

**WAGAIT SHIRE COUNCIL  
AGENDA  
COUNCIL CHAMBERS**

**LOT 62, WAGAIT TOWER ROAD  
7PM**

**Tuesday 16 JULY 2019**



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**1.0 PRESENT**

Councillors:

- President Peter Clee
- Vice-President Tom Dyer
- Cr Neil White
- Cr Michael Vaughan
- Cr Graham Drake

Staff: Chief Executive Officer Russell Anderson  
Office Manager Pam Wanrooy

**1.1 OPENING OF MEETING: - Chaired by .....**

The President advises that the meeting will be audio taped for minute taking purposes as authorised by the Chief Executive Officer.

**1.2 APOLOGIES AND LEAVE OF ABSENCE:**

Resolution No. 2019/.....  
That the apology of ..... be accepted and approved.  
Moved:  
Seconded:  
Vote:

**2.0 DECLARATION OF INTERESTS**

**3.0 CONFIRMATION OF MINUTES**

**3.1 Confirmation minutes of Tuesday 18 June 2019 Council Meeting**

Resolution No. 2019/.....  
That the minutes of the Monthly Meeting of Tuesday 18 June 2019, be confirmed by council as a true and correct record with/or without amendments.  
Moved:  
Seconded:  
Vote:

**3.1.1 Matters arising from June 2019 Minutes**

**3.2 Confirmation minutes of Monday 1 July 2019 Special Meeting**

Resolution No. 2019/.....  
That the minutes of the Special Meeting of Monday 1 July 2019, be confirmed by council as a true and correct record with/or without amendments.  
Moved:  
Seconded:  
Vote:

#### **4.0 GUEST SPEAKERS**

##### **4.1 Sports & Recreation**

Rebecca Taylor, Sports and Recreation Officer to give a 10 min presentation outlining her programme.

#### **5.0 QUESTIONS, FEEDBACK AND PRESENTATION BY MEMBERS FROM THE PUBLIC**

##### **5.1 Wagait Arts Group**

Dear Councillors

Just a quick note to inform you that the WAG Committee has decided not to proceed with plans to have limited camping at Cloppenburg Park this year.

Whilst Council permission was appreciated, the onerous terms and conditions attached made it an unrealistic option. Council's response has resulted in a 'scaling back' of the proposed festival expansion.

It is hoped that future applications may be met with a 'less bureaucratic' response and the response addresses the proposal in detail rather than apply what seems to be a 'one size fits all' approach. The response from Council seemed identical to the strict terms and conditions applied by the previous CEO when an application was made by MUFF for 'extensive' camping.

If Council looks at the proposal in detail, it will notice that a number of measures were in place to adequately supervise the situation (which was to be limited to only a handful of 'identified' campers). Large numbers requiring portaloos etc. were well outside the proposal parameters.

Whilst it is hoped to grow the event in future, it is dependent on support from Council. Without that, WAG future funding for the Festival will be jeopardised as it depends on growth. Funding for this year required WAG being able to demonstrate growth of the event. The limited camping option was a key factor. It is acknowledged that WAG should have made that clear as part of the proposal.

I wish to thank Council for considering the proposal and look forward to the future.

Sincerely

Graham Drake

Chair

Wagait Arts Group

11 July 2019



## 6.0 INWARDS AND OUTWARDS CORRESPONDENCE - June 2019

### Inwards Correspondence

Date	From	About	
7/06/2019	Valuations Office	05 May 2016 Reconciliation	email
17/06/2019	Howard & Sons Protechnics	Project Management Manual	email
17/06/2019	NT Grants	Approval for Energy Efficiency and Sustainability Grant - \$3,042.00	email
18/06/2019	NT Grants	Acceptance of energy efficiency and sustainability grant 2018-219	email
18/06/2019	Resident	Comments on Draft Shire Plan	email
18/06/2019	Grants	Acceptance of Seniors Grant 2019 - \$1500	email
18/06/2019	Remote Sports	Remote Sports Grant Funding 2019/2020 agreement	email
18/06/2019	NT Grants Commission	Early payment 2019- 2020 NT Financial assistance grants, FAA General \$7,406, FAA Roads \$28667	email
21/06/2019	NT Government	letter advising approval for Energy Efficiency & Sustainability Grant - \$3,042.00	email
24/06/2019	Conveyancing Solutions	Notice of Change of Ownership	email
25/06/2019	Community Grants Hub	Acquittal of Armistice Grants - acquittal outcome	email
1/07/2019	JLT	Insurance Renewal report - 2019/2020 FY	email
4/07/2019	NT Grants	Local Govt Schedule of Payments for the year ended 30 June 2019	email

### Outwards Correspondence

Date	To	About	
13/06/2019	Belyuen Council	letter of acceptance - maintenance and servicing of council machinery	email
13/06/2019	Robert Newman	letter of acceptance - maintenance and servicing of council machinery	email
14/06/2019	St vincent De Paul	Letter of support - Wagait collection	email
17/06/2019	Conveyancing Solutions	rate search letter - 17 Baluria Road	email
18/06/2019	Grants NT	Acceptance of Energy Efficiency and Sustainability Grant	email
21/06/2019	Pauline Williams - Senior Compliance Officer	Feedback on the Draft Wagait Shire Plan 2019-2020	email
24/06/2019	WAGS	letter regarding camping at Cloppenburg Park	email
24/06/2019	Resident	Comments on the Wagait shire Plan and Budget 2019/2024	email
25/06/2019	LG Grants	Acquittal SPG - Undercover Picnic Area	email
25.06.2019	NT Government	Energy Efficiency & sustainability Grant - acceptance of offer	email

#### Resolution No. 2019/.....

**That council receive and note the correspondence as detailed in the agenda for the month of June 2019.**

**Moved:**

**Seconded:**

**Vote:**

## 7.0 COUNCILLORS REPORTS

### 7.1 President's Report

#### Purpose of Report

To Inform Council and community of activities and to provide the community at large with information that is important and noteworthy.

#### What's been happening.....

I am pleased to report that the process for recruiting a new CEO has now been completed. The position was advertised in early May and closed on 22 May. There were 75 applications received from all over Australia including Applications from 3 residents of Wagait Beach. LGANT did an initial assessment of applications and presented a selection panel with a "long list" of 11 applicants for consideration. All 11 in the Long List were very well qualified and suitable for appointment.

A panel comprising Peter Clee (President WSC), Graham Drake (WSC Councillor), Tony Tapsell (LGANT CEO) and Kaylene Conrick (former CEO Litchfield Council). The assessment panel went through the selection criteria and applied that to the applications which were then shortlisted from the 11 down to 4 for interview, including 1 Wagait Beach resident. All 4 were extremely well qualified for the position. Reference checks were conducted on the shortlisted applicants

The selection panel produced a report and made a recommendation to council which was approved at a special council meeting on Monday 1<sup>st</sup> July 2019. Council has made an offer of employment to Anna Malgorzewicz, who has subsequently accepted the offer.

Anna was previously employed by:

- NTG as Director, Museums & Art Galleries of NT (2001-2010)
- Litchfield Council as Public Relations and Community Support Officer and Acting Governance Manager (2011-2012)
- Darwin City Council as Community Engagement Officer (2012-2014) and
- Darwin City Council as General Manager, City Life (2014-2018)

Anna comes highly recommended from previous employers and will commence work with Wagait Shire Council on 7<sup>th</sup> August 2019.

I would like to thank the members of the selection panel, LGANT and Kaylene for their contribution to the employment process.

The acting CEO, Russell Anderson will be in a position to provide a handover / takeover to make the change as transparent as possible. I look forward to working with Anna as we look at the implication of the introduction of a new Local Government Act.

#### Where have I been ....

18 <sup>th</sup> June	Ordinary WSC Council meeting
20 <sup>th</sup> June	Opening Night – Darwin Festival
21 <sup>st</sup> June	Teleconference @ LGANT – CEO Selection panel
22 <sup>nd</sup> June	Interviews @ LGANT – CEO Selection panel
25 <sup>th</sup> June	Weekly meeting with CEO
1 <sup>st</sup> July	Meet with prospective new CEO @ Wagait Beach
1 <sup>st</sup> July	WSC Special meeting – Consideration of Selection Panel report
2 <sup>nd</sup> July	Weekly meeting with CEO
9 <sup>th</sup> July	TOPROC Special meeting – New Local Government Act
10 <sup>th</sup> July	Weekly Meeting with CEO

15 <sup>th</sup> July	Meet with new CEO – Contract signing
16 <sup>th</sup> July	Weekly meeting with CEO
16 <sup>th</sup> July	Ordinary WSC meeting

**Resolution No. 2019/.....**

**That President Peter Clee’s report for the month of May 2019 be received and accepted.**

**Moved:**

**Seconded:**

**Vote:**

**8.0 OFFICERS REPORTS**

**8.1 CEO and Works Report**

Actions since Tuesday 18 June:

- Green waste issues resolved with a temporary site located at Cloppenburg Park.
- Veolia commenced road side pickup on 3<sup>rd</sup> July. Resulted in Boom Place being missed. Veolia was quick to fix the issue.
- Councilwise grant included three PC’s and two laptops. Four PC’s have been ordered to replace the existing old desk top units.
- MUFF generated local residents concerns and these were resolved with a temporary fencing.
- Two dangerous trees removed by contractors at Cloppenburg park.
- Attended TOPROC meeting at Palmerston.
- Audit/Stock take of Council assets.
- Preparation of CEO contract / house / combiz documentation.
- A draft dog operating procedure is attached for Council information and the following issues will require Council consideration:
  1. Dog pound constructed and maintained when occupied.
  2. Sections of the Dog By-Laws to be implemented. (barking processes, registration, dangerous dogs, stray dogs, etc.)
  3. Resources and budget are required for: (microchip reader, trailer with dog cage, protective clothes, and dog handling tools).
  4. Process training: (authorised person, preparation of statements, fees, fines, charges and fines recovery)

Works Report

- Jetty wash x 13
- Bore Run x 14
- Water Samples x 10
- Bins out/in, cleaned
- Sports ground mow, snip, hedge trim, fallen limb cleared
- Council Residence garden maintenance
- Jetty Carpark mow
- Jetty Carpark bollard replacement etc.
- Boat ramp de-algae
- Cenotaph refurbishment work
- Injured wallaby destroyed
- Hard waste road side pickup



## DOG PROCEDURE

This procedure is written to provide guidelines of what needs to be done when a dog is brought into the pound by the Animal Management Officer or other Council staff member or a dog is reported as lost.

**Note that where the title Animal Management Officer is used that this includes any staff member carrying out the duties of the Animal Management Officer.**

ACTION FOR A PROBLEM OR ROAMING DOG	RESPONSIBILITY
When a dog is brought into the pound, the top section (white) of the form called "Details of Impounded Dog" must be completed and provided to Administration Officer for entry into the Impounded Dog Register.	Animal Management Officer
<b>Note that all forms and register are located in Server/ data / Dog folder</b>	
Information about the dog is entered into the Impounded Dog Register and the dog registration spread sheet is checked to see if the dog is registered and if it has previously been impounded.	Administration Officer / Receptionist
After 3 days of advertising and the dog is still in the pound the Animal Management Officer must seek direction from the CEO re the action to be taken with the dog.	Animal Management Officer
The bottom section of the original form "Details of Impounded Dog" must be completed and returned to Administration Officer.	Animal Management Officer
The details regarding the outcome for the dog are recorded in the Impounded Dog Register.	Administration Officer
<b>REGISTERED DOG</b>	
If the dog is registered the owner is to be contacted and arrangements made for its collection – fees and charges apply. <b>Note – if the dog is collected by the owner within 4 hours of contacting the owner and the dog had NOT previously been impounded, the initial impoundment fee may be waived and a warning letter to be issued to owner. Letter template located in Server/ data / Dog folder</b>	Administration Officer / Receptionist
The bottom section of the original form "Details of Impounded Dog" must be completed and returned to Administration Officer.	Animal Management Officer
The details regarding the outcome for the dog are recorded in the Impounded Dog Register.	Administration Officer / Receptionist
<b>UNREGISTERED DOG</b>	
If the dog is not registered photograph the dog and give to Administration Officer.	Animal Management Officer
Create a poster advertising the dog for distribution around Wagait. <b>Note – Advertised for 3 days – remove the poster after this time.</b>	Administration Officer / Receptionist
If dog is claimed or adopted, fees and charges apply; see current fees and charges schedule and must be paid before the dog is removed from the pound. Fees include an impoundment and a fee for each day in the pound.	Administration Officer / Receptionist

<b>Note – if the dog is collected by the owner (not adopted) within 4 hours of advertisement going up and the dog had NOT previously been impounded, the initial impoundment fee may be waived and a warning letter to be issued to owner. Letter template located in Server/ data / Dog folder</b>	
After 3 days of advertising and the dog is still in the pound the Animal Management Officer must seek direction from the CEO re the action to be taken with the dog.	Animal Management Officer
The bottom section of the original form "Details of Impounded Dog" must be completed and returned to Administration Officer.	Animal Management Officer
The details regarding the outcome for the dog are recorded in the Impounded Dog Register.	Administration Officer / Receptionist

Action for a lost dog	Responsibility
When a dog is reported as being lost either the owner or person taking the call completes the "Lost Dog Form" <b>Note that all forms and register are located in Server/ data / Dog folder</b>	Owner or WSC Staff member
If and when the dog is found the bottom part of the form "Lost Dog Form" the needs to be completed and the form is put into the Dog folder and the owner needs to be contacted.	WSC Staff member

Rehoming an Impounded dog	Responsibility
Direction to rehome a dog will come from the CEO	CEO
Pictures, impoundment details and notes on the dogs behavior are to be emailed to the rehoming organisations below.  1 <sup>st</sup> Katrina at Top End Rehoming Group ( <a href="mailto:topendrehominggroup@gmail.com">topendrehominggroup@gmail.com</a> )  2nd – Rachelle Dunk at Darwin Animal Rescue Group ( <a href="mailto:darwinrescuegroup@yahoo.com.au">darwinrescuegroup@yahoo.com.au</a> )	WSC Staff member



## IMPORTANT INFORMATION YOU SHOULD READ

The following information is required in a statement if Council Officers are to take action against a dog owner.

Time and date of the incident.

Location of the incident.

A detailed description of the dog, eg breed, colour, size, if possible its sex and any other distinguishing features, eg wearing a large studded collar or had a chain around its neck, had a black patch on its back etc.

Where the dog has attacked and bitten - describe exactly how the dog did so, ie did it run up and bite. Did it chase the bike and bite, did it jump up etc.

Where the dog has come out of its yard how it got out (through open gates, under the fence, jumped over the fence etc).

Detail all injuries that were inflicted e.g bit me on the left leg and left three puncture wounds. Where there are visible injuries an Officer will make arrangements to come and take photographs.

If there was a person with the dog then describe them if possible. Also identify any potential witnesses such as neighbours who were in the street at the time. If the owner called the dog by its name then detail what the name of the dog was.

Always draw a map and mark on it where the incident occurred, where you were, where the dog came from and if known where it went. It is important to show on the map the exact location where the dog jumped the fence or come under it. This helps the Council Officer investigating the incident gather sufficient evidence to take the necessary action.

The above information is required as all complaints have the possibility of going to Court. It also allows Council to take action against the dog owner by issuing an infringement notice, placing specific conditions on the dog's registration and in some cases seizing and destroying a dangerous dog. Please remember that Council Officers did not witness the matter that you are reporting and as a result need you to supply as much information as possible to assist in resolving the situation.



## 8.2 Sports Report – June 2019

### Sport & Recreation June Report, 2019 – Rebecca Taylor

Activity	Session Frequency / Day of Week	Comment
Court Sports		Participants learn the specific skills of a variety of sports. Time is allocated into the session to practise those skills in game sense and pressure situation creating quick decision making.
Runners & Walkers	Weekly Session Tuesday's	Variety of track lengths and locations is selected and given out on a monthly planner on the last week of the month before the activity. A couple of young enthusiastic runners have joined the adults and really set the pace up the front of the pack. There has been a group discussion and participants are happy to start at a regular meeting point that will now only change monthly and not weekly. This was to support those who come and go irregularly. Commencing July 2 <sup>nd</sup> .
Boot Camp	Twice Weekly	Morning and Afternoon Session continued in June. Outdoor fitness groups still proving to be a popular choice. Afternoon sessions are the preferred option and will be on the calendar for July.
Strength Conditioning &	Once Weekly	An opportunity for low impact exercise and air-conditioned comfort to grow the muscles. Includes functional movement, body weight, hand weights and resistance bands.
Stretch	Once Weekly	A full body stretch to unwind at the end of each week. A variety of stretches allowing a few different techniques and positioning to ensure all muscles are given weekly attention.

#### Administration

- **Runners and Walkers - tracks mapped and in place for July. One starting point for the month. Various distances and directions from this starting point.**
- **Planning and Collaboration with Belyuen Community Government Council in regards to July School Holiday Circus Skills activities / Disco. Shared expenses for service providers.**
- **Collaboration with Coomalie and Belyuen Community Government Council re sports day based at Belyuen for all communities to be incorporated into the July School Holiday Program. July 3<sup>rd</sup>.**
- **July / August Planning**
- **Ongoing work with Corrugated Iron Youth Arts on the Circus skills budget and availability.**
- **Advertising through grant provider for the Seniors Luncheon. (August)**
- **Clean Up Harbour Day – budget and logistics. Conservation Volunteers no longer exist in the NT. Search for other means to provide resources on the day. Work with Larrakia Nation in regard to data collection, clean up points, catering.**
- **Meeting with Dept Sport and Recreation re 2019/20 Planning**
- **Support Office Staff with changes in the office – change of scenery with the furniture making it more practical and user friendly for all.**
- **Compile a Sport & Rec List of all assets. Include in WSC Asset Register and Audit Report. Work with Audit Committee Chair Barry Bamford for S&R equipment.**

**Resolution No. 2019/.....**

**That the Officers reports for the month of June 2019 be received and accepted.**

**Moved:**

**Seconded:**

**Vote:**

9.0 FINANCIAL REPORT

9.1 Cash Income and Expenditure Report –May 2019

EXECUTIVE SUMMARY									
for the month of June 2019									
	June 2019 Actual \$	June 2019 Budget \$	Variance	Year to date Actuals \$	Year to date Budget \$	Variance \$		Forecast to 30 June 2019	Notes
<b>INCOME</b>									
RATES	\$1,271	\$10,225	-\$8,954	\$245,082	\$233,847	\$11,235		\$233,847	1
GRANTS	\$81,611	\$0	\$81,611	\$461,578	\$243,700	\$217,878		\$243,700	
CONTRACTS	\$16,193	\$9,150	\$7,043	\$123,806	\$109,800	\$14,006		\$109,800	2
RENTAL INCOME	\$982	\$690	\$292	\$6,502	\$8,280	-\$1,778		\$8,280	3
MISCELLANEOUS	\$858	\$2,500	-\$1,642	\$38,914	\$30,000	\$8,914		\$30,000	4
WASTE MANAGEMENT	\$555	\$4,974	-\$4,419	\$119,904	\$117,360	\$2,543		\$117,360	5
<b>TOTAL INCOME</b>	<b>\$101,470</b>	<b>\$27,539</b>	<b>\$73,931</b>	<b>\$995,785</b>	<b>\$742,987</b>	<b>\$252,798</b>		<b>\$742,987</b>	
<b>EXPENSES</b>									
ADMINISTRATION EXPENSES	\$15,377	\$3,940	\$11,437	\$106,539	\$82,350	\$24,189		\$82,350	
STRATEGIC PLAN GOALS	\$0	\$0	\$0	\$0	\$0	\$0		\$20,000	6
EMPLOYMENT EXPENSES	\$28,326	\$27,200	\$1,126	\$332,606	\$299,900	\$32,706		\$327,400	7
ROADS	\$4,140	\$1,000	\$3,140	\$4,140	\$12,000	-\$7,860		\$12,000	8
CONTRACTS & MATERIALS	\$428	\$425	\$3	\$3,512	\$7,500	-\$3,988		\$7,500	9
REPAIR & MAIN TOWN ASSETS	\$4,873	\$5,600	-\$727	\$38,677	\$22,400	\$16,277		\$22,400	
VEHICLE & PLANT	\$2,422	\$2,575	-\$153	\$29,776	\$25,610	\$4,166		\$25,610	
GRANT EXPENSES	\$13,356	\$100	\$13,256	\$24,963	\$4,700	\$20,263		\$4,700	10
WASTE MANAGEMENT	\$9,950	\$12,500	-\$2,550	\$90,933	\$100,000	-\$9,067		\$100,000	11
SERVICES	\$327	\$100	\$227	\$7,425	\$12,850	-\$5,425		\$12,850	12
<b>TOTAL EXPENSES</b>	<b>\$79,199</b>	<b>\$53,440</b>	<b>\$25,759</b>	<b>\$638,572</b>	<b>\$567,310</b>	<b>\$71,262</b>		<b>\$614,810</b>	
<b>TOTAL OPERATIONAL SURPLUS / DEF</b>	<b>\$22,271</b>	<b>-\$25,901</b>	<b>\$48,172</b>	<b>\$357,214</b>	<b>\$175,677</b>	<b>\$181,537</b>		<b>\$128,177</b>	
<b>CAPITAL EXPENDITURE</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$104,995</b>	<b>\$257,000</b>	<b>\$152,005</b>			



## **9.2 Notes on Cash Income and Expenditure Report**

- 1. Rates budget is incorrect for the month.**
- 2. End of the year invoices required payment before end of financial year**
- 3. Rental reduction due to tenant changes.**
- 4. Interest reduced income.**
- 5. As with rates the budget is incorrect for the month.**
- 7. On target.**
- 8. Road works to new temporary green waste site.**
- 9. On target.**
- 10. On target.**
- 11. Change of contractors.**
- 12. On target.**

9.3 Financial Report for month ended June 2019

<b>Cash at Bank &amp; on Hand</b>					<b>TOTAL</b>
Petty Cash					\$ 209.30
CBA - transaction account					\$ 22,280.66
CBA - Cash Saver					\$ 764,968.24
Undeposited Funds					\$ 76.00
Bendigo Bank - Investment Q/C					\$ 500,000.00
<b>Total Cash at Bank &amp; on Hand</b>					<b>\$ 1,287,534.20</b>
<b>Debtors</b>	<b>Current</b>	<b>&gt; 30 days</b>	<b>&gt; 60 days</b>	<b>&gt; 90 days</b>	
Trade	3,205.00			350.00	\$ 3,555.00
Rate Arrears				19,362.67	\$ 19,362.67
Rates paid in Advance	-4,143.03				-\$ 4,143.03
<b>Total Debtors</b>					<b>\$ 18,774.64</b>
<b>Creditors</b>	<b>Current</b>	<b>&gt; 30 days</b>	<b>&gt; 60 days</b>	<b>&gt; 90 days</b>	
	8,542.28			16,500.05	\$ 25,042.33
<b>Total Creditors</b>					<b>\$ 25,042.33</b>
<b>Reconciliation of Working Funds</b>					
Balance as per General Ledger					\$ 787,534.20
Add outstanding Debtors					\$ 18,774.64
Less Outstanding Creditors					(\$25,042.33)
Add Investment Account					\$ 500,000.00
<b>Total Cash &amp; Receivables Available</b>					<b>\$ 1,281,266.51</b>

#### 9.4 Rate Payers in arrears

2015-2016	.69
2016-2017	\$4,175.66
2017-2018	\$4,721.59
2018-2019	\$10,464.73
TOTAL:	\$19,362.67

#### 9.5 Credit Card Transaction to 30 June 2019

##### CEO Russell Anderson

05/06/2019	ABT Berry Springs	CEO Fuel	\$114.00
06/06/2019	NT News	Shire Plan advertisement	\$295.00
06/06/2019	Harvey Distributors	Cleaning supplies	\$29.98
07/06/2019	NT News	Advertisement – Green Waste	\$295.00
15/06/2019	Office Works	Portable Hard Drive	\$89.00
20/06/2019	CSE Crosscom	Update on vehicle GPS	105.60
23/06/2019	Puma Ludmilla	CEO Fuel	95.06

##### President Peter Clee

02/06/2019	MYOB	Monthly subscription	\$130.00
5/6/2019	Adobe	Monthly subscription	\$36.29
13/06/2019	PC Mart	Cyberpower 2200VA/1320W Value GP UPS	\$349.00
16/06/2019	Gadget City	Hand Held Radios	\$189.00
24/06/2019	Quest Hotel	Accommodation – councillor for CEO Mtg	\$120.00

##### Works Supervisor – Gary Zikan

01/06/2019	Totally Work Wear	Uniform – workshop staff	\$104.00
12/06/2019	Rhino Industrial	Bollards for jetty	470.80
14/06/2019	Airtight	Freezer seal	\$90.00

#### 9.6 Supplier Payment History – May 2019

Date	From	Description	Amount
06/06/2019	Harvey Distributors	Cleaning supplies	\$29.98
13/6/2019	Barry Demasson	Erect shade over BBQ area	\$7,900
13/6/2019	Barry Demasson	Construct bench	\$4,100
13/06/2019	VTG	Weekly bin charges	\$4,933.63
13/6/2019	Central business Equipment	Monthly repayments for purchase of copy machine	\$204.80
13/06/2019	Robert Newman	Service and repairs to tractor	\$994.75
13/6/2019	Central Business Equipment	Copy charges	\$204.80
13/6/2019	Coles Supermarket	Food for LGANT meeting	\$19.00

13/06/2019	National Flags	Signage 600 x 150 and Text and Graphics – Armistice Grant	\$666.60
13/6/019	Belyuen Council	Manufacture paint and attach sign to information stand	\$198.00
13/06/2019	Dougie Maintenance Service	Paint outside of CEO house	\$2,000.00
13/06/2019	Jaycar	Replace antenna at sports ground	\$47.90
13/06/2019	Marks Rural Services	Chop and remove dead tree at council driveway entrance	\$275.00
13/06/2019	Marks Rural Services	Construct steel bridge over drain with railings Uhr Road	\$4,290.00
13/06/2019	Marks Rural Services	Water to Sports Ground	\$132.00
13/06/2019	Officeworks	Stationery	\$255.32
13/06/2019	Merrilyn Robb	Accounting Services	\$2,794.00
13/06/2019	Wigg Plumbing	Service to sewerage at Sports ground	\$212.37
13/06/2019	Marks Rural Services	Clear tract in and clear a burn area of Cloppenburg Park	\$1,078.00
13/06/2019	WBS	CEO fuel	\$88.70
13/06/2019	WBS	Newspapers	\$27.70
13/06/2019	WBS	Food for council meetings	\$7.98
13/06/2019	WBS	CEO fuel	\$106.01
13/06/2019	WBS	CEO Fuel	\$130.27
13/06/2019	WBS	Padlock for workshop gates	\$15.99
13/06/2019	WBS	CEO fuel	\$106.81
13/06/2019	WBS	Mower fuel	\$22.18
13/06/2019	WBS	Newspapers	\$27.70
13/06/2019	WBS	Office meeting	\$13.25
13/06/2019	WBS	CEO fuel	\$106.56
13/06/2019	WBS	Mower fuel	\$63.78
13/06/2019	Dougie Maintenance Service	Fit solar lighting for Cenotaph	\$200.00
18/06/2019	Sealink	Return Ferry ticket	\$26.00
18/6/2019	City of Darwin	City parking	\$2.00
20/6/2019	Bunnings	Paint for walkway bridge on Uhr Road	\$81.50
20/6/2019	Woolworths	Softdrinks for Territory Day	\$42.95
24/06/2019	Dougie Maint Service	Paint internal CEO house, repairs to office	\$1,225.00
24/06/2019	Dougie Maintenance Service	Rectify security cameras at Sports Ground	\$250.00
24/06/2019	Employsure	Payment to finish off old contract	\$3,932.50
24/06/2019	Employsure	Payment for new contract	\$4,945.05
24/06/2019	Media Plus	Research and prepare material for Cenotaph upgrade printing at sign city	\$300.00
24/6/2019	Officeworks	Stationery	\$172.01
24/06/2019	Power Water	Water swipe card	\$13.83
24/06/2019	Optus	Phone and mobile charges	\$277.57
28/06/2019	Merrilyn Robb	Accounting Services	\$1,611.50
28/06/2019	VTG	Weekly bin charges	\$4,933.63
24/6/2019	WBS	Newspapers	\$27.70
24/6/2019	WBS	Small engine fuel	\$10.20
24/06/2019	WBS	Newspapers	\$27.70
24/06/2019	WBS	CEO fuel	\$91.00

24/06/2019	WBS	Works Ute Fuel	\$120.00
24/06/2019	WBS	CEO fuel	\$86.50
24/06/2019	WBS	Newspapers	\$27.70
27/06/2019	WBS	CEO fuel	\$90.50
27/06/2019	WBS	Mower fuel	\$68.75
27/06/2019	WBS	Mower fuel	\$68.75

## 9.7 Grants Report

Date Received	Grant	From	Amount	Expended to date	Amount Remaining	Acquittal Due
15/02/218	Irrigation at Cloppenburg Park	Minister for Housing and Community Dlv - Hon Gerry McCarthy MLA	\$83,694.00	30/7/2019 - Partial acquittal \$22,730 (resolution 2018/220 held 23 July 2019) Expended to date: \$64,449.23	\$19,244.77	On or before 31 Aug 2018 or thereafter for a period of two years.
8/11/2018	Construct Dog Pound and associate septic pit	Dept of Housing & Community Dlv	\$30,537.00	\$1,150	\$29,387	Before 31 August 2019 or thereafter for a period of two years
May 2019	Youth Vibe Holiday Grant round June/July 2019	Territory Families	\$2,000			26 August 2019
June 2019	\$5,000 litre water tank	NT Govt	\$7,607.00			30 June 2020
June 2019	Electronic Records Management System	NT Government	\$34,889.00			30 June 2020
June 2019	Energy Efficiency & Sustainability	NT Govt	\$3,042.00 (grant) \$1014 (financial)			30 June 2020

## 9.8 Councillor Allowances

Councillors payment for the month of June 2019  
President Peter Clee - \$300

## 9.9 Answers to questions Raised by Councillors from previous meeting

1. The \$300 was posted to the incorrect code at the time of generating the invoice. This has been amended to its correct code.
2. Wages, salaries and super as at 30 June were taken up as an expense in the Council's accounts. This was reversed on 1 July so the correct salaries, wages and super is calculated for 2018-2019. That is why it was a minus and because the auditors did not break up the amounts of wages and salaries and Super. Merrily has left is where they put it until we know the actual breakup.
3. Council now keeps a log book for water usage. This is presented to the staff Tool Box Meeting every Monday. The key to the by-pass facility at the water compound is held by Council Workstaff. The water is put on by-pass for staff to wash the water compound facility.

**Resolution No. 2019/.....**

**That the financials for the month of June 2019 be received and accepted.**

**Moved:**

**Seconded:**

**Vote:**

## 10.0 AGENDA ITEMS

### 10.1 Wagait Shire Council Dog Management By-Laws 2019

Background: Council advertised the draft Dog Management By-Laws on Saturday November 10, 2018 and again on Saturday 4 May 2019 to seek written submissions from members of the public. Ten submissions were received and Council considered them at its Ordinary Council Meeting on Tuesday 16 April and resolved as follows:

Resolution No. 2019/359

1. That council has considered the submissions made on the proposed Wagait shire Council (Dog Management) By-laws and no changes to the proposed By-laws are required.
2. That Council request the Office of Parliamentary Counsel to settle the By-laws and provide a certificate or the purpose of the Local Government Act. This was also discussed at the Community Consultation held Wednesdays 1 May 2019.

Current Situation: Attached is a certificate from a legal practitioner certifying that in the opinion of the legal practitioner the Wagait Shire Council's Dog Management By-Laws are consistent with the Principles prescribed by the Local Government Act 2008.

The Council must pass a special resolution (*supported by at least ¾ of total councillors i.e. In Wagait's case 4 out of 5 councillors*) to make the By-Laws and authorise the CEO to sign them.

The signed proposed By-laws are then forwarded to the Minister with a request to gazette the By-laws also providing a copy of the Special Resolution, full details and results of the consultation, and a copy of the Legal Practitioner's Certification.

The Minister considers the By-laws and arranges for the Publication of the Notification of the Making of the Wagait Shire Council (Dog Management) By-laws 2019 in the Gazette.

The By-laws take effect from the date the notification appears in the Gazette.

The Minister must then cause the By-laws to be tabled in the Legislative Assembly within 3 sitting days after the gazettal. By-laws are disallowed by the Legislative Assembly under section 63(9) of the *Interpretation Act*.

**NORTHERN TERRITORY OF AUSTRALIA**

**WAGAIT SHIRE COUNCIL (DOG MANAGEMENT) BY-LAWS 2019**

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**Subordinate Legislation No. [ ] of 2019**

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# NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [ ] of 2019\*

## *Wagait Shire Council (Dog Management) By-laws 2019*

Wagait Shire Council, at a meeting held on \_\_\_\_\_ 2019,  
made the following by-laws under the *Local Government Act 2008* and, for  
section 63(2)(a) of the *Interpretation Act 1978*, authorised  
\_\_\_\_\_, the \_\_\_\_\_ to sign them.

Dated \_\_\_\_\_ 2019

Chief Executive Officer / Authorised Officer

The common seal of Wagait Shire Council is affixed under a resolution  
authorising the seal to be affixed passed on \_\_\_\_\_ 2019.

Chief Executive Officer / Authorised Officer

**NB: A certificate of a legal practitioner is required under  
section 190(1)(c) of the *Local Government Act 2008*.  
Also, a special resolution of the council is required for making a  
by-law under section 190(2) of the *Local Government Act 2008*.**

OFFICE OF THE PARLIAMENTARY COUNSEL

Settled by PO on 30 May 2019

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\* Notified in the *Northern Territory Government Gazette* on [ ] 2019.

## **Part 1 Preliminary matters**

### **1 Citation**

These By-laws may be cited as the *Wagait Shire Council (Dog Management) By-laws 2019*.

### **2 Commencement**

These By-laws commence on the day on which they are notified in the *Gazette*.

### **3 Definitions**

In these By-laws:

**abandon**, in relation to a dog, means:

- (a) deliberately leaving the dog at a place without an intention to return to collect the dog or to provide care for it; and
- (b) failing to obtain the release of the dog from a pound.

**animal** means a dog, cat, bird, reptile or other animal that is kept in the Council area.

**approved** means approved by the Council.

**attack**, by a dog, means the dog behaviour prohibited by by-law 34(1) and (2)

**authorised person** means a person appointed under section 112(1) of the Act to be an authorised person.

**CEO** means the Chief Executive Officer of the Council.

**Council** means the Wagait Shire Council.

**Council area** means the Wagait Shire Council area.

**dangerous dog** means a dog declared under by-law 21 to be a dangerous dog.

**determined** means determined by the Council by resolution.

**dog** means an animal of the genus *Canis*.

**dog exercise area** means an area declared under by-law 25 to be a dog exercise area.

**dog restriction area** means an area declared under by-law 26 to be a dog restriction area.

**dog-tag** means a dog-tag issued under by-law 10(1).

**identification device** means a dog-tag or microchip that complies with by-law 10.

**infringement notice**, see by-law 45.

**infringement notice offence**, see by-law 44(1).

**licence** means a licence granted or renewed under these By-laws for the keeping of dogs on the premises in respect of which the licence is granted.

**menace**, in relation to the actions of a dog, means an action that creates a reasonable apprehension in a person that:

- (a) the dog is likely to attack a person or an animal; or
- (b) the dog is likely to escape, or be released from, restraint and attack a person or an animal.

**microchip** means a digital device that can be implanted in a dog.

**officer** means any of the following:

- (a) an authorised person;
- (b) an officer or employee of the Council.

**owner**, in relation to a dog, means:

- (a) the registered owner of the dog;
- (b) the person for the time being in control of the dog, other than a person controlling or keeping a dog under Division 8 or 9;
- (c) the occupier of premises, or a part of premises, where the dog is usually kept; and
- (d) if the owner is under the age of 17 years, a parent or guardian of the owner.

**pound** means a pound established by by-law 39.

**premises** includes:

- (a) a building; and

(b) land, whether built on or not.

**prescribed amount**, see by-law 44(2).

**properly contained**, in relation to a dog, means the dog is kept in accordance with by-law 27(1).

**register** means a register kept under by-law 4.

**registered**, in relation to a dog, means registered under by-law 9.

**registered owner**, in relation to a dog, means the person specified in the appropriate register as the owner of the dog.

**vehicle** means a conveyance or other device designed to be propelled or drawn by any means, including a bicycle, tricycle, motor vehicle, wheelchair or mobility device.

**veterinarian** means a registered veterinarian as defined in section 3(1) of the *Veterinarians Act 1994*.

*Note for by-law 3*

*The Interpretation Act 1978 contains definitions and other provisions that may be relevant to these by-laws.*

#### **4 Registers**

- (1) The CEO must keep registers as determined by the Council.
- (2) A register may be kept in any form, including electronic form.
- (3) A register must include details about the following:
  - (a) all dogs registered by the Council;
  - (b) all licences granted by the Council;
  - (c) all offences against these By-laws for which an owner of a dog:
    - (i) was found guilty by a court; or
    - (ii) has paid the prescribed amount under an infringement notice.

#### **5 Publishing determinations and resolutions**

A resolution or determination of the Council made under these By-laws is to be published on the Council's website.

## 6 Matters of evidence

- (1) An extract from, or copy of an entry in, a register, purportedly signed by the CEO is evidence of the details contained in the entry without requiring the production of the register, unless a court otherwise orders.
- (2) A statement purportedly signed by the CEO in relation to details contained in a register, including the following, is evidence of those details without requiring the production of the register, unless a court otherwise orders:
  - (a) whether the name of a person was entered in a register in relation to an animal, matter or thing;
  - (b) whether a licence was granted in relation to premises;
  - (c) whether a registration was made in relation a dog.

## 7 Application of Criminal Code

Part IIAA of the Criminal Code applies to an offence against these By-laws.

*Note for by-law 7*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

## Part 2 Control of dogs

### Division 1 Preliminary matters

#### 8 General exemption for assistance dog

- (1) By-laws 11, 12 and 26 do not apply in relation to:
  - (a) an assistance dog; or
  - (b) any other dog that the Council determines is exempt from those provisions.
- (2) In this by-law:

**assistance dog** means a dog:

- (a) trained by an assistance dog training institution recognised by the Council; and

- (b) used as an assistance dog by a person who:
  - (i) is wholly or partially blind or deaf; or
  - (ii) has another form of disability requiring the use of an assistance dog.

## **Division 2      Registration of dogs**

### **9            Applications for registration**

- (1) The owner of a dog that is kept within the Council area must apply to the Council for registration of the dog.
- (2) An application for the registration of a dog must include the application fee.
- (3) The Council must, within 14 days after receiving an application for the registration of a dog:
  - (a) register the dog, either conditionally or unconditionally; or
  - (b) refuse to register the dog and refund the application fee to the applicant.
- (4) The Council may refuse to register a dog if:
  - (a) within the 12 months before the date of the application the owner of the dog was found guilty by a court of more than 2 offences against these By-laws; or
  - (b) the dog is a dangerous dog and the CEO believes on reasonable grounds that, within 12 months before the date of the application, the owner of the dog contravened by-law 23(1) more than once; or
  - (c) within 12 months before the date of the application the dog was impounded under these By-laws on more than 2 occasions; or
  - (d) the Council is satisfied that the dog is destructive, dangerous, savage or consistently the cause of nuisance to members of the public; or
  - (e) the premises on which the dog is to be usually kept are not secured to a degree that is satisfactory to the Council.



- (5) The Council must refuse to register a dog if:
  - (a) keeping the dog on the premises on which the dog is to be usually kept would contravene by-law 15; or
  - (b) the dog is to be kept on premises within a dog restriction area and is not a dog exempted by-law 26(7).
- (6) If the Council refuses to register a dog or imposes conditions on the registration of a dog, the Council must give the applicant a statement in writing of the reasons for its decision.
- (7) For clause (4)(a), a reference to a finding of guilt for an offence includes the payment of a prescribed amount under an infringement notice given to the person under these By-laws.
- (8) The registration of a dog expires after 12 months and may be renewed annually as determined by Council.

#### **10      Identification device**

- (1) If the Council registers a dog under these By-laws, the Council must issue a dog-tag for the dog to the person who made the application.
- (2) In addition to a dog-tag, the Council may require the dog to be implanted with a microchip in the manner approved by the CEO.
- (3) The microchip must:
  - (a) comply with the following Australian Standards:
    - (i) AS 5018 – 2001 Electronic Animal Identification – National coding scheme;
    - (ii) AS 5019 – 2001 Electronic Animal Identification – Radiofrequency methods; and
  - (b) be designed to store information in a way that can be retrieved electronically without physical contact.
- (3) The registered owner, unless exempted by the CEO, must ensure that, while the registration of the dog remains in force:
  - (a) the dog-tag is fixed to a collar on the dog; and
  - (b) the dog-tag remains displayed on a collar on the dog.

**11      Unregistered dog**

- (1) A person commits an offence if the person keeps an unregistered dog in the Council area for a continuous period of 3 months or longer.

Maximum penalty:      20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.
- (3) The following persons are exempt from clause (1):
- (a) a Council employee or contractor keeping a dog in a pound; or
  - (b) an approved incorporated body that provides services relating to animal welfare and refuges for dogs; or
  - (c) a veterinarian keeping a dog for the purposes of treatment.

**12      Failure to comply with a condition of registration**

- (1) A registered owner of a dog commits an offence if:

- (a) the dog's registration is subject to a condition; and
- (b) the owner contravenes the condition.

Maximum penalty:      20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

**13      Change of ownership**

- (1) The registered owner of a dog who transfers the dog to a new owner must, within 14 days after the transfer, notify the CEO of:

- (a) the registered owner's name and address; and
- (b) the registration number of the dog; and
- (c) the name and address of the new owner of the dog.

- (2) A person who contravenes clause (1) commits an offence.

Maximum penalty:      20 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.

- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant has a reasonable excuse.
- (5) The CEO must, on being notified of a change of ownership under clause (1), amend the register accordingly.

**14      Change of address**

- (1) The registered owner of a dog who changes the owner's address must, within 14 days after the change, notify the CEO of the new address.
- (2) A person who contravenes clause (1) commits an offence.  
Maximum penalty:      20 penalty units.
- (3) An offence against clause (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant has a reasonable excuse.
- (5) The CEO must, on being notified of a change of address under clause (1), amend the register accordingly.

**Division 3      Licensing of premises**

**15      Requirement for licence**

- (1) The Council may determine the maximum number of dogs, or dogs of a class of dog, that may be kept on premises in the Council area without a licence.
- (2) An occupier of premises commits an offence if the occupier:
  - (a) keeps more dogs, or dogs of a class of dogs, on the premises than the maximum determined under clause (1); and
  - (b) does not have a licence permitting that number of dogs on the premises.Maximum penalty:      20 penalty units.
- (3) An offence against clause (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against clause (2) if:
  - (a) the defendant has a reasonable excuse; or

- (b) the defendant establishes that the dogs, or dogs of a class of dogs, were not usually kept on the premises:
  - (i) during the 3 months immediately before the date of the alleged offence; or
  - (ii) for periods totalling 3 months or more during the 6 months immediately before the date of the alleged offence.

**16      Licensing of premises**

- (1) An occupier of premises who wants to keep more dogs on the premises than the maximum number determined under by-law 15(1) may apply to the Council for a licence.
- (2) An application for the registration of a dog must include the application fee.
- (3) The Council must, within 14 days after receiving an application for a licence:
  - (a) grant a licence in respect of the premises, either conditionally or unconditionally; or
  - (b) refuse to grant a licence in respect of the premises and refund the application fee to the applicant.
- (4) In considering an application, the Council may take into account any matter that it considers relevant, including the following:
  - (a) the facilities for controlling dogs on the premises specified in the application;
  - (b) the number of dogs kept or to be kept on the premises;
  - (c) the likely impact on residents near the premises if the licence is granted.
- (5) If the Council has determined the manner in which premises are to be fenced, the Council must not grant a licence in respect of premises if the premises are not fenced in accordance with the determination.
- (6) The Council may renew a licence without considering the application in the manner specified in clauses (4) and (5) if, to the Council's knowledge, no matters have arisen that, if taken into account at the time the licence was granted, would have caused the Council to refuse to grant the licence or to grant the licence subject to conditions other than those specified in the licence.

- (7) The Council must give the applicant a statement in writing of the reasons for its decision if the Council:
- (a) refuses to grant a licence; or
  - (b) grants a licence subject to conditions; or
  - (c) renews a licence subject to conditions not imposed on the original licence.
- (8) A licence for premises expires after 12 months and may be renewed annually as determined by the Council.

**17 Failure to comply with a condition of licence**

- (1) An occupier of premises commits an offence if:
- (a) a licence is granted, subject to a condition, in respect of the premises; and
  - (b) the occupier contravenes a condition of the licence.
- Maximum penalty: 20 penalty units.
- (2) An offence against clause (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

**Division 4 Cancellation, variation or suspension of registration or licence**

**18 Cancellation, variation or suspension of registration or licence on request**

The Council may, on the written request of the registered owner of a dog or the holder of a licence, by written notice given to the registered owner or holder:

- (a) cancel the registration of the dog; or
- (b) cancel the licence or suspend it for the period specified in the notice; or
- (c) vary the conditions to which the registration of the dog or the licence is subject.

**19      Cancellation, variation or suspension of registration or licence for cause**

- (1) If the Council believes on reasonable grounds that it is in the public interest to take any action mentioned in by-law 18(a) to (c) in relation to a dog or a licence, it may give the registered owner of the dog or the holder of the licence a written notice:
  - (a) specifying the proposed action and the reason it is believed to be in the public interest; and
  - (b) inviting the licensee to show cause, in writing and within 14 days from the date the notice is given, why the proposed action should not be taken.
- (2) After considering any response received within 14 days of the date of the notice, the Council may:
  - (a) take no action; or
  - (b) cancel the registration of the dog; or
  - (c) cancel the licence or suspend it for the period specified in the notice; or
  - (d) vary the conditions to which the registration of the dog or the licence is subject.
- (3) The Council must, by written notice, notify the registered owner or the holder of the licence of its decision.

**20      Operation of notice of cancellation**

A notice given by the Council under by-law 18 or 19(3) takes effect on the expiry of 14 days after the notice is given.

**Division 5      Dangerous dogs**

**21      Dangerous dog**

- (1) An authorised person may declare a dog to be a dangerous dog if:
  - (a) the dog attacks a person or an animal; or
  - (b) the dog menaces a person or an animal; or
  - (c) the authorised person believes on reasonable grounds that the dog is destructive, dangerous, savage or a threat to the safety of the community.

- (2) The Council must give written notice of any declaration under clause (1) to the owner of the dog.

**22      Revocation of declaration**

- (1) The owner of a dangerous dog may apply to the Council to revoke the declaration.
- (2) The Council may:
- (a) revoke the declaration; or
  - (b) refuse to revoke the declaration.
- (3) The Council must give written notice of its decision under clause (2) to the owner of the dog.
- (4) A revocation under clause (2)(a) takes effect from the date the Council notifies the owner of the revocation.
- (5) If the Council refuses an application under clause (1), the CEO is not required to consider any further application in relation to the same dog within 6 months of the refusal.

**23      Duties of owner of dangerous dog**

- (1) When properly containing the dog as required under by-law 27(1), the owner of a dangerous dog must ensure that the containment is appropriate to the danger posed by the dog.
- (2) The owner of a dangerous dog must:
- (a) erect signage on the premises where the dog is usually kept, with the words "Warning Dangerous Dog" clearly visible and legible from the front boundary of the premises; and
  - (b) when the dog is outside the premises where the dog is usually kept:
    - (i) ensure the dog is under the control of a person who is at least 18 years of age and competent to restrain the dog; and
    - (ii) ensure the dog is controlled by a suitable leash, and muzzled; and
  - (c) if the owner intends to keep the dog, for more than 14 days, at a place other than the premises where the dog is usually kept – notify the Council of the address of the place within 24 hours after the dog is relocated.



- (3) If a dangerous dog attacks, or is alleged to have attacked, a person or an animal, the owner of the dog must notify the Council of the attack, or alleged attack, within 24 hours of the earlier of:
  - (a) the time of the attack, or alleged attack; or
  - (b) the time the owner is made aware of the attack, or alleged attack.
- (4) The owner of a dangerous dog must notify the Council:
  - (a) if the dog is missing – within 24 hours after the owner becomes aware the dog is missing; and
  - (b) if the dog dies – within 14 days after its death.
- (5) The owner of a dangerous dog must:
  - (a) inform any prospective purchaser or owner of the dog that it is a dangerous dog; and
  - (b) if ownership of the dog is transferred – notify the Council of the name and address of the new owner within 24 hours after the transfer.
- (6) The requirements of clauses (1) to (5) are conditions on the registration of a dangerous dog.
- (7) The owner of a dangerous dog must also comply with any other condition imposed by the Council on the registration of the dog.

#### **24 Breaching conditions for dangerous dog**

- (1) If the owner of a dangerous dog contravenes by-law 23(1) to (5) more than once in a 12 month period, the Council may, by written notice given to the owner of the dog, require the owner to show cause, within 14 days, why the Council should not cancel the registration of the dog.
- (2) After considering any response received within 14 days of the date of the notice, the Council may:
  - (a) cancel the registration of the dog; or
  - (b) impose additional conditions on the registration of the dog.
- (3) The Council must, by written notice, notify the registered owner of its decision.



## **Division 6 Dog exercise areas and dog restriction areas**

### **25 Dog exercise areas**

- (1) The Council may, by resolution, declare an area within the Council area to be a dog exercise area.
- (2) The resolution must specify:
  - (a) the times when a dog may be exercised in the area; and
  - (b) any other conditions that apply to the exercising of a dog in the area.

*Example for clause (2)(b)*

*The Council may impose a condition that female dogs in oestrus are not permitted in a dog exercise area, or are permitted only at certain times.*

- (3) At least 28 days before making the declaration, the Council must publish, on its website and in a newspaper circulating in the Council area, a notice of its intention to declare a dog exercise area.
- (4) Before making the declaration, the Council must consider any responses to the notice from members of the public who reside in the Council area.

### **26 Dog restriction areas**

- (1) The Council may, by resolution, declare an area within the Council area to be a dog restriction area.
- (2) The Council may, in the resolution, prohibit:
  - (a) keeping any of the following in the dog restriction area:
    - (i) all dogs;
    - (ii) more than a specified number of dogs;
    - (iii) all or more than a specified number of dogs of a specified class; and
  - (b) taking a dog into the dog restriction area.
- (3) At least 28 days before making the declaration, the Council must publish, on its website and in a newspaper circulating in the Council area, a notice of its intention to declare a dog restriction area.
- (4) Before making the declaration, the Council must consider any responses to the notice from members of the public who reside in the Council area.

- (5) A person commits an offence if the person keeps a dog in a dog restriction area where keeping the dog is prohibited.

Maximum penalty:      20 penalty units.

- (6) An offence against clause (5) is an offence of strict liability.

- (7) A dog is exempt from clause (5) if the defendant establishes that:

- (a) the dog is owned by the defendant; and
- (b) the dog is registered; and
- (c) the dog was usually kept at premises in the dog restriction area immediately before the date of the declaration of the dog restriction area.

- (8) A person commits an offence if the person takes a dog into a dog restriction area where taking the dog is prohibited.

Maximum penalty:      20 penalty units.

- (9) An offence against clause (8) is an offence of strict liability.

- (10) It is a defence to a prosecution for an offence against clauses (5) and (8) if the person has a reasonable excuse.

## **Division 7      Offences**

### **27      Proper containment of dog**

- (1) The owner of a dog must properly contain the dog, when it is on the premises where the dog is usually kept, as follows:

- (a) keep the dog within a fenced area from which the dog is unable to escape;
- (b) keep the dog inside a building or other enclosure from which the dog is unable to escape;
- (c) confine or restrain the dog in an appropriate manner.

- (2) An owner of a dog commits an offence if the dog is not properly contained when the dog is on the premises where the dog is usually kept.

Maximum penalty:      20 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.

- (4) To avoid doubt, the following matters are not relevant to an offence against clause (2):
- (a) the time during which the dog was not properly contained;
  - (b) the ability of the owner to contain the dog.

**28      Removal of identification device**

- (1) A person who removes an identification device from a dog commits an offence.
- Maximum penalty:      20 penalty units.
- (2) An offence against clause (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

**29      Dog in public place without identification device**

- (1) An owner of a registered dog who permits the dog to be in a public place without an identification device commits an offence.
- Maximum penalty:      20 penalty units.
- (2) An offence against clause (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes that:
- (a) the identification device was removed from the dog without the owner's permission; and
  - (b) the owner did not have a reasonable opportunity to replace the identification, or had a reasonable excuse not to replace it, before the alleged offence.

**30      Putting identification device on wrong dog**

- (1) A person must not affix to a dog's collar, or implant in a dog, an identification device for any dog other than the dog for which the device was issued.
- (2) A person commits an offence if the person contravenes clause (1).
- Maximum penalty:      20 penalty units.
- (3) An offence against clause (2) is an offence of strict liability.

- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant has a reasonable excuse.

**31      Dog at large**

- (1) An owner of a dog commits an offence if the dog is at large in the Council area.

Maximum penalty:      20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant establishes that another person had, without the defendant's permission, caused the dog to become at large.
- (4) In this by-law:

***at large***, in relation to a dog, means:

- (a) the dog is in an outdoor place other than the premises where the dog is usually kept; and
- (b) the dog is not under effective control.

***under effective control***, in relation to a dog, means the dog is:

- (a) restrained by a leash, cord, chain or similar device that:
- (i) is no longer than 3 metres; and
- (ii) is held by a person who is over the age of 12 years and competent to restrain the dog; or
- (b) enclosed in a vehicle, or in or on the back of a flat-topped, tray-backed or well-bodied vehicle, in such a manner that no part of the dog is projecting from the vehicle; or
- (c) in a dog exercise area in compliance with any conditions applicable to the area.

**32      Causing owner to commit offence**

A person commits an offence if:

- (a) the person intentionally engages in conduct; and
- (b) the conduct causes the owner of a dog to commit an offence against these By-laws; and

(c) the person is reckless in relation to that result.

Maximum penalty:      20 penalty units.

**33      Menacing dog**

(1) An owner of a dog must ensure that the dog does not menace a person or an animal.

(2) An owner of a dog commits an offence if the owner contravenes clause (1).

Maximum penalty:      20 penalty units.

(3) An offence against clause (2) is an offence of strict liability.

(4) It is a defence to a prosecution for an offence against clause (2) if the defendant establishes any of the following:

(a) another person had, without the defendant's permission, caused the dog to menace the person or animal;

(b) if an animal was menaced – the animal was menaced on premises owned or occupied by the defendant;

(c) if a person was menaced – the person created a reasonable apprehension that the person was trespassing on premises owned or occupied by the defendant.

(5) If a court finds a person guilty of an offence against clause (2), the court may make one or both of the following orders:

(a) if the dog was impounded as a result of the offence – an order that the person pay the costs and expenses of, and incidental to, the impounding;

(b) an order for the destruction of the dog in addition to, or instead of, the penalty for the offence.

**34      Dog attacks**

(1) An owner of a dog must ensure that the dog does not bite a person or an animal.

(2) An owner of a dog commits an offence if the owner contravenes clause (1).

Maximum penalty:      20 penalty units.

- (3) An owner of a dog must ensure that the dog does not:
- (a) rush at, chase or menace a person or another animal; and
  - (b) make contact with the person or animal, the person's clothing or any property in the immediate possession or under the immediate control of the person.
- (4) An owner of a dog commits an offence if the owner contravenes clause (3).
- Maximum penalty:      20 penalty units.
- (5) An offence against clause (2) or (4) is an offence of strict liability.
- (6) It is a defence to a prosecution for an offence against clause (2) or (4) if the defendant establishes any of the following:
- (a) another person had, without the defendant's permission, caused the dog to attack the person or animal;
  - (b) the person or animal was attacked on premises owned or occupied by the defendant;
  - (c) if a person was attacked – the person created a reasonable apprehension that the person was trespassing.
- (7) If a court finds a person guilty of an offence against clause (2) or (4), the court may make one or both of the following orders:
- (a) if the dog was impounded as a result of the offence – an order that the person pay the costs and expenses of, and incidental to, the impounding;
  - (b) an order for the destruction of the dog in addition to, or instead of, the penalty for the offence.

**35      Dog chasing vehicles or horses**

- (1) An owner of a dog must ensure the dog does not chase:
- (a) a vehicle; or
  - (b) a horse, whether ridden or not.
- (2) An owner of a dog commits an offence if the owner contravenes clause (1).
- Maximum penalty:      20 penalty units.
- (3) An offence against clause (2) is an offence of strict liability.

- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant establishes that another person had, without the defendant's permission, caused the dog to chase the vehicle or horse.

**36      Dog causing nuisance**

- (1) An owner of a dog must ensure that the dog, either by itself or with other dogs, is not a nuisance.
- (2) An owner of a dog commits an offence if the owner contravenes clause (1).

Maximum penalty:      20 penalty units.

- (3) An offence against clause (2) is an offence of strict liability.
- (4) It is a defence to a prosecution for an offence against clause (2) if the defendant has a reasonable excuse.
- (5) For this by-law, a dog is a nuisance if it:
- (a) is injurious or dangerous to the health of the community or an individual; or
  - (b) behaves repeatedly in a manner contrary to the general interest of the community or an individual.
- (6) Without limiting clause (5), a dog is taken to be a nuisance if it:
- (a) creates a noise, by barking or otherwise, that persistently occurs or continues to a degree or extent that disturbs the reasonable mental, physical or social well-being of a person; or
  - (b) repeatedly barks when people or vehicles use a public place in the vicinity of the premises where the dog is kept; or
  - (c) repeatedly defecates in a place causing annoyance to a person other than the owner of the dog.
- (7) The owner of a dog does not commit an offence against this by-law by reason of the nuisance mentioned in clause (6)(c) if the owner immediately removes the faeces and disposes of them in a public garbage receptacle or on the owner's own property.

**37      Abandoning dog**

- (1) A person commits an offence if the person abandons a dog in the Council area.

Maximum penalty:      20 penalty units.

- (2) An offence against clause (1) is an offence of strict liability.
- (3) It is a defence to a prosecution for an offence against clause (1) if the defendant has a reasonable excuse.

**Division 8      Enforcement**

**38      Seizure of dog**

- (1) An authorised person may seize:
- (a) a dog that appears to be diseased, injured, savage, destructive, stray or unregistered; or
  - (b) a dog that an authorised person believes on reasonable grounds has attacked a person; or
  - (c) a dog that is at large; or
  - (d) a dangerous dog the owner of which has not complied with the conditions of the dog's registration.
- (2) The authorised person must as soon as practicable:
- (a) deliver a seized dog to a pound; or
  - (b) return a seized dog to its owner.
- (3) Despite clause (2), the authorised person may destroy a seized dog if:
- (a) the dog is diseased, injured, savage or destructive; and
  - (b) the authorised person believes on reasonable grounds that it is necessary to destroy it.

**Division 9      Pounds**

**39      Pound**

The Council may establish a pound.



**40      Notice of impounding**

- (1) If an impounded dog has an identification device, the CEO must notify the registered owner of the impounding.
- (2) If an impounded dog has a collar on which an address is displayed, the CEO must give notice of the impounding to that address.
- (3) If an impounded dog has no identification device, the CEO is not obliged to notify the dog's owner of the impounding.

**41      Release of dog from pound**

- (1) Subject to by-law 43(1), an impounded dog is not to be released from a pound unless:
  - (a) it is registered; and
  - (b) it is released to its registered owner or to a person authorised to act on behalf of the registered owner; and
  - (c) subject to clause (4), the Council receives the appropriate release fees and any other amounts payable by the registered owner under an infringement notice given to the registered owner under these By-laws.
- (2) A person who is collecting a dog from a pound must satisfy a council employee at the pound that the person is the registered owner of the dog, or is authorised to act on behalf of the registered owner.
- (3) The Council may charge the registered owner a fee for delivering a dog released from a pound.
- (4) Any release fee or delivery fee that is not paid at the time the dog is returned to its registered owner may be recovered as a debt due to the Council.

**42      Diseased dog**

- (1) An officer at the pound must notify the CEO if the officer notices or suspects that an impounded dog is diseased.
- (2) The CEO must arrange for a dog to be isolated from other dogs in the pound if:
  - (a) the CEO is notified under clause (1) that the dog is, or is suspected of being, diseased; or

- (b) the CEO receives advice from a veterinarian that the dog is, or is suspected of being, diseased.
  - (3) The CEO must give the owner, if known, of a dog isolated under clause (2) written notice that:
    - (a) the dog is, or is suspected of being, diseased; and
    - (b) the dog must undergo a course of treatment specified in the notice or be destroyed.
  - (4) The CEO may, in the notice given under clause (3), require the owner of the dog to give the Council a report on the condition of the dog and any other dogs usually kept at the same premises.
  - (5) The report must be prepared, within the time specified in the notice, by a veterinarian or other person specified in the notice.
  - (6) A dog that is the subject of a notice under this by-law may be released from the pound in accordance with by-law 41 and subject to any conditions the Council considers appropriate.
  - (7) An owner of a dog commits an offence if the owner:
    - (a) fails to give a report required under clause (4); or
    - (b) contravenes a condition imposed under clause (6).
- Maximum penalty:      20 penalty units.
- (8) An offence against clause (7) is an offence of strict liability.
  - (9) It is a defence to a prosecution for an offence against clause (7) if the defendant has a reasonable excuse.
  - (10) The cost of treatment reasonably provided by the Council to a diseased dog, and to any other dog in the pound that was infected or was at risk of being infected by the diseased dog before the dog could reasonably be isolated, is a debt payable by the owner of the diseased dog to the Council.

**43      Disposal or destruction of impounded dog**

- (1) The CEO may arrange for a dog in a pound to be destroyed if the dog is so diseased or injured that it is humane to destroy it.
- (2) Subject to this by-law, the CEO may, after a dog is impounded for 72 hours:
  - (a) arrange for the destruction of the dog; or

- (b) transfer the property in the dog to an approved incorporated body that provides services relating to animal welfare, and dispose of the dog as agent for that body.
- (3) If an infringement notice is issued to the owner of an impounded dog, the CEO must not destroy or dispose of the dog until at least 14 days after any court proceedings relating to that infringement notice are complete.
- (4) If an investigation is started in relation to an impounded dog, the dog must not be destroyed or disposed of until the investigation is complete.

*Example for clause (4)*

*The dog is alleged to have attacked a person or another animal.*

- (5) A dog in a pound may only be destroyed:
  - (a) by a veterinarian or another person who is, in the opinion of the CEO, qualified to destroy the dog; and
  - (b) in a manner approved by the Australian Veterinary Association.

### **Part 3            Infringement notice offences**

#### **44            Infringement notice offence and prescribed amount payable**

- (1) An ***infringement notice offence*** is an offence against a provision specified in the Schedule.
- (2) The ***prescribed amount*** for an infringement notice offence is the amount equal to the monetary value of the number of penalty units specified for the offence in the Schedule.

#### **45            When infringement notice may be given**

If an authorised person believes on reasonable grounds that a person has committed an infringement notice offence, the authorised person may give a notice (an ***infringement notice***) to the person.

#### **46            Contents of infringement notice**

- (1) The infringement notice must specify the following:
  - (a) the name and address of the person, if known;
  - (b) the date the infringement notice is given to the person;

- (c) the date and time of the infringement notice offence and the place where the infringement notice offence occurred;
  - (d) a description of the offence;
  - (e) the prescribed amount payable for the offence;
  - (f) the enforcement agency, as defined in the *Fines and Penalties (Recovery) Act 2001*, to which the prescribed amount is payable.
- (2) The infringement notice must include a statement to the effect of the following:
- (a) the person may expiate the infringement notice offence and avoid any further action in relation to the offence by paying the prescribed amount to the specified enforcement agency within 28 days after the notice is given;
  - (b) the person may elect under section 21 of the *Fines and Penalties (Recovery) Act 2001* to have the matter dealt with by a court instead of under that Act by completing a statement of election and giving it to the specified enforcement agency;
  - (c) if the person does nothing in response to the notice, enforcement action may be taken under the *Fines and Penalties (Recovery) Act 2001*.
- (3) Also the infringement notice must include an appropriate form for making the statement of election mentioned in clause (2)(b).

**47 Electronic payment and payment by cheque**

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the Council's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

**48 Withdrawal of infringement notice**

- (1) The Council may withdraw an infringement notice by written notice given to the person.
- (2) The notice must be given:
  - (a) within 28 days after the infringement notice is given to the person; and

- (b) before the prescribed amount is paid.

**49            Application of Part**

- (1) This Part does not prejudice or affect the start or continuation of proceedings for an infringement notice offence for which an infringement notice was given unless the offence is expiated.
- (2) Also, this Part does not:
  - (a) require an infringement notice to be given; or
  - (b) affect the liability of a person to be prosecuted in a court for an offence for which an infringement notice has not been given; or
  - (c) prevent more than one infringement notice for the same offence being given to a person.
- (3) If more than one infringement notice for the same offence is given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

**Part 4            Miscellaneous matters**

**50            Removal or disposal of animal remains**

- (1) The Council may arrange for the removal and disposal of the remains of a dead animal found in a public place.
- (2) The Council may recover expenses incurred in removing and disposing of a dead animal from the owner of the animal, if known, as a debt due and payable to the Council.

**51            Obstruction offence**

- (1) A person commits an offence if:
  - (a) the person intentionally obstructs another person; and
  - (b) the other person is:
    - (i) an officer; or
    - (ii) an employee of a contractor or subcontractor of the Council; and

- (c) the other person is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 20 penalty units.

- (2) Strict liability applies to clause (1)(b).

- (3) In this by-law:

**acting in an official capacity**, in relation to a person mentioned in clause (1)(b), means the person is exercising powers or performing functions under, or otherwise related to the administration of, these By-laws.

**obstruct** includes hinder and resist.

## 52 Misleading information

- (1) A person commits an offence if:

- (a) the person intentionally gives information to another person; and
- (b) the other person is an officer; and
- (c) the information is misleading and the person has knowledge of that circumstance; and
- (d) the officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 20 penalty units.

- (2) A person commits an offence if:

- (a) the person intentionally gives a document to another person; and
- (b) the other person is an officer; and
- (c) the document contains misleading information and the person has knowledge of that circumstance; and
- (d) the officer is acting in an official capacity and the person has knowledge of that circumstance.

Maximum penalty: 20 penalty units.

- (3) Strict liability applies to clauses (1)(b) and (2)(b).

- (4) It is a defence to a prosecution for an offence against clause (2) if the person, when giving the document:
- (a) draws the misleading aspect of the document to the officer's attention; and
  - (b) to the extent to which the person can reasonably do so – gives the officer the information necessary to remedy the misleading aspect of the document.

- (5) In this by-law:

***acting in an official capacity***, in relation to an officer, means the officer is exercising powers or performing functions under, or otherwise related to the administration of, these By-laws.

***misleading information*** means information that is misleading in a material particular or because of the omission of a material particular.

### 53 Exemption for events

- (1) The Council may, by written notice, exempt a person or body from either or both of by-laws 27 and 31:
- (a) for the purposes of a dog race, dog trial or dog show; or
  - (b) while taking part in the activities of a dog obedience club; or
  - (c) while using a dog to drive cattle or stock on a road; or
  - (d) for any other purpose or event as determined by the Council.
- (2) An exemption under clause (1):
- (a) may relate to a particular event or to a class of events; and
  - (b) may be subject to any conditions the Council considers appropriate.

### 54 Council may charge fee for service

- (1) The Council may charge a fee for any service provided under these By-laws.

*Examples for clause (1)*

*A fee for registering a dog, licensing of premises, inspecting a register, keeping a dog in a pound.*

- (2) If the Council considers it appropriate, the Council may waive, reduce or refund a fee charged under clause (1).

Schedule      Infringement notice offences and prescribed amounts

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**Schedule      Infringement notice offences and prescribed amounts**

by-law 44

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<b>Provision</b>	<b>Prescribed amount in penalty units</b>
by-laws 11(1), 12(1), 13(2), 14(2), 15(2), 26(5) and (8), 28(1), 29(1) and 31(1)	1
by-laws 17(1), 27(2), 30(2), 35(2), 36(2) and 37(1)	2
by-law 33(2)	3
by-law 34(2) and(4)	6

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**Resolution No. 2019/.....**

**Council adopts the making of the “Wagait Shire Council (Dog Management) By-Laws 2019” certified by the legal practitioner and instructs the CEO to sign them.**

**Moved:**

**Seconded:**

**Vote:**



## 10.2 Wagait Shire Council 2019-2024 Shire Plan

A copy of the Shire plan was advertised for 21 days to seek public comments for Council consideration. Listed are the comments received.

### Comment No. 1

I would like to comment on the draft Shire Plan 2019/20

Item 2.1 talks about considering a waste disposal surcharge on blocks with more than one residence or operating a business.

I would like to strongly object to this on the basis that any surcharge on waste disposal should be applied only to blocks that are actually creating more waste. If there is only 1 bin to be filled, then that is still only 1 bill to be emptied.

If blocks with two residences, or businesses, that create two bins of rubbish, then it is fair that they are billed for two bins. But a block that just happens to have two buildings on it, should not be charged extra irrespective over whether the 2<sup>nd</sup> dwelling is occupied or not.

For myself, when I bought my block there was a tiny donga on it, in which I lived for several years. But I saved up money and eventually put an old RAAF house on the block which is where I live. The donga is for the most part empty, I use it as a guest house for friends and members of my family when they visit. I have never filled even one of the council bins, never mind created enough rubbish for two bins.

So it would be most unfair to charge someone like me a waste disposal surcharge. I am a single man whilst there are families in Wagait living in one house who create 5 times more waste than myself. You can see the bin liners they leave at the side of their single bins of rubbish day.

I think you will find that there are more residents than you think, who have empty dongas and original dwellings on their land. They do not rent them out, they do not create extra waste. It would be unfair to charge them more, especially as many are elderly and retired.

I am also very surprised to see this suggestion in the plan. Last time it came up at a public meeting it was overwhelmingly dismissed by the community. Why has it resurfaced on this draft plan, at whose request?

The last time it was included was mainly because of the influence on some council members of one man, a non-councillor, who was quite open about wanting to get the bylaw introduced as part of his personal strategy to punish another Wagait Beach resident with whom he has had long time disagreements, (a man who had built four houses on his two blocks). I will happily sign an affidavit repeating a conversation where he had told me this quite brazenly.

Is this non-councillor once again responsible for getting the council to include this proposal in this draft plan? This is not appropriate for councillors to use their responsibility to help their friends in their personal disagreements. I would suggest it may even be worth mentioning to LGANT or even ICAC. Councillors are elected on council to represent everyone, not just their friends.

I am not asking this as a rhetorical question, I expect a written answer to this question. At whose request has this suggestion resurfaced in the Shire plan, despite being decisively voted no by the community several times?

I would recommend deleting item 2.1, because there is a pretty clear conflict of interest from certain councillors allowing themselves to be influenced by a non-councillor into passing bylaws on behalf of a personal dispute between two elderly residents of Wagait, a bylaw that would unfairly disadvantage financially a lot of residents,

## **Comment No. 2**

### **Item 1.3 Local Road Upgrade and Construction**

I request that council consider a plan to develop and construct a road between Brisbane Street and Wagait Tower Rd south of Lots 13 and 36.

This is currently a gazetted road but is no more than a two wheeled track. It's most important current purpose is as a fire trail/fire break. It is also used as a regular, shared thoroughfare by motorists, cyclists and pedestrians. The current track is the only means of service vehicle access to the Optus tower situated in the south west corner of Lot 13.

Developing and constructing it into a properly formed and preferably sealed road will increase the safety of users and provide the community with another road asset. Adding a dedicated cycle path to the same road corridor will provide cyclists and pedestrians a safer thoroughfare and a continuation of the Mandorah/Wagait Beach cycle path into the community proper and away from the busier Wagait Tower Rd. A good quality road would also reduce travelling time and distance between Wagait Beach and Mandorah, especially for residents in the southern section of Wagait Beach. This in turn will reduce the traffic coming out of Dalmeny St into Wagait Tower Rd at the peak ferry periods.

Council could seek **Roads To Recovery** funding, or similar, to defray the costs.

I accept that the project is of considerable size however this alone should not deter council from planning for such a significant and strategic improvement to the community.

### **Item 2.2 Weed Control & Fire Hazard Reduction**

This item should include specific reference to the major weed related threats e.g. Gamba Grass, Mission Grass & Neem trees.

Council's plan could be staged i) identification/location of threats; ii) develop a strategy for reduction/eradication; and iii) actual reduction/eradication of weed species.

At present there are many locations of Neem trees, mostly self-planted/spread by birds including along the length of the RUA. There are many locations on private property too and whilst council can't take direct action on private land council can develop and co-ordinate a strategy to reduce/eradicate these plants.

Similarly, there are many areas infested with mission grass on both private and public land. With no specific strategy in place these areas will increase/spread and the problem will get worse. Again, council could lead a strategy to eliminate this weed from all private/public land.

### **Item 7.2 Visitor Accommodation and Tourism**

I note that the concept plan for the proposed Caravan Park has been completed and the decision taken to not proceed any further with the concept.

Over the years I have made several submissions to council that Cloppenber Park be utilised to provide free/low cost camping to self-contained RVs/caravans, etc. In reality the proposal could include vehicles/visitors that do not have self-contained facilities.

Cloppenber Park is an very under-utilised resource of our community and there would be multiple benefits to the wider community by allowing limited short term visitor parking.

This could be done at minimal cost to council (recoverable by charging a nominal fee) but with significant benefit to the community.

My understanding is that there is widespread support for council undertaking an initiative of this type.

#### **Item 8.6            Public & Corporate Relations**

I suggest that council enhance its communications with ratepayers and/or other stakeholders by establishing an email distribution list. The initial list could be established from Council's current database with recipients given the opportunity to be removed from the list if they wish.

Thereafter the list could be by "opt in" as ratepayers desire.

Council could then use the list to distribute important notices such as meeting agendas, meeting minutes, public notices, other community information. The information could be disseminated as attachments to the emails or by including a link to material posted to council's website.

Distributing information by email would achieve a higher delivery rate than relying on social media or individuals accessing the web site of their own volition.

I first made this suggestion in 2014 and find it strange that council has never seen fit to implement such a strategy.

A similar strategy could also be undertaken with mobile phone communications.

#### **Suggested Additional Item (8.11?)            Purchasing Policy**

I suggest that council document a "purchasing policy" or similar.

This policy would have several aspects to it including accountability, efficiency, transparency and legislative compliance, amongst others. It should also include a statement to the effect that wherever possible preference would be given to sourcing goods and services from local suppliers (local being defined as within Wagait Beach). Specifically, if something is able to be sourced locally then it should be purchased locally. I accept that Council also needs to be seen to be obtaining "best value" for ratepayers. To that end there should be a documented limit where, for goods or services over that limit, quotes are requested for supply of the goods or services but for purchases under that limit they should be made from local suppliers rather than suppliers based in Darwin or elsewhere (so long as the goods or services sought are available locally).

There may well be a policy or guidelines already established that deal with this item however I couldn't see any such document on council's website.

#### **General (but to be read in conjunction with item 8.6!)**

Most of these suggestions have been made in previous submissions to council however I have never received a response either acknowledging the submissions nor commenting on their merit or otherwise. Given that they have never been taken up in any subsequent versions of annual or 5 year plans and the lack of response/acknowledgement I wonder whether they have even been considered by council.

This lack of feedback makes me wonder whether there is any benefit in making submissions to council.

I look forward to any response and would be happy to enter into any discussions about any of the above.

### **Comment 3**

#### **Introduction**

The style of the 2019/24 shire plan mimics that developed for 2008/9. The shire plan needs an overhaul to meet contemporary business practice. It is loosely based around programs but does not have a program based budget. I understand council has limited resources to undertake this complete review but it would improve council transparency.

In 2018 the audit committee recommended a review of the Key Performance Indicators. If this occurred there is little evidence of change in this new plan. In previous comments on shire plans I have also suggested an overhaul of KPI's. The KPI's would be improved if they were outcome focused rather than task focused, should be simple, with easily collectable data.

#### **Budget**

The draft plan has no program based budget as is common in other plans (eg Belyuen/Coomalie) and was recommended by the audit committee. Program based budgeting allows the community to see the activities and the spending on that activity eg weed management. The original 2008/9 plan had a budget (income and expenditure) for each function/service plan.

The audit committee also recommended the inclusion of a column for previous years budget – it would enhance residents understanding.

I note that there is no proposed rate rise in the budget. This may hinder ensuring we can deliver on our plans, meet the requirement of government to be seen to be income generating, nor assist in ensuring adequate reserve funds to accommodate the anticipated costs of the larger infrastructure project eg roads. I do consider this decision should be reviewed and reversed.

I also note there is an allocation in the budget for a **grants program**. I cannot find any rationale for this in the service plans nor do I believe it is a wise use of scarce resources. Conducting and operating a grants program has a resource/compliance requirement. It requires carefully detailed rational and application criteria, monitoring and evaluation. Given council has limited staffing resources, to whom does council plan to allocate this role and responsibility and has this cost been funded in the budget.

This council already supports community groups and initiative by way of reduced costs of hall hire, availability of table and chairs at no costs, provision of community computer and printing and occasional staff assistance. This support in kind should be continued and the concept of grants for community groups removed from the budget?

#### **Reserves**

Small councils like ours struggle to prepare for the costs of large infrastructure requirements eg our roads implementation plan from recent roads report, and asset replacement programs. Past council foresight has slowly built a reserve fund for this purpose. Unfortunately, in the last 2 years it has been assumed that

## Comments on the Wagait Shire Plan and Budget 2019/24

it is OK to take funds from reserves to top up small one off grant funded projects or top up other shortfalls. A practice I would suggest is not fiscally responsible.

The 2017/18 shire plan approved the establishment of the reserve fund of \$500,000 for projects identified in the WSC strategic plan when it was revised after the August 2017 election. It stated the reserves would cover the following:

- Asset reserve;
- Infrastructure reserve;
- Plant and Vehicle reserve;
- Election Reserve; and
- Provisions for staff eg Long Service leave.

A policy has been developed to guide reserve funds use - P16 adopted in April 2017. That policy requires the shire plan publish the reserves and how much is allocated to each purpose.

### **Employment expenses**

I note that some staff are identified as "casual". Industrial precedent for an employee on regular hours but working less than fulltime is they are considered permanent part time, and eligible for holiday/sick leave and superannuation. I strongly recommend you review your employment practice of casual employees (unless they are truly casual and are called in on ad hoc basis only) and budget for permanent part time staff. See Fair Work Ombudsman determination of 12/12/2017.

### **Contracts**

Commercial contractual income over a number of years has been a mainstay in financial viability for this council. There is very little reference in the 2019/24 draft shire plan to seeking and searching out other commercial revenue streams.

### **Functions and activities-comment**

Initiatives in the 2019/24 plan that do not appear to have allocated budget:

- Assist Fire brigade with fence and install utilities to shed; and
- Improved communications infrastructure for emergency management.

Outstanding initiatives in previous shire plan(s) that do not appear to have been reconsidered in this plan nor a budget allocated :

- Plant low maintenance natives at Cloppenburg Park;
- Bike path extended along Wagait Tower Rd;
- Develop a regional tourism plan; and
- Infrastructure maintenance including replace guttering, painting the Cloppenburg Park toilets block, and replacing water tanks.

And from the 2017/18 Agendas and minutes:

- Feasibility study to replace drains along Wagait Tower road;
- Improved beach and foreshore access; and
- Skate Park.

Items raised by community that don't seem to have been considered:

- Repair of fitness trail stations at Cloppenburg Park; and
- Repair surface of the court complex at Cloppenburg Park.

## Comments on the Wagait Shire Plan and Budget 2019/24

The last 2 shire plans and the current draft shire plan indicate that council will establish a best practice asset maintenance schedule and the schedule will include an annual asset inspection report. Have those schedules been prepared? Was an annual inspection report provided so council could make an informed decision on maintenance spending? If not how did council set the priority for funding in the current draft shire plan and budget?

During 2018 the council introduced CCTV. There is no policy on its use nor a policy to protect the privacy of the staff and community. This policy should be developed and also policy P30 reviewed. This could be included as an activity under one of the service plans eg Records management or Risk management and included in the shire plan as a proposed activity.

### **Suggestion(s)**

That council review the 2019/2024 draft shire plan and budget and:

- Revised and redesign the plan in future to accommodate programs and program based budgeting, review the supporting KPI's.
- Reverse the decision on no rate rise and introduce a modest rise;
- Remove the allocation for the establishment of a grants program;
- Include last years budget figures for comparison;
- Review the employment of some staff as casual employees rather than permanent part time to ensure current industrial and legislative requirements are met;
- Establish as a matter of priority a best practice asset maintenance (Property and Plant) schedule and undertake an annual asset inspection, providing the report to council to consider funding priorities;
- Publish the allocations for each of the activities identified as part of the reserve funds; and
- Develop and adopt a policy on the use of the CCTV \*.

**Comment 4**

**WAGAIT SHIRE COUNCIL - 2019 ~ 2024 SHIRE PLAN**

Comment -

Summary of Plan as presented:

Functional, easy to read and address issues requiring feedback eg

- a) reconsider a return to seven elected councillors.
- b) consider extension of footpath to full length of Wagait - Tower Rd.
- c) reconsider the no Rate increase 2019.

My humble view is that a) and b) should be supported. The first for the reason put forward by the Shire President. The second for the reason that it is the only workable solution separating pedestrian/motorist interests. The third item c) is somewhat fraught for the reason that an increase in rates revenue may offset effects of a slowing economy. Bolstering cash reserves may be seen as prudent. Therefore Council should reconsider their decision of 'no rate increase 2019'.

On a broader level there are deeper concerns. Am uncertain as to whether they apply to one or both of Council's Operational Plan and/or Strategic Plan? The Operational Plan as is the norm, predicated upon present and past data and sets of priorities. Essentially housekeeping. However, forward planning over a term of five years requires acknowledgement that disruptive events demand accelerated response times. We live in an uncertain world; more so than ever before.

My take rests upon acceptance, awareness of disruptive 'change'. Economy; communication; science; climate; technology; population etc.

Am wondering if the design, structure and functionality of Shire Plans have kept pace with our rapidly changing community needs/challenges? Could Wagait Community survive, 'recover' from a 300+ kph cyclonic event? Certainly, it will be a very tight fit indeed for entire community to shelter in existing Council facilities should need arise?

Application of the C1 - C4 code ie 180kph - 310kph re-inforces how disruptive 'change' impacts. It would be interesting to review Council property records and to re-assess community vulnerability?

Finally a key question. Where in our small, discrete community exists the line between Council's responsibility to 'maintain' and; Community to initiate?

**Resolution No. 2019/.....**

**That Council adopt the Wagait Shire Council 2019-2024 Shire Plan with amendments as per Section 24(1) of the Local Government Act.**

**Moved:**

**Seconded:**

**Vote:**



### 10.3 2019-2024 Budget

Council resolved to advertised the draft 2019/2024 budgets for public comment. The draft 2020/24 budgets with the 2% increase resulted in deficit's that breaches the NT Local Government Act. It is recommended there is a 3% increase for the years 2020/2024 years.

#### Wagait Shire Council

62 Wagait Tower Road

Wagait Beach NT 0822

## Draft Budget 2019/24

Account Name	Budget 19/20	20/21	21/22	22/23	23/24
<b>INCOME</b>					
<b>RATES</b>					
Rates Income	\$231,597	\$236,228.94	\$240,953.52	\$245,772.59	\$250,688.04
Rate Search income	\$200	\$208	\$216	\$225	\$234
Rate Interest Income	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
	<b>\$233,297</b>	<b>\$237,997</b>	<b>\$242,792</b>	<b>\$247,685</b>	<b>\$252,677</b>
<b>WASTE MANAGEMENT</b>					
Waste Management Levy	\$117,000	\$121,680	\$126,547	\$131,609	\$136,873
Waste Management - Extra bins	\$800	\$832	\$865	\$900	\$936
<b>Total WASTE MANAGEMENT INCOME</b>	<b>\$117,800</b>	<b>\$122,512</b>	<b>\$127,412</b>	<b>\$132,509</b>	<b>\$137,809</b>
<b>GRANTS</b>					
<b>OPERATING GRANTS</b>					
R2R	\$25,116	\$26,120.64	\$27,165.47	\$28,252.08	\$29,382.17
FAA General Purpose	\$10,107	\$10,511.28	\$10,931.73	\$11,369.00	\$11,823.76
FAA Roads	\$48,848	\$50,801.92	\$52,834.00	\$54,947.36	\$57,145.25
Sport & Rec Operational	\$21,000	\$21,840.00	\$22,713.60	\$23,622.14	\$24,567.03
NT Operational	\$189,860	\$197,454.40	\$205,352.58	\$213,566.68	\$222,109.35
<b>Total Operating grants</b>	<b>\$294,931</b>	<b>\$306,728.24</b>	<b>\$318,997.37</b>	<b>\$331,757.26</b>	<b>\$345,027.55</b>
<b>GRANTS SUBJECT TO APPROVAL</b>					
Australia day	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
Seniors	\$1,200	\$1,248	\$1,298	\$1,350	\$1,404
Youth Vibe	\$2,000	\$2,080	\$2,163	\$2,250	\$2,340
Dog Pound	\$30,000	\$31,200	\$32,448	\$33,746	\$35,096
Cloppenburg Park Irrigation	\$19,000	\$19,760	\$20,550	\$21,372	\$22,227
Picnic Area	\$12,000	\$12,480	\$12,979	\$13,498	\$14,038
<b>Total grants subject to approval</b>	<b>\$65,700</b>	<b>\$68,328</b>	<b>\$71,061</b>	<b>\$73,904</b>	<b>\$76,860</b>
<b>Total GRANTS</b>	<b>\$360,631</b>	<b>\$375,056</b>	<b>\$390,058</b>	<b>\$405,661</b>	<b>\$421,887</b>
<b>CONTRACTS</b>					
Jetty Management	\$60,000	\$62,400	\$64,896	\$67,492	\$70,192
Water Management	\$35,000	\$36,400	\$37,856	\$39,370	\$40,945
Community Development Program	\$3,000	\$3,120	\$3,245	\$3,375	\$3,510
<b>Total CONTRACTS</b>	<b>\$98,000</b>	<b>\$101,920</b>	<b>\$105,997</b>	<b>\$110,237</b>	<b>\$114,646</b>
<b>RENTAL INCOME</b>					
Cloppenburg Park	\$3,500	\$3,640	\$3,786	\$3,937	\$4,095
Community Centre	\$4,500	\$4,680	\$4,867	\$5,062	\$5,264
<b>Total RENTAL INCOME</b>	<b>\$8,000</b>	<b>\$8,320</b>	<b>\$8,653</b>	<b>\$8,999</b>	<b>\$9,359</b>



<b>MISC INCOME</b>					
Bank Interest Earned	\$14,000	\$14,560	\$15,142	\$15,748	\$16,378
Recovery Debt Collection	\$0	\$0	\$0	\$0	\$0
<b>Total MISC INCOME</b>	<b>\$14,000</b>	<b>\$14,560</b>	<b>\$15,142</b>	<b>\$15,748</b>	<b>\$16,378</b>
<b>TOTAL INCOME</b>	<b>\$831,728</b>	<b>\$860,365</b>	<b>\$890,055</b>	<b>\$920,838</b>	<b>\$952,756</b>
<b>EXPENSES</b>					
<b>ADMINISTRATION EXPENSES</b>					
Rates Recovery Cost	\$1,000	\$1,040.00	\$1,081.60	\$1,124.86	\$1,169.86
Accounting	\$15,000	\$15,600.00	\$16,224.00	\$16,872.96	\$17,547.88
Fringe Benefit Tax	\$6,000	\$6,240.00	\$6,489.60	\$6,749.18	\$7,019.15
Community Activities	\$2,000	\$2,080.00	\$2,163.20	\$2,249.73	\$2,339.72
Donations	\$100	\$104.00	\$108.16	\$112.49	\$116.99
Advertising	\$4,000	\$4,160.00	\$4,326.40	\$4,499.46	\$4,679.43
Safety supplies & equip	\$1,000	\$1,040.00	\$1,081.60	\$1,124.86	\$1,169.86
Sport & Rec Activities	\$500	\$520.00	\$540.80	\$562.43	\$584.93
Cleaning	\$1,000	\$1,040.00	\$1,081.60	\$1,124.86	\$1,169.86
Travel & Accommodation	\$2,000	\$2,080.00	\$2,163.20	\$2,249.73	\$2,339.72
Consultant fees	\$10,000	\$10,400.00	\$10,816.00	\$11,248.64	\$11,698.59
Fees, licences & Charges	\$3,500	\$3,640.00	\$3,785.60	\$3,937.02	\$4,094.50
Computer Support & Maint	\$5,000	\$5,200.00	\$5,408.00	\$5,624.32	\$5,849.29
Insurance	\$27,000	\$28,080.00	\$29,203.20	\$30,371.33	\$31,586.18
Valuation Costs	\$7,500	\$7,800.00	\$8,112.00	\$8,436.48	\$8,773.94
<b>Office Expenses</b>	<b>\$85,600</b>	<b>\$89,024</b>	<b>\$92,585</b>	<b>\$96,288</b>	<b>\$100,140</b>
<b>Bank Charges</b>					
Bank Fees	\$300	\$312	\$324	\$337	\$351
Merchant Fees	\$1,200	\$1,248	\$1,298	\$1,350	\$1,404
<b>Total Bank Charges</b>	<b>\$1,500</b>	<b>\$1,560.00</b>	<b>\$1,622.40</b>	<b>\$1,687.30</b>	<b>\$1,754.79</b>
<b>Memberships &amp; Subscriptions</b>					
LGANT/Membership	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
Subscriptions & Publications	\$600	\$624	\$649	\$675	\$702
<b>Total Memberships &amp; Subscriptions</b>	<b>\$2,100</b>	<b>\$2,184</b>	<b>\$2,271</b>	<b>\$2,362</b>	<b>\$2,457</b>
<b>Office Costs</b>					
Postage	\$1,000	\$1,040	\$1,082	\$1,125	\$1,170
Printing & Stationery	\$4,500	\$4,680	\$4,867	\$5,062	\$5,264
<b>Total Office Costs</b>	<b>5,500</b>	<b>5,720</b>	<b>5,949</b>	<b>6,187</b>	<b>6,434</b>
<b>Telephones</b>					
Office phone/fax/internet	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
Mobiles	\$2,500	\$2,600	\$2,704	\$2,812	\$2,925
Satellite	\$500	\$520	\$541	\$562	\$585
<b>Total Telephones</b>	<b>4,500</b>	<b>4,680</b>	<b>4,867</b>	<b>5,062</b>	<b>5,264</b>
<b>Meeting Expenses</b>					
Meeting expenses	\$2,000	\$2,080	\$2,163	\$2,250	\$2,340
Councillor Allowances	\$2,000	\$2,080	\$2,163	\$2,250	\$2,340
<b>Total Meeting Expenses</b>	<b>4,000</b>	<b>4,160</b>	<b>4,326</b>	<b>4,499</b>	<b>4,679</b>
<b>Total ADMINISTRATION EXPENSES</b>	<b>\$103,200</b>	<b>\$107,328</b>	<b>\$111,621</b>	<b>\$116,086</b>	<b>\$120,729</b>

<b>EMPLOYMENT EXPENSES</b>					
<b>Superannuation Expenses</b>					
Superannuation	\$36,000	\$37,440	\$38,938	\$40,495	\$42,115
<b>Total Superannuation Expenses</b>	<b>\$36,000</b>	<b>\$37,440</b>	<b>\$38,938</b>	<b>\$40,495</b>	<b>\$42,115</b>
<b>Wages &amp; Salaries</b>					
Wages & Salaries	\$360,000	\$374,400	\$389,376	\$404,951	\$421,149
Wages Sports & Rec	\$36,000	\$37,440	\$38,938	\$40,495	\$42,115
<b>Total Wages &amp; Salaries</b>	<b>\$396,000</b>	<b>\$411,840</b>	<b>\$428,314</b>	<b>\$445,446</b>	<b>\$463,264</b>
<b>Training, safety, uniforms &amp; assistance</b>					
Staff Training	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
Staff Uniforms & Safety	\$800	\$832	\$865	\$900	\$936
Professional Development	\$1,000	\$1,040	\$1,082	\$1,125	\$1,170
HR & WHS Service Fee	\$6,000	\$6,240	\$6,490	\$6,749	\$7,019
<b>Total Training, safety, uniforms &amp; assistance</b>	<b>\$9,300</b>	<b>\$9,672</b>	<b>\$10,059</b>	<b>\$10,461</b>	<b>\$10,880</b>
<b>Total EMPLOYMENT EXPENSES</b>	<b>\$441,300</b>	<b>\$458,952</b>	<b>\$477,310</b>	<b>\$496,402</b>	<b>\$516,259</b>
<b>ROADS</b>					
FAA Roads	\$48,000	\$49,920	\$51,917	\$53,993	\$56,153
R2R	\$25,000	\$26,000	\$27,040	\$28,122	\$29,246
<b>Total ROADS</b>	<b>\$73,000</b>	<b>\$75,920</b>	<b>\$78,957</b>	<b>\$82,115</b>	<b>\$85,400</b>
<b>CONTRACTS &amp; MATERIALS</b>					
Jetty Maintenance	\$0	\$0	\$0	\$0	\$0
Water Management/Maintenance	\$0	\$0	\$0	\$0	\$0
Animal Management	\$5,000	\$5,200	\$5,408	\$5,624	\$5,849
<b>Total CONTRACTS &amp; MATERIALS</b>	<b>\$5,000</b>	<b>\$5,200</b>	<b>\$5,408</b>	<b>\$5,624</b>	<b>\$5,849</b>
<b>REPAIRS &amp; MAINTENANCE</b>					
R&M Garden & Ground	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
R&M Ablution Block	\$1,200	\$1,248	\$1,298	\$1,350	\$1,404
R&M CEO House	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
R&M Community Centre	\$3,000	\$3,120	\$3,245	\$3,375	\$3,510
R&M Office	\$5,000	\$5,200	\$5,408	\$5,624	\$5,849
R&M Workshop	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
R&M Sports Ground	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
R&M Townsite	\$1,000	\$1,040	\$1,082	\$1,125	\$1,170
Stores Materials and loose tools	\$1,200	\$1,248	\$1,298	\$1,350	\$1,404
<b>Total REPAIRS &amp; MAINTENANCE</b>	<b>\$17,400</b>	<b>\$18,096</b>	<b>\$18,820</b>	<b>\$19,573</b>	<b>\$20,356</b>
<b>VEHICLE &amp; PLANT</b>					
Fuel Works Ute	\$2,500	\$2,600	\$2,704	\$2,812	\$2,925
Fuel Plant and Machinery	\$2,000	\$2,080	\$2,163	\$2,250	\$2,340
Fuel CEO	\$5,000	\$5,200	\$5,408	\$5,624	\$5,849
Fuel Works Truck	\$600	\$624	\$649	\$675	\$702
R&M Plant & Machinery	\$5,000	\$5,200	\$5,408	\$5,624	\$5,849
R&M Vehicles	\$3,000	\$3,120	\$3,245	\$3,375	\$3,510
Vehicle Registration	\$3,000	\$3,120	\$3,245	\$3,375	\$3,510
Rego - Plant & Machinery	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
<b>Total VEHICLE &amp; PLANT</b>	<b>\$22,600</b>	<b>23,504</b>	<b>24,444</b>	<b>25,422</b>	<b>26,439</b>

<b>GRANT EXPENSES</b>					
Senior Week Function	\$1,200	\$1,248	\$1,298	\$1,350	\$1,404
Youth Vibe	\$2,000	\$2,080	\$2,163	\$2,250	\$2,340
Australia Day Expenses	\$1,500	\$1,560	\$1,622	\$1,687	\$1,755
Dog Pound Exp	30000	\$31,200	\$32,448	\$33,746	\$35,096
Cloppenburg Park Irrigation	19000	\$19,760	\$20,550	\$21,372	\$22,227
Picnic Area	\$12,000	\$12,480	\$12,979	\$13,498	\$14,038
<b>Total GRANT EXPENSES</b>	<b>65,700</b>	<b>\$68,328</b>	<b>\$71,061</b>	<b>\$73,904</b>	<b>\$76,860</b>
<b>COMMUNITY GRANTS</b>					
Grants (on application)	\$2,000	\$2,080	\$2,163	\$2,250	\$2,340
<b>TOTAL COMMUNITY GRANTS</b>	<b>\$2,000</b>	<b>\$2,080</b>	<b>\$2,163</b>	<b>\$2,250</b>	<b>\$2,340</b>
<b>WASTE MANAGEMENT EXPENSE</b>					
Regular bin collection	\$60,000	\$62,400	\$64,896	\$67,492	\$70,192
Quartely hard waste collection	\$20,000	\$20,800	\$21,632	\$22,497	\$23,397
Green waste chipping	\$10,000	\$10,400	\$10,816	\$11,249	\$11,699
	<b>\$90,000</b>				
<b>Total WASTE MANAGEMENT EXPENSE</b>		<b>93,600</b>	<b>97,344</b>	<b>101,238</b>	<b>105,287</b>
<b>SERVICES</b>					
Electricity	\$5,500	\$5,720	\$5,949	\$6,187	\$6,434
Gas Supplies	\$400	\$416	\$433	\$450	\$468
Pest Control	\$500	\$520	\$541	\$562	\$585
Water & Sewerage	\$5,000	\$5,200	\$5,408	\$5,624	\$5,849
<b>Total SERVICES</b>	<b>\$11,400</b>	<b>\$11,856</b>	<b>\$12,330</b>	<b>\$12,823</b>	<b>\$13,336</b>
<b>TOTAL EXPENSES</b>	<b>831,600</b>	<b>\$864,864</b>	<b>\$899,459</b>	<b>935,437</b>	<b>972,854</b>
<b>SUMMARY</b>					
<b>Total Income</b>	<b>\$831,728</b>	<b>\$860,365</b>	<b>\$890,055</b>	<b>\$920,838</b>	<b>\$952,756</b>
<b>TOTAL EXPENSES</b>	<b>\$831,600</b>	<b>864,864</b>	<b>\$899,459</b>	<b>\$935,437</b>	<b>\$972,854</b>
<b>Cash Surplus / deficit</b>	<b>\$128</b>	<b>-\$4,499</b>	<b>-\$9,403</b>	<b>-\$14,599</b>	<b>-\$20,098</b>
<b>CAPITAL</b>					
<b>CAPITAL INFLOWS</b>					
<b>CAPITAL EXPENDITURE</b>					

Resolution No. 2019/.....  
That the draft 2019/20 budget be adopted. (Section 128(1) of the Local Government Act) and the draft 2020/2024 Budgets with amendments be adopted.  
Moved:  
Seconded:  
Vote:

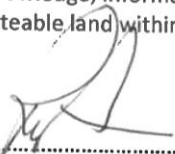
**10.4 2019-2020 Council Rates**



Wagait Shire Council  
142 Wagait Tower Road  
Wagait Beach NT 0822  
Ph: 89785185  
Fax: 89785100  
Email: council@wagait.nt.gov.au

**2019-2020 Council Rates**

I Russell William Anderson, council's Chief Executive Officer certifies to the council that, to the best of my knowledge, information and belief, the council's Rates Assessment Record is a comprehensive record of all rateable land within the Wagait shire Council area.



.....  
Russell William Anderson  
Chief Executive Officer

.....  
Date 11 July 2019

This certification must be made by the CEO at a council meeting before the adoption of the budget for that financial year – (Regulation 24 of the *Local Government (Accounting) Regulations*).

**Resolution No. 2019/.....**  
**That Council in adopting 2019-2020 Budget declare rates to be set at \$596.90 generating an income of \$231,597.00, and that Council Fees, Levies and Charges as detailed in the Shire Plan and Annual Budget for 2019/2020 be adopted. (Section 155(1) of the Local Government Act)**  
**Moved:**  
**Seconded:**  
**Vote:**

## 10.5 Acquittal of the Energy Efficiency and Sustainability Grant

**Resolution No. 2019/.....**

That Council acquit the amount of \$3,042 towards the Energy Efficiency and sustainability Grant to install an additional 2.1kw of solar panels to the existing solar array at Council's main office premises.

**Moved:**

**Seconded:**

**Vote:**

## 10.6 Members Allowance

At the Tuesday 21 May, 2019 Ordinary Council meeting, council discussed the Elected Members Allowance and Expenses.

**Resolution No. 2019/.....**

**In accordance with the Elected Members Allowance and Expenses Policy this council set the Elected Members Meeting Allowance as follows: (Section 71 of the Local Government Act)**

**Principal Member                      \$300**

**Ordinary Member:                      \$0**

**Deputy Principal Member:        \$0**

**Moved:**

**Seconded:**

**Vote:**

## 10.7 Irrigation at Cloppenburg Park

Think Water has provided a start date if council agrees to proceed with the current contract. The completion will be on or before 31 Aug 2019. They are seeking subcontractor quotes and this may vary the original cost of the contract.

## 10.8 Audit Report

Barry Bamford has conducted the audit report for June 2019. Below is the asset register and audit recommendations for pursual.

### Wagait Shire Council – Asset Audit Report & Recommendations June 2019

#### Overview

Audit conducted by Barry Bamford, Chair, Wagait Shire Audit Committee with assistance from Wagait Shire Council Staff.

Stock take involved reviewing current asset listing and overlaying physical sighting of existing assets.

Generally speaking, and considering the time from previous audit (2015) to now, the overall results were quite good.

There were assets not written off or listed twice and new assets not included, however, this was all covered in the physical audit undertaken.

The new assets file represents what is existing at this time (June 2019).

The asset register is contained on a portable hard drive and kept in the Wagait Shire Council safe. File name on the hard drive is WSC ASSET REGISTER 30.6.19

As way of recommendation to council I make the following comments:

#### Buildings

- (i) These are currently listed at purchase costs and it is a recommendation that council review the costs in current value. Action Required

#### CEO House

- (i) All tender items have been removed from the premises leaving a bare house with limited furniture.
- (ii) All air conditioners are now included and will require the costing to be included to complete. Action Required

#### Community Centre

- (i) Current Controls appear very good and all assets included with exemption of Sport & Recreation equipment. Beckie has been asked to scan the list of equipment supplied by her as a record.

- (ii) All new air conditioners included and require purchase value to be added.

Action Required

- (IV) Photos taken of all assets in the Community Centre on the new CEO. Photos to be stored on the same portable hard drive as the asset register. Action Required

## **Infrastructure**

- (i) An audit on infrastructure was limited, however, in recognising the money has been spent at some point, it is reality the values would not be accurate.
- (ii) A question for council; if this infrastructure items are in fact asset Council to consider.
- (iii) Reiterating, the values have had limited attention and recommended the council look into.

Action Required

## **Land**

- (i) Recommend council review costs in current values.

Action Required

## **Medical Centre**

- (i) All looks tidy and all new air conditioners now included in asset list. Costs need to be added as part of this record. Action Required
- (ii) All electrical equipment needs to be tested and tagged. Action Required
- (iii) Fax machine is not on the asset register. It is owned by the NT Government however it is recommended that council test and ensure the machine is in working order as it is used in emergency situations. Action Required
- (iv) Waiting room TV needs to be tested and repaired or replaced. Action Required
- (v) Purchase a new waiting room wall clock Action Required
- (vi) Purchase a new set of adult scales for clinic use. Old brand TANITA  
Action Required
- (vii) Ensure all batteries are updated on air-conditioning remotes. Action Required

## **Motor Vehicles**

- (i) Current Vehicles only included.
- (ii) It is recommended that all the registered vehicles in the workshop be transferred to the asset list to make it easier to check registration and insurance. Action Required

## **Office Equipment**

- (i) There has been movement in office equipment over time. This audit now reflects what is in place at this time.
- (ii) Although current computers are to be replaced, the current useable items have been included in the asset list.
- (iii) Old housekeeping or past unfound items have been removed from the list.

## Plant & Equipment

- (i) Given the time between audits (2015 – 2019) and the recent tender action it appears a good result overall for a heavily used area.
- (ii) A few items not found could result in lack of controls and records from the past.
- (iii) Past audit items not found however still listed in assets. Items not accounted for include;
  - 850 Litre Tank (Advised sold separately)
  - Impact wrench (No one knows)
  - Chain Saw (Old and sold previously)
- (iv) A few items not on register have now been included, however, will need costs included.

Action Required
- (v) Photos taken of Plant & Equipment on the CEO phone and need to be downloaded and stored on the portable hard drive with the asset register.

## Sports Ground (Cloppenburg Park)

- (i) Several items that were not listed in the asset register now listed. They are considered council assets and should be valued and included.
- (ii) Sport and Recreation equipment has been listed very nicely by Beckie and hold some value. The council need to decide if they see these items as assets or consumables.

Action Required
- (iii) The council may like to review how its assets are used by the community.

Action Required
- (iv) The council may have many keys available and no formal system to book equipment in and out and check on return.

Action Required
- (v) The council needs to consider if they are prepared to wear occasional loss or provide the staff with a formal reliable system.

Action Required

## Workshop Tools and Material

- (i) All appear in order with a question on values used.

Barry Bamford

Chair, Wagait Shire Council Audit Committee

June 2019

**Resolution No. 2019/.....**

**That Council note the audit report by the Chair of the Wagait Shire Council Audit Committee. That the items recommending further attention be placed on the Council's action list.**

**Moved:**

**Seconded:**

**Vote:**



**10.0 ACTION SHEET – June 2019**

**10.01 Cox Peninsula Economic Development Committee**

Council supports to proceed to offer facilities for meetings. This is to be ongoing.

**10.2 Green Waste**

A temporary Green Waste is now in operation at Cloppenburg Park. A dirt access road that leads to the site is the end of Forsyth Road. Cox Peninsula Volunteer Bushfire Brigade will monitor the site and conduct burns when needed.

**10.3 Proposed Dog Management By-Laws**

Proposed Dog Management By-Laws – standard operating procedures to stay open and to be brought back to the July Council Meeting. The dog pound will come back to the council before any action is taken.

**10.4 Irrigation at Cloppenburg Park**

No further actions unless it comes back to council.

**10.5 Health Group**

The draft updated Belyuen Clinic/Emergency Contact protocol has been agreed and council is presently awaiting final signoff from the NT Government. Ongoing.

**10.6 Cloppenburg Park Caravan Park**

The business plan is still required.

**10.7 Re-surfacing of Tennis Courts**

The surface of the Tennis Court is old and damaged and will need some re-surfacing sometime in the near future. CEO to investigate.

**10.8 Erickson Crescent access road to beach**

Council to investigate to see access can be blocked.

**10.9 Neam Trees on Baluria Road Beach Road Access**

Council to investigate and approach the NT Government to see what can be done to remove the trees.

**Resolution No. 2019/.....**  
**That Council receives and notes the Action Sheet for the month of July 2019.**  
**Moved:**  
**Seconded:**  
**Vote:**

## UPCOMING EVENTS

**12.2 Seniors Outing** – Tuesday 13 August 2019

**13.0 LATE ITEMS AND GENERAL BUSINESS**

**14.0 IN-CAMERA ITEMS**

**14.1 Incident 2 July 2019 in the Wagait Shire Council Office**

**Resolution No. 2019/.....**

**That Council close the meeting to the general public in accordance with section 65(2) of the Local Government Act to enable Council to discuss in a Confidential Session an item described under Local Government (Administration) regulation 8;**

(c) information that would, if publicly disclosed, be likely to:

(iv) prejudice the interests of the council or some other person;

**Moved:**

**Seconded:**

**Vote:**

**Resolution No. 2019/.....**

**That Council re-open the meeting to the general public in accordance with Section 65(1) of the Local Government Act.**

**Moved:**

**Seconded:**

**Vote:**

**15.0 DATE OF NEXT MEETING**

The next Council Meeting is to be held on Tuesday 20 August 2019 in the Council Chambers, 62 Wagait Tower Road, Wagait Beach.

**16.0 CLOSE OF MEETING**

The Chair declared the meeting closed at ..... pm.