with the fee prescribed in Schedule 19.

(3) An application for a licence under this by-law shall be determined by the 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 by-law, a food vendor's licence -

(a) signed by the Manager, Environmental Health Services; and

(b) in the form of Schedule 7,

shall be issued by the Council.

(5) A licence issued under this by-law shall be valid until 30 June next following the date of issue of the licence by the Council.

Power to refuse and cancel registration of an eating house

142. (1) The Council may refuse registration of an eating house for any of the reasons set out in Section 165(2) of the Act or -

(a) if the premises intended to be used as an eating house are not constructed in any respect in accordance with the Health (Food Hygiene) Regulations 1993 or this By-law;

(b) in the case of an application for renewal of a previous registration, if it considers that the eating house is not being maintained, or the business of the eating house is not being conducted, in accordance with the requirements of the Health (Food Hygiene) Regulations 1993 or this By-law; or

(c) the proprietor has been convicted of an offence against the Health (Food Hygiene) Regulations 1993 or this By-law.

(2) The Council may cancel the registration of an eating house during the currency of its registration for any of the reasons set out in Section 165(3) of the Act or -

(a) if in its opinion the premises in which the eating house is established are not being maintained or the business of the eating house is not being carried on in accordance with the requirements of the Health (Food Hygiene) Regulations 1993 or this By-law; or

(b) the holder of the licence has been convicted of an offence against the Health (Food Hygiene) Regulations 1993 or this By-law.

Power to refuse and cancel licences to proprietors

143. (1) The Council may refuse to issue a licence to the proprietor of an eating house -

(a) for any of the reasons set out in Section 166(2) of the Act; or

(b) if the applicant for the licence, while previously licensed as the proprietor of an eating house, has been convicted of an offence against the Health (Food Hygiene) Regulations 1993 or this By-law.

(2) The Council may cancel the existing licence of the proprietor of an eating house -

(a) for any of the reasons set out in Section 166(3) of the Act; or

(b) if the holder of the licence has been convicted of an offence against the Health (Food Hygiene) Regulations 1993 or this By-law in respect of the eating house.

Division 3 - Restaurants

Sanitary Conveniences for Patrons

144. (1) Subject to by-law 145, a proprietor of a restaurant shall ensure that the premises have, for the use of patrons, sanitary conveniences and hand wash basins provided and maintained in accordance with -

(a) the Building Code; and

(b) the requirements imposed on an owner or occupier of premises under Division 1 of Part 2 of this By-law.

(2) Sanitary conveniences for food handling staff may be combined with sanitary conveniences for non food handling staff and patrons, except the food handling staff facilities must be segregated and locked and at no time available to non food handling staff or patrons.

Exemptions

145. (1) A proprietor -

(a) of an eating house which was registered and classified as a restaurant, dining room or tea room; or

(b) of any premises which were established, used or conducted as food premises (other than an eating house),

under this By-law prior to the prescribed date, may apply in writing to the Council for an exemption from compliance with the whole or any part of the requirements of by-law 144 of this Part.

(2) The Council may grant or refuse an application for an exemption under this by-law.

(3) An exemption granted under this by-law shall be signed by the Town Clerk or Manager, Environmental Health Services and shall state -

(a) the eating house to which the exemption applies;

(b) the requirements of by-law 144 compliance with which is exempted; and

(c) the period during which the exemption applies.

PART 9 - LODGING HOUSES

Division 1 - Registration

Interpretation

146. (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;

"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" means any, or any part of any, building or structure, permanent or otherwise, in which provision is made for lodging or boarding more than 4 persons, exclusive of the family of the keeper or manager, for hire or reward; and the term includes a night shelter, a serviced apartment and a short term hostel, but does not include -

(a) premises licensed under the Liquor Licensing Act 1988;

(b) premises used as a boarding school approved under the Education Act 1928; or

(c) any building comprising 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;

"night shelter" means a house used or intended to be used for the lodging or boarding of persons who require aid or relief;

"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; and

"**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.

(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.

Lodging House not to be kept unless registered

147. 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 Council under by-law 148;

(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 Town Clerk, 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.

Application for registration

148. An application for registration of a lodging house shall be -

(a) in the form prescribed in Schedule 8;

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

(c) accompanied by -

(i) the fee prescribed in Schedule 19; and

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

Approval of application

149. The Council may approve, with or without conditions, an application under by-law 148 by issuing to the applicant a certificate in the form of Schedule 9.

Renewal of registration

150. A person who keeps a lodging house which is registered under this Part shall -

(a) during the month of June in each year apply to the Council for the renewal of the registration of the lodging house; and

(b) pay the fee prescribed in Schedule 19 at the time of making each application for renewal.

Notification upon sale or transfer

151. 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 Town Clerk, in the form of Schedule 10 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.

Revocation of registration

152. (1) Subject to by-law 152(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 by-law 152(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 Council, 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 this By-law 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 Council, having regard to a report from the Police Department, 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 Manager, Environmental Health Services, unfit to remain registered.

(3) Before revoking the registration of a lodging house under this by-law, the Council 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

General Construction Requirements

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

Sanitary conveniences

154. (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, bath and wash basin,

in accordance with the requirements of the Building Code.

(2) A bathroom or toilet which is used as a private bathroom or toilet to the exclusion of other lodgers or residents shall not be counted for the purposes of by-law 154(1).

(3) Each bath, shower and hand wash basin shall be provided with an adequate supply of hot and cold water.

(4) The walls of each shower and bath shall be of an impervious material to 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) be apportioned to each sex;

(c) have a distinct sign displayed in a prominent position denoting the sex for which the toilet or bathroom is provided; and

(d) be provided with adequate electric lighting.

Laundry

155. (1) A keeper shall -

(a) subject to sub by-law (2), provide on the premises for the use of each 15 lodgers, a laundry in accordance with the requirements of by-law 16(2) of this By-law;

(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 Manager, Environmental Health Services may approve the provision of a reduced number of laundry units if suitable equipment of a commercial type is installed.

Kitchen

156. (1) The keeper of a lodging house shall provide in that lodging house a kitchen which -

(a) has a minimum floor area -

(i) where lodgers prepare their own meals - 0.65 square metres per person;

(ii) where meals are provided by the keeper or manager - 0.125 square metres per person; and

(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 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 wash hand basin and a double bowl sink, each provided with an adequate supply of hot and cold water; and

(e) has the walls behind each stove and cooking appliance tiled to a height of not less than 1.8 metres above the floor.

Cooking Facilities

157. (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 Manager, Environmental Health Services 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 Manager, Environmental Health Services.

(3) The keeper of a lodging house which has or has approval to have 15 or more lodgers shall provide, maintain and clean, a hood or mechanical exhaust system, in accordance with the Health (Food Hygiene) Regulations 1993, over each stove, oven and cooking appliance.

Dining Room

158. 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; and

(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.

Lounge Room

159. The keeper of a lodging house shall provide in that lodging house a lounge room -

(a) with a floor area -

(i) where the lounge is not combined with the dining room - not less than 0.6 square metres per person;

(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.

Fire prevention and control

160. 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 shall be approved by the Manager, Environmental Health Services; 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;

(d) provide fire-extinguishing appliances of the number and pattern, and situated in such a position as the local authority may direct;

(e) ensure all buildings are fitted fire protection equipment as advised by the Western Australian Fire Brigades Board and approved by the Local Authority; and

(f) ensure all fire fighting equipment and fire detection and alarm systems are adequately maintained at all times in such a condition as will enable their proper performance.

Obstruction of passages and stairways

161. 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.

Fitting of locks

162. 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.

Restriction on use of rooms for sleeping

163. (1) Subject to sub by-law (3) and by-law 178, 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, 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 Manager, Environmental Health Services.

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

(3) Paragraphs (a), (b) and (c) of subby-law (1) shall not apply to a serviced apartment.

Sleeping Accommodation Short Term Hostel

164. A keeper of a short term hostel shall provide -

(1) 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 (1) above 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 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 (1) will only apply if there is ventilation, separation distances, fire egress and other safety requirements in accordance with the Building Code of Australia.

(5) The keeper of any short term hostel 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 authorities approval.

(6) The keeper of any short term hostel shall provide:

(a) beds with a minimum size of 800 millimetres x 1.9 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 shall:

(a) arrange at all times a distance of 750 millimetres between beds and a distance of 900 millimetres between bunks;

(b) where bed or bunk heads are placed against the wall on either side of a dormitory, there shall be 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 shall ensure that:

(a) materials used in dormitory areas must 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; and

(ii) certified by the manufacturer to retain its fire retardancy effect after a minimum of 5 commercial dry cleaning or laundering operations carried out in accordance with AS 2001.5.4-1987, 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) all buildings are fitted with fire protection equipment as advised by the Western Australian Fire Brigades Board and approved by the local authority;

(c) emergency lighting is provided in accordance with the Building Code of Australia;

(d) no person shall smoke in any dormitory, kitchen, or dining room, within a short term hostel. The keeper may permit smoking in a meeting or assembly hall area, within a short term hostel;

(e) the keeper of any short term hostel shall ensure all mattresses are fitted with a mattress protector.

Furnishing etc. of sleeping apartments

165. (1) A keeper shall -

(a) furnish each sleeping apartment with a sufficient number of beds and sufficient bedding of good quality;

(b) ensure that each bed -

(i) has a bed head, mattress and pillow; and

(ii) is provided with a pillow case, 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; and

(c) furnish each bedroom so that there are adequate storage facilities for belongings within the room.

(2) A keeper shall not cause, suffer or permit any tiered beds or bunks to be used in a sleeping apartment other than in a lodging house used exclusively as a short term hostel.

Ventilation

166. (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 sub by-law (1) within such time as directed.

Numbers to be placed on Doors

167. (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 sub by-law (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

Keeper or manager to reside in the lodging house

168. A keeper or manager shall -

(a) reside continuously in the lodging house; and

(b) not be absent from the lodging house for more than 48 consecutive hours unless he or she arranges for a reputable person to have the care and management of the lodging house.

Register of lodgers

169. (1) A keeper shall keep a register of lodgers in the form of Schedule 11.

(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 Force or by an Environmental Health Officer.

Keeper report

170. A keeper shall, whenever required by the Council, report to the Council, in the form of Schedule 12, the name of each lodger who lodged in the lodging house during the preceding day or night.

Certificate in respect of sleeping accommodation

171. (1) Manager, Environmental Health Services may issue to a keeper a certificate, in respect of each room, which shall be in the form of Schedule 13 or 14.

(2) The certificate issued under sub by-law (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 Manager, Environmental Health Services, a keeper shall exhibit the certificate issued under this by-law 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 by-law to occupy the room to which it refers.

Duplicate keys and inspection

172. 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.

Room occupancy

173. (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 Council or the Medical Officer has forbidden to be used as a sleeping apartment.

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

Infectious disease

174. A keeper shall -

(a) immediately after becoming aware that a lodger or resident is suffering from an infectious disease -

(i) effectively isolate that person and arrange for his or her removal to a hospital;

(ii) provide, for the use of that person, separate crockery, cutlery and other eating utensils;

(iii) ensure that, immediately after use, the crockery, cutlery and other eating utensils are properly disinfected;

(iv) effectively isolate and, without delay, properly and adequately disinfect all bedding, linen, blankets, towels and other articles which have been used by, or come into contact with, a person suffering from an infectious disease;

(b) immediately after the vacating of a room which has been occupied by a person suffering from an infectious disease properly and adequately disinfect the room; and

(c) comply at all times with any direction given by the Medical Officer or an Environmental Health Officer.

Maintenance of a room by a lodger or resident

175. (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 by-law 175(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.

Cleaning and maintenance requirements

176. (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) ensure that the laundry floor is cleaned daily;

(e) ensure that -

(i) all bed linen, towels, and house linen in use is washed at least once a week;

(ii) within a reasonable time of a bed having been vacated by a lodger or resident, the bed linen is removed and washed;

(iii) a person does not occupy a bed which has been used by another person unless the bed has been provided with clean bed linen;

(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, that immediate effective action is taken to eradicate the vectors of disease; and

(vi) a room which is not free from vectors of disease and insects is not used as a sleeping apartment;

(f) when so directed by the Manager, Environmental Health Services, 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 Manager, Environmental Health Services or an Environmental Health Officer.

(2) In this by-law -

"bed linen" includes sheets and pillow cases.

Responsibilities of lodgers and residents

177. A lodger or resident shall not -

(a) use any room available to lodgers -

(i) as a shop, store or factory; or

(ii) for manufacturing or trading services;

(b) keep or store in or on the lodging house any goods or materials which are inflammable, obnoxious or offensive;

(c) use a bath or wash hand basin other than for ablutionary purposes;

(d) use a bathroom facility or fitting for laundry purposes;

(e) use a sink installed in a kitchen or scullery 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 by-law 178 -

(i) keep, store, prepare or cook food in any sleeping apartment; or

(ii) unless sick or invalid and unable to leave a sleeping apartment for that reason, use a sleeping apartment for dining purposes;

(i) place or keep, in any part of a lodging house, any luggage, clothing, bedding, or furniture that is infested with vectors of disease;

(j) store or keep such a quantity of furniture, 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.

Approval for storage of food

178. (1) The Manager, Environmental Health Services 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 10 - OFFENSIVE TRADES

Division 1 - General

Interpretation

179. 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 Certificate of Registration;

"offensive trade" means any one or more of the trades, businesses or occupations usually carried on in, or connected with, the following works or establishments -

(a) fish processing premises, fish curing and shellfish and crustacean processing establsihments;
(b) laundries, dry cleaning premises and dye works;
(c) any trade defined or declared to be offensive by section 186 of the Act; and
(d) any other trade that, unless preventive measures are adopted, may become a nuisance to the health of the inhabitants of the district; and

"premises" includes houses.

Consent to Offensive Trade

180. (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 by-law 181; and

(b) lodge with the Town Clerk an application in the form of Schedule 16.

(2) A person who makes a false statement in an application under this by-law shall be guilty of an offence.

Notice of Application

181. A notice required under by-law 180(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 newspaper circulating within the district at least two weeks but not more than one month before the application under by-law 180(1)(b) is lodged with the Town Clerk.

Registration of Premises

182. An application for the registration of premises pursuant to section 191 of the Act shall be -

(a) in the form of Schedule 17;

(b) accompanied by the fee prescribed in the Offensive Trade (Fees) Regulations 1976; and

(c) lodged with the Town Clerk.

Certificate of Registration

183. Upon the registration of premises for the carrying on of an offensive trade, the Council shall issue to the applicant a certificate in the form of Schedule 18.

Change of Occupier

184. Where there is a change of occupier of the premises registered pursuant to this Division, the new occupier shall forthwith notify the Town Clerk in writing of such change.

Alterations to Premises

185. 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.

Occupier Includes Employee

186. Where in any by-law 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 were the occupier.

Division 2 - General Duties of an Occupier

Interpretation

187. 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 offensive trade is carried on; and

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

Cleanliness

188. The occupier shall -

(a) keep or cause to be kept in a clean and sanitary condition and in a state of good repair the floors, walls and ceilings and all other portions of the premises;

(b) keep or cause to be kept in a clean and sanitary condition and in a state of good repair all fittings, fixtures, appliances, machinery, implements, shelves, counters, tables, benches, bins, cabinets, sinks, drain boards, drains, grease traps, tubs, vessels and other things used on or in connection with the premises;

(c) keep the premises free from any unwholesome or offensive odour arising from the premises;

(d) maintain in a clean and tidy condition all yards, footpaths, passage ways, paved areas stores or outbuildings used in connection with the premises; and

(e) clean daily and at all times keep and maintain all sanitary conveniences and all sanitary fittings and grease traps on the premises in a clean and sanitary condition.

Rats and Vermin

189. The occupier shall -

(a) ensure that the premises are kept free from rodents, cockroaches, flies, insects and vermin; and

(b) provide in and on the premises all effective means and methods for the eradication and prevention of rodents, cockroaches, flies, insects and vermin.

Sanitary Conveniences and Wash Basins

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

Painting of Walls etc.

191. 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.

Effluvia, Vapours or Gases

192. 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.

Offensive Material

193. The occupier shall -

(a) provide on the premises impervious receptacles with airÄtight covers of sufficient capacity to receive all offensive material and trade refuse produced upon the premises in any one day;

(b) keep the 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 and at such more frequent intervals as may be directed by the Manager, Environmental Health Services or whenever so directed by a Environmental Health Officer; and

(e) cause all receptacles after being emptied to be cleaned immediately with an efficient disinfectant.

Storage of Materials

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

Specified Offensive Trades

195. (1) For the purposes of this by-law, "specified offensive trade" means one or more of the offensive trades carried on in or connected with the following works or premises -

(a) fish processing premises, fish curing premises and shellfish and crustacean processing establishments; and

(b) laundries, dry cleaning premises and dye works.

(2) Where premises are used for or in relation to a specified offensive trade, the occupier shall -

(a) cause the floor of the premises to -

(i) be properly paved and drained with impervious materials;

(ii) have a smooth surface; and

(iii) have a fall to a bucket trap or spoon drain in such a way that all liquids falling on the floor shall be conducted by the trap or drain to a drain inlet situated inside the building where the floor is situated; and

(b) cause the angles formed by the walls with any other wall, and by the wall with the floor, to be coved to a radius of not less than 9.5 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 Board By-laws 1981 before being discharged into any drain outlet from any part of the premises; and

(ii) directed through such screening or purifying treatment as the Manager, Environmental Health Services may from time to time direct.

Directions

196. (1) The Manager, Environmental Health Services 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 by-law.

Other Duties of Occupier

197. 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 by him.

Division 4 - Fish Premises

Interpretation

202. In this Division, unless the context otherwise requires -

"appliance" includes a utensil, an instrument, a cover, a container or apparatus;

"fish" means fresh fish, frozen fish, chilled fish and cooked fish, whether cleaned, uncleaned or part cleaned and includes crustaceans and molluscs, but does not include -

(a) fish which has been cured, preserved, hermetically canned or treated to prevent putrefaction; or

(b) cleaned fish supplied in cartons or packets by a packer and sold in such cartons or packets if they are at all times kept in a deep freeze refrigeration unit at a temperature not exceeding minus 15 degrees Celsius;

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

"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.

Fish Preparation Room

204. (1) The occupier of a fish premises which requires a fish preparation room shall ensure that this room complies with the following requirements-

(a) the walls shall be smooth, durable, resistant to corrosion, non-toxic, impervious to water, non-absorbent and be free of any cracks, crevices and other defects;

(b) the floor shall be smooth to facilitate cleaning, rigid, durable, slip resistant, resistant to corrosion, non-toxic, impervious to water and free from cracks, crevices and other defects;

(c) the minimum floor area shall be 9 square metres;

(d) the room shall be furnished with a double bowl stainless steel wash trough of adequate size to accommodate the equipment and utensils used on the premises, connected to a piped supply of hot and cold water;

(e) the room shall be flyproofed and provided with ample light and ventilation.

(2) The occupier shall ensure that all fish are prepared in the fish preparation room and that room is used solely for that purpose."

Bench

206. The occupier of a fish premises shall provide and maintain on the premises a separate stainless steel bench for the handling of fish.

Disposal of Waste

207. The occupier of a fish premises shall cause all offal and wastes, all rejected and unsaleable fish and any rubbish or refuse which is likely to be offensive or a nuisance to be -

(a) placed in the receptacles referred to in by-law 193 and disposed of in accordance with that by-law; or

(b) kept in a frozen state in an approved enclosure before its removal from the premises.

Fish Containers

208. The occupier of a fish premises shall not allow any box, basket or other container used for the transport of fish to -

(a) remain on the premises longer than is necessary for it to be emptied; or

(b) be kept so as to cause a nuisance or to attract flies.

Cooking of Fish

209. Where cooking of fish is carried out in fish premises, 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.

Storage

211. The occupier of a fish premises shall keep all fish -

(a) in refrigerated enclosures at or below 5 degrees Celsius covered by glass or other approved material so that the fish is adequately protected from exposure to such things as handling, smoking, flies, dust and human breath; and

(b) in containers separate from every other kind of food unless such food is in hermetically sealed cans or bottles.

Hygiene

212. After having handled fish a person shall wash his hands before handling any other kind of food intended for sale.

Use of an Approved Portable Box

213. The Manager, Environmental Health Services may permit an approved portable box to be used for the transport or storage of fish.

Fish Transport Vehicle

214. 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 non-toxic 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 9.5 millimetre radius,

but, if all necessary floor joints are effectively sealed, the surface of the floor, or part of it, may be of an approved tread type track material;

(c) internal horizontal joints made between metal sheeting are lapped from top to bottom and either -

(i) continuously welded; or

(ii) lapped with a minimum of 40 millimetres cover secured with blind rivets and sealed with a non-toxic 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 by-law, 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 non-toxic plastic; and

(h) the vehicle is in good repair and condition and is thoroughly clean.

Cleanliness

215. A person shall not -

(a) use any fish transport vehicle for the transport or storage of offensive matter, live animals, or anything likely to contaminate food;

(b) permit a portable box or any container used for the transport or storage of fish to be stacked in a manner which may contaminate any other fish;

(c) use as a loading ramp the door of any fish transport vehicle;

(d) place a loading ramp, or any other device for facilitating loading within a compartment of a fish transport vehicle in which fish is transported or carried or permit such a ramp or device to form portion of the internal part of such a vehicle; or

(e) while in charge of a fish transport vehicle containing any fish permit the doors or screens of the vehicle to be open or unfastened unless the vehicle is being loaded or unloaded.

Prohibitions

216. A person shall not -

(a) load or unload any fish onto or from a fish transport vehicle or handle any fish in the course of delivery unless he starts each day on such work wearing a clean coat or protective clothing, the sleeves of which extend at least to the elbows;

(b) smoke in, or in any part of, a fish transport vehicle; or

(c) handle fish while wearing an unclean or medicated bandage or while suffering from a suppurating wound or sore or any other condition likely to contaminate the fish.

Division 4 - Laundries, Dry Cleaning Establishments And Dye Works

Interpretation

223. 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 full cycle and fully enclosed basis;

"dye works" means a place where articles are commerically dyed;

"exempt laundry" means a laundry in respect of which Council has certified in writing to be exempt from the provisions of this Part;

"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 laundry or a laundromat.

Receiving Depot

224. 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 Manager, Environmental Health Services who may at any time by written notice withdraw such permission.

Reception Room

225. (1) The occupier of a 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 by-law.

Walls and Floors

226. 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, 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.

Laundry Floor

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

Escape of Dust

228. 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.

Precautions Against Combustion

229. 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.

Trolleys

230. 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.

Sleeping on Premises

231. A person shall not use or permit any room in a laundry, dry cleaning establishment or dye works to be used for sleeping purposes.

PART 11 - OFFENCES AND PENALTIES

Penalties other than Part 8

242. (1) A person who contravenes or fail to complies with a provision of this By-law, other than a provision of Part 8, commits an offence.

(2) A person who commits an offence under subby-law (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.

Penalties for Part 8

243. (1) A person who contravenes or fail to complies with a provision of Part 8 of this By-law commits an offence.

(2) A person who commits an offence under subby-law (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, $1,250; and

(b) if the offence is a continuing offence, a daily penalty which is not more than $250 and not less than $125.

Schedule 1

City of Mandurah

Health Act 1911

**APPLICATION FOR REGISTRATION OF AN EATING HOUSE *
A MEAT PREMISES ***

To: Chief Executive/Town Clerk
City of Mandurah

I .....
(full name in block letters)

of .....
(full residential address)

Telephone (Private) .....

apply for registration of the premises described below as a

* Restaurant
* Dining Room
* Take-away food premises
* Tea room
* Meat premises

Accompanying this application are plans and specifications of the proposed premises and the fee prescribed by these By-laws.

Address of premises: .....

.....

Name of premises .....

.....

Telephone (Business) .....

Dated this ..... day of ..... 19...

.....
(Signature of Applicant)

* **Delete whichever is not applicable**

Fee payable for ANNUAL registration of an Eating House is .....

Schedule 2

City of Mandurah

Health Act 1911

**CERTIFICATE OF REGISTRATION OF AN EATING HOUSE *
A MEAT PREMISES ***

This is to certify that the following premises is registered as a *Restaurant, *Dining Room, *Take-away food premises, *Tea room, *Meat premises from the .....day of ..... 19 .....

until the 30th day of June 19 ....., unless this certificate is previously cancelled.

Address of premises: .....

.....

Name of premises: .....

.....

This certificate is issued subject to the Health Act 1911 and the City of Mandurah Health By-laws.

Dated this ..... day of ..... 19 .....

.....
Town Clerk or Manager, Environmental HealthServices
City of Mandurah

CONDITIONS

The maximum number of persons that may be accommodated on the premises at any one time is ..... #

.....

.....

*** Delete whichever is not applicable**
 # Insert the number of patrons permitted

Schedule 3

City of Mandurah

Health Act 1911

APPLICATION FOR A LICENCE TO CONDUCT AN EATING HOUSE * A MEAT PREMISES *

To: Chief Executive/Town Clerk
City of Mandurah

I
.....
(full name in block letters)

of .....
(full residential address)

Telephone (Private) .....

being *the proprietor/*one of the proprietors of the following *eating house,

meat premises/*proposed eating house, meat premises -

Address of premises: .....

.....

Name of premises: .....

.....

Telephone (Business) .....

being a business name which has/has not* been registered at the Corporate Affairs Department of Western Australia, apply for a licence to carry on the business of an eating house or meat premises classified as a -

* Restaurant
* Dining Room
* TakeÄaway food premises
* Tea room
* Meat premises

Dated this ..... day of ..... 19...

.....
(Signature of Applicant)

* **Delete whichever is not applicable**

Schedule 4

City of Mandurah

Health Act 1911

APPLICATION FOR TRANSFER OF A LICENCE TO CONDUCT AN EATING HOUSE*, MEAT PREMISE*

To: Chief Executive/Town Clerk
City of Mandurah

I
.....
(full name in block letters)

of.....
(full residential address)

Telephone (Private) .....

apply for transfer of the licence to conduct an *eating house, *meat premises in respect of premises known as

.....

and situated at .....

.....

The licence was issued to .....

.....
(full name of current licence holder)

of .....

.....
(full residential address)

by the City of Mandurah on the ..... day of .....19 ....., and is attached with this application and dated the .....day of ..... 19 .....

.....
(Signature of Applicant)

I consent to the transfer of the above licence to conduct an *eating house, *meat premises.

.....
(Signature of Licence Holder)

*** Delete whichever is not applicable.**

Schedule 5

City of Mandurah

Health Act 1911

**LICENCE TO CONDUCT AN EATING HOUSE *
A MEAT PREMISES ***

This is to certify that .....

.....

of .....

is licensed to carry on the business of a *Restaurant, *Dining room, *Take-away food premises, * Tea room, *Meat premises on the following premises from the ..... day of ..... 19 ..... until the 30th day of June, 19 ....., unless this licence is earlier cancelled.

Address of premises: .....

.....

Name of premises: .....

.....

Dated this ..... day of ..... 19.....

.....
Manager, Environmental Health Services
City of Mandurah

* **Delete whichever is not applicable**

This licence is issued upon and subject to the following conditions -

(a) the holder of a licence shall -

(i) display in the eating house or meat premises in a position visible to the general public; and

(ii) upon the request of an Environmental Health Officer produce to him or her,

the licence and the certificate of registration;

(b) if the holder of a licence changes his or her place of residence, he or she shall within 14 days notify the Town Clerk in writing of the change, and of a new place, of residence; and

(c) the holder of a licence shall notify the Town Clerk in writing -

(i) prior to the commencement of any alteration, addition or other work relating to the construction, drainage or ventilation of the eating house or meat premises, giving details of the proposed works; and

(ii) of any circumstances affecting the eating house or meat premises which may result in food been, or having been, contaminated.

TRANSFER ENDORSEMENT

This licence is hereby transferred to .....

.....

of .....

from and including the date of this endorsement.

Dated the ..... day of ..... 19 .....

.....
Manager, Environmental Health Services
City of Mandurah

Schedule 6

City of Mandurah

Health Act 1911

APPLICATION FOR LICENCE AS ITINERANT FOOD VENDOR

To: Chief Executive/Town Clerk
City of Mandurah

Name (In Full) of Applicant: .....

.....

Place of Residence: .....

.....

Place where Vehicle, Food and Trade Utensils are Stored:

.....

.....

Details of Vehicle or Means of Carriage: .....

.....

Dated this ..... day of ..... 19.....

.....
(Signature of Applicant)

Telephone: .....

Schedule 7

City of Mandurah

Health Act 1911

LICENCE AS 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 Mandurah.

This licence expires on the 30th day of June following the date of issue, unless this licence is previously cancelled.

Date of issue: ..... 19.....

.....
Manager, Environmental Health Services
City of Mandurah

Schedule 8

City of Mandurah

Health Act 1911

APPLICATION FOR REGISTRATION OF A LODGING HOUSE

To: Chief Executive/Town Clerk
City of Mandurah

I/We, ...
(Full name of Applicant/s)

of .....

.....
(Residential Address of Applicant/s)

Telephone (Private) .....

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 night shelter; 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

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

Sanitary Conveniences for male lodgers

Toilets	.....
Urinals	.....
Baths	.....
Showers	.....
Wash hand basins	.....

Sanitary Conveniences for female lodgers

Toilets	.....
Baths	.....
Showers	.....
Wash hand basins	.....

Laundry Facilities

Coppers	.....
Washtroughs	.....
Washing machines	.....
Drying cabinets or clothes lines	.....

Additional Details

(a) Lodgers' meals will be provided by the manager/keeper/lodgers.

(b) The keeper will/will not reside continuously on the premises/

(c) Name and occupation of proposed manager if keeper resides elsewhere - .....

(d) There will be ..... family members residing on the premises with the keeper/manager.

Application fee of $..... is attached.

_____
(Signature of Applicant/s)

_____
(Date)

Schedule 9

City of Mandurah

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 night shelter

until 30 June 19 ....., on the following conditions:

1. That ....., whose name is entered on the register of keepers of the City of Mandurah, 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 total 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 or registration is issued subject to the Health Act and Health By-law of the City of Mandurah and is not transferable.

Dated ..... 19.....

.....
Manager, Environmental Health Services
City of Mandurah

Fee received: $.....

Schedule 10

City of Mandurah

Health Act 1911

NOTICE OF CHANGE OF OWNER OF A LODGING HOUSE

To: Chief Executive/Town clerk
City of Mandurah

I/We, ...
(Full Name of Applicant/s)

of .....

.....
(Residential Address of Applicant/s)

Telephone (Private) .....

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 11

City of Mandurah

Health Act 1911

(Section 157)

REGISTER OF LODGERS

Location of Lodging House: .....

.....

Date of Arrival	Name	Previous Address	Signature	Room No.	Date of Departure

Schedule 12

City of Mandurah

Health Act 1911

LIST OF LODGERS

The Chief Executive/Town Clerk
Mandurah

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

at .....

on the ..... day of ..... 19.....

(Signed).....
(Keeper)

Date: .....

Schedule 13

City of Mandurah

Health Act 1911

CERTIFICATE OF SLEEPING ACCOMMODATION FOR A LODGING HOUSE

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 listed below.

ROOM NUMBER MAXIMUM OCCUPANCY

Date .....

.....
Manager
Environmental Health Services

Schedule 14

City of Mandurah

Health Act 1911

APPLICATION FOR LICENCE OF A MORGUE

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 ..... 19.....

.....
(Signature of Applicant)

Schedule 15

City of Mandurah

Health Act 1911

CERTIFICATE OF LICENCE OF A MORGUE

This is to certify the following premises is licensed as a Morgue from the .....day of ..... 19..... until 30th day of June 19.....

Address of premises: .....

.....

Name of premises: .....

Dated this ..... day of ..... 19...

.....
Manager, Environmental Health Services
City of Mandurah

Schedule 16

City of Mandurah

Health Act 1911

APPLICATION FOR CONSENT TO ESTABLISH AN OFFENSIVE TRADE

To: Chief Executive/Town Clerk
City of Mandurah

I/We, ...
(Full Name of Applicant/s)

of .....

.....
(Residential Address of Applicant/s)

Telephone (Private) .....

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 .....

.....
(Name of Newspaper)

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.

Copy of advertisement also attached.

_____
(Signature of Applicants/s)

_____
(Date)

Schedule 17

City of Mandurah

Health Act 1911

APPLICATION FOR REGISTRATION OF PREMISES

FOR OFFENSIVE TRADE

To: Chief Executive/Town Clerk
City of Mandurah

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 Applicants/s)

_____
(Date)

Schedule 18

City of Mandurah

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, are registered for the carrying on of the trade of .....

.....

Trade Name.....

This registration expires on the .....19.....

Dated this ..... day of .....19.....

.....
Manager, Environmental Health Services
City of Mandurah

SCHEDULE 19

City of Mandurah

Health Act 1911

PRESCRIBED FEES

Schedule	Description	Prescribed Fee
2	Registration of an Eating House	
	Tea Rooms	$135.00
	Takeaway Food Premises	$200.00
	Dining Rooms	$200.00
	Restaurants with seating for less than 30 persons	$200.00
	Restaurants with seating for more than 30 persons.	$270.00
5	Licence to Conduct an Eating House	$30.00
6	Licence as Itinerant Vendor	$270.00
7	Transfer Licence to Conduct Eating House	$30.00
9	Registration of Lodging House	
	Maximum number of lodgers is 15	$70.00
	Number of lodgers exceeds 15, but is no greater than 25.	$140.00
	Maximum number of lodgers exceeds 25.	$180.00
15	Licence of a Morgue	$80.00
18	Registration of Offensive Trade	As per regulation
19	Licence of a Liquid Waste Contractor	$20.00

Schedule 20

City of Mandurah

Health Act 1911

APPLICATION FOR LICENCE TO DUMP LIQUID WASTE AT TIMS THICKET SEPTAGE SITE

To: Chief Executive/Town Clerk
City of Mandurah

Applicant's Name .....

Applicants Address.....

.....

Company Name: .....

Truck Registration Number .....

Contact Phone Number Home .....

Mobile .....

Truck Capacity (kl) .....

I confirm that I understand the types of waste that will be accepted into the Tim's Thicket septage site, and agree to pay all gazetted fees and charges applicable to the dumping of the waste at the site, and that the fees are liable to change at Council's discretion. I understand that should any conditions associated with the issue of the licence not be met, then the City of Mandurah reserves the right to revoke any licence issued.

I confirm that should any of the above details change, that I will advise the City of Mandurah within seven days of those changes occurring so that my licence may remain valid.

Attached is a cheque/money order for $20.00, payable to City of Mandurah, being application fee for the above licence.

Signed: _____ Date: _____

Name: _____
(Please print)

Passed by resolution at a meeting of the Council of the City of Mandurah held on 12th day of December 1995.

The Common Seal of the City of Mandurah was hereunto affixed on the 26 April 1996 in the presence of:-

_____
K. Holmes, Mayor

_____
S. Goode
Chief Executive Officer/Town Clerk

Confirmed:- _____
EXECUTIVE DIRECTOR
PUBLIC HEALTH

Approved by His Excellency the Governor in Executive Council

on this day of 1996.

_____ **CLERK OF THE COUNCIL**

LOCAL LAW

CITY OF MANDURAH

CITY OF MANDURAH

STANDING ORDERS LOCAL LAW 2016

(Government Gazette No. 37, 9 February 2017)

Document Set ID: 3400916
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LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

STANDING ORDERS LOCAL LAW 2016

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LOCAL GOVERNMENT ACT 1995

CITY OF MANDURAH

STANDING ORDERS LOCAL LAW 2016

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Mandurah resolved on 24 January 2017 to make the following local law.

PART 1 PRELIMINARY

1.1 Citation

This Local Law may be cited as the *City of Mandurah Standing Orders Local Law 2016.*

1.2 Definitions

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

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

"CEO" means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the City of Mandurah;

"Committee" means any Committee or Sub-Committee appointed in accordance with the Act;

"committee member" means an Elected Member and/or any other person serving on a Committee;

"Council" means the Council of the City of Mandurah;

"District" means the district of the City of Mandurah;

"Elected Member" means a person who holds the office of Mayor or Councillor on the Council;

"meeting room" means the room in which a Committee or Council meeting is being conducted*;*

"officer" means an employed member of the staff of the City of Mandurah;

"presiding member" means the person presiding at the meeting of the Council or a Committee, as prescribed by the Act;

"Regulations" means the *Local Government (Administration) Regulations 1996*;

"simple majority" is more than 50% of the members present and voting; and

"substantive motion" means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

(2) Unless otherwise defined herein the terms and expressions used in this local law are to have the meaning given to them in the Act and Regulations.

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1.3 Repeal

The *City of Mandurah Standing Orders Local Law 2008* published in the *Government Gazette* on 19 March 2009 are repealed.

1.4 Application

All meetings of the Council or a Committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and this local law.

1.5 Commencement

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

1.6 Intent

This local law is intended to result in –

(a) better decision making by the Council;

(b) orderly conduct of meetings dealing with Council business;

(c) community understanding of the process of conducting meetings dealing with Council business; and

(d) more efficient and effective use of time at meetings.

1.7 *Local Government (Rules of Conduct) Regulations 2007*

To the extent that this local law is inconsistent with the *Local Government (Rules of Conduct) Regulations 2007,* the *Local Government (Rules of Conduct) Regulations* 2007 prevail to the extent of that inconsistency.

1.8 Reference to Time

Any reference to time in this local law means western standard time or western daylight time if western daylight time is enforced on that day in the state of Western Australia.

PART 2 CALLING MEETINGS

2.1 Calling Committee Meetings

A meeting of a Committee is to be held –

(a) if called for in a verbal or written request to the CEO by the presiding member of the Committee, setting out the date and purpose of the proposed meeting;

(b) if called for by at least 1/3 of the committee members in a notice to the CEO, setting out the date and purpose of the proposed meeting; or

(c) if so decided by the Committee or the Council.

2.2 Notice of Special Council Meetings

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(1) Subject to subclause 2.2(2), the CEO is to convene a special meeting of the Council by giving each Elected Member at least 72 hours' notice of the date, time, place and purpose of the meeting.

(2) Where there is a need to meet urgently, in the opinion of the Mayor, the CEO may give a lesser period of notice of a special meeting than mentioned in subclause 2.2(1).

2.3 Notice of Ordinary and Special Committee Meetings

(1) The CEO is to convene an ordinary meeting of a Committee pursuant to clause 2.1 by giving each committee member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.

(2) The CEO is to convene a special meeting of a Committee by giving each committee member at least 72 hours' notice of the date, time, place and purpose of the meeting.

(3) The CEO is to give notice of meetings referred to in subclauses 2.3(1) and 2.3(2) to every Elected Member.

PART 3 BUSINESS OF THE MEETING

3.1 Business to be Specified on Notice Paper

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or a decision of the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) No business is to be transacted at a Committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the presiding member or a decision of the Committee.

(4) No business is to be transacted at an adjourned meeting of the Council or a Committee other than that –

(a) specified in the notice of the meeting which had been adjourned; and

(b) which remains unresolved;

except in the case of an adjournment to the next ordinary meeting of the Council or the Committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 Order of Business

(1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows –

(a) Opening and Announcement of Visitors

(b) Welcome to Country

(c) Attendance and Apologies

(d) Answers to Questions Which Were Taken on Notice

(e) Public Question Time

(f) (Public Statement Time

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(g) Leave of Absence

(h) Petitions, Presentations and Deputations

(i) Petitions

(ii) Presentations

(iii) Deputations

(i) Confirmation of Minutes

(j) Announcements by the Presiding Member without Discussion

(k) Declarations of Interest (Financial, Proximity, Impartiality – both real and perceived)

(l) Elected Members' Questions of Which Due Notice Has Been Given Without Discussion

(m) Elected Members' Questions of Which Notice Has Not Been Given Without Discussion

(n) (Any Business Left Over From Previous Meeting

(o) Recommendations of Committees

(p) Adoption of Recommendations Contained in Items Withdrawn

(q) Reports

(r) Motions of Which Previous Notice Has Been Given

(s) Notice of Motions For Consideration at the Following Meeting if Given During the Meeting

(t) Late and Urgent Business

(u) Confidential Items

(v) Close of Meeting

(2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a Committee meeting is to be the order in which that business stands in the agenda of the meeting.

(3) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or Committee meeting in an appropriate place within the order of business any matter which must be decided, or which the CEO considers is appropriately decided, by that meeting.

3.3 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) A question may be taken on notice by the Council or Committee for later response.

(3) When a question is taken on notice under subclause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or Committee as the case requires.

(4) Questions asked by members of the public and answers -

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(a) are to be brief and concise; and

(b) are not to be accompanied by:

(i) any argument, expression of opinion or statement of facts, except so far as may be necessary to explain the question or answer; or

(ii) any statement reflecting adversely on the integrity of any member, officer or other party; or

(iii) any discussion.

3.4 Public Statement Time

(1) Any person or group wishing to be received as a public statement by the Council at an ordinary meeting of the Council shall send to the CEO an application setting out the subject matter, which must be a matter concerning local government, for their statement in sufficient detail to enable a general understanding of the purpose of the statement.

(2) Where the CEO receives the request in terms of the preceding clause the CEO shall refer it to the presiding member.

(3) Public statements shall not -

(a) involve any language considered offensive by the presiding member;

(b) contain any statement reflecting adversely on the integrity of any elected member, officer; or

(c) exceed 2 minutes.

(4) The Presiding member may determine that a statement is out of order where the statement

(a) is the same or similar in content to a statement made at a previous meeting;

(b) a response was provided or council action was taken; and

(c) the person is directed to the minutes of the meeting at which the response was provided or the action was determined.

3.5 Petitions

(1) A petition in the form prescribed by the Act and *Local Government (Constitution) Regulations 1998* for –

(a) a proposal to change the method of filling the office of Mayor;

(b) a submission about changes to wards, the name of a district or ward or the number of councillors for a district or ward,

in order to be effective, is to –

(i) be a formal written request;

(ii) be signed by not less than three people;

(iii) be addressed to the Mayor;

(iv) be made by electors of the district;

(v) state the request on each page of the petition;

(vi) contain the names, addresses and signatures of the electors of the City making the request, and the date each elector signed;

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(vii) contain a summary of the reasons for the request; and

(viii) state the name of the person upon whom, and an address at which, notice to the petitioners can be given.

(2) Any other petition, in order to be effective, is to –

(a) be a formal written request;

(b) be signed by not less than three people;

(c) state the request on each page of the petition;

(d) contain the names, addresses and signatures of persons making the request, and the date each person signed;

(e) contain a summary of the reasons for the request; and

(f) state the name of the person upon whom, and an address at which, notice to the petitioners can be given.

(3) The only question which shall be considered by the Council on the presentation of any petition shall be (a Motion to the effect) that the petition be received and forwarded to officers for further action.

3.6 Presentations and Announcements

(1) At any meeting of Council or Committee the presiding member may announce or raise any matter of interest or relevance to the Council or the Committee as the case may be.

(2) The presiding member may allow in his or her absolute discretion a presentation or announcement to the Council or Committee by an Elected Member.

(3) Any external organisation wishing to make a presentation to the Council or a Committee meeting shall send to the CEO a written request, setting out the subject matter (which must be a matter concerning local government) in sufficient detail to enable a general understanding of the purpose and benefits of the presentation.

(4) Where the CEO receives the request in terms of the preceding clause, the CEO may refer it to the presiding member.

(5) Any presentation from an external organisation shall not exceed 10 minutes.

3.7 Deputations

(1) Any person or group wishing to be received as a deputation by the Council or a Committee shall send to the CEO an application -

(a) setting out the agenda item to which the deputation relates;

(b) whether the deputation is supporting or opposing the officer's or Committee's recommendation; and

(c) include sufficient detail to enable a general understanding of the purpose of the deputation.

(2) Where the CEO receives a request in terms of the preceding clause the CEO shall refer it to the presiding member of the Council or appropriate Committee who shall determine whether the deputation should be received.

(3) A deputation approved to attend a Council or Committee meeting -

(a) is not to exceed five persons, only two of whom may address the Council or Committee, although others may respond to questions from members; and

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(b) is not to address the Council or Committee for a period exceeding five minutes without the agreement of the Council or the Committee as the case requires.

(4) Where a deputation has been made at a Committee meeting, a further deputation will not be permitted at a successive Council meeting by the same person or persons, or a directly related party, on the same matter unless it is demonstrated there is new, relevant material which may impact upon the Council's understanding of the facts of the matter.

(5) (a) deputations are to be presented in the order of which the item they relate to sits on the Agenda.

(b) where there are deputations both for and against an agenda item the person wishing to make a deputation against the matter is to present first followed by a deputation in favour.

(c) deputations will then continue in alternating order until there are no persons wishing to speak to the opposite view of the last preceding speaker.

(6) Members of a Committee (or other Elected Member) to which the deputation is presented may ask a question or questions of persons of the deputation group and any person of the deputation group may respond to such questions.

(7) Deputations:

(a) shall not involve any language considered offensive by the presiding member; and

(b) shall not contain any statement knowingly incorrect, knowingly misleading or reflecting adversely on the integrity of any member, officer or other party.

3.8 Confirmation of Minutes

(1) When minutes of a meeting are submitted to an ordinary meeting of the Council or Committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to -

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

(2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.9 Questions from Members

(1) An Elected Member who wishes to ask a question with notice at a Committee meeting of the Council is to:

(a) give reasonable written notice of the question wherever possible to the CEO before the scheduled commencement of the meeting; and

(b) direct the question through the presiding member.

(2) An Elected Member may ask a question without notice at a Committee meeting provided that any such question is relevant to the purpose of the meeting.

(3) If the question referred to in clause 3.9(1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

(4) An Elected Member who wishes to ask a question with notice at a Council meeting is to:

(a) give reasonable written notice of the question wherever possible to the CEO before the scheduled commencement of the meeting; and

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(b) direct the question through the presiding member.

(5) An Elected Member may ask a question without notice at a Council Meeting.

(6) If the question referred to in subclause (4) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.

(7) Questions asked by Elected Member and answers:

(a) are to be brief and concise; and

(b) are not to be accompanied by:

(i) any argument, expression of opinion or statement of facts, except so far as may be necessary to explain the question or answer;

(ii) any statement reflecting adversely on the integrity of any Elected Member; or

(iii) any discussion.

3.10 Notices of Motion

(1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.

(2) A notice of motion under subclause (1) is to be given to the CEO at least five (5) clear business days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good government of persons in the district.

(4) The CEO -

(a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be out of order; or

(b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and

(c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless -

(a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or

(b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(6) If a notice of motion is given and lapses in the circumstances referred to in subclause (5)(a) or is defeated, a notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse or defeat.

(7) Motions are to be dealt with in the order they are received.

3.11 Distribution of Reports to the Members

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(1) Subject to clause 3.12 the CEO is to provide each member of the Council or Committee as the case may be with a copy of any report, which is to be presented to any Council or Committee meeting.

(2) The report is to be provided to each member at least 24 hours before the commencement of the meeting.

3.12 Late Reports

In cases of urgency or other special circumstances a report by the CEO may, with the consent of the presiding member, be read or otherwise given to members at the meeting if it has not previously been sent to members in accordance with clause 3.11.

3.13 Urgent Business Approved by the Presiding Member or by Decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the presiding member, or by decision of the members present, be raised without notice and decided by the meeting.

3.14 Reports or Advice by the CEO

(1) The CEO may prepare for presentation to any meeting a report dealing with any matter which in the opinion of the CEO should be drawn to the attention of the meeting.

(2) The CEO may advise the Council or Committee on any matter which he or she considers appropriate.

PART 4 PUBLIC ACCESS TO AGENDA MATERIAL

4.1 Confidentiality of Information Withheld

Information withheld by the CEO from members of the public under regulation 14.2 of the Regulations is to be –

(a) identified in the agenda of a Council or Committee meeting under the item "Confidential Items"; and

(b) marked "confidential" in the agenda.

PART 5 DISCLOSURE OF INTERESTS

5.1 Disclosure of Interest

Disclosure of interests is dealt with in the Act.

PART 6 QUORUM

6.1 Quorum to be Present

The Council or a Committee is not to transact business at a meeting unless a quorum is present.

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6.2 Loss of Quorum During a Meeting

(1) If at any time during the course of a meeting of the Council or a Committee a quorum is not present -

(a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either -

(i) a quorum is present to decide the matter; or

(ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under the Act; or

(b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the presiding member is to suspend the proceedings of the meeting for a period of 5 minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the presiding member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or this local law when calling a meeting of that type.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)(b) -

(a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and

(b) in the case of a Council meeting -

(i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

(ii) the provisions of clause 8.5 apply when the debate is resumed.

PART 7 CONDUCT OF PERSONS AT COUNCIL AND COMMITTEE MEETINGS

7.1 Official Titles to be Used

Elected Member are to speak of each other in the Council or Committee by their respective titles of Mayor or Councillor. Members, in speaking of or addressing officers, are to designate them by their respective official titles.

7.2 Members to Occupy Own Seats

When present in the meeting room, a member will occupy the seating position allocated to him or her for each specific Council or Committee meeting.

7.3 Leaving Meetings

During the course of a meeting of the Council or a Committee no member is to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

7.4 Adverse Reflection

(1) No member is to reflect adversely upon a decision of the Council or Committee except on a motion that the decision be revoked or amended.

(2) No member is to:

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(a) reflect adversely on the character or actions of another member or any other person; or

(b) impute any motive to another member or any other person;

unless the Council resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

(3) No member is to use offensive or objectionable expressions in reference to any member or any other person.

7.5 Withdrawal of Offensive Language

(1) A member who, in the opinion of the presiding member, uses an expression which:

(a) in the absence of a resolution under clause 7.4(2):

(i) reflects adversely on the character or actions of another member; or

(ii) imputes any motive to a member; or

(b) is offensive or insulting,

must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.

(2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

7.6 Disturbance by Members

While another person is addressing the Council or a Committee, a member is not:

(a) to make any noise or disturbance; or

(b) to converse aloud;

except to raise a point of order, to interrupt.

7.7 Continued Irrelevance

(1) The presiding member, at any time, may:

(a) call the attention of the meeting to:

(i) any irrelevant, repetitious, offensive or insulting language by an member; or

(ii) any breach of order by a member; and

(b) direct that member, if speaking, to discontinue his or her speech.

(2) A member is to comply with a direction of the presiding member under subclause (1) by immediately ceasing to speak and resuming his or her seat.

7.8 Recording of Proceedings

(1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the Council.

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(2) If the Council gives permission under subclause (1), the Presiding Member must advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

7.9 Prevention of Disturbance

(1) Any member of the public addressing the Council or a Committee is to extend due courtesy and respect to the Council or Committee and the processes under which they operate and must take direction from the presiding member whenever called upon to do so.

(2) Members of the public are admitted to Council and Committee meetings upon the understanding that no expression of dissent or approval, conversational or interruption to the proceedings shall take place.

(a) For the purpose of this clause any expression of dissent or interruption to proceedings shall include a person who interrupts the proceedings of a meeting, whether by expressing approval or dissent, by conversing or by other means;

(i) enters or remains in any part of the room where the meeting is taking place reserved for members and officers;

(ii) misconducts himself or herself;

(iii) fails to withdraw when members of the public are directed to withdraw;

(iv) obstructs the approaches to the room where the meeting is taking place; or

(v) creates a disturbance within the precincts of the room where the meeting is taking place.

(b) In the event of any such interruption, the presiding officer may exercise his or her discretion and require those interrupting to withdraw. The presiding officers ruling in this regard is final and cannot be challenged by moving dissent with the ruling or otherwise.

(c) Any person who does not withdraw when called upon by the presiding officer to do so may by order of the presiding officer be removed from the room.

(3) If an Elected Member or the CEO specifically requests, immediately after their use, that any particular words used by a person be recorded, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in a file note of the meeting, unless the presiding member in any case decides otherwise.

(4) If a person or persons have been ordered by the presiding member to desist from such behaviour, but fails to do so, the presiding member can immediately adjourn the meeting in accordance with clause 14.9.

(5) The CEO shall be the designated person in charge of the premises for the purposes of section 5.41 (d) of the Act and is the “person in authority” in relation to section 70A of the Criminal Code and shall advise such person or persons during the period that the meeting is adjourned to behave in an appropriate manner or to immediately leave the premises.

(6) Where a person or persons have been required to leave the room where the meeting is taking place and have been advised in accordance with subclause 7.9(3) but continue to remain in the room where the meeting is taking place, the CEO may instigate legal action against such person or persons.

(7) If a person ordered by the CEO to leave the premises cannot be removed without the application of physical force then a member or members of the Police Force shall be called to the room where the meeting is taking place to effect the removal of the person and the meeting may be adjourned until the person has been removed.

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7.10 Prevention of Disturbance Generally

No electronic or other device shall be used in a manner that creates a disturbance or leads to a disturbance at the meeting.

7.11 Distinguished Visitors

If a distinguished visitor is present at a meeting of the Council or a Committee, the presiding member may make special arrangement for the seating of the person.

PART 8 CONDUCT OF MEMBERS DURING DEBATE

8.1 Speaking at Council or Committee Meetings

(1) Every member wishing to speak is to indicate by show of hands or other method agreed upon by the Council or Committee.

(2) When a member or officer has been chosen to speak by the presiding member the member or officer must address the Council or Committee through the presiding member.

(3) Any member moving a motion or amendment, or taking part in the discussion thereon, shall address the presiding member and may rise if the member so desires, or shall do so when requested by the presiding member except when prevented from doing so by sickness or physical disability.

(4) When invited by the presiding member to speak, such member or officer may remain seated whilst speaking unless the presiding member rises, upon which such member or officer will cease speaking immediately so the presiding member can be heard.

8.2 Priority

In the event of two or more members wishing to speak at the same time, the presiding member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

8.3 The Presiding Member May Take Part in Debates

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in this local law, the presiding member may take part in a discussion of any matter before the Council or Committee as the case may be.

8.4 Relevance

Every member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

8.5 Limitation of Number of Speeches

No member is to address the Council or Committee more than once on any motion or amendment before the Council or Committee except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

8.6 Limitation of Duration of Speeches

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All addresses are to be limited to a maximum of five minutes. Extension of time is permissible only with the agreement of a simple majority of members present.

8.7 Questions During Debate or Points of Clarification

With the approval of the presiding member a member may ask a question or seek clarification of any matter relevant to a motion at any time during the debate on the motion before it is put, but no discussion thereon is permitted.

8.8 Members Not to Speak After Conclusion of Debate

No member is to speak to any motion after the mover has concluded his or her right of reply and/or after it has been put by the presiding member.

8.9 Members Not to Interrupt

No member is to interrupt another member or an officer whilst speaking unless;

(a) to raise a point of order;

(b) to call attention to the absence of a quorum; or

(c) to move a motion under clause 10.1(1)(c).

8.10 Re-Opening Discussion on Decisions

No member is to re-open discussion on any decision of the Council or Committee, except for the purpose of moving that the decision be revoked or amended.

PART 9 GENERAL CONDUCT OF DEBATE

9.1 Motions to be Stated

Any member who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion and obtain a seconder before speaking to it.

9.2 Motions to be Supported

(1) No motion or amendment to a substantive motion is open to debate until it has been seconded, or, in the case of a motion to revoke or amend the decision made at a Council or a Committee meeting, unless the motion has the support required under Regulation 10 of the Regulations.

(2) Subject to clause 9.13 the seconder cannot subsequently withdraw his or her seconding of the motion.

9.3 Unopposed Business

(1) Upon a motion being moved and seconded, the presiding member may ask the meeting if any member opposes it.

(2) If no member signifies opposition to the motion the presiding member may declare the motion in subclause (1) carried without debate and without taking a vote on it.

(3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or Committee.

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(4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.

(5) This clause does not apply to any motion or decision to revoke or amend a decision which has been made at a Council or Committee meeting.

9.4 Only One Substantive Motion Considered

When a substantive motion is under debate at any meeting of the Council or a Committee, no further substantive motion is to be accepted.

9.5 Breaking Down of Complex Motions

The presiding member may order a complex motion to be broken down and put in the form of several motions, which are to be put in sequence.

9.6 Order of Call in Debate

Unless dealt with in accordance with clause 9.3 the presiding member is to call speakers to a substantive motion in the following order:

(a) The mover to state the motion;

(b) A seconder to the motion;

(c) The mover to speak to the motion;

(d) The seconder to speak to the motion;

(e) A speaker against the motion;

(f) A speaker for the motion;

(g) Other speakers against and for the motion in alternating order until there is no member (excluding the mover) wishing to speak who is of the opposite view than the last preceding speaker; and

(h) The mover has the right of reply which closes debate.

9.7 Limit of Debate

The presiding member may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

9.8 Member May Require Motion to be Read

Any member may require the motion or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

9.9 Consent of Seconder Required to Accept Alteration of Wording

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

9.10 Order of Amendments

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Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been carried, withdrawn or lost.

9.11 Amendments Must Not Negate Original Motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

9.12 Substantive Motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

9.13 Withdrawal of Motion and Amendments

Council or a Committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no voice expressed to the contrary view by any member, in which case discussion on the motion or amendment is to continue.

9.14 Limitation of Withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.15 Foreshadowed Motion

(1) In speaking upon a motion, a member:

(a) may give notice to the meeting of the member's intention to move a different motion on the same subject matter, being a motion which cannot practically be moved by an amendment to the motion under consideration; and

(b) shall provide to the presiding member the terms of the foreshadowed motion.

(2) If two or more members pursuant to subclause (1) foreshadow motions on the same subject, then the presiding member shall take note of the order in which the foreshadowed motions are raised and the terms of each foreshadowed motion.

(3) If the motion under consideration is lost, then the foreshadowed motions may be brought forward forthwith.

(4) The foreshadowed motions shall be considered by the Council in succession, until one of the motions is passed, whereupon there shall be no further consideration of any other foreshadowed motion on that subject.

9.16 Personal Explanation

(1) No member is to speak at any meeting of the Council or a Committee, except upon the matter before the Council or Committee, unless it is to make a personal explanation,

(2) A member wishing to make a personal explanation may do so at the conclusion of that speech.

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(3) Any member or an officer who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood.

(4) When a member or an officer proceeds to explain, no reference is to be made to matters unnecessary for that purpose.

9.17 Ruling on Questions of Personal Explanation

The ruling of the presiding member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

9.18 Right of Reply

(1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the motion.

(2) The right of reply is to be confined to matters raised by previous speakers and no new matter is to be introduced or expansion on the substantive motion is to take place.

9.19 Right of Reply Provisions

(1) The right of reply is governed by the following provisions:

(a) If no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;

(b) If an amendment is moved to the substantive motion the mover of the substantive motion is to take the right of reply at the conclusion of the vote on any amendments;

(c) The mover of any amendment does not have a right of reply; and

(d) Once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

PART 10 PROCEDURAL MOTIONS

10.1 Permissible Procedural Motions

(1) In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member (at any time) to move the following procedural motions -

(a) the Council (or Committee) meeting now adjourn;

(b) the debate be adjourned;

(c) the motion now be put;

(d) the motion not now be put;

(e) the motion (or communication) lie on the table;

(f) the meeting proceed to the next item of business;

(g) that the ruling of the presiding member be disagreed with (motion of dissent); or

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(h) the Council (or Committee) meet behind closed doors as the matter to be discussed is of a confidential nature in respect of which the meeting may be closed to members of the public under the Act.

(2) Subject to subclause (1), when a recommendation of a Committee is being debated by the Council, the only motions which may be considered by the Council are that:

(a) the recommendation be adopted;

(b) the recommendation not be adopted;

(c) the recommendation be referred back to the responsible Committee for further consideration; or

(d) the recommendation be amended.

(3) A permissible procedural motion pursuant to subclause (1) can only be brought forward by a person who has not already spoken on the matter.

(4) A member may request that the names of some or all of those who voted in the negative be recorded in the minutes.

10.2 No Debate on Procedural Motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (e), (g) and (h) of clause 10.1(1) may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (c), (d) and (f) of clause 10.1(1) may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Procedural Motions - Closing Debate - Who May Move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Procedural Motions - Right of Reply on Substantive Motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

PART 11 EFFECT OF PROCEDURAL MOTIONS

11.1 Motion be Amended – Effect of Motion

(1) An amendment to a motion must be relevant to that motion.

(2) An amendment to a motion must be read or stated before being moved.

(3) Only one amendment is to be discussed at a time, but as often as an amendment is lost, another amendment may be moved, before the original motion is put to the vote.

(4) In speaking to an amendment, a member may give notice of his or her intention to move a further amendment or another motion.

(5) Where an amendment is carried:

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(a) the original motion as amended becomes the substantive motion;

(b) it must be relevant to the motion and not be of such a nature that the original motion loses its identity; and

(c) for all purposes subsequent debate, is only to be on the substantive motion.

11.2 Council (or Committee) Meeting to Now Adjourn – Effect of Motion

(1) The motion "that the Council (or Committee) now adjourn", if carried, shall result in the meeting being adjourned until it is re-opened at which time the meeting will continue from the point at which it was adjourned, unless the presiding member or a simple majority of members upon vote, determine otherwise.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1) –

(a) The debate is to be resumed at the next meeting at the point where it was so interrupted; and

(b) In the case of the Council meeting –

(i) The names of Elected Member who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and

(ii) The provisions of clause 8.5 apply when the debate is resumed.

11.3 The Motion be Adjourned – Effect of Motion

(1) The motion "that the motion be adjourned", if carried, shall result in all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.

(2) If the motion is carried at a meeting of the Council –

(a) the names of Elected Member who have spoken on the matter are to be recorded in the minutes; and

(b) the provisions of clause 8.5 apply when the debate is resumed.

11.4 The Motion be Now Put – Effect of Motion

(1) The motion "that the motion be now put", if carried during discussion of a substantive motion without amendment, shall result in the presiding member offering the right of reply and then immediately put the matter under consideration without further debate.

(2) This motion, if carried during discussion of an amendment, shall result in the presiding member putting the amendment to the vote without further debate.

(3) This motion, if lost, shall result in the continuation of the debate.

11.5 Ruling of the Presiding Member Disagreed with – Effect of Motion

The motion "that the ruling of the presiding member be disagreed with", if carried, shall result in the ruling of the presiding member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

11.6 The Motion (or Communication) Lie on the Table – Effect of Motion

(1) If moved in respect of a motion or an amendment to a motion, this motion takes the form "that the motion lie on the table".

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(2) If moved in respect of a letter, report or other document, its form is "that the communication lie on the table".

(3) A motion that "the motion lie on the table" or that "a communication lie on the table":

(a) may be moved by a member to adjourn the debate if further information is needed from the City's records;

(b) cannot be moved by a member who has moved, seconded or spoken to the question then before the meeting;

(c) cannot be amended; and

(d) does not give the mover a right of reply.

(4) If a motion that "the motion lie on the table" or "the communication lie on the table" is carried then:

(a) in respect of a document or a motion, further debate on the matter is adjourned until the meeting resolves to take the document or motion from the table; and

(b) in respect of an amendment, both the amendment and the substantive motion to which it relates are adjourned until the meeting resolves to take the motion from the table.

(5) If a motion that "the motion be taken from the table" or "the communication be taken from the table" is carried then:

(a) in respect to a document or a motion, debate resumes until the matter is determined;

(b) in respect to an amendment, debate resumes on the amendment until the matter is determined.

11.7 The Meeting Proceed to the Next Item of Business – Effect of Motion

The motion "that the Council (or Committee) proceed to the next item of business", if carried, shall cause the debate to cease immediately and for the Council (or Committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

11.8 The Council (or Committee) to Meet Behind Closed Doors – Effect of Motion

(1) Subject to any decision of the Council or Committee, this motion, if carried, shall result in the general public and any officer the Council or Committee determines, to leave the room.

(2) While a decision made under this clause is in force the operation of clause 8.5 limiting the number of speeches continues to apply unless the Council decides otherwise.

(3) Upon the public again being admitted to the meeting the presiding member, unless the Council or Committee decides otherwise, is to cause the resolution of the Council or Committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.

PART 12 REVOKING OR CHANGING DECISIONS

12.1 Motion - When Put

When the debate upon any motion is concluded and the right of reply has been exercised the presiding member shall immediately put the motion to the Council or the Committee, and, if so desired by any member, shall again state it.

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12.2 Motion - Method of Putting

If a decision of the Council or a Committee is unclear or in doubt, the presiding member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no voter's vote is secret, before declaring the decision.

12.3 Revocation Motion at the Same Meeting – Procedures

(1) If the CEO receives a notice of motion, which complies with the requirements of this local law, to revoke a decision made at a meeting before the close of that meeting, then the CEO is immediately to advise the presiding member of the notice of motion.

(2) Where the presiding member is advised of a notice of motion under subclause (1), he or she at the first available opportunity and before the end of the meeting is to:

(a) advise the meeting of the notice;

(b) bring on the revocation motion;

(c) determine whether there is sufficient support (under Regulation 10) for the motion; and

(d) deal with the motion, if there is sufficient support.

PART 13 IMPLEMENTING DECISIONS

13.1 Implementation of a Decision

(1) Neither the CEO nor an officer or Elected Member shall take any step to implement or otherwise give effect to a resolution until 2pm on the following City office working day after the close of the meeting at which the resolution was passed.

(2) If a notice of motion to revoke or change a decision of the Council or a Committee is received before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that –

(a) If a notice of motion to revoke or change a decision of the Council or a Committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of members required to support the motion under the Regulations indicate their support for the notice of motion at that meeting; and

(b) If a notice of motion to revoke or change a decision of the Council or Committee is received after the closure of the meeting at which the decision was made implementation of the decision is not to be withheld unless the notice of motion has the support in writing, of the number of members required to support the motion under the Regulations.

(3) Implementation of a decision is only to be withheld under subclause (2) if the effect of the change proposed in a notice of motion would be that the decision would be revoked or would become substantially different.

(4) The Council or a Committee shall not vote on a motion to revoke or change a decision of the Council or Committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given –

(a) action has been taken to implement the decision; or

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(b) where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate, and where that approval or authorisation of a licence, permit or certificate has been put in to effect by the Council in writing to the applicant or the applicant's agent by an officer of the Council authorised to do so;

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.

PART 14 PRESERVING ORDER

14.1 The Presiding Member to Preserve Order

The presiding member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

14.2 Demand for Withdrawal

A member may be required by the presiding member, or by a decision of the Council or Committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on another member or an officer, and if the member declines or neglects to do so, the presiding member may refuse to hear the member further upon the matter then under discussion and call upon the next speaker.

14.3 Points of Order - When to Raise - Procedure

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member, who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the presiding member listens to the point of order.

14.4 Points of Order - When Valid

Expressing a difference of opinion or the contradiction of a speaker shall not be recognised as a valid point of order.

The following will be recognised as the only valid points of order -

(a) that the discussion is of a matter not before the Council or Committee;

(b) that offensive or insulting language is being used;

(c) drawing attention to the violation of any written law, the relevant provisions of this local law or policy of the Council, provided that the member making the point of order states the written law or policy believed to be breached; and

(d) that insinuations have been made as to the character, morality, honesty or motives of a member or an officer.

14.5 Points Of Order - Ruling

The presiding member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

14.6 Points of Order - Ruling Conclusive, Unless Dissent Motion is Moved

The ruling of the presiding member upon any question of order is final, unless a

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majority of the members support a motion of dissent with the ruling.

14.7 Points of Order Take Precedence

Notwithstanding anything contained in this local law to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

14.8 Precedence of Presiding Member

(1) When the presiding member rises during the progress of a debate, any member then speaking, or offering to speak, is to immediately sit down and every member of the Council or Committee present shall be silent so that the presiding member may be heard without interruption.

(2) Subclause (1) is not to be used by the presiding member to exercise the right provided in clause 8.3, but to preserve order.

14.9 Right of the Presiding Member to Adjourn Without Explanation to Regain Order

(1) If a meeting ceases to operate in an orderly manner, the presiding member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any one meeting, the presiding member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.

(2) Where debate of a motion is interrupted by an adjournment under subclause (1), in the case of a Council meeting –

(a) the names of Elected Member who have spoken in the matter prior to the adjournment are to be recorded; and

(b) the provisions of clause 8.5 apply when the debate is resumed.

PART 15 ADJOURNMENT OF MEETING

15.1 Meeting May be Adjourned

The Council or a Committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

15.2 Limit to Moving Adjournment

No member is to move or second more than one motion of adjournment during the same sitting of the Council or Committee.

15.3 Unopposed Business - Motion for Adjournment

On a motion for the adjournment of the Council or Committee, the presiding member, before putting the motion, may seek leave of the Council or Committee to proceed to the transaction of unopposed business.

15.4 Withdrawal of Motion for Adjournment

A motion or an amendment relating to the adjournment of the Council or a Committee

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may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

15.5 Time to Which Adjourned

The time to which a meeting is adjourned for want of a quorum, by the presiding member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

PART 16 COMMITTEES OF THE COUNCIL

16.1 Establishment and Appointment of Committees

A Committee is to be established on a motion setting out the proposed purpose and functions of the Committee and either –

(a) the names of the Elected Members, officers and other persons to be appointed to the Committee; or

(b) the number of Elected Members, officers and other persons to be appointed to the Committee and a provision that they be appointed by a separate motion.

16.2 Appointment of Deputy Committee Members

(1) The Council may appoint one or more persons to be the deputy or deputies, as the case may be, to act on behalf of a committee member whenever that committee member is unable to be present at a meeting thereof and where two or more deputies are so appointed they are to have seniority in the order determined by the Council.

(2) Where a committee member does not attend a meeting thereof a deputy of that committee member, selected according to seniority, is entitled to attend that meeting in place of the committee member and act for the committee member, and while so acting has all the powers of that committee member.

(3) If a deputy has commenced to act in place of a committee member at a Committee meeting and the committee member attends the meeting, the committee member will not assume the seat and the deputy will continue to act as the committee member for the duration of that meeting

(4) Once a committee meeting has commenced a deputy member cannot assume the seat of a committee member who leaves the meeting.

(5) A deputy who is one of two or more deputies of a committee member is not entitled to attend a meeting of the Committee in place of that committee member if the meeting is attended by another deputy of that committee member who has precedence over that deputy in the order of seniority determined under subclause (1).

(6) A person who is a committee member is not eligible to be appointed a deputy for another committee member.

16.3 Presentation of Committee Reports

When the report or recommendations of a Committee are placed before the Council, the adoption of recommendations of the Committee is to be moved by –

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(a) the presiding member of the Committee if the presiding member is an Elected Member and is in attendance;

(b) an Elected Member who is a member of the Committee, if the presiding member of the Committee is not an elected member, or is absent; or

(c) otherwise, by an Elected Member who is not a committee member.

16.4 Reports of Committees - Questions

When a recommendation of any Committee is submitted for adoption by the Council, any Elected Member may direct questions specifically relating to the recommendation through the presiding member to the presiding member, any committee member, or the CEO.

16.5 Permissible Motions on Recommendation From Committee

A recommendation made by or contained in the minutes of a Committee may be adopted by the Council without amendment or modification, failing which, it may be –

(a) rejected by the Council and replaced by an alternative decision; or

(b) amended or modified and adopted with such amendment or modification; or

(c) referred back to the Committee for further consideration.

16.6 Standing Orders Apply to Committees

Where not otherwise specifically provided, this local law applies generally to the proceedings of Committees, except clause 8.1, in respect of the requirement to rise.

16.7 Observers at Committee Meetings

(1) For the purposes of this part an observer is an Elected Member attending a committee meeting of which they are not a member and choosing to sit in their allocated seat in the meeting room.

(2) Observers may occupy their allocated seat in the meeting room. Should an observer choose to sit in their allocated seat in the meeting room they are subject to the obligations on all Elected Members under the *Local Government Act 1995* and all associated regulations including the *Local Government (Rules of Conduct) Regulations 2007*.

(3) Observers choosing to sit in their allocated seat in the meeting room may not participate in debate. Questions and discussion of committee members take priority over questions from observers.

PART 17 GENERAL ADMINISTRATIVE MATTERS

17.1 Suspension of Standing Orders

(1) The Council or a Committee may decide, by simple majority vote, to suspend temporarily one or more of this local law.

(2) The mover of a motion to suspend temporarily any one or more of this local law shall either –

(a) State the specific clause or clauses of this local law to be suspended; or

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(b) State clearly and concisely the reason for or purpose of the proposed suspension in a motion prefaced by the words "I move that such of the City of Mandurah Standing Orders be suspended as will allow . . .".

(3) Only the operation of the clauses so nominated or otherwise affected by any resolution to suspend this local law shall be suspended.

17.2 Cases not Provided for in Standing Orders

The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where this local law and the Act and Regulations are silent. The decision of the presiding member in these cases is final, except where a motion referred to in clause 14.6 is moved and carried.

17.3 Enforcement

(1) The provisions of this local law shall be enforced by the presiding member of any Council or Committee but only following the specific direction of the Council or Committee by resolution by a simple majority.

(2) A breach of a provision of this local law by an Elected Member is dealt with in the Act and *Local Government (Rules of Conduct) Regulations 2007*.

(3) A person who breaches a provision of this local law commits an offence.
Penalty: $1,000.00 and a daily penalty of $100.00.

PART 18 COMMON SEAL

18.1 The Council's Common Seal

(1) The CEO is to have charge of the common seal of the Council, and is responsible for the safe custody and proper use of it.

(2) The common seal of the Council may only be used on the authority of the Council given either generally or specifically and every document to which the seal is affixed must be signed by the Mayor and the CEO or a senior officer authorised by him or her.

(3) The common seal of the Council is to be affixed to any local law which is made by the Council.

(4) The CEO is to record in a register each date on which the common seal of the Council was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.

(5) Any person who uses the common seal of the Council or a replica thereof without authority commits an offence.

_____

Dated: 3 February 2017

The Common Seal of the City of Mandurah was affixed by authority of a resolution of the Council in the presence of:

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Version: 1, Version Date: 25/10/2023

MARINA ELIZABETH VERGONE, Mayor
MARK ROBERT NEWMAN, Chief Executive Officer

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Document Set ID: 3400916
Version: 1, Version Date: 25/10/2023

Subject: Amendment to Memorial Council Policy (POL-CMR 12)

Summary

To amend clause 2.1 of the Memorial Council Policy to include that plaques can be reinstated when the infrastructure it is fixed to, is damaged or destroyed and the plaque and infrastructure was in a good condition, and the infrastructure is being replaced.

Disclosure of Interest

Nil

Previous Relevant Documentation

26 November 2024	G.5/11/24	Council Memorials Policy was approved and replaced two existing policies, being the Council Memorial Seats and Plaques in Reserves and Council Public Open Spaces (POL-PKR 01), and Roadside Memorials POL-RDS 04.

Background

Memorials perform an important function for communities by providing a physical place and presence to aid in remembering and honouring deceased individuals or commemorating a significant event. Memorials can also present some practical challenges and when placed in public spaces have potential to conflict with other functions of that space if not managed appropriately.

Comment

The City's management of memorials can be improved through providing clearer guidance for City officers and the community when the infrastructure that the plaques are on is damaged or destroyed and the infrastructure was in a good condition and is being replaced.

Consultation

Nil

Statutory Environment

This draft policy considers and aligns with the Policy and Guidelines for Roadside Memorials by Main Roads Western Australia.

Policy Implications

Nil

Financial Implications

The policy seeks to clearly delineate the responsibilities for the establishment, maintenance and decommissioning of memorials on City managed land. Financial obligations associated with the management of memorials are either placed with the applicant or identified stakeholder(s).

Economic Implications

Nil

Environmental Implications

Nil

Risk Implications

The Policy seeks to address the significant reputational risk to the City that results from poor management of memorials typically due to poor maintenance regimes and/or a lack of effective communication with relevant stakeholders.

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 are relevant to this report:

Leadership
- Well-maintained assets and facilities that meet the needs of our community
- Responsible, transparent, value for money delivery of well planned, sustainable, projects, programs and services

Conclusion

The proposed Council Memorials Policy recognises the important role memorials can play for the community and seeks to establish clear protocols for the management of memorials including requirements for stakeholder engagement to deal with issues in an effective, sensitive and compassionate manner.

Council are requested to amend clause 2.1 of the Memorial Council Policy to include that plaques can be reinstated when the infrastructure it is fixed to is damaged or destroyed and was in a good condition, and the infrastructure is being replaced.

Officer Recommendation

That Council approve the proposed Council Memorials Policy POL-CMR 12 as detailed in Attachment 1.

Attachments

1. Draft Memorials Policy [**19.3.1** - 4 pages]

Draft Memorials Policy
POL-CMR 12

CITY OF MANDURAH

Objective

The City of Mandurah (the City) acknowledges the use of memorials as a means for community members to reflect and remember loved ones or past events of significance. The purpose of the Memorials Policy (Policy) is to provide guidance for the approval, placement and ongoing management of existing and proposed new memorials on City owned or managed land.

Applicability

This Policy applies to all Elected Members and City officers and assists with decision making in relation to the approval and appropriate placement of physical structures or objects on City owned or managed land, including buildings and community facilities, road reserves, parks and public open spaces, to commemorate an individual or significant event.

Statement

Memorials perform an important function for communities by providing a physical place and presence to aid in remembering and honouring deceased individuals or commemorating a significant event. They can provide comfort to those grieving the loss of loved ones or pay tribute to the significant impact a person or group of people may have had within or for the community.

Memorials can also present some practical challenges and when placed in public spaces have the potential to conflict with other functions of that space if not managed appropriately. A management approach is required that ensures decisions regarding memorials are handled with consistency, fairness, and empathy, addressing both the emotional significance of memorials and the practical concerns associated with them.

1) Definition

Within the context of this policy, a memorial is defined as any temporary or permanent physical structure or object such as a statue, image, sculpture or plaque, that is designed to commemorate the memory of a person, a group of people or event.

2) Types of Memorials

The following outlines the various types of memorials and the City's position in relation to the provision for that type of memorial in public facilities, road reserves, parks and public open spaces:

2.1) Commemorating a deceased person

The City does not support the installation of permanent memorials in parks or public open space. The installation of memorials in parks and public open space to commemorate a deceased person should be limited to locations specifically designated for that purpose i.e. cemeteries.

Existing memorials, including plaques, that have been approved prior to December 2024, to commemorate a deceased person will be removed when the memorial has fallen into disrepair or when there are other circumstances under which City officers have reasonable grounds for removal as outlined in section 4 of this Policy. City officers will make reasonable efforts to contact the relevant stakeholder(s) prior to the removal of the memorial and arrange for the handover of any remaining property i.e. plaques, to the stakeholder.

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Draft Memorials Policy
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Plaques can be reinstated when the infrastructure it is fixed to, is damaged or destroyed and was in a good condition, and the infrastructure is being replaced.

2.2) Commemorating significant events or contributions from a person or a group of people

Memorials that commemorate a significant event or contribution from an individual person or group of people, for the benefit of the community, may be considered on an individual basis and will be approved by the Chief Executive Officer in accordance with conditions outlined in the Council Naming of Community Infrastructure and Public Places Policy (POL-PRK 04). These memorials are in the form of a public infrastructure donation such as tree planting, or artistically designed structure or sculpture, designed in consideration of the place, the needs of the community and the other functions of that space.

Public infrastructure donations would be managed under the Council Community Initiated Infrastructure Policy POL-CNP 08.

2.3) Mandurah and Dawesville War Memorials and Mandurah Missing Persons Memorial

The Mandurah and Dawesville War Memorials commemorate people who have served in or died in military service. The Mandurah Missing Persons Memorial is a place where those with missing friends and family can commemorate and find solace. The commemoration of individual people at these memorials is managed by the Mandurah and Dawesville Returned and Services League (RSL) and the Zonta Club of Peel, respectively.

2.4) Roadside Memorials

Memorials that commemorate a loved ones' memory by marking the location of a fatal crash site on or near a road will be permitted in accordance with the 'Main Roads Western Australia Policy and Guidelines for Roadside Memorials', noting that these guidelines apply to all roads within the City. City officers will work with applicants to ensure the safe placement of the memorials and that they do not present a hazard to people or property.

To ensure that a roadside memorial is safe for road users and to enable notification to family and friends of upcoming roadworks, the City will maintain a register of approved roadside memorials on local roads including contact details for stakeholders. Stakeholder contact details may be used for future contact regarding the relevant memorial and the stakeholder will be responsible for the maintenance and safety compliance of the memorial.

2.5) Temporary Memorial

Temporary memorials that commemorate a loved one through marking the location of a tragic incident may be permitted by City officers on a temporary basis, provided they do not present a hazard to people or property, according to the following conditions:

- The temporary memorial including items such as flowers, crosses, toys and written messages may be placed on a site for a period of up to 15 months, or a longer term if approved by the Chief Executive Officer.
- Alterations to the surrounding area must not be made.
- The temporary memorial must be placed or constructed in a way that it will not detract from amenity or compromise the functionality of the space for other users.
- The location of the temporary memorial should not detract from the amenity of the local area or impact on the quality of life of adjacent landowners, property occupiers or other members of the public.

Draft Memorials Policy
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CITY OF MANDURAH

3) Maintenance and Management of Memorials

Memorials for deceased persons within designated cemetery sites shall be managed and maintained in accordance with the *Cemeteries Act 1986* and the *Cemeteries Local Law 2010* and subsequent amendments.

Management and maintenance of roadside memorials will be conducted in accordance with the 'Main Roads Western Australia Policy and Guidelines for Roadside Memorials'.

In all other cases the management and maintenance of memorials will be completed in accordance with the relevant City Infrastructure Asset Management Plan, which will determine the relevant inspection and maintenance requirements.

4) Decommissioning of Memorials

Memorials will be decommissioned and removed when the memorial has fallen into disrepair or when there are other circumstances under which City officers have reasonable grounds for removal including, but not limited to, where the memorial:

- is not approved,
- is considered to pose a hazard to people or property,
- is considered to be no longer appropriate for cultural, social or other reasons, or
- is located on a site that is to be redeveloped as part of an approved maintenance, renewal or upgrade program.

City officers will ensure these matters are handled sensitively and make reasonable efforts to contact the relevant stakeholder(s) prior to the removal of the memorial and arrange for the handover of any remaining property i.e. plaques, to the stakeholder(s).

Legislative Context

Cemeteries Act 1986
Cemeteries Local Law 2010
Local Government Act 1995
Local Government (Uniform Local Provisions) Regulations 1996 - Regulation 6
Public Places and Local Government Property Local Law 2018
Land Administration Act 1997

Review

At a minimum this Council Policy will be reviewed every two years.

Related Documents

These documents are mandatory and required to give effect to this policy:

Council Naming of Community Infrastructure and Public Places Policy POL-PRK 04
Council Community Initiated Infrastructure Policy POL-CNP 08
Buildings and Community Facilities Infrastructure Asset Management Plan

Draft Memorials Policy
POL-CMR 12

Roads and Transport Infrastructure Asset Management Plan
Parks and Open Space Infrastructure Asset Management Plan

Supporting Documents

The following documents inform this Policy (i.e. documents that are not mandatory to the implementation of this policy but may support the implementation of the Policy):

Main Roads Western Australia Policy and Guidelines for Roadside Memorials

Responsible Directorate: Built and Natural Environment

Responsible Department: Landscape Management

Reviewer: Executive Manager Natural Environment

Creation date and reference: 26 November 2024 G.5/11/24

Last Review: New Policy

Amendments			
Version #	**Council Approval Date, Reference**	**Date Document In force**	**Date Document Ceased**
1	26 November 2024, G.5/11/24	27/11/2024	

DRAFT

Subject: 19.4 Civic Honours – Requests for Freedom of Entry and Keys to the City

Summary

The City has received two requests seeking civic recognition from organisations with longstanding connections to the Mandurah community.

The first request is from TS Mandurah Australian Navy Cadets, seeking the granting of Freedom of Entry to the City of Mandurah. The request has been submitted in recognition of the unit's more than 30-year history of youth development, leadership training, community participation and service within Mandurah and the Peel region, and in conjunction with the 125th anniversary of the Royal Australian Navy in 2026.

The second request is from Mandurah State Emergency Service (SES) seeking the conferral of the Keys to the City of Mandurah in recognition of the organisation's 50 years of volunteer service to the Mandurah community and its contribution to emergency response, community safety, disaster recovery and public education.

Council is requested to consider both requests and determine whether the contribution of each organisation warrants the conferral of the requested civic honour.

Disclosure of Interest

Nil

Previous Relevant Documentation

Council considered and approved a request from 707 (City of Mandurah) Squadron Australian Air Force Cadets for Freedom of Entry to the City of Mandurah at its Ordinary Council Meeting held on 25 October 2016.

Background

The City has received separate requests from TS Mandurah Australian Navy Cadets and Mandurah State Emergency Service seeking civic recognition through the granting of Freedom of Entry and the Keys to the City respectively.

Council's consideration of these requests provides an opportunity to assess the significance of each organisation's contribution to the Mandurah community and whether the requested honours represent appropriate recognition of those contributions.

In 2016, Council granted Freedom of Entry to the 707 (City of Mandurah) Squadron Australian Air Force Cadets. To date, the Keys to the City have not been granted.

Request for Freedom of Entry - TS Mandurah Australian Navy Cadets

Freedom of Entry is one of the oldest military and civic traditions. Historically, armed military units were only granted entry into fortified cities where they had earned the trust and confidence of local authorities and citizens. Over time, Freedom of Entry evolved into a ceremonial honour recognising the connection between military organisations and the communities they serve.

The City received a request from TS Mandurah Australian Navy Cadets seeking the granting of Freedom of Entry to the City of Mandurah. The request is in conjunction with celebrations marking the 125th anniversary of the Royal Australian Navy in 2026. Correspondence provided to the City

notes that the organisation considers the honour an appropriate recognition of TS Mandurah's longstanding service to local young people and the broader community.

TS Mandurah commenced operations on 26 June 1992 and was officially commissioned on 1 May 1993 as part of the Australian Navy Cadets program sponsored by the Royal Australian Navy. For more than 30 years, the unit has provided youth development opportunities for young people across Mandurah and the Peel region through leadership training, teamwork, maritime activities and community engagement.

The unit has maintained a visible presence within the community through participation in local commemorative, ceremonial and community events and currently operates from the Australian Defence Force Cadet facility at Coodanup alongside local Army and Air Force Cadet units.

The unit currently has approximately 70 cadets.

Freedom of Entry is a symbolic civic honour that may be exercised through ceremonial parades or marches within the City; however, it does not confer any legal rights and any costs associated with planning, approvals, traffic management, event delivery or exercising the honour are the responsibility of the recipient organisation.

Request for Keys to the City - Mandurah State Emergency Service

The City has received a request from Mandurah State Emergency Service (SES) seeking the granting of the Keys to the City in recognition of the organisation's 50 years of volunteer service to the Mandurah community.

The request coincides with the organisation's 50-year milestone and seeks recognition of the contribution made by generations of volunteers who have provided emergency response, community safety, disaster recovery and community education services throughout the district.

The origins of the organisation can be traced to 1959 when local Catholic parish priest Reverend Father Franz Edward Hope coordinated volunteers following a rescue operation involving a young boy trapped in a borehole in Mandurah. At the time, Mandurah had no locally based rescue service and the nearest emergency response capability was located in Pinjarra.

In 1975, under the leadership of Fred Booker, membership and operational capability expanded significantly. The Mandurah Shire provided land in Park Road for the construction of a dedicated operations and training facility, which became home to the Local Emergency Operations Centre (LEOC).

The importance of the service was demonstrated in August 1988 when a tornado caused extensive damage across Mandurah, affecting approximately 100 homes. In response, volunteers undertook extensive fundraising and construction activities to expand and improve the LEOC. The project was supported through Council funding, community donations and approximately 5,000 hours of volunteer labour contributed by members.

Over subsequent decades, the organisation continued to strengthen under successive leaders including Geoff Burrell, Barry Bell, Neil Davidson OAM CD and Christopher Stickland ESM.

Today, Mandurah SES remains a key component of the City's emergency management capability, providing emergency response, disaster recovery, search support, community education and public safety services throughout Mandurah and the Peel region.

The Key to the City is a symbolic honour and does not confer any rights or privileges.

Civic Honours Overview

Freedom of Entry, Keys to the City and Honorary Freeman of the City are three distinct honours serving different purposes.

- **Freedom of Entry**

Freedom of Entry is traditionally reserved for military units and Defence organisations with a significant connection to a community. It is based on military tradition and may be exercised through ceremonial parades or marches within the City. It does not confer any legal rights, and any costs remain the responsibility of the recipient organisation. The City's 2016 report granting Freedom of Entry to 707 (City of Mandurah) Squadron AAFC specifically framed the honour as recognising the relationship between the cadet unit and the City.

- **Keys to the City**

Keys to the City is broader and is a symbolic honour bestowed on an individual or group that has made a significant or profound contribution to the community. It is generally regarded as a modern variation of the Freedom of Entry tradition and can be awarded to organisations as well as people.

- **Honorary Freeman of the City**

The City's existing practice is that Honorary Freeman of the City is awarded to an individual person who has provided exceptional and distinguished service to the community over an extended period. The City's previous report notes that the title does not confer any rights or privileges other than the right to use the title itself. It is fundamentally a personal civic honour.

Examples previously recognised by the City include:
- Paddi Creevey OAM
- Owen Tuckey
- Hal Sutton
- Ken Donohoe
- Keith Holmes OAM
- Stephen Goode

Comment

The requests before Council relate to two distinct civic honours and have been submitted independently by the respective organisations.

While different in nature, both requests are founded on recognition of longstanding volunteer service and significant contribution to the Mandurah community.

Council's role is to consider the merits of each request and determine whether the contribution of the organisation is of such significance that it warrants the conferral of the requested honour.

TS Mandurah Australian Navy Cadets

In considering the request from TS Mandurah, Council may have regard to the organisation's more than 30-year history within Mandurah and the Peel region, its role in youth leadership development and its ongoing participation in civic and community activities.

The request is strengthened by the unit's growth in recent years, ensuring that local young people continue to have access to opportunities for leadership, personal development and community service.

Council may also note the precedent established through the granting of Freedom of Entry to 707 (City of Mandurah) Squadron Australian Air Force Cadets in 2016.

Mandurah State Emergency Service

In considering the request from Mandurah SES, Council may have regard to the organisation's 50 years of volunteer service, emergency response and community leadership.

The organisation's history is closely connected to the growth and development of Mandurah itself. Through emergency response, disaster recovery, community education and support for civic events, generations of volunteers have contributed significantly to the safety and resilience of the community.

Mandurah SES also maintains strong community engagement through school presentations, public awareness programs and support for major community events including ANZAC Day commemorations, Crab Fest and Christmas celebrations.

Consultation

Nil

Statutory Environment

Nil

Policy Implications

While the City maintains a policy and procedure for the conferral of Honorary Freeman of the City, there is currently no equivalent policy governing Freedom of Entry or Keys to the City. Council's consideration of these requests therefore relies on established local government practice, historical precedent and the merits of the individual requests before Council.

Financial Implications

Freedom of Entry is a symbolic civic honour that may be exercised through ceremonial parades or marches within the City. While the City may assist in the planning of such events using existing resources, this honour does not confer any legal rights and any costs associated with planning, approvals, traffic management, event delivery or exercising the honour are the responsibility of the recipient organisation.

The Key to the City is a symbolic honour and does not confer any rights or privileges.

If Council were to support these requests, it is recommended that a civic event be held, or incorporated into an existing civic event where possible and appropriate, to confer the honours. This would be conducted within the existing civic events budget at a cost of no more than $2,000.

Economic Implications

Nil

Environmental Implications

Nil

Risk Implications

Reputation and stakeholder relationship risk should either of these requests be denied.

Strategic Implications

The following strategies from the City of Mandurah Strategic Community Plan 2024-2044 are relevant to this report:

Community
- Safe and connected communities

Leadership
- Effective advocacy focused on the needs of the community and strong relationships with key stakeholders

Conclusion

Although different honours are being sought, both requests recognise organisations that have demonstrated sustained commitment to community service over multiple decades.

Collectively, TS Mandurah Australian Navy Cadets and Mandurah State Emergency Service have made substantial contributions to the social, civic and community wellbeing of Mandurah through youth development, leadership training, emergency response, public safety and volunteer service.

The approval of these requests would provide Council with an opportunity to formally recognise the service, commitment and contribution of both organisations and the many volunteers, cadets, leaders and community members who have supported them throughout their history.

Officer Recommendation

That Council:

1. **Approves the request from TS Mandurah Australian Navy Cadets for Freedom of Entry to the City of Mandurah in recognition of the organisation's longstanding contribution to youth development, leadership and community service within Mandurah and the Peel region.**
2. **Approves the request from Mandurah State Emergency Service for the conferral of the Keys to the City of Mandurah in recognition of fifty years of dedicated volunteer service to the Mandurah community.**
3. **Authorises the Chief Executive Officer, in consultation with the Mayor, to finalise all ceremonial, administrative and operational arrangements associated with the granting of these honours.**
4. **Notes that any associated ceremonies will be coordinated in consultation with the recipient organisations and relevant stakeholders.**

Attachments

Nil

20 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

21 NOTICE OF MOTIONS FOR CONSIDERATION AT THE FOLLOWING MEETING

Nil

22 LATE AND URGENT BUSINESS ITEMS

23 CONFIDENTIAL ITEMS

Nil

24 CLOSE OF MEETING