

WEST ARNHEM



REGIONAL COUNCIL



WEST ARNHEM REGIONAL COUNCIL AGENDA

ORDINARY COUNCIL MEETING
MONDAY, 30 SEPTEMBER 2024



WEST ARNHAM REGIONAL COUNCIL

Notice is hereby given that an Ordinary Meeting of the West Arnhem Regional Council will be held in Council Chambers Jabiru on Monday 30 September 2024 at 12:00 pm.

Andrew Walsh
Chief Executive Officer

Code of Conduct: The Local Government Act 2019

As stipulated in Schedule 1 of the Act, the Code of Conduct for Members is as follows:

1. *Honesty and Integrity:* A member must act honestly and with integrity in performing official functions.
2. *Care and diligence:* A member must act with reasonable care and diligence in performing official functions.
3. *Courtesy:* A member must act with courtesy towards other members, council staff, electors and members of the public.
4. *Prohibition on bullying:* A member must not bully another person in the course of performing official functions.
5. *Conduct towards Council staff:* A member must not direct, reprimand, or interfere in the management of, council staff.
6. *Respect for cultural diversity and culture:* A member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background.
A member must act with respect for cultural beliefs and practices in relation to other members, council staff, electors and members of the public.
7. *Conflict of interest:* A member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.
If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.
8. *Respect for confidences:* A member must respect the confidentiality of information obtained in confidence in the member's official capacity.
A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another.
9. *Gifts:* Members must not solicit, encourage or accept gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.
A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the council.'
10. *Accountability:* A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources.
11. *Interests of municipality, region or shire to be paramount:* A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.
In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgment about what best advances the best interests of the municipality, region or shire.
12. *Training:* A member must undertake relevant training in good faith.

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Acknowledgement of Country

West Arnhem Regional Council acknowledges the First Nations Custodians, and the many Language and Family groups who are Managers and Caretakers to each of their Traditional homelands and Waters across the West Arnhem Region Wards.

West Arnhem Regional Council pays its respects and acknowledges Elders, past, present and rising.

WEST ARNHAM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absent Without Notice
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

This report is to table, for Council's record, any apologies, and requests for leave of absence received by Council's Chief Executive Officer from Elected Members, as well as record any absence without notice for the Ordinary Council meeting held on 30 September 2024.

RECOMMENDATION

1. Notes the absence of ...
2. Notes the apology received from
3. Determines ... are absent with permission of the Council.
4. Determines ... are absent without permission of the Council.

COMMENT

Council can choose to accept the apologies or requests for leave of absence as presented, or not accept them. Apologies or requests for leave of absence that are not accepted by Council will be recorded as absent without notice.

LEGISLATION AND POLICY

Section 47(o) of the *Local Government Act 2019*.

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	4.1
Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

Agenda papers are presented for acceptance at the Ordinary Council meeting held on 30 September 2024.

RECOMMENDATION

THAT COUNCIL accept the agenda papers as circulated for the Ordinary Council meeting held on 30 September 2024.

LEGISLATION AND POLICY

Section 92(1) *Local Government Act 2019*.

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation

Goal 6.5 Planning and Reporting

Robust planning and reporting that supports Council's decision-making processes

ATTACHMENTS

Nil

WEST ARNHAM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

Elected Members are required to disclose an interest in a matter under consideration at an Ordinary Council Meeting:

- 1) In the case of a matter featured in an officer's report or written agenda item by disclosing the interest to the meeting as soon as possible after the matter is raised.
- 2) In the case of a matter raised in a general debate or by any means other than the printed agenda of the Council meeting, disclosure as soon as possible after the matter is raised.

Under disclosure, the Member must abide by the decision of the Council on whether they shall remain in the Chambers and/or take part in the vote on the issue. The Council may elect to allow the Member to provide further and better particulars of the interest prior to requesting them to leave the Chambers.

Staff Members of the Council are required to disclose an interest in a matter at any time on which they are required to act or exercise their delegate authority in relation to the matter. Upon disclosure, the staff member is not to act or exercise their delegated authority unless Council expressly directs them to do so.

RECOMMENDATION

THAT COUNCIL receive the declarations of interest as listed for the Ordinary Council meeting held on 30 September 2024.

LEGISLATION AND POLICY/STATUTORY ENVIRONMENT

Section 114 (Elected Members) *Local Government Act 2019*

Section 179 (staff members) *Local Government Act 2019*

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.4 Risk Management

The monitoring and minimisation of risks associated with the operations of Council.

ATTACHMENTS

1. Declaration of Interest Register Elected Members [5.1.1 - 2 pages]



Declaration of Interest Register		
Elected Members	Declared Interest	Connection
Mayor James Woods	Local Government Association Northern Territory (LGANT)	Board Member
	Malala Health Clinic	Staff Member, Board Member
	Maningrida AFL Committee	Committee member
	Maningrida Emergency Response Group	Deputy Officer
	Bawinanga Aboriginal Corporation	Board Member
	Maningrida Housing Reference Group	Member
Deputy Mayor Elizabeth Williams		
Cr Ralph F Blyth	Warnbi Aboriginal Corporation	Executive Officer
	Wark Aboriginal Corporation	Director
	Red Lily Health Board	Alternative Director / Board Member
Cr Micketja Onus	Energy Resources Australia (ERA)	Staff Member
Cr Gabby Gumurdul	Gunbalanya Economic Development Aboriginal Corporation	Director
	Gunbalanya Sports and Social Club	Member
Cr Donna Nadjamerrek	National Indigenous Australians Agency (NIAA)	Indigenous Engagement Officer for Gunbalanya, Minjilang and Warruwi.
	Injalak Aboriginal Corporation	Member
	Adjumarllarl Aboriginal Corporation	Member
Cr Otto Dann	Northern Land Council (NLC)	Board Member
	Adjumarllarl Aboriginal Corporation	Member
Cr James Marrawal		
Cr Henry Guwiyul		
Cr Jacqueline Phillips	JP Cultural Solutions	Director
	Northern Land Council (NLC)	Board Member
	Bawinanga Aboriginal Corporation	Chair
	Maningrida Housing Reference Group	Member
	Maningrida Homelands School Company	Board Member
Cr Jermaine Namanurki	Malala Health Centre	Staff Member

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Cr Monica Wilton	Maningrida Homelands School Company	Deputy Chair
	Maningrida School	Teacher / Language and Cultural Team

✉ PO Box 721, Jabiru NT 0886 ● info@westarnhem.nt.gov.au 🌐 www.westarnhem.nt.gov.au



West Arnhem Regional Council

Jabiru (Head Office)
☎ 08 8979 9444

Gunbalanya
☎ 08 8970 3700

Maningrida
☎ 08 8979 6600

Warruwi
☎ 08 8970 3600

Minjilang
☎ 08 8970 3500



Ordinary Council Meeting
Monday 30 September 2024

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	6.1
Title:	Confirmation of Ordinary Council Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

The Minutes of the Ordinary Council meeting held on 21 August 2024 are submitted to Council for confirmation that those minutes are a true and correct record of the meeting.

RECOMMENDATION

THAT COUNCIL confirm the minutes of 21 August 2024 Ordinary Council meeting as a true and correct record of the meeting.

STATUTORY AND POLICY

Section 101 and 102 *Local Government Act 2019*

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

ATTACHMENTS

1. Unconfirmed Ordinary Council Meeting Minutes - 21 August 2024 [6.1.1 - 8 pages]



Minutes of the West Arnhem Regional Council Ordinary Council Meeting
Wednesday, 21 August 2024 at 9:00 am
Council Chambers

1 ACKNOWLEDGEMENT OF COUNTRY AND OPENING OF MEETING

Chairperson Deputy Mayor Williams declared the meeting open at 9:20am, welcomed all in attendance and did an Acknowledgement of Country.

ELECTED MEMBERS PRESENT

Chairperson	Elizabeth Williams (Deputy Mayor)
Councillor	Mickitja Onus
Councillor	Otto Dann
Councillor	Jacqueline Phillips
Councillor	James Marrawal
Councillor	Jermaine Namanurki
Councillor	Monica Wilton

STAFF PRESENT

Chief Executive Officer	Andrew Walsh
Director Community and Council Services	Fiona Ainsworth
Director Finance	Jocelyn Nathanael-Walters
General Manager Technical Services (Acting)	Clem Beard
Information Advisor	Ben Heaslip

3 APOLOGIES AND ABSENCES

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absent Without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Apologies, Leave of Absence and Absent Without Notice.

OCM211/2024 RESOLVED:

On the motion of Cr Onus

Seconded Cr Phillips

1. Notes the absence of Cr Gumurdul, Mayor James Woods, Cr Donna Nadjamerrek, Cr Henry Guwiyul and Cr Ralph Blyth
2. Notes the apology received from Mayor Woods, Councillors Nadjamerrek, Cr Henry Guwiyul and Cr Ralph Blyth.
3. Determines Mayor Woods, Cr Donna Nadjamerrek, Cr Henry Guwiyul and Cr Ralph Blyth are absent with permission of the Council.
4. Determines Cr Gabby Gumurdul is absent without permission of the Council.

CARRIED

4 ACCEPTANCE OF AGENDA

Agenda Reference:	4.1
Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Acceptance of Agenda.

OCM212/2024 RESOLVED:

On the motion of Deputy Mayor Williams

Seconded Cr Onus

THAT COUNCIL accept the agenda papers as circulated for the Ordinary Council meeting held on 21 August 2024.

CARRIED

5 DECLARATION OF INTEREST OF MEMBERS OR STAFF

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Disclosure of Interest of Members or Staff.

OCM213/2024 RESOLVED:

On the motion of Cr Onus

Seconded Cr Phillips

THAT COUNCIL receive the declarations of interest as listed for the Ordinary Council meeting held on 21 August 2024.

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

Agenda Reference:	6.1
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Title:	Confirmation of Ordinary and Special Council Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Confirmation of Ordinary and Special Council Meeting Minutes.

OCM214/2024 RESOLVED:
On the motion of Cr Namanurki
Seconded Cr Onus

THAT COUNCIL

1. Confirm the minutes of the 31 July 2024 Ordinary Council meeting as a true and correct record of the meeting.
2. Confirm the minutes of the 31 July 2024 Special Council meeting as a true and correct record of the meeting.

CARRIED

8 ACTION REPORTS

Agenda Reference:	8.1
Title:	Review of Action Items
Author:	Ben Heaslip, Information Advisor

The Council considered a report on Review of Action Items.

OCM215/2024 RESOLVED:
On the motion of Deputy Mayor Williams
Seconded Cr Dann

THAT COUNCIL:

1. Receive and note the report titled *Review of Action Items*.
2. Review the outstanding action items and give approval for completed items to be removed from the register.
3. Approach West Arnhem stakeholders to support the development of a West Arnhem AFL team; and
4. Contact the new Arafura MLA after the election to raise concerns and seek support for upgrades to the Maningrida subdivision

CARRIED

9 RECEIVE AND NOTE REPORTS

Agenda Reference:	9.1
Title:	Incoming and Outgoing Correspondence
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Incoming and Outgoing Correspondence.

OCM216/2024 RESOLVED:
On the motion of Cr Onus
Seconded Cr Marrawal

THAT COUNCIL receive and note the attached items of incoming and outgoing correspondence.

CARRIED

Agenda Reference:	9.2
Title:	Meetings and Events attended by the Mayor
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Meetings and Events attended by the Mayor.

OCM217/2024 RESOLVED:
On the motion of Deputy Mayor Williams
Seconded Cr Namanurki

THAT COUNCIL receive and note the report titled *Meetings and Events attended by the Mayor*.

CARRIED

Agenda Reference:	9.3
Title:	Meetings and Events attended by the CEO
Author:	Andrew Walsh, Chief Executive Officer

The Council considered a report on Meetings and Events attended by the CEO.

OCM218/2024 RESOLVED:
On the motion of Cr Phillips
Seconded Cr Wilton

THAT COUNCIL receive and note the report titled *Meetings and Events attended by the CEO*.

CARRIED

Agenda Reference:	9.4
Title:	Technical Services Projects Report
Author:	Sara Fitzgerald, Waste and Resource Coordinator

The Council considered a report on Technical Services Projects Report.

OCM219/2024 RESOLVED:
On the motion of Cr Onus
Seconded Cr Dann

THAT COUNCIL receive and note the report titled *Technical Services Projects Report*.

CARRIED

10 ELECTED MEMBER QUESTIONS WITH OR WITHOUT NOTICE

Agenda Reference:	10.1
Title:	Elected Member Questions with or without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Elected Member Questions with or without Notice.

OCM220/2024 RESOLVED:
On the motion of Cr Dann
Seconded Cr Phillips

That the Chairperson notes no questions with or without notice from Elected Members.

CARRIED

11 PROCEDURAL MOTIONS

Agenda Reference:	11.1
Title:	Closure to the Public for the Discussion of Confidential Items
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Closure to the Public for the Discussion of Confidential Items.

OCM221/2024 RESOLVED:
On the motion of Cr Marrawal
Seconded Cr Onus

That pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 52 of the Local Government (General) Regulations 2021 the meeting be closed to the public to consider the Confidential items of the Agenda.

CARRIED

12 CONFIDENTIAL ITEMS

The information in this section of the Agenda is classed as confidential under Section 293(1) of the *Local Government Act 2019* and Regulation 51 of the *Local Government (Administration) Regulations 2021*.

Agenda Reference:	12.1
Title:	Confirmation of Confidential Ordinary and Special Council Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

The Report will remain confidential under Section 293(1) of the Local Government Act 2019 and General Regulation 2021 Part (3) Administration - Division 2 Section 51(1)(c)(ii). It contains information that would, if publicly disclosed, be likely to: prejudice the maintenance or administration of the law.

Cr Dann and Cr Phillips declared a conflict due to their position as a Board member for NLC.

Agenda Reference:	12.2
Title:	Current Status of Outstanding Regional Land Use Agreements from the Northern Land Council
Author:	Clem Beard, Project Manager Technical Services

The Council deferred a report on Current Status of Outstanding Regional Land Use Agreements from the Northern Land Council due to declared conflicts affecting meeting quorum.

Agenda Reference:	12.3
Title:	Supply and Install Gunbalanya Oval Lighting variation works
Author:	Hilal Ahmad, Senior Project Manager

The Council considered a report on Supply and Install Gunbalanya Oval Lighting variation works.

OCM223/2024 RESOLVED:
On the motion of Cr Onus
Seconded Cr Marrawal

THAT COUNCIL:

1. Receive and note the report titled *Supply and Install Gunbalanya Oval Lighting variation works*.
2. Approve variation of tender amount to Molloy Electrical Contractors to a total of \$1,374,737.59 GST Inclusive increased from original tender award of \$1,151,001.00 GST inclusive, for Supply and install light towers at Gunbalanya oval.
3. Request that this variation is published on Council's website; and
4. Request the Administration to investigate the costs of line-marking.

CARRIED

Agenda Reference:	12.4
Title:	Tender Evaluation - Warruwi Internal roads resealing and shoulder maintenance
Author:	Hilal Ahmad, Senior Project Manager

The Council considered a report on Tender Evaluation - Warruwi Internal roads resealing and shoulder maintenance.

**OCM224/2024 RESOLVED:
On the motion of Cr Phillips
Seconded Cr Onus**

THAT COUNCIL:

1. Receive and note the report titled *Tender Evaluation - Warruwi Internal roads resealing and shoulder maintenance*; and
2. Approve the awarding of Warruwi internal roads resealing and shoulder maintenance tender to Road Network Services (RNS) for a total of \$1,196,690.87 GST inclusive.

CARRIED

Agenda Reference:	12.5
Title:	Tender Evaluation - Mallabam Road Drainage Works
Author:	Hilal Ahmad, Senior Project Manager

The Council considered a report on Tender Evaluation - Mallabam Road Drainage Works.

**OCM225/2024 RESOLVED:
On the motion of Cr Marrawal
Seconded Cr Namanurki**

THAT COUNCIL:

1. Receive and note the report titled *Tender Evaluation - Mallabam Road Drainage Works*; and
2. Approve awarding of tender for Mallabam Road drainage works to BV Contracting for \$249,667.60 GST Inclusive.

CARRIED

Agenda Reference:	12.6
Title:	Approval to Dispose of Surplus Fleet Assets
Author:	Graham Baulch, Project Coordinator Fleet Operations

The Report will remain confidential under Section 293(1) of the Local Government Act 2019 and General Regulation 2021 Part (3) Administration - Division 2 Section 51(1)(c)(i). It contains information that would, if publicly disclosed, be likely to: cause commercial prejudice to, or confer an unfair commercial advantage on, any person

Agenda Reference:	12.7
Title:	Tender Endorsement - Minjilang Creche Roof Upgrade and Internal Rectification Works
Author:	Hilal Ahmad, Senior Project Manager

The Council considered a report on Tender Endorsement - Minjilang Creche Roof Upgrade and Internal Rectification Works.

**OCM227/2024 RESOLVED:
On the motion of Deputy Mayor Williams
Seconded Cr Marrawal**

THAT COUNCIL:

1. Receive and note the report titled *Tender Endorsement - Minjilang Creche Roof Upgrade and Internal Rectification Works*; and
2. Retrospectively endorse the awarding of tender Minjilang creche roof and internal rectification works to Stedmans Construction and Engineering for \$158,082.16, including GST.

CARRIED

Agenda Reference:	12.8
Title:	Tender Endorsement - Minjilang Remote Staff Housing Upgrade
Author:	Hilal Ahmad, Senior Project Manager

The Council considered a report on Tender Endorsement - Minjilang Remote Staff Housing Upgrade.

OCM228/2024 RESOLVED:

On the motion of Cr Onus

Seconded Deputy Mayor Williams

THAT COUNCIL:

1. Receive and note the report titled *Tender Endorsement - Minjilang Remote Staff Housing Upgrade*; and
2. Retrospectively endorse the awarding of tender Minjilang remote staff housing upgrade to Stedmans Construction and Engineering for a total of \$150,473.20 inclusive of GST.

CARRIED

Agenda Reference:	12.9
Title:	Jabiru Landfill EPA License Update
Author:	Sara Fitzgerald, Waste and Resource Coordinator

The Council considered a report on Jabiru Landfill EPA License Update.

OCM229/2024 RESOLVED:

On the motion of Deputy Mayor Williams

Seconded Cr Dann

THAT COUNCIL receive and note the report titled *Jabiru Landfill EPA License Update*.

CARRIED

Agenda Reference:	12.10
Title:	Proposed Yield Up - Lot 660 Maningrida
Author:	Clem Beard, Project Manager Technical Services

The Report will remain confidential under Section 293(1) of the Local Government Act 2019 and General Regulation 2021 Part (3) Administration - Division 2 Section 51(1)(c)(i). It contains information that would, if publicly disclosed, be likely to: cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

Agenda Reference:	12.11
Title:	Disclosure of Confidential Resolutions and Re-admittance of the Public
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Disclosure of Confidential Resolutions and Re-admittance of the Public.

OCM230/2024 RESOLVED:

On the motion of Deputy Mayor Williams

Seconded Cr Marrawal

THAT COUNCIL open the meeting to the public after the discussion of confidential items, and approve to disclose the selected resolutions 12.2, 12.3, 12.4, 12.5, 12.7, 12.8, and 12.9 from the confidential section of this meeting in the non-confidential meeting minutes.

CARRIED

13 NEXT MEETING

The next meeting is scheduled to take place on 30 September 2024

14 MEETING DECLARED CLOSED

Chairperson Deputy Mayor Williams declared the meeting closed at 12:31pm.

This page and the preceding pages are the minutes of the Ordinary Council meeting held on 21 August 2024.

[Click here](#) to view agenda for the Ordinary Council Meeting held on 21 August 2024

UNCONFIRMED

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	6.2
Title:	Confirmation of Special Council Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

The Minutes of the Special Council meeting held on 29 August 2024 and 6 September 2024 are submitted to Council for confirmation that those minutes are a true and correct record of the meeting.

RECOMMENDATION

THAT COUNCIL

1. Confirm the minutes of 21 August 2024 Special Council meeting as a true and correct record of the meeting; and
2. Confirm the minutes of 6 September 2024 Special Council meeting as a true and correct record.

STATUTORY AND POLICY

Section 101 and 102 *Local Government Act 2019*

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

ATTACHMENTS

1. Unconfirmed Special Council Meeting Minutes - 29 August 2024 [6.2.1 - 4 pages]
2. Unconfirmed Special Council Meeting Minutes - 6 September 2024 [6.2.2 - 3 pages]



Minutes of the West Arnhem Regional Council Ordinary Council Meeting
Thursday, 29 August 2024 at 10:00 am
Council Chambers

1 ACKNOWLEDGEMENT OF COUNTRY AND OPENING OF MEETING

Chairperson Mayor Woods declared the meeting open at 10:17am, welcomed all in attendance and did an Acknowledgement of Country.

ELECTED MEMBERS PRESENT

Chairperson	James Woods (Mayor)
Deputy Mayor	Elizabeth Williams
Councillor	Mickitja Onus
Councillor	Donna Nadjamerrek
Councillor	Monica Wilton
Councillor	Jermaine Namanurki
Councillor	Jacqueline Phillips
Councillor	James Marrawal

STAFF PRESENT

Chief Executive Officer	Andrew Walsh
Director Council and Community Services	Fiona Ainsworth
Director Finance	Jocelyn Nathanael-Walters
Accountant	Corey White
Governance Advisor	Jasmine Mortimore

3 APOLOGIES AND ABSENCES

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absent Without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Apologies, Leave of Absence and Absent Without Notice.

OCM244/2024 RESOLVED:

On the motion of Cr Onus

Seconded Deputy Mayor Williams

1. Notes the absence of Cr Dann, Cr Gumurdul, Cr Guwiyul, Cr Blyth; and
2. Notes the apology received from Cr Dann, Cr Gumurdul, Cr Guwiyul, Cr Blyth.

CARRIED

4 ACCEPTANCE OF AGENDA

Agenda Reference:	4.1
Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Acceptance of Agenda.

OCM245/2024 RESOLVED:

On the motion of Mayor Woods

Seconded Deputy Mayor Williams

THAT COUNCIL accept the agenda papers as circulated for the Special Council meeting held on 29 August 2024.

CARRIED

5 DECLARATION OF INTEREST OF MEMBERS OR STAFF

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Disclosure of Interest of Members or Staff.

OCM246/2024 RESOLVED:

On the motion of Cr Onus

Seconded Cr Phillips

THAT COUNCIL

1. Receive no declarations of interest as listed for the Special Council meeting held on 29 August 2024.
2. Cr Onus declared his employment at Energy Resources Australia (ERA) to be added to the register.
3. Cr Namanurki declared his employment at Malala Health Centre to be added to the register; and Cr Phillips declared her position on the Board of the Maningrida Homelands School Company to be added to the register.

CARRIED

6 RECEIVE AND NOTE REPORTS

Agenda Reference:	6.1
Title:	Finance Report for the period ended 31 July 2024
Author:	Jocelyn Nathanael-Walters, Director Finance

The Council considered a report on Finance Report for the period ended 31 July 2024.

OCM247/2024 RESOLVED:
On the motion of Cr Phillips
Seconded Cr Marrawal

THAT COUNCIL

1. Receive and note the report titled *Finance Report for the period ended 31 July 2024*; and
2. Approve the minimum project cost threshold of \$150,000 which is to be the reporting basis of future planned major capital works projects

CARRIED

7 PROCEDURAL MOTIONS

Agenda Reference:	7.1
Title:	Closure to the Public for the Discussion of Confidential Items
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Closure to the Public for the Discussion of Confidential Items.

OCM248/2024 RESOLVED:
On the motion of Mayor Woods
Seconded Cr Onus

That pursuant to section 99(2) and 293(1) of the Local Government Act 2019 and section 52 of the Local Government (General) Regulations 2021 the meeting be closed to the public to consider the Confidential items of the Agenda.

CARRIED

8 CONFIDENTIAL ITEMS

The information in this section of the Agenda is classed as confidential under Section 293(1) of the *Local Government Act 2019* and Regulation 51 of the *Local Government (Administration) Regulations 2021*.

Agenda Reference:	8.1
Title:	Approval to Dispose of Surplus Fleet Assets
Author:	Graham Baulch, Project Coordinator Fleet Operations

The Report will remain confidential under Section 293(1) of the Local Government Act 2019 and General Regulation 2021 Part (3) Administration - Division 2 Section 51(1)(c)(i). It contains information that would, if publicly disclosed, be likely to: cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

Agenda Reference:	8.2
Title:	Disclosure of Confidential Resolutions and Re-admittance of the Public
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Disclosure of Confidential Resolutions and Re-admittance of the Public.

OCM250/2024 RESOLVED:
On the motion of Cr Wilton
Seconded Cr Namanurki

THAT COUNCIL open the meeting to the public after the discussion of confidential items, and approve to disclose 8.1 resolution and report from the confidential section of this meeting in the non-confidential meeting minutes in 6 months from meeting date.

CARRIED

The public was re-admitted at 12:29.

10 MEETING DECLARED CLOSED

Chairperson Mayor Woods declared the meeting closed at 12:30pm.

This page and the preceding pages are the minutes of the Special Council Meeting held on 29 August 2024.

[Click here](#) to view the agenda for the Special Council Meeting held on 29 August 2024.

UNCONFIRMED



Minutes of the West Arnhem Regional Council Ordinary Council Meeting
Friday, 6 September 2024 at 3:00 pm
Council Chambers

1 ACKNOWLEDGEMENT OF COUNTRY AND OPENING OF MEETING

Chairperson Mayor Woods declared the meeting open at 3:04 pm, welcomed all in attendance and did an Acknowledgement of Country.

ELECTED MEMBERS PRESENT

Chairperson	James Woods (Mayor)
Deputy Mayor	Elizabeth Williams
Councillor	Ralph F Blyth
Councillor	Mickitja Onus
Councillor	Henry Guwiyul
Councillor	Donna Nadjamerrek
Councillor	Monica Wilton
Councillor	Jacqueline Phillips
Councillor	James Marrawal

STAFF PRESENT

Chief Executive Officer	Andrew Walsh
Director Finance	Jocelyn Nathanael-Walters
Governance Advisor	Jasmine Mortimore

3 APOLOGIES AND ABSENCES

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absent Without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Apologies, Leave of Absence and Absent Without Notice.

OCM235/2024 RESOLVED:

On the motion of Mayor Woods

Seconded Deputy Mayor Williams

1. Notes the absence of Cr Dann, Cr Gumurdul and Cr Namanurki
2. Notes the apology received from Cr Dann, Cr Gumurdul and Cr Namanurki.

CARRIED

4 ACCEPTANCE OF AGENDA

Agenda Reference:	4.1
Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Acceptance of Agenda.

OCM236/2024 RESOLVED:

On the motion of Cr Blyth

Seconded Cr Onus

THAT COUNCIL accept the agenda papers as circulated for the Special Council meeting held on 6 September 2024.

CARRIED

5 DECLARATION OF INTEREST OF MEMBERS OR STAFF

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Disclosure of Interest of Members or Staff.

OCM237/2024 RESOLVED:

On the motion of Cr Guwiyul

Seconded Cr Onus

THAT COUNCIL receive no declarations of interest as listed for the Special Council meeting held on 6 September 2024.

CARRIED

6 ACTION REPORTS

Agenda Reference:	6.1
Title:	Call for Nominations - LGANT Board Directors
Author:	Jasmine Mortimore, Governance Advisor

The Council considered a report on Call for Nominations - LGANT Board Directors.

OCM238/2024 RESOLVED:

On the motion of Mayor Woods

Seconded Deputy Mayor Williams

THAT COUNCIL:

1. Receive and note the report titled *Call for Nominations - LGANT Board Directors*.
2. Endorse application for Cr Blyth to nominate for the LGANT Vice President.
3. Endorse application for Mayor Woods to nominate for the LGANT Board Director; and
4. Approve all associated costs to send CEO Andrew Walsh, Mayor James Woods, Cr Blyth and Cr Marrawal to the LGANT Convention in November 2024.

CARRIED

8 MEETING DECLARED CLOSED

Chairperson Mayor Woods declared the meeting closed at 3:27 pm.

This page and the preceding pages are the minutes of the Special Council Meeting held on Friday 6 September 2024.

[Click here](#) to view the agenda for the Special Council Meeting held on 6 September 2024.

UNCONFIRMED

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	6.3
Title:	Confirmation of Local Authority Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

The purpose of this report is to provide Council with copies of the unconfirmed minutes of the Local Authority meetings within the region.

RECOMMENDATION

THAT COUNCIL confirmed the minutes of the following Local Authority meetings and reviewed decisions made by the Local Authority:

Community	Date Held	Quorum	Date of next meeting
Minjilang	9 September 2024	Yes	25 November 2024
Warruwi	10 September 2024	Yes	26 November 2024
Gunbalanya	11 September 2024	Yes	27 November 2024
Maningrida	12 September 2024	Yes	28 November 2024

1. Approve the membership for Nicodemus Nayilibidj to join the Gunbalanya Local Authority.

BACKGROUND

The Ministerial Guidelines state that:

minutes from local authority meetings or provisional meetings must form part of the agenda papers for the next ordinary meeting of council. The council must consider any items for attention, raised by each local authority meeting or provisional meeting, at the next ordinary meeting of council after the local authority meeting or provisional meeting (Section 13.1 *Ministerial Guideline 1 – Local Authorities 2021*).

LEGISLATION AND POLICY

Sections 101(4) and 101(5) of the *Local Government Act 2019*.

Clause 13.1 *Guideline 1: Local Authorities 2021*.

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

ATTACHMENTS

1. Unconfirmed Minjilang Local Authority Meeting Minutes - 9 September 2024 [6.3.1 - 6 pages]
2. Unconfirmed Warruwi Local Authority Meeting Minutes - 10 September 2024 [6.3.2 - 6 pages]
3. Unconfirmed Gunbalanya Local Authority Meeting Minutes - 11 September 2024 [6.3.3 - 6 pages]

4. Unconfirmed Maningrida Local Authority Meeting Minutes - 12 September 2024 [6.3.4 - 6 pages]



Minutes of the West Arnhem Regional Council Minjilang Local Authority
Monday, 9 September 2024 at 10:00 am
Council Chambers

1 ACKNOWLEDGEMENT OF COUNTRY AND OPENING OF MEETING

Chairperson Matthew Nagarlbin declared the meeting open at 10:19 am, welcomed all in attendance and did an Acknowledgement of Country.

APPOINTED MEMBERS PRESENT

Chairperson	Matthew Nagarlbin
Member	Shane Wauchope
Member	Clint Wauchope
Member	Charles Yirrawala
Member	David Makings
Member	Josephine Cooper

ELECTED MEMBERS PRESENT

Mayor	James Woods
Deputy Mayor	Elizabeth Williams

STAFF PRESENT

Chief Executive Officer	Andrew Walsh
Governance Advisor	Jasmine Mortimore
General Manager Technical Services (acting)	Clem Beard

3 APOLOGIES AND ABSENCES

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absence Without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Apologies, Leave of Absence and Absence Without Notice.

MIN29/2024 RESOLVED:
On the motion of Member S Wauchope
Seconded Member Makings

THAT THE LOCAL AUTHORITY:

1. Notes the absence of Member Audrey Lee.
2. Notes the absence of Cr Henry Guwiyul.
3. Determines Cr Henry Guwiyul is absent without permission of the Authority; and
4. Determines Member Audrey Lee is absent with permission of the Authority.

CARRIED

4 ACCEPTANCE OF AGENDA

Agenda Reference:	4.1
Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Acceptance of Agenda.

MIN30/2024 RESOLVED:
On the motion of Member Yirrawala
Seconded Member C Wauchope

THAT THE LOCAL AUTHORITY accept the agenda papers as circulated for the Minjilang Local Authority meeting held on 9 September 2024.

CARRIED

5 DECLARATION OF INTEREST OF MEMBERS OR STAFF

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Disclosure of Interest of Members or Staff.

MIN31/2024 RESOLVED:
On the motion of Member S Wauchope
Seconded Member Makings

THAT THE LOCAL AUTHORITY receive no declarations of interest as listed for the Minjilang Local Authority meeting held on 9 September 2024.

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

Agenda Reference:	6.1
Title:	Confirmation of Local Authority Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Confirmation of Local Authority Meeting Minutes.

MIN32/2024 RESOLVED:
On the motion of Mayor Woods
Seconded Chairperson Nagarbin

THAT THE LOCAL AUTHORITY adopt the minutes of the 5 June 2024 Minjilang Local Authority as a true and correct record.

CARRIED

7 DEPUTATIONS AND PRESENTATIONS

Agenda Reference:	7.1
Title:	PowerWater- 4G Power Meter System
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on PowerWater- 4G Power Meter System.

MIN34/2024 RESOLVED:
On the motion of Member S Wauchope
Seconded Mayor Woods

THAT THE LOCAL AUTHORITY

1. Notes the presentations on the Meter Replacements by Power Water Corporation; and
2. Thanks presenter Jayde Armstead from Power Water Corporation.

CARRIED

Agenda Reference:	7.2
Title:	NT Health - Community Alcohol Plan
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on NT Health - Community Alcohol Plan.

MIN35/2024 RESOLVED:
On the motion of Chairperson Nagarbin
Seconded Member Yirrawala

THAT THE LOCAL AUTHORITY

1. Notes the presentations on Community Alcohol Plan by NT Health; and
2. Thanks presenter Sofia McPherson from NT Health.

CARRIED

Agenda Reference:	7.3
Title:	Aboriginal Peak Organisation Northern Territory - Aboriginal Education Steering Committee
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Aboriginal Peak Organisation Northern Territory - Aboriginal Education Steering Committee.

MIN36/2024 RESOLVED:
On the motion of Member Makings
Seconded Member Yirrawala

THAT THE LOCAL AUTHORITY notes the Aboriginal Peak Organisation of the NT did not present to the Authority.

CARRIED

Agenda Reference:	7.4
Title:	NT Police - Law and Order Update
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on NT Police - Law and Order Update.

MIN38/2024 RESOLVED:

**On the motion of Member Yirrawala
Seconded Member S Wauchope**

THAT THE LOCAL AUTHORITY

1. Notes the presentations on Law and Order Update by NT Police.
2. Thanks presenter Chris Harden from the NT Police.
3. Request a letter be sent to Territory Families, Housing and Communities regarding concerns over known behaviours of Territory Families client transporting illegal substances into community; and
4. Invite Territory Families, Housing and Communities to attend the Local Authority meeting to discuss consideration and needs for a safe house in Minjilang.

CARRIED

Agenda Reference:	7.5
Title:	National Indigenous Australians Agency - Remote Jobs and Economic Development
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on National Indigenous Australians Agency - Remote Jobs and Economic Development.

MIN39/2024 RESOLVED:

**On the motion of Mayor Woods
Seconded Member Makings**

THAT THE LOCAL AUTHORITY

1. Notes the presentations on the overview of the Remote Job Economic Development by National Indigenous Australians Agency; and
2. Thanks presenter Bec Langdon from the National Indigenous Australians Agency.

CARRIED

8 ACTION REPORTS

Agenda Reference:	8.1
Title:	Finance Report for the period ended 31 July 2024
Author:	Corey White, Management Accountant

The Local Authority considered a report on Finance Report for the period ended 31 July 2024.

MIN37/2024 RESOLVED:

**On the motion of Member Yirrawala
Seconded Member S Wauchope**

THAT THE LOCAL AUTHORITY receive and note the report titled *Finance Report for the period ended 31 July 2024*.

CARRIED

Agenda Reference:	8.2
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Title:	Review of Action Items
Author:	Ben Heaslip, Information Advisor

The Local Authority considered a report on Review of Action Items.

MIN33/2024 RESOLVED:

**On the motion of Member Makings
Seconded Member C Wauchope**

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Review of Action Items*; and
2. Review the outstanding action items and gave approval for completed items to be removed from the register.

CARRIED

Agenda Reference:	8.3
Title:	Minjilang Cemetery Update
Author:	Sara Fitzgerald, Waste and Resource Coordinator

Broke for lunch at 12:57 and recommenced 13:18

The Local Authority considered a report on Minjilang Cemetery Update.

MIN40/2024 RESOLVED:

**On the motion of Member S Wauchope
Seconded Member Yirrawala**

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Minjilang Cemetery Update*.
2. Approve for Solar Light to be the first priority if surplus funds are available after tender works are completed.
3. Approve plumbing works to be the second priority if surplus funds are available after tender works are completed.
4. Request the Cemetery facing east; and
5. Add additional gates to plans.

CARRIED

9 RECEIVE AND NOTE REPORTS

Agenda Reference:	9.2
Title:	CSM Operations Report on Current Council Service
Author:	Rick Withers, Council Services Manager

The Local Authority considered a report on CSM Operations Report on Current Council Service.

MIN41/2024 RESOLVED:

**On the motion of Member Yirrawala
Seconded Member S Wauchope**

THAT THE LOCAL AUTHORITY receive and note the report titled *CSM Operations Report on Current Council Service*.

CARRIED

10 LOCAL AUTHORITY MEMBER QUESTIONS WITH OR WITHOUT NOTICE

Agenda Reference:	10.1
Title:	Local Authority Member Questions with or without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Local Authority Member Questions with or without Notice.

**MIN42/2024 RESOLVED:
On the motion of Member Yirrawala
Seconded Member Makings**

THAT THE LOCAL AUTHORITY recorded no action the following questions from Members.

CARRIED

11 NEXT MEETING

The next meeting is scheduled to take place on 25 November 2024.

12 MEETING DECLARED CLOSED

Chairperson Matthew Nagarbin declared the meeting closed at 2:09 pm.

This page and the preceding pages are the minutes of the Minjilang Local Authority held on Monday 9 September 2024.

[Click here](#) to view the agenda for the Minjilang Local Authority Meeting held on 9 September 2024.



Minutes of the West Arnhem Regional Council Warruwi Local Authority
Tuesday, 10 September 2024 at 10:00 am
Council Chambers

1 ACKNOWLEDGEMENT OF COUNTRY AND OPENING OF MEETING

Chairperson Jason Maninaj declared the meeting open at 10:26 am, welcomed all in attendance and did an Acknowledgement of Country.

MEMBERS PRESENT

Chairperson	Jason Maninaj
Member	Richard Nawirr
Member	Phillip Wasaga
Member	Geri Narul
Member	Nicholas Hunter
Member	Ida Waianga
Member	Alfred Gawaraidji

ELECTED MEMBERS PRESENT

Mayor	James Woods
Deputy Mayor	Elizabeth Williams
Councillor	James Marrawal

STAFF PRESENT

Chief Executive Officer	Andrew Walsh
General Manager, Technical Services (acting)	Clem Beard
Governance Advisor	Jasmine Mortimore

3 APOLOGIES AND ABSENCES

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absence Without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Apologies, Leave of Absence and Absence Without Notice.

WAR34/2024 RESOLVED:
On the motion of Chairperson Mayinaj
Seconded Member Nawirr

THAT THE LOCAL AUTHORITY

1. Notes the absence of William Wurluli.
2. Notes the apology received from William Wurluli.
3. Determines Member William Wurluli is absent with permission of the Authority.

CARRIED

4 ACCEPTANCE OF AGENDA

Agenda Reference:	4.1
Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Acceptance of Agenda.

WAR35/2024 RESOLVED:
On the motion of Member Waianga
Seconded Member Gawaraidji

THAT THE LOCAL AUTHORITY accept the agenda papers as circulated for the Warruwi Local Authority meeting held on 10 September 2024.

CARRIED

5 DECLARATION OF INTEREST OF MEMBERS OR STAFF

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Disclosure of Interest of Members or Staff.

WAR36/2024 RESOLVED:
On the motion of Cr Marrawal
Seconded Member Hunter

THAT THE LOCAL AUTHORITY receive no declarations of interest for Warruwi as listed for the Warruwi Local Authority meeting held on 10 September 2024.

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

Agenda Reference:	6.1
Title:	Confirmation of Local Authority Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

Meeting broke for lunch at 12:59 and recommenced 13:23

The Local Authority considered a report on Confirmation of Local Authority Meeting Minutes.

WAR42/2024 RESOLVED:

**On the motion of Member Narul
Seconded Member Waianga**

THAT THE LOCAL AUTHORITY adopt the minutes of the 22 May 2024 Warruwi Local Authority as a true and correct record.

CARRIED

7 DEPUTATIONS AND PRESENTATIONS

Agenda Reference:	7.1
Title:	PowerWater - Feedback and Questions on Cultural Camp Attendance
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on PowerWater - Feedback and Questions on Cultural Camp Attendance.

WAR37/2024 RESOLVED:

**On the motion of Member Hunter
Seconded Member Nawirr**

THAT THE LOCAL AUTHORITY

1. Notes the discussion and gave feedback on the presentation at the Warruwi Cultural Camp by Power Water Corporation; and
2. Thanks presenter Chantal Bramley from Power Water Corporation.

CARRIED

Agenda Reference:	7.2
Title:	NT Health - Community Alcohol Plan
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on NT Health - Community Alcohol Plan.

WAR38/2024 RESOLVED:

**On the motion of Chairperson Mayinaj
Seconded Member Hunter**

THAT THE LOCAL AUTHORITY

1. Notes the presentations on Community Alcohol Plan by NT Health.
2. Thanks presenter Sofia Mcpherson from NT Health; and
3. Request CSM to liaise with NT Health to assist with consultation.

CARRIED

Agenda Reference:	7.3
Title:	Aboriginal Peak Organisation Northern Territory - Aboriginal Education Steering Committee
Author:	Jasmine Mortimore, Governance Advisor

Mayor Woods joined meeting 11:40

The Local Authority considered a report on Aboriginal Peak Organisation Northern Territory - Aboriginal Education Steering Committee.

WAR39/2024 RESOLVED:

On the motion of Member Gawaraidji

Seconded Member Hunter

THAT THE LOCAL AUTHORITY

1. Notes the presentations on the Aboriginal Education Peak Body by Aboriginal Peak Organisation of the NT; and
2. Thanks presenter Rheannon Vea Vea from Aboriginal Peak Organisation of the NT.

CARRIED

Agenda Reference:	7.4
Title:	NT Police - Law and Order Update
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on NT Police - Law and Order Update.

WAR40/2024 RESOLVED:

**On the motion of Member Gawaraidji
Seconded Member Nawirr**

THAT THE LOCAL AUTHORITY

1. Notes the presentations on Law and Order Update by NT Police; and
2. Thanks presenter Chris Harden from the NT Police.

CARRIED

Agenda Reference:	7.5
Title:	National Indigenous Australians Agency - Remote Jobs and Economic Development
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on National Indigenous Australians Agency - Remote Jobs and Economic Development.

WAR41/2024 RESOLVED:

**On the motion of Member Waianga
Seconded Member Gawaraidji**

THAT THE LOCAL AUTHORITY

1. Notes the presentations on the overview of the Remote Job Economic Development by National Indigenous Australians Agency; and
2. Thanks presenter Bec Langdon from the National Indigenous Australians Agency.

CARRIED

8 ACTION REPORTS

Agenda Reference:	8.1
Title:	Finance Report to August 2024
Author:	Corey White, Management Accountant

The Local Authority considered a report on Finance Report to August 2024.

WAR43/2024 RESOLVED:

**On the motion of Cr Marrawal
Seconded Mayor Woods**

THAT THE LOCAL AUTHORITY

1. Receive and note the report titled *Finance Report to August 2024; and*
2. Investigate irrigation system and tanks for the Oval as a Local Authority project.

CARRIED

Agenda Reference:	8.2
Title:	Review of Action Items
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Review of Action Items.

WAR44/2024 RESOLVED:

**On the motion of Member Wasaga
Seconded Member Waianga**

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Review of Action Items*.
2. Review the outstanding action items and gave approval for completed items to be removed from the register; and
3. Request GTNT attend Warruwi Local Authority to discuss mechanical apprenticeships.

CARRIED

Agenda Reference:	8.3
Title:	Repairs to Shade Structure adjacent to the Warruwi Clinic
Author:	Clem Beard, Acting General Manager Technical Services

The Local Authority considered a report on Repairs to Shade Structure adjacent to the Warruwi Clinic.

WAR45/2024 RESOLVED:

**On the motion of Cr Marrawal
Seconded Member Nawirr**

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Repairs to Shade Structure adjacent to the Warruwi Clinic*; and
2. Approve the allocation of \$38,390.00 from the LA Project Funding 2023/2024 to carry out repairs to Shade Structure adjacent to the Warruwi Clinic.

CARRIED

9 RECEIVE AND NOTE REPORTS

Agenda Reference:	9.1
Title:	CSM Operations Report on Current Council Services
Author:	Geraldine Narul, Council Services Manager, Warruwi

The Local Authority considered a report on CSM Operations Report on Current Council Services.

WAR46/2024 RESOLVED:

**On the motion of Chairperson Mayinaj
Seconded Member Hunter**

THAT THE LOCAL AUTHORITY

1. Receive and note the report titled *CSM Operations Report on Current Council Services*.
2. Allocate \$10,000 of Local Authority funding for beautification of township; and
3. Invite Territory Families, Housing and Communities to next Local Authority to discuss need for a Safe house in Warruwi.

CARRIED

10 LOCAL AUTHORITY MEMBER QUESTIONS WITH OR WITHOUT NOTICE

Agenda Reference:	10.1
Title:	Local Authority Member Questions with or without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Local Authority Member Questions with or without Notice.

WAR47/2024 RESOLVED:

**On the motion of Member Waianga
Seconded Member Gawaraidji**

THAT THE LOCAL AUTHORITY recorded for action the following questions from Members.

1. CEO to investigate at the budget for Centrelink program in Warruwi; and
2. CEO to investigate tax account for next year tax return

CARRIED

11 NEXT MEETING

The next meeting is scheduled to take place on Tuesday 26 November 2024.

12 MEETING DECLARED CLOSED

Chairperson Jason Mayinaj declared the meeting closed at 3:34 pm.

This page and the preceding pages are the minutes of the Warruwi Local Authority held on Tuesday 10 September 2024.

[Click here](#) to view agenda for the Warruwi Local Authority meeting held on 10 September 2024.



Minutes of the West Arnhem Regional Council Gunbalanya Local Authority
Wednesday, 11 September 2024 at 10:00 am
Council Chambers

1 ACKNOWLEDGEMENT OF COUNTRY AND OPENING OF MEETING

Chairperson Andy Garnarradj declared the meeting open at 10:32 am, welcomed all in attendance and did an Acknowledgement of Country.

APPOINTED MEMBERS PRESENT

Chairperson	Andy Garnarradj
Member	Henry Yates
Member	Evonne Gumurdul
Member	Maxwell Garnarradj
Member	Grant Nayinggul
Provisional Member	Nicodemus Nayilibidj

ELECTED MEMBERS PRESENT

Mayor	James Woods
Deputy Mayor	Elizabeth Williams
Councillor	Gabby Gumurdul

STAFF PRESENT

Chief Executive Officer	Andrew Walsh
Governance Advisor	Jasmine Mortimore
General Manager Technical Services (acting)	Clem Beard

3 APOLOGIES AND ABSENCES

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absence Without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Apologies, Leave of Absence and Absence Without Notice.

GUN31/2024 RESOLVED:
On the motion of Chairperson Garnarradj
Seconded Member G Nayinggul

THAT THE LOCAL AUTHORITY

1. Notes the absence of Cr Otto Dann, Cr Donna Nadjamerrek, Connie Nayinggul, Kenneth Mangiru, Cr Gabby Gumurdul .
2. Notes the apology received from Cr Otto Dann, Cr Donna Nadjamerrek, Connie Nayinggul, Kenneth Mangiru.
3. Determines Cr Otto Dann, Cr Donna Nadjamerrek, Connie Nayinggul, Kenneth Mangiru are absent with permission of the Authority.; and
4. Approve the provisional membership for Nicodemus Nayilibidj to join the Gunbalanya Local Authority.

CARRIED

4 ACCEPTANCE OF AGENDA

Agenda Reference:	4.1
Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

Cr Gumurdul joined the meeting at 10:39am

The Local Authority considered a report on Acceptance of Agenda.

GUN32/2024 RESOLVED:
On the motion of Chairperson Garnarradj
Seconded Member Nayilibidj

THAT THE LOCAL AUTHORITY accept the agenda papers as circulated for the Gunbalanya Local Authority meeting held on 11 September 2024.

CARRIED

5 DECLARATION OF INTEREST OF MEMBERS OR STAFF

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Disclosure of Interest of Members or Staff.

GUN33/2024 RESOLVED:
On the motion of Mayor Woods
Seconded Chairperson Garnarradj

THAT THE LOCAL AUTHORITY receives no declarations of interest as listed for the Gunbalanya Local Authority meeting held on 11 September 2024.

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

Agenda Reference:	6.1
Title:	Confirmation of Local Authority Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Confirmation of Local Authority Meeting Minutes.

GUN34/2024 RESOLVED:

**On the motion of Chairperson Garnarradj
Seconded Member G Nayinggul**

THAT THE LOCAL AUTHORITY adopts the minutes of the 9 July 2024 Gunbalanya Local Authority as a true and correct record.

CARRIED

7 DEPUTATIONS AND PRESENTATIONS

Agenda Reference:	7.1
Title:	NT Health - Community Alcohol Plan
Author:	Jasmine Mortimore, Governance Advisor

Meeting broke for lunch at 11:25am and recommenced at 11:41am
The Local Authority considered a report on NT Health - Community Alcohol Plan.

GUN35/2024 RESOLVED:

**On the motion of Chairperson Garnarradj
Seconded Member Gumurdul**

THAT THE LOCAL AUTHORITY:

1. Notes the presentations on Community Alcohol Plan by NT Health; and
2. Thanks presenter Sofia Mcpherson from NT Health.

CARRIED

Agenda Reference:	7.2
Title:	Aboriginal Peak Organisation Northern Territory - Aboriginal Education Steering Committee
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Aboriginal Peak Organisation Northern Territory - Aboriginal Education Steering Committee.

GUN38/2024 RESOLVED:

**On the motion of Mayor Woods
Seconded Member Nayilibidj**

THAT THE LOCAL AUTHORITY notes the presentations by the Aboriginal Peak Organisation of the NT did not go ahead.

CARRIED

Agenda Reference:	7.3
Title:	NT Police - Law and Order Update
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on NT Police - Law and Order Update.

GUN36/2024 RESOLVED:

**On the motion of Chairperson Garnarradj
Seconded Member G Nayinggul**

THAT THE LOCAL AUTHORITY

1. Notes the presentations on Law and Order Update by NT Police; and
2. Thanks presenter Bill Morgan from the NT Police.

CARRIED

Agenda Reference:	7.4
Title:	National Indigenous Australians Agency - Remote Jobs and Economic Development
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on National Indigenous Australians Agency - Remote Jobs and Economic Development.

GUN37/2024 RESOLVED:

**On the motion of Chairperson Garnarradj
Seconded Member Yates**

THAT THE LOCAL AUTHORITY

1. Notes the presentations on the overview of the Remote Job Economic Development by National Indigenous Australians Agency; and
2. Thanks presenter Bec Langdon from the National Indigenous Australians Agency.

CARRIED

8 ACTION REPORTS

Agenda Reference:	8.1
Title:	Finance Report to August 2024
Author:	Corey White, Management Accountant

Broke for lunch at 12:57 and recommenced at 13:30

The Local Authority considered a report on Finance Report to August 2024.

GUN39/2024 RESOLVED:

**On the motion of Member Nayilbidj
Seconded Member G Nayinggul**

THAT THE LOCAL AUTHORITY

1. Receives and notes the report titled *Finance Report to August 2024*.
2. Approve the allocation of \$12,000 of Local Authority funding for speed bump and childrens crossing.

CARRIED

Agenda Reference:	8.2
Title:	Review of Action Items
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Review of Action Items.

GUN40/2024 RESOLVED:

On the motion of Chairperson Garnarradj

Seconded Member Nayilibidj

THAT THE LOCAL AUTHORITY:

1. Receives and notes the report titled *Review of Action Items*.
2. Reviewed the outstanding action items and gave approval for completed items to be removed from the register, including action items regarding MVR for police, Power Water and Gunbalanya Clinic; and
3. Invite the National Library Archive (NLA) to attend next Local Authority meeting.

CARRIED

Agenda Reference:	8.3
Title:	Modifications to staff and visitors rest area at the office.
Author:	Clem Beard, Acting General Manager Technical Services

The Local Authority considered a report on Modifications to staff and visitors rest area at the office..

GUN41/2024 RESOLVED:

**On the motion of Member Yates
Seconded Member Gumurdul**

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Modifications to staff and visitors rest area at the office*; and
2. Approve Option One \$35,000.00 - Upgrade Seating including backrest, Table and Modifications – Staff and Visitors rest area.

CARRIED

9 RECEIVE AND NOTE REPORTS

Agenda Reference:	9.2
Title:	CSM Operations Report on Current Council Services
Author:	Vicki McCoy, CSM Gunbalanya

The Local Authority considered a report on CSM Operations Report on Current Council Services.

GUN43/2024 RESOLVED:

**On the motion of Chairperson Garnarradj
Seconded Member Nayilibidj**

THAT THE LOCAL AUTHORITY receive and note the report titled *CSM Operations Report on Current Council Services*.

CARRIED

Agenda Reference:	9.1
Title:	Incoming and Outgoing Correspondence
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Incoming and Outgoing Correspondence.

GUN42/2024 RESOLVED:

**On the motion of Mayor Woods
Seconded Grant Nayinggul**

THAT THE LOCAL AUTHORITY:

1. Receive and note the attached items of incoming and outgoing correspondence; and
2. Request a response to letter from NIAA to advise Gunbalanya currently has no AFL services.

CARRIED

10 LOCAL AUTHORITY MEMBER QUESTIONS WITH OR WITHOUT NOTICE

Agenda Reference:	10.1
Title:	Local Authority Member Questions with or without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Local Authority Member Questions with or without Notice.

GUN44/2024 RESOLVED:

**On the motion of Chairperson Garnarradj
Seconded Member Yates**

THAT THE LOCAL AUTHORITY recorded for action the following questions from Members.

1. Cr Gumurdul raised time delays for recruitment in Gunbalanya; and
2. Member Yates raised faulty and outages with street lights in Gunbalanya.

CARRIED

11 NEXT MEETING

The next meeting is scheduled to take place on 27 November 2024

MEETING DECLARED CLOSED

Chairperson Andy Garnarradj declared the meeting closed at 2:49 pm.

This page and the preceding pages are the minutes of the Gunbalanya Local Authority Meeting held on Wednesday 11 September 2024.

[Click here](#) to view the agenda for the Gunbalanya Local Authority Meeting held on 11 September 2024.



Minutes of the West Arnhem Regional Council Maningrida Local Authority
Thursday, 12 September 2024 at 10:00 am
Council Chambers

1 ACKNOWLEDGEMENT OF COUNTRY AND OPENING OF MEETING

Chairperson Hayes declared the meeting open at 10:13 am, welcomed all in attendance and did an Acknowledgement of Country.

APPOINTED MEMBERS PRESENT

Chairperson	Sharon Hayes
Member	Garth Doolan
Member	Marlene Kernan

ELECTED MEMBERS PRESENT

Mayor	James Woods
Deputy Mayor	Elizabeth Williams
Councillor	Jermaine Namanurki
Councillor	Monica Wilton

STAFF PRESENT

Director of Community and Council Services	Fiona Ainsworth
Council Services Manager Maningrida (acting)	Kevin Voisey
Governance Advisor	Jasmine Mortimore
General Manager Technical Services (acting)	Clem Beard

GUEST

National Indigenous Australians Agency	Jason Swenson
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3 APOLOGIES AND ABSENCES

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absence Without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Apologies, Leave of Absence and Absence Without Notice.

MAN35/2024 RESOLVED:
On the motion of Chairperson Hayes
Seconded Cr Wilton

THAT THE LOCAL AUTHORITY:

1. Notes the absence of Cr Jacqueline Phillips, Member Jessica Phillips, Member Shane Namanurki, Member Joyce Bohme, Cr Jermaine Namanurki
2. Notes the apology received from Cr Jacqueline Phillips, Member Jessica Phillips, Member Shane Namanurki, Member Joyce Bohme; and
3. Determines Cr Jacqueline Phillips, Member Jessica Phillips, Member Shane Namanurki, Member Joyce Bohme are absent with permission of the Authority.

CARRIED

4 ACCEPTANCE OF AGENDA

Agenda Reference:	4.1
Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Acceptance of Agenda.

MAN36/2024 RESOLVED:
On the motion of Mayor Woods
Seconded Chairperson Hayes

THAT THE LOCAL AUTHORITY accept the agenda papers as circulated for the Maningrida Local Authority meeting held on 12 September 2024.

CARRIED

5 DECLARATION OF INTEREST OF MEMBERS OR STAFF

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Disclosure of Interest of Members or Staff.

MAN37/2024 RESOLVED:
On the motion of Chairperson Hayes
Seconded Member Kernan

THAT THE LOCAL AUTHORITY receives no declarations of interest as listed for the Maningrida Local Authority meeting held on 12 September 2024.

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

Agenda Reference:	6.1
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Title:	Confirmation of Local Authority Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Confirmation of Local Authority Meeting Minutes.

MAN38/2024 RESOLVED:

**On the motion of Chairperson Hayes
Seconded Deputy Mayor Williams**

THAT THE LOCAL AUTHORITY adopts the minutes of the 12 June 2024 Maningrida Local Authority as a true and correct record.

CARRIED

Minute note: Deputations and presentations reports deferred until after item 8.6 due to timing of presenters.

7 DEPUTATIONS AND PRESENTATIONS

Agenda Reference:	7.1
Title:	Aboriginal Peak Organisation Northern Territory - Aboriginal Education Steering Committee
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Aboriginal Peak Organisation Northern Territory - Aboriginal Education Steering Committee.

MAN46/2024 RESOLVED:

**On the motion of Mayor Woods
Seconded Cr Namanurki**

THAT THE LOCAL AUTHORITY notes the presentations by Aboriginal Peak Organisation of the NT did not occur.

CARRIED

Agenda Reference:	7.2
Title:	NT Police - Law and Order Update
Author:	Jasmine Mortimore, Governance Advisor

Meeting broke for lunch at 11:51am and recommenced at 12:13pm
The Local Authority considered a report on NT Police - Law and Order Update.

MAN45/2024 RESOLVED:

**On the motion of Chairperson Hayes
Seconded Member Kernan**

THAT THE LOCAL AUTHORITY

1. Notes the presentations on Law and Order Update by NT Police; and
2. Thanks presenter Timothy from the NT Police

CARRIED

8 ACTION REPORTS

Agenda Reference:	8.1
Title:	Finance Report for the period ended 31 August 2024
Author:	Corey White, Management Accountant

The Local Authority considered a report on Finance Report for the period ended 31 August 2024.

MAN40/2024 RESOLVED:

**On the motion of Mayor Woods
Seconded Member Kernan**

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Finance Report for the period ended 31 August 2024*.
2. Approve to release funds of \$270,000 of Local Authority funding for the Half Basketball Court No.2 and change this project to a non funded commitment.

CARRIED

Agenda Reference:	8.2
Title:	Review of Action Items
Author:	Jasmine Mortimore, Governance Advisor

Cr Namanurki joined the meeting at 10:27am

David from United Church joined the meeting at 10:30am

Maningrida school students joined the meeting at 10:45am

The Local Authority considered a report on Review of Action Items.

MAN39/2024 RESOLVED:

**On the motion of Mayor Woods
Seconded Chairperson Hayes**

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Review of Action Items*.
2. Review the outstanding action items and gave approval for completed items to be removed from the register, including action reference 2 regarding school attendance, action reference 3 for Cemetery, action reference 6 regarding bins, action reference 8, action reference 9; and
3. Amend basketball court action item reference 1 to investigate funds for fencing off current public access and using school as only access point.

CARRIED

Agenda Reference:	8.3
Title:	Maningrida NYE Fireworks Display 2024
Author:	Clem Beard, Acting General Manager Technical Services

Marlene Kernan left the meeting at 11:15am

The Local Authority considered a report on Maningrida NYE Fireworks Display 2024.

MAN41/2024 RESOLVED:

**On the motion of Chairperson Hayes
Seconded Cr Wilton**

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Maningrida NYE Fireworks Display 2024*; and
2. Approve the allocation of \$105,539.50 from the Maningrida Local Authority funding for the New Year's Eve Celebrations 2024.

CARRIED

Agenda Reference:	8.4
Title:	Supply and install bollards for perimeter Soccer/Cricket Oval - Maningrida
Author:	Clem Beard, Acting General Manager Technical Services

Marlene Kernan joined the meeting at 11:21

The Local Authority considered a report on Supply and install bollards for perimeter Soccer/Cricket Oval - Maningrida.

MAN42/2024 RESOLVED:
On the motion of Member Doolan
Seconded Cr Namanurki

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Supply and install bollards for perimeter Soccer/Cricket Oval - Maningrida*; and
2. Approve the allocation of \$91,676.00 for the supply and installation of bollards from the Maningrida Local Authority.

CARRIED

Agenda Reference:	8.5
Title:	Manayingkarirra Cemetery Design Approval
Author:	Sara Fitzgerald, Waste and Resource Coordinator

The Local Authority considered a report on Manayingkarirra Cemetery Design Approval.

MAN43/2024 RESOLVED:
On the motion of Member Kernan
Seconded Chairperson Hayes

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Manayingkarirra Cemetery Design Approval*; and
2. Request this matter be placed on hold for further consultation with traditional owners and community leaders.

CARRIED

Agenda Reference:	8.6
Title:	Potential LA Project - 4x4 Hearse
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Potential LA Project - 4x4 Hearse.

MAN44/2024 RESOLVED:
On the motion of Member Doolan
Seconded Member Kernan

THAT THE LOCAL AUTHORITY:

1. Receive and note the report titled *Potential LA Project - 4x4 Hearse*; and
2. Approve the allocation of \$210,000.00 of Maningrida Local Authority funding for the purchase of a 4x4 Hearse.

CARRIED

9 RECEIVE AND NOTE REPORTS

Agenda Reference:	9.1
Title:	CSM Operations Report on Current Council Services
Author:	Rick Mitchell, Senior Council Services Manager

The Local Authority considered a report on CSM Operations Report on Current Council Services.

MAN47/2024 RESOLVED:
On the motion of Member Kernan

Seconded Chairperson Hayes

THAT THE LOCAL AUTHORITY receive and notes the report titled *CSM Operations Report on Current Council Services*.

CARRIED

10 LOCAL AUTHORITY MEMBER QUESTIONS WITH OR WITHOUT NOTICE

Agenda Reference:	10.1
Title:	Local Authority Member Questions with or without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Local Authority considered a report on Local Authority Member Questions with or without Notice.

MAN48/2024 RESOLVED:

**On the motion of Member Kernan
Seconded Chairperson Hayes**

THAT THE LOCAL AUTHORITY recorded for action the following questions from Members.

1. Invite CMC / NTG, MVR / NT Safe, Human Resources / Centrelink and NIAA to assist with licences processing, Ochre Cards, identifications and request agencies to seek a centralised location to hold information in community.
2. Request staff investigate 5x shelters near bottom camp, aged care and foreshores and send letter to NLC expedite the LUA.
3. Request to contact United Church for conversations regarding church upgrades; and
4. Request to seek additional funds for future oval project through AIS, NIAA and AFL NT.

CARRIED

11 NEXT MEETING

The next meeting is scheduled to take place on 28 November 2024.

12 MEETING DECLARED CLOSED

Chairperson Hayes declared the meeting closed at 1:40 pm.

This page and the preceding pages are the minutes of the Maningrida Local Authority held on Thursday 12 September 2024.

[Click here](#) to view the agenda for the Maningrida Local Authority meeting held on 12 September 2024.

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	6.4
Title:	Confirmation of Kakadu Ward Advisory Committee Minutes
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

The unconfirmed minutes of the of the 13 September 2024 Kakadu Ward Advisory Committee are submitted to Council for confirmation.

RECOMMENDATION

THAT COUNCIL confirmed the minutes of 13 September 2024 Kakadu Ward Advisory Committee as a true and correct record of the meeting and reviewed decisions made by the Committee.

BACKGROUND

The *Local Government Act 2019* states that minutes from Council committees must be tabled at the next ordinary meeting of Council and confirmed as a correct record of the meeting.

COMMENT

Nil

LEGISLATION AND POLICY

Sections 101(3) and 101(4) of the Local Government Act 2019.

Council's Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members) Policy.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

ATTACHMENTS

1. Unconfirmed Kakadu Ward Advisory Committee Meeting Minutes - 13 September 2024 [6.4.1 - 4 pages]



Minutes of the West Arnhem Regional Council Kakadu Ward Advisory Committee
Friday, 13 September 2024 at 9:00 am
Council Chambers

1 ACKNOWLEDGEMENT OF COUNTRY AND OPENING OF MEETING

Chairperson Blyth declared the meeting open at 9:00 am, welcomed all in attendance and did an Acknowledgement of Country.

ELECTED MEMBERS PRESENT

Chairperson	Ralph F. Blyth (Councillor)
Mayor	James Woods
Deputy Mayor	Elizabeth Williams
Councillor	Mickitja Onus

STAFF PRESENT

Chief Executive Officer (acting)	Jocelyn Nathanael-Walters
Director of Community and Council Services	Fiona Ainsworth
General Manager, Technical Services (acting)	Clem Beard
Governance Advisor	Jasmine Mortimore
Council Services Manager Jabiru	Dana Hewett
Senior Projects Officer	Hilal Ahmed

3 APOLOGIES AND ABSENCES

Agenda Reference:	3.1
Title:	Apologies, Leave of Absence and Absence Without Notice
Author:	Jasmine Mortimore, Governance Advisor

The Committee considered a report on Apologies, Leave of Absence and Absence Without Notice.

KWAC21/2024 RESOLVED:
On the motion of Deputy Mayor Williams
Seconded Chairperson Blyth

THAT THE COMMITTEE notes no apologies, leave of absence and absence without notice for meeting held on 13 September 2024.

CARRIED

4 ACCEPTANCE OF AGENDA

Agenda Reference:	4.1
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Title:	Acceptance of Agenda
Author:	Jasmine Mortimore, Governance Advisor

The Committee considered a report on Acceptance of Agenda.

KWAC22/2024 RESOLVED:

On the motion of Cr Onus

Seconded Deputy Mayor Williams

THAT THE COMMITTEE accept the agenda papers as circulated for the Kakadu Ward Advisory Committee meeting held on 13 September 2024.

CARRIED

5 DECLARATION OF INTEREST OF MEMBERS OR STAFF

Agenda Reference:	5.1
Title:	Disclosure of Interest of Members or Staff
Author:	Jasmine Mortimore, Governance Advisor

The Committee considered a report on Disclosure of Interest of Members or Staff.

KWAC23/2024 RESOLVED:

On the motion of Deputy Mayor Williams

Seconded Mayor Woods

THAT THE COMMITTEE receives no declarations of interest as listed for the Kakadu Ward Advisory Committee meeting held on 13 September 2024.

CARRIED

6 CONFIRMATION OF PREVIOUS MINUTES

Agenda Reference:	6.1
Title:	Confirmation of Kakadu Ward Advisory Committee Meeting Minutes
Author:	Jasmine Mortimore, Governance Advisor

The Committee considered a report on Confirmation of Kakadu Ward Advisory Committee Meeting Minutes.

KWAC24/2024 RESOLVED:

On the motion of Chairperson Blyth

Seconded Mayor Woods

THAT THE COMMITTEE adopts the minutes of the 26 June 2024 Kakadu Ward Advisory Committee as a true and correct record.

CARRIED

7 DEPUTATIONS AND PRESENTATIONS

Agenda Reference:	7.1
Title:	Presentations and Visitors - Red Lily & CDU
Author:	Jasmine Mortimore, Governance Advisor

Meeting broke at 10:39am and recommenced at 11:04am

The Committee considered a report on Presentations and Visitors - Red Lily & CDU.

KWAC25/2024 RESOLVED:

On the motion of Mayor Woods

Seconded Cr Onus

THAT THE COMMITTEE noted the presentations on:

1. Update of Services by Red Lily Health Centre.
2. Thanks Shirley Spicer and June Nadjamerrek from Red Lily.
3. Information on BiBi plane service by Charles Darwin University; and
4. Thanks Hamish Campbell from Charles Darwin University.

CARRIED

Agenda Reference:	7.2
Title:	Presentations and Visitors - Gundjehmi Aboriginal Corporation Jabiru Town
Author:	Jasmine Mortimore, Governance Advisor

The Committee considered a report on Presentations and Visitors - Gundjehmi Aboriginal Corporation Jabiru Town.

KWAC26/2024 RESOLVED:
On the motion of Chairperson Blyth
Seconded Cr Onus

THAT THE COMMITTEE noted the presentations on:

1. Update on Jabiru Town by Gundjehmi Aboriginal Corporation Jabiru Town.
2. Thanks Dr Emma Young from Gundjehmi Aboriginal Corporation Jabiru Town; and
3. Propose discussion with KWAC, WARC CEO, Mayor, Deputy Mayor regarding GACJT action items 2, 6 and 7.

CARRIED

Minute note: Chris Harden from the NT Police joined the meeting at 12:00 to discuss a law and order update with the Kakadu Ward Advisory Committee Meeting.

8 ACTION REPORTS

Agenda Reference:	8.1
Title:	Review of Action Items
Author:	Ben Heaslip, Information Advisor

The Committee considered a report on Review of Action Items.

KWAC27/2024 RESOLVED:
On the motion of Chairperson Blyth
Seconded Cr Onus

THAT THE COMMITTEE:

1. Receive and note the report titled *Review of Action Items*; and
2. Reviews the outstanding action items and gave approval for completed items to be removed from the register, including item 12.

CARRIED

Agenda Reference:	8.2
Title:	Proposed Dog Park - Jabiru
Author:	Clem Beard, Acting General Manager Technical Services

The Committee considered a report on Proposed Dog Park - Jabiru.

KWAC28/2024 RESOLVED:

**On the motion of Deputy Mayor Williams
Seconded Mayor Woods**

THAT THE COMMITTEE:

1. Receive and note the report titled *Proposed Dog Park - Jabiru*; and
2. Approve the proposal to erect a Dog Park at the lake with a budget of \$30,000.00.

CARRIED

9 RECEIVE AND NOTE REPORTS

Agenda Reference:	9.1
Title:	CSM Operations Report on Current Council Services
Author:	Dana Hewett, Council Services Manager, Jabiru

The Committee considered a report on CSM Operations Report on Current Council Services.

KWAC29/2024 RESOLVED:

**On the motion of Cr Onus
Seconded Chairperson Blyth**

THAT THE COMMITTEE receive and note the report titled *CSM Operations Report on Current Council Services*.

CARRIED

10 LOCAL AUTHORITY MEMBER QUESTIONS WITH OR WITHOUT NOTICE

Agenda Reference:	10.1
Title:	Kakadu Ward Advisory Committee Member Questions
Author:	Jasmine Mortimore, Governance Advisor

The Committee considered a report on Kakadu Ward Advisory Committee Member Questions.

KWAC30/2024 RESOLVED:

**On the motion of Cr Onus
Seconded Chairperson Blyth**

THAT THE COMMITTEE recorded no action the following questions from Members.

CARRIED

11 NEXT MEETING

The next meeting is scheduled to take place on 29 November 2024.

12 MEETING DECLARED CLOSED

Chairperson Blyth declared the meeting closed at 1:07 pm.

This page and the preceding pages are the minutes of the Kakadu Ward Advisory Committee Meeting held on Friday 13 September 2024.

[Click here](#) to view the agenda for the Kakadu Ward Advisory Committee Meeting held on 13 September 2024.

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	7.1
Title:	Presentations and Visitors - Department of Logistics and Infrastructure
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

The purpose of this report is to provide Council with a list of presentations to be made by various stakeholders of the West Arnhem Regional Council.

RECOMMENDATION

THAT COUNCIL notes the presentation on Priority Projects by the Department of Logistics and Infrastructure.

BACKGROUND

At various times, Council requests that presentations be made so that issues can be raised and information shared.

COMMENT

The following visitors/presentations will be in attendance at today's meeting.

Ordinary Council Meeting – Presentations / Visitors			
Topic	Presenter/Visitor	Organisation	Invited by
West Arnhem Priority Projects	Chandan Kalase	Department of Logistics and Infrastructure (DLI)	Elected Members

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 1 PARTNERSHIPS, RELATIONSHIPS AND BELONGING

Investing in relationships and partnerships at all levels supports and strengthens community and belonging. We prioritise the value of partnerships and relationships as a key determinant of a happy, strong and thriving community.

Goal 1.1 Community Engagement

Seek out and support diverse perspectives and collaborations with community, community leaders, businesses, agencies and local service providers to enhance community life.

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	7.2
Title:	Presentations and Visitors - Local Government Association of the Northern Territory
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

The purpose of this report is to provide Council with a list of presentations to be made by various stakeholders of the West Arnhem Regional Council.

RECOMMENDATION

THAT COUNCIL noted the presentation on Membership Services by Local Government Association of the NT.

BACKGROUND

At various times, Council requests that presentations be made so that issues can be raised and information shared.

COMMENT

The following visitors/presentations will be in attendance at today's meeting.

Ordinary Council Meeting – Presentations / Visitors			
Topic	Presenter/Visitor	Organisation	Invited by
LGANT Membership Services	Mary Watson – Acting CEO Kon Vatskalis – President	Local Government Association of the NT	At their request to attend

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 1 PARTNERSHIPS, RELATIONSHIPS AND BELONGING

Investing in relationships and partnerships at all levels supports and strengthens community and belonging. We prioritise the value of partnerships and relationships as a key determinant of a happy, strong and thriving community.

Goal 1.1 Community Engagement

Seek out and support diverse perspectives and collaborations with community, community leaders, businesses, agencies and local service providers to enhance community life.

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	7.3
Title:	Presentations and Visitors - Northern Territory Governments Remote Power System Strategy
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

The purpose of this report is to provide Council with a list of presentations to be made by various stakeholders of the West Arnhem Regional Council.

RECOMMENDATION

THAT COUNCIL noted the presentations on Remote Power System Strategy by Ekistica.

BACKGROUND

At various times, Council requests that presentations be made so that issues can be raised and information shared.

COMMENT

The following visitors/presentations will be in attendance at today's meeting.

Ordinary Council Meeting – Presentations / Visitors			
Topic	Presenter/Visitor	Organisation	Invited by
Information Session on the NTGs Remote Power System Strategy	Alexander Moffatt	Ekistica	At their request to attend

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 1 PARTNERSHIPS, RELATIONSHIPS AND BELONGING

Investing in relationships and partnerships at all levels supports and strengthens community and belonging. We prioritise the value of partnerships and relationships as a key determinant of a happy, strong and thriving community.

Goal 1.1 Community Engagement

Seek out and support diverse perspectives and collaborations with community, community leaders, businesses, agencies and local service providers to enhance community life.

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	8.1
Title:	Review of Action Items
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

This report is submitted for Council to review and discuss the progress on outstanding action items from Council meetings.

RECOMMENDATION

THAT COUNCIL:

1. Receive and note the report entitled *Review of Action Items*; and
2. Review the outstanding action items and give approval for completed items to be removed from the register.

BACKGROUND

Action items arise out of resolutions of Council or questions asked by Councillors. The attached register provides the current status of the action items as provided by the administration. The administration recommends items as complete but it is for Council to determine whether the item remains active or is complete and can be removed.

COMMENT

The actions that Council resolves to occur are to be acted upon by the administration. This report enables Council to progressively discuss and acknowledge the status of items.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

ATTACHMENTS

1. Action Items 24.09.2024 [8.1.1 - 16 pages]

Ref No	Meeting Date	Status	Action Required	Assignee	Action Taken
1	20/02/2024	In Progress	<p>OCM19/2024</p> <ol style="list-style-type: none"> 1. Directed Council to reach out to the Office of Marion Scrymgour to offer funding better suited to West Arnhem and to accept funding for purchase of community buses. 2. Requested alternative letter outlining organisations in communities better suited to deliver service within the communities, cc'ing in those organisations 	Fiona Ainsworth, Jasmine Mortimore	<p>15/04/2024 Jasmine Mortimore</p> <p>Outcome from action has changed as the offer of buses is being negotiated with the Office of Marion Scrymgour. WARC have sent a proposal to use buses for sport and recreations as this fits within the funding guidelines.</p> <p>10/05/2024 Jasmine Mortimore</p> <p>Working with Office of Marion Scrymgour, updates will be provided out of session.</p> <p>23/09/2024 Jasmine Mortimore</p> <p>As off 23 September 2024 administration has reached out to Office of Marion Scrymgour 5 times without response. Will continue to follow up.</p>
2	20/03/2024	Recommend Complete	<p>OCM41/2024 RESOLVED:</p> <p>Request comparison on Jabiru Township (JTDA) land use by accessing WARC records.</p>	Ben Heaslip, Jasmine Mortimore	<p>12/06/2024 Jasmine Mortimore</p> <p>Information Advisor is sourcing information within WARC records to distribute to Elected Members.</p> <p>21/08/2024 - OCM</p> <p>Administration to clarify whether this Item relates to a specific issue or land use in general</p> <p>03/09/2024 - Ben Heaslip</p> <p>Current land use access is managed by GACJT through the Township Lease, giving them overall responsibility. WARC has an agreement with GACJT to access land to enable us to deliver the services we are required to deliver. This is similar to the arrangement previously whereby access was delegated to Council by JTDA.</p>

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3	20/03/2024	Recommend Complete	OCM216/2023 Strategic Roads Nominated sections: Cahill's Crossing to Gunbalanya turn off, Creek crossings between Gunbalanya and Maningrida, Maningrida to Ramingining turnoff the Arnhem Link Road to prioritise for intended roadwork upgrades.	Hilal Ahmad	<p>10 January 2024 – Hilal Ahmad Emailed the NT Strategic Roads Team to organise a meeting to present the Nominated Sections.</p> <p>09 February 2024 – Hilal Ahmad Met with the representatives from DIPL and presented all the nominated sections. DIPL will update WARC once the final areas are nominated.</p> <p>11 March 2024 – Hilal Ahmad DIPL will update WARC once the final areas are nominated.</p> <p>12/04/2024 Hilal Ahmad DIPL is assessing the feedback provided by various stakeholders and will provide a final list of projects and budget to the Infrastructure Minister for approval.</p> <p>07/05/2024 Hilal Ahmad Awaiting further updates from DIPL to advise the projects selected for planned works.</p> <p>07/06/2024 Hilal Ahmad DIPL to advise all stakeholders of the upgraded road chainage and road sections selected for planned works.</p> <p>18/07/2024 Sara Fitzgerald DIPL have advised the project is still in planning and further updates will be provided as the project progresses</p> <p>12/08/2024 Sara Fitzgerald DIPL representative travelled to both Gunbalanya and Maningrida on the 8th and 9th August. WARC waiting to hear results from this trip and what projects are being finalised for the road. With Council's direction administration will seek to invite DIPL to next Ordinary Council meeting to discuss upcoming road projects for the region.</p>

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					<p>17/09/2024 Hilal Ahmad</p> <p>The budget for the NT Strategic Roads program is finalized and is awaiting approval from the NT Infrastructure Minister. Once approved, a media release will be published - experiencing a delay due to change of NT Government.</p> <p>21/09/2024 Jasmine Mortimore</p> <p>Action Item Recommended Completed as action sits with the Department of Logistics and Infrastructure (DLI). DLI are scheduled to present to the Ordinary Council meeting at 10:30am on Tuesday 2nd of October 2024.</p>
4	20/03/2024	Recommend Complete	<p>OCM190/2023</p> <p>Cr Gumurdul raised community safety in Gunbalanya – invite Territory Families and Police Commissioner and Minister for Police, MLA for Arafura to the community to talk about responsibilities with community leaders.</p>	Jasmine Mortimore	<p>13 December 2023 – Jasmine Mortimore</p> <p>Letter has been drafted and is ready to be endorsed by Council before sending to relevant persons.</p> <p>28 December 2023 – Jasmine Mortimore</p> <p>Letter sent: awaiting responses.</p> <p>13 February 2024 – Jasmine Mortimore</p> <p>Due to communities conflicting priorities this has been postponed until further notice.</p> <p>13 March 2024</p> <p>No further update at this time</p> <p>30/04/2024 Jasmine Mortimore</p> <p>This action is on hold until further notice</p>
5	20/03/2024	In Progress	<p>OCM190/2023</p> <p>Cr Phillips and Cr Woods raised issues with new drain out the front of Maningrida clinic / road quality for wet season.</p>	Hilal Ahmad	<p>05 December 2023 – Hilal Ahmad: A Council report is included in the agenda today for discussion of options to be presented to Council members.</p> <p>10 January 2024 – Hilal Ahmad: Purchase Order raised to concrete the crossing, U shaped rails installed on both sides of the crossing to make it safe. 22 Check dams installed in the drain to slow the water and stop scouring.</p> <p>609 February 2024 – Hilal Ahmad</p> <p>Contractor will commence the works, depending on the weather.</p>

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					<p>11 March 2024 – Hilal Ahmad Contractor will commence the works, depending on the weather as concreting works are involved installing additional culverts.</p> <p>12/04/2024 Hilal Ahmad Contractor will commence work by the end of April 2024 and will complete the work by mid May 2024.</p> <p>07/05/2024 Clem Beard Contractor will commence at the end of the month. Project delayed due to late rains in Maningrida. Works include concreting entrance and both sides of the culvert to the takeaway stores opposite clinic.</p> <p>07/06/2024 Clem Beard Planned works are scheduled to commence mid June - delays due to local available capacity.</p> <p>18/07/2024 Sara Fitzgerald Works Scheduled to begin first week of August, will be completed in 2 parts with driveway widening being part of a tender for drainage maintenance being advertised prior to end July.</p> <p>12/08/2024 Sara Fitzgerald Drainage tender to be awarded this meeting anticipated works complete prior to wet season</p> <p>16/09/2024 Hilal Ahmad Tender awarded to BV Contracting and the works to commence in mid of October 2024. All works are scheduled to be completed prior to the onset of wet season.</p>

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6	20/03/2024	Recommend Complete	<p>05 September 2023 Mayor Ryan requested a report to Council on the financial viability of the Darwin Office</p>	Andrew Walsh, Jasmine Mortimore	<p>05 September 2023 – Deirdre O’Sullivan: Leanne Johansson to undertake a comprehensive analysis of costs associated with Darwin office and present to OCM in November</p> <p>02 October 2023 – Leanne Johansson: Colliers Real Estate of Darwin has been contracted to provide detailed information about costs and opportunities. Other investigations in preparation for November OCM report.</p> <p>07 November 2023 - Ben Heaslip: Report in Confidential Late Agenda of 13 November meeting</p> <p>06 December 2023 - Ben Heaslip: Report carried over from November meeting to be presented in today’s Confidential agenda</p> <p>12 February 2024 – Ben Heaslip: Report has been deferred until new CEO starts.</p> <p>20 March: CEO advised Council in the OCM that he would revisit the report once he had established full knowledge of it.</p> <p>23/09/2024 Jasmine Mortimore Report included in Ordinary Council meeting</p>
7	20/03/2024	Recommend Complete	<p>OCM101/2022 MANINGRIDA SUBDIVISION HANDOVER REVIEW FROM NTG TO WARC The Administration will instruct NTG to complete the civil remedial works for new subdivision to the required Australian Standards per independent consultant recommendations and Delay for another wet season to ensure the roads, drains, road furniture and culverts are sufficiently designed and constructed to accommodate wet season run off and to mitigate any potential areas of flooding.</p> <p>OCM62/2023 New Subdivision meeting held with DIPL and WARC 17 March 2023 The Administration to:</p>	Hilal Ahmad	<p>09 August 2023 – Hilal Ahmad: WARC works staff in conjunction with JMK will continue to clean out drains progressively and complete prior to onset of wet season to reduce flooding and scouring in the new subdivision.</p> <p>13 September 2023 – Hilal Ahmad WARC works staff continue working in conjunction contractors where required to complete drainage clean out as part of Pre-Cyclone wet season internal road network maintenance program. If works staff capacity is limited, WARC will engage subcontractors to complete the works. WARC has requested DIPL’s representative to attend the next LA to discuss the deteriorating condition of new subdivision.</p> <p>03 November 2023 – Hilal Ahmad DIPL representative will attend the OCM to discuss the new subdivision handover in Maningrida and Gunbalanya.</p> <p>05 December 2023 – Hilal Ahmad WARC works staff continue working in conjunction with contractors where required to complete drainage clean out as</p>

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			<p>- Assist representatives from DIPL to conduct a full and comprehensive conditional report for Maningrida Subdivision post Wet Season 2022/23.</p> <p>- Instruct a subcontractor to carry out immediate works on the remediation of potholes in Maningrida.</p> <p>Background: 05 December 2022: Administration drafted a response to the NTG stating conditions of handover required prior to accepting ownership. 24 March 2023: Report included in April OCM 09 June 2023: WARC met with DIPL on site and discussed the current deteriorating condition and fire risk of the drainage network. DIPL has agreed to cover the cost for the drainage works rectification and has requested WARC to provide a quote for the remediation of the drainage network. WARC is awaiting quotes from JMK and City Earthmoving for the drainage network remediation.</p>		<p>part of Pre-Cyclone wet season internal road network maintenance program. If works staff capacity is limited, WARC will engage subcontractors to complete the works. WARC has requested DIPL's representative to attend the December OCM to discuss the deteriorating condition of new subdivision.</p> <p>9 February 2024 – Hilal Ahmad WARC works staff continue working in conjunction with contractors where required to complete drainage clean out, mowing grass and weed spraying.</p> <p>11 March 2024 – Hilal Ahmad WARC works staff continue working in conjunction with contractors where required to complete drainage clean out, mowing grass and weed spraying. 6 Bags of Cold mix (1 Ton each) delivered to Maningrida to fix the potholes.</p> <p>12/04/2024 Hilal Ahmad A site meeting was held on 5th April 2024 with Anuerin Townsend, Regional Director West Arnhem region for the Department of Chief Minister and Cabinet on the current status of the civil infrastructure of the new subdivision. West Arnhem Regional Council was ensured that the request will be escalated to the Department of Infrastructure, Planning and Logistics regarding the failings of the current civil infrastructure with remediation solutions accordingly.</p> <p>07/05/2024 Clem Beard Administration will continue to advocate for additional works by DIPL for new subdivision.</p> <p>11/06/2024 Clem Beard Funding has been allocated to carryout remedial works by DCT Australia for the intersection at the entrance of the new subdivision under construction. Council will continue to advocate for additional drainage works throughout the new subdivision to reduce flooding of drains and culverts.</p>

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					<p>18/07/2024 Sara Fitzgerald</p> <p>DCT works are complete. Council staff continue to advocate for further improvements to overall drainage and stormwater management of New Subdivision</p> <p>12/08/2024 Sara Fitzgerald</p> <p>No further actions at this stage. Working with Office of Chief Minister and Cabinet to advocate for better drainage in New sub.</p> <p>16/09/2024 Hilal Ahmad</p> <p>As part of the remediation works for stage 1 of the new subdivision:</p> <p>a) The intersection to the new subdivision will be reconstructed to eliminate drainage issues and water ponding. The works will be completed by early November</p> <p>b) The damaged section of road parallel to the drain will be resealed. The seal is bleeding due to heavy traffic utilized when the new houses were constructed, and this road will be utilized as the main entrance road to the subdivision under construction in Maningrida. The works will be completed next year when the spray sealing contractors are onsite sealing the new subdivision roads by the end of the project completion.</p> <p>23/09/2024 Jasmine Mortimore</p> <p>CEO recommends that Council accept ownership of the Maningrida Subdivision in current condition.</p>
8	20/03/2024	Recommend Complete	OCM1/2023 Cr Kernan raised the void in available historic information about and acknowledgement of past Councillors and would like administration to investigate;	Ben Heaslip	<p>03 March 2023 – Ben Heaslip: Records and Governance have had preliminary conversation and will meet in March to draw up research plan.</p> <p>3 April 2023 – Jessie Schaecken: More work to be done on scope and research plan.</p>

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			and recounted that the Maningrida Community Government Council had laid a plaque in a Maningrida Park to commemorate the start of Maningrida. He suggested that plaques be laid in all WARC remote communities to memorialise the Missions commencement.		<p>13 April 2023 – Jessie Schaecken : Meeting discussed the need for Ben/Jessie to attend Jabiru Library, trip to potentially coincide with Waruwi LA on 18 May 2023</p> <p>26 May 2023 – Ben Heaslip: Searches have been conducted and potential sources of information identified in the records of the National Archives, the Northern Territory Archives and the Northern Territory Library catalogue. Some Archive records are available online, others can be visited in the Darwin offices of the National and Territory Archives, while others are held interstate. Most library records are held in Darwin but there are a couple of records are in the Jabiru Library. Further searches will be conducted including in the hard copy records held by WARC.</p> <p>16 August 2023 – Ben Heaslip: Email sent to councillors including spreadsheet of search results and links to documents available electronically.</p> <p>12 September 2023 – Ben Heaslip: No further update at this time</p> <p>03 October 2023 – Ben Heaslip: Have found the original Constitution of Gunbalanya Council Incorporated from 1976 signed by the chairman and vice-chairman with some associated documents.</p> <p>07 November 2023 – Ben Heaslip: Due to staffing shortages this research will be delayed until the New Year.</p> <p>11 March 2024 – Ben Heaslip: Have re-commenced searching through the online files from the National Archives. I will copy records that have relevant information and compile a collection.</p> <p>20 March 2024 OCM: Crs asked that any relevant information be sent to Local Authorities. CEO advised that due to operational requirements staff availability for this project will be limited and updates will be posted when they are made.</p> <p>23/09/2024 Jasmine Mortimore</p> <p>Current Honour Board represents past council members dating back to community councils. These boards will be updated to include all changes within the last term.</p>

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9	20/03/2024	In Progress	<p>OCM215/2024 Approach West Arnhem stakeholders to support the development of a West Arnhem AFL team</p> <p>OCM109/2024 RESOLVED: Requests further information on the details including cost of Tiwi Bombers football team for AFL NT.</p> <p>OCM157/2023 RESOVLED: Request increased advocacy for AFL in West Arnhem Region please refer to AFL in West Arnhem document</p> <p>BACKGROUND: Marnie Mitchell: Through a partnership with AFL NT remote development managers will help support program and development sessions for both Minjilang and Warruwi with WARC covering accommodation/travel/meal costs and AFLNT cover wages of the staff. Community leadership are working together to facilitate the community visits bimonthly. Council Services Managers continue to support AFL initiatives within their Sport and Recreation Teams</p>	Marnie Mitchell	<p>04/04/2024 Jasmine Mortimore</p> <p>Updates: Hall/oval and highly successful event in Warruwi. 5 community members signed up for umpiring. 15 January 2024 – Matt Griffiths: Nil further. AFL & AFLW included on YSR participation plans. 12 February 2024 – Marnie Mitchell: Matt Levens from AFLNT continues to work with Warruwi and Minjilang. Sport and Recreation staff in community are working with Community to have bi monthly visits to community working in conjunction with the school and council. 13 February 2024 – Dana Hewett: Jabiru – Plans are to continue with Auskick in 2024.</p> <p>02/05/2024 Marnie Mitchell</p> <p>This is an advocacy and strategic item for WARC.</p> <p>My suggestion is that the WARC staff work with the Council and Mayor to discuss the role of WARC in this process of having a team in the AFLNT from West Arnhem.</p> <p>Sport and Recreation staff will continue to provide fundamental training and mentoring opportunities for players, coaches and umpires as well as support ongoing community lead AFL competitions.</p> <p>AFLNTs recommendations form part of the WARC Australian Rules Plan.</p> <p>11/06/2024 Marnie Mitchell</p> <p>I have made initial contact with the Tiwi Bombers president Lindsey Whiting based on a introduction from AFLNT. We had an indepth conversation around the prospect of having a West Arnhem team in the Premier level.</p> <p>His feedback is noted:</p>

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					<p>*700-800K per year including the cost of a General Manager, travel and other costs to run successfully and professionally</p> <p>* Grants and fundraising is required to cover the costs</p> <p>*Men's and women's team represent Tiwi Bombers</p> <p>*Currently they fly in players weekly to Darwin from Tiwi dependant on game time and accommodate in Darwin</p> <p>*13 of 16 games are played in Darwin with only 3 home games. AFL subsidise the cost of teams travelling to Tiwi to play</p> <p>*They have an affiliation with Tracey Village - when players for Tracey in Div I and II are ready they then move to play Premier level with Tiwi</p> <p>*They train across 3 communities in Tiwi plus Darwin and only come together on game day</p> <p>I have also made contact with the appropriate staff at the AFLNT Leigh Elder - Leigh.Elder@afl.com.au and Gavin May - gavin.may@afl.com.au to discuss financial. governance, logistical and venue challenges.</p> <p>I hope to be able to source specific information and contacts that will be useful for the AFL programs in Maningrida.</p> <p>AFL 9s boys competition for 13-17 years including Maningrida, Gunbalanya and Jabiru is scheduled for 4th July in Jabiru. It is hoped that it will be expanded to include girl's next time.</p> <p>12/06/2024 Jasmine Mortimore</p> <p>Made initial contact with Jabiru Bombers Football Club, they are currently awaiting the election of a new president and will continue conversations when role has been filled.</p> <p>11/07/2024 Marnie Mitchell</p> <p>AFL9s mini carnival was held in Jabiru during the school holidays. Young men 13-17 years from Maningrida (two teams), Gunbalanya and Jabiru played games Thursday afternoon and Friday. They camped at Jabiru school, cooked</p>

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					<p>BBQ, played basketball into the night and then all sat together and yarned. This was a very successful event facilitated and managed by the Sport and Rec teams across the three communities.</p> <p>TeamHealth, AFLNT, School Attendance officer, Red Lily and Jabiru school helped with transport, coaching and supervision with the community of Jabiru supporting the event by spectating, running water and umpiring the games.</p> <p>Some of the big boy's plan on coming back to Jabiru to play in the men's teams for Football and Basketball for Kurrung Sports Festival at the end of August.</p> <p>Next time we would like to have all communities involved.</p> <p>New AFLNT Staff Graham Hayes is now based in Maningrida. His role is to support and facilitate community training, competition and upskilling of players, coaches, umpires and other volunteers. Sport and Recreation team in Maningrida will support AFLNT.</p> <p>08/08/2024 Marnie Mitchell</p> <p>8/8/24 Marnie Mitchell</p> <p>AFLNT new staff member has started in Maningrida. Rec and Sport team working with AFLNT staff to ensure a team is training and coming to compete at the Kurrung Festival at the end of August.</p> <p>AFLNT Darwin office are also engaging with Jabiru staff in relation to other events and opportunities to engage in competitions and tournaments.</p> <p>There has been no further progress or discussion about a team in the AFLNT.</p>

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					<p>18/09/2024 Marnie Mitchell</p> <p>Australian Rules Football played a major part in the recent Kurrung Festival with men's teams from all communities competing.</p> <p>Maningridas upcoming L'urra Festival also includes Australian Rules Football games across various age groups. West Arnhem Regional Councils Sport and Recreation staff are playing support roles across the festival football activities.</p> <p>Jabiru Bombers AFLNT official season begins 12th October 2024.</p> <p>Letters to be sent to West Arnhem stakeholders seeking support to develop a West Arnhem AFL Team - further update will be provided at the November Ordinary Council Meeting.</p> <p>23/09/2024 Jasmine Mortimore</p> <p>Meeting scheduled with Sydney Swans on 24 September 2024 to discuss AFL in West Arnhem.</p>
10	20/03/2024	In Progress	OCM59/2024 RESOLVED: Requests report on Gunbalanya oval, including surface works.	Clem Beard	<p>10/04/2024 Clem Beard</p> <p>The administration has reached out for a quote from Quality Garden NT to travel by road to Gunbalanya when access is available to inspect the football oval surface and provide an assessment report on the current condition and anticipated costs of repairs to football oval. The quote received for assessment purposes only \$4,950.00</p> <p>07 June 2024 - Clem Beard</p> <p>The quote for proposed works will be tabled at the next Gunbalanya Local Authority meeting scheduled 14th June 2024 to fund the assessment of the oval for remediation works.</p> <p>18/07/2024 Sara Fitzgerald</p> <p>Gunbalanya Local Authority Have agreed to fund the investigation into complete oval resurfacing at Gunbalanya Oval</p>

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					<p>with view to requesting this project be funded from surplus funds from Gunbalanya oval lights program. Once an accurate budget is established an amendment to the NTG Capital Grant Program will be requested to undergo works with a commitment from Gunbalanya Local Authority to fund up to \$100,000 in works on the oval if required.</p> <p>12/08/2024 Sara Fitzgerald</p> <p>Awaiting final quote on resurfacing and Irrigation works to enable tendering process to begin</p> <p>17/09/2024 Clem Beard</p> <p>Administration has engaged the services of Think Water Darwin to carryout upgrades to the oval for irrigation and oval resurfacing.</p>
11	22/04/2024	In Progress	OCM91/2024 RESOLVED: Raised petition to change WARC logo to be circulated with staff, LA members and Elected Members.	Andrew Walsh, Heidi Walton	<p>12/06/2024 Jasmine Mortimore Work to commence in the new financial year</p> <p>21/08/2024 OCM Communications Coordinator will commence work on this project after completion of the Annual Report</p>
12	18/06/2024	In Progress	OCM159/2024 RESOLVED: Review procurement policy to include community benefit as a criteria of assessment.	Sara Fitzgerald	<p>18/07/2024 Sara Fitzgerald</p> <p>Review of procurement strategy and policy is underway wholistically to encompass items of Indigenous participation, environmental sustainability, inclusivity and community benefit will be included in this. Council will be delivered a draft of any strategy or policy prior to publishing for endorsement.</p> <p>12/08/2024 Sara Fitzgerald</p> <p>Procurement working group established to ensure policy and strategy is legislatively compliant and comprehensive to Council's strategic plan</p>

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					19/09/2024 Sara Fitzgerald Draft policy to be delivered at the October OCM.
13	18/06/2024	In Progress	OCM136/2024 RESOLVED: Invite Territory Families, Housing and Communities to Council meeting to advocate on behalf of community safety.	Jasmine Mortimore	15/08/2024 Ben Heaslip Invitation planned for November OCM 23/09/2024 Jasmine Mortimore Invitation to be extended to the NT Police to attend and discuss this item at the November OCM.
14	18/06/2024	In Progress	OCM136/2024 RESOLVED: Invite Demed and BAC CEO to Council meeting to discuss gravel usage surrounding Gunbalanya township area.	Andrew Walsh, Jasmine Mortimore	15/08/2024 Ben Heaslip Waiting for DEMED CEO recruitment to be finalised.
15	18/06/2024	In Progress	OCM137/2024 RESOLVED: Request policy of fleet disposal to be updated to include assessment of each vehicle and expression of interests within community before auction in Darwin.	Graham Baulch, Sara Fitzgerald	18/07/2024 Sara Fitzgerald Vehicle disposal policy is being adjusted to reflect the following items - All efforts will be made to offer passenger vehicles for disposal in community - When disposing of a vehicle in community a reasonable estimate of repair costs will be provided to interested community members. - If a vehicle is deemed beyond repair it will be removed from community for sale at auction or disposal to scrap to prevent excessive waste generated by council remaining in community All of the above Items once formalised will be administered by the Fleet Coordinator in collaboration with the mechanic to ensure process is fair and transparent and follows the guidelines set out by the Local Government Act 2019. 12/08/2024 Sara Fitzgerald Policy creation still in process

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					<p>19/09/2024 Sara Fitzgerald</p> <p>Draft policy in review, new documents have been created to support the EOI process.</p>
16	18/06/2024	Recommend Complete	<p>OCM149/2024 RESOLVED:</p> <p>Investigate using the heavy vehicle rest area initiative funding for wash down bay at Cahills Crossing and truck stop near Jabiru entrance.</p>	Bryony Stracey, Hilal Ahmad, Sara Fitzgerald	<p>18/07/2024 Sara Fitzgerald</p> <p>A Submission was made to the Heavy Vehicle Rest area program to suggest improvements to the rest areas surrounding Jabiru with detailed information on Cahills crossing and the need for a wash down bay. Unfortunately, this program is not for new rest areas</p> <p>12/08/2024 Sara Fitzgerald</p> <p>Working with DIPL to recommend they access the SLIRP funding pool to install truck washdown facility. Awaiting feedback from Parks Australia to support this initiative from a biosecurity level.</p> <p>19/09/2024 Sara Fitzgerald</p> <p>WARC staff will continue to advocate for this project with new Department of Infrastructure and Logistics.</p>
17	18/06/2024	In Progress	<p>OCM155/2024 RESOLVED:</p> <p>Investigate inviting appropriate department for Identification Cards to a Ordinary Council meeting.</p>	Andrew Walsh, Jasmine Mortimore	<p>24/07/2024 Leanne Johansson</p> <p>Currently ascertaining which is the appropriate department.</p> <p>21/08/2024 - OCM</p> <p>Appropriate Department is the MVR. CEO will seek to meet with the Responsible Officer</p>
18	31/07/2024	Recommend Complete	<p>OCM170/2024 RESOLVED:</p> <p>Request Chief Executive Officer review meeting attendance policy for Elected Members.</p>	Andrew Walsh	<p>15/08/2024 Ben Heaslip</p> <p>Work in progress</p> <p>23/09/2024 Jasmine Mortimore</p> <p>Draft Schedule and Conduct of Meetings (Elected) Policy included in Council meeting agenda for review</p>

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19	31/07/2024	Recommend Complete	OCM189/2024 RESOLVED: Request administration inform DIPL on concerns with road conditions including potholes on Cahills Crossing inclusive of exit and entrance.	Fiona Ainsworth, Hilal Ahmad, Rick Mitchell, Sara Fitzgerald, Vicki McCoy	06/08/2024 Sara Fitzgerald DIPL have advised the work is scheduled take place late September at this stage. It may be earlier if the water levels drop enough for works to be completed sooner. Works include repairs to potholes on the crossing and the entrance and exit on both sides of the crossing. At this stage all works are subject to final approval on Crocodile Management Plan. 18/09/2024 Vicki McCoy Potholes and works completed at Cahills Crossing. Recommend to complete action item.
20	31/07/2024	Recommend Complete	OCM189/2024 RESOLVED: Cr Dann raised concerns with lack of firebreaks around properties in Gunbalanya.	Fiona Ainsworth, Rick Mitchell, Vicki McCoy	14/08/2024 Vicki McCoy Firebreaks have commenced around Gunbalanya as requested. Fire breaking will continue. 17/09/2024 Vicki McCoy Fire breaks done along houses near Billabong. Fire breaking still continuing.
21	31/07/2024	Recommend Complete	OCM189/2024 RESOLVED: Request letter be sent to Minister McCarthy to congratulate on new role.	Andrew Walsh, Jasmine Mortimore, Pania Withnall	15/08/2024 Ben Heaslip Letter of Congratulations sent and received by Minister McCarthy
22	21/08/2024	In Progress	OCM215/2024 Contact the new Arafura MLA after the election to raise concerns and seek support for upgrades to the Maningrida subdivision	Hilal Ahmad, Jasmine Mortimore	17/09/2024 Clem Beard Recommend to write to the newly elected Local Government Minister to visit Maningrida to advocate for financial assistance for additional remediation works in the subdivision for ongoing drainage and erosion issues. 23/09/2024 Jasmine Mortimore Congratulation Letter sent on 19/09/2024 with a request to meet with Mayor and CEO - awaiting response

WEST ARNHem REGIONAL COUNCIL

FOR THE MEETING 30 September 2024

Agenda Reference:	8.2
Title:	Jabiru By-Laws 2025 for Consultation
Author:	Ben Heaslip, Information Advisor

SUMMARY

This report presents Draft West Arnhem Regional Council (Jabiru Town) By-Laws to Council to approve them to go out for public consultation.

RECOMMENDATION

THAT COUNCIL

1. Receive and note the report entitled *Jabiru By-Laws 2025 for Consultation*; and
2. Approve the draft by-laws to go out to public consultation;
3. Provide feedback to the CEO or Governance Advisor by 21 October 2024

BACKGROUND

The first Jabiru Town Development by-law was gazetted in 1982. Most of the existing by-laws came into effect between 1983 and 1993, with amendments made in 2005.

The passage of the *Jabiru Town Development Repeal Act 2021* included the repeal of the *Aboriginal Camping Areas, Caravan Parks, Chemical Preparations and Community Hall* by-laws. The remaining by-laws – *Control of Animals, Control of Dogs, Refuse, Roads and Public Places, Stallholders, and Swimming Pool* - were amended to become the *West Arnhem Regional Council (Jabiru Town) By-Laws*. These by-laws expire on January 1, 2025.

The attached draft was prepared by the Administration in concert with legal staff of the Department of Chief Minister and Cabinet, over multiple consultations and revisions beginning in May 2021. This followed approval of Drafting Instructions by the Council under Resolution OMC29/2021, instructing that the new by-laws would:

- Promote public health, wellbeing and safety;
- Protect public amenities; and
- Contain provisions that take the wishes of the Mirarr people into consideration.

COMMENT

Section 278 of the *Local Government Act* requires the draft to go out to public consultation for 21 days and then be approved by a special resolution of Council. A special resolution requires the support of at least three-quarters of the total number of elected members. After resolution of Council, they are forwarded to the Minister for ratification and Gazetting.

All 6 existing by-laws will be repealed and replaced by a single by-law.

Major changes include:

- An acknowledgement of the Mirarr people.
- Penalties have been changed from a dollar amount to Penalty Units. These units are set by the NT Government and the amount can change each year. For reference, 1 penalty unit is \$185 for the financial year 2024/25.
- All references to the Swimming Pool Complex by-law have been removed. Access and management of the Pool will be determined by policy of the Administration.

- The removal of provisions from Roads and Public Places By-Law relating to:
 - Lake Jabiru
 - Impounding of vehicles
 - Parking

Existing by-laws and the drafting instructions are attached for comparison and reference.

STATUTORY ENVIRONMENT

Local Government Act 2019 Section 278 Making by-laws
West Arnhem Regional Council (Jabiru Town) By-Laws
Jabiru Town Development Repeal Act 2021

FINANCIAL IMPLICATIONS

Not Applicable

STRATEGIC IMPLICATIONS

This report aligns to the following pillars and goals as outlined in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

ATTACHMENTS

1. West Arnhem Regional Council (Jabiru Town) By-laws 2024 Consultation Draft [**8.2.1** - 44 pages]
2. WARC (JT) By-Laws 2021 [**8.2.2** - 94 pages]
3. Drafting Instructions for West Arnhem Regional Council By-laws - May 2021 [**8.2.3** - 20 pages]

NORTHERN TERRITORY OF AUSTRALIA

WEST ARNHAM REGIONAL COUNCIL (JABIRU TOWN) BY-LAWS 2024

Subordinate Legislation No. [] of 2024

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. [] of 2024*

West Arnhem Regional Council (Jabiru Town) By-laws 2024

West Arnhem Regional Council, at a meeting held on [] 2024, made the following by-laws under the *Local Government Act 2019* and, for section 63A(1)(a)(ii) of the *Interpretation Act 1978*, authorised Andrew Walsh, the Chief Executive Officer, to sign them.

Dated 2024

Chief Executive Officer

CONSULTATION DRAFT ONLY

PREPARED FOR THE WEST ARNHEM REGIONAL COUNCIL

* Notified in the *Northern Territory Government Gazette* on [] 2024.

Part 1 Preliminary matters

Part 1 Preliminary matters

1 Title

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) By-laws 2024*.

2 Commencement

These By-laws commence on 1 January 2025.

3 Purpose

The purpose of these by-laws is to provide for the good governance of Jabiru by establishing a legal and procedural framework for promoting public health and wellbeing and safety and the protection of public amenities in the town.

4 Acknowledgement of Mirarr people

- (1) Jabiru is located on Mirarr country and the Council pays its respects to the Mirarr Traditional Owners and pays its respects to Mirarr elders past, present and emerging.
- (2) The Council is committed to continuously nurturing a respectful and collaborative working relationship with the Mirarr people.

5 Definitions

In these By-laws:

advertising means any form of advertising for the attention of the public, including advertising by writing, images, pictures, symbols, objects or illumination.

Examples for definition advertising

Billboard, fence sign, portable sign, poster, distinctive lighting and bunting.

approved means approved by the Council by resolution.

assistance dog means a dog that is an assistance animal as defined in section 4A of the *Anti-Discrimination Act 1992*.

attack, see by-law 55(2).

commercial waste means waste produced in the course of trade or commerce.

Council means the West Arnhem Regional Council.

Part 1 Preliminary matters

dangerous dog means a dog declared to be dangerous under by-law 58.

dog means an animal of the genus *Canis*.

fee includes a charge, a due, a fare and rent payable to the Council.

goods includes food, beverages, wares, merchandise, raffle tickets, tokens, badges and vehicles.

handbill means a printed announcement or advertisement, including a poster, placard, notice, ticket, pamphlet and card.

infringement notice, see by-law 7877.

infringement notice offence, see by-law 77(1).

Jabiru means the land specified as Jabiru town land under the *Aboriginal Land Rights (Northern Territory) Act 1976 (Cth)*.

litter, see section 3 of the *Litter Act 1972*.

market means an area in which 2 or more stalls are located or intended to be located.

menace, see by-law 54(2).

motor vehicle, see section 5 of the *Motor Vehicles Act 1949*.

nuisance, see by-law 64(2).

owner, in relation to a dog, means:

- (a) the person whose name is registered with the Council as the owner of the dog; or
- (b) if the dog is not registered – the person who has care or control of the dog.

permit means a permit issued under by-law 8.

pound means a place established by the Council as a pound.

premises include the following:

- (a) a building or other structure;
- (b) a part of a building or other structure;
- (c) land where a building or other structure is situated.

Part 1 Preliminary matters

prescribed infringement amount, see by-law 77(2).

public land means a road, a reserve or land within Jabiru that is owned, controlled or maintained by the Council.

sell, in relation to goods, includes:

- (a) offering or exposing goods for sale or hire; and
- (b) displaying or publishing an advertisement describing or promoting the sale of goods.

stall means an outdoor place or structure in or from which goods or services are offered for sale, including a tent, a motor vehicle, a caravan, a trailer and a table.

Examples for definition stall

A stall at an outdoor market selling beverages or food, offering massages or selling crafts.

stallholder means a person who sells or offers for sale goods from a stall.

stallholder permit, see by-law 26.

vehicle means any conveyance that runs on wheels.

Examples for definition vehicle

Cars, trucks, trailers, golf carts, motorcycles, bicycles, scooters, skateboards and inline skates.

waste means garbage, litter, rubbish, refuse and other organic or inorganic waste matter.

waste management facility means a facility for waste management operated or controlled by the Council.

Note for by-law 5

The Act also defines terms that are used in these By-laws.

6 Application of by-laws

These By laws apply to and have effect within Jabiru.

Part 1 Preliminary matters

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.

8 Permits

- (1) A person may apply to the CEO for a permit to carry out an activity mentioned in these By-laws.
- (2) An application for a permit must be:
 - (a) in writing; and
 - (b) accompanied by any fee determined by the Council for the permit.
- (3) The CEO may grant or refuse to grant a permit.
- (4) A permit granted by the CEO:
 - (a) must be in writing; and
 - (b) is valid for the period specified in the permit; and
 - (c) is subject to the conditions specified in the permit (if any).
- (5) Without limiting clause (4)(c), it is a condition of a permit that authorises work to be carried out that the person to whom it is granted must reinstate, to the satisfaction of the CEO, a public road or crossing in respect of any damage caused in carrying out the work.
- (6) A person to whom a permit is issued must comply with:
 - (a) any conditions specified under clause (4)(c); and
 - (b) if clause (5) applies to the permit – that clause.
- (7) A person commits an offence of strict liability if the person fails to comply with clause (6).

Maximum penalty: 50 penalty units.

9 Variation, revocation or transfer of permits

- (1) The CEO may vary a permit on application of the person to whom it was granted.
- (2) The CEO may revoke a permit if the person who holds the permit failed to comply with these By-laws or a condition of the permit.
- (3) If the CEO varies or revokes a permit, it must give notice to the holder of the permit as soon as practicable.
- (4) A permit is not transferable.

10 Powers of authorised persons and employees

- (1) Subject to clause (2), an authorised person may exercise any reasonable power necessary or required to give effect to these By-laws.
- (2) An authorised person must act in accordance with any conditions imposed on the person by the Council, by resolution.
- (3) An authorised person or employee of the Council acting in accordance with their duties is exempt from the requirement of a permit for that activity.

Example for clause (3)

An employee does not need a permit to set up structures on public land.

- (4) An authorised person may request the holder of a permit to produce the permit for inspection by the authorised person.
- (5) A person commits an offence if the person fails to comply with a request under clause (4).

Maximum penalty: 20 penalty units.

11 Maintenance of objects

- (1) A person commits an offence if:
 - (a) the person holds a permit in relation to an object, a structure, a sign or a fence; and
 - (b) the person fails to maintain the object, structure, sign or fence to a sufficient standard to reasonably ensure public safety of the object, structure, sign or fence.

Maximum penalty: 50 penalty units.

Part 2 Public facilities and places
Division 2 Protecting public land

- (2) An authorised person may revoke a permit if satisfied that the holder of the permit is not adequately maintaining an object, structure, sign or fence in respect of which the permit was granted.

Part 2 Public facilities and places

Division 1 Liability of owner or occupier of land

12 Non-compliance by owner or occupier

- (1) The CEO may, by written notice, require the owner or occupier of land to comply, within the period specified in the notice, with any of the following:
 - (a) these By-laws;
 - (b) a condition of a permit granted to the owner or occupier under these By-laws.
- (2) A person commits an offence of strict liability if:
 - (a) the person is issued a notice under clause (1); and
 - (b) the person does not comply with the notice.

Maximum penalty: 50 penalty units.

- (3) If the owner or occupier fails to comply with a notice issued under clause (1), the CEO may arrange to carry out the work or take the action required by the notice.
- (4) Any costs properly and reasonably incurred by the Council under clause (3) are recoverable as unpaid rates or as a debt due and payable to the Council.
- (5) The CEO may apply the amount of a deposit made as a condition of the grant of a permit granted under these By-laws to cover any costs properly and reasonably incurred by the Council under clause (3).

Division 2 Protecting public land

13 Construction of crossover

- (1) An owner or occupier of premises adjoining public land may construct the following with a permit:
 - (a) a cross-over across the footpath and verge to connect a driveway on the premises to a road or other public land;

West Arnhem Regional Council (Jabiru Town) By-laws 2024

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Part 2 Public facilities and places
Division 2 Protecting public land

- (b) a cross-over for pedestrians or vehicles to travel between the premises and the public land.

Note for clause (1)

The requirements in this Division are in addition to any other legislative requirements that apply to construction, such as development permits and planning standards.

- (2) A person commits an offence of strict liability if the person constructs a cross-over referred to in clause (1) without a permit.

Maximum penalty: 50 penalty units.

14 Road works

- (1) This by-law does not apply to a person performing work for or on behalf of the Territory.

- (2) A person must not perform any of the following work without a permit:

- (a) deposit any material, or erect any structure, on a road;

- (b) open or break up the surface of a road.

- (3) A person who performs work specified in clause (2) must prevent harm or inconvenience to the public from the work and materials used for the work by:

- (a) managing any affected traffic appropriately; and

- (b) operating safety lights around the work and materials between sunset and sunrise and when visibility is otherwise reduced; and

- (c) installing appropriate fencing and enclosures around the work and materials.

Note for clause (3)

The safety measures required by this by-law must be taken whether or not the work is authorised by the Council.

- (4) The CEO may give the person directions regarding compliance with the safety measures required by this by-law.

- (5) The cost of the safety measures must be paid by the person who engages in the work.

Part 2 Public facilities and places
Division 2 Protecting public land

- (6) A person commits an offence of strict liability if the person fails to comply with clause (2).

Maximum penalty: 100 penalty units.

15 Prohibited excavation on adjoining land

- (1) A person must not, without a permit, excavate any part of land abutting public land.

- (2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 50 penalty units.

16 Enclosing land to prevent risk of escaping soil

- (1) The CEO may, by written notice, require the owner or occupier of land to cause the land to be enclosed if:

- (a) the land adjoins a road, footpath or other public land; and
- (b) the land is not enclosed in a manner that prevents soil, sand or other material from being carried on to the road, footpath or other public land.

- (2) An owner or occupier of land who receives a notice under clause (1) must cause the land to be enclosed in accordance with the notice at the owner or occupier's own cost.

- (3) A person commits an offence of strict liability if the person fails to comply with clause (2).

Maximum penalty: 50 penalty units.

17 Damage to public land

- (1) A person must not, without a permit, cause damage to a footpath, road or other public land.

Examples for clause (1)

- 1 *Removing a road kerb.*
- 2 *Digging up a road.*
- 3 *Spilling wet concrete, motor oil or hydraulic fluid on a road.*

- (2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 50 penalty units.

Part 2 Public facilities and places
Division 3 Control of vegetation

18 Structures on public land

- (1) A person must not, without a permit, erect or install on public land a post, rail, fence, pole, tent, booth, furniture, stand, display, exhibition, decoration or structure, whether permanent or temporary.
- (2) A person must not, without a permit, remove or displace a barrier, railing, post, seat or other structure on public land.
- (3) A person commits an offence of strict liability if the person fails to comply with clause (1) or (2).

Maximum penalty: 50 penalty units.

19 Obstruction of public facilities

- (1) A person must not obstruct or hinder another person from using public land or a facility located on public land.

Examples for clause (1)

A footpath, walkway, public shelter, play or exercise structure, public toilet, drinking fountain, water supply, barbecue or fireplace on public land.

- (2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 50 penalty units.

Division 3 Control of vegetation

20 Damage to public vegetation

- (1) A person must not, without a permit, remove or damage vegetation on Council property or public land.

Examples for clause (1)

1 Driving a vehicle on public land.

2 Cutting a tree.

3 Digging up a flowerbed on Council property.

4 Plucking, cutting or taking from a public flowerbed.

- (2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 50 penalty units.

Part 2 Public facilities and places
Division 4 Activities on public land

21 Trimming vegetation

(1) The owner or occupier of land adjoining a footpath, verge or road must trim or otherwise maintain vegetation on the land to prevent the vegetation:

- (a) obstructing or damaging the footpath, verge or road; or
- (b) becoming a hazard to persons or property.

Examples for clause (1)

- 1 *Trimming a tree or shrub that blocks a footpath.*
- 2 *Mowing grass to prevent infestation by snakes or vermin.*

(2) The CEO may, by written notice, require an owner or occupier of land to trim or otherwise maintain vegetation on the land if the CEO considers that it is:

- (a) obstructing or damaging the footpath, verge or road; or
- (b) becoming a hazard to persons or property.

(3) The owner or occupier of land who receives a notice under clause (2) must trim or otherwise maintain the vegetation in accordance with the notice.

(4) A person commits an offence of strict liability if the person fails to comply with clause (1) or (3).

Maximum penalty: 50 penalty units.

Division 4 Activities on public land

22 Busking and other activities

(1) A person must not engage in any of the following activities on public land without a permit:

- (a) busking, performing or offering entertainment to the public;
- (b) painting or drawing portraits for a fee or donation;
- (c) taking photographs, making a film or recording audio or video for commercial or corporate purposes;
- (d) fundraising;
- (e) preaching or proselytising for religious, political or ideological purposes;

Part 2 Public facilities and places
Division 5 Camping on public land

(f) activities related to community or pastoral care.

Examples for clause (1)

- 1 *Singing or playing guitar for donations.*
- 2 *Setting up an easel to paint or draw the faces of tourists.*
- 3 *Filming a movie or video on location in Jabiru.*
- 4 *Street fundraising.*
- 5 *Soup kitchens or portable laundry services.*

(2) A person commits an offence of strict liability if the person engages in an activity specified in clause (1) without a permit.

Maximum penalty: 20 penalty units.

23 Goods on public land

(1) A person must not, without a permit, place goods in, on or over public land, or outside premises adjoining public land.

(2) A person commits an offence of strict liability if the person fails to comply with clause (1).

Maximum penalty: 20 penalty units.

(3) The following circumstances are not relevant to an offence against clause (2):

- (a) whether the goods cause an obstruction;
- (b) whether the goods are for sale.

Division 5 Camping on public land

24 Permit required to camp on public land

(1) A person must not camp or set up camp on public land without a permit.

(2) For this by-law, the following activities are taken to be camping or setting up camp:

- (a) occupying, between sunset and sunrise, a vehicle used for sleeping;
- (b) erecting a tent or other shelter used for camping;
- (c) setting up bedding, camping gear or other equipment used for camping.

Part 2 Public facilities and places
Division 6 Selling goods and services

- (3) A person commits an offence of strict liability if:
- (a) the person camps or sets up camp on public land; and
 - (b) the person does not have a permit to do so.

Maximum penalty: 20 penalty units.

25 Direction to vacate public land

- (1) An authorised person may direct a person who fails to comply with by-law 24 to do any of the following:
- (a) leave the public land;
 - (b) remove any vehicle, tent, shelter, gear or equipment to a place specified by the authorised person.

- (2) A person commits an offence of strict liability if the person fails to comply with a direction given under clause (1).

Maximum penalty: 20 penalty units.

Division 6 Selling goods and services

26 Stallholder permit

A person must not sell goods from a stall on public land except in accordance with a stallholder permit.

Note

A stallholder permit may be subject to conditions under by-law 8(4)(c). Examples of conditions that may be applied to a stallholder permit are:

- (a) the types of goods that may be sold from the stall;*
- (b) days and hours of operation;*
- (c) location of the stall and distance from other businesses;*
- (d) standards in relation to the order and condition of the stall health or hygiene procedures to be observed by the stallholder;*
- (e) conducting the stall in a non-obstructive manner.*

27 Offence to conduct stall without stallholder permit

A person commits an offence of strict liability if the person sells goods from a stall without a stallholder permit.

Maximum penalty: 20 penalty units.

Part 3 Waste and recycling
Division 1 Waste management

Part 3 Waste and recycling

Division 1 Waste management

28 Collection of household waste and recyclables

- (1) Subject to this by-law, the Council must regularly carry out the collection of household waste and recycling from domestic premises in the town area of Jabiru.
- (2) The Council may refuse to collect any of the following:
 - (a) more than one bin at a time from a domestic premises;
 - (b) waste or recycling that is not contained in the correct bin as approved by the Council for that purpose;
 - (c) waste or recycling that is contained in a bin with a capacity of more than 240 litres;
 - (d) waste containing oil, paint, biological waste, batteries, chemicals or toxic substances.

29 Notice to remove waste or other discarded material

- (1) The Council may serve on the occupier of land or premises a written notice to remove from the land or premises any waste or discarded material (including material prohibited by by-law 30) that is likely to adversely affect:
 - (a) the health, convenience or comfort of the occupiers of adjoining or neighbouring land or premises; or
 - (b) the value of adjoining land or premises.
- (2) On receiving a notice under clause (1), the person must remove from the land or premises waste or discarded material specified in the notice.
- (3) A person commits an offence of strict liability if the person fails to comply with a notice given under clause (1).

Maximum penalty: 50 penalty units.

- (4) If the Council cannot ascertain the identity of an occupier of land, the Council may serve a notice under clause (1) on the owner of the land or premises.

Part 3 Waste and recycling
Division 1 Waste management

30 Machines not to be stored or broken up

- (1) A person must not on land or premises:
- (a) store a machine, disused motor vehicle or the body or chassis of a motor vehicle, which is not in working order; or
 - (b) dismantle or break up a machine, disused motor vehicle or the body or chassis of a motor vehicle, which is not in working order.
- (2) Despite clause (1) a person may keep a machine or motor vehicle which is stored, dismantled or broken up if the machine or motor vehicle is:
- (a) inside a building; or
 - (b) within an area enclosed by a fence or wall that is:
 - (i) not less than 2 metres in height; or
 - (ii) of such a nature as to screen the machine or disused motor vehicle and its parts from the adjoining street and properties.
- (3) A person commits an offence if the person fails to comply with clause (1), except in circumstances permitted by clause (2).

Maximum penalty: 50 penalty units.

31 Commercial waste and toxic materials

- (1) A person commits an offence of strict liability if the person leaves, throws, deposits or abandons commercial waste other than at a waste management facility, unless the person has a permit to do so.
- Maximum penalty: 50 penalty units.
- (2) A person commits an offence of strict liability if the person disposes of oil or toxic materials other than at a waste management facility.

Maximum penalty: 50 penalty units.

Part 3 Waste and recycling
Division 2 Offences related to waste

32 Disposal of waste at waste management facility

- (1) A person commits an offence of strict liability if the person leaves, throws, deposits or abandons waste at a waste management facility, other than on the days and during the hours specified by the Council.

Maximum penalty: 15 penalty units.

- (2) A person commits an offence of strict liability if the person deposits commercial waste at a waste management facility other than on the days and during the hours specified by the Council.

Maximum penalty: 50 penalty units.

- (3) A person commits an offence of strict liability if the person enters a waste management facility other than in accordance with the approved facility rules.

Maximum penalty: 15 penalty units.

- (4) A person commits an offence of strict liability if the person fails to comply with any direction given by an authorised person or clearly displayed on signage at a waste management facility relating to the place at which or manner in which either of the following are to be deposited at the facility:

- (a) commercial waste; or
- (b) oil or toxic materials.

Maximum penalty 50 penalty units.

- (5) A person commits an offence of strict liability if the person does not allow an authorised person at a waste management facility to inspect waste that the person is proposing to deposit at the facility.

Maximum penalty: 25 penalty units.

Division 2 Offences related to waste

33 Offence to deposit waste

- (1) A person must not deposit waste or recyclable materials in a place unless:

- (a) the person is acting under the authority of the Council; or
- (b) the place is an approved bin provided by the Council; or

Part 3 Waste and recycling
Division 2 Offences related to waste

(c) the place is a waste management facility.

- (2) A person must not deposit, in an approved bin provided by the Council, any substance or thing prohibited under the conditions and other particulars of the service determined by the Council by resolution.
- (3) A person must not deposit or allow to remain on land a substance or thing that is likely to attract vermin, unless it is enclosed in a bin or container that is vermin-proof.
- (4) A person who conducts a business must not dispose of waste from the business in a residential bin provided by the Council.
- (5) A person commits an offence of strict liability if the person fails to comply with clause (1), (2), (3) or (4).

Maximum penalty: 50 penalty units.

34 Offence to discharge liquid waste

- (1) A person commits an offence of strict liability if:
- (a) the person deposits or causes waste water, liquid waste or hazardous liquid to be deposited onto public land or into a drain on public land; and
- (b) the person has no permit for that conduct.

Maximum penalty: 100 penalty units.

- (2) It is a defence to a prosecution for an offence against clause (1) if the defendant took all reasonable steps and exercised due diligence to avoid committing the offence.

Examples for by-law 34

Water leaking from a faulty air conditioner or used cooking oil dumped in a drain.

35 Offence to interfere with approved bins

- (1) A person who damages an approved bin provided by the Council is liable to the Council for the costs of replacing the bin.
- (2) A person commits an offence of strict liability if the person:
- (a) removes anything from an approved bin provided by the Council; or
- (b) takes or interferes with an approved bin provided by the Council; or

Part 3 Waste and recycling
Division 3 Removal of waste deposits

- (c) causes an approved bin provided by the Council to become a danger to public health or to affect the comfort of persons occupying or passing through or along neighbouring premises.

Maximum penalty: 50 penalty units.

- (3) An employee or contractor engaged by the Council to collect waste and recycling is exempt from clause (2)(a) and (b).

Division 3 Removal of waste deposits

36 Removal of waste

- (1) An authorised person may, by written notice, direct a person responsible for waste in a public place or on vacant land to remove the waste within a stated period.
- (2) The authorised person must determine the period under clause (1) by taking into account the nature, quantity and location of the waste.
- (3) If the waste to be removed under clause (1) constitutes a threat or risk to public safety, the authorised person may specify in the notice that the waste must be removed immediately.
- (4) If a person does not comply with a notice under clause (1), an authorised person may carry out the work required to remove the waste.
- (5) Any costs properly and reasonably incurred by the Council under clause (4) are recoverable as unpaid rates or as a debt due and payable to the Council.

37 Offence not to comply with a direction

A person commits an offence of strict liability if the person:

- (a) receives a direction under by-law 36; and
(b) fails to comply with the direction.

Maximum penalty 50 penalty units.

Part 4 Safety
Division 1 Fires

Part 4 Safety

Division 1 Fires

38 Lighting fires

- (1) A person must not light a fire or keep a fire burning unless:
- (a) the person has permission to light or keep the fire under a law of the Territory or law of the Commonwealth; or
 - (b) a person is operating a crematorium or incinerator licensed under a law of the Territory or otherwise approved by the Council; or
 - (c) the fire is:
 - (i) for meal preparation or personal comfort; and
 - (ii) safely contained and supervised in a barbecue, fireplace or fire pit constructed of fireproof materials; and
 - (iii) not larger than 1 m²; and
 - (iv) at least 4 m away from any flammable vegetation or other material.
- (2) A person commits an offence of strict liability if the person lights a fire or keeps a fire burning contrary to clause (1).

Maximum penalty: 50 penalty units.

Note for by-law 38

The Bushfires Management Act 2016 also provides for the control of fires.

39 Burning offensive substance or thing

A person commits an offence if:

- (a) the person intentionally burns or heats any substance or thing; and
- (b) that conduct results in an odour that is offensive to another person on adjacent land or public land and the person is reckless in relation to that result.

Maximum penalty: 50 penalty units.

Part 4 Safety
Division 2 Unsafe and unsanitary behaviour

Division 2 Unsafe and unsanitary behaviour

40 Breaking glass or other material

(1) A person commits an offence of strict liability if:

- (a) the person intentionally breaks glass or other material; and
- (b) the pieces of the glass or other material are on public land; and
- (c) the pieces of the glass or other material are likely to cause injury to a person or animal.

Maximum penalty: 50 penalty units.

(2) A person does not commit an offence against clause (1) if the broken pieces were collected and disposed of safely and without delay.

41 Throwing object causing damage

A person commits an offence if:

- (a) the person intentionally throws, or uses a device to throw, a stone or other object onto, into or from public land; and
- (b) the conduct results in:
 - (i) damage to property; or
 - (ii) hitting or frightening a person or animal; and
- (c) the person is reckless in relation to that result.

Maximum penalty: 20 penalty units.

42 Unsanitary behaviour

A person commits an offence of strict liability if the person urinates or defecates on public land, other than in a toilet.

Maximum penalty: 20 penalty units.

Part 5 Animal management
Division 1 General keeping of animals

Part 5 Animal management

Division 1 General keeping of animals

43 Prohibition on keeping animals

- (1) For this Part, a person keeps an animal if:
 - (a) the person has custody or possession of the animal; or
 - (b) the animal, as a result of action taken by the person, is ordinarily kept on the person's land.
- (2) A person must not keep an animal other than:
 - (a) a fish indigenous to the Magela Creek system; or
 - (b) a dog that is kept in accordance with this Part.
- (3) A person commits an offence of strict liability if the person keeps an animal other than as permitted under clause (2).

Maximum penalty: 50 penalty units

Note for by-law 43

See also regulation 12.19 of the Environment Protection and Biodiversity Conservation Regulations 2000 (Cth).

44 Entry and removal

- (1) An authorised person may enter land on which it has reason to believe there is or may be an animal prohibited under by-law 43 and take all necessary steps to remove the animal from the land.
- (2) The authorised person must give at least 24 hours notice to the owner or occupier of the land before entering land under clause (1).

45 Destruction of animals

An animal that is removed from land under by-law 44 may be:

- (a) removed from Jabiru in accordance with the directions of the Council; or
- (b) destroyed:
 - (i) by a veterinarian or an officer of the Council authorised in writing by the Council; and

Part 5 Animal management
Division 2 Responsible ownership of dogs

- (ii) in a manner approved by the Australian Veterinary Association.

46 Abandonment of animals

A person commits an offence of strict liability if the person abandons or sets at large an animal.

Maximum penalty: 50 penalty units.

47 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 as a debt due and payable to the Council.

Division 2 Responsible ownership of dogs

48 Registration required

- (1) A person who keeps a dog in Jabiru for more than 3 months must apply to the Council to register the dog to an address at which the dog is usually kept.
- (2) The Council must, by resolution, determine the following:
- (a) the process for registering dogs;
- (b) any grounds for refusing to register a dog;
- (c) any conditions of registration;
- (d) date of expiry of a registration.

Examples for clause (2)(b)

Unsuitable premises or excessive number of dogs

49 Offence of unregistered dog

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

Maximum penalty: 50 penalty units.

- (2) The following persons are exempt from clause (1):

- (a) a Council employee or contractor who keeps a dog in a pound;

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Part 5 Animal management
Division 3 Dangerous dogs

53 Dog restricted areas

- (1) The Council may declare an area to be a dog restricted area.
- (2) If the Council intends to declare an area to be a dog restricted area, the Council must:
 - (a) publish notice of the proposed area at least 28 days in advance; and
 - (b) consider any responses to the notice from residents of Jabiru.
- (3) The Council must publish the location and restrictions on dogs in any dog restricted area it declares.

Examples for clause (3)

- 1 Prohibiting taking a dog into a market or festival.
- 2 Restricting classes or numbers of dogs in an area.

- (4) A person commits an offence of strict liability if the person:
 - (a) owns a dog; and
 - (b) subject to clause (5), fails to comply with the conditions of a dog restricted area.

Maximum penalty: 50 penalty units.

- (5) The owner of a dog may not comply with the conditions for the dog restricted area if any of the following apply:
 - (a) the dog is an assistance dog;
 - (b) the person is authorised not to comply with one or more specified conditions by an authorised person;
 - (c) the Council has granted an exemption by resolution.

Division 3 Dangerous dogs

54 Dog menaces

- (1) An owner of a dog must ensure it does not menace a person or another animal.
- (2) For this Division, a dog is taken to **menace** a person or animal if it chases, harasses, rushes at or threatens to bite the person or animal in a manner that causes a reasonable apprehension of fear in the person or the owner of the animal.

Part 5 Animal management
Division 3 Dangerous dogs

- (3) The owner of a dog commits an offence of strict liability if the owner fails to comply with clause (1).

Maximum penalty: 50 penalty units.

55 Dog attacks

- (1) The owner of a dog must ensure it does not attack a person or another animal.

- (2) For this Division, a dog is taken to **attack** a person or another animal if it:

- (a) bites the person or animal causing a puncture or break to the skin; or
- (b) assaults the person or animal resulting in bleeding, bone breakage, sprains, scratches or bruising; or
- (c) behaves aggressively resulting in physical contact with the person or animal and damage to anything worn by the person or animal.

- (3) The owner of a dog commits an offence of strict liability if the owner fails to comply with clause (1).

Maximum penalty: 100 penalty units.

56 Defences

It is a defence to a prosecution for an offence against by-law 54 or 55 if:

- (a) another person had, without the defendant's permission, caused the dog to menace or attack the person or animal; or
- (b) in the case of a person being menaced or attacked – the person was on premises owned or occupied by the defendant without consent (whether express or implied); or
- (c) in the case of another animal being menaced or attacked – the other animal was on premises owned or occupied by the defendant without consent (whether express or implied).

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Division 3 Dangerous dogs

57 Orders to impound or destroy

If a court finds a person guilty of an offence against by-law 54 or 55, the court may order either or both of the following in addition to, or instead of, the penalty for the offence:

- (a) if the dog is 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 that the dog be destroyed.

58 Declaration of dangerous dog

- (1) An authorised person may, by written notice, declare a dog to be a dangerous dog if:
 - (a) the dog menaces or attacks a person or another animal; or
 - (b) 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 authorised person must give written notice of the declaration to the owner of the dog.
- (3) The written notice of the declaration must be in the approved form and include the following information:
 - (a) the day the declaration takes effect;
 - (b) the reasons for the declaration;
 - (c) the identity of the dog and the owner of the dog.
- (4) The Council must keep a record of the information in clause (3).

59 Duties of owner of dangerous dog

- (1) This by-law applies to the owner of a dangerous dog.
- (2) The owner must, within 14 days after the day the declaration takes effect:
 - (a) provide to an authorised person evidence from a veterinarian that the dog is desexed; and
 - (b) if the dangerous dog is not desexed, arrange for it to be desexed at the owner's expense; and

Part 5 Animal management
Division 3 Dangerous dogs

(c) undergo behavioural or other training with the dog, as specified by the CEO, at the owner's expense.

(3) The owner must ensure the dangerous dog is kept contained in a secure enclosure that is appropriate to contain the dangerous dog.

Example for clause (3)

High and strong fencing would be required for a large dangerous dog.

(4) The owner must post signage on the premises where the dangerous dog is usually kept with the words "Warning Dangerous Dog" clearly visible and legible from the front boundary of the premises.

(5) When the dangerous dog is outside the premises where it is usually kept, the owner must ensure that:

(a) the dog is under the control of a person who is at least 18 years of age and competent to restrain the dog; and

(b) the dog is muzzled and controlled by a suitable leash.

(6) If the owner intends to keep the dangerous dog for more than 14 days at a place other than the premises where it is usually kept, the owner must notify the Council of the address of the place within 24 hours after the dog is relocated.

(7) The owner must notify the Council of any attack, or alleged attack, by the dangerous dog of a person or another animal within 24 hours of the earlier of the following:

(a) the time of the attack or alleged attack;

(b) the time the owner becomes aware of the attack or alleged attack.

60 Notice to Council

(1) The owner of a dangerous dog must notify the Council if the dog is missing within 24 hours after the owner becomes aware the dog is missing.

(2) The owner of a dangerous dog must notify the Council if the dog dies within 14 days after its death.

(3) If the owner of a dangerous dog intends to transfer ownership of the dangerous dog, the owner must:

(a) inform the prospective owner that the dog is dangerous; and

Part 5 Animal management
Division 3 Dangerous dogs

- (b) notify the Council of the name and address of the new owner at least 72 hours before the transfer.

61 Remedial action for dangerous dog

- (1) If the owner of a dangerous dog fails to comply with the duties of an owner under by-law 59 more than once in a 12-month period, an authorised person may require the owner to take either or both of the following actions:
 - (a) undergo further specified behavioural or other training with the dog at the owner's expense;
 - (b) surrender the dog to the pound.
- (2) If an authorised person intends to take action under clause (1), the authorised person must give the owner of the dangerous dog a notice that:
 - (a) states what action the authorised person is proposing under that clause; and
 - (b) states the grounds for taking that action; and
 - (c) invites the owner to show cause, within 14 days, why the action should not be taken.
- (3) After considering any response received within 14 days of the day of the notice, an authorised person must decide whether to take action under clause (1).
- (4) As soon as practicable after making a decision under clause (3), an authorised person must give a notice of the decision to the owner of the dangerous dog.

62 Offence in relation to dangerous dogs

A person commits an offence of strict liability if the person:

- (a) is the owner of a dangerous dog; and
- (b) fails to comply with by-law 59 or 60.

Maximum penalty: 100 penalty units.

63 Offence to entice or incite

- (1) A person commits an offence if the person entices or incites a dog to:
 - (a) menace a person or another animal; or

Part 5 Animal management
Division 3 Dangerous dogs

- (b) engage in behaviour that is prohibited by by-law 64; or
- (c) attack a person or another animal.

Example for clause (1)

A person must not cause a neighbour's dog to start barking excessively in order to make a complaint about the neighbour's dog.

- (2) A person commits an offence if:
 - (a) the person intentionally engages in conduct; and
 - (b) the conduct causes a dog to:
 - (i) menace a person or another animal; or
 - (ii) attack a person or another animal; or
 - (iii) engage in behaviour that is prohibited by by-law 64; and
 - (c) the person is reckless in relation to that result.

Maximum penalty: 50 penalty units.

64 Dog causing nuisance

- (1) The owner of a dog must ensure the dog is not a nuisance to people or animals.
- (2) For this by-law, a dog is taken to be a **nuisance** if it:
 - (a) causes, or is likely to cause, injury or is dangerous to the health of the community or a person other than its owner; or
 - (b) behaves repeatedly in a manner contrary to:
 - (i) the general interests of the community; or
 - (i) specific and reasonable interests of a person other than its owner; or
 - (c) creates a noise or an odour of a degree or to an extent that disturbs the reasonable mental, physical or social wellbeing of a person other than its owner; or
 - (d) defecates to a degree or extent that causes annoyance to a person other than its owner.

Examples for clause (2)(c)

Constant or loud barking, especially when pedestrians walk past the premises.

Part 5 Animal management
Division 4 Seizure, impounding and destruction of dogs

- (3) The owner of a dog that defecates in public must immediately remove the faeces and dispose of them in a sanitary manner.
- (4) The owner of a dog must ensure it does not aggressively chase a person or vehicle or another animal.
- (5) The owner of a dog must not allow the animal to come within 10 m of a public play structure or public exercise structure, unless the dog is under direct control of its owner.
- (6) A person must not bring a dog into the town centre unless:
 - (a) the dog is an assistance dog; or
 - (b) the person holds a permit to do so; or
 - (c) the dog is allowed under an exemption determined by the Council, by resolution.
- (7) A person must not feed a wild or feral dog.
- (8) A person commits an offence of strict liability if the person fails to comply with clause (1), (3), (4), (5), (6) or (7).

Maximum penalty: 50 penalty units.

Division 4 Seizure, impounding and destruction of dogs

65 Seizure and impounding

- (1) An authorised person may seize:
 - (a) a dog that appears to be diseased, injured, savage, destructive, stray or unregistered; or
 - (b) a dog or any other animal that an authorised person believes on reasonable grounds has attacked a person; or
 - (c) a dog or any other animal that is at large; or
 - (d) a dangerous dog whose owner is not complying with Division 3.
- (2) As soon as practicable after seizing an animal, the authorised person must:
 - (a) impound the animal in a pound; or
 - (b) in the case of a dog – return the dog to its owner.

Part 5 Animal management
Division 4 Seizure, impounding and destruction of dogs

66 Notice of impounding

- (1) The CEO must ensure that reasonable steps are taken to notify the owner of an impounded dog that:
- (a) the dog is impounded; and
 - (b) subject to by-laws 68 and 70, the owner must collect it.
- (2) The owner of an impounded dog who receives a notice under clause (1) must collect the dog within the time specified in the notice.
- (3) A person commits an offence of strict liability if the person:
- (a) owns a dog; and
 - (b) receives a notice under clause (1) that the owner must collect the dog; and
 - (c) fails to collect the dog within the time specified in the notice.
- Maximum penalty: 50 penalty units.

67 Release from pound

- (1) When collecting a dog from a pound, a person must provide evidence that the person is the owner of the dog or is authorised to act on behalf of the owner.
- (2) Subject to by-law 68, an impounded dog must not be released from a pound unless:
- (a) it is registered (either with the Council or another council); and
 - (b) it is released to its owner or to a person authorised to act on behalf of the owner; and
 - (c) the Council receives any fees payable in relation to it.

Note for by-law 67

Section 289 of the Act allows the Council to charge fees for services, including charging the owner of a dog for:

- (a) the costs incurred by the Council in relation to an impounded dog; and
- (b) delivering the dog from the pound.

Part 5 Animal management
Division 4 Seizure, impounding and destruction of dogs

68 Diseased dog

- (1) An authorised person must make arrangements for any impounded dog that is suspected of being infected with a contagious disease to be isolated from other animals in the pound.
- (2) An authorised person must take reasonable steps to give the owner of a dog isolated under clause (1) written notice:
 - (a) stating the reasons for isolating it; and
 - (b) warning that it must either undergo a course of treatment specified in the notice or be destroyed.
- (3) The authorised person may, in the notice given under clause (2), require the owner of the dog to give the Council a report on its condition and the condition of any other dogs usually kept at the same premises at which the diseased dog is usually kept.
- (4) If required under clause (3), the owner must:
 - (a) have the report prepared by a veterinarian or other person specified in the notice; and
 - (b) give the report to the Council within the time specified in the notice.
- (5) A dog that is isolated under this by-law may be released from the pound in accordance with by-law 67, subject to any conditions an authorised person considers appropriate.
- (6) The cost of treatment reasonably provided by the Council to a diseased dog, and to any other animal in the pound infected or at risk of being infected by the diseased dog before it could reasonably be isolated, is a debt payable by the owner of the diseased dog to the Council.
- (7) An owner of a dog commits an offence of strict liability if the owner:
 - (a) fails to comply with clause (4); or
 - (b) fails to comply with a condition imposed under clause (5).

Maximum penalty: 50 penalty units.

Part 5 Animal management
Division 4 Seizure, impounding and destruction of dogs

69 Transfer of dog

The CEO may make arrangements for the transfer of dogs from a pound to a person or entity that provides animal welfare services.

Example for by-law 69

Arrangements could be made with the RSPCA or other organisations that provide care for unwanted and stray animals.

70 Destruction of dog

- (1) The CEO may arrange for a dog to be destroyed if:
- (a) the dog is diseased, savage or destructive and in the opinion of the CEO is an immediate and actual threat to public safety; or
 - (c) the dog is diseased or injured and in the opinion of the CEO it would be cruel to keep it alive.
- (2) As soon as practical after arranging the destruction of a dog under this by-law the CEO must make a reasonable attempt to find the dog's owner and inform, in writing, the dog's owner of the destruction.

71 Destruction of other animal

The CEO may arrange for an animal other than a dog to be destroyed if:

- (a) the animal is in the pound, is seized or abandoned or is found on public land; and
- (b) the animal is diseased, injured, savage, destructive, unclaimed, unregistered or unwanted; and
- (c) it is humane to destroy the animal in the circumstances.

72 Manner of destroying animal

Any destruction of an animal under these By-laws must be done:

- (a) in a manner approved by the Australian Veterinary Association; and
- (b) by a veterinarian or another person who is, in the opinion of the CEO, qualified to destroy it.

Part 6 Advertising and handbills

73 Permit for handbills

- (1) A person must not, without a permit, affix a handbill:
 - (a) to a power pole, signpost or fixture in a street; or
 - (b) to or against a structure adjoining public land; or
 - (c) to a vehicle on public land.
- (2) A person who affixes a handbill under a permit must:
 - (a) ensure the handbill is preserved in a clean and tidy condition; and
 - (b) remove the handbill after the information it contains expires or is no longer relevant; and
 - (c) properly dispose of any waste arising from the handbill.

Example for clause (2)(b)

Take down a concert handbill after the concert is over.

- (3) An authorised person may, by written notice, require the following persons to remove or remediate any handbill that is dirty, untidy, worn, torn or detached:
 - (a) any person who was issued the permit to post the handbill;
 - (b) the owner or occupier of the land where the handbill is posted;
 - (c) the person who sponsored or is responsible for the handbill.
- (4) A person who receives a notice under clause (3) must comply with the notice.
- (5) A person commits an offence of strict liability if the person fails to comply with clause (1), (2) or (4).

Maximum penalty: 20 penalty units.

74 Establishing advertising code

- (1) The Council must establish an outdoor advertising code to prohibit and regulate outdoor advertising on:
 - (a) land owned, occupied or under the control of the Council; or

Part 6 Advertising and handbills

(b) premises adjoining, or visible from, land owned, occupied or under the control of the Council.

(2) The outdoor advertising code may:

(a) define expressions used in this Part and not defined in these By-laws; and

(b) classify advertising and the criteria or conditions applicable to each class; and

(c) create exemptions from the requirement for an outdoor advertising permit; and

(d) provide for matters necessary or convenient for this Part.

(3) An outdoor advertising code must be published.

75 General standards for advertising signs

A person installing or exhibiting outdoor advertising must ensure the advertising:

(a) complies with the outdoor advertising code; and

(b) does not detract from the quality and architectural character of the premises on which the advertising is installed or exhibited; and

(c) has no negative effect on the environmental character and amenity of the surrounding area; and

(d) is in good repair and poses no risk to the health and safety of the public.

Examples for by-law 75

1 *Advertising must not obstruct, or cause distraction to, vehicular and pedestrian traffic.*

2 *A sign must be built to withstand high winds.*

76 Interference with Council advertising

A person commits an offence of strict liability if the person removes, changes, defaces or otherwise interferes with any outdoor advertising installed or exhibited by the Council.

Maximum penalty: 50 penalty units.

Part 7 Infringement notice offences

77 Infringement notice offence and prescribed amount payable

- (1) An ***infringement notice offence*** is an offence against a provision specified in Schedule 1.
- (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 Schedule 1.

78 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.

79 Contents of infringement notice

- (1) The infringement notice must specify the following:
 - (a) the name and address of the person to whom it is issued, 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 at which the infringement notice offence occurred;
 - (d) a description of the offence;
 - (e) the prescribed amount payable for the offence;
 - (f) the enforcement agency 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 to have the offence dealt with by a court by:
 - (i) completing a statement of election and giving it to the specified enforcement agency; and

Part 7 Infringement notice offences

- (ii) not paying the prescribed amount;
 - (c) if the *Fines and Penalties (Recovery) Act 2001* applies to the infringement notice offence – enforcement action may be taken under that Act if the person does nothing in response to the notice.
- (3) The infringement notice must include an appropriate form for making the statement of election mentioned in clause (2)(b)(i).

80 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 payee'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.

81 Expiation of offence

If the prescribed amount for the infringement notice offence is paid in accordance with the infringement notice, the alleged offence is expiated and no further proceedings can be taken in relation to the offence.

82 Withdrawal of infringement notice

- (1) An authorised person may withdraw the 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 payment of the prescribed amount.

83 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 has been given unless the offence is expiated.
- (2) This Part does not:
 - (a) require an infringement notice to be given; or

Part 8 Repeal and transitional matters
Division 2 Transitional matters

- (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 has been given to a person, the person may expiate the offence by paying the prescribed amount in accordance with any of the notices.

Part 8 Repeal and transitional matters

Division 1 Repeal

84 Definitions

In these By-laws:

commencement means the commencement of these By-laws.

former By-laws means the By-laws repealed by by-law 85.

85 Repeals

The By-laws mentioned in Schedule 2 are repealed.

Division 2 Transitional matters

86 Former determinations

A charge, due, fare, fee or rent determined by the Council under the former By-laws and in force immediately before the commencement continues in effect as if it were determined by the Council under the Act until amended or revoked by the Council.

87 Former authorisations, permits and registrations

- (1) A licence, permit or other authorisation issued, granted or renewed under the former By-laws that is in effect immediately before the commencement continues in effect as if it were a permit granted under these By-laws or by the Council until revoked or expired.
- (2) A registration issued, granted or renewed under the former By-laws that is in effect immediately before the commencement continues in effect as if it were a registration granted under these By-laws or by the Council until revoked or expired.

Schedule 1 Infringement notice offences

Schedule 1 Infringement notice offences

by-law 77

Provision	Prescribed amount in penalty units	
	for individual	for body corporate
by-laws 10(5), 22(2), 23(2), 24(3), 25(2), 27, 32(1), (3) and (5), 33(5), 35(2), 41, 42, 50(2), 51(3), 52(1) and 73(5)	1	5
by-laws 8(7), 12(2), 13(2), 15(2), 16(3), 17(2), 18(3), 19(2), 20(2), 21(4), 29(3), 30(3), 31(1) and (2), 37, 38(2), 40(1), 43(3), 46, 49(1), 53(4), 63(2), 64(8) and 66(3)	2	10
by-law 68(7)	3	15
by-laws 32(2) and 32(4), 39 and 43(3)	4	20
by-laws 14(6), 55(3) and 62	9	45

Schedule 2 Repeals

Schedule 2 Repeals

by-law 85

<i>West Arnhem Regional Council (Jabiru Town) (Control of Animals) By-laws 1984</i>	Subordinate Legislation No. 40 of 1984
<i>West Arnhem Regional Council (Jabiru Town) (Control of Dogs) By-laws 1992</i>	Subordinate Legislation No. 27 of 1992
<i>West Arnhem Regional Council (Jabiru Town) (Refuse) By-laws 1983</i>	Subordinate Legislation No. 7 of 1983
<i>West Arnhem Regional Council (Jabiru Town) (Roads and Public Places) By-laws 1983</i>	Subordinate Legislation No. 42 of 1983
<i>West Arnhem Regional Council (Jabiru Town) (Stallholders) By-laws 1983</i>	Subordinate Legislation No. 8 of 1993
<i>West Arnhem Regional Council (Jabiru Town) (Swimming Pool Complex) By-laws 1982</i>	Subordinate Legislation No. 82 of 1982

NORTHERN TERRITORY OF AUSTRALIA

WEST ARNHAM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF ANIMALS) BY-LAWS 1984

As in force at 16 December 2021

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ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 December 2021

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF ANIMALS) BY-LAWS 1984

By-laws under the *Local Government Act 2019*

Part I Preliminary

1 Citation

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) (Control of Animals) By-laws 1984*.

2 Definitions

In these By-laws, unless the contrary intention appears:

animal means a member of the animal kingdom, other than man.

controlled dog means a controlled dog within the meaning of the *West Arnhem Regional Council (Jabiru Town) (Control of Dogs) By-laws 1992*.

land includes buildings.

veterinarian means a registered veterinarian within the meaning of the *Veterinarians Act 1994*.

Part II Animals generally

3 Prohibition on keeping animals

(1) A person shall not keep within the town of Jabiru an animal other than:

(a) a fish indigenous to the Territory; or

(b) a controlled dog.

Penalty: \$200.

-
- (2) For the purposes of these By-laws, a person keeps an animal if he has custody or possession of the animal or if the animal, as a result of action taken by him, is ordinarily kept on his land.

4 Entry and removal

The Authority may, upon giving not less than 24 hours notice of its intention to do so to the occupier thereof, enter land on which it has reason to believe there is or may be an animal other than an animal referred to in by-law 3(1) and take all necessary steps to remove the animal from the land.

5 Destruction of animals

- (1) An animal which has under by-law 4 been removed from land may be:
- (a) removed from the town area of Jabiru in accordance with the directions of the Authority; or
 - (b) destroyed:
 - (i) by a veterinarian or an officer of the Authority authorized in writing in that behalf; and
 - (ii) in a manner approved by the Australian Veterinary Association.
- (2) By-law 45 shall apply in respect of the destruction of an animal under this by-law as if that animal were a dog.

6 Protection of persons destroying animals

- (1) A person who destroys an animal:
- (a) in accordance with these By-laws; or
 - (b) where the animal is so diseased or injured that it is humane to do so,
- is not liable in respect of that destruction.
- (2) A person who destroys an animal on the request of another person shall not be liable in respect of that destruction if he believed on reasonable grounds that the person who made the request was the owner of the animal.

Part II Animals generally

7 Abandonment of animals

A person shall not abandon or set at large an animal.

Penalty: \$500.

ENDNOTES

ENDNOTES
1 KEY

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2 LIST OF LEGISLATION***Jabiru Town Development (Control of Animals) By-laws (SL No. 40, 1984)***

Notified	11 July 1984
Commenced	11 July 1984

Statute Law Revision Act 2005 (Act No. 44, 2005)

Assent date	14 December 2005
Commenced	14 December 2005

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

Assent date	15 December 2021
Commenced	16 December 2021 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 2.

4 LIST OF AMENDMENTS

bl 1	amd Act No. 29, 2021, s 10
bl 2	amd Act No. 44, 2005, s 23; Act No. 29, 2021, s 10
bl 5	amd Act No. 44, 2005, s 23

NORTHERN TERRITORY OF AUSTRALIA

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF
DOGS) BY-LAWS 1992

As in force at 16 December 2021

Table of provisions

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ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 December 2021

WEST ARNHAM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF DOGS) BY-LAWS 1992

By-laws under the *Local Government Act 2019*

Part 1 Preliminary

1 Citation

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) (Control of Dogs) By-laws 1992*.

2 Purpose

The purpose of these By-laws is to provide for the keeping of dogs as companion animals within Jabiru in a manner that is compatible with the enjoyment by residents of a congenial residential environment.

3 Interpretation

(1) In these By-laws, unless the contrary intention appear:

attack in relation to the actions of a dog, means the menacing of a person or animal by a dog involving actual physical contact between the dog and the person or animal and includes the injuring of a person or animal by a dog.

authorised person means a person appointed under section 183 of the *Local Government Act 2019*.

dog means an animal of the genus *Canis*.

dog exercise area means an area set aside under by-law 15.

dog restriction order means an order made under by-law 14.

dog-tag means a tag issued under by-law 9 and includes a permanent electronic subcutaneous implant.

dog trader means a person who buys or sells dogs in the ordinary course of his or her business.

guide dog means a dog trained by a training institution approved by the Council by resolution and used by a person who is wholly or partially blind or deaf.

licence means a licence granted under these By-laws.

menace, in relation to an action of a dog, means an action that creates a reasonable apprehension in a person that the dog is likely to attack the person or an animal owned or in the control of the person and includes reasonable apprehension that the dog may escape, or be released, from effective control to attack the person or animal.

pound means the pound established under by-law 34(1).

pound manager means the pound manager appointed under by-law 34(2).

premises includes land and buildings.

register means the register established under by-law 6.

registered means registered under these By-laws.

registered owner means the person appearing in the register as the owner of a dog.

Registrar means the Registrar appointed under by-law 5.

Repealed Act has the same meaning as in the *Dog Act Repeal Act 1991*.

veterinarian means a registered veterinarian within the meaning of the *Veterinarians Act 1994*.

- (2) In these By-laws, unless the contrary intention appears, a reference to the owner of a dog (other than to the registered owner) includes a reference to:
- (a) the person for the time being under whose control the dog is; and
 - (b) the occupier of the premises or part of the premises where the dog is ordinarily kept,

but does not include a person controlling or keeping a dog in pursuance of Part 3 Division 2.

Part 2 Registration, licences, &c.
Division 1 Administration

- (3) A reference in these By-laws to a dog at large is a reference to a dog, other than a dog in the custody of an authorised person or in a pound, that is in a place other than a place owned or occupied by the owner of the dog.
- (4) For the purposes of these By-laws, a dog is under effective control where it is:
 - (a) restrained by a leash, cord, chain or similar device, not longer than 2.5 metres, held by a person who is competent to restrain the dog;
 - (b) enclosed in a vehicle; or
 - (c) in a dog exercise area in accordance with the conditions, if any, to which use of the area by dogs is subject.

4 Application

Unless the contrary intention appears, these By-laws apply to all areas within Jabiru.

Part 2 Registration, licences, &c.

Division 1 Administration

5 Registrar

- (1) The Council may appoint an authorised person to be the Registrar.
- (2) The Registrar may, in writing, delegate to a person any of his or her powers and functions under these By-laws, other than this power of delegation.
- (3) A delegation under clause (3) does not prevent the exercise of a power or the performance of a function by the Registrar.

6 Register

- (1) The Registrar shall keep a register in accordance with Form 1 showing the details specified in relation to:
 - (a) all dogs registered under these By-laws;
 - (b) all licences granted under these By-laws; and

Part 2 Registration, licences, &c.
 Division 2 Registration of dogs

- (c) any offences, known to the Registrar, against these By-laws or against the Repealed Act:
 - (i) for which the owner of a dog has been convicted; or
 - (ii) in relation to which the owner of a dog has paid a sum specified by these By-laws in pursuance of a notice of infringement issued under these By-laws.

- (2) The Registrar shall keep, in its original form, the register deemed under section 5(d) of the *Dog Act Repeal Act 1991* to be part of the register.

Division 2 Registration of dogs

7 Application for registration

- (1) The owner of a dog may apply to the Registrar to register the dog.
- (2) An application under clause (1) shall be in accordance with Form 2 accompanied by:
 - (a) the application fee determined under clause (3); and
 - (b) such relevant information that the Registrar requires.
- (3) The Council may, by resolution, determine the amount of a fee to be paid in relation to the registration of a dog and the amount may vary in respect of matters including:
 - (a) whether the dog is sterilised;
 - (b) where the premises where the dog is ordinarily kept are located;
 - (c) the manner in which the premises where the dog is ordinarily kept are fenced;
 - (d) the breed of dog; and
 - (e) whether the owner of the dog is a pensioner.
- (4) The Council may, by resolution, require an application under clause (1) to be accompanied by a photograph of the dog to which the application relates.

8 Registration

- (1) Subject to these By-laws, the Registrar shall, not later than 14 days after receiving an application under by-law 7:
 - (a) register, either conditionally or unconditionally; or
 - (b) refuse to register,
 the dog.
- (2) The Registrar may refuse to register a dog:
 - (a) if, within the period of 3 years before the date of the application, the owner of the dog has been convicted of more than 2 offences against these By-laws or the Repealed Act; or
 - (b) if, within the period of 3 years before the date of the application, the dog has been impounded under these By-laws or the Repealed Act on more than 2 occasions.
- (3) The Registrar shall refuse to register a dog:
 - (a) if the dog, other than a dog referred to in by-law 14(2), is ordinarily kept on premises within an area subject to a dog restriction order;
 - (b) if the owner fails to provide to the Registrar the information referred to in by-law 7(2)(b);
 - (c) if the Registrar is satisfied that the dog is destructive, dangerous, vicious or consistently a cause of nuisance to members of the public; or
 - (d) if the premises where the dog is ordinarily to be kept are not fenced in accordance with the manner determined by the Council pursuant to clause (4).
- (4) The Council may, for the purposes of these By-laws, by resolution, determine the manner of fencing premises where dogs are to be ordinarily kept and may make the determination by reference to the sizes or breeds or both sizes and breeds of dogs that are ordinarily to be kept on the premises.
- (5) If the Registrar refuses to register a dog, or imposes conditions on the registration of a dog, the Registrar shall serve on the applicant a statement in writing of the reasons for its decision.

- (6) For the purposes of clause (2)(a), a conviction for an offence includes the payment of a sum specified by these By-laws in pursuance of a notice of infringement issued under these By-laws.

9 Dog-tags

- (1) The Registrar shall, on registering a dog, issue to the person who made the application a dog-tag of a form and type complying to the requirements specified in Schedule 2.
- (2) The registration of a dog remains in force for the period, not exceeding 12 months, specified on the dog-tag.

Division 3 Licences for kennels

10 Applications for licence

- (1) For the purposes of this by-law, **premises** means premises which, in accordance with the Jabiru Town Plan made under the *Planning Act 1999*, are permitted to be used or developed under that Plan as a kennel, as defined in that Plan.
- (2) The occupier of premises may apply to the Registrar for a licence in respect of the premises.
- (3) An application under clause (2) shall be in accordance with Form 3 accompanied by:
- (a) the fee, from time to time, determined by the Council by resolution; and
 - (b) such relevant information that the Registrar requires.

11 Licences

- (1) The Registrar shall, not later than 14 days after receiving an application under by-law 10:
- (a) grant a licence, either conditionally or unconditionally; or
 - (b) refuse to grant a licence,
- in respect of the premises to which the application relates.
- (2) The Registrar shall, in considering an application under clause (1) take into account any matter that is, in the Registrar's opinion, relevant and, in particular:
- (a) the facilities for controlling dogs at the premises specified in the application;

Part 2 Registration, licences, &c.
 Division 4 Cancellation of registration or licences

- (b) the number of dogs to be kept at the premises; and
 - (c) the likely impact, if the licence is granted, on the residents in the locality where the premises are situated.
- (3) The Registrar shall not grant a licence in respect of premises if:
- (a) the premises are not fenced in accordance with a resolution of the Council made under by-law 8(4); or
 - (b) the applicant fails to provide the information referred to in by-law 10(2)(b).
- (4) If the Registrar refuses to grant a licence under clause (1) or grants a licence subject to conditions, the Registrar shall serve on the applicant a statement in writing of the reasons for the Registrar's decision.
- (5) A licence remains in force for the period, not exceeding 12 months, specified in the licence.

Division 4 Cancellation of registration or licences

12 Cancellation of registration or licence by request

The Registrar may, on application made in writing by the registered owner of a dog or the holder of a licence, by notice in writing served on the owner or holder, cancel the registration of the dog or the licence or, in the case of a licence, suspend the licence for the period specified in the application.

13 Cancellation of registration or licence otherwise than by request

- (1) The Registrar may, by notice in writing served on the registered owner of a dog or the holder of a licence, require the owner or holder to show cause why:
- (a) the registration of the dog should not be cancelled; or
 - (b) the licence should not be:
 - (i) cancelled; or
 - (ii) suspended for the period specified in the notice.

Part 2 Registration, licences, &c.
 Division 5 Dog restriction orders and dog exercise areas

- (2) The Registrar may, not less than 14 days after the date of service of a notice under clause (1), by a second notice in writing served on the owner or the holder of the licence on whom the first notice was served:
- (a) if the first notice was a notice referred to in clause (1)(a) – cancel the registration of the dog;
 - (b) if the first notice was a notice referred to in clause (1)(b)(i) – cancel the licence; or
 - (c) if the first notice was a notice referred to in clause (1)(b)(ii) – suspend the licence for not longer than the period specified in the first notice.
- (3) A notice of cancellation or suspension referred to in by-law 12 or clause (2) has effect at the expiration of 21 days after the date of service of the notice.

Division 5 Dog restriction orders and dog exercise areas

14 Dog restriction orders

- (1) The Council may, by resolution, prohibit the keeping of:
- (a) all dogs;
 - (b) more than a specified number of dogs; or
 - (c) all, or more than a specified number of, dogs of a specified breed,
- within a specified area of Jabiru or on a specified type of premises.
- (2) An order under clause (1) does not affect the right of a person to keep on premises a dog that was, at the date of the making of the resolution, owned by the person and was, before that date, kept on the premises and, if required by these By-laws, was registered.
- (3) The Council may, by resolution, prohibit the entry of dogs into a specified area of Jabiru.

15 Dog exercise areas

- (1) The Council may, by resolution, set aside an area within Jabiru for the exercising of dogs during the hours and on the days as specified by the Council.
- (2) The Council may, by resolution, make conditions for the use of a dog exercise area by dogs.

Part 3 Control of dogs
Division 1 Offences

- (3) The Council shall, not less than 21 days before setting aside an area as a dog exercise area under clause (1):
- (a) publish a notice in a newspaper circulating in Jabiru; and
 - (b) serve a notice on the owners of premises adjacent to the proposed dog exercise area,
- advising of the proposed dog exercise area and of means by which the public may comment on the proposal.

Part 3 Control of dogs

Division 1 Offences

16 Unregistered dogs

- (1) Subject to these By-laws, a person who ordinarily keeps an unregistered dog within Jabiru is guilty of an offence.
- (2) It is a defence to a prosecution for an offence against clause (1) if the person charged with the offence proves that the dog had not been usually kept within Jabiru for a period of 3 consecutive months before the date of the alleged offence.
- (3) Clause (1) does not apply to:
 - (a) the pound manager keeping a dog in the pound;
 - (b) the Registrar keeping a dog in the course of exercising a power or performing a function under these By-laws;
 - (c) a person who, for less than 3 months, is keeping a dog for its owner;
 - (d) the Society for the Prevention of Cruelty to Animals (N.T.) Incorporated keeping a dog in a refuge maintained by it;
 - (e) a veterinarian keeping a dog for treatment; or
 - (f) a person keeping a guide dog.

17 Conditions of registration or licence to be observed

A person who contravenes or fails to comply with a condition to which the registration of a dog or a licence is subject is guilty of an offence.

18 Keeping of more than 2 dogs prohibited

- (1) The occupier of premises who keeps more than 2 dogs on the premises is guilty of an offence unless the premises are licensed.
- (2) The occupier of premises in respect of which a licence is in force who keeps more than the number of dogs, or the number of the class or breed of dogs, permitted by the licence on the premises is guilty of an offence.
- (3) It is a defence to a prosecution for an offence against clause (1) or (2) if the occupier of the premises proves that a dog in respect of which the alleged offence occurred had not, at the time of the alleged offence, been ordinarily kept at the premises for 3 months.
- (4) Clause (1) does not apply in relation to a guide dog.

19 Breach of dog restriction order

- (1) Subject to these By-laws, a person who contravenes or fails to comply with a dog restriction order is guilty of an offence.
- (2) Clause (1) does not apply in relation to a guide dog.

20 Removal of dog-tags

- (1) A person, other than the owner of a dog, who removes a dog-tag from a dog without reasonable cause is guilty of an offence.
- (2) Subject to clause (3), the registered owner of a dog that is at large without a dog-tag is guilty of an offence.
- (3) It is a defence to a prosecution for an offence against clause (2) if the registered owner of the dog proves that the dog-tag was removed:
 - (a) by a person without the owner's permission and the owner had not had sufficient opportunity to replace the dog-tag; or
 - (b) for a reasonable cause.

21 Dogs at large

- (1) The owner of a dog that is at large and not under effective control is guilty of an offence.
- (2) It is a defence to a prosecution for an offence against clause (1) if the person charged with the offence proves that the dog, when at large, was in a dog exercise area during the hours and on the days specified in the resolution made under by-law 15 setting the area

aside as a dog exercise area.

- (3) Clause (1) does not apply in relation to a guide dog.

22 Dogs in enclosed places with other animals

A person who, without the consent of the owner of an animal or bird, permits a dog to be in an enclosed yard, field or paddock or other place (other than a place owned or occupied by the owner of the dog or the pound) in which the animal or bird is confined is guilty of an offence.

23 Dogs attacking or menacing persons or animals

- (1) The owner of a dog that:

- (a) attacks or menaces a person; or
(b) attacks or menaces an animal,

other than on premises owned or occupied by the owner of the dog is guilty of an offence.

- (2) A person shall not invite, encourage or provoke a dog to do an act referred to in clause (1).

- (3) It is a defence to a prosecution under clause (1) that a person, without the owner's permission, committed an offence under clause (2).

24 Dogs chasing vehicles

The owner of a dog that chases a vehicle, including a bicycle, is guilty of an offence.

25 Dogs causing nuisance

- (1) For the purposes of this by-law, a dog is a nuisance if it:

- (a) is injurious or dangerous to the health of the community;
(b) creates a noise, by barking or otherwise which is frequent and produces a noise level greater than 5 dBA above ambient on premises ordinarily used for domestic activities;
(c) consistently barks when people or vehicles use a public street;
(d) behaves consistently in a manner contrary to the general interest of the community; or

(e) subject to this by-law, when on a road where there is a constructed curb and gutter, urinates or defecates other than in the gutter.

(2) The owner of a dog shall not permit the dog, either by itself or in concert with other dogs, to be a nuisance.

(3) The owner of a dog is not guilty of an offence against clause (2), in relation to a dog defecating in circumstances referred to in clause (1)(e), if the owner immediately removes the faeces and disposes of it in a gutter, public garbage receptacle or on the owner's property.

26 Enticement

A person who, with intent to commit an offence against these By-laws or to cause an offence to be committed, entices or induces a dog to enter a place in which it is at large is guilty of an offence.

27 Abandoning dogs

A person who abandons a dog in Jabiru is guilty of an offence.

28 Unlawfully injuring or killing dogs

A person who wilfully injures or kills a dog is guilty of an offence.

29 Obstruction of authorised persons, &c.

(1) A person who obstructs the Registrar, an authorised person or the pound manager in the course of exercising his or her powers or performing his or her functions under these By-laws is guilty of an offence.

(2) A person who:

(a) removes a dog from the custody of an authorised person; or

(b) except in pursuance of these By-laws, removes a dog from the pound,

is guilty of an offence.

30 Sterilisation certificates

A dog trader who, on the sale of a dog:

(a) fails, where the dog has been sterilised, to supply; or

(b) supplies, where the dog has not been sterilised,

a certificate in accordance with Form 4 is guilty of an offence.

31 False information, &c.

- (1) A person who knowingly makes a false statement in a document required or permitted to be made under these By-laws is guilty of an offence.
- (2) A person who, when requested by an authorised person to give his or her name and address:
 - (a) fails to give his or her name and address; or
 - (b) gives a false name or address,
 is guilty of an offence.

32 Seizure of dogs

An authorised person may:

- (a) seize:
 - (i) an apparently diseased, injured, savage, destructive or stray animal; or
 - (ii) an animal that is at large; and
- (b) where, in the opinion of an authorised person it is necessary to do so, destroy a diseased, injured, savage, destructive, unclaimed or unwanted animal.

33 Dogs seized to be impounded

A person who seizes a dog in pursuance of these By-laws shall, as soon as practicable after seizing it, deliver it to a pound or cause it to be returned to its owner.

Division 2 Pound

34 Establishment, &c. of pound

- (1) The Council shall establish a pound.
- (2) The Council shall appoint a person to be the pound manager of the pound.
- (3) The pound shall remain open on the days and between the hours as the Council, by resolution, determines.

35 Notice of impounding

- (1) Where a registered dog is impounded and the registration of the dog is apparent to the pound manager, the manager shall, as soon as possible, serve on the registered owner notice, in accordance with Form 5, of the impounding of the dog and, where possible, advise the registered owner by telephone.
- (2) Where a dog is impounded and the place of its registration is outside Jabiru and an address is apparent on the dog, the pound manager shall serve a notice on the owner in accordance with Form 5 and, where possible, advise its owner by telephone.
- (3) Where a dog is impounded and the name or address of its owner is not known to the pound manager, the manager shall exhibit a notice in accordance with Form 5 at the office of the Registrar.
- (4) Except in accordance with this by-law, the pound manager is not required to give notice of the impounding of a dog.

36 Release of dogs from pound

- (1) A dog shall not be released from a pound:
 - (a) subject to clause (3), unless it is registered;
 - (b) other than to the owner of the dog or to a person authorised to act as the owner's agent; and
 - (c) unless there is paid to the pound manager the maintenance and release fees determined under clause (2).
- (2) The Council may, by resolution, determine the amount of a daily fee to be paid in relation to the maintenance of a dog in the pound and a fee to be paid on its release from the pound.
- (3) Clause (1)(a) does not apply to a dog that has not been ordinarily kept within Jabiru during a period of 3 consecutive months immediately preceding the date of its release from the pound.
- (4) The onus of proof of establishing:
 - (a) for the purposes of clause (1)(b), that a person is the owner of a dog or the owner's agent; or
 - (b) for the purposes of clause (3), that a dog has not been ordinarily kept within Jabiru during a period of 3 consecutive months immediately preceding the date of its release from the pound,

lies on the owner of the dog or the owner's agent.

37 Disposal or destruction of impounded dogs

The pound manager may dispose of or destroy an impounded dog after the expiration of the period of impounding determined by the Council by resolution.

38 Diseased dogs

- (1) If a dog in the pound is diseased, the pound manager:
 - (a) shall:
 - (i) isolate the dog from other dogs in the pound; and
 - (ii) by notice in writing served on the owner, if known, advise the owner that the dog is diseased and require the dog:
 - (A) to be destroyed; or
 - (B) to undergo a course of treatment specified in the notice; and
 - (b) may require the owner of the dog to produce to the manager, within the time specified in the notice referred to in clause (1)(a)(ii), a report prepared by a veterinarian or a person specified in the notice relating to:
 - (i) the diseased dog; and
 - (ii) all other dogs ordinarily kept at the premises where the diseased dog was kept.
- (2) A dog the subject of a notice under this by-law may be released from the pound in accordance with by-law 36 on such conditions, if any, as the Registrar thinks fit.
- (3) The owner of a dog who contravenes or fails to comply with a requirement contained in a notice served under clause (1) or a condition subject to which the dog is released under clause (2) is guilty of an offence.
- (4) The pound manager may destroy a dog, notwithstanding that period referred to in by-law 37 has not expired:
 - (a) if it is so diseased or injured that it is humane to do so; or
 - (b) with the approval of a veterinarian.

Part 4 Miscellaneous

-
- (5) The cost of treatment reasonably provided by the pound manager 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 manager could reasonably isolate it, is a debt due and payable by the owner of the diseased dog to the Council.

39 Method of destruction of impounded dogs

A dog in the pound shall not be destroyed other than by a veterinarian or a person who is, in the opinion of the pound manager, qualified to destroy the dog.

Part 4 Miscellaneous**40 Dog races, &c.**

- (1) The Registrar may, by notice in writing, exempt a person from the operation of these By-laws for the purpose of a dog race, dog trial, dog obedience training or a dog show or while using a dog to drive cattle or stock on a road or for such other purpose as the Registrar may, from time to time, determine.
- (2) An exemption under clause (1) may relate to a particular event or to a class of events and may be subject to such conditions, if any, as the Registrar thinks fit.

41 Change of ownership of dog

- (1) A person who acquires ownership of a registered dog shall, not later than 14 days after acquiring ownership, notify the Registrar in writing of:
- (a) the person's name and address;
 - (b) the name and address of the registered owner; and
 - (c) the registration number of the dog.
- (2) The registered owner of a dog who changes his or her address shall, not later than 14 days after the change, notify the Registrar in writing of the new address.
- (3) The Registrar, on being notified of a change of ownership under clause (1) or of an address under clause (2), shall amend the register accordingly.
- (4) A person who contravenes or fails to comply with clause (1) or (2) is guilty of an offence.

42 Resolutions

Notice of a resolution made by the Council under these By-laws shall be published in a newspaper circulating in Jabiru not later than 21 days after the making of the resolution.

43 Penalties

A person who contravenes or fails to comply with these By-laws is guilty of an offence and is liable on conviction to a penalty not exceeding \$500 and, in addition, to a penalty not exceeding \$50 for each day during which the offence continues.

44 Fixed penalties

- (1) Notwithstanding by-law 43, a person who is alleged to have contravened or failed to comply with these By-laws, and on whom a notice of infringement is served, may pay to the Council, as an alternative to prosecution, the sum specified by this by-law in lieu of the penalty which may otherwise be imposed under by-law 43.
- (2) For the purposes of this by-law:
 - (a) the sum specified by this by-law is \$50;
 - (b) a notice of infringement shall be in accordance with Form 6;
 - (c) a notice of infringement may be issued by an authorised person; and
 - (d) in order to avoid prosecution, the sum specified by this by-law shall be paid not later than 14 days after the date of the service of the notice of infringement on the person.

45 Repeal

The *Jabiru Town Development (Control of Dogs) By-laws 1984* (Regulations 1984, No. 39) are repealed.

Schedule 1

Schedule 1

FORM 1

by-law 6

NORTHERN TERRITORY OF AUSTRALIA

Local Government Act 2019

*WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF
DOGS) BY-LAWS 1992*

REGISTER

Particulars of dog			Particulars of owner			Details of inspections, prosecutions, notices, &c.		
No.	Breed	Colour	Markings	Sex	Age	Name	Address	Postal Address
<hr/>								
<hr/>								

Schedule 1

FORM 2

by-law 7

NORTHERN TERRITORY OF AUSTRALIA*Local Government Act 2019**WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF DOGS) BY-LAWS 1992***APPLICATION FOR REGISTRATION OF DOG**

To the Registrar, Jabiru.

Particulars of owner

I _____ (surname) _____ (given names)

of _____ (address) _____ (telephone No.)

hereby apply for registration of my dog to 30 June .

Particulars of dog

~Breed: _____ Colour: _____

+Markings: Male Female Sterilised

Age: _____ Name: _____

Address where dog is ordinarily kept: _____

Declaration

I declare the particulars to be true and apply for registration of my dog.

(Signature of applicant) _____ / / 20 .

NOTE: If the owner of a dog is under 18 years of age, the application for registration must be made by the occupier of the premises (or the part of the premises) where the dog is ordinarily kept.

~ If cross-breed, give details (e.g.: kelpie X, &c.)

+ Tick appropriate squares.

Schedule 1

FORM 3

by-law 10

NORTHERN TERRITORY OF AUSTRALIA

Local Government Act 2019

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF DOGS) BY-LAWS 1992

APPLICATION FOR LICENCE FOR KENNELS

To the Registrar, Jabiru.

Particulars of applicant

Name: (surname) (given names)

Address: (residential address) (postal address) (telephone Number)

Particulars of premises+

Location of premises:

Description of facilities at premises:

Fencing:

Particulars of number and breed of dogs+

Number: Breed/s:

Declaration

I declare the particulars to be true and apply for a licence for the period / /20 to / /20 . from

(Signature of applicant) / / 20 .

+ If insufficient space, attach extra sheet

Schedule 1

FORM 4

by-law 30

NORTHERN TERRITORY OF AUSTRALIA

Local Government Act 2019

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF DOGS) BY-LAWS 1992

STERILISATION CERTIFICATE

I certify that I have carried out a sterilisation procedure on a dog of the following description:

Breed: Colour:

Markings: Sex:

Name: Age:

(Signature of veterinarian) / / 20 .

Certificate delivered to the purchaser

(Signature of dog trader) / / 20 .

Schedule 1

FORM 5

by-law 35

NORTHERN TERRITORY OF AUSTRALIA

Local Government Act 2019

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF DOGS) BY-LAWS 1992

NOTICE OF IMPOUNDING OF DOG

To:

Take notice that a dog of the following description has been impounded:

Description of Dog

Breed:

Colour:

Markings:

Dog-tag No.:

Registration No.:

and is now at:

(Signature of pound manager) / / 20 .

NOTE:

If not claimed by the owner of the dog, or the owner's agent, before the expiration of days after the date of this notice (excluding public holidays, Saturdays and Sundays), the dog may be sold or destroyed.

If the dog is registered it will be released to its owner, or the owner's agent, within the time specified in this notice, after payment of the impounding fee and release fee.

Schedule 1

FORM 6

by-law 44

NORTHERN TERRITORY OF AUSTRALIA

Local Government Act 2019

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (CONTROL OF DOGS) BY-LAWS 1992

NOTICE OF INFRINGEMENT

To:
(name of alleged offender)

On / /20 at am/pm at
Jabiru you are alleged to have committed the following offence against *the West Arnhem Regional Council (Jabiru Town) (Control of Dogs) By-laws 1992*:

(Set out, in general terms, the nature of the offence alleged to have been committed).

You may pay to the West Arnhem Regional Council, as an alternative to prosecution for this offence, the sum of \$50 instead of the penalty by which the offence specified is otherwise punishable. Payment must be made not later than 14 days after the date of service of this notice.

Payment may be made at the West Arnhem Regional Council Office, Jabiru Plaza, Jabiru, at any time between 9-00 a.m. and 4-30 p.m., Saturdays, Sundays and public holidays excepted, or by mail to the West Arnhem Regional Council, Post Office Box 346, Jabiru, N.T. 0886.

If you do wish the offence alleged in this notice of infringement to be dealt with by the Local Court you need not take any further action in respect of this notice and proceedings will issue against you in due course.

Dated 20 .

Authorised Person

West Arnhem Regional Council (Jabiru Town) (Control of Dogs) By-laws 1992

23

Schedule 2

Schedule 2

by-law 9

FORM AND TYPE OF DOG-TAG

1. The area of a dog-tag shall not exceed 10 square centimetres.
2. A dog-tag shall:
 - (a) be constructed of plastic, aluminium, light metal alloy or other suitable material;
 - (b) be not more than 2 millimetres thick;
 - (c) have smooth edges; and
 - (d) incorporate a split ring or similar fastening device, made of non-corrosive material, for attaching the dog-tag to the collar worn by the dog.
3. A dog-tag shall show:
 - (a) the period for which the dog is registered and the words "Registered Dog" or a recognisable abbreviation; and
 - (b) the number allocated to the dog in the register.

ENDNOTES

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
bl = by-law	om = omitted
ch = Chapter	pt = Part
div = Division	r = regulation/rule
exp = expires/expired	renum = renumbered
f = forms	rep = repealed
Gaz = Gazette	s = section
hdg = heading	sch = Schedule
ins = inserted	sdiv = Subdivision
lt = long title	SL = Subordinate Legislation
N/C = not commenced	sub = substituted

2 LIST OF LEGISLATION***Jabiru Town Development (Control of Dogs) By-laws (SL No. 27, 1992)***

Notified	1 July 1992
Commenced	1 July 1992

Statute Law Revision Act 2005 (Act No. 44, 2005)

Assent date	14 December 2005
Commenced	14 December 2005

Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)

Assent date	6 April 2016
Commenced	1 May 2016 (s 2, s 2 <i>Local Court (Repeals and Related Amendments) Act 2016</i> (Act No. 9, 2016) and Gaz S34, 29 April 2016)

Local Government Act 2019 (Act No. 39, 2019)

Assent date	13 December 2019
Commenced	pt 8.6: 1 July 2022; rem: 1 July 2021 (Gaz S27, 30 June 2021)

Amending Legislation***Statute Law Revision Act 2020 (Act No. 26, 2020)***

Assent date	19 November 2020
Commenced	20 November 2020 (s 2)

Local Government Amendment Act 2021 (Act No. 15, 2021)

Assent date	25 May 2021
Commenced	26 May 2021 (s 2)

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

Assent date	15 December 2021
Commenced	16 December (s 2)

ENDNOTES

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 3, 6 and 10 and Sch 1.

4 LIST OF AMENDMENTS

bl 1	amd Act No. 29, 2021, s 10
bl 3	amd Act No. 44, 2005, s 23; Act No. 39, 2019, s 370; Act No. 29, 2021, s 10
bl 16	amd Act No. 44, 2005, s 23
bl 38 – 39	amd Act No. 44, 2005, s 23
sch 1	amd Act No. 44, 2005, s 23; Act No. 8, 2016, s 45; Act No. 29, 2021, s 10

NORTHERN TERRITORY OF AUSTRALIA

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (REFUSE)
BY-LAWS 1983

As in force at 16 December 2021

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 December 2021

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (REFUSE) BY-LAWS 1983

By-laws under the *Local Government Act 2019*

Part I Preliminary

1 Citation

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) (Refuse) By-laws 1983*.

2 Definitions

In these By-laws, unless the contrary intention appears:

authorized officer means an officer or employee of the Authority authorized for the purpose of these By-laws.

dump means a place established or maintained under by-law 10(1).

machine includes tractors, farm implements and mining and earth-moving equipment.

motor vehicle has the same meaning as in the *Motor Vehicles Act 1949*.

town area of Jabiru means the area administered by the Authority.

Part II Refuse collection service

3 Conditions under which household refuse removed by authority

- (1) Subject to this by-law, the Authority shall, on not less than 2 days in each week, carry out or cause to be carried out the collection of household refuse from domestic premises in the town area of Jabiru.

Part III Removal of rubbish and discarded material

- (2) The Authority, or the person with whom the Authority has arranged the collection of household refuse, may refuse to collect:
 - (a) more than 2 bins of refuse at a time from the domestic premises;
 - (b) refuse which is not contained in a bin;
 - (c) refuse which is contained in a bin with a capacity of more than 60 litres; or
 - (d) refuse containing oils or toxic materials.
- (3) The Authority may, where as a result of industrial action or other circumstances, it is not possible for garbage to be removed by the Authority, suspend the collection of household refuse.

4 Commercial refuse

The Authority shall permit a dump to be used for the deposit of refuse and waste material from commercial premises and may:

- (a) charge for the use of the dump for the deposit of such matter; and
- (b) make arrangements for the collection of refuse and waste materials from commercial premises and charge for the collection of it.

Part III Removal of rubbish and discarded material

5 Notice to remove rubbish and discarded material

- (1) The Authority may serve on the occupier of land or premises within the town area of Jabiru upon which there is refuse, rubbish or discarded material which, in the opinion of the Authority, is likely to adversely affect:
 - (a) the health, convenience or comfort of the occupiers of adjoining or neighbouring land or premises; or
 - (b) the value of adjoining land or premises,a notice in writing signed by the Council Services Manager, requiring the occupier of land to clear from the land or premises within the period specified in the notice the refuse, rubbish or discarded material specified in the notice.

Part IV Storage of machines or disused motor vehicles

- (2) The Authority may, where it cannot ascertain the identity of the occupier of land in respect of which it desires to serve a notice under this by-law, serve the notice on the owner of the land.

6 Compliance with notice

A person on whom a notice under by-law 5 has been served shall, within the period specified in the notice, remove the refuse, rubbish or discarded material specified in the notice.

Penalty: \$200 plus \$20 for each day during which the offence continues.

7 Authority may carry out work

The Authority may, without prejudice to any proceedings it may initiate in respect of an offence against by-law 5, after the expiry of the period specified in the notice, enter the land or premises the subject of the notice and remove the refuse, rubbish or discarded material specified in the notice and may recover the cost of so doing as a debt due and payable to the Authority by the person on whom the notice was served.

Part IV Storage of machines or disused motor vehicles**8 Machines, &c., not to be stored or broken up**

A person shall not, within the town area of Jabiru:

- (a) store a machine, disused motor vehicle or the body or chassis of a motor vehicle, which is not in working order; or
- (b) dismantle or break up a machine, disused motor vehicle or the body or chassis of a motor vehicle, which is not in working order,

unless the machine or motor vehicle is stored, dismantled or broken up:

- (c) inside a building; or
- (d) within an area enclosed by a fence or wall that is:
 - (i) not less than 2 metres in height; or
 - (ii) of such a nature as to screen the machine, disused motor vehicle and its parts from the adjoining street and properties.

Part V Management of dump

9 Enforcement

- (1) Where a person has contravened or failed to comply with by-law 8, the Authority may serve on him a notice requiring him, within the period specified in the notice, to take the action required by the notice:
- (a) to remove or dismantle a machine, disused motor vehicle or the body or chassis of a motor vehicle, which is not in working order; or
 - (b) to screen the area within which the machine, disused motor vehicle or body or chassis of a motor vehicle is kept.
- (2) A person who fails to comply with a notice under clause (1) within the period specified in the notice is guilty of an offence.
- Penalty: \$200 plus \$20 for each day during which the offence continues.
- (3) Where a person on whom a notice under clause (1) is served contravenes or fails to comply with the notice, the Authority may, without prejudice to any proceedings which it may institute for breach of this by-law, carry out the work specified in the notice and recover the expense of so doing as a debt due and payable to the Authority by that person.

Part V Management of dump**10 Dump**

- (1) The Authority may establish or maintain, at such place or places in the town area of Jabiru as it thinks fit, a dump to which residents of Jabiru may bring refuse for disposal.
- (2) The Authority may determine the periods of operation of a dump referred to in subclause (1) and shall cause notices to be issued and displayed of the hours during which and the days on which the dump shall be open to the public for the deposit of refuse.

11 Disposal of refuse at dump

A person who brings refuse to the dump shall dispose of the refuse in accordance with the instructions, if any, given to him by the person in charge of the dump and shall obey notices in relation to the disposal of refuse.

Penalty: \$50.

12 Disposal of toxic materials

- (1) A person shall not dispose of oil or toxic materials in the town area of Jabiru otherwise than at a dump.
- (2) A person shall, when bringing oil or toxic materials to a dump, obey the instructions given to him by an authorized officer or clearly displayed on a sign at the dump in relation to:
 - (a) placing the oil or materials in a container provided by the Authority for that purpose;
 - (b) disposal of the container; or
 - (c) such other matters regarding the disposal of oil or toxic materials as the Authority may reasonably require.

Penalty for an offence against this by-law: \$100 for the first offence and \$500 for a subsequent offence.

13 Regulatory offences

An offence of contravening or failing to comply with by-law 6, 11 or 12(2) is a regulatory offence.

ENDNOTES

ENDNOTES
1 KEY

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2 LIST OF LEGISLATION***Jabiru Town Development (Refuse) By-laws (SL No. 7, 1983)***

Notified 18 February 1983
 Commenced 18 February 1983

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date 28 November 1983
 Commenced 1 January 1984 (s 2, s 2 *Criminal Code Act 1983* (Act No. 47, 1983), *Gaz G46*, 18 November 1983, p 11 and *Gaz G8*, 26 February 1986, p 5)

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

Assent date 15 December 2021
 Commenced 16 December 2021 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 2.

4 LIST OF AMENDMENTS

bl 1 – 2 amd Act No. 29, 2021, s 10
 bl 5 amd Act No. 29, 2021, s 10
 bl 13 ins Act No. 68, 1983, s 137

NORTHERN TERRITORY OF AUSTRALIA

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (ROADS AND
PUBLIC PLACES) BY-LAWS 1983

As in force at 16 December 2021

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 December 2021

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (ROADS AND PUBLIC PLACES) BY-LAWS 1983

By-laws under the *Local Government Act 2019*

Part I Preliminary

1 Citation

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) (Roads and Public Places) By-laws 1983*.

2 Definitions

In these By-laws, unless the contrary intention appears:

approved means approved by the Authority.

authorized officer means an officer of the Authority authorized for the purposes of these By-laws and includes a member of the Police Force.

crossing means an access constructed in a public street between the carriageway of that street and land abutting that street.

footpath means that part of a public street which has been made or set aside for use otherwise than for the passage of motor vehicles and includes walkways and bicycle paths.

Lake Jabiru includes all that piece of land known as Lot 2304 in the town of Jabiru being the whole of the land known as Lake Jabiru.

land includes buildings.

licence means a licence in writing granted by the Authority and includes a renewal of a licence.

pedestrian has the same meaning as in the *Traffic Act 1987*.

permit means a permit in writing issued by the Authority and includes a renewal of a permit.

plaza means an area of land dedicated for the purpose of a plaza under section 25(1) of the Act.

property line means the boundary between the land comprising a street and the land that abuts thereon.

provided means provided by the Authority.

public place means an area of land dedicated in accordance with section 25(1) of the Act.

public reserve means land vested in, leased to, or under the care, control or management of, the Authority for use by the public as a whole and includes Lake Jabiru.

public street has the same meaning as in the *Traffic Act 1987*.

town area of Jabiru means the area administered by the Authority.

vehicle has the same meaning as in the *Traffic Act 1987*.

3 Application

These By-laws apply to public reserves, public streets and public places within the town area of Jabiru.

4 Licences and permits

- (1) Subject to these By-laws, an application for a licence or permit shall be in writing, accompanied by the approved fee.
- (2) On receipt of an application for a licence or permit the Authority may grant or refuse to grant a licence or permit.
- (3) A licence or permit granted by the Authority shall be in writing and shall be:
 - (a) valid for the period; and
 - (b) subject to such conditions as the Authority thinks fit,
 endorsed on the licence or permit.
- (4) It shall be a condition of a licence or permit that the person to whom it is granted shall reinstate, to the satisfaction of the Authority a public street or crossing in respect of damage caused in the carrying out of work the subject of the licence or permit.
- (5) A person who contravenes or fails to comply with a condition of a licence or permit granted under clause (2) is guilty of an offence.

Part II Liability of owner or occupier of land, &c.

5 Fees

- (1) The Authority shall cause a notice of approved fees or amended fees for licences and permits under these By-laws to be issued and displayed and every such notice shall be issued and displayed for 14 days immediately before taking effect.
- (2) The Authority may waive a fee referred to in clause (1).

Part II Liability of owner or occupier of land, &c.

6 Action by Authority where work required to be done

- (1) Where the Authority requires work to be carried out by the owner or occupier of land which abuts on a public street, it shall serve on that owner or occupier notice in writing:
 - (a) requiring him at his own expense to carry out works of constructing, reconstructing, strengthening, repairing, removing or reinstatement, in accordance with the specifications or requirements and within the period; or
 - (b) stating that the Authority will, within the period specified in the notice, carry out the work of constructing, reconstructing, strengthening, repairing, removing or reinstatement and will make such charge, if any,

specified in the notice.

- (2) A person who fails to comply with a notice under clause (1) is guilty of an offence.

Penalty: \$200 and \$50 for each day during which the offence continues.

- (3) The Authority may, when serving a notice in accordance with clause (1)(a), indicate that it will, if requested, carry out the works referred to at the expense of the person on whom the notice is served.

7 Non-compliance by owner or occupier

- (1) The Authority may, without prejudice to any proceedings it may institute in respect of an offence of contravening or failing to comply with:
 - (a) these By-laws;

Part II Liability of owner or occupier of land, &c.

(b) a condition of his licence or permit to carry out such work or take such action; or

(c) a notice served on him under by-law 6(1)(a),

by notice in writing require the owner or occupier of land to comply with paragraph (a), (b) or (c) within the period specified in the notice.

Penalty: \$500 and \$50 for each day during which the offence continues.

(2) Where the owner or occupier fails to comply with a notice referred to in clause (1), the Authority may carry out such work or take such action, and may recover the expense of so doing from the owner or occupier as a debt due and payable to the Authority.

(3) Where it is a condition of the grant of a licence or permit that the applicant lodges with the Authority a deposit and:

(a) the holder of the licence or permit contravenes or fails to comply with these By-laws or a condition of his licence or permit; and

(b) the Authority incurs expense in carrying out work or taking the action referred to in clause (1),

the Authority may apply the amount of the deposit to defray those expenses and the balance, if any, shall be paid by the Authority to the holder of the licence or permit.

(4) Where the amount of the deposit is insufficient to defray the expenses referred to in clause (3) the Authority may recover the difference from the owner or occupier as a debt due and payable to the Authority.

8 Maintenance of objects, &c.

(1) The holder of a licence or permit who fails to maintain to the Authority's satisfaction each object, structure, sign or fence in respect of which a licence or permit has been granted, is guilty of an offence.

Penalty: \$200 and \$20 for each day during which the offence continues.

(2) The Authority may, if it is satisfied that a holder is not adequately maintaining an object, structure, sign or fence in respect of which a licence or permit was granted, revoke the licence or permit and by-law 7 shall apply accordingly.

Part III Encroachments of public streets, &c.

9 Order for expenses

In proceedings for an offence under these By-laws, a court may, in addition to any other penalty, order a person to pay to the Authority the expenses incurred by the Authority in carrying out work or taking action referred to in by-law 6.

Part III Encroachments of public streets, &c.**10 Encroachment on public streets, &c.**

A person shall not, without having first obtained a permit, erect or place or cause or permit to be erected or placed a fence, rail, building, stair, steps, projection or other structure that encroaches on a public street or public place.

Penalty: \$200 and \$20 for each day during which the offence continues.

11 Overhanging trees and shrubs

- (1) The Authority may, where it considers that a tree or shrub growing on land is causing inconvenience or an obstruction to persons using a public street or footpath or is causing or likely to cause damage to the adjacent public street, kerbing or utility services, serve a notice on the owner or occupier of the land to trim or remove the tree or shrub.
- (2) An owner or occupier who contravenes or fails to comply with a notice under clause (1) is guilty of an offence.

Penalty: \$100 and \$10 for each day during which the offence continues.

12 Erection of fences, &c.

- (1) The owner or occupier of land that abuts on a public street shall not erect a fence or wall on a boundary of the land adjacent to the public street without first obtaining a permit.

Penalty: \$200.

- (2) The Authority may, where it considers that a fence or wall erected on land may cause an obstruction or danger to a person using a public street, serve a notice on the owner or occupier directing him to remove the fence or wall within the time specified in the notice.

Penalty: \$200.

Part IV Lawns and gardens in public streets

13 Definitions

In this Part, unless the contrary intention appears:

authorized works means works which the Authority, by virtue of the Act or any other law in force in the Territory, is authorized to carry out within the town area of Jabiru.

garden, in relation to a public street, means an unsurfaced area of the public street which is or is to be planted with plants, trees or shrubs.

lawn, in relation to a public street, means an unsurfaced area of the public street which is or is to be planted with grass.

14 Lawns and gardens in public streets

- (1) The owner or occupier of land may lay a lawn or plant a garden on a public street opposite or adjoining the part of his land that abuts on the public street.
- (2) An owner or occupier shall not permit a tree or shrub to grow under clause (1):
 - (a) within 6 m of a junction or intersection; or
 - (b) that is likely to exceed 3 m in height.
- (3) The Authority may, where it considers a lawn or garden laid or planted under clause (1) is causing inconvenience or an obstruction to persons using the public street or footpath, serve a notice on the owner or occupier of the land to remove the lawn or garden.

Penalty: \$100 and \$10 for each day during which the offence continues.
- (4) Where it considers it necessary to do so, the Authority may, for the purpose of carrying out authorized works, dig up all or any part of a lawn or garden in a public street.
- (5) Where the Authority digs up a lawn or garden under clause (3), the Authority is not liable for compensation or costs of reinstatement.

Part V Opening of public streets, prevention of damage, &c.

Part V Opening of public streets, prevention of damage, &c.

15 Restriction of interference with carriageway

- (1) Subject to a law in force in the Territory, a person shall not, unless he has obtained a permit, dig or make, or cause to be dug or made, an opening or cutting, or lay down, erect, place or maintain a pipe, drain, post, pillar, bridge or other fixture or erection in the carriageway of a public street.

Penalty: \$500.

- (2) A person who, after obtaining a permit, carries out any works referred to in clause (1), shall at all times keep that work in proper repair, and if at any time the work is, in the opinion of the Authority, in a state of disrepair, the Authority may serve a notice under by-law 6.

16 Permit to open public street

- (1) The Authority may, as a condition of a permit issued under this by-law, require that the work of reinstating the surface of a public street opening up or broken by or on behalf of the person who has applied for a permit shall be performed by the Authority's workmen or contractors at the expense of that person.
- (2) Subject to clause (1), where a person has opened up or broken the surface of a public street and carried out the permitted works, he shall as soon as practicable fill up, consolidate and make good the public street and its surface to the satisfaction of the Authority, and shall, at his own expense, carry away and deposit, or cause to be carried away and deposited, to such place as the Authority directs, all surplus earth and rubbish occasioned by such opening up or breaking.
- (3) Where a person fails to comply with a condition under subsection (1) the Authority may direct him to carry out the work necessary to secure compliance with that condition.

17 Vehicles to use constructed crossings only

A person shall not, otherwise than in accordance with a permit, drive a vehicle over or across a footpath otherwise than at a crossing constructed in accordance with these By-laws.

Penalty: \$200.

Part V Opening of public streets, prevention of damage, &c.

18 Application to construct crossing

- (1) The owner or occupier of land which abuts on a footpath who desires to construct a crossing from his land to a carriageway may apply for a permit.
 - (2) An application under clause (1) shall describe the situation of the land and the proposed position of the crossing, and shall be accompanied by:
 - (a) the specifications for the crossing; or
 - (b) a request that the Authority prepare specifications for the crossing and carry out the work.
 - (3) A person shall not carry out any work of constructing a crossing until a permit has been granted to him.
 - (4) For the purposes of by-law 17, no crossing constructed or commenced before a permit has been issued under this by-law shall be considered to have been constructed in accordance with these By-laws, notwithstanding that the work may be in conformity with the requirements of the Authority in relation to the construction of crossings.
- Penalty: \$200.
- (5) If requested to do so under clause (2)(b), the Authority may carry out or cause to be carried out the work of constructing a crossing, and may make such charges, if any, as it thinks fit in respect of that work.

19 Authority may require crossing to be made

Where, in the opinion of the Authority, the owner or occupier of land which abuts on a footpath cannot gain access to his land from a carriageway without causing damage to the footpath or verge lying alongside such carriageway, the Authority may serve on the owner or occupier of that land a notice under by-law 6.

20 Alterations to crossing

Where, in the opinion of the Authority, a crossing, whether made before or after these By-laws come into force, is no longer adequate for the volume or nature of the traffic passing over it, the Authority may serve a notice on the owner or occupier of the land to which the crossing leads from the carriageway under by-law 6.

Part V Opening of public streets, prevention of damage, &c.

21 Repair of crossing

Where, in the opinion of the Authority, a crossing, whether made before or after the commencement of these By-laws, is in a state of disrepair or appears to have been damaged as a result of a contravention of by-law 22 or 23, the Authority may serve a notice on the owner or occupier of the land to which the crossing leads under by-law 6.

22 Heavy loads prohibited

A person shall not, otherwise than in accordance with a permit, within the town area of Jabiru drive a vehicle or cause or permit a vehicle to be driven across a crossing or over a road kerb onto his land if the vehicle is so heavy or of such a nature that it causes or is likely to cause damage to the paving of the crossing or to the road kerb.

Penalty: \$500 and \$50 for each day during which the offence continues.

23 Removal of kerbing

- (1) Where an application is made for a permit to cross a road kerb, the Authority shall cause the road kerb to be removed at the place indicated in the application or, if it does not approve the place indicated in the application, at a place approved by it.
- (2) At the conclusion of the building or other works referred to in the permit the Authority shall cause the road kerb to be replaced.

24 Trenches across road or footpath

A person shall not excavate a trench through or under a road or footpath without first obtaining a permit.

Penalty: \$500.

25 Buildings, operations and works

A person shall not, otherwise than in accordance with a permit, within the town area of Jabiru:

- (a) carry out or cause to be carried out building or other work on his land; or
- (b) bring or cause to be brought onto his land equipment and materials,

Part VI Building works affecting public streets

if, in the course of so doing:

- (c) a vehicle will cross the footpath or kerb of the road fronting his property; and
- (d) causes or is likely to cause damage to the footpath or kerb.

Penalty: \$200.

Part VI Building works affecting public streets

26 Building materials, &c., not to be deposited in public streets

A person shall not deposit building or other materials, or erect or construct stages, scaffolding or hoarding or fence in, on, across or over a part of a public street, otherwise than in accordance with a permit.

Penalty: \$500 and \$50 for each day during which the offence continues.

27 Notice of intention to build near public street

A person shall not build, put up or take down, or cause to be built, put up or taken down, a building or other structure abutting on, or within 3 m of, a public street, or alter or repair, or cause to be altered or repaired, the outside part of such a building or structure or make a hole within 3 m of a public street unless he has obtained a permit.

Penalty: \$500 and \$50 for each day during which the offence continues.

28 Requirements for application for permit under by-law 26 or 27

An application for a permit under by-law 26 or 27 shall:

- (a) fully describe the intended work and the height, depth, extent and position thereof;
- (b) state whether or not it is necessary for the execution of the work that a scaffold or stage be constructed or that building or other materials be deposited on or in the footpath or carriageway adjoining or in front of such structure or hole; and
- (c) state the time it will be necessary that such stage or scaffolding or such materials deposited should be so kept or that such holes should remain open.

29 Removal of building materials, &c.

A person who has been granted a permit to deposit building material or to construct a stage or scaffolding on a part of a public street shall, within the time specified in the permit remove all of the material or the whole of the stage or scaffolding and shall make good any part of the public street that he has disturbed or interfered with.

Penalty: \$200.

30 Road not to be obstructed

Nothing in these By-laws shall render it lawful to construct a stage or scaffolding, or to deposit material, so that it may extend over or on a public street in such a manner as to render the public street, exclusive of the footpath, impassable for vehicles, or so as to obstruct a channel or drain.

31 Authority may remove obstruction, &c.

Where a person who is required under this Part to remove a matter or thing, or make good any damage caused to a part of a public street or channel or drain, fails to do so, the Authority may, without prejudice to any proceedings it may institute in respect of an offence against these By-laws, at the expense of that person, remove such matter or thing or make good any damage caused to the public street or channel or drain.

32 Lights to be placed near works

A person who causes any building material, rubbish or other thing to be laid on, or a hole to be made in, a public street or footpath, or any work to be carried out entailing opening up or breaking the surface of any public street or footpath, whether it is done with the consent of the Authority or not, shall at his own expense, cause:

- (a) sufficient amber lights to be fixed at or close to the site being worked on;
- (b) those lights to be lit every night from sunset to sunrise while an obstruction remains; and
- (c) the site to be sufficiently fenced and enclosed so as to prevent damage or inconvenience to other persons.

Penalty: \$500 and \$50 for each day during which the offence continues.

Part VII Numbering of areas of land, &c.

33 Materials not to remain longer than necessary in public street

Notwithstanding that a permit granted under this Part may not have expired, a person shall not leave or cause to be left in or on a public street a stage, scaffolding or building or other materials after completion of the building works for which they were required.

Penalty: \$500 and \$50 for each day during which the offence continues.

Part VII Numbering of areas of land, &c.

34 Plan of numbering

- (1) The Authority may adopt a plan or system of numbering areas of land in a public street and may, in accordance with the plan or system of numbering:
 - (a) affix numbers on a house or building, front gate or fence on land; or
 - (b) by notice in writing, require the owner or occupier of land included in the plan or system of numbering to affix, in accordance with the terms of the notice, a number plate on a house, building, front gate or fence on the land.
- (2) The Authority may, from time to time, alter the plan or system of numbering referred to in clause (1) and may:
 - (a) replace the numbers affixed with a new number; or
 - (b) by notice in writing, require the owner or occupier of land to affix, in accordance with the terms of the notice, a number or a new number on a house, building, front gate or fence on the land.
- (3) A person who has affixed a number to a house, building, front gate or fence on land under clause (1) and who is required to replace or affix a number in accordance with clause (2) may obtain the numerals free of charge from the Authority.
- (4) An owner or occupier who fails to affix a number plate within 28 days after the date specified in the notice served on him by the Authority under clause (1)(b) or (2)(b) is guilty of an offence.

Penalty: \$20.

- (5) Without prejudice to any proceedings which the Authority may institute under clause (4), the Authority may, at the expiration of

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28 days after the date specified in the notice referred to in clause (4) as the date before which the number plate shall be affixed, enter the land in respect of which a notice has been served under this by-law and affix the required numerals, and the expenses in so doing may be recovered from the person on whom the notice was served as a debt due and payable to the Authority.

Part VIII Use of public streets, &c.

Division 1 Protection of public streets, &c.

35 Damage to roadside trees, &c.

- (1) A person shall not, without the prior consent of the Authority, interfere with or damage a tree, plant, garden or grass strip planted by the Authority in or adjacent to a public street or public place or do or cause to be done anything whereby it shall become damaged.
- (2) A person shall not ride, drive or lead an animal in a public street or public place in such a manner as to cause or permit it to cause damage to a part of the public street or public place or a tree, plant, garden or grass strip planted in the public street or public place.

Penalty for an offence against this by-law: \$100.

36 Damage to road surface

- (1) A person shall not use on a public street:
 - (a) a vehicle which has attached to its wheels chains, metal studs or other metal projection; or
 - (b) a traction engine, tractor or steam wagon having wheels or tracks which have unprotected grooved ridges, indents, spikes or cross bars,

of a type likely to cause damage to the surface of the public street.

- (2) A person shall not propel, drag or trail in contact with the surface of a public street a sledge, timber or other heavy material or a conveyance or thing capable of damaging the public street.

Penalty for an offence against this by-law: \$200.

37 Vehicles not to be driven on footpath

- (1) Subject to clause (2), a person shall not drive or wheel or permit or suffer to be driven or wheeled a motor vehicle or motor cycle on, along or across a footpath or water channel, except for the purpose

of crossing that footpath or channel at a crossing made for the purpose of obtaining access to land abutting on a public street of which the footpath or channel forms part.

Penalty: \$100.

- (2) Clause (1) does not apply to a child's perambulator or a carriage specially designed and constructed for the use of a person who is suffering from a physical defect or disability.

38 **Cost of reinstatement**

A person who is convicted of an offence against by-law 35, 36 or 37 may, in addition to a penalty imposed by the court, be required to pay to the Authority the expenses which it has incurred in making good the damage occasioned by the offender.

39 **Parking of caravans**

- (1) A person shall not park:

- (a) a caravan; or
 (b) a vehicle with the intention of using it for camping or sleeping,

in a public street or public place between the hours of 8 o'clock in the evening and 6 o'clock in the morning.

Penalty: \$200.

- (2) An authorized officer may require a person who has parked a caravan in contravention of clause (1) to remove the caravan to a place specified by the authorized officer.
 (3) In this by-law:

caravan means a habitable container designed to be towed, driven or carried by a vehicle, whether or not the container is fixed or mobile or has wheels, and includes a demountable accommodation unit.

40 **Playing of musical instruments**

- (1) A person shall not on a public street, public place or other land under the control of the Authority, ring a bell or use a musical instrument for the purpose of announcing an auction, public performance, sale, meeting or similar gathering unless he has obtained a permit.

Part VIII Use of public streets, &c.
 Division 1 Protection of public streets, &c.

- (2) A person shall not on a public street, public place or other land under the control of the Authority, use, cause or allow to be used a musical instrument unless he has obtained a permit.

Penalty for an offence against this by-law: \$100.

41 Deposit of offensive matter

- (1) A person shall not deposit waste food, peelings, fruit or other vegetable matter on a public street, public place or other land under the control of the Authority, except where placed in a container for collection by the Authority in accordance with by-laws made for that purpose.

Penalty: \$200.

- (2) A person shall not spit, or throw, deposit or discharge an offensive or unwholesome matter or fluid, or garbage or other refuse on a part of a public street, public place or other land under the control of the Authority.

Penalty: \$200.

- (3) Nothing contained in this by-law shall be construed so as to limit the sweeping or cleansing of footpaths or water channels in compliance with the by-laws or the deposit of rubbish in places set apart for that purpose by the Authority.

42 Handbills, &c.

- (1) A person shall not give out or distribute to a person or throw, place, drop or otherwise deposit a handbill in or on a public street or public place unless he has obtained a permit.
- (2) A person shall not affix or cause to be affixed a poster, placard or similar thing on a public street, plaza or public place or write on, deface or mark a pavement on a public street or plaza with writing or a pictorial representation unless he has obtained a permit.

Penalty for an offence against this by-law: \$200.

43 Bill sticking

- (1) A person shall not affix or cause to be affixed a poster, bill or other paper to or against:
- (a) a building abutting on or adjoining a public street, plaza or public place; or
- (b) a power pole or sign post erected in the town area of Jabiru,

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unless he has obtained the consent of the owner or occupier of the building and has obtained a permit.

- (2) Where a person has, subject to clause (1), affixed a poster, bill or paper, he shall ensure that it is preserved in a clean and tidy state, and shall remove it if it becomes worn, torn or detached and cleanse the area of waste paper and refuse consequent on that removal.
- (3) A person who contravenes or fails to comply with this by-law is guilty of an offence.

Penalty: \$200.

44 Dangerous goods, &c.

A person shall not carry timber, metal, tools, implements, furniture or material along a public street in such a manner as to be dangerous or cause a disturbance to another person.

Penalty: \$100.

Division 2 Management of footpaths, &c.

46 Licence to place objects, &c., on footpaths, &c.

- (1) An applicant for a licence to place on a footpath or plaza an object or structure shall furnish the Authority with details, including site plans and diagrams, of the object or structure.
- (2) A person shall not, without first obtaining a licence, place on a footpath or plaza an object or structure which causes or is likely to cause an obstruction to users of the footpath or plaza.
- Penalty: \$200.
- (3) A licence granted under this by-law may be terminated by the Authority in writing at any time and the Authority is not liable to pay compensation in respect of the termination of the licence.
- (4) On the termination of a licence, the licensee shall remove the object or structure the subject of the licence.
- (5) Where an object or structure is not removed by a licensee within the period specified in the notice that his licence has been terminated, the Authority may remove that object or structure, and the expense of such removal by the Authority may be recovered from the licensee as a debt due and payable to the Authority.

Division 3 Advertising hoardings, &c.
47 Advertising hoardings

A person who is the owner or occupier of land near to or in view of a public street or public place shall not:

- (a) erect or permit to be erected; or
- (b) permit the use of,

a building or structure on that land for placing thereon a placard, sign or advertisement unless he has obtained a permit.

48 Advertisements on buildings

- (1) Subject to clause (2), a person shall not affix, paint, carve or engrave or permit to remain affixed, painted, carved or engraved on a building or structure or their appurtenances on, over or in view of a public street, plaza, public place or land under the control of the Authority a placard, sign, advertisement or fixture unless it relates to the trade, business or profession of a person then being carried on, conducted or practised within that building or structure.
- (2) A placard, sign, advertisement or fixture referred to in clause (1) shall be approved.

49 Signboards, &c.

- (1) Subject to this by-law, a person shall not affix, place, hang or suspend in, over or in view of a public street, plaza or public place within the town of Jabiru a signboard, signpost, placard, showbill, showboard, flagpole, flag, banner, notice or writing unless he has obtained a permit.
- (2) A signboard, signpost, placard, showbill, showboard, flagpole, flag, banner, notice or writing referred to in clause (1) shall be constructed and maintained in a condition of security, rigidity and in good repair to the satisfaction of the Authority.

Part IX Public reserves**50 Certain activities prohibited in reserves**

A person shall not in or on a public reserve:

- (a) wilfully obstruct, disturb or interfere with another person in his lawful enjoyment thereof;

Part IX Public reserves

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- (b) destroy, damage, deface, remove or interfere with:
 - (i) a tree, shrub, plant or grass;
 - (ii) a fence, sign, post, tree guard, pipe, hose or fitting;
 - (iii) a building or structure, or a sanitary, electrical or other fixture or fitting in a building or structure erected in or on the reserve; or
 - (iv) equipment or property of the Authority;
 - (c) remove or otherwise interfere with a rock, stone, sand or soil;
 - (d) post, stick, stamp, stencil, paint or affix a placard, poster, handbill, notice, advertisement or other document on a tree, board, post, fence, gate, building, road, path or place;
 - (e) deposit or leave rubbish, refuse, offal, paper, bottles, broken glass, china or litter of any kind, except in a receptacle provided for the purpose;
 - (f) light a fire except at a fireplace built of stone, brick or fireproof material provided for the purpose;
 - (g) wilfully break any glass, metal, earthenware or utensil;
 - (h) commit a nuisance in or on a part of a pavilion, dressing room or other building;
 - (j) carry a firearm or shoot, snare, injure or destroy a bird or animal;
 - (k) throw a stone or other missile;
 - (m) use a speargun, net or other device, other than a hand line or rod, for catching fish or crustaceans;
 - (n) bring a dog or permit a dog to remain unless the dog is on a leash held by a person;
 - (p) behave in a disorderly manner or create or take part in a disturbance, use foul or indecent language or commit an act of indecency;
 - (q) launch a boat into a waterway except from launching ramps provided for that purpose;
 - (r) use a water craft propelled other than by hand or sail;

Part IX Public reserves

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- (s) climb over or on a fence, gate or building or unlock or unfasten a gate or a door of a building unless duly authorized to do so;
 - (t) without lawful excuse, enter a dressing or changing room in a building erected for that purpose;
 - (u) climb a tree; or
 - (w) wilfully obstruct in the execution of his duty, or insult or neglect to obey a lawful direction of, an authorized officer or a caretaker, ranger or employee of the Authority.

Penalty: \$200.

51 Activities for which permit required

A person shall not, on a public reserve:

- (a) organize or participate in a religious service or rally;
- (b) take part in a procession or demonstration;
- (c) organize or participate in a political meeting or political rally;
- (d) consume or cause to be consumed an alcoholic beverage;
- (e) distribute or exhibit a printed or written pamphlet or handbill;
- (f) sell or expose or offer for sale goods, refreshments, plants, fruit or other merchandise or thing;
- (g) drive, ride or bring a vehicle or permit a person to drive, ride or bring a vehicle on or over a public reserve except on or over such parts of the public reserve as are set aside as roads or driveways;
- (h) remove sand, stone, timber or other material or property; or
- (j) use a microphone, loudspeaker, megaphone or other means of sound magnification,

without having obtained a permit.

Penalty: \$200.

52 Erecting or placing buildings and structures

- (1) A person shall not erect or place a building or structure whether of a temporary or permanent nature on a public reserve without obtaining a permit.

Penalty: \$500.

- (2) An application for a permit under clause (1) shall:

- (a) specify the purpose of the building or structure; and
- (b) be accompanied by:
 - (i) plans and specifications of the building or structure; and
 - (ii) such details as the Authority may require.

53 Special conditions

- (1) A permit for the erection of a building or structure on a public reserve may impose conditions relating to:

- (a) the purpose for which the building or structure may be used;
- (b) the nature of the building or structure which may be erected;
- (c) the period for which the building or structure is permitted to remain;
- (d) the times at which the building or structure may be used;
- (e) the position in which the building or structure may be erected; and
- (f) the amount and lodging of a deposit with the Authority for expenses in relation to reinstatement or damage caused by the erection or costs of its removal.

- (2) A person who contravenes or fails to comply with a condition of a permit granted under clause (1) is guilty of an offence.

Penalty: \$500.

54 Withdrawal of permit

The Authority may, upon giving 28 days' notice in writing of its intention to do so, at any time withdraw a permit for the erection of a building or structure on a public reserve.

55 Removal of building or structure

- (1) The Authority may, by notice in accordance with by-law 6 to the owner, or to the person whom it believes to be the owner, of a building or structure placed on a public reserve without a permit or erected or used otherwise than in accordance with the terms of a permit, direct that the building or structure be removed within a period of 24 hours after the date of the service of the notice.
- (2) A person who fails to comply with a notice served under clause (1) is guilty of an offence.
Penalty: \$500 and \$50 for each day during which the offence continues.
- (3) By-laws 6 and 7 apply in respect of a person whom the Authority believes to be the owner of a building or structure under clause (1) as if he was the owner.

56 Parking areas

- (1) The Authority may set aside a public reserve or part of a public reserve on which a person may drive, park or stand a vehicle.
- (2) A person shall not drive, park or stand a vehicle in a public reserve or part of a public reserve that has not been set aside for that purpose.
Penalty: \$100.
- (3) A person shall comply with instructions given to him by an authorized officer with regard to the parking of a vehicle in a public reserve.
Penalty: \$100.

57 Model aeroplanes

- (1) The Authority may set aside or specify a public reserve or part of a public reserve on which persons may fly mechanically powered model aeroplanes and may define or limit the hours and days during which such model aeroplanes may be flown.
- (2) A person shall not fly a mechanically powered model aeroplane on a public reserve or part of a public reserve except:
 - (a) in an area set aside or specified; and
 - (b) during the hours or on a day defined,

by the Authority under clause (1).

Penalty: \$50.

58 Children's playgrounds

- (1) The Authority may set aside a public reserve or part of a public reserve as a children's playground.
- (2) The Authority may limit the ages of persons who are permitted to use a children's playground and may erect a sign to that effect on the playground.
- (3) A person over the age specified in a sign erected on a children's playground, other than a person having the charge of a child or children in the playground, shall not use a playground or interfere with the use of it by a child or children.

Penalty: \$50.

59 Playing of games

- (1) A person shall not:
 - (a) play at or practise golf in a public reserve except in a part of a public reserve set aside for that purpose; or
 - (b) play at a game in a public reserve that interferes with or disturbs another person lawfully using the public reserve.

Penalty: \$100.

- (2) A sporting club or association shall not, without having first obtained a permit, conduct a game or organized practice session in a public reserve.

Penalty: \$100.

- (3) A person shall not in a public reserve participate in a game or organized practice session in respect of which:

- (a) a permit has not been granted; or
- (b) where a permit has been granted subject to conditions – otherwise than in accordance with the conditions.

Penalty: \$50.

60 Hours of entry

- (1) The Authority may determine the hours during which a public reserve shall be open to the public, and shall indicate those times by means of signs erected in suitable places.
- (2) An authorized officer may refuse entry to a public reserve to a person or vehicle at all times other than those during which the public reserve is open to the public.
- (3) Notwithstanding clause (1), the Authority may close a public reserve for the purpose of cleansing, maintenance or such other purpose as it thinks fit.

61 Removal of persons from public reserve

- (1) The Authority may remove from a public reserve, or cause to be so removed by an authorized officer, a person who commits a breach of these By-laws and may, by notice in writing served on him refuse entry to a public reserve to that person for the period, not exceeding six months specified in the notice.
- (2) A person on whom a notice under clause (1) has been served shall not enter a public reserve during the period specified in the notice.

Penalty: \$100.

62 Recovery of expenses

- (1) Without prejudice to proceedings instituted against a person causing damage to property of the Authority on a public reserve, the Authority may cause necessary repairs and reinstatement to be carried out.
- (2) Where the Authority causes repairs and reinstatement to be carried out under clause (1), it may, by written notice served on the person causing such damage, require him to pay to the Authority the costs in doing so, together with such further charges and expenses as are incurred by the Authority in carrying out the repairs and reinstatement.
- (3) The costs, charges and expenses incurred by the Authority referred to in clause (2) may be recovered from the person who caused the damage to property referred to in clause (1) as a debt due and payable to the Authority.

Part XI Parking, &c.

Part X Lake Jabiru

63 Application of Part

This Part applies to Lake Jabiru.

64 Use of boats

- (1) A person shall, when using a sailing boat, rowing boat, canoe or inflatable craft (not being a craft powered by a motor) on Lake Jabiru, remain within those areas where boating is permitted.
- (2) A person referred to in clause (1) shall comply with and not contravene instructions given to him by an authorized officer with regard to the use of the boat of which he has charge.

Penalty: \$100.

65 Swimming

- (1) A person shall not swim in a place which is designated by means of a sign erected by the Authority as a "NO SWIMMING" area.

Penalty: \$50.

- (2) A person shall be decently clothed at all times when swimming in, or when within the area of, Lake Jabiru.

Penalty: \$50.

66 Introduction, &c., of fish prohibited

- (1) A person shall not introduce a fish into Lake Jabiru.
- (2) A person shall not take fish, eggs, fry or larvae from, or use a net, trap or fishing gear for that purpose at, Lake Jabiru.

Penalty for an offence against this by-law: \$200.

Part XI Parking, &c.

67 Interpretation

- (1) Section 36D (other than subsection (12A)(b)) of the *Traffic Act 1987* and regulation 33B of the *Traffic Regulations 1999* made under that Act with the necessary changes and as varied in clause (2) are adopted and shall apply in the town area of Jabiru as if they were contained in this by-law.

West Arnhem Regional Council (Jabiru Town) (Roads and Public Places) By-laws 1983 24

- (2) For the purposes of these By-laws and section 36D of the *Traffic Act 1987* as adopted by clause (1):

park means stand a vehicle in a road or part of a road or in a public place.

public street means a road.

traffic sign means:

- (a) a traffic sign within the meaning of the *Traffic Act 1987*; or
- (b) a notice, sign or device marked, placed or erected on or at the side of a road, or in a public place by the Authority for the purpose of regulating pedestrians or traffic or guiding, directing or warning pedestrians or persons in charge of vehicles.

68 Erection, &c., of traffic signs

For the purposes of these By-laws, the Authority may erect, place or display such traffic signs as it thinks fit.

69 Angle parking

- (1) Where a traffic sign indicates that angle parking only is permitted in a street or part of a street, a person in charge of a motor vehicle shall not park the motor vehicle in that street or that part of the street except:

- (a) at an angle of 45° to the boundary of the carriageway;
- (b) headed towards the footpath and in the direction in which the traffic is allowed to proceed on the side of the carriageway on which the motor vehicle is parked; and
- (c) so that no portion of the motor vehicle:
 - (i) rests on;
 - (ii) overhangs; or
 - (iii) is more than 7 m from the footpath along a line making an angle of 45° to,

the footpath on the side of the carriageway on which the motor vehicle is parked.

Part XII Impounding of vehicles

70 Offences

A person who contravenes or fails to comply with this Part is guilty of an offence.

Penalty: \$100.

Part XII Impounding of vehicles**71 Establishment of vehicle pound**

The Authority may declare a yard or other place under the control of the Authority to be a vehicle pound for the purposes of this Part.

72 Impounding of vehicle

- (1) An authorized officer may remove or cause to be removed to a vehicle pound a vehicle which is left without the consent of the Authority, for a period of not less than 72 hours, on a part of a public street or public place or on land or premises owned by, or under the care, control or management of, the Authority.
- (2) As soon as practicable after the removal of a vehicle to a vehicle pound, an authorized officer shall give to the owner of the vehicle written notice of the removal stating the vehicle pound to which the vehicle was removed.
- (3) A notice under clause (2) shall, where practicable, be served on the owner personally, but where the notice cannot be served within 7 days after the removal of the vehicle by reason of the fact that:
 - (a) the name of the owner cannot be ascertained; or
 - (b) the owner, if known, cannot be found,

then, on the expiration of 7 days after the removal of the vehicle, notice of the removal of the vehicle shall be given in a newspaper circulating in the town area of Jabiru, or in such other manner as the Authority determines, having regard to the likely or presumed whereabouts of the owner.

- (4) Notice of the removal of the vehicle referred to in clause (3) shall be given on 2 separate occasions in accordance with that clause.

73 Vehicle may be sold or disposed of

- (1) Where the owner of a vehicle does not, within 28 days after:
 - (a) the service on him of a notice under by-law 72(3); or

Part XII Impounding of vehicles

- (b) the date of publication of the second of the notices referred to in by-law 72(4),

whichever is the later, pay to the Authority all expenses incurred by the Authority in connection with the removal, custody and reasonably necessary maintenance of the vehicle, and of service or advertising of the notice, and take possession of the vehicle, the Authority may, subject to clause (2) and by-law 74(1), sell the vehicle by auction.

- (2) Where a vehicle:

- (a) is immobile and cannot be repaired at a cost which does not exceed its value;

- (b) has no marks to identify the owner; and

- (c) in the opinion of the Authority has a value of less than \$200,

the Authority may dispose of the vehicle in such manner as it thinks fit.

74 Sale to be by auction

- (1) The sale of an impounded vehicle shall, unless in the opinion of the Authority it is not practicable or convenient to do so, take place by auction.
- (2) The auction of an impounded vehicle may be conducted by an auctioneer within the meaning of the *Auctioneers Act 1935* or, where the Authority so resolves, by the Council Services Manager.
- (3) Not less than 7 days notice of an auction shall be given by advertisement in a newspaper circulating in the town area of Jabiru.
- (4) The Authority may, before the auction of an impounded vehicle, by resolution fix a reserve price in respect of that vehicle.
- (5) Each vehicle sold under this by-law shall be sold as a single lot.
- (6) Unless the Authority has determined otherwise, and given notice of its determination in the advertisement under by-law 74(3), a sale of an impounded vehicle shall be for cash at the conclusion of the sale, and the moneys received by the person conducting the sale shall be paid into the Authority's (General Fund) account within 24 hours after the commencement of the auction.
- (7) It shall be a condition of the sale of an impounded vehicle sold at an auction that the vehicle shall be removed by the purchaser immediately after the close of the auction.

75 Procedure where no bids received

Where an impounded vehicle has been offered for sale by auction in accordance with this Part and no bid for the vehicle has been made at the auction, the Authority may:

- (a) fix some other time for the sale of the vehicle, and advertise the same in accordance with by-law 74(3); or
- (b) take possession of the vehicle and dispose of it as it thinks fit.

76 Application of proceeds of auction

- (1) All moneys received in respect of the sale of a vehicle shall be applied in payment of:
 - (a) costs incurred by the Authority in the sale of the vehicle; and
 - (b) the cost of removal, custody and reasonably necessary maintenance of the vehicle and of the notice served or advertised under by-law 74 or 75,

and the residue, if any, shall be paid to the person who owned the vehicle immediately before its removal and impounding.

- (2) Where, after the expiration of 6 months after the sale of an impounded vehicle, any moneys remain in the possession of the Authority in respect of the sale and such moneys remain unclaimed by the owner of the vehicle or a person claiming through him, such moneys shall become the property of the Authority.

77 Liability of owner

The owner of a vehicle shall be liable to the Authority for expenses incurred by the Authority in the removal, custody, reasonably necessary maintenance, sale or attempted sale or otherwise in the disposal of the vehicle under this Part and the Authority may recover from him so much of those expenses as have not been satisfied by the proceeds from the sale of the vehicle as a debt due and payable to the Authority.

78 Protection of Authority, &c.

No civil or criminal action or proceedings shall be commenced or brought against the Authority or a person acting in the execution or intended execution of this Part or in compliance or intended compliance with a direction given or purported to be given under this Part in respect of anything done or omitted to be done in good faith by it or that person under or for the purposes of this Part.

ENDNOTES

ENDNOTES
1 KEY

Key to abbreviations

amd = amended
 app = appendix
 bl = by-law
 ch = Chapter
 cl = clause
 div = Division
 exp = expires/expired
 f = forms
 Gaz = Gazette
 hdg = heading
 ins = inserted
 lt = long title
 nc = not commenced

od = order
 om = omitted
 pt = Part
 r = regulation/rule
 rem = remainder
 renum = renumbered
 rep = repealed
 s = section
 sch = Schedule
 sdiv = Subdivision
 SL = Subordinate Legislation
 sub = substituted

2 LIST OF LEGISLATION***Jabiru Town Development (Roads and Public Places) By-laws (SL No. 42, 1983)***

Notified	11 November 1983
Commenced	11 November 1983

Jabiru Town Development (Roads and Public Places) Amendment By-laws (SL No. 44, 1984)

Notified	8 August 1984
Commenced	8 August 1984

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

Assent date	15 December 2021
Commenced	16 December 2021 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2, 39, 56, 67, 69 and 74 and Sch.

4 LIST OF AMENDMENTS

bl 1	amd Act No. 29, 2021, s 10
bl 4	amd No. 44, 1984, bl 3
bl 39	amd Act No. 29, 2021, s 10
bl 45	rep No. 44, 1984, bl 4
bl 56	amd Act No. 29, 2021, s 10
bl 61	amd No. 44, 1984, bl 5
bl 69	amd Act No. 29, 2021, s 10
bl 74	amd Act No. 29, 2021, s 10
sch	rep Act No. 29, 2021, s 10

West Arnhem Regional Council (Jabiru Town) (Roads and Public Places) By-laws 1983 29

NORTHERN TERRITORY OF AUSTRALIA

**WEST ARNHAM REGIONAL COUNCIL (JABIRU TOWN)
(STALLHOLDERS) BY-LAWS 1983**

As in force at 16 December 2021

Table of provisions

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Schedule Stallholders (Jabiru) By-laws

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 December 2021

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (STALLHOLDERS) BY-LAWS 1983

By-laws under the *Local Government Act 2019*

1 Citation

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) (Stallholders) By-laws 1983*.

2 Definitions

In these By-laws, unless the contrary intention appears:

authorized officer means an officer or employee of the Authority authorized for the purpose of these By-laws.

permit means a permit issued under by-law 6 to sell goods from a stall.

public street has the meaning ascribed to it in the *Traffic Act 1987*.

stall means a temporary structure in or on which goods are offered for sale by retail, and includes a tent, vehicle or caravan.

stallholder means a person issued with a permit under by-law 6 to sell goods from a stall.

town area of Jabiru means the area administered by the Authority.

3 Stallholders to obtain permit

A person shall not sell goods from a stall in the town area of Jabiru except in accordance with a permit and these By-laws.

4 Application for permit

- (1) A person may apply to the Council Services Manager for a permit and the application shall state:
 - (a) the name and business address of the applicant;
 - (b) the type of goods which the applicant intends to sell;

-
- (c) the proposed location of the stall; and
 - (d) the period for which the permit is required.

(2) An application under clause (1) shall be accompanied:

- (a) by the fee prescribed by the Authority; and
- (b) in the case of the first application for a permit, by a certificate signed by 2 reputable inhabitants of the Territory certifying that the applicant is of good character and is a fit and proper person to hold a permit.

5 Grant or refusal to grant permit

The Authority shall consider an application for a permit and may:

- (a) grant the application; or
- (b) refuse to grant the application.

6 Issue of permit

- (1) Where the Authority grants a permit it shall issue the permit in accordance with the form in the Schedule.
- (2) A permit under clause (1) shall be valid for the period, not exceeding 3 years, indicated in the permit.
- (3) A permit under clause (1) may be subject to conditions in relation to:
 - (a) the goods that may be sold from the stall;
 - (b) the days and hours during which goods may be sold;
 - (c) the siting of the stall; and
 - (d) the standards in relation to health or hygiene to be observed by the stallholder.
- (4) A permit is not transferable.

7 Revocation of permit

- (1) Subject to clause (2), the Authority may revoke a permit where the stallholder:
 - (a) has become bankrupt, applied to take the benefit of a law for the relief of bankrupt or insolvent debtors or has compounded with his creditors;

-
- (b) has been convicted of an indictable offence;
 - (c) has contravened or failed to comply with a condition of his permit or these By-laws;
 - (d) is conducting his business in such a manner as to cause a nuisance or annoyance to persons in the neighbourhood of the stall; or
 - (e) has purported to assign or transfer his permit or is not personally carrying on the business for which the permit was granted.

(2) Where under clause (1), the Authority revokes a permit:

- (a) it shall serve on the stallholder a notice that the permit has been revoked and that the revocation takes effect after 14 days from the date of the notice; and
- (b) the stallholder shall return the permit, and his badge or card under by-law 8, to the Council Services Manager within 30 days of the date of the notice under paragraph (a).

8 Badges or cards

- (1) The Authority shall issue to a stallholder a badge or card for which the stallholder shall pay the sum of \$2.
- (2) A stallholder shall display his badge or card whilst selling goods from his stall.
- (2A) An offence of contravening or failing to comply with a provision of, or a notice under, clause (2) is a regulatory offence.
- (3) A person shall not display a stallholder's badge or card unless he is the holder of a permit.

9 Rules of conduct

- (1) A stallholder whilst offering goods for sale from his stall shall:
 - (a) carry his permit and upon demand by an authorized officer or a member of the Police Force produce it for inspection by the authorized officer or the member;
 - (b) have his name legibly and conspicuously displayed on his stall; and
 - (c) at all times maintain his stall in good order and condition.

(2) A stallholder shall not:

- (a) conduct a stall between the hours of sunset and sunrise the next day, or on a Sunday, Christmas Day or Good Friday without obtaining the consent of the Authority;
- (b) place his stall within a distance of 200 metres of a shop or permanent place of business that has for sale any goods, wares or merchandise of the type offered for sale by the stallholder;
- (c) call his wares or cause or make an outcry, noise or disturbance likely to be a nuisance or cause annoyance to a person in that vicinity;
- (d) deposit or store a box or basket under his vehicle or upon an adjacent roadway or footpath, whilst conducting his stall;
- (e) obstruct the free passage of pedestrians or vehicles on a public street, whilst conducting his stall; or
- (f) act in an offensive manner, whilst conducting his stall.

10 Parking

A stallholder shall not sell goods from a stall on private property unless there is adequate provision on the private property for the parking of his customers' vehicles.

11 Conduct of stall for charity, &c.

Notwithstanding these By-laws, the Authority may grant to a person, without fee, a licence to conduct a stall in a public street or on land for the period specified in such licence where such stall is conducted solely for the purpose of raising money for a religious, sporting or charitable organization or on behalf of any other organization which, in the opinion of the Authority, has objects for the benefit of the community.

12 Penalty

A person who contravenes or fails to comply with these By-laws or a condition of a permit granted to him is guilty of an offence.

Penalty: \$400 and a daily penalty of \$40 for each day during which the offence continues.

Schedule Stallholders (Jabiru) By-laws

Schedule Stallholders (Jabiru) By-laws

regulation 6

STALLHOLDER'S PERMIT

No.

.....
(Name)

of.....
(Address)

is hereby permitted to sell.....
(Type of goods)

from a stall erected or placed at
in the town area of Jabiru, subject to the following conditions
.....
.....
.....

This permit shall remain in force until and including,
20...

Dated this day of , 20 .

.....
Council Services Manager

ENDNOTES

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Jabiru Town Development (Stallholders) By-laws (SL No. 8, 1983)***

Notified	18 February 1983
Commenced	18 February 1983

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

Assent date	15 December 2021
Commenced	16 December 2021 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1 and 2.

4 LIST OF AMENDMENTS

bl 1 – 2	amd Act No. 29, 2021, s 10
bl 4	amd Act No. 29, 2021, s 10
bl 7	amd Act No. 29, 2021, s 10
bl 8	amd Act No. 68, 1983, s 138
sch	amd Act No. 29, 2021, s 10

NORTHERN TERRITORY OF AUSTRALIA

**WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (SWIMMING
POOL COMPLEX) BY-LAWS 1982**

As in force at 16 December 2021

Table of provisions

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 16 December 2021

WEST ARNHEM REGIONAL COUNCIL (JABIRU TOWN) (SWIMMING POOL COMPLEX) BY-LAWS 1982

By-laws under the *Local Government Act 2019*

Part I Preliminary

1 Citation

These By-laws may be cited as the *West Arnhem Regional Council (Jabiru Town) (Swimming Pool Complex) By-laws 1982*.

2 Definitions

In these By-laws, unless the contrary intention appears:

admission charge means the admission charge determined under by-law 3(3)(b) by the Authority.

complex means the area of land which constitutes the Jabiru Swimming Pool Complex and includes fencing, turnstiles, dressing rooms, shower baths, spectator stands, seating, lavatories, barbecue areas and other structures erected for the use and convenience of persons using the complex.

manager means the person appointed by the Authority to control and manage the complex, and includes a person acting in his stead or on his behalf.

pool means the swimming pools within the complex including the wading pool.

season ticket means a season ticket under by-law 4.

session means the period during which the complex is open to the public as determined under by-law 3(3)(a) by the Authority.

Part II Administration

3 Admission

- (1) A person shall not, without the express permission of the Authority or manager, enter the complex except through a turnstile erected for that purpose and upon offering, for inspection:
 - (a) a ticket granting admission to the complex for a session; or
 - (b) a season ticket.
- (2) A person wishing to obtain a ticket granting admission to the complex for a session may, upon payment of the admission charge, obtain it from the manager.
- (3) The Authority shall, by resolution, determine:
 - (a) the periods of sessions;
 - (b) charges for admission to the complex for a session; and
 - (c) charges for the issue of season tickets.

4 Season tickets

- (1) A season ticket shall entitle the person in whose name it is issued to admission to the complex for a series of sessions and may be obtained from the manager, upon payment of the charge for the issue of a season ticket determined under by-law 3(3)(c) by the Authority.
- (2) A season ticket is not transferable and may be used only by the person in whose name it is issued.
- (2A) An offence of contravening or failing to comply with a provision of, or a notice under, clause (2) is a regulatory offence.
- (3) A list of the persons in whose names season tickets are issued shall be kept at the complex and the manager may refuse admission to a person using a season ticket where he reasonably believes that the person is not the person in whose name the season ticket was issued.
- (4) A person shall not enter, or attempt to enter, the complex by using a season ticket issued in the name of another person.

Part III Conduct of persons

5 Hours of admission

- (1) Subject to clause (2), the complex shall be open daily for the periods determined under by-law 3(3)(a) by the Authority and posted on a notice board at the entrance to the complex.
- (2) The Authority may restrict or prohibit public access to the complex on a specific day by posting a notice to that effect on a notice board at the entrance to the complex.

6 Risk

- (1) A person using the complex does so at his own risk.
- (2) A person entering the complex may deposit valuables with the manager, but the Authority shall not be liable in the event that such valuables are lost, stolen, damaged or otherwise interfered with whilst in the custody of the manager.

Part III Conduct of persons

7 Control of premises

- (1) A person shall obey all reasonable directions of the manager with regard to the person's conduct in or in relation to the complex.
- (2) A person in the complex shall not obstruct, interfere with or hinder the manager in the exercise of his powers or discharge of his duties under these By-laws.

8 Offences

- (1) A person shall not enter the complex while in an intoxicated condition whether such condition is induced by liquor, drugs or otherwise, and a person shall not bring into the complex intoxicating liquor or drugs or have such items in his possession whilst in the complex.
- (2) Where a person in the complex appears in such a condition as to be, in the opinion of the manager, indecently or insufficiently clad, the manager may direct that person to adopt a standard of dress acceptable to him or to leave the complex.
- (3) At the complex, a person shall not:
 - (a) use soap, other than in the dressing rooms, shower baths or shower recesses;

Part III Conduct of persons

- (b) behave in an unseemly, improper, disorderly, riotous or indecent manner, swear or use indecent, obscene, offensive or abusive language, gamble or misconduct himself;
- (c) enter the pool without first using a shower bath;
- (d) smoke in a part of the complex where a notice is exhibited prohibiting smoking in that part;
- (e) eat in or take into the dressing rooms food of any kind;
- (f) climb up to or on a fence, partition, roof or other portion of the complex;
- (g) wastefully use water or leave a tap running;
- (h) spit or expectorate;
- (j) whilst in the pool, use a substance or preparation which may cause the water to discolour or render the water turbid or otherwise unfit for the use of bathers;
- (k) wilfully:
 - (i) foul or pollute water in a shower bath or the pool;
 - (ii) soil, defile, damage, injure, destroy, use improperly, disfigure or write in or upon a dressing room, furniture or other article or equipment in the complex; or
 - (iii) discharge or deposit litter of any description on, in or about the complex;
- (m) carelessly or negligently damage or improperly use or interfere with a tap, lock, valve, locker or other fitting or appliance in or about the complex;
- (n) damage, remove, mark or without lawful excuse interfere with the barbeque facilities provided in the complex, or equipment forming part of the barbeque facilities, or leave such facilities and equipment in an unclean or untidy condition after use;
- (p) damage, remove, mark or interfere with trees, plants or turf;
- (q) cause or allow a dog or other animal belonging to him or under his control to enter or remain in the complex;

Part III Conduct of persons

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- (r) interfere with another person, throw or push, or attempt to throw or push, another person into the pool or throw a stone, stick or other matter or thing to the annoyance of another person using the facilities of the complex;
 - (s) whilst suffering from a cutaneous infection or contagious disease, or while in an unclean condition, enter the pool;
 - (t) be a nuisance; or
 - (u) subject to clause (4), leave a child who has not attained the age of 8 years, unless the child is in the custody and control of a person who has attained the age of 15 years and undertaken to be responsible for the safety and good behaviour of the child while that child is in the complex.
- (4) A person is not guilty of the offence of contravening, or failing to comply with, clause (3)(u) where the manager is satisfied that the child is a competent swimmer.
 - (5) Subject to clause (6), a male person shall not enter a part of the complex set apart solely for the use of females, and a female person shall not enter a part of the complex set apart solely for the use of males, nor shall a person enter or attempt to enter, without the consent of the occupier, a shower recess or dressing room or other compartment which is already occupied.
 - (6) Where a male child who has not attained the age of 5 years is accompanied by a female person, he may enter a part of the complex set apart solely for the use of females.
 - (7) A person in respect of whom a direction has been issued in accordance with by-law 14(3) shall not, knowing that the direction is in force, enter, or attempt to enter, the complex.
 - (8) A person shall not play ball games or take action which shall, in any way, limit the enjoyment of other users of the pool or complex at such time or times as the complex is in general public use, but this clause shall not apply to the playing of a game or aquatic sport specially organized and conducted at the complex by a club or person at a time approved by the manager.

9 Lost property

- (1) Where a person finds an article which he reasonably believes to have been abandoned or lost in the complex, he shall immediately deliver the article to the manager.
- (2) Where an article is delivered to the manager in pursuance of clause (1) or he finds an article which he reasonably believes to

Part IV Miscellaneous

have been abandoned or lost in the complex, the manager shall, as soon as practicable, enter a description of the article and all particulars relating to the article in a register which he shall keep for that purpose.

- (3) Where a person claims an article, a description of which has been entered in a register under clause (2) and satisfies the manager that he is the owner of the article, the person shall have it returned to him upon signing for the article in the register.
- (4) The manager shall report to the Council Services Manager, at least once a week, regarding articles abandoned or lost in the complex during the immediately preceding week and produce the register for inspection by the Council Services Manager.
- (5) The Authority shall not incur liability in respect of an article abandoned or lost in the complex or stolen from a person while he is in the complex.
- (6) An article abandoned or lost in the complex and not claimed within 14 days after the date of the entry under clause (2) in relation to it shall be handed by the manager to a member of the Police Force as abandoned or lost property.

Part IV Miscellaneous**10 Carnivals**

- (1) A person, club, association or organization conducting a carnival at the complex shall be responsible for the conduct of the competitors, officials and spectators during the carnival and shall ensure that:
 - (a) there is no overcrowding;
 - (b) no damage is done to the complex; and
 - (c) these By-laws are observed by competitors, officials and spectators attending the carnival.
- (2) At a swimming carnival held at the complex the competitors shall wear bathing costumes approved by the manager.
- (3) A person, club, association or organization to whom or to which the complex is let on hire for the purpose of holding a swimming carnival shall, at least 14 days before the proposed date of the carnival, forward to the Council Services Manager a copy of the programme of events for the carnival and of games or sports proposed to be conducted, and an item on the programme of which the Authority does not approve shall be removed from the

programme or varied in such manner as the Authority determines.

11 Hire of complex

- (1) The Authority may, on receipt of an application in writing made to the manager, allow a person, club or association to have sole use of the complex for such period and subject to such conditions as it thinks fit.
- (2) Where a person, club, association or organization is allowed sole use of the complex, a written agreement shall, before the period of sole use commences, be entered into between the Authority and the person or an official of the club, association or organization on behalf of that club, association or organization, requiring the use of the complex.
- (3) The complex and facilities and equipment within the complex shall be left in a clean and tidy condition at the end of a period of sole use, and the Authority may, in order to secure compliance with this clause, require a person, club, association or organization entering into an agreement for sole use of the complex to pay a deposit which shall be returned upon the Authority being satisfied that the requirements of this clause have been met in relation to that period of sole use.

12 Coaching

- (1) A person shall not, for reward, teach, coach or train another person at the complex except with the consent in writing of the Authority.
- (2) The Authority may, in writing, consent to a person teaching, coaching or training another person at the complex, for reward.

13 Offences and penalties

- (1) A person shall not contravene or fail to comply with a provision of, or an order or direction under, these By-laws.
- (2) A person who contravenes or fails to comply with a provision of, or an order or direction under, these By-laws for which a penalty is not provided by a provision of these By-laws, other than this by-law, is punishable upon conviction by a fine of \$200.

14 Enforcement

- (1) A person who contravenes or fails to comply with a provision of, or an order or direction under, these By-laws may be removed from the complex by the manager, or may be detained by the manager and given into the custody of a member of the Police Force.

Part IV Miscellaneous

- (2) Where, within the immediately preceding 6 months, a person has been convicted of an offence against these By-laws, the manager may refuse to admit him to the complex.
- (3) The Authority may issue a written direction to the manager that a person named in the direction shall not be admitted to the complex and, whilst that direction remains in force, the manager shall not admit that person to, or allow him to remain in, the complex.

ENDNOTES

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Jabiru Town Development (Swimming Pool Complex) By-laws (SL No. 82, 1982)***

Notified	28 January 1983
Commenced	28 January 1983

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2, s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

Statute Law Revision Act 2005 (Act No. 44, 2005)

Assent date	14 December 2005
Commenced	14 December 2005

Jabiru Town Development Repeal Act 2021 (Act No. 29, 2021)

Assent date	15 December 2021
Commenced	16 December 2021 (s 2)

3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: r 1.

4 LIST OF AMENDMENTS

bl 1 – 2	amd Act No. 29, 2021, s 10
bl 4	amd Act No. 68, 1983, s 139
bl 9	amd Act No. 29, 2021, s 10
bl 10	amd Act No. 44, 2005, s 35; Act No. 29, 2021, s 10

DRAFTING INSTRUCTIONS FOR WEST ARNHAM REGIONAL COUNCIL JABIRU BY-LAWS

Background

It is requested that By-laws be drafted in accordance with the requirements of Part 13.1 of the *Local Government Act 2008* (the Act).

Jabiru is located approximately 253 kilometres southwest of Darwin, and was established in 1978 through a lease agreement between the Director of National Parks (DNP) and Jabiru Town Development Authority (JTDA). The Mirarr are the First Nations Owners and Custodians of the land where Jabiru is located.

In 1981, JTDA was given the mandate to create By-laws in Jabiru as per provisions in the *Jabiru Town Development Act 1978*. This mandate ends on 30 June 2021 when the lease agreement between JTDA and the DNP expires. It is anticipated that the *Jabiru Town Development Act 1978* will be repealed soon.

Moving forward, West Arnhem Regional Council (the Council) will be responsible for the development of By-laws in Jabiru. While Jabiru currently has By-laws that were created under the auspices of the JTDA, various provisions in the By-laws are either outdated, or do not address some of the issues and needs of community members in Jabiru.

Another consideration to be made when developing the By-laws is the transition of Jabiru from a mining town to a tourism destination. Over the past forty years, Jabiru's main purpose was to provide housing and other administrative needs for people whose work was directly or indirectly associated with uranium mining in the region.

The cessation of uranium mining on 9 January 2021 marked an end to this era, and the beginning of a new phase whereby Jabiru is transforming into a tourism hub. It is anticipated that the town's new focus on tourism will result in an increase in economic activity and population growth, as well as greater opportunities for Council to develop a local government services-based economy through the provision of more services in Jabiru.

Council therefore, wishes to develop new By-laws that:

- (i) Promote public health, wellbeing and safety;
- (ii) Protect public amenities; and
- (iii) Contain provisions that take the wishes of the Mirarr people into consideration.

Instructions

Name of the By-laws

- (1) The By-laws are to be titled "West Arnhem Regional Council (Jabiru) By-Laws."
- (2) Please include the following acknowledgement of the Mirarr people:

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The land on which Jabiru is located is on Mirarr country, and the Council pays its respects to Mirarr Traditional Owners and Elders past, present and emerging.

- (3) The Council is committed to continuously nurturing a respectful and collaborative working relationship with the Mirarr people.

Repeals

- (4) Please repeal the following By-laws upon the commencement of the new By-laws:
- a) *Jabiru Town Development (Aboriginal Camping Areas) By-laws 1987*
 - b) *Jabiru Town Development (Swimming Pool Complex) By-laws 1982*
 - c) *Jabiru Town Development (Caravan Parks) By-laws 1983*
 - d) *Jabiru Town Development (Chemical Preparations) By-laws 1983*
 - e) *Jabiru Town Development (Community Hall) By-laws 1983*
 - f) *Jabiru Town Development (Control of Animals) By-laws 1984*
 - g) *Jabiru Town Development (Control of Dogs) By-laws 1992*
 - h) *Jabiru Town Development (Refuse) By-laws 1983*
 - i) *Jabiru Town Development (Roads and Public Places) By-laws 1983*
 - j) *Jabiru Town Development (Stallholders) By-laws 1983*

Commencement

- (5) The By-laws are to commence upon gazettal by the Minister for Local Government.

Application

- (6) The By-laws are to apply to Jabiru.

Definitions

- (7) Please include the following definitions:
- (a) "Advertising sign" means a sign, including portable signs, approved by the Council for the purpose of advertisement but does not include any such sign erected or affixed by the Council.
 - (b) "Assistance dog" means:
 - i. A dog trained or assessed by a training institution recognised by the Chief Executive Officer (CEO); and
 - ii. Used by a person to alleviate the effects of a diagnosed disability, whether physical, sensory or psychological.
 - (c) "Fee" means an amount that the Council has determined to be the fee for a permit, authority, licence, registration or other matter, or for a class or classes of permit, authority, licence, registration or other matter.
 - (d) "Approved" means approved by the Council through a resolution.
 - (e) "Attack" in relation to the actions of a dog, means a bite by the dog which causes a puncture or break to the skin of a person or other animal; an assault by the dog resulting in bleeding, bone breakage, sprains, scratches or bruising of a person or animal; or aggressive behaviour of the dog resulting in physical contact

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- with a person or animal, and damage to anything worn by the person or the animal.
- (f) "Authorised person" means a person appointed under the Act to perform any of the functions of an authorised person for purposes of enforcing provisions of these By-laws.
- (g) "Camp", when used as a noun, means any portable shed or hut, tent, fly, awning, blind or other thing used as, or capable of being used as, a habitation or for dwelling or sleeping purposes; and the verb "to camp" shall be construed accordingly.
- (h) "Camper" means a person who is permitted under these By-laws to:
- i. occupy a shelter;
 - ii. erect and maintain a tent; or
 - iii. enter and place a caravan,
- on a camping area and to remain on the area, and includes the members of his or her family.
- (i) "Commercial waste" means waste produced in the course of trade and commerce.
- (j) "Council" means West Arnhem Regional Council.
- (k) "Council area" means the West Arnhem Regional Council area.
- (l) "Effective control" of a dog when it is outside its usual premises means the dog is restrained by a leash, cord, chain or similar device not longer than 2 metres and is held by a person who is over the age of 12 years and competent to restrain the dog. It also means that the dog is enclosed in a vehicle 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.
- (m) "Handbill" means a printed announcement or advertisement, including a poster, placard, notice, ticket, pamphlet and advertisement.
- (n) "Identification device" means a tag issued by the Council or a microchip, which meets the specification determined by the Council and designed to store information in a way that can be retrieved electronically without physical contact.
- (o) "Infringement notice" means an infringement notice given by an authorised person who believes on reasonable grounds that a person has committed an infringement offence.
- (p) "Infringement notice offence" means an offence against a prescribed provision in the By-laws (to be specified in the Schedule).
- (q) "Licence" means a licence issued under these By-laws, and includes a renewal of a licence.
- (r) "Litter" means litter, garbage, rubbish, refuse or waste matter, and includes the body of a dead animal (see section 3 of the *Litter Act 1972*). Litter includes garbage, rubbish, refuse or waste matter, and includes a dead animal and discarded vehicle bodies, machinery, implements, and the like.
- (s) "Market" means an area in which two or more stalls are located or intended to be located.
- (t) "Market licence" means a licence issued by the CEO under these By-laws.
- (u) "Menace", in relation to an action of a dog, means an action that creates a reasonable apprehension in a person or animal including chasing, harassing, rushing at or threatening to bite.

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- (v) "Motor vehicle" means any vehicle designed to be self-propelled and includes a trailer when attached to a motor vehicle and a vehicle designed to be propelled by electric power obtained from overhead wires but not operated on rails, but does not include a motorised wheelchair which is not capable of travelling at a speed greater than 7 km/h or a powered bicycle or tricycle.
 - (w) "Owner" of an animal (other than a dog) means the person for the time being in control of the animal. The owner of a dog is the registered owner of a dog; or if the dog is not registered, the person who has care or control of the dog, or who has the dog in his or her possession, or the occupier of the premises, or part of the premises, where the animal is usually kept. If the owner of the dog is under the age of 18 years, the owner is taken to be the parent or guardian of that person.
 - (x) "Owner or occupier" in relation to land does not include the Council.
 - (y) "Pound" means a place established by the Council as a pound.
 - (z) "Premises" include the follow:
 - i. A building or other structure;
 - ii. Part of a building or other structure;
 - iii. Land where a building or other structure is situated.
 - (aa) "Prescribed amount" for an infringement, notice offence is to be the prescribed amount payable equal to the monetary value of the number of penalty units to be specified in the By-laws (Schedule) for that offence.
 - (bb) "Properly contained", in relation to an animal, means the animal:
 - i. Is kept within a fenced or enclosed area on the premises from which the animal is unable to escape; or
 - ii. Is leashed or restrained and unable to escape the premises; or
 - iii. Is inside a building or other structure on the premises from which the animal is unable to escape.
 - (cc) "Public land" means a road, a reserve or land within Jabiru that is owned, controlled or maintained by the Council.
 - (dd) "Sell", in relation to goods, means offering or exposing goods for sale or hire or displaying or publishing an advertisement describing or promoting the sale of goods, from a stall.
 - (ee) "Stall" means a structure in or from which goods are offered for sale and includes a tent, motor vehicle, caravan, trailer or table.
 - (ff) "Stallholder" means a person who sells or offers for sale goods from a stall.
 - (gg) "Tag" means a tag issued for a dog or cat under these By-laws.
 - (hh) "Veterinarian" means a registered veterinarian within the meaning of the *Veterinarians Act 1994*
- (8) It is noted that the *Interpretation Act 1978* will contain definitions and other provisions that may be relevant to the drafting of these By-laws.

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Animal management

- (9) Please develop a By-law that has similar provisions to the *Jabiru Town Development (Control of Animals) 1984 By-laws* that specify the following:
- (a) Prohibition of the keeping of any animal except a fish indigenous to the Territory or a registered dog (see by-law 3);
 - (b) Authorised persons entry and removal of prohibited animals (see by-law 4);
 - (c) The removal and destruction of prohibited animals (see by-law 5);
 - (d) The penalty for abandoning or setting at large an animal (see by-law 7);
 - (e) Immunity/protection of authorised persons destroying animals (see by-law 6).

Note for By-law on animal management

Owners of animals also owe a duty of care under the *Animal Welfare Act 1999*.

- (10) Please make it an offence to keep a prohibited animal and provide powers for authorised persons to seize and destroy or otherwise dispose of a prohibited animal being kept in Jabiru.
- (11) Please also provide powers for the removal and disposal of animal remains (see by-law 50 of the *Wagait Shire Council (Dog Management) By-laws 2019*).

Dog management

- (12) Where a dog is kept in the Council area for three months or more, the owner must register the dog.
- (13) Identification devices for registered dogs including:
- (a) Dog tags that are freely provided by the Council.
 - (b) The Council may require a dog to be microchipped at the owners own expense.
- (14) If the Council requires a dog to be microchipped, the owner of the dog must ensure that the microchip meets the specifications determined by the Council, and the microchip is designed to store information in a way that can be retrieved electronically without physical contact.
- (15) If the identification tag is lost, misplaced or otherwise unavailable, the owner must obtain a replacement tag from the Council to be attached to a suitable collar. The Council will not charge for a replacement tag.
- (16) However, the Council will not provide collars for dogs. A dog owner must obtain a collar for each of his/her dog.
- (17) Conditions under which the Council may refuse to renew the registration of a dog as outlined in By-law 9 of the *Wagait Shire Council (Dog Management) By-laws 2019*.

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- (18) A registered dog owner commits an offence of strict liability if they contravene the condition/s of registration.
- (19) Notification must be provided to the Council within 14 days of the transfer of ownership of a dog, or the change of address of a registered owner of a dog.
- (20) The Council CEO shall keep a register containing details of:
- (a) Each dog registered by the Council, and the conditions attached to the registration,
 - (b) The address where the dog usually resides;
 - (c) The contact and address details of the owner of the dog; and
 - (d) Dangerous dogs and any conditions attached to the registration.
 - (e) All offence against this By-law for which a dog owner has been found guilty by a court, or has paid the infringement notice amount.
- (21) A dog owner should register each dog every 12 months.
- (22) A person commits an offence of strict liability if the person keeps an unregistered dog in Jabiru for a continuous period of 3 months or longer.
- (23) The following persons are exempt from committing an offence for keeping an unregistered dog in Jabiru for a continuous period of 3 months or longer:
- (a) A Council employee or contractor who keeps a dog in a pound;
 - (b) A person or entity that provides animal welfare services;
 - (c) A veterinarian who keeps a dog for treatment.

Maximum number of dogs per premises

- (24) This By-law applies if the Council, by resolution, establishes a limit or condition on the maximum number of dogs or a class of dogs that may be kept on premises in Jabiru.
- (25) The Council must publish the limit or condition.
- (26) A person must not, without authorisation, keep dogs on premises contrary to any limit or condition established by the Council on the maximum number of dogs or a class of dogs that may be kept on premises in Jabiru.
- (27) An occupier of premises commits an offence of strict liability if the occupier:
- (a) Keeps more dogs on the premises than the maximum determined under this By-law.
 - (b) Does not have authorisation allowing that number of dogs on the premises.

Dog restricted areas

- (28) If the Council intends to declare an area to be a dog restricted area, the Council must:

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- (a) Publish notice of the proposed area at least 28 days in advance; and
 - (b) Consider any responses to the notice from residents of Jabiru.
- (29) The Council must publish the location and restrictions on dogs in any dog restricted area it declares.
- (30) An assistance dog is exempt from this By-law.
- (31) A person commits an offence of strict liability if the person owns a dog and fails to comply with the conditions for the dog restricted area.
- (32) A person must not bring a dog into a restricted area unless:
- (a) The dog is an assistance dog; or
 - (b) The person holds an authorisation to do so; or
 - (c) The dog is allowed under an exemption determined by a Council resolution.

Dangerous dogs

- (33) An authorised person can declare a dog to be a dangerous dog if it attacks or menaces a person or animal (see definition of “attack” and “menace” above). An authorised person can also declare a dog to be a dangerous dog if they reasonably think that the dog is destructive, dangerous, savage or a threat to the safety of the community.
- (34) A person commits an offence of strict liability if the person owns a dog and fails to ensure that the dog does not menace a person or animal.
- (35) A person commits an offence of strict liability if the person owns a dog and fails to ensure that the dog does not attack a person or animal.
- (36) It is a defence to a prosecution for an offence against failing to ensure that a dog does not menace a person or animal, or failing to ensure that the dog does not attack a person or animal if the defendant establishes any of the following:
- (a) Another person had, without the defendant's permission, caused the dog to menace or attack the person or animal;
 - (b) If another animal was menaced or attacked – the other animal was on premises owned or occupied by the defendant without consent;
 - (c) If a person was menaced or attacked – the person was on premises owned or occupied by the defendant without consent.
- (37) If a court finds a person guilty of an offence against By-laws on dog menaces or dog attacks, the court may make one or both of the following orders in addition to, or instead of, the penalty for the offence:
- (a) If the dog is 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 that the dog be destroyed.
- (38) It is an offence for a person to entice or incite a dog to:
- (a) Menace a person or animal; or
 - (b) Engage in behaviour that leads to the dog causing a nuisance; or

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(c) Attack a person or animal.

For example, a person must not cause a neighbour's dog to start barking excessively in order to make a complaint about the neighbour's dog.

- (39) Written notice of the declaration of a dangerous dog must be given to the owner of the dog, and include the day it takes effect, the reason/s and the identity of the dog and its owner.
- (40) Within 14 days of a dangerous dog declaration, the owner must desex the dog, provide evidence that it has been desexed and undertake training (at the owner's own expense) with the dog, specified by the authorised person of the Council.
- (41) The owner of a dog, declared to be a dangerous dog, has to make sure that:
- (a) The containment of the dog is appropriate. For example, by installing higher and stronger fencing. The owner must make sure that there is a sign on the place where the dog is usually kept with the words "dangerous dog" clearly displayed on the premises.
 - (b) When the dog is outside where they are usually kept, the dog is muzzled, has a suitable leash and is under the control of a person who is age 18 or over and competent to restrain the dog.
 - (c) The dog does not enter a dog exercise area.
- (42) The owner of a dog, declared to be a dangerous dog, must notify the Council of an attack or alleged attack by the dog within 24 hours of becoming aware of the attack or alleged attack.
- (43) The owner of a dog, declared to be a dangerous dog, must notify the Council within 24 hours if the owner becomes aware that the dog is missing, and within 14 days of the death of the dog.
- (44) If the owner of a dog, declared to be a dangerous dog, intends to transfer ownership of the dog, they must inform the prospective owner that the dog has been declared a dangerous dog and, within 24 hours of the transfer, notify the Council of the name and address of the new owner.
- (45) It is an offence of strict liability if the owner of a dog, declared to be a dangerous dog, does not do what the By-laws require.
- (46) If the owner of a dangerous dog breaches the requirements more than once in a 12-month period, the authorised person of the Council can require the owner to undergo further specified behavioural or other training with the dog at the owner's expense or surrender the dog to the pound.
- (47) If the authorised person is going to make such a requirement, the owner must be given notice including the actions that the authorised person intends and the reasons for taking the actions.

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- (48) The owner must also be allowed to reply within 14 days to say why the action should not be required. The authorised person must then make a decision and give a decision notice to the owner of the dangerous dog.

Seizure and impounding of dogs

- (49) An authorised person may seize a dog if:
- (a) The dog appears to be diseased, injured, savage, destructive, stray or unregistered;
 - (b) The authorised person believes that the dog is an immediate and actual threat to public safety;
 - (c) The authorised person believes that the dog has been abandoned;
 - (d) The dog is a dangerous dog and the owner has not complied with any conditions imposed under the By-laws;
 - (e) The dog is at large; or
 - (f) The dog is a nuisance.
- (50) As soon as practicable after seizing a dog, the authorised person must impound the dog in a pound; or return the dog to its owner.
- (51) An authorised person must ensure that reasonable steps are taken to notify the owner of an impounded dog, and subject to these By-laws, the owner must collect it.
- (52) The owner of an impounded dog who receives notice to collect an impounded dog must collect the dog within the time specified in the notice.
- (53) The owner of a dog commits an offence if the owner receives a notice to collect an impounded dog, and fails to collect the dog within the time specified in the notice.
- (54) When collecting a dog from a pound, a person must provide evidence that the person is the owner of the dog or is authorised to act on behalf of the owner.
- (55) The Council may charge the owner a fee for the costs incurred by the Council in relation to the impounded dog, and delivering the dog from the pound.
- (56) Subject to these By-laws, an impounded dog must not be released from a pound unless:
- (a) It is registered in accordance with these By-laws; and
 - (b) It is released to its owner or to a person authorised to act on behalf of the owner; and
 - (c) The Council receives any fees payable in relation to it.
- (57) An authorised person must make arrangements for any impounded dog that is suspected of being infected with a contagious disease to be isolated from other animals in the pound.

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- (58) An authorised person must take reasonable steps to give the owner of an isolated dog a written notice stating the reasons for isolating it, and warning that it must either undergo a course of treatment specified in the notice or be destroyed.
- (59) An authorised person may, in the notice given about a dog that is suspected of being infected with a contagious disease, require the owner of the dog to give the Council a report prepared by a veterinarian or other person specified in the notice on its condition and the condition of any other animals usually kept at the same premises.
- (60) A dog that is suspected of being infected with a contagious disease may be released from the pound in accordance with these By-laws, subject to any conditions the authorised person considers appropriate.
- (61) The cost of treatment reasonably provided by the Council to a diseased dog, and to any other animal in the pound infected or at risk of being infected by the diseased dog before it could reasonably be isolated, is a debt payable by the owner of the diseased dog to the Council.
- (62) An owner of a dog commits an offence if the owner fails to provide the Council with a report prepared by a veterinarian or other person specified in the notice on its condition and the condition of any other animals usually kept at the same premises as requested, and fails to comply with a condition imposed under these By-laws.
- (63) Subject to this By-law, an authorised person may, after a dog is impounded for 72 hours transfer the dog to an entity that provides animal welfare services, or arrange for its destruction. For example, arrangements could be made with an entity that provides animal welfare services such as the Royal Society for the Prevention of Cruelty to Animals (RSPCA), and other organisations that provide care for unwanted and stray animals.
- (64) An authorised person may arrange for a dog to be destroyed if:
- (a) The dog is in the pound or is abandoned or is found on public land; and
 - (b) The dog is diseased, injured, savage, destructive, unclaimed, unregistered or unwanted; and
 - (c) It is humane to destroy the dog in the circumstances.
- (65) An authorised person must not destroy or dispose of an impounded dog because it is savage, destructive, unclaimed, unregistered or unwanted until after the later of the following:
- (a) If circumstances related to the destruction are being investigated – the end of that investigation;
 - (b) If the destruction is subject to legal proceedings – 14 days after the end of those legal proceedings.

For example, in an investigation in relation to an impounded dog, if a dog is alleged to have attacked a person, the dog would not be destroyed unless the investigation is complete.

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Dog causing nuisance

- (66) The owner of a dog must ensure that the animal is not a nuisance to people or other animals.
- (67) A dog is a nuisance if:
- (a) It is habitually at large (in a 12 month period, the dog has been impounded on more than 2 occasions or where 2 or more infringement notices have been issued);
 - (b) Repeatedly and persistently chases a vehicle or vehicles;
 - (c) Creates a noise, by barking or otherwise, that persistently occurs or continues to a degree or extent that has a disturbing effect on the state of reasonable mental, physical or social wellbeing of a person.
 - (d) Repeatedly defecates in a place causing annoyance to a person other than the owner of the dog (but does not include a situation where the owner immediately removes the faeces and disposes of it in a public garbage receptacle or on the owner's own property).

Destruction of dogs

- (68) An authorised person may arrange for the destruction of a dog if:
- (a) The dog is diseased, savage or destructive and in the opinion of the authorised person, the dog is an immediate and actual threat to public safety; or
 - (b) The dog is diseased or injured and in the opinion of the authorised person, it would be cruel to keep it alive.
- (69) A dog may only be destroyed under these By-laws in a manner approved by the Australian Veterinary Association, and by a veterinarian or another person who is, in the opinion of the CEO, qualified to destroy it.
- (70) As soon as practicable after destroying a dog, the authorised person must make a reasonable attempt to identify and contact the dog's owner and advise in writing of the destruction and the reason for it.

Abandoning an animal

- (71) A person commits an offence if the person intentionally abandons an animal in Jabiru.

Regulatory

- (72) Please provide the ability for infringement notices and payment in sum in lieu of penalty in the prescribed form to be issued by an authorised person in respect of any offence under these By-laws.
- (73) Please include provisions that make it an offence to obstruct authorised officers, contractors and subcontractors to the Council, and Council employees in the proper execution of their duties.

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Public swimming facilities

- (74) Please draft offence provision that are similar to by-law 8 of the following *Jabiru Town Development (Swimming Pool Complex) 1982 By-laws*.
- (75) Please also include the following conditions of use of Council's public swimming pool.
- (a) Conditions for using the public swimming facility must be clearly exhibited in a conspicuous place at the facility.
 - (b) A competent person who is 16 years of age or older at all times must supervise children under 10 years of age.
 - (c) Where an adult accompanies into the swimming pool or has custody of a child who has not attained the age of 10 years, the adult shall ensure that the child obeys this By-law.
- (76) A person must obey all reasonable directions of an authorised person with regard to the person's conduct in, or in relation to the public swimming facility. If a person breaks the rules at a public swimming facility, an authorised person may require that person to leave and they must leave immediately.
- (77) A person commits an offence of strict liability if the person fouls or pollutes:
- (a) The waters of a public lake where swimming is permitted; or
 - (b) The dressing room, toilet or shower provided for people swimming in a public lake where swimming is permitted.

Public facilities and places

- (78) Please include the following provision that are similar to *Jabiru Town Development (Roads and Public Places) By-laws 1983*.
- (a) Action by Authority where work is required to be done (see by-law 6).
 - (b) Non-compliance by owner or occupier (see by-law 7).
 - (c) Maintenance of objects (see by-law 8).
 - (d) Order of expenses (see by-law 9).
- (79) Please also include provisions on control of nuisance and damage on or to public places.
- (a) An owner or occupier of premises next to public land may apply for authorisation to construct a cross-over across and driveway to connect the premises to the public land, or for a cross-over for pedestrians or vehicles to travel between the premises and the public land. For example, a builder might want to build a driveway across the verge to connect with the street or a store may want a pedestrian crossing over a median in the road. The requirements in this part are in addition to any other legislative requirements that apply to construction in Jabiru such as development permits and planning standards.
 - (b) It is an offence of strict liability if a person constructs a cross-over across the footpath and verge to connect the premises to public land, or for a cross-over for pedestrians or vehicles to travel between the premises and the public land without authorisation.

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- (c) If a person engages in work that deposits any material or structure on a road or opens or breaks up the surface of a road, they must prevent harm or inconvenience to the public by installing appropriate fencing and enclosures around the work and materials, and by operating safety lights around the work and materials between sunset and sunrise or when visibility is reduced.
- (d) The CEO of the Council may give the person directions regarding compliance with the safety measures required by this By-law, and the person who engages in the work must pay the cost of the safety measures. Failure to provide safety measures as required by the By-law is an offence of strict liability.
- (e) It is an offence if a person excavates land next to public land without authorisation.
- (f) If land adjoins a road, footpath or other public land, and the land is not enclosed in a manner that prevents soil, sand or other material from being carried on to the road, footpath or other public land, the CEO may, by written notice, require the owner or occupier of land to enclose it. The owner or occupier of the land commits an offence of strict liability if they fail to comply with the notice to enclose the land. Enclosing the land is at the cost of the owner or occupier of the land.
- (g) It is an offence if a person damages a footpath, road or other public land without authorisation. Examples of damage include removing a road kerb, digging up a road, or spilling wet concrete, motor oil or hydraulic fluid on a road.
- (h) It is an offence if a person erects or installs on public land a post, rail, fence, pole, tent, booth, furniture, stand, display, exhibition, decoration or structure, whether permanent or temporary without authorisation.
- (i) It is an offence if a person removes or displaces a barrier, railing, post, seat or other structure on public land without authorisation.
- (j) It is an offence of strict liability if a person constructs or erects a structure or other thing on a footpath, road or other public land without authorisation.
- (k) A person commits an offence of strict liability if they discharge a substance into the air over public land that may cause harm or annoyance to another person without authorisation. For example, moisture from an air conditioner, kitchen fumes, smoke, vapour, dust or other waste products.
- (l) A person commits an offence of strict liability if they obstruct or hinder another person from using a public facility. For example, a public shelter, play or exercise structure, public toilet, drinking fountain, water supply, barbecue or fireplace on public land.
- (m) A person commits an offence of strict liability if they remove or damage vegetation on Council property or public land without authorisation. For examples, driving a vehicle on park land, cutting a tree, digging up a flowerbed on Council property, and plucking, cutting or taking vegetation from a public flowerbed.
- (n) A person commits an offence of strict liability if the person, without authorisation, abandons goods, or places goods that are an obstruction or are for sale in, on or over public land, or outside premises adjoining public land.

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- (80) The owner or occupier of land adjoining a footpath, verge or road must trim or maintain vegetation on the land to prevent the vegetation from obstructing or damaging the footpath, verge or road, or becoming a hazard to persons or property. Examples of trimming and maintaining vegetation include trimming a tree or shrub that blocks a footpath, or mowing grass to prevent infestation by snakes or vermin.
- (81) The owner or occupier of land adjoining a footpath, verge or road commits an offence of strict liability if they fail to act in accordance with a written notice from an authorised person to trim or maintain vegetation that it is obstructing or damaging the footpath, verge or road.
- (82) A person may apply to the Council for authorisation, and may be charged a fee, to engage in the following activities on public land:
- (a) Busking, performing or offering entertainment to the public;
 - (b) Painting or drawing portraits for a fee or donation;
 - (c) Taking photographs, making a film or recording audio or video for commercial or corporate purposes;
 - (d) Fundraising;
 - (e) Preaching or proselytising for religious, political or ideological purposes.

Handbills

- (83) Handbills must not be affixed to a power pole, signpost or fixture in a street, or to or against a structure on land next to public land, or to a vehicle on public land unless it has been authorised by the Council.
- (84) If someone receives authorisation from Council to put a handbill somewhere, they must make sure that the handbill is in a clean and tidy condition, and remove the handbill after the information it contains expires or is no longer relevant, and dispose of any consequent waste. For example, a person must take down a concert handbill after the concert is over.
- (85) An authorised person may, through a written notice, require a person to remove or remediate a handbill that is dirty, untidy, worn, torn or detached. This requirement can be given to the person who was authorised to put up the handbill, the owner or occupier of the land where the handbill is posted, or the person who sponsored or is responsible for the handbill.
- (86) A person commits an offence of strict liability if they fail to comply with a notice about a handbill.

Camping or setting up camp on public land

- (87) A person must not camp or set up camp on public land, without authorisation or the consent of the owner or occupier of the public land. Camping or setting up camp includes:
- (a) Occupying, between sunset and sunrise, a vehicle used for sleeping;
 - (b) Erecting a tent or other shelter used for camping;
 - (c) Setting up bedding, camping gear or other equipment used for camping.

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- (88) A person commits an offence of strict liability if the person camps or sets up camp on public land without the authorisation or the consent of the owner or occupier of the public land.
- (89) A person commits an offence of strict liability if they fail to comply with a notice from an authorised person to leave the public land, or to remove any vehicle, tent, shelter, gear or equipment to a place specified by the authorised person.

Waste Management

- (90) Please draft provisions that are similar to the *Jabiru Town Development (Refuse) By-laws 1985* including:
- (a) Refuse collection and services (see by-law 3).
 - (b) Removal of rubbish and discarded material (see by-law 5).
 - (c) Storage of machines or disused motor vehicles (see by-law 8).
 - (d) Management of dump (see Part V).
- (91) Please include provisions indicating that Council will charge for the deposit of refuse and waste material from commercial premises.
- (92) If premises do not receive from the Council a regular service to collect waste, the occupier of the premises must ensure that waste and materials for recycling from the premises are collected regularly in another approved manner.
- (93) Please ensure that a person who litters or leaves, throws, deposits or abandons commercial waste other than in the Council waste management facility or fails to comply with a direction by an authorised person commits an offence of strict liability.

Remediation of littering

- (94) Please provide the ability for an authorised person to order or direct a person to remove litter or commercial waste.
- (95) The authorised person must allow a reasonable time period depending on the nature of the litter or commercial waste and the arrangements needed for removal. In the event that the litter or commercial waste warrants immediate removal for public safety reasons, the authorised person may order that it be removed immediately.
- (96) If an authorised person removes or arranges for the removal of litter or commercial waste after a person fails to remove litter or waste as per the contents of a written order, then the person who littered is liable for the reasonable costs of removal and disposal of the litter or waste. The reasonable costs are recoverable as debt due to the Council.

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Damaging or interfering with approved bins

- (97) A person who damages an approved bin provided by the Council is liable to the Council for the costs of replacing the bin.
- (98) A person commits an offence of strict liability if the person removes or interferes with an approved bin provided by the Council, or causes an approved bin provided by the Council to become a danger to public health or to interfere with or to affect the comfort of persons occupying or passing through or along neighbouring premises.

Offences relating to waste or recycling material

- (99) A person must not deposit waste or recycling materials in a place unless:
- (a) The person is acting under the authority of the Council; or
 - (b) The place is an approved bin provided by the Council; or
 - (c) The place is provided by an alternative service referred to in this By-law; or
 - (d) The place is a place or facility for the management and disposal of waste or recycling referred to in this By-law.
- (100) A person commits an offence of strict liability if they:
- (a) Deposit, in an approved bin provided by the Council any substance or thing prohibited under the conditions and other particulars of the service determined by the Council.
 - (b) Deposit or allow to remain on land a substance or thing that is likely to attract vermin, unless it is enclosed in a bin or container that is vermin-proof.

Offence of discharging liquid waste

- (101) A person commits an offence of strict liability if they deposits or causes waste water, liquid waste or hazardous liquid to be deposited onto public land or into a drain on public land without authorisation from the Council.
- (102) It is a defence to a prosecution if waste water, liquid waste or hazardous liquid is deposited onto public land or into a drain on public land without authorisation from the Council if the defendant took all reasonable steps and exercised due diligence to avoid committing the offence.

Fires

- (103) A person may light a fire or keep a fire burning if:
- (a) The person has authorisation to light the fire; or
 - (b) The fire is safely contained and supervised in a barbecue, fireplace or fire pit constructed of fireproof materials; or
 - (c) The person is operating a crematorium or incinerator licensed under a law of the territory or approved by the council.

Note for Fires By-law

The *Bushfires Management Act 2016* also provides for the control of fires.

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- (104) A person commits an offence of strict liability if:
- (a) The person intentionally burns or heats any substance or thing; and
 - (b) That conduct results in an odour that is offensive to another person on adjacent land or public land; and
 - (c) The person is reckless in relation to that result.

Stallholders and markets

- (105) Please draft provisions that are similar to the Jabiru Town Stallholders By-law 1983.
- (a) Stallholders to obtain permits (see by-law 3).
 - (b) Application for permits (see by-law 4).
 - (c) Grant or refusal to grant permit (see by-law 5).
 - (d) Issue of permit (see by-law 6).
 - (e) Revocation of permit (see by-law 7).
 - (f) Rules of conduct (see by-law 9).
 - (g) Conduct of stall for charity (see by-law 11).
 - (h) Offences (see by-law 12).
- (106) Nothing in these By-laws prevents the Council from establishing and managing its own markets and issuing stallholder permits for that purpose.
- (107) A body corporate may apply to the CEO for a market licence if:
- (a) It is in good standing; and
 - (b) Is incorporated under a law of the northern territory or operates from premises in the northern territory; and
 - (c) Is established for the purpose of managing a market.
- (108) A person must not, without a market licence, establish or manage a market in Jabiru.
- (109) A market must be operated only during the days and times determined by the CEO.
- (110) The holder of a market licence may issue stallholder permits for stallholders to conduct business within the market.
- (111) A person commits an offence if the person establishes or manages a market in Jabiru without a licence.
- (112) A person commits an offence of strict liability if the person holds a market licence and fails to comply with the specified days and times for the market.

Unsafe behaviour

- (113) A person commits an offence of strict liability if:
- (a) The person breaks glass or other material; and
 - (b) The pieces of the glass or other material are on public land; and

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(c) The pieces of the glass or other material are likely to cause injury to a person or animal.

(114) It is a defence if the defendant proves on the balance of probabilities that the breakage of glass or other material was accidental, and the broken pieces were collected and disposed of safely and without delay.

(115) A person commits an offence of strict liability if the person intentionally throws, or uses a device to throw, a stone or other object on or from public land; and

(a) The conduct results in:

- i. Damage to property; or
- ii. Hitting or frightening a person or animal; and

(b) The person is reckless in relation to that result.

Unsanitary behaviour

(116) A person commits an offence of strict liability if the person spits, urinates or defecates on public land, other than in a toilet.

Outdoor advertising

(117) The Council may establish, by resolution, an outdoor advertising code to prohibit and regulate outdoor advertising on public land, or on premises adjoining, or visible from public land. The outdoor advertising code may ensure that the person installing or exhibiting outdoor advertising:

- (a) Complies with provisions in the outdoor advertising code; and
- (b) Does not detract from the quality and architectural character of the premises on which the advertising is installed or exhibited; and
- (c) Has no negative effect on the environmental character and amenity of the surrounding area; and
- (d) Poses no risk to the health and safety of the public.

(118) A person commits an offence of strict liability if the person removes, changes, defaces or otherwise interferes with any outdoor advertising installed or exhibited by the Council.

Schedule

Infringement notice offences and prescribed amounts

Offence	Penalty units
Dog is not registered	2
Keeping more dogs in an allotment classified as a residential property or a commercial property without written authorisation from Council	1
Dog at large	2
Dog causing a nuisance	2

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Dog attacking a person or animal	9
Dog menacing a person or animal	4
Offences related to a dog's identification device	1
Failing to collect a dog from the pound after receiving notice to do so	2
Offence for contravention of condition of registration of a dog	1
Failing to notify the Council about the change of address of a dog	1
Failing to properly contain or effectively control a dog	2
Failing to comply with the conditions of a dog restricted area	2
Failing to comply with the conditions of a dangerous dog	9
Failing to comply with the conditions of releasing a diseased dog from a pound	3
Littering/ dumping in general (leaving, throwing, depositing or abandoning litter onto a public place (or vacant land) other than into a rubbish bin)	1
Littering that may cause injury or endanger health	2
Leaving, throwing, depositing or abandoning commercial waste other than at a Council waste management facility	4
Littering in general with regards to waste management facility	1
Depositing commercial waste at a Council waste management facility other than on the days and during the hours specified by Council	4
Entering a Council waste management facility other than in accordance with the facility rules approved by the Council	1
Non-compliance with any direction given at a Council waste management facility relating to the place and manner in which commercial waste is to be deposited	4
Not allowing an authorised person at a Council waste management facility to inspect a load of waste before depositing the load	1
Damaging or interfering with approved bins	1
Offence of discharging liquid waste	4
Burning offensive substance or thing	4
Breaking glass or other material	1
Unsanitary behaviour	1
Throwing stone or object	1
Prohibited excavations on adjoining land	2
Damage to footpath, road or public land	2
Interfering with structures on public land without authorization	2
Goods that are an obstruction, or abandoned on public land, or are placed for sale on public land without authorization	1
Camping or setting up camp on public land without authorization	1

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Obstructing or hindering the use of public facilities	2
Prohibitions relating to vegetation	2
Offences against fouling or polluting a public lake or facility at a public lake	1

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WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	8.3
Title:	Funeral and Cemetery Policy Review
Author:	Sara Fitzgerald, Waste and Resource Coordinator

SUMMARY

This report is to seek Councils approval to to publish the new Funeral and Cemetery Policy

RECOMMENDATION

THAT COUNCIL:

1. Receive and note the report entitled *Funeral and Cemetery Policy Review*; and
2. Approve the Funeral and Cemetery Policy for publication.

BACKGROUND

With the introduction of the Burials and Cremations Act 2022 and West Arnhem Regional Council declaring cemeteries in both Minjilang and Maningrida, it has become imperative that West Arnhem Regional Council establish a Funeral and Cemetery Policy. This policy has been devised to reflect West Arnhem Regional Councils responsibilities under the new act as well as our commitment to local Indigenous culture and Sorry Business traditions.

The West Arnhem Regional Council Funeral and Cemetery Policy has been devised to provide a framework for WARC staff to assist the community with Sorry Business and serve as an operational guide for our community cemeteries.

COMMENT

The attached draft policy is for review of council prior to publishing and will be enacted based on the feedback of the Council

LEGISLATION AND POLICY

Insert text here

FINANCIAL IMPLICATIONS

Insert text here

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.2 Records

Delivery of storage and retrieval of records processes which support efficient and transparent administration.

Goal 6.4 Risk Management

The monitoring and minimisation of risks associated with the operations of Council.

ATTACHMENTS

1. Funeral and Cemetery Policy (1) [8.3.1 - 17 pages]



Policy Name	Funeral and Cemetery
Publication Date:	30/09/2024
Classification	Council Governance
Ordinary Council Meeting Resolution:	[Council Resolution]
Categorisation	Governance
Review Frequency:	Every 3 years
Review Date:	30/09/2027
Policy Custodian:	Chief Executive Officer
Responsible Officer:	Council Services Manager
Version (Revision Number):	[Version Number]

1. PURPOSE

This policy is to define the level of support provided to residents of the West Arnhem Regional Council (WARC) communities undertaking funeral activities and define management, service and record keeping activities of the Council controlled community cemeteries and other burial activities.

1.1 Policy Objectives

- (1) To define hours of operational support (funeralservices)
- (2) To define services available
- (3) Apply limitations to gratis services offered by the Council
- (4) Apply applicable fees to non-gratis funeral services
- (5) Ensure compliance with records management per relevant legislation

The West Arnhem Regional Council is responsible for the efficient delivery of local government services and a range of agency funded services to five (5) communities in West Arnhem Land. Under the Northern Territory Burial and Cremation Act 2022 (ACT) Council has set statutory obligations.

WARC receives financial assistance to maintain and provide administration of cemeteries as part of the Council's core services defined in the Northern Territory Local Government Act 2019. This financial assistance covers cemetery maintenance and management.

Council is recognised as the responsible entity for cemeteries within communities administered by Council under the Northern Territory Local Government Act and Northern Territory Burial and Cremation Act 2022. The manager of the cemetery is the Chief Executive Officer or an individual within a position with delegation to act as the Manager.





2. SCOPE

THIS POLICY IS APPLIED:

- (1) to enable and accommodate different methods and practices for the burial, exhumation and disposal of human remains, including respecting the rights of Aboriginal people to practice customs and traditions in relation to burials, exhumations and disposals; and
- (2) to ensure records of burials, exhumations and disposals of human remains are kept and maintained for the benefit of next of kin and future generations; and
- (3) to regulate record keeping for the protection and maintenance of burial sites; and
- (4) to recognise different burial areas for the burial of human remains; and
- (5) to regulate cemeteries for the burial of human remains; and
- (6) to regulate the management of cemeteries in a way that considers economic, social, cultural and environmental wellbeing and regional interests; and
- (7) to regulate facilities for the disposal of human remains.

2.1 Recognition of rights and interests of Aboriginal people

- (1) The rights and interests of Aboriginal traditional owners and Aboriginal people specified in subsections ((2), (3) and (4) – Burial and Cremation Act 2022) are to be recognised and the regulation of burials, exhumations, disposals and related activities under this Act must be in harmony with those rights and interests.
- (2) The Act and this Policy is not intended to limit traditional rights to use Aboriginal land otherwise than in accordance with the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).
- (3) The Act and this Policy is not intended to limit native title rights and interests otherwise than in accordance with the *Native Title Act 1993* (Cth).
- (4) The Act and this Policy must be interpreted in a way that does not prejudice traditional rights and interests to use Aboriginal land and native title rights and interests to the extent those rights and interests are recognised and protected by law.

3. DEFINITIONS

Aboriginal community living area means an area granted as an Aboriginal community living area under Part 8 of the *Pastoral Land Act 1992*, or the corresponding previous legislative provisions.

Aboriginal community living area association, see section 7 of the *Local Government Act 2019*.





Aboriginal land, see section 3 of the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

burial for the purposes of this policy means the following:

- (a) natural burial in the ground without a shroud or funerary box;
- (b) burial in the ground in a shroud;
- (c) burial in the ground in a funerary box;

burial area means the following areas of land:

- (a) a cemetery;
- (b) a burial ground.

burial fee, for a burial, means a fee charged for the following:

- (a) digging the grave;
- (b) any other fee for a service required to undertake the burial.

burial ground means an area of land declared to be a burial ground by the Minister.

cemetery means an area of land declared to be a cemetery by the Minister.

cemetery plan means a plan required for a cemetery.

CEO means the Chief Executive Officer of the Agency.

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

Manager means the Chief Executive Officer of the Council or their delegate responsible for the management and administration of the Council controlled cemetery.

closed cemetery, see section 106 of the Act.

community cemetery means a class of cemetery declared under section 16(2)(b) of the Act.

council, see section 7 of the *Local Government Act 2019*.

cremation means the process of using fire and heat in a purpose-built furnace to reduce human remains to ashes.

culturally sensitive information, in relation to a deceased person, means information identified as culturally sensitive in:

- (a) a burial application / approval form;
- (b) a burial notification;
- (c) an application for exhumation and relocation of human remains under section 87(1) of





the Act;

- (d) an exhumation notification;
- (e) a disposal approval form.

decision maker, see section 9 of the Act.

decision notice, for a decision, means a written notice setting out the matters required for a notice of decision under section 34 of the *Northern Territory Civil and Administrative Tribunal Act 2014*.

declared infectious disease means a disease declared by the Chief Health Officer under section 192(1) of the Act.

disposal, in relation to human remains, means disposal by:

- (a) cremation; or
- (b) any other process prescribed by regulation.

enforcement order:

- (a) for a cemetery – means an order issued under section 164 of the Act.

exclusive right of burial means a right mentioned in section 50(1) of the Act.

exhumation approval, see section 87(5) of the Act.

funeral director means a person who carries on the business of arranging for the burial of human remains or the disposal of human remains.

funerary box includes a coffin, casket or other container used to keep human remains for burial.

human remains means the body, or part of a body, of a deceased person, but does not include a body, or part of a body, that is cremated or undergoes any other process of disposal prescribed by regulation.

independent cemetery means a class of cemetery declared under section 16(2)(d) of the Act.

inspector means an inspector appointed under section 149 of the Act.

interest holder, see section 8 of the Act.

Land Council means an Aboriginal Land Council established under the *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth).

local cemetery means a class of cemetery declared under section 16(2)(c) of the Act.





manager:

- (a) of a cemetery – see section 23(1) of the Act; or Chief Executive Officer of the Council or their delegate.

memorial means a gravestone, headstone, tombstone, plaque, tablet, cenotaph or any other permanent physical object used to memorialise a deceased person.

multiple burials means the burial of human remains in a burial site where other human remains are already buried.

native title, see section 223 of the *Native Title Act 1993* (Cth).

native title holder, see section 224 of the *Native Title Act 1993* (Cth).

native title rights and interests, see section 223 of the *Native Title Act 1993* (Cth).

next of kin, see section 10 of the Act.

officer means a person specified in section 145(1) of the Act.

permanent record:

- (a) for a cemetery – means the records specified in section 182(1) of the Act

personal representative, in relation to a grantee, means the person specified by the grantee under section 54(1)(b) of the Act.

premises includes:

- (a) land; and
 (b) a permanent or temporary building or construction on land.

provider means a person who, or body that, provides, or holds out to provide, a health service or community service.

public cemetery means a class of cemetery declared under section 16(2)(a) of the Act.

Public Trustee, see section 5 of the *Public Trustee Act 1979*.

representative for a burial ground, see section 36(1) of the Act.

responsible entity:

- (a) for a cemetery – see section **Error! Reference source not found.**(1) of the Act.

senior next of kin, see section 11(1) of the Act.

structure means a building, or a portion of a building used to inter human remains.





suspended cemetery, see section 168(1) of the Act.

suspension notice means a notice issued under section 175(1) of the Act.

undeclared area means an area of land that is not within a burial area.

WARC means West Arnhem Regional Council.

4. SCOPE

4.1 RESPONSIBLE ENTITY FOR CEMETERY

- (1) The responsible entity for a cemetery is as follows:
 - (a) for a public cemetery or a community cemetery located in a council area – the Council;
 - (b) for a public cemetery or a community cemetery located outside a council area – the entity specified in the notice under section 16(1) of the Act;
 - (c) for a local cemetery – the Aboriginal corporation, Aboriginal community living area association or other entity specified in the notice under section 16(1) of the Act;
 - (d) for an independent cemetery – the entity specified in the notice under section 16(1) of the Act.
- (2) The responsible entity for a cemetery must manage and control the cemetery
- (3) The responsible entity has the following functions:
 - (a) to establish a cemetery plan for the cemetery;
 - (b) to establish policies for the cemetery;
 - (c) to ensure that there is access to equipment to undertake burials and exhumations in the cemetery;
 - (d) to care for and maintain the cemetery;
 - (e) to fund the maintenance of the cemetery;
 - (f) to ensure that the cemetery is accessible to the public in accordance with the Act or another Act;
 - (g) to ensure that the burial register is accessible to the public in accordance with the Act or another Act;
 - (h) any other functions conferred on the responsible entity under the Act or another Act.





(4) In exercising a power or function under the Act, the responsible entity must have regard to the following:

- (a) if the cemetery serves a particular cultural or religious community – the values of that community;
- (b) the heritage value of the cemetery, including the heritage significance of a heritage place or heritage object under the *Heritage Act 2011*;
- (c) the most efficient way of maintaining the cemetery.

4.2 MANAGER OF CEMETERY

- (1) The manager of a Council controlled cemetery is the Chief Executive Officer of the Council or their delegate.
- (2) The Council is required to notify the Agency of the following information regarding the manager of the cemetery:
 - (a) the full name of the manager;
 - (b) the contact details of the manager.
- (3) A notification under subsection (2) must be in writing and occur as soon as reasonably practicable after the person becomes the manager of the cemetery.

4.3 CEMETERY PLANS

- (1) Cemetery plans are available from the West Arnhem Regional Council community offices and the West Arnhem Regional Council website;
- (2) A cemetery plan includes the following information:
 - (a) the layout of the cemetery that identifies any portion of the cemetery for specific use;
 - (b) the types of burials available in the cemetery;
 - (c) the location of each burial site;
 - (d) that multiple burials are not permitted in the cemetery;
 - (e) that exclusive rights of burial are not available in the cemetery;
 - (f) the date the cemetery plan was last reviewed;
 - (g) any other matter prescribed by regulation.
- (3) A burial approval may still be given to bury human remains in the cemetery before the cemetery plan is established or if it is past its review date.



Approved by Chief Executive Officer

Date:

Page 7 of 17



- (4) The Council must review the cemetery plan at West every 4 years.

5.1 CEMETERY ACCESS

- (1) Visiting Hours
Cemeteries throughout West Arnhem Regional Council Communities are unsecured. In the interest of public safety, public opening hours of cemeteries are limited to day light hours only between dawn and dusk.

- (2) Burial Access
Access to burial services is by application to the WARC and must be accompanied by the Burial Application Form.

The Burial Application Form is available via the WARC website or in person at the Council office.

Allocation of a burial plot and approval to bury will only be granted once a completed Burial Application Form has been submitted to the West Arnhem Regional Council.

5.2 CONTRACTOR ACCESS

Contractors undertaking works or grave site preparations must gain approval from WARC prior to undertaking any works. A community or Council representative will be appointed to consult with the contractor on protocol and the area of planned work. The representative will assist the contractor in identification of poorly marked or barely distinguishable burial sites prior to undertaking any works within the cemetery.

5.3 FUNERAL SERVICES

- (1) Cemetery Services
West Arnhem Regional Council services for cemetery maintenance and burials are as follows;
- (a) Grave site preparation
 - (b) Cemetery Maintenance
 - (c) Ceremonial sand delivery
- (2) Gratis Services
Gratis Service is applicable by location and has a limitation calculated by the value of the service under the following guidelines
- (a) WARC provided services up to the value of \$1000
 - (b) Once per deceased individual
 - (c) Limited to the community and WARC administered cemetery where the burial will take place
 - (d) For gratis funeral services provided please refer to 4.3 (3)

The gratis measure of \$1000.00 is an in-kind amount, thus cannot be;

- (a) Used to purchase items
- (b) Paid to an external or third party for service or material
- (c) Held in credit for subsequent funerals of other relatives





(d) Applied to funeral services requested outside of ordinary business hours
The gratis service amount will be drawn on by application of the fees as per WARC's schedule of rates for the current financial year.

Payment will be required for any service that exceeds the gratis amount as set in this policy.

- (3) Available Gratis funeral services
Services listed below are subject to equipment availability and serviceability. Council will not be liable for costs of contracted services due to plant, equipment or human resources being unfit for service or unavailable at the time of the request.

- (a) Grave digging
- (b) Ceremonial sand delivery
- (c) General labour assisting in grave preparation activities

Other services may be available at each location, these are by negotiation with the local WARC office. Other services do not form part of the gratis services availability.

- (4) Transportation of material
Sand requested to be relocated as part of funeral ceremonies must be accompanied by written permission/approval from the relevant Land Council where the sand is to be extracted from.

5.4 HOURS OF AVAILABILITY

Funeral services as defined in this policy are provided during Council operational hours only and through fee for service arrangements subject to availability and serviceability.

Funeral Services hours of availability:

- (a) 8:00am to 4:00pm weekdays

Fee for service is available:

- (a) Saturday between the hours of 8:00am and 6:30pm
- (b) Weekdays between the hours of 4:00pm and 6:30pm

No service is available:

On Sunday, gazette published public holidays or days observed by Council as non-working days (local cultural shutdown)

5.5 NOTIFICATION

- (1) WARC's administration require a minimum of two working days' notice for any requested services.
- (2) Request must be accompanied by a completed Burial Application Form submitted to the WARC office.

5.6 APPLICATION FOR BURIAL APPROVAL

- (1) The manager of a cemetery may approve the burial of human remains in the cemetery once a completed Burial Application Form has been submitted.





- (2) A person may apply to the manager for a burial approval by submitting the following information on a Burial Application Form:
 - (a) the following details regarding the applicant:
 - i. full name, address and contact details;
 - ii. relationship to the deceased person;
 - (b) one of the following documents in relation to the deceased person:
 - i. a notice under section 34(1) of the *Births, Deaths and Marriages Registration Act 1996*;
 - ii. a certificate under section 12(3) of the *Births, Deaths and Marriages Registration Act 1996*;
 - iii. a certificate issued by the coroner or the coroner's clerk under section 17(1) of the *Coroners Act 1993*;
 - iv. a certificate issued by the Registrar under section 44(1)(a) of the *Births, Deaths and Marriages Registration Act 1996* certifying the registration of the death of the deceased person;
 - (c) confirmation of the notification of, or confirmation of reasonable attempts to notify, the decision maker for the deceased person;
 - (d) any objection, known to the applicant, from the decision maker for the deceased person to the burial of the deceased person.
 - (e) the time and date the service is requested for
 - (f) preferred location inside the Cemetery or approved burial ground
 - (g) authorisation for the records to be kept by the West Arnhem Regional Council
- (3) The manager of a cemetery may not apply for a burial approval under subsection (2) to bury human remains in that cemetery.
- (4) The manager of a cemetery may request a copy of the document required under subsection (2)(b)(i) or (ii) from a provider if the document is not submitted under subsection (2).
- (5) If the manager of a cemetery requests a copy of a document under subsection (4), the provider must provide a copy of the document to the manager unless the provider does not have access to the document.
- (6) The burial approval may be given subject to any conditions that the manager of the cemetery considers appropriate.
- (7) Despite subsection (6), the manager of a cemetery must not impose a condition on a burial





approval that is intended to limit the exercise of rights and interests mentioned in section 5 of the Act unless the condition is imposed for environmental protection, public health purposes or public safety purposes.

- (8) If the manager of a cemetery knows there is an objection from the decision maker for the deceased person under subsection (2)(d) of this policy or section 45(1) of the Act, the manager of the cemetery must not approve the burial of the human remains of the deceased person unless the decision maker withdraws, in writing, the decision maker's objection.
- (9) A manager of a cemetery may refuse to approve a burial unless:
 - (a) the proposed burial relates to the exercise of rights and interests mentioned in section 5 of the Act; and
 - (b) the proposed burial does not contravene the Act or another Act.
- (10) If a manager of a cemetery refuses to approve a burial, the manager must give the applicant a decision notice.
- (11) Please see West Arnhem Regional Council Burial Application and Funeral Services Flow Chart Process for further instruction on process.

5.7 APPLICATION FOR AUTHORISATION TO ERECT MEMORIAL/HEADSTONE

- (1) Before erecting a memorial in a public cemetery, a person must, in writing, apply to the manager of the cemetery for authorisation to erect a memorial in the cemetery using the Memorial application form.
- (2) The manager may authorise the erection of the memorial in accordance with any policy determined by the responsible entity.
- (3) The manager may authorise the erection of the memorial subject to any conditions the manager considers appropriate.
- (4) The applicant must comply with any conditions imposed under subsection (3)
- (5) A structure for interment is not an approved memorial in a Council Controlled cemetery

5.8 APPLICATION FOR EXHUMATION

Application for exhumation and relocation of human remains

- (1) A person may apply to the CEO of the Department of Chief Minister and Cabinet for approval to exhume human remains of a deceased person in a cemetery and relocate the human remains to another place in or outside the Territory.
- (2) The application must include the following information:
 - (a) the person's full name, address and contact details;
 - (b) the person's relationship to the deceased person;





- (c) the deceased person's full name;
- (d) the full name and contact details of the decision maker for the deceased person;
- (e) the name of the cemetery;
- (f) the date the deceased person was buried; Part 4 Exhumations Division 1
Exhumation inside cemetery Burial and Cremation Act 2022 53
- (g) the proposed date of exhumation;
- (h) the place where the human remains are proposed to be buried, disposed of, or otherwise relocated;
- (i) confirmation of consent from:
 - (i) the decision maker for the deceased person; and
 - (ii) if the human remains are buried in a burial site with other human remains – each decision maker for each deceased person buried in that site; and
 - (iii) if the human remains are buried at a specific burial site in accordance with an exclusive right of burial – the person mentioned in section 55(1).

- (3) The cemetery manager may authorise the exhumation on receiving evidence of approval for exhumation.
- (4) Exhumation services as defined in this policy are provided during Council operational hours only and through fee for service arrangements subject to availability and serviceability.

5.9 EXHUMATION WITHOUT APPROVAL

- (1) As per the Act a person commits an offence if:
 - (a) the person intentionally exhumes human remains; and
 - (b) an exhumation approval is required; and
 - (c) no approval was given for the exhumation of human remains.

5.10 APPLICABLE FEES

- (1) Fees are applicable for all funeral services when;
 - (a) The service requested exceeds the gratis limitation.
 - (b) The service is requested outside of hours of availability.
 - (c) The burial is taking place in an approved burial location not under the





management of the Council.

- (2) Fees charged will be a rate reflected by the WARC Schedule of Rates and subject to the following conditions;
- (a) A purchase order has been provided by a recognised debtor of WARC, or;
 - (b) Pre-payment has been made by electronic funds transfer where available at the local Council office.

5.11 WAIVER FEES

- (1) Council may provide a reduced fee or waive a fee completely. Approval to waiver fees can only be approved by the Manager of the Cemetery and can only be considered for services inside the Council controlled cemetery.
- (2) Circumstances in which a fee can be waived is at the discretion of the approving officer.
- (3) Application to have a fee waived must be in writing to an officer with delegation to waive the fee.

5.12 REFUSAL OF SERVICE

- (1) WARC will not render any service, paid or gratis under the following conditions;
- (a) A completed Burial Application Form has not been submitted to WARC.
 - (b) Identity of the deceased has not been formally established or is in question.
 - (c) Burial is not within an approved burial location or WARC controlled cemetery.
 - (d) Correct/required information has not been provided for burial records.

5.13 DEPTH OF BURIAL

- (1) Human remains that are buried in the ground must be:
- (a) Completely covered by soil that is at least 1000 mm deep at its shallowest point; or
 - (b) Completely covered by:
 - (i) a layer of stone, concrete or similar material impervious to water, which is at least 50 mm thick and placed directly over the remains; and
 - (ii) soil that is at least 500 mm deep at its shallowest point.
 - (c) No grave is to be prepared deeper than 1500 mm at its deepest point.





5.14 BURIAL WITHOUT APPROVAL

- (1) All funeral and burial services require a completed and approved burial application form prior to commencement of any type of service.
- (2) A person commits an offence under the Act if:
 - (a) the person intentionally buries human remains; and
 - (b) the human remains are buried in a cemetery; and
 - (c) a burial approval was not given for the burial of those human remains.

5.15 BURIAL OUTSIDE CEMETERY

- (1) A person may bury human remains of a deceased person in a location outside a cemetery after receiving approval from the Agency.
- (2) A burial outside a cemetery includes the burial of the human remains of a deceased person in:
 - (a) a burial ground;
 - (b) an undeclared area;
 - (c) a suspended cemetery.
- (3) West Arnhem Regional will only render service on receipt of approval from the Agency and as a fee for service activity dependent on availability and serviceability.

5.16 SERVICES NOT PROVIDED

The following burial and funeral services are not provided by the West Arnhem Regional Council and are not available within West Arnhem Regional Council controlled cemeteries:

- (a) Multiple Burials in the same plot
- (b) Cremation
- (c) Disposal of human remains
- (d) Exclusive rights of burial
- (e) Construction or erection of structures for interment

5.17 CEMETERY RECORDS MANAGEMENT

- (1) The Council Operations Manager is responsible for the maintenance of the West Arnhem Regional Council Burial register.





- (2) Information for the deceased must be recorded in the WARC Burial Register and Burial application form prior to and after burial has been completed.
- (3) Public access to information is available through the Council website or Council office by following Access to Burial Register Application.

5.18 ACCESS TO INFORMATION IN REGISTER OF BURIALS

- (1) The manager of a cemetery must, on request from the following persons, provide the person with a copy or summary of information in the register of burials for the entry of a deceased person through a completed and Access to Burial Application:
 - (a) the executor or administrator of the estate of the deceased person;
 - (b) any next of kin of the deceased person;
 - (c) the applicant for the burial approval for the deceased person.
- (2) The manager of a cemetery must, on request, provide a copy or summary of information in the register of burials to any Agency.
- (3) The manager of a cemetery may, on request of a person or organisation, provide the person or organisation with a copy or summary of information in the register of burials for the entry of a deceased person, if satisfied the person or organisation has an adequate reason for wanting a copy or summary of that information.
- (4) In deciding whether a person or an organisation has an adequate reason for wanting a copy or summary of information in the register of burials for the entry of a deceased person, the manager must have regard to the following:
 - (a) the nature of the person's or organisation's interest;
 - (b) the sensitivity of the information, including culturally sensitive information;
 - (c) the use to be made of the information;
 - (d) the need to protect the deceased person about whom the information is sought from unjustified intrusion of the deceased person's privacy;
 - (e) any other considerations prescribed by regulation.
- (5) If information is specified as culturally sensitive information in the burial approval form, that information must be redacted when providing a copy or summary of information under subsection (3).
- (6) The production of a copy or summary of information in the register under subsection (1) or (3) must be done in accordance with any policy determined by the responsible entity for a cemetery.
- (7) The responsible entity for a cemetery may determine and charge a fee for the production of a copy or summary of information in the register under subsection (1) or (3).

5.19 RECORDS MANAGEMENT

- (1) Records must be maintained in line with statutory obligation. The Burial Register, Burial Application Form, Authority to Perform Burial Service and all recordable forms related to funeral, cemetery and burial services must be uploaded and/or recorded in the applicable





cemeteries folder on the West Arnhem Regional Council Electronic Documents Records Management System (EDRMS)

- (2) All accompanying evidentiary documents must be uploaded into the cemetery folder on the EDRMS. Records are to be made available on request via the WARC website or in person at the WARC office in accordance with the Northern Territory Information Act and Burial and Cremation Act 2022.

5.20 OTHER BURIAL AREAS

- (1) WARC does not condone the burial of deceased persons in sites other those defined within the Northern Territory Burial and Cremations Act 2022.
- (2) WARC will only provide fee for service arrangement to a person undertaking burial activities outside of a Council Controlled cemetery or an approved burial location including an undeclared burial location if all requirements for the burial have been conducted and approved by the appropriate authorities. Service provision is based on availability and service ability.
- (3) WARC will not maintain any records of deceased persons buried outside of a Council Controlled Cemetery.

5. RESPONSIBILITIES

Role		Responsibility
Council Manager	Services	Administering the policy locally

6. ADMINISTRATION

The Chief Executive Officer is responsible for ensuring the overall review and operation of this Policy, including compliance and consistency with related documents and legislation.

The Director of Community and Council Services is responsible for ensuring this Policy is communicated to all employees and is available for all employees to view.

7. RELATED DOCUMENTS

Legislation and References

Local Government Act 2019
Burials and Cremations Act 2022
Aboriginal Land Rights (Northern Territory) Act 1976 (Cth).
Native Title Act 1993 (Cth)



Approved by Chief Executive Officer

Date:

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Policies
Procedures
Instructions, tools, guidelines, forms, and templates

DRAFT



WEST ARNHAM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	8.4
Title:	Proposed Dog Park - Jabiru
Author:	Clem Beard, Acting General Manager Technical Services

SUMMARY

This report is requesting the Council to approve the construction of a Dog Park at the Jabiru Lake precinct.

RECOMMENDATION

THAT THE COMMITTEE:

1. Receive and note the report entitled *Proposed Dog Park - Jabiru*; and
2. Approve the proposal to construct a Dog Park at the lake with a budget of \$30,000.00.

BACKGROUND

Community feedback received by the administration is to construct a Community Dog Park for the residents and pet owners to facilitate an area in Jabiru for exercising dogs. The proposed location is at the Jabiru Lake Park adjacent to existing public facilities.

This proposal has been endorsed at the last meeting of the Kakadu Ward Advisory Committee.

COMMENT

Administration has sourced quotes for a 20m x 40m enclosure with a personal gate and a set of double gates for slasher/maintenance entry/exit with a projected cost of \$25,000.00.

An indicative quote per lineal metre (\$165.00 per metre) was obtained from a local contractor to eliminate travel and mobilisation costs to Jabiru.

An additional indicative quote was sourced for signage at the dog park at a projected cost of \$2,500.00.

The attached marked up map indicates the area available, and the administration is requesting feedback for the preferred location of Dog Park.

Once feedback is received the authorisation process can proceed with seeking permission from Gundjeihmi Aboriginal Corporation Jabiru Town to construct proposed Dog Park at the lake.

LEGISLATION AND POLICY

Variation to budget

FINANCIAL IMPLICATIONS

Surplus funding for project will be available from the Animal Management program. This revenue is raised from annual animal rate levy and partial funding from the Local Authorities across the region.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 1 PARTNERSHIPS, RELATIONSHIPS AND BELONGING

Investing in relationships and partnerships at all levels supports and strengthens community and belonging. We prioritise the value of partnerships and relationships as a key determinant of a happy, strong and thriving community.

Goal 1.1 Community Engagement

Seek out and support diverse perspectives and collaborations with community, community leaders, businesses, agencies and local service providers to enhance community life.

PILLAR 4 SERVICE DELIVERY AND BUILT ENVIRONMENT

We provide high quality infrastructure and service delivery that meets the unique needs of each community, creates a sense of place and contributes towards promoting a sense of pride in community.

Goal 4.1 Strategic Infrastructure and Asset Management

Strategically manage, maintain and enhance community infrastructure.

ATTACHMENTS

1. Dog Park - Jabiru Lake [8.4.1 - 1 page]



WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	8.5
Title:	Draft Schedule and Conduct of Meetings (Elected) Policy
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

The purpose of this report is for Elected Members to consider the 'Schedule and Conduct of Meetings (Elected)' Policy as requested at the Ordinary Council meeting held on 31 July 2024

RECOMMENDATION

THAT COUNCIL:

1. Receive and note the report titled *Draft Schedule and Conduct of Meetings (Elected) Policy*; and
2. Approve CEO to sign draft 'Schedule and Conduct of Meetings (Elected)' Policy.

COMMENT

On 31 July 2024 Elected Members requested the Chief Executive Officer to review the current meeting attendance policy for Elected Member (resolution OCM170/2024).

This policy for reviews purpose is to establish a clear, transparent framework for the effective scheduling and conduct of Council, Council Committee, and Local Authority Meetings.

In compliance with the *Local Government Act*, this policy also authorises Member's attendance at meetings.

LEGISLATION AND POLICY

Local Government Act 2019 (NT)

Local Government (General) Regulations 2021

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

ATTACHMENTS

1. Draft Schedule and Conduct of Meetings Elected Policy 2024 09 19 [8.5.1 - 12 pages]



Policy Name	Scheduling and Conduct of Meetings (Elected, Local Authority and Council Committee Members)
Publication Date:	
Council Decision (Reference):	
Classification:	Governance Policy
Categorisation:	Governance
Review Frequency:	3 years
Review Date:	
Responsible Officer:	Governance Advisor
Version (Revision Number):	1.0

1. PURPOSE

The purpose of this policy is to establish a clear, transparent framework for the effective scheduling and conduct of Council, Council Committee, and Local Authority Meetings.

In compliance with the *Local Government Act*, this policy also authorises Member's attendance at meetings via audio or audio-visual conferencing system.

2. SCOPE

This policy applies to all Elected Members of the West Arnhem Regional Council, as well as Members of Local Authorities and Council Committees, and to Council employees who are responsible for helping to administer this policy.

3. DEFINITIONS

In the context of this policy the following definitions apply:

Agenda means a list of items for consideration at the meeting together with reports and other attachments relating to those items.

Amendment means a motion that is seeking to amend or alter an existing motion.

Casting Vote means a vote exercised by the Mayor/Chairperson in the event of a tied vote.

Chairperson means the person who is presiding over an official meeting of Council.

Committee means a Committee established by Council.

Confidential Session means a meeting of Council or a Committee, from which the media and the public has been excluded by a resolution carried out in accordance with the *Local Government (Administration) Regulations*.



Approved by Chief Executive Officer

P. Firdley

Date 08/03/2021

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Elected Member means an individual elected to Council, including the Mayor, Deputy Mayor, and Councillors.

Local Authority Member means a member of a local authority as appointed by the West Arnhem Regional Council.

Meeting includes any meeting of council, audit committee, council committee, or local authority.

Meeting Room means any location inside the doors of the room being used for the meeting but does not include any area set aside for the public, media representatives or guests.

Member means a member of Council, audit committee, council committee or local authority.

Minutes means the record of the proceedings of any meeting of Council and its committees.

Motion means a formal proposal for the meeting to consider. In most cases it requests a mover and a seconder before it can be officially debated.

Mover is a person at a meeting who initiates a motion.

Notice of Motion means the provision of advice of intention to seek movement of a particular motion at a specified meeting. Notices of Motion are to be in writing and specify the wording of the foreshadowed motion.

Ordinary Meeting of Council refers to publicly scheduled meetings of Council as specified in the *Local Government Act*.

Quorum means the minimum number of members needed to be present to constitute a valid meeting of Council. The *Local Government Act* states "A quorum at a meeting of a council consists of a majority of the council's members". If there are twelve (12) Elected Members, including the Mayor and Deputy Mayor, a quorum of an Ordinary Meeting of Council would be 6 being 50% + 1.

Record means a document including any written or printed material or object that is or has been made or received in the course of official duties by an Elected Member or an employee of Council and, in particular, includes the minutes of meetings of the Council or Committee of the Council.

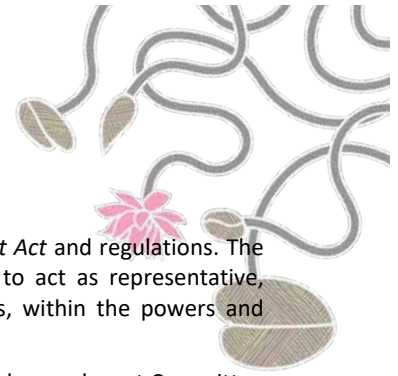
Resolution means a motion that has been passed by a majority of Elected Members at the meeting. While in practice it means the 'council decision', the word *resolution* also indicates the process by which the decision was made.

4. POLICY STATEMENT

This policy is intended to provide Elected Members, Council Committee Members and Local Authority Members (referred to collectively as Members) with clear and transparent guidance on Council's policy position in relation to:

- Scheduling of Meetings
- Meeting Attendance
- Chairperson
- Public attendance and deputations
- Closure of Meetings to the Public
- Agendas, Business Papers, and Minutes
- Motions, Debates, Resolutions, and Voting





- Meeting Behaviour and Rules of Conduct
- Attendance at Meetings via Audio or Audio-visual Conference Systems.

The policy provisions reflect the legislative requirements of the *Local Government Act* and regulations. The policy is intended to support our Members to practice good governance and to act as representative, informed, and responsible decision-makers in the interests of our communities, within the powers and functions assigned to them under the Act.

This policy should be read in conjunction with Council's associated procedure/s and any relevant Committee Terms of Reference documents.

It should be noted that Committees of the Council shall adhere to the same policy provisions and follow the same procedures as provided for other Council meetings unless the Committee resolves otherwise.

Scheduling of Council, Local Authority, and Committee Meetings

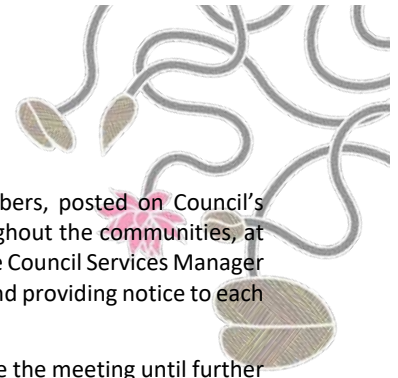
Scheduling of Council Meetings

- The dates, times and places of all Ordinary Council and Committee meetings will be determined annually in advance, at a September or October Ordinary Meeting of Council.
- In the year of a general election of Council, Council shall establish meeting dates and times for the remainder of the calendar year, at the first Ordinary Council Meeting following the general election.
- Either Ordinary Council Meetings or special Finance Committee meetings are scheduled every month.
- The schedule will be provided to all Elected Members and displayed on Council's website and will constitute notice of those meetings in compliance with the *Local Government Act*.
- Council may resolve to change the date and time of any scheduled Ordinary Council meeting in circumstances where it would be inappropriate to conduct the meeting (e.g., when prior knowledge indicates that a quorum is unattainable).
 - An amendment to scheduling can be made by resolution of Council; or by request by a majority of Elected Members; or by the Mayor (following consultation with a majority of Elected Members and the CEO).
- Council may hold a meeting to deal with a particular item of business (a Special Meeting) whenever circumstances require.
- If a quorum is not present within 30 minutes after the time appointed for a meeting, the meeting is to be postponed to a time and place to be determined by the CEO (and notified to Members). The postponed meeting must take place within 21 days.

Scheduling of Local Authority Meetings

- Each Local Authority will meet at least four (4) times annually.
 - If the majority of Members of a Local Authority would like to hold less than four (4) meetings per year, that Local Authority may pass a resolution recommending to Council that there be a reduction in the number of meetings per annum. Provided Council agrees with the Local Authority's recommendation, Council will draft a letter to the Minister requesting a nominated reduction in meetings per annum.
- Local Authority meetings are to be convened by the CEO or staff delegate responsible for the Local Authority coordination.
 - Meeting dates will be scheduled at the commencement of each financial year.





- The CEO, in consultation with Members, may alter meeting dates.
- A notice convening a Local Authority Meeting will be given to all Members, posted on Council's website, and posted on notice boards at Council's public office and throughout the communities, at least three (3) business days before the date appointed for the meeting. The Council Services Manager (CSM) in each Local Authority Area will be responsible for posting notices and providing notice to each Member.
- If it becomes impractical to proceed with a meeting, the CEO may postpone the meeting until further notice.
 - If a meeting is postponed or there are changes to the scheduled meeting time, date or location, the CEO must ensure, as far as practicable, that Members of the Local Authority receive notice of these changes.
- If after 30 minutes of the nominated start time of the meeting, the Members present are unable to form a quorum, then the meeting will be postponed to a time and date to be set by the CEO.
 - A quorum for a Local Authority meeting will consist of a simple majority of the total number of Local Authority Members (inclusive of Elected Members who represent the community in that Local Authority area), or a majority of the nominated members.
- In the event that a quorum is not present, but the majority of appointed Members are present, the Members that are in attendance may resolve to hold a provisional meeting.
- A Local Authority may hold a "Special Meeting" to deal with a particular item of business that needs to be discussed and cannot wait until the next scheduled Ordinary Meeting.
 - Subject to discussion with the Council and/or the CEO, a Special Meeting may be requested by the Chairperson of the Local Authority through the Council and/or the CEO. Council or the CEO will decide if a Special Local Authority Meeting will convene.
 - The Council and/or CEO are authorised to call a Special Local Authority Meeting of their own volition.

Scheduling of Committee Meetings

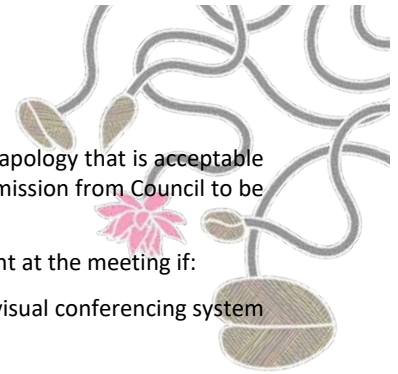
- Council's Committee meetings will be held as required.
- A notice convening a meeting of the Audit Committee, or any other Committee meeting, will be given to all members of that Committee, posted on Council's website, and posted on a notice board at Council's public office, at least three (3) business days before the date appointed for the meeting.

Meeting attendance

Council Meetings

- Elected Members are expected to attend every Ordinary Council Meeting. If they are unable to attend, they should send an apology no later than 24 hours before the scheduled commencement of the meeting and explain why they are unable to attend.
 - An apology may be provided to the Mayor, Deputy Mayor, Chief Executive Officer (CEO), or to an administration staff member of Council. The administration staff member will then forward the advice to the Mayor and CEO.
- In accordance with the *Local Government Act*, if an Elected Member is absent without permission from Council, from two (2) consecutive meetings of Council, then it is considered that the Elected Member ceases to hold office.





- If a Member needs to take a leave of absence from a Council meeting, an apology that is acceptable to Council must be provided to Council prior to the meeting to obtain permission from Council to be absent from that meeting.

A Member who is not physically present at a Council meeting, is taken to be present at the meeting if:

- The Member's attendance at the Meeting by means of an audio or audio-visual conferencing system is authorised in accordance with Council policy (see provisions below); and
- Communication is established by means of the conferencing system, at or around the commencement of the meeting, between the Member and the Member's present at the place appointed for the meeting; and
- The Member has the same or substantially the same opportunity to participate in debate, and to register an opinion, on questions arising for decision as if the Member were physically present at the meeting.

Local Authority Meetings

- Local Authority Members are expected to attend every meeting of their Local Authority. If they are unable to attend, they should send an apology no later than 24 hours before the scheduled commencement of the meeting and explain why they are unable to attend.
 - Such an apology may be provided to the Chairperson, the CSM in their home location, or to an administration staff member of Council. The administration staff member will then forward the advice to the Chairperson and CSM.
- In the event of a Member being absent from two consecutive meetings, the CEO (or delegate) will write to the Member, cautioning them that their membership may be revoked if they continue to be absent from meetings and that they must start attending meetings and fulfilling their obligations as Members. If a Member continues to be absent, Council administration shall write to the Member and advise them that if they do not attend the next meeting, their membership will be revoked.

Chairperson

Council Meetings

- At all Ordinary Meetings of Council, the Mayor will chair the meeting or, if the Mayor is absent for any reason, the Deputy Mayor will preside.
- In the event that neither the Mayor or Deputy Mayor are available to chair the meeting, a Chairperson, for that meeting only, will be appointed from among the Elected Members who are in attendance.

Local Authority Meetings

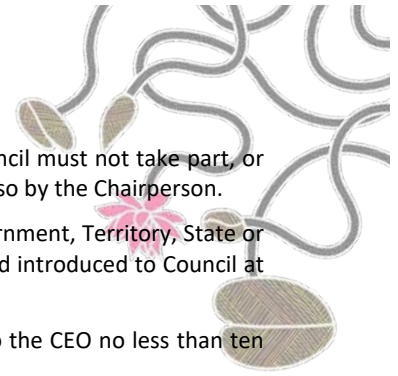
- At the first Ordinary Local Authority Meeting, the newly appointed members will elect a Chairperson by majority secret ballot.
- Each Local Authority Chairperson is considered the meeting Chairperson for their Local Authority Meetings.

Public Attendance and Deputations

Council Meetings

- All Ordinary Meetings of Council will be open to the public, except for those closed sessions where confidential business is discussed.





- A member of the public attending an Ordinary or Special Meeting of Council must not take part, or attempt to take part, in the proceedings of a meeting unless invited to do so by the Chairperson.
- As a matter of protocol, any visitor at a meeting from another Local Government, Territory, State or Federal jurisdiction, whether formal or informal, will be acknowledged and introduced to Council at the beginning of the meeting.
- A deputation wishing to attend and be heard at a meeting, must apply to the CEO no less than ten (10) working days before that meeting.
 - The application must state the reasons for wishing to attend and be heard. The CEO on receiving the request, must inform the Mayor. The Mayor will decide if the deputation will be heard and advise the CEO accordingly.
 - If the deputation is to be heard, the CEO shall indicate a suitable time on the agenda. Deputations should not be more than twenty (20) minutes duration with a further ten (10) minutes duration set aside for questions and answers. The Council may allow more time at its discretion.
 - Council reserves the right to restrict or amend delegations, briefings, and representations.
 - Any speaker from the deputation addressing Council must be temperate in speech and manner and must not use insulting or offensive language.
 - The Chairperson may halt an address by a person in a deputation if the Chairperson is satisfied the purpose of the deputation has been sufficiently explained, or the person is severe in speech or manner, or uses insulting or offensive language.
 - A voice and/or video recording of each briefing will be taken, and will be filed electronically in the relevant meeting file, with any handouts etc.
- Each Ordinary Meeting of Council will include a period where members of the public may ask questions of the meeting. The Chairperson may invite questions, submissions, or comments from members of the public at the meeting, however, is not obliged to do so.
- If the Chairperson feels that a question, comment, or statement from a member of the public at a meeting of Council is offensive, irrelevant, culturally inappropriate, or unduly long or deals with a confidential matter, the Chairperson may rule the matter out of order and proceed to deal with or proceed to the next item of business.

Local Authority Meetings

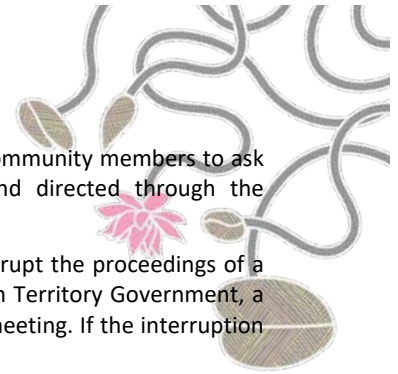
- The Chairperson may, at their discretion, invite community members and/or government agencies and/or non-government organisations to speak at a Local Authority Meeting.
- Northern Territory Government agencies, along with non-government organisations, are required to apply in writing via a request form to attend a Local Authority Meeting. The request form will initially be sent to the appropriate division of the Department of the Chief Minister and Cabinet for coordination and approval and will then be forwarded to Council for consideration. If Council approves the request, the agency will be placed on the Local Authority agenda.
- All Local Authority Meetings will be open to the public, however the public will sit in the Public Gallery.
- Members of the public attending a Local Authority Meeting, must not take part, or attempt to take part, in the proceedings of a meeting unless invited to do so by the Chairperson.



Approved by Chief Executive Officer

Date

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- At the end of each meeting, ten (10) minutes only will be allocated for community members to ask questions of the meeting. Questions must be respectful, orderly, and directed through the Chairperson.
- If an individual or a collective within the public gallery continues to interrupt the proceedings of a Local Authority Meeting which is sanctioned by Council and the Northern Territory Government, a caution will be issued by the Council delegate appointed to support the meeting. If the interruption continues, the perpetrators may be asked to leave the meeting room.

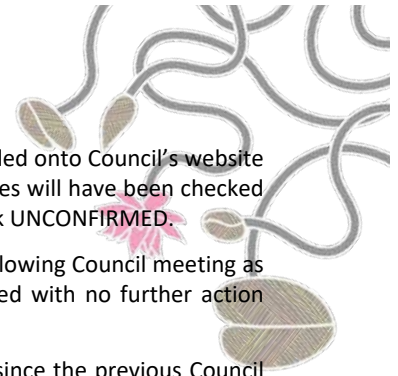
Closure of a Meeting to the Public

- Members of the public and any Council employees may be asked to leave a meeting when Council is dealing with matters defined as “confidential” under the *Local Government (Administration) Regulations*.
- The meeting should formally resolve to move into “confidential business” and similarly formally resolve to move out of “confidential business” and revert to the Ordinary meeting business. Such resolutions and times of passing are to be recorded in the minutes.
- At the conclusion of confidential business at a Meeting, Council must decide how the confidential information is to be classified and treated in accordance with Council’s policy provisions on confidential information.

Agendas, Business Papers, and Minutes (Council, Committee and Local Authority Meetings)

- Council shall have an Order of Business and Agenda for every Council, Committee and Local Authority Meeting, the contents of which shall be as stipulated in Council’s *Meeting Code of Practice Procedure/s*.
- Each financial year a Local Authority must have included on its agenda, the following items:
 - The Council’s annual report for the previous financial year.
 - Any relevant plan of Council or the Local Authority.
 - A discussion of Council’s policy on delegation of powers and functions.
- The Agenda (and any attachments) for an Ordinary meeting of Council, a Council Committee or a Local Authority will be circulated to all relevant Members and made available on Council’s website at least three (3) working days prior to the scheduled day of the meeting.
 - Hard copies of business papers will be delivered to the relevant Members in a sealed envelope, at least five (5) business days prior to the relevant meeting, taking into account delivery challenges in remote locations.
- In the case of a Special Meeting, the Agenda (and any attachments) will be circulated to all relevant Members and made available on Council’s website no less than (4) hours prior to the scheduled time of the meeting.
- Council will make open Ordinary Council Meeting, Committee and Local Authority business papers available for the information of the media and the public. Copies of business papers will be uploaded to Council’s website and forwarded to the Service Delivery Centres, seven (7) days prior to an Ordinary Council Meeting, Committee Meeting, or Local Authority Meeting. A minimum of three (3) copies will be made available for the public gallery at the meetings.
- The distribution of confidential Council business papers will be limited to the Mayor, Elected Members, CEO, and relevant Directors, Managers and Senior Administrative Staff of Council.





- Minutes will be taken at all meetings, and the draft minutes will be uploaded onto Council's website no later than ten (10) days following the date of the meeting. Draft minutes will have been checked by the CEO (or delegate) for accuracy and must clearly bear the watermark UNCONFIRMED.
- Minutes of Committee Meetings shall be included in the agenda of the following Council meeting as a recommendation for Council to adopt in whole, or part, or to be noted with no further action required.
- Similarly, the minutes of all Local Authority meetings held in the period since the previous Council meeting shall be tabled and any recommendations or observations duly noted and actioned.
 - Where a decision is made by Council based on the comments/recommendations of a Local Authority, details of the decision shall be transmitted to the next meeting of that Local Authority.
- All Council Meeting minutes are to be available for downloading from the website or for reading at any Council office.
- The Confidential agenda and minutes will be restricted to Elected Members, the CEO and Council's Management Team.
- The contents of the minutes of a meeting of Council, Council Committee, an audit committee, and a Local Authority, must comply with the record keeping requirements of the *Local Government (Administration) Regulations 2021*.

Motions, Debates, Resolutions and Voting Procedures

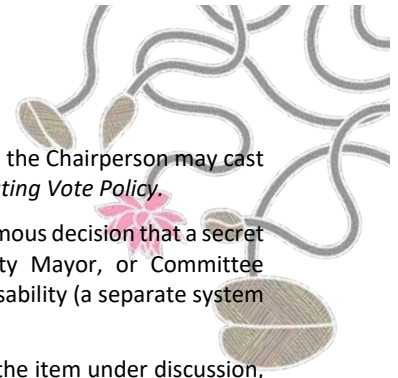
- All motions must have a mover and a seconder to allow debate. If a motion has no seconder, it will be recorded in the minutes as having lapsed. Debate can only proceed on the basis of a motion being formally accepted by the Chairperson.
- An Elected Member may give written notice of at least ten (10) working days to the CEO of a motion to be considered at the next Council meeting. Notice is to be given by submitting a *Notice of Motion form*. The CEO will include this item on the relevant agenda.
- Where an Elected Member has given due notice of an intended motion, and for whatever reason the Elected Member is not in attendance at the meeting, the motion may be:
 - Moved by another Member at the meeting; or
 - Deferred to the next Ordinary Meeting of Council.
- The Chairperson of a meeting may impose a time limit on any speeches in support or against a motion.
- With regard to questions with or without notice, a Member may ask a question at a meeting for reply by another Member or Council employee. The Chairperson will accord such time as necessary for the response. A Member or Council employee of whom a question is asked may request that the question be taken on notice until the next meeting.
- If the Chairperson decides that any motion, amendment, or other matter (including a matter they consider to be objectionable) is out of order, it must be rejected and not be considered further.
- At all meetings, every Elected Member present shall vote when a motion is put except where the *Local Government Act* otherwise provides. If any Elected Member who is required to vote at the meeting fails to do so, the Chairperson shall call upon the Member to vote.



Approved by Chief Executive Officer

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- At any meeting where there is an equal division of votes upon any motion, the Chairperson may cast a second vote, known as a “casting vote”, in accordance with Council’s *Casting Vote Policy*.
- Voting shall be by a show of hands, except where Council has made a unanimous decision that a secret ballot is required (i.e., such as filling the office of Mayor and Deputy Mayor, or Committee appointments); or where an Elected Member is prevented by a physical disability (a separate system of voting may be agreed upon).
 - A unanimous decision to take a secret ballot is only applicable to the item under discussion, and cannot be transferred to other items without subsequent decisions taking place.
- Where voting is unanimous, this is to be reflected in the meeting minutes.
- Where there are motions to be moved at a Local Authority Meeting, this will be done by the Chair and decided by the majority of the votes. In the event of an even number of votes, the Chairperson shall have the casting vote.
- A resolution passed by Council may only be altered or negated within three (3) months of its adoption, by a further motion which must have the support of at least three (3) Elected Members. This further motion is known as a Rescission Motion and recorded separately in the minutes.
- A Notice of Motion to rescind or alter a resolution of the Council should be provided to the Mayor and Elected Members at least four (4) business days prior to the meeting at which it is to be considered.
- Council will have a *Meeting Code of Practice Procedure* that will include further guidance on the rules governing motions, debates, resolutions and voting procedures.

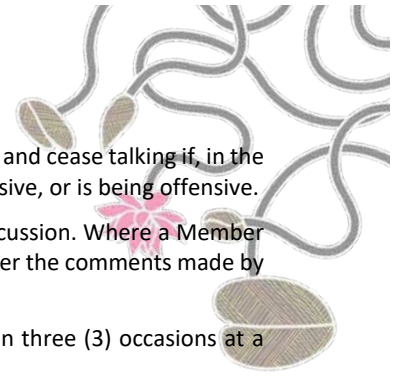
A note on provisional meetings of a Local Authority

- During a provisional meeting of a Local Authority, all agenda items may be discussed, and minutes must be kept.
- Members of the provisional meeting may, by majority vote, make recommendations to Council, including on local authority projects, provided any such recommendation is specifically qualified as being a recommendation of a provisional meeting, rather than the Local Authority.
- A provisional meeting may not approve the minutes of a local authority meeting, but a Local Authority may approve the minutes of a provisional meeting.
- A provisional meeting does not have the powers or functions which a council may have delegated to a Local Authority.

Meeting Behaviour and Rules of Conduct

- Council will have a *Meeting Code of Practice Procedure* that will provide guidance to Members on acceptable behaviour and conduct within Council, Committee and Local Authority Meetings.
- All members are responsible for complying with this procedure and with Council’s policies on *Anti-discrimination, Bullying and Harassment in the Workplace, Inclusion and Diversity, Code of Conduct (Elected, Local Authority and Council Committee Members)*, and any other relevant policies and procedures.
- The Chairperson of the meeting will be responsible for maintaining order within the meeting and may call upon any Member present to come to order if considered necessary. A Member who considers that another Member is out of order may also request the Chairperson to maintain order. This





- includes the right of the Chairperson to ask a Member to resume their seat and cease talking if, in the Chairperson's opinion, that Member is out of order, is overly loud and abusive, or is being offensive.
- Any call for order must be dealt with immediately and without further discussion. Where a Member calls for order, the Chairperson must rule on the call by determining whether the comments made by any Member are out of order or not.
 - Where the Chairperson rules that a Member is out of order on more than three (3) occasions at a meeting, they will request the Member to leave the meeting.
 - A Member is guilty of an act of disorder if, at a meeting:
 - The Member is in breach of the *Local Government Act* and *Regulations*, or this policy.
 - The Member uses language that, according to common usage, would be considered disorderly or offensive.
 - The Member is dressed and/or conducts themselves in a manner or uses an expression inconsistent with good order and decorum.
 - The Member says or does anything calculated to bring Council into public disrepute or contempt.
 - An act of disorder, may also constitute a breach of the *Code of Conduct (Elected, Local Authority and Council Committee Members)*. Any such breach will be handled in accordance with the provisions of that policy.
 - At all times during a meeting, the Chairperson has the right to demand that any person present (member of the public, Council employee, or Member) leave the meeting for a specific or indefinite time if, in the Chairperson's opinion, that person is out of order, is overly loud, abusive or is being offensive.

Attendance at Meetings via Audio or Audio-visual Conferencing System

Council is committed to facilitating access to and participation in meetings by our Members. Meetings may be undertaken in-person or scheduled to be via videoconferencing. For in-person meetings, Council will permit Members to be present, or to participate remotely in meetings, via audio or audio-visual conferencing system, where specific needs make remote attendance necessary or preferable for the Member and/or Council.

Council administrative staff will contact Members at least ten (10) working days prior to the scheduled date of a meeting, to confirm the mode of attendance of the Member (in-person or remote). Council acknowledges that the mode of attendance may need to change at short notice due to unavoidable circumstances such as inclement weather. In this case, Council administrative staff will coordinate with Members to ensure they are able to participate in the scheduled meeting via audio or audio-visual conferencing system.

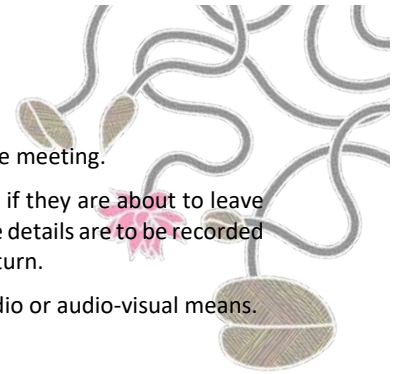
Chairing the meeting

If the Chair is attending the meeting via audio or audio-visual conferencing system, the Chair may decide to delegate the function of chairing the meeting to the deputy, or if there is no deputy, another Member.

General responsibilities

A Member in attendance via audio-visual conferencing system is to consider the appropriateness of their personal presentation and surrounding environment.





The Chair is to confirm which participants are present at the commencement of the meeting.

A Member who is attending by audio or audio-visual means must advise the Chair if they are about to leave the meeting. A Member must also advise the Chair if they re-join the meeting. These details are to be recorded in the minutes with a reference to the Member's time of departure and time of return.

Meeting minutes will identify whether each Member attended in person or via audio or audio-visual means.

Conflicts of interests

Where a conflict is declared, the Member must disconnect from the conferencing system prior to the discussion of the particular agenda item.

If a Member has disconnected from the conferencing system due to a declared conflict, the Chair will contact the Member as soon as the agenda item has concluded and invite the Member to re-join the meeting.

Confidentiality

Members attending meetings remotely will:

- Ensure that people in their presence who are not Members cannot see, overhear, or listen to the Member or the meeting (unless the Council is aware and accepts the circumstances).
- Not record the meeting.

Voting

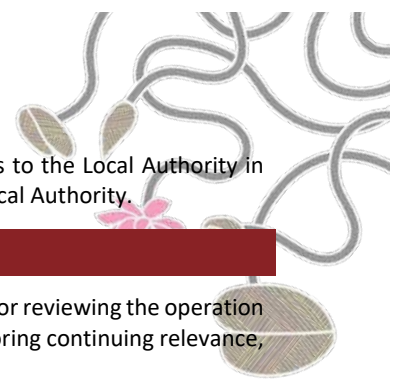
To ensure the participation of any Members attending remotely, the Chair will confirm that Members attending remotely are able to hear the discussion and vote.

If a Member is attending via an audio-conferencing system without video capability, the Chair is to ask for verbal confirmation of the Member's vote. If a Member is attending via audio-visual conferencing system, the Chair is to ask for the Member's vote by show of hands or verbal confirmation.

Responsibilities

- All Elected Members, Council Committee Members and Local Authority Members are responsible for complying with the provisions of this policy.
- The CEO is responsible for ensuring the provision of an adequate conferencing system and information that enables Members to attend and participate in meetings remotely.
- The CEO (or delegate) is responsible for maintaining an up-to-date schedule of meetings, including on Council's website.
- Council administration staff are responsible for:
 - Preparing an agenda for each meeting in accordance with the guidance in Council's procedure/s.
 - Providing Members with copies of business papers and meeting agendas, within the timeframes specified in this policy.
 - Confirming the mode of meeting attendance of Members at least ten (10) working days prior to the scheduled date of the meeting.
- Council staff are responsible for taking meeting minutes and uploading checked draft minutes and final minutes to Council's website.





- The Governance Coordinator is responsible for providing support services to the Local Authority in each community, and for maintaining an Action Items Register for each Local Authority.

5. Responsibilities

The Chief Executive Officer is the Policy Custodian for this policy and is responsible for reviewing the operation of the policy (every 3 years or more frequently as may be required), and for monitoring continuing relevance, effectiveness, and consistency with related documents and the Law.

Following approval of this policy document, the Chief People and Capability Officer (or a nominated delegate) is also responsible for ensuring that the implementation and communication plan is implemented and that all Council employees have access to the policy.

6. Related Documents

Legislation and References

Local Government Act 2019 (NT)
Local Government (Administration) Regulations (NT)
Guideline 1: Local Authorities

Policy documents

Casting Vote Policy
Code of Conduct (Elected, Local Authority and Council Committee Members)



Approved by Chief Executive Officer

Date

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WEST ARNHAM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	9.1
Title:	Incoming and Outgoing Correspondence
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

This report is to table items of correspondence received and sent since the last Ordinary Council Meeting.

RECOMMENDATION

THAT COUNCIL receive and noted the attached items of incoming and outgoing correspondence.

BACKGROUND

In October 2012 Council resolved only to table hard copy mail due to its volume. In 2021 the Administration aligned its definition of Correspondence with section 55(2) of the *Local Government (General) Regulations 2021*, as all correspondence addressed to, or sent by, the council or its principal member. Correspondence matching that definition is presented to Council in this report.

COMMENT

NO	TYPE	DATE RECEIVED	SENT BY	DOCUMENT NAME
1	Incoming	22 August 2024	Naomi Loudon – Acting Independent Commissioner Against Corruption (NT)	Letter from Acting Commissioner Loudon requesting agencies undertake a survey (Non NTG public bodies - West Arnhem Regional Council)
2	Incoming	30 August 2024	Russell Anderson – Chairperson for NT Grants Commission	WARC Postponed Visitation
3	Incoming	3 September 2024	Russell Anderson – Chairperson for NT Grants Commission	Letter to Mr Andrew Walsh – WARC – FAA Allocation Letter 2024 - 25
4	Incoming	9 September 2024	Fleur O'Connor – Chief Officer	Letter from NTES Chief Officer to CEO West Arnhem Regional Council
5	Outgoing	19 September 2024	Mayor James Woods	Letter of Congratulations – Malarndirri McCarthy Appointment to Minister for Indigenous Australians – 2024.09.19
6	Outgoing	19 September 2024	Mayor James Woods	Letter of Congratulations – Lia Finocchiaro Appointment to NT Chief Minister – 2024.09.19
7	Outgoing	19 September 2024	Mayor James Woods	Letter of Congratulations – Selina Uibo Appointment Leader of Opposition – 2024.09.19
8	Outgoing	19 September 2024	Mayor James Woods	Letter of Congratulations – Manuel Brown Member of Arafura – 2024.09.19

9	Outgoing	19 September 2024	Mayor James Woods	Letter to NLC Chair – RE Crocodile Management Initiatives and Support for Warruwi Community – 2024.09.19
10	Outgoing	23 September 2024	Mayor James Woods	Call for Urgent Action – NT Police Support for Warruwi Community – 17.09.2024
11	Incoming	23 September 2024	Hugh King	Letter - WARC - CEO delegation and interaction with Reg 36 of the Local Government (General) Regulations 2021

LEGISLATION AND POLICY

Local Government (General) Regulations 2021 s55(2)

Incoming and Outgoing Correspondence Policy

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars of the *Regional Plan and Budget 2023-2024*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.3 Council and Local Authorities

Excellence in governance, consultation administration and representation.

ATTACHMENTS

1. Letter from Acting Commissioner Loudon requesting agencies undertake a survey (Non NTG public bodie [9.1.1 - 1 page]
2. WARC - Postponed Visitation [9.1.2 - 1 page]
3. Letter to Mr Andrew Walsh - WARC - FAA Allocation Letter 2024-25 [9.1.3 - 4 pages]
4. 2024 - Letter from NTES Chief Officer to CEO West Arnhem Regional Council [9.1.4 - 3 pages]
5. Letter of Congratulations - Malarndirri Mc Carthy Appointment to Minister for Indigenous Australians [9.1.5 - 1 page]
6. Letter of Congratulations - Lia Finocchiaro Appointment to NT Chief Minister - 2024.09.19 [9.1.6 - 1 page]
7. Letter of Congratulations - Selena Uibo Appointment Leader of Opposition - 2024.09.19 [9.1.7 - 1 page]
8. Letter of Congratulations - Manuel Brown Member of Arafura - 2024.09.19 [9.1.8 - 1 page]
9. Letter to NLC Chair - RE Crocodile Management Initiatives and Support for Warruwi Community - 2024.0 [9.1.9 - 2 pages]
10. Call for Urgent Action - NT Police Support for Warruwi Community - 17.09.2024 [9.1.10 - 2 pages]
11. Letter - WARC - CEO delegation and interaction with Reg 36 of the Local Government (General) Regula [9.1.11 - 2 pages]



**Office of the Independent Commissioner
Against Corruption (NT)**
Level 7, 9 Cavenagh Street
DARWIN CITY NT 0800

Andrew Walsh
Chief Executive Officer
West Arnhem Regional Council
Jabiru, NT

Postal address
GPO Box 3750
DARWIN NT 0801
T 08 8999 4015
E icac.nt@icac.nt.gov.au

By Email: andrew.walsh@westarnhem.nt.gov.au
CC: jasmine.mortimore@westarnhem.nt.gov.au

REF: AUD-202479

Dear Andrew Walsh,

The *Independent Commissioner Against Corruption Act 2017* (ICAC Act) contains important provisions for the protection of those who assist in detecting, preventing, investigating or otherwise responding to improper conduct.

Part 6 of the ICAC Act deals with whistleblower protections in the Northern Territory. Directions and guidelines prepared in accordance with sections 96 and 106 of the ICAC Act are intended to assist public bodies deal with voluntary protected communications and the management of retaliation against protected persons (whistleblower protections). Such directions and guidelines were reviewed and reissued in January 2024.

- [Guidelines for the minimisation of retaliation against protected persons \(nt.gov.au\)](#) (Section 96)
- [Dealing with voluntary protected communications - directions and guidelines](#) (Section 106)

Section 110 of the ICAC Act enables the ICAC to perform evaluations and reviews of public bodies to determine if they are complying with the issued directions and guidelines. An intention to undertake such a review was included in the ICAC's [General Report](#) tabled in March 2024.

A survey has been developed to review public bodies' progress towards complying with and adhering to the directions and guidelines to deal with voluntary protected communications and minimise retaliation risks. The survey also provides an opportunity for public bodies to conduct a self-assessment of their frameworks, policies and practices for receiving and dealing with voluntary protected communications and minimising retaliation risks. In doing so, leaders and decision makers can be assured that they are complying with requirements or identify areas requiring further action.

The survey can be accessed at the following link: [Survey link](#).

I would be grateful if you could identify a suitable representative of your public body to undertake this survey and have it completed by Friday, 13 September 2024.

If any issues are encountered accessing the survey please contact Cormac MacCarthy, Evaluation and Reviews Officer via reviews@icac.nt.gov.au or 89994039, or alternatively Anna Collins, Director, Strategic Intelligence and Reviews on 89994023.

Yours sincerely

Naomi Loudon
Acting Independent Commissioner Against Corruption
21 August 2024

www.icac.nt.gov.au



Northern Territory Grants Commission

Office of the Executive
Eleventh Floor, NT House
22 Mitchell Street
DARWIN NT 0800

26 August 2024

Mr Andrew Walsh
Chief Executive Officer
West Arnhem Regional Council
PO Box 721
JABIRU NT 0886

Dear Andrew,

As you would be aware the outcome from the 2024 NT election has resulted in a change of government. We anticipate the coming weeks will hold a level of change for all areas of government.

The Commission has decided, at this time, to postpone the currently planned visit to West Arnhem Regional Council and its surrounding communities. Once the new government has had a few weeks to settle in, the Commission will reach out and request advice from the Council on suitable visitation dates.

We apologise for any inconvenience this may have caused. The NT Grants Commission's Executive Officer, Ms Celia Hill is available on 8999 8820 or at NTGrants.Commission@nt.gov.au if you wish to discuss anything further relating to the visitation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Russell Anderson'.

Mr Russell Anderson
Chairperson



Northern Territory Grants Commission

Office of the Executive
Level 11, NT House,
22 Mitchell Street, Darwin NT

3 September 2024

Mr Andrew Walsh
Chief Executive Officer
West Arnhem Regional Council
Po Box 721
Jabiru NT 0886

Dear Andrew,

NORTHERN TERRITORY GRANTS COMMISSION FINANCIAL ASSISTANCE GRANT ALLOCATIONS 2024-25

I am writing to provide you with information about your council's financial assistance (FA) grant allocations for 2024-25.

The Australian Government allocates the FA general purpose and local roads grants across jurisdictions based on an estimated population figure and an estimated CPI growth factor for the coming year as determined by the Australian Statistician. This calculation is what is known as the estimated entitlement. For 2024-25 the estimated FA entitlement for the Northern Territory totals \$44 933 710 comprising of \$21 339 375 general purpose and \$23 594 335 local roads assistance. The Northern Territory Grants Commission (Commission) distributes these funds to local government councils using different allocation methods.

The attached recommendation schedule (**Attachment A**) outlines the funding allocations to individual councils as approved by the Hon Kristy McBain MP. The recommendation schedule comprises the estimated entitlement for 2024-25 less the 85 per cent early payment of the 2024-25 entitlement paid to councils in early July 2024, and the cash adjustment made to the 2023-24 allocation.

A copy of the 2024-25 expected schedule of quarterly instalments to your council is attached to this letter (**Attachment B**).

To assist the council to better understand the process used by the Commission to allocate grants, the following material relating to your council's 2024-25 allocations will shortly be made available online at <https://cmc.nt.gov.au/supporting-government/local-government/local-government-funding/grants-commission>. The material will include:

- The 2024-25 expected schedule of quarterly instalments to your council;
- The calculation of standardised expenditure and standardised revenue for your council;
- A matrix showing the application of the three cost adjusters against the various expenditure categories;

GPO Box 4621 DARWIN NT 0801

Telephone (08) 8999 8523

Facsimile: (08) 8999 8822

- The cost adjusters calculated for all NT councils which underpin the calculation of standardised expenditures;
- The calculation of your council's identified local road entitlement for 2024-25; and
- The trend of your council's grants over five years.

Please do not hesitate to contact me on 0413 805 877 should you wish to further discuss the matters raised in this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Russell Anderson', written in a cursive style.

Russell Anderson
Chairperson

ATTACHMENT A

NORTHERN TERRITORY GRANTS COMMISSION

Recommendation Schedule 2024-25

Financial Assistance Grants Distribution

Grant Recipient Local Governing Body	Estimated Entitlement		LESS Bring Forward (85%) Paid 28 June 2024		ADD 2023-24 Adjustment		Cash Payment		Total Cash Payment 2024-25
	General Purpose 2024-25	Local Roads 2024-25	General Purpose 2024-25	Local Roads 2024-25	General Purpose 2023-24	Local Roads 2023-24	General Purpose 2024-25	Local Roads 2024-25	
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Alice Springs Town Council	764,794	1,268,501	648,753	1,076,173	13,650	3,855	129,691	196,183	325,874
Barkly Regional Council	2,329,424	580,721	1,969,957	492,674	34,994	1,765	394,461	89,812	484,273
Belyuen Community Government Council	28,780	42,357	24,632	35,935	434	129	4,582	6,551	11,133
Central Desert Regional Council	1,157,103	1,504,579	993,078	1,276,458	20,867	4,572	184,892	232,693	417,585
City of Darwin	2,237,449	2,538,565	1,897,979	2,153,671	37,354	7,715	376,824	392,609	769,433
City of Palmerston	1,076,319	1,380,617	913,024	1,171,291	17,741	4,196	181,036	213,522	394,558
Coomalie Community Government Council	37,200	662,557	31,557	562,101	614	2,014	6,257	102,470	108,727
East Arnhem Regional Council	4,118,206	1,629,162	3,492,027	1,382,151	69,164	4,951	695,343	251,962	947,305
Katherine Town Council	462,478	794,520	389,641	674,056	6,645	2,415	79,482	122,879	202,361
LGANT NT	-	2,110,353	-	1,790,386	-	6,413	-	326,380	326,380
Litchfield Council	613,000	3,414,090	519,993	2,896,452	10,180	10,374	103,187	528,012	631,199
MacDonnell Regional Council	2,500,864	1,320,101	2,123,660	1,119,949	41,162	4,012	418,366	204,164	622,530
Roper Gulf Regional Council	2,428,358	1,402,631	2,063,566	1,189,966	42,461	4,263	407,253	216,928	624,181
Tiwi Islands Regional Council	450,412	1,252,637	391,893	1,062,714	8,060	3,807	66,579	193,730	260,309
Victoria Daly Regional Council	589,064	909,641	467,446	771,723	10,623	2,764	132,241	140,682	272,923
Wagait Shire Council	12,407	70,974	12,141	60,213	224	216	490	10,977	11,467
West Arnhem Regional Council	1,953,690	1,477,098	1,661,674	1,253,142	29,610	4,489	321,626	228,445	550,071
West Daly Regional Council	579,827	1,235,231	500,753	1,047,947	10,168	3,754	89,242	191,038	280,280
Total	\$ 21,339,375	\$ 23,594,335	\$ 18,101,774	\$ 20,017,002	\$ 353,951	\$ 71,704	\$ 3,591,552	\$ 3,649,037	\$ 7,240,589

Northern Territory Grants Commission
Recommendation Schedule 2024-25

2024-25 SCHEDULE OF PAYMENT

ATTACHMENT B

Commonwealth Financial Assistance Grants Quarterly Distribution

Local Governing Body	General Purpose	Local Roads	2024-25 Approved Cash Payment	General Purpose	Local Roads	Quarter 1 15 Aug 2024	General Purpose	Local Roads	Quarter 2 15 Nov 2024	General Purpose	Local Roads	Quarter 3 17 Feb 2025	General Purpose	Local Roads	Quarter 4 15 May 2025
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Alice Springs Town Council	129,691	196,183	325,874	32,423	49,046	81,469	32,423	49,046	81,469	32,423	49,046	81,469	32,422	49,045	81,467
Barkly Regional Council	394,461	89,812	484,273	98,615	22,453	121,068	98,615	22,453	121,068	98,615	22,453	121,068	98,616	22,453	121,069
Belyuen Community Government Council	4,582	6,551	11,133	1,146	1,638	2,784	1,146	1,638	2,784	1,146	1,638	2,784	1,144	1,637	2,781
Central Desert Regional Council	184,892	232,693	417,585	46,223	58,173	104,396	46,223	58,173	104,396	46,223	58,173	104,396	46,223	58,174	104,397
City of Darwin	376,824	392,609	769,433	94,206	98,152	192,358	94,206	98,152	192,358	94,206	98,152	192,358	94,206	98,153	192,359
City of Palmerston	181,036	213,522	394,558	45,259	53,381	98,640	45,259	53,381	98,640	45,259	53,381	98,640	45,259	53,379	98,638
Coomalie Community Government Council	6,257	102,470	108,727	1,564	25,618	27,182	1,564	25,618	27,182	1,564	25,618	27,182	1,565	25,616	27,181
East Arnhem Regional Council	695,343	251,962	947,305	173,836	62,991	236,827	173,836	62,991	236,827	173,836	62,991	236,827	173,835	62,989	236,824
Katherine Town Council	79,482	122,879	202,361	19,871	30,720	50,591	19,871	30,720	50,591	19,871	30,720	50,591	19,869	30,719	50,588
LGANT Ltd	-	326,380	326,380	-	81,595	81,595	-	81,595	81,595	-	81,595	81,595	-	81,595	81,595
Litchfield Council	103,187	528,012	631,199	25,797	132,003	157,800	25,797	132,003	157,800	25,797	132,003	157,800	25,796	132,003	157,799
MacDonnell Regional Council	418,366	204,164	622,530	104,592	51,041	155,633	104,592	51,041	155,633	104,592	51,041	155,633	104,590	51,041	155,631
Roper Gulf Regional Council	407,253	216,928	624,181	101,813	54,232	156,045	101,813	54,232	156,045	101,813	54,232	156,045	101,814	54,232	156,046
Tiwi Islands Regional Council	66,579	193,730	260,309	16,645	48,432	65,077	16,645	48,432	65,077	16,645	48,432	65,077	16,644	48,434	65,078
Victoria Daly Regional Council	132,241	140,682	272,923	33,060	35,170	68,230	33,060	35,170	68,230	33,060	35,170	68,230	33,061	35,172	68,233
Wagait Shire Council	490	10,977	11,467	122	2,744	2,866	122	2,744	2,866	122	2,744	2,866	124	2,745	2,869
West Arnhem Regional Council	321,626	228,445	550,071	80,406	57,111	137,517	80,406	57,111	137,517	80,406	57,111	137,517	80,408	57,112	137,520
West Daly Regional Council	89,242	191,038	280,280	22,310	47,759	70,069	22,310	47,759	70,069	22,310	47,759	70,069	22,312	47,761	70,073
Total	3,591,552	3,649,037	\$ 7,240,589	\$ 897,888	\$ 912,259	\$ 1,810,147	\$ 897,888	\$ 912,259	\$ 1,810,147	\$ 897,888	\$ 912,259	\$ 1,810,147	\$ 897,888	\$ 912,260	\$ 1,810,148





Level 5 NAB Building
71 Smith Street
Darwin NT 0800

Postal address
PO Box 39764
Winnellie NT0821

[E EmergencyManagementPlanning@pfes.nt.gov.au](mailto:EmergencyManagementPlanning@pfes.nt.gov.au)

Andrew Walsh
Chief Executive Officer
West Arnhem Regional Council
PO Box 721
JABIRU NT 0886

T 08 8946 4168

Our reference
04:F23:4050

Via email only: info@westarnhem.nt.gov.au

Please quote in response

Dear Mr Walsh

Local and Regional Emergency Committees are established by a Local or Regional Controller in accordance with the NT Emergency Management Arrangements, to oversee emergency planning and operations in each locality and region.

Although local government does not have the legislative responsibility to manage or control an emergency event in the NT, unlike other jurisdictions, councils still play a significant role in emergency management activities within their respective area.

To ensure the advice and capabilities of councils are recognised and established in the relevant emergency plans, the NT Emergency Service (NTES) strongly encourage councils to hold membership at their relevant Local or Regional Emergency Committee.

Please find attached the following contact information we have recorded for your council, and provide advice if the information recorded is not accurate. In addition to the recorded contacts, the NTES can provide a free briefing about the NT Emergency Management Arrangements, to assist stakeholders in better understanding their role. If you are interested in the briefing or would like further information, please contact the Manager, Planning and Preparedness Command on (08)8946 4168 or email EmergencyManagementPlanning@pfes.nt.gov.au.

Yours sincerely



Fleur O'Connor
Chief Officer

2 September 2024

West Arnhem Regional Council

Name of Committee	Contact person	Contact number	Email
Gunbalanya Local Emergency Committee	Tim Hema	0452 451 068	Tim.Hema@westarnhem.nt.gov.au
Gunbalanya Local Emergency Committee	Vicky Mccoy	0474 119 493	vicky.mccoy@westarnhem.nt.gov.au
Gunbalanya Local Emergency Committee	Andrew Garbe	0419 302 164 0439 889 031	andrew.garbe@westarnhem.nt.gov.au
Gunbalanya Local Emergency Committee	Nadia Simpson	0491 952 876	nadia.simpson@westarnhem.nt.gov.au
Jabiru Local Emergency Committee	Jessie Schaecken	8979 9444 0410 546 896	Jessie.Shaecken@westernhem.nt.gov.au
Jabiru Local Emergency Committee	Dana Hewett	8979 9444 0406 900 056	Dana.hewett@westarnhem.nt.gov.au
Jabiru Local Emergency Committee	Kaitlyn Woods	8979 2247 0437 022 705	Kaitlyn.woods@westarnhem.nt.gov.au
Maningrida Local Emergency Committee	Richard Hare	0475 914 891 0429 053 101	Richard.Hare@westarnhem.nt.gov.au
Minjilang Local Emergency Committee	Cathy Makings	8970 3501 0418 421 355	Cathy.makings@westarnhem.nt.gov.au
Minjilang Local Emergency Committee	David Makings	8970 3500	David.makings@westarnhem.nt.gov.au
Minjilang Local Emergency Committee	Shane Wauchope	8970 3500	shane.wauchope@westarnhem.nt.gov.au

1

West Arnhem Regional Council

Minjilang Local Emergency Committee	Terry Jackson		terry.jackson@westarnhem.nt.gov.au
Warruwi Local Emergency Committee	Matthew Griffiths	8970 3601 0408 124 420	Matthew.Griffith@westarnhem@nt.gov.au
Warruwi Local Emergency Committee	Geraldine Narul	8970 3601 0459 278 144	Geraldine.narul@westarnhem.nt.gov.au
Warruwi Local Emergency Committee	Mark Gavenlock	0457 886 908	mark.gavenlock@westarnhem.nt.gov.au



PO Box 6100
Senate
Parliament House
Canberra ACT 2600]

Sent via email: MinisterMcCarthy@ia.pm.gov.au

19 September 2024

Congratulations on your Ministerial Appointment

Dear Minister McCarthy,

On behalf of the West Arnhem Regional Council (WARC), I extend our congratulations on your appointment as Minister for Indigenous Australians.

The West Arnhem Regional Council covers an area of almost 50,000 square kilometres of West Arnhem Land. Our Electorate encompasses five remote Indigenous communities including Kakadu, Gunbalanya, the Island communities of Warruwi and Minjilang and also includes the largest Indigenous remote community in the Northern Territory, Maningrida.

Our Council is eager to work together with you to address the unique needs and opportunities within the West Arnhem region. We would greatly appreciate a meeting to discuss future opportunities and partnerships for our region.

Please reach out to West Arnhem Regional Councils Governance Advisor, Jasmine Mortimore; jasmine.mortimore@westarnhem.nt.gov.au or 08 8979 9469 to assist in organising a meeting.

Once again, congratulations on your appointment, I look forward to working with you to better our region.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'James Woods'.

Mayor James Woods
West Arnhem Regional Council

✉ PO Box 721, Jabiru NT 0886 📧 info@westarnhem.nt.gov.au 🌐 www.westarnhem.nt.gov.au



Jabiru (Head Office)
☎ 08 8979 9444

Gunbalanya
☎ 08 8970 3700

Maningrida
☎ 08 8979 6600

Warruwi
☎ 08 8970 3600

Minjilang
☎ 08 8970 3500





Sent via email: chief.minister@nt.gov.au

19 September 2024

Congratulations on NT Chief Minister Appointment

Dear Chief Minister,

On behalf of the West Arnhem Regional Council (WARC), I extend our congratulations on your appointment as Chief Minister of the Northern Territory. This is a remarkable achievement, and we are excited about the opportunities that lie ahead for our region under your leadership.

The West Arnhem Regional Council covers an area of almost 50,000 square kilometres of West Arnhem Land. Our Electorate encompasses five remote Indigenous communities including Kakadu, Gunbalanya, the Island communities of Warruwi and Minjilang and also includes the largest Indigenous remote community in the Northern Territory, Maningrida.

Our Council is eager to work together with you to address the unique needs and opportunities within the West Arnhem region. We would greatly appreciate a meeting to discuss future opportunities and partnerships for our region.

Please reach out to West Arnhem Regional Councils Governance Advisor, Jasmine Mortimore; jasmine.mortimore@westarnhem.nt.gov.au or 08 8979 9469 to assist in organising a meeting.

Once again, congratulations on your appointment, I look forward to working with you to better our region.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'James Woods'.

Mayor James Woods
West Arnhem Regional Council

✉ PO Box 721, Jabiru NT 0886 📧 info@westarnhem.nt.gov.au 🌐 www.westarnhem.nt.gov.au



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Maningrida
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Warruwi
☎ 08 8970 3600

Minjilang
☎ 08 8970 3500





Sent via email: minister.uibo@nt.gov.au

19 September 2024

Congratulations on Leader of the Opposition Appointment

Dear Leader of the Opposition,

On behalf of the West Arnhem Regional Council (WARC), I extend our congratulations on your appointment as Leader of the Opposition for the Northern Territory.

The West Arnhem Regional Council covers an area of almost 50,000 square kilometres of West Arnhem Land. Our Electorate encompasses five remote Indigenous communities including Kakadu, Gunbalanya, the Island communities of Warruwi and Minjilang and includes the largest Indigenous remote community in the Northern Territory, Maningrida.

Our Council is eager to work together with you to address the unique needs and opportunities within the West Arnhem region. We would greatly appreciate a meeting to discuss future opportunities and partnerships for our region.

Please reach out to West Arnhem Regional Councils Governance Advisor, Jasmine Mortimore; jasmine.mortimore@westarnhem.nt.gov.au or 08 8979 9469 to assist in organising a meeting.

Once again, congratulations on your appointment, I look forward to working with you to better our region.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'James Woods'.

Mayor James Woods
West Arnhem Regional Council





Sent via email: Manuel.Brown@nt.gov.au

19 September 2024

Congratulations on Member of Arafura Appointment

Dear Mr Brown,

On behalf of the West Arnhem Regional Council (WARC), I extend our congratulations on your appointment as Member of Arafura. This is a remarkable achievement, and we are excited for the opportunities that lie ahead for our region under your leadership.

The West Arnhem Regional Council covers an area of almost 50,000 square kilometres of West Arnhem Land. Our Electorate encompasses five remote Indigenous communities including Kakadu, Gunbalanya, the Island communities of Warruwi and Minjilang and also includes the largest Indigenous remote community in the Northern Territory, Maningrida.

Our Council is eager to work together with you to address the unique needs and opportunities within the West Arnhem region. We would greatly appreciate a meeting to discuss future opportunities and partnerships for our region.

Please reach out to West Arnhem Regional Councils Governance Advisor, Jasmine Mortimore; jasmine.mortimore@westarnhem.nt.gov.au or 08 8979 9469 to assist in organising a meeting.

Once again, congratulations on your appointment, I look forward to working with you to better our region.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'James Woods'.

Mayor James Woods
West Arnhem Regional Council

✉ PO Box 721, Jabiru NT 0886 📧 info@westarnhem.nt.gov.au 🌐 www.westarnhem.nt.gov.au



Jabiru (Head Office)
☎ 08 8979 9444

Gunbalanya
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Maningrida
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Warruwi
☎ 08 8970 3600

Minjilang
☎ 08 8970 3500





Sent via email: ryanma@nlc.org.au

19 September 2024

Crocodile Management Initiatives and Support – Warruwi Community

Dear NLC Chair,

I am writing to you on behalf of the Warruwi Local Authority members to seek your support for an initiative that is of great importance to the Warruwi Community. As the ranger group of Warruwi community we would like your support to enhance both the safety and economic development opportunities of our community through the introduction of crocodile management and awareness programs.

Warruwi community is the main township on South Goulburn Island, approximately 300km east of Darwin at the eastern base of the Cobourg Peninsula in West Arnhem Land. The Indigenous community has a population of approximately 432 people, but this number grows during the wet season and drops during the dry, when people travel to visit family and country.

Warruwi community has long coexisted with crocodiles, which are an integral part of our local ecosystem. However, with this coexistence comes the necessity to address the challenges and risks posed by these animals. Our community has experienced several incidents that highlight the need for improved safety measures and educational initiatives related to crocodile management.

To address these challenges and promote sustainable development, the Local Authority would like your support to address the below.

Crocodile Safety Awareness Campaigns: Implementing educational programs to increase awareness about crocodile behaviour, safe practices around water, and emergency response protocols.

Enhanced Crocodile Management Practices: Developing and enforcing guidelines for managing crocodile populations, including measures for monitoring and relocating crocodiles when necessary. This will help minimize human-wildlife conflicts and ensure the safety of our community members.

Economic Development Initiatives: Exploring opportunities for economic development related to crocodile management. This will create jobs and provide new revenue streams for the community.

✉ PO Box 721, Jabiru NT 0886 📧 info@westarnhem.nt.gov.au 🌐 www.westarnhem.nt.gov.au



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Warruwi
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Minjilang
☎ 08 8970 3500





We believe that with your support and the collaboration of key stakeholders, we can create a safer environment for the Warruwi Community while also supporting economic growth. Your expertise and resources would be invaluable in helping us achieve these goals.

The Warruwi Local Authority would be grateful for the opportunity to discuss this further and explore ways in which we can work together to make these initiatives a reality. Please feel free to contact our Governance Advisor on 8979 9469 or governance@westarnhem.nt.gov.au to arrange a meeting or for any additional information you may require.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "James Woods".

Mayor James Woods
West Arnhem Regional Council





Commissioner of Police
Northern Territory Police Force
GPO Box 39764
Darwin NT 0821

Sent via email: pfes.exec@pfes.nt.gov.au

17 September 2024

Call for Urgent Action: NT Police Support in Warruwi Community.

Dear Police Commissioner,

I am writing to you for urgent action in light of the recent stabbing incident in Warruwi community. Warruwi is the main township on South Goulburn Island, approximately 300km east of Darwin at the eastern base of the Cobourg Peninsula, located in the West Arnhem Region. This Indigenous community has a population of approximately 432 people, but this number grows during the wet season, which is fast approaching.

Currently, there is no permanent police presence on the island with visits scheduled for 5 days every 5 weeks. This however does not occur consistently, with officer often postponing trips or leaving 2-3 days into their scheduled visit.

The recent violence highlights a critical issue: the Warruwi community is experiencing significant delays in police response and intervention, which has contributed to an environment where safety is compromised. This situation reflects a reactive rather than proactive approach to policing, and the community has been advocating for change for years without sufficient action being taken.

This incident has also highlighted the urgent need for substantial improvements in police infrastructure in this community to ensure your officers can adequately serve this community. It is apparent that the current setup of the justice system and police resources is failing to meet the needs of the community, leaving them vulnerable.

To address these pressing concerns, I respectfully urge the Northern Territory Police Force to take the following measures:

- 1. Upgrade Police Infrastructure:** There is an immediate need to enhance the police infrastructure in Warruwi to support more frequent and effective police visits as well as open the option to house and facilitate a full time officer on this island.
- 2. Establish Safe Houses:** Both Warruwi and Minjilang communities are in urgent need of safe houses to provide refuge for victims of violence and domestic abuse. Safe houses

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Maningrida
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Warruwi
☎ 08 8970 3600

Minjilang
☎ 08 8970 3500



would offer crucial support services and a secure environment for individuals seeking protection in their most vulnerable time of need.

- 3. Increase Aboriginal Liaison Officers:** The presence of Aboriginal Liaison Officers is crucial in fostering trust and communication between the police and the community. If it is not feasible to have full time Police officers, there should be a structured plan to ensure more regular visits by liaison officers. Their involvement is key to addressing cultural and community specific issues effectively.

The current Justice system's "only a matter of time" response approach is insufficient and fails to address the immediate needs of the community. The ongoing advocacy by the Warruwi community for enhanced support and infrastructure highlights a clear and pressing need for action. Everyone has the right to feel safe, and it is evident that the justice system is not adequately protecting the residents of Warruwi.

I strongly urge you to prioritise these recommendations and take immediate action to improve the safety and wellbeing of Warruwi community. It is essential that the Northern Territory Police Force adopts a proactive approach so that residents receive the support and protection they deserve.

Thank you for your attention to this urgent matter. I look forward to your response and to seeing meaningful improvements in the support provided to Warruwi. Please contact me on 0497 919 225 / james.woods@westarnhem.nt.gov.au to discuss further.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "James Woods".

Mayor James Woods
West Arnhem Regional Council

CC'd in: electorate.arafura@nt.gov.au; Manuel.Brown@nt.gov.au; chief.minister@nt.gov.au;
RyanmA@nlc.org.au; robyn.cahill@nt.gov.au





Department of
HOUSING, LOCAL GOVERNMENT AND
COMMUNITY DEVELOPMENT

Level 11, NT House
22 Mitchell Street Darwin NT 0801

Postal address
GPO Box 4396
Darwin NT0801

E lg.compliance@nt.gov.au

T 08 8999 8868

File reference: 2024/1282-7-8

23 September 2024

Mr Andrew Walsh
Chief Executive Officer
West Arnhem Regional Council
PO Box 721
JABIRU NT 0886

Email: Andrew.walsh@westarnhem.nt.gov.au

Dear Mr Walsh,

Re: Chief Executive Officer delegation and interaction with Regulation 36 of the *Local Government (General) Regulations 2021*.

The Local Government Unit (LGU) serves to ensure that local government councils understand their requirements under the *Local Government 2019 Act* (the Act) and the relevant regulations. It has come to the LGU's attention that there is some question over how to apply Regulation 36 of the *Local Government (General) Regulations 2021* (the Regulations).

Regulation 36

Regulation 36 prescribes local government tender requirements and sets out the process of convening a tender panel. It further sets out the requirements that need to be followed in order to accept a tender proposal.

Under section 40 of the *Local Government Act 2019* (the Act) a council has the authority to delegate powers, and may include those related to tenders. It is important for councils to note that for a delegation of power to incur financial liabilities, the limits of the delegates authorities must be clearly defined (section 40(3)(b) of the Act). Therefore, a council has the power to delegate authority to approve tenders to its CEO, provided the CEO's financial limit (maximum value of tender to be approved) is clearly defined.

Although Regulation 36 does not require a formal council resolution for tender approvals, it does require a report from the CEO be provided to council (Regulation 36(8)). This reporting requirement exists independently of any delegation to the CEO regarding tenders and must be adhered to by the CEO.

Additionally, section 40(3)(c) of the Act prohibits any delegation that would derogate from the statutory functions of the CEO. This means that the council cannot make any delegations or rules which take away from the CEO's statutory functions. In other words, the council cannot introduce any rules or make delegations that interfere with the CEO's responsibility to report on procurement activities as per Regulation 36. This reporting must also cover, at a minimum, the criteria set out in Regulation 33(1).

Should you require further clarification, please do not hesitate to contact the LGU compliance team via email at lg.compliance@nt.gov.au.

Yours sincerely



Hugh King
A/Director
Sustainability and Compliance

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	9.2
Title:	Meetings and Events attended by the Mayor
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

This report provides information to Council on meetings and events attended by the Mayor since the last Ordinary Council Meeting.

RECOMMENDATION

THAT COUNCIL receive and note the report entitled *Meetings and Events attended by the Mayor*.

BACKGROUND

The meetings and events listed involve discussions that influence or may affect the operations of the Council or relationships with external agencies. The list is not a complete list of every meeting or event attended by the Mayor and excludes Council, Local Authority and Committee meetings.

COMMENT

Date	Location	Reason for Meeting	Person(s) met with
28.08.2024	Via team	LGANT Board Meeting	LGANT Board members
05.09.2024	Maningrida	Maningrida Service Delivery Meeting	Various Maningrida Stakeholder
05.09.2024	Maningrida	Maningrida Agency Wide Funeral / Cemetery Discussion	Various Maningrida Stakeholder
19.09.2024	Via teams	Kick the Habit - working group meeting	Working Group Members
24.09.2024	Via team	Meeting with Sydney Swans	Jarred Hodges from Sydney Swans, Andrew Walsh - CEO, Fiona Ainsworth – Director of Community and Council Services, Mickitja Onus - Councillor

LEGISLATION AND POLICY

Allowances and Expenses (Elected, Local Authority and Committee Members) Policy.
Travel and Accommodation (Elected, Local Authority and Committee Members) Policy.

FINANCIAL IMPLICATIONS

As per Council's policies and budget.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 1 PARTNERSHIPS, RELATIONSHIPS AND BELONGING

Investing in relationships and partnerships at all levels supports and strengthens community and belonging. We prioritise the value of partnerships and relationships as a key determinant of a happy, strong and thriving community.

Goal 1.1 Community Engagement

Seek out and support diverse perspectives and collaborations with community, community leaders, businesses, agencies and local service providers to enhance community life.

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	9.3
Title:	Meetings and Events attended by the CEO
Author:	Andrew Walsh, Chief Executive Officer

SUMMARY

This report provides information on meetings and events attended by the CEO since the last Ordinary Council Meeting.

RECOMMENDATION

THAT COUNCIL receive and note the report entitled *Meetings and Events attended by the CEO*.

BACKGROUND

The meetings listed involve discussions that influence or may affect the operations of the Council or relationships with external agencies. The list is not a complete list of every meeting attended by the CEO and excludes Council and Committee meetings.

COMMENT

Date	Location	Reason for Meeting	Person(s) Met with
22.08.2024	Minjilang	Enterprise Agreement Employee Information Session	Minjilang Staff Members
22.08.2024	Waruwi	Enterprise Agreement Employee Information Session	Waruwi Staff Members
22.08.2024	Maningrida	Enterprise Agreement Employee Information Session	Maningrida Staff Members
23.08.2024	Darwin	Catch up with City of Palmerston CEO	Luccio Cercarelli
23.08.2024	Darwin	Catch up with Department of Chief Minister and Cabinet Regional Executive Director	Darren Johnson
23.08.2024	Darwin	Catch up with Department of Infrastructure, Planning and Logistics CEO	Andrew Kirkman
23.08.2024	Darwin	Discussion with Tellus General Manager, Business Development	Jade Ritchie, Sara Fitzgerald – Waste and Resource Coordinator
28.08.2024	Jabiru	Meeting with TeamHealth CEO	Anne Gawen
29.08.2024	Gunbalanya	Remote Laundries Launch	Various Gunbalanya Stakeholders
02.09.2024	Darwin	Catch up with Department of Chief Minister and Cabinet Regional Director	Aneurin Townsend
04.09.2024	Jabiru	Met with First Circles Members	First Circles Group Members Including Waruwi CSM Geraline Narul
05.09.2024	Maningrida	Maningrida Service Delivery Meeting	Various Maningrida Stakeholders
05.09.2024	Maningrida	Agency wide Funerals/Cemeteries discussion	Various Maningrida Stakeholders
23.09.2024	Via teams	Enterprise Agreement Meeting	West Arnhem Bargaining Representatives, Union

			Representatives, Bob Davidson from DW Solutions
24.09.2024	Via teams	Meeting with Sydney Swans	Jarred Hodges from Sydney Swans, James Woods – Mayor, Fiona Ainsworth – Director of Community and Council Services, Micketja Onus - Councillor
26.09.2024	Darwin	Meeting with Territory Credit Union CEO and Chair	Iain Summers and Simon Lyons

Chief Executive Officer was on leave between Friday 13 September – Friday 20 September 2024.

LEGISLATION AND POLICY

Allowances and Expenses (Elected, Local Authority and Committee Members) Policy.
Travel and Accommodation (Elected, Local Authority and Committee Members) Policy.

FINANCIAL IMPLICATIONS

As per Council's policies and budget.

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 1 PARTNERSHIPS, RELATIONSHIPS AND BELONGING

Investing in relationships and partnerships at all levels supports and strengthens community and belonging. We prioritise the value of partnerships and relationships as a key determinant of a happy, strong and thriving community.

Goal 1.1 Community Engagement

Seek out and support diverse perspectives and collaborations with community, community leaders, businesses, agencies and local service providers to enhance community life.

ATTACHMENTS

Nil

WEST ARNHAM REGIONAL COUNCIL

FOR THE MEETING 30 September 2024

Agenda Reference:	9.4
Title:	Technical Services Projects Report
Author:	Clem Beard, Acting General Manager Technical Services

SUMMARY

This report is presented to the Council to provide an overview of all Local Authority and other Council projects delivered across the West Arnhem Regional Council locations, for the reporting period up to 18 September 2024.

RECOMMENDATION

THAT COUNCIL receives and notes the report entitled *Technical Services Projects Report*.

BACKGROUND

High level operational/project management reports are provided to ensure transparency, communication, and support are provided to elected members.

COMMENT

As per attached report, a comprehensive snapshot is provided to Council of all current projects being undertaken by the Technical Services Team

STATUTORY ENVIRONMENT

Not Applicable.

FINANCIAL IMPLICATIONS

Not Applicable.

STRATEGIC IMPLICATIONS

This report aligns to the following pillars and goals as outlined in the *Regional Plan and Budget*:

PILLAR 4 SERVICE DELIVERY AND BUILT ENVIRONMENT

We provide high quality infrastructure and service delivery that meets the unique needs of each community, creates a sense of place and contributes towards promoting a sense of pride in community.

Goal 4.1 Strategic Infrastructure and Asset Management

Strategically manage, maintain and enhance community infrastructure.

Goal 4.2 Fleet, Plant and Equipment

Provide a modern and well-maintained fleet of plant and vehicles capable of meeting service delivery requirements.

Goal 4.3 Waste and Water Management

Deliver environmentally and economically sound solid waste, water and sewerage services.

Goal 4.4 Local Road Management and Maintenance

Tactically monitor, maintain and manage Council gazetted roads and community safety via traffic management.

PILLAR 5 SUSTAINABILITY AND CLIMATE ACTION

Leading by example, we commit to developing a culture of sustainable practice. We recognise and champion the importance of safe-guarding our environment for future generations by working collectively with community, private enterprises and all tiers of government.

Goal 5.1 Recycling and Waste

Develop recycling and waste initiatives which protect and preserve community natural resources and the local environment.

Goal 5.2 Procurement

Develop and implement a leading-edge sustainability procurement strategy.

ATTACHMENTS

1. Technical Services Projects - Sept 2024 [9.4.1 - 3 pages]
2. Technical Services Projects Local Authority - Sept 2024 [9.4.2 - 3 pages]

JABIRU TECHNICAL SERVICES PROJECTS - Other

STATUS	PROJECT COMPLETE	TASK	DESCRIPTION	LOCATION	% DONE
In Progress	30/10/2024	Awaiting Bore 3 Upgrade works to connect full coverage telemetry system.	Jabiru Telemetry System Upgrade	Jabiru	80%
In Progress	30/10/2024	Contractor has commenced works and construction of grandstands - Delay due to Hansons Concrete shutdown.	Jabiru Brockman Oval Grandstands	Jabiru	50%
In Progress	30/11/2024	Design Phase only - Once received will allow for tender release.	Jabiru Brockman Oval Lights	Jabiru	35%
In Progress	30/12/2024	Awaiting GACJT board approval meeting scheduled October 2024.	Dog Park - Lakeside Park	Jabiru	5%

MINJILANG TECHNICAL SERVICES PROJECTS - Other

STATUS	PROJECT COMPLETE	TASK	DESCRIPTION	LOCATION	% DONE
In Progress	30/11/2024	Awaiting approval of variation from funding body to perform works in Waruwi for staff housing repairs prior to onset of Wet Season.	Minjilang/Warruwi Staff Housing	Minjilang	75%
Complete	30/07/2024	Completed	Minjilang Creche Roof and Internal	Minjilang	100%
In Progress	30/12/2024	Tender Received - Report in the Confidential Agenda for Council resolution.	New Minjilang Cemetery	Minjilang	25%

WARRUWI TECHNICAL SERVICES PROJECTS - Other

STATUS	PROJECT COMPLETE	TASK	DESCRIPTION	LOCATION	% DONE
In Progress	30/10/2024	Part construction/Fabrication delivery. Awaiting confirmation from contractor on scheduling works.	Warruwi Hall Reroof	Warruwi	70%
In Progress	30/12/2024	Seeking further quotes - per procurement policy.	Warruwi Ground Penetrating Radar	Warruwi	10%
In Progress	31/12/2024	Installation of Sea Container for storage at Recreation Hall. Purchase Order released.	Warruwi Recreation Hall Upgrade	Warruwi	10%

MANINGRIDA TECHNICAL SERVICES PROJECTS - Other

STATUS	PROJECTED	TASK	DESCRIPTION	LOCATION	% DONE
In Progress	1/02/2025	Civil Works in progress/Plumbing civil in progress.	Maningrida Change Rooms	Maningrida	5%
In Progress	1/03/2025	Pre-Construction Planning. Complete works when changerooms are complete.	Maningrida Toilets	Maningrida	5%

In Progress	30/07/2025	Awaiting Local Approval. Additional and extensive consultations are required to proceed.	Maningrida Cemetery	Maningrida	20%
In Progress	30/12/2024	Awaiting Development Application - expected up to 4 week turnaround.	Maningrida Airport Structures	Maningrida	20%
In Progress	15/10/2024	Expected to be completed by early October when linemarkers mobilise.	Maningrida Airport Road Line Marking	Maningrida	95%

GUNBALANYA TECHNICAL SERVICES PROJECTS - Other

STATUS	PROJECTED COMPLETE	STAGE	DESCRIPTION	LOCATION	% DONE
In Progress	30/11/2024	Thinkwater providing quote and options for review - to determine what works can be achieved within budget allocation.	Gunbalanya Oval Upgrade	Gunbalanya	15%
In Progress	30/11/2024	Claim accepted - Works awarded to MJ Builders - Materials in procurement.	Gunbalanya Flood Insurance Toad Hall/Laundry	Gunbalanya	10%

GUNBALANYA LOCAL AUTHORITY PROJECTS

STATUS	PROJECTED COMPLETE	STAGE	DESCRIPTION	LOCATION	% DONE
In Progress	30/10/2024	Construction in progress - working around community closures due to cultural obligations in Gunbalanya	Gunbalanya Shelters	Gunbalanya	50%
Completed	30/09/2024	Final Inspection required - additional works identified for full functionality	Gunbalanya Cold Water Drinking Fountain	Gunbalanya	95%
In Progress	30/11/2024	Awaiting contractor capacity - Kakadu Contracting have no capacity to perform works at this time.	Gunbalanya Aged Care Pavers	Gunbalanya	25%
Completed	30/10/2024	Works Completed - awaiting final invoice to be received.	Vet Program - Animal Management	Gunbalanya	100%
In Progress	20/10/2024	Materials ordered - awaiting delivery	Crosswalk/Speed Hump - Gunbalanya Office/Youth Centre	Gunbalanya	15%
In Progress	30/11/2024	Materials ordered - awaiting delivery	Modifications Office Shelter	Gunbalanya	25%

WARRUWI LOCAL AUTHORITY PROJECTS

STATUS	PROJECTED COMPLETE	STAGE	DESCRIPTION	LOCATION	% DONE
In Progress	30/10/2024	Sourcing quotes	Repairs to Shade Structure	Warruwi	5%

In Progress	15/10/2024	Works to be completed by local contractor	Supply and Install Steel Grab Rails	Warruwi	35%
Completed	30/09/2024	Works Completed - awaiting final invoice to be received	Vet Program - Animal Management	Warruwi	100%

MANINGRIDA LOCAL AUTHORITY PROJECTS

STATUS	PROJECTED COMPLETE	STAGE	DESCRIPTION	LOCATION	% DONE
In Progress	30/10/2024	Awaiting contractor quotes	Grandstands Basketball Court/Footy Oval	Maningrida	5%
In Progress	31/12/2024	Preplanning/permits stage in progress	NYE Fireworks 2024	Maningrida	35%
In Progress	30/10/2024	Works Complete - awaiting delivery of corner edge kerbing	Installation Outdoor Gym	Maningrida	95%
In Progress	30/11/2024	Contractor awaiting materials	Bollards for Cricket Oval	Maningrida	15%
In Progress	1/03/2025	Tender in progress	Funeral Hearse Vehicle	Maningrida	10%
Completed	30/09/2024	Works Completed - awaiting final invoice to be received	Vet Program - Animal Management	Maningrida	100%

MINJILANG LOCAL AUTHORITY PROJECTS

STATUS	PROJECTED COMPLETE	STAGE	DESCRIPTION	LOCATION	% DONE
Completed	30/09/2024	Works Completed - awaiting final invoice to be received	Vet Program - Animal Management	Minjilang	100%

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	9.5
Title:	Jabiru Landfill EPA License Update
Author:	Sara Fitzgerald, Waste and Resource Coordinator

The Report will be dealt with under Section 293(1) of the Local Government Act 2019 and General Regulation 2021 Part (3) Administration - Division 2 Section 51(1)(c)(i). It contains information that would, if publicly disclosed, be likely to: cause commercial prejudice to, or confer an unfair commercial advantage on, any person.

SUMMARY

This report is to provide an update to Council regarding the non-compliance matters raised during recent inspection of the Jabiru Landfill, EPA license EPL351.

RECOMMENDATION

THAT COUNCIL:

1. Receive and note the report entitled *Jabiru Landfill EPA License Update*;

BACKGROUND

As per correspondence tabled July Confidential Ordinary Council meeting NTEPA has advised of 15 instances of non-compliance with EPL351 Environmental Protection License held by Jabiru Landfill

COMMENT

Please see attached response document to submitted to NTEPA on Friday 2nd August 2024.

The operations team continues to work towards rectifying issues of non-compliance to ensure the best outcome is achieved. Further quotes for rectification works have been sought to see if any savings can be made and an amendment to license request is progressing to include transport of hazardous waste moving forward.

NTEPA have advised that they are not going to proceed with financial penalty if the landfill is made compliant by 30 October 2024 as per response provided. Operational staff are on track to meet this deadline.

LEGISLATION AND POLICY

Insert text here

FINANCIAL IMPLICATIONS

Insert text here

STRATEGIC IMPLICATIONS

This report is aligned to the following pillars and goals of the *Regional Plan and Budget*:

PILLAR 4 SERVICE DELIVERY AND BUILT ENVIRONMENT

We provide high quality infrastructure and service delivery that meets the unique needs of each community, creates a sense of place and contributes towards promoting a sense of pride in community.

Goal 4.3 Waste and Water Management

Deliver environmentally and economically sound solid waste, water and sewerage services.

ATTACHMENTS

1. EP L 351 [9.5.1 - 9 pages]
2. Jabiru Landfill Sign [9.5.2 - 1 page]



EPL351 - 147 El Sherana Road, Jabiru Inspection 6 June



Submission of response to Observations on Non Compliance Inspection Outcomes 6 June 2024

#	Requirement	Observations	Rectification	Delivery Date
1	<p>EPL351 Condition 4: The licensee must cause clear and legible signage, in English, to be displayed in a prominent location at each public entrance to the premises that includes the following details:</p> <p>4.1: environment protection licence number issued under the WMPC Act;</p>	Signage at the entrance to the landfill does not show the EPL number	New signage ordered - temporary signage installed with licence number and emergency contact details	<p>Rectified temporarily Permanent 30 Oct 24</p> <p>EVIDENCE - TEMPORARY SOLUTION: Photo 1</p> <p>PERMANENT SOLUTION: Attachment 1 : quote for new signage attached. Order to to be completed with Norsign when they reopen Wednesday 5 August</p> <p>21.08.24 UPDATE PO attached for ordering signage, NORSIGN PO</p> <p>23.09.24 UPDATE Signage Draft attached</p>
2	<p>EPL351 Condition 4: The licensee must cause clear and legible signage, in English, to be displayed in a prominent location at each public entrance to the premises that includes the following details:</p> <p>4.2: 24 hour emergency contact details.</p>	Signage at the entrance to the landfill does not show the emergency contact details	New signage ordered - temporary signage installed with licence no and emergency contact details	<p>21.08.24 UPDATE PO attached for ordering signage, NORSIGN PO</p> <p>23.09.24 UPDATE Signage Draft attached</p>

3	<p>EPL351 Condition 5: The licensee must cause a copy of this licence to be available for inspection by any person, in hard copy form, at the premises.</p>	<p>Sara Fitzgerald (Waste and Resource Coordinator) advised officers over the phone during the inspection that a hard copy of the licence is not kept at the gatehouse.</p>	<p>A copy of Licence is available at the gatehouse</p>	<p>Rectified EVIDENCE - Photo 2 21.08.24 UPDATE ITEM COMPLETE</p>
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4	<p>EPL351 Condition 17: The licensee must not exceed any of the storage limits specified in Table 3.</p>	<p>Officers observed three locations of ULABs: Behind the green waste area (as per photos) - 8 wooden pallets containing approximately 150-200 batteries and a further 40 - 50 directly on the ground and most covered in vegetation. Adjacent to the tyre storage area - Officers were unable to estimate the number of batteries due to heavy weed cover. The batteries that could be seen were not on pallets. Adjacent to the waste oil storage – several batteries on the ground</p>	<p>Seeking quotes from contractor to transport excess batteries</p> <p>Long term plan to apply for licence to transport hazardous waste and remove batteries when one pallet is accumulated or on a monthly basis whichever is sooner</p>	<p>30 June 2025</p> <p>EVIDENCE - CURRENT ACTION: IN PROGRESS -batteries being moved to pallets for safe storage until transport can be arranged - Photos 3, 4 & 5. Will be restacked and wrapped when transport is available</p> <p>INTERMEDIATE SOLUTION: Contractor to transport battery stockpile - attachment 2 - NTEX quote is for removal of ALL batteries and other works</p> <p>FUTURE SOLUTION: WARC to obtain licence to transport batteries to recyclers - Attachment 3 - application for licences to transport waste with NTEPA</p>
5	<p>EPL351 Condition 18: The licensee must handle listed waste ULAB (in the form of 'acidic solutions or acids in solid form' and 'lead, lead compounds') in accordance with the Australian Battery Recycling Initiative (ABRI) Packaging Standard for ULAB.</p>	<p>As Section 4 above.</p>	<p>Currently are being moved onto pallets with 8 pallets ready for transport</p> <p>Future storage will have batteries stored on a pallet ready for transport when pallet is full</p>	<p>21.08.24 UPDATE All batteries moved to pallets for transport - they will be strapped down when transport finalised - PO for transport attached. PHOTOS 21.08 & NTEX PO</p> <p>23.09.24 UPDATE Batteries to be removed Week Commencing 7.10.24</p>

6	EPL351 Condition 19: The licensee must not exceed any of the tyre stack limits specified in Table 4.	Tyres were stored in a bay with the pile being approximately 20 m x 30 m with an average depth of 1 m.	Seeking quotes from contractors to remove 20m3 of tyres (120 units) Determining how to utilise WARC licence to transport in order to arrange transport for remaining tyres and any future collections.	<p>30 June 2025 EVIDENCE - Attachment 2 - NTEX quote for removal of 20m3 to become compliant. Photos 6, 7 & 8</p> <p>FUTURE WORKS: Schedule to be developed for removal of remaining tyres utilising WARC licence</p> <p>21.08.24 UPDATE PO attached for transport of 20m3 of tyres to regain compliance. In process of moving container to site for better storage for remaining tyres. Attached NTEX PO</p>
7	6EPL351 Condition 20: The licensee must maintain a 10 metre wide firebreak around the boundary of the tyre stockpile area.	Three sides of the tyre stockpile bay were clear of vegetation. Vegetation was present in the adjacent bay where batteries were stored. Vegetation was also observed growing over the tyre stockpile.	As much vegetation as possible has been removed surrounding the site with an area cleared for a container to stockpile in the future.	<p>23.09.24 UPDATE 20m3 of tyres to be removed week commencing 07.10.224. License amendment has been submitted to get transport by WARC vehicle approved by NTEPA</p>

8	<p>EPL351 Condition 22: The licensee must ensure that all materials that are likely to cause environmental harm are handled and stored in areas with a containment system in accordance with the relevant Australian Standard. Where no relevant Australian Standard exists, the containment system must be sized to contain 110% of the volume of the largest container within the area.</p>	<p>Waste cooking oil and unused motor oil containers were stored on bare ground near the putrescible waste dumping area. Waste motor oil was stored in bund rather than IBCs over a bund.</p>	<p>Excess oil was transferred to IBC including liquid in base of the bund Cover reinstalled to oil container and secured with screws Temporary signage installed to better direct usage New signage to ordered</p>	<p>30 OCT 2024 EVIDENCE - Photo 9 and attachment 1 Norsign quote 21.08.24 UPDATE PO attached for signs. NORSIGN PO 23.09.24 UPDATE Draft of new sign attached</p>
9	<p>EPL351 Condition 23: The licensee must segregate waste received or generated at the premises in clearly designated areas for recycling, re-use or disposal.</p>	<p>Lack of signage in drop off bays for clear segregation of waste as per layout of landfill.</p>	<p>Temporary Signage erected New signage ordered</p>	<p>30 OCT 2024 EVIDENCE - Photos 10 & 11 and attachment 1 Norsign quote 21.08.24 UPDATE PO attached for signs. NORSIGN PO 23.09.24 UPDATE New signage ordered awaiting proof</p>

10	EPL351 Condition 24: The licensee must ensure that litter:	Small amounts of litter was outside of the premises.	Improved operational management with scheduled daily litter check. Landfill cover is progressing. Council is reviewing how to meet this obligation. Updates will be provided in monthly update	ONGOING ACTIVITY will provide evidence in monthly update EVIDENCE - Photos 12 & 13 21.08.24 UPDATE Daily litter checks continue to be done. Evidence of landfill face now covered in attached photos. PHOTOS 21.08 21.08.24 UPDATE Daily litter checks continue to be done.
11	EPL351 Condition 24: The licensee must ensure that litter: 24.2 is not deposited or allowed to accumulate in stormwater drain(s), water or leachate dam(s);	Large amounts of litter in water.	Improved operational management with scheduled daily litter check. Landfill cover is progressing. Council is reviewing how to meet this obligation. Updates will be provided in monthly update	21.08.24 UPDATE Daily litter checks continue to be done. Evidence of landfill face now covered in attached photos. PHOTOS 21.08 21.08.24 UPDATE Daily litter checks continue to be done.
12	EPL351 Condition 24: The licensee must ensure that litter: 24.3 does not accumulate along the boundary of the premises.	Small amounts of litter had accumulated along the boundary fence	Improved operational management with scheduled daily litter check. Landfill cover is progressing. Council is reviewing how to meet this obligation. Updates will be provided in monthly update	

<p>13</p>	<p>EPL351 Condition 28: The licensee must cover waste in accordance with the NT EPA Guidelines for the Siting, Design and Management of Solid Waste Disposal Sites in the Northern Territory.</p>	<p>No evidence of recent cover material on or over waste</p>	<p>Landfill cover is progressing. Council is reviewing how to meet this obligation. Status updates will be provided in monthly update</p>	<p>1 NOV 2024</p> <p>EVIDENCE - Monthly updates to be provided to NTEPA</p> <p>CURRENT SITUATION: Photo 14 - Cover material prepared for site</p> <p>Photo 15 - Evidence of current coverage of partial landfill face</p> <p>21.08.24 UPDATE Evidence of landfill face now covered in attached photos. PHOTOS 21.08</p> <p>23.09.24 UPDATE ACTION COMPLETE Further photos to be supplied at end of October</p>
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14	<p>EPL351 Condition 29: The licensee must ensure that all leachate is managed in accordance with the NT EPA Guidelines for the Siting, Design and Management of Solid Waste Disposal Sites in the Northern Territory.</p>	<p>A large pit immediately behind putrescible waste disposal area contained a dark coloured water consistent with leachate (colour and odour). No lined leachate pond was present as per the layout attached to EPL351 and the Environmental Management Plan listed in Table 2 of EPL351</p>	<p>New Environmental Management Plan to be submitted with revised leachate management through evaporation</p> <p>WARC Engineer to revise site drainage and leachate management</p> <p>Contractors to be engaged to perform earthworks to raise the level of the hole to ensure it is only used for leachate management</p>	<p>1 NOV 2024 EVIDENCE - Monthly updates will be provided to NTEPA CURRENT SITUATION: Photo 16 - proof of water evaporation Photo 17 - Proof access to the water pooling area has been reestablished Attachment 2 - Quote to perform earthworks</p>
15	<p>EPL351 Condition 30: The licensee must ensure that neither leachate nor water pond on the surface of the landfill.</p>	<p>As Section 14 above</p>	<p>New Environmental Management Plan to be submitted with revised leachate management through evaporation</p> <p>WARC Engineer to revise site drainage and leachate management</p> <p>Contractors to be engaged to perform earthworks to raise the level of the hole to ensure it is only used for leachate management</p>	<p>21.08.24 UPDATE PO for earthworks attached awaiting scheduled date for commencement. NTEX PO</p> <p>23.09.24 UPDATE SOME Filling of the large hole complete with final works to be done week commencing 7.10.24 with contractor on site</p>

EPL351 - 147 Elsharana Road, Jabiru

Response Document

West Arnhem Regional Council

West Arnhem Regional
Council

Ordinary Council Meeting
Monday 30 September 2024

Welcome to **Jabiru Waste Management Facility**

Please follow all site signage and any instructions given by council staff

COMMERCIAL WASTE FEES APPLY



The following items are accepted for recycling

- Scrap Metal
- Whitegoods
- Batteries
- E-waste
- Tyres
- Concrete, Bricks, Rubble



The Following Waste Streams are NOT Accepted

- Asbestos
- Medical Waste
- Acids & basic solutions
- Sewerage
- Declared Weeds
- Grease Trap Waste



Unauthorised scavenging is not permitted at this site

This site is staffed Monday- Friday 7am - 3pm

After hours please use the segregation bays provided

This site is operated by West Arnhem Regional Council for commercial waste fee enquiries please contact waste@westarnhem.nt.gov.au



THIS SITE IS MONITORED BY CCTV ILLEGAL DUMPING WILL INCUR PENALITES

EPL351

After hours please contact 0475 564 621

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 September 2024

Agenda Reference:	9.6
Title:	Finance Report for the period ended 31 August 2024
Author:	Jocelyn Nathanael-Walters, Director Finance

SUMMARY

The purpose of this report is to provide Council with the Financial Management Report for the period ended 31 August 2024.

RECOMMENDATION

THAT COUNCIL

1. Receive and note the report titled *Finance Report for the period ended 31 August 2024*.

BACKGROUND

The CEO must, in each month, give the Council (or Council's Finance Committee) a report setting out:

- The actual year to date income and expenditure of council;
- The most recently adopted annual budget; and
- Details of any material variances between the most recent actual income and expenditure, and the most recently adopted annual budget.

The report must be in the approved form.

The report must be accompanied by the CEO's certification in writing, to the Council, that to the best of the CEO's knowledge, information and belief:

- The internal controls implemented by Council are appropriate; and
- The Council's financial report best reflects the financial affairs of Council.

If the CEO cannot provide the certification, then written reasons for not providing the certification is to be submitted.

COMMENT

The *Local Government (General) Regulations 2021* requires the previous month's financial report to be given to the Council.

STATUTORY ENVIRONMENT

Regulation 17 of the *Local Government (General) Regulations 2021* outlines the requirements for financial reporting to council.

The format of the monthly financial report follows the prescribed format set out in the CEO of the Department of Chief Minister and Cabinet's approved form published on the NT Government Local Government Unit's website.

FINANCIAL IMPLICATIONS

The CEO is responsible for laying before the Council a monthly financial report and the Council is responsible for managing its resources.

STRATEGIC IMPLICATIONS

This report aligns to the following pillars and goals as outlined in the *Regional Plan and Budget*:

PILLAR 6 FOUNDATIONS OF GOVERNANCE

Integrity is at the heart of everything we do. We are leaders of best practice and excellence in governance, advocacy, consultation and administration. Our processes, procedures and policies are ethical and transparent.

Goal 6.1 Financial Management

Provision of strong financial management and leadership which ensures long term sustainability and growth.

ATTACHMENTS

1. CEO Certification - August 2024 Monthly Finance Report Signed [9.6.1 - 1 page]
2. 2. Snapshot [9.6.2 - 1 page]
3. 3. Ratio Report [9.6.3 - 2 pages]
4. 4. Monthly Financial Report. [9.6.4 - 7 pages]
5. 5. Restricted Funding Report [9.6.5 - 3 pages]
6. 6. Monthly Financial Report by L A's [9.6.6 - 1 page]
7. 7. Credit Card Transactions [9.6.7 - 3 pages]

Certification by the CEO to the Council

Council Name:	West Arnhem Regional Council
Reporting Period:	August 2024

That, to the best of the CEO's knowledge, information and belief:
(1) The internal controls implemented by the council are appropriate; and
(2) The council's financial report best reflects the financial affairs of the council.

CEO Signed

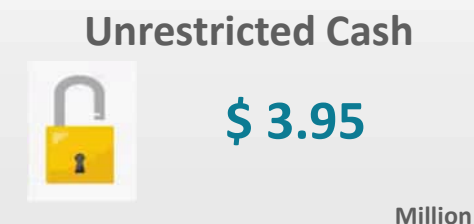
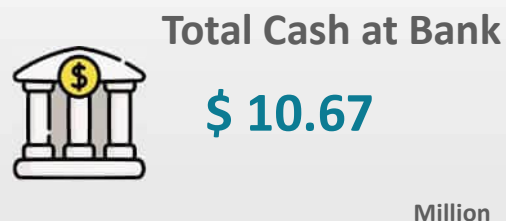
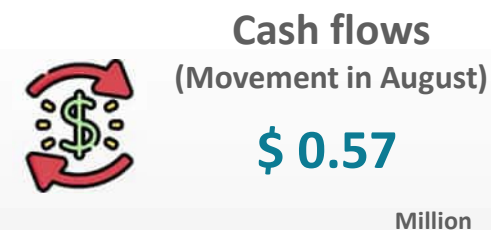
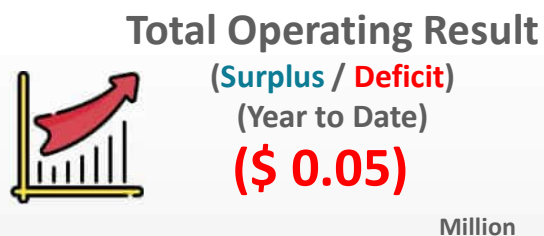


Date Signed

24 September 2024

Note: *The monthly financial report to council must either be accompanied by a written certification by the CEO to the council, as set out above, or the CEO is to provide written reasons for not providing the certification. (Regulation 17(5) of the General Regulations)*

Snapshot – August 2024 Financial Report



Statement of Working Capital / Current Ratio

Total current assets increased by \$854K from \$3.931M in July to \$4.928M in August 2024. This is due to an increase of \$854K in cash and cash equivalents and an increase of \$143K in Trade and Other Receivables.

Cash and cash equivalents increased by \$854K and is due to:

- (a) An increase in cash at bank (including term deposits) of \$571K and;
- (b) A decrease in restricted cash of \$283K.

Note: The FAA roads funding has been reclassified as unrestricted funding. The balance of FAA Roads funds in June 2024 was \$0, meaning there was no change required historically in the below table.

Total current liabilities decreased by \$157K from \$2.470M in July to \$2.312M in August 2024. The movement in current liability items is also shown in the table below. Council's net working capital (total current assets less total current liabilities) increased from \$1.461M in July 2024 to \$2.312M in August 2024, as the net result of the movements noted above. The current ratio increased from 1.59 to 2.13, as at 31 August 2024.

	JULY	AUGUST	Movement	%
CURRENT ASSETS				
Cash and cash equivalents	3,098,850	3,953,012	854,162	28%
Trade and Other Receivables	831,932	974,687	142,755	17%
Inventories (fuel and post office)	0	0	0	0%
Prepayments and Other	0	0	0	0%
TOTAL CURRENT ASSETS	3,930,782	4,927,699	996,917	25%
Less:				
CURRENT LIABILITIES				
Trade and Other Payables	1,144,411	1,013,086	(131,326)	-11%
Provisions	517,879	567,862	49,983	10%
Other Liabilities	807,440	731,503	(75,938)	-9%
TOTAL CURRENT LIABILITIES	2,469,731	2,312,450	(157,280)	-6%
NET CURRENT ASSETS (Working Capital)	1,461,051	2,615,249	1,154,197	79%
CURRENT RATIO	1.59	2.13	0.54	34%

Working Capital / Current Ratio



“How many dollars we have for every dollar we owe”

WEST ARNHEM REGIONAL COUNCIL for the period ended 31 August 2024		31 August 2024
		\$
CURRENT ASSETS		
Cash and cash equivalents *	3,953,012	
Trade and Other Receivables	974,687	
Inventories	-	
Prepayments and Other	-	
TOTAL CURRENT ASSETS	4,927,699	
Less:		
CURRENT LIABILITIES		
Trade and Other Payables	1,013,086	
Provisions	567,862	
Borrowings	-	
Other Liabilities	731,503	
TOTAL CURRENT LIABILITIES	2,312,450	
NET CURRENT ASSETS (Working Capital)	2,615,249	
	CURRENT RATIO	2.13

$$\text{Current Ratio Formula} = \frac{\text{Current Assets}}{\text{Current Liabilities}}$$

What makes an asset current is that it can be converted into cash within a year. What makes a liability current is that it is due within a year.

- Note: does not include restricted cash of \$6.715 million as at 31 August 2024
- Note: Molloy Electrical Contracting, City Earthmoving and Road Network Services Pty Ltd creditors have been excluded as these are related to restricted cash.



Table 1. Income and Expenditure Statement

Expected YTD Annual Budget Completion 17%

Period ended 31 August 2024	Notes	YTD Actuals (A) \$	Commitments (B) \$	YTD Budget (C) \$	YTD Variance (A - C) \$	Annual Budget (E) \$	YTD Actual Compared to Annual Budget (A / E) %
OPERATING INCOME							
Rates		444,638	0	444,638	0	2,667,828	17%
Charges	1	556,638	0	722,879	(166,241)	4,337,273	13%
Fees and Charges		139,415	0	116,428	22,987	696,126	20%
Operating Grants and Subsidies		2,735,627	0	2,735,627	0	16,363,765	17%
Interest / Investment Income		34,428	0	25,667	8,761	154,000	22%
Commercial and Other Income	2	1,627,506	0	2,214,691	(587,185)	13,368,342	12%
TOTAL OPERATING INCOME		5,538,252	0	6,259,930	(721,678)	37,587,333	15%
OPERATING EXPENDITURE							
Employee Expenses		2,790,319	0	3,323,728	(533,408)	19,919,484	14%
Materials and Contracts	4	1,413,171	5,907,655	1,317,971	95,200	7,113,838	20%
Elected Member Allowances		61,743	0	59,667	2,077	358,000	17%
Elected Member Expenses		1,733	0	10,933	(9,201)	65,600	3%
Council Committee & LA Allowances		2,200	0	6,613	(4,413)	26,450	0%
Council Committee & LA Expenses		0	0	26	(26)	105	0%
Depreciation, Amortisation and Impairment		912,728	0	912,728	0	5,476,364	17%
Interest Expenses		0	0	0	0	0	0%
Other Expenses	3	1,303,056	128,077	1,597,226	(294,170)	9,218,564	14%
TOTAL OPERATING EXPENDITURE		6,484,949	6,035,732	7,228,891	(743,942)	42,178,405	15%
OPERATING SURPLUS / (DEFICIT)		(946,698)	(6,035,732)	(968,961)	22,263	(4,591,072)	21%

NOTES

Charges Income	1						
Sewerage		123,134	0	123,134	0	738,802	17%
Water		166,241	0	332,482	(166,241)	1,994,892	8%
Waste		267,263	0	267,263	0	1,603,579	17%
		556,638	0	722,879	(166,241)	4,337,273	13%
Commercial and Other Income	2						
Income Allocations		881,997	0	1,164,947	(282,949)	6,964,681	13%
Agency and Commercial Services Income		716,801	0	1,008,239	(291,438)	6,227,141	12%
Other Income		28,707	0	41,505	(12,798)	176,520	16%
		1,627,506	0	2,214,691	(587,185)	13,368,342	12%
Other Expenses	3						
Travel, Freight & Accommodation		130,941	91,031	223,039	(92,098)	1,250,949	10%
Fuel, Utilities & Communication		307,647	10,303	402,293	(94,646)	2,377,335	13%
Finance Expenses		2,629	0	2,300	329	13,798	19%
Other Expenses		861,839	26,743	969,594	(107,755)	5,590,281	15%
		1,303,056	128,077	1,597,226	(294,170)	9,232,362	14%

	4	Budget Commitments \$
Contract and Material Commitments		
ABA - Maningrida Oval Change rooms		3,733,750
R2R - Warruwi Internal Road, Warruwi, From Lot 98 to Lot 73		400,000
R2R - Warruwi Internal Road, Warruwi, From Lot 98 to Lot 73		300,000
LRCI Phase 4 - Part B - Malabam Road - Maningrida		226,971
R2R - Warruwi Internal Road, Warruwi, From Lot 91 to Lot 37		200,000
R2R - Warruwi Internal Road, Warruwi, From Lot 4 to Lot 148		187,901
Water Management: Jabiru		99,929
Brockman Oval Lights - Jabiru		84,000
LAP - Supply and install bollards for perimeter Soccer/Cricket Oval		75,000
Sports and Recreation		73,277
Animal Control		69,097
Brockman Oval grandstand installation - Jabiru		67,139
LAP - Installation of outdoor gym equipment at the pool -		57,081
Waste Management		49,587
LAP - Additional Garden Hard Structure at the Billabong		33,550
LAP - Community Garden Hard Structure & Amenities Lot 649		31,750
Seeding New Investment		25,000
Operate post office business		22,930
LAP - Modifications to staff and visitors rest area at the Gunbalanya Office		18,381
Gunbalanya Oval Lighting		15,175
Maintain local roads		14,816
Install and maintain street lights		14,145
Warruwi Community Hall Upgrade		9,972
LAP - Purchase of Sea Container for Storage at Basketball		9,086
Manage Creche		8,231
Parks and Public Open Space - including weed control		7,530
Upgrade for Maningrida Rd and airport road funeral access		7,292
Community Service Delivery		6,002
Maintain & construct council controlled buildings & land		5,651
Aerodromes Inspection and Maintenance		5,490
LAP - Speed Bumps - Supply and Install Steel Grab Rail		5,269
LAP - Assessment Report for Gunbalanya Oval		4,533
Manage Electricity and water business		4,473
Food Preparation Services		3,835
Operate Long day care		3,157
Executive leadership CEO		3,080
Home Care Packages Program (HCP)		2,793
Mobilisation and Demobilisation Maningrida Oval Contractors		2,591
Manage Work Health and Safety		2,588
Operate and maintain swimming pool		2,402
Kurrung Sports Carnival - Sport Australia		2,073
LAP - External Chilled Water Fountain at the Council Office		1,956
Manage Information Technology and Communications		1,596
Manage Visitor Accommodation		1,424
Manage Council Governance		1,203
Sewerage Management		838
R2R - Main Road Gunbalanya - Lot 651 to Lot 330		727
Commonwealth Home Support Program (CHSP)		552
Maintain staff houses		506
Childcare Fundraising		464
Women's Safe House : Gunbalanya		455
Support Civic and community events		450
LAP - Warruwi Cultural Camp 2024		342
LAP - Solar Pump System – Warruwi Airport		317
Sport and Recreation - Jabiru		273
Public Relations and Communications		240
NDIS - National Disability Insurance Scheme		182
Maintain plant, equipment and motor vehicles		120
Remote Sport Program		111
NAIDOC Week		97
Corporate Financial Management		79
Records Management		67
Manage Community Services		60
Manage Business Development & Commercial Services		60
Human Resource Management		13
		5,907,655

Table 2. Monthly Operating Position

Expected YTD Annual Budget Completion 17%

	Notes	YTD Actuals (A) \$	YTD Budget (C) \$	YTD Variance (A - C) \$	Annual Budget (E) \$	YTD Actual Compared to Annual Budget (A / E) %
BUDGETED OPERATING SURPLUS / DEFICIT (Table 1.)		(946,698)	(968,961)	22,263	(4,591,072)	21%
Remove NON-CASH ITEMS						
Less Non-Cash Income	5	(881,997)	(1,164,947)	282,949	(6,964,681)	13%
Add Back Non-Cash Expenses	6	1,794,725	2,083,246	(288,521)	12,443,540	14%
TOTAL NON-CASH ITEMS		912,728	918,299	(5,571)	5,478,859	17%
Less ADDITIONAL OUTFLOWS						
Capital Expenditure	Table 3.	451,210	170,000	281,210	981,292	46%
Borrowing Repayments (Principal Only)		0	0	0	0	0%
Transfer to Reserves		0	0	0	0	0%
Other Outflows		0	0	0	0	0%
TOTAL ADDITIONAL OUTFLOWS		(451,210)	(170,000)	(281,210)	(981,292)	46%
Add ADDITIONAL INFLOWS						
Capital Grants Income	7	0	0	0	0	0%
Prior Year Carry Forward Tied Funding		0	0	0	0	0%
Other Inflow of Funds		0	(16,000)	16,000	96,000	0%
Transfers from Reserves		0	0	0	0	0%
TOTAL ADDITIONAL INFLOWS		0	(16,000)	16,000	96,000	0%
NET BUDGETED OPERATING SURPLUS / DEFICIT		(485,179)	(236,662)	(248,518)	2,495	-19446%

NOTES

<u>Non-Cash Income</u>	5					
Income Allocations (internal movement)		(881,997)	(1,164,947)	282,949	(6,964,681)	13%
		(881,997)	(1,164,947)	282,949	(6,964,681)	13%
<u>Non-Cash Expenses</u>	6					
Expense Allocations (internal movement)		881,997	1,170,518	(288,521)	6,964,681	14%
Depreciation, Amortisation and Impairment		912,728	912,728	0	5,476,364	17%
		1,794,725	2,083,246	(288,521)	12,441,045	31%
Capital Grants Income	7					
		0	0	0	0	0

Table 3. Capital Expenditure and Funding
By class of infrastructure, property, plant and equipment

CAPITAL EXPENDITURE **	Note	YTD Actuals \$	YTD Budget * \$	YTD Variance \$	Current Financial Year (Annual) Budget * \$
Infrastructure	8	316,881	0	316,881	0
Buildings	9	0	170,000	(170,000)	715,000
Vehicles	10	128,299	0	128,299	266,292
LA Funding	11	6,030	0	0	0
TOTAL CAPITAL EXPENDITURE*		451,210	170,000	275,180	981,292
TOTAL CAPITAL EXPENDITURE FUNDED BY: **					
Operating Income (amount allocated to fund capital items)		128,299	0	0	0
LA Funding	11	6,030	0	6,030	0
Capital Grants		0	0	0	0
Transfers from Cash Reserves		0	0	0	0
TOTAL CAPITAL EXPENDITURE FUNDING		134,329	0	6,030	0

* Table 3. Total Capital Expenditure amounts are to equal Table 2. Capital Expenditure

NOTES

Infrastructure	8				
ABA - Maningrida Oval Changerooms		5,575	0	5,575	0
Gunbalanya Oval Lighting		311,306	0	311,306	715,000
		316,881	0	316,881	715,000
Buildings	9				
Maintain Staff Houses: Gunbalanya		0	50,000	(50,000)	200,000
Maintain Staff Houses: Jabiru		0	100,000	(100,000)	400,000
Maintain Staff Houses: Maningrida		0	20,000	(20,000)	80,000
		0	170,000	(170,000)	680,000
Vehicles	10				
Mayors Landcruiser GXL 300		128,299	0	128,299	128,299
		128,299	0	128,299	128,299
LA Funding	11				
Minjilang - Purchase of Sea Container for Storage at Basketball Court		1,530	0	1,530	1,530
Assessment Report for Gunbalanya Oval		4,500	0	1,530	1,530
		6,030	0	3,060	3,060

Table 4. Quarterly Report on Planned Major Capital Works

To be provided quarterly

Table 5. Monthly Balance Sheet Report

BALANCE SHEET AS AT 31 August 2024	YTD Actuals \$	Notes
ASSETS		
Cash at Bank		1 & 1.1
Tied Funds	6,715,397	
Untied Funds	3,953,012	
Accounts Receivable		
Trade Debtors	575,263	2
Rates & Charges Debtors	191,855	3
Other Current Assets	2,019,349	
TOTAL CURRENT ASSETS	13,454,876	
Non-Current Financial Assets	0	
Property, Plant and Equipment	89,425,111	
TOTAL NON-CURRENT ASSETS	89,425,111	
TOTAL ASSETS	102,879,987	
LIABILITIES		
Trade Creditors	2,008,084	4 & 4.1
ATO & Payroll Liabilities	268,649	5
Current Provisions	2,271,448	6
Accrued Expenses	431,078	
Other Current Liabilities	300,425	
TOTAL CURRENT LIABILITIES	5,279,684	
Non-Current Provisions	231,451	6
Other Non-Current Liabilities	7,766,975	7
TOTAL NON-CURRENT LIABILITIES	7,998,426	
TOTAL LIABILITIES	13,278,110	
NET ASSETS	89,601,878	
EQUITY		
Asset Revaluation Reserve	48,616,443	
Reserves	40,872	
Equity Adjustments	3,979,556	
Accumulated Surplus	36,965,007	
TOTAL EQUITY	89,601,878	

NOTES

Note 1. Details of Cash and Investments Held	\$	\$
<u>Investments Held</u>		
Operating Bank Account	197,827	
Business One - Post Office Bank Account	18,047	
Business Maxi Bank Account (Note 1.1)	6,842,749	
General Trust Bank Account	952,987	
Traditional Credit Union - Shares	0	
Term Deposits (Note 1.1)	2,655,000	10,666,609
<u>Cash Held</u>		
Floats	1,800	1,800
Total Cash and Investments Held		10,668,409
Less: Restricted Cash		6,715,397
Balance Unrestricted Cash		3,953,012

Note 1.1 Higher Interest Earning Investments	Deposit Date	Principal \$	Interest Rate	Maturity Date	Terms
Westpac	21/03/2024	5,000	3.85%	21/03/2025	365
NAB	27/05/2024	400,000	4.95%	25/08/2024	90
NAB	11/06/2024	500,000	5.00%	9/09/2024	90
NAB	1/07/2024	500,000	5.00%	30/09/2024	91
NAB	15/07/2024	500,000	5.00%	14/10/2024	91
NAB	12/08/2024	300,000	4.95%	11/11/2024	91
NAB	26/08/2024	450,000	4.95%	25/11/2024	91
Business Maxi Bank Account		6,842,749	1.55%		
Total Higher Interest Earning Investments		9,497,749			

Note 2. Trade Debtors	Current	Past Due 31 - 60 Days	Past Due 61 - 90 Days	Past Due 90+ Days	Total \$
NDIS Debtors	28,634	5,684	2,614	39,832	76,764
Childcare Debtors	22,782	12,999	10,956	12,208	58,945
Trade Debtors	277,005	47,132	84,843	30,574	439,554
Total Trade Debtors	328,421	65,815	98,413	82,614	575,263

Note 2.1 Top 3 Trade Debtors	Current	Past Due 31 - 60 Days	Past Due 61 - 90 Days	Past Due 90+ Days	Total \$
1. Power and Water Corporation	162,158	-	76,789	-	238,947
2. Department of Infrastructure, Planning & Logistics	32,623	28,108	-	8,429	69,159
3. Kakadu Contracting	20,076	-	498	-	20,574
Total Top 3 Trade Debtors	214,857	28,108	77,287	8,429	328,680
Remaining Trade Debtors	62,148	19,024	7,556	22,145	110,874
Total Trade Debtors	277,005	47,132	84,843	30,574	439,554

Note 3. Rates & Charges Debtors	Expected to be Levied in 2024/25	Current	Past Due 31 - 60 Days	Past Due 61 - 90 Days	Past Due 90+ Days	Total \$
General Rates (Note 3.1)	1,643,106	-	-	-	40,738	40,738
Special Rates	164,981	-	-	-	-	-
Water Charges	1,550,000	125,950	(737)	6,998	18,905	151,116
Waste Charges	2,354,376	-	-	-	-	-
Total Rates & Charges Debtors	5,712,463	125,950	(737)	6,998	59,643	191,854

Note 3.1 General Rates Debtors By Community	Expected to be Levied in 2024/25	Current	Past Due 31 - 60 Days	Past Due 61 - 90 Days	Past Due 90+ Days	Total \$
Arnhem Land	-	-	-	-	6,701	6,701
Gunbalanya	316,703	-	-	-	18,735	18,735
Jabiru	652,213	-	-	-	13,191	13,191
Maningrida	537,166	-	-	-	2,111	2,111
Minjilang	52,780	-	-	-	-	-
Warruwi	84,245	-	-	-	-	-
Total General Rates Debtors	1,643,106	-	-	-	40,738	40,738

Note 4. Trade Creditors	Current	Past Due 31 - 60 Days	Past Due 61 - 90 Days	Past Due 90+ Days	Total \$
Trade Creditors	1,055,667	734,859	33,968	183,590	2,008,084

Note 4.1 Top 5 Trade Creditors	Current	Past Due 31 - 60 Days	Past Due 61 - 90 Days	Past Due 90+ Days	Total \$
1. Road Network Services Pty Ltd	742,440	-	-	-	742,440
2. Jardine Lloyd Thompson	-	368,645	-	-	368,645
3. City Earthmoving	-	-	-	178,772	178,772
4. Power and Water Corporation	49,641	-	-	-	49,641
5. Stedmans Construction & Engineering	10,906	37,459	862	-	49,228
Total Top 5 Trade Creditors	802,987	406,104	862	178,772	1,388,725
Remaining Trade Creditors	252,681	328,755	33,106	4,818	619,360
Total Trade Creditors	1,055,667	734,859	33,968	183,590	2,008,084

Note 5. Australian Tax Office (ATO) and Payroll Obligations
<i>As at the date of this report, all reporting and payment obligations have been met.</i>

Note 6. Provisions (Current and Non-Current)	\$	\$
Current Provisions		
Employees Annual Leave	1,132,835	
Long Service Leave	830,666	
Doubtful Debts	36,638	
Other General Provisions	271,309	
		2,271,448
Non-Current Provisions		
Long Service Leave	231,451	
		231,451
Total Provisions		2,502,899

Note 7. Other Non Current Liabilities	\$	\$
Section 19 Lease Liability	4,609,924	
Jabiru Town Sub Lease Liability	3,157,051	
Total Other Non Current Liabilities		7,766,975

Restricted Assets as at 31 August 2024**RESTRICTED ASSETS:**

Internal Restrictions: Capital Reserve	40,872
External Restrictions: Restricted Grant Funding as at 31 August 2024	5,789,738
LA Funding	884,787
TOTAL:	6,715,397

Internally Restricted (Reserve-funded projects) - Using Council's own Money

Funds allocated from Capital Reserve to Council projects are considered to be "internally restricted" funds.

There has been no expenditure from the Capital Reserve this financial year

The full list of current active Capital Reserve projects:

Reserve Activity	Approved Budget	Date of Approval	Prior Year Expenditure	2023/24 Transfers (Out)/In	Balance as at 31st August 2024
5294.01 - Concrete Stand for Diesel Tank - Gunbalanya	70,000	FY 22/23	(67,128)	-	2,872
SUB-TOTAL FOR GUNBALANYA	70,000		(67,128)	-	2,872
5292.02 - Upgrade Council Office Jabiru Stage 2	174,700	FY 21/22	(227,505)	38,589	(14,216)
SUB-TOTAL FOR JABIRU	174,700		(227,505)	38,589	(14,216)
5293.03 - Mobilisation and Demobilisation Maningrida Oval Contractors	47,800	FY 22/23	(39,065)	-	8,735
SUB-TOTAL FOR MANINGRIDA	47,800		(39,065)	-	8,735
5167.05 - Kerb and Channel Airport to Workshop Road - Warruwi	330,000	FY 19/20	(286,520)	-	43,480
SUB-TOTAL FOR WARRUWI	330,000		(286,520)	-	43,480
Capital Reserve Balance	622,500		(620,218)	38,589	40,872

Externally Restricted-Funds received from Grants

Note: Grants that are *overspent* are excluded from this report. Cash received to date for these externally restricted grant funding projects is \$7.951M and is made up of brought forward unspent balances from 2023/24 and funds received for August YTD. Expenditure for August YTD is \$1,898,566, of which \$1.595M is funded by the program and \$303K is overspent. Note: The overspent projects are progressively being reviewed.

There are 49 current funding streams included in the table below. The net movement in restricted assets from July to August was (a) Internal restrictions (capital reserve) – remained the same, and (b) External restrictions (grant funding) – decreased by \$283K.

Restricted Assets-Tied Grant Funding	Annual Budget 2024-2025	Cash received to date (incl. Carried Forward)	Expenses to date	Balance as at 31st August 2024	Overspent Activities
2070 - Indigenous Jobs Development Funding - DHCD	794,000	-	-	-	-
2144 - Library Service: Jabiru	139,882	-	(24,815)	-	(24,815)
2178 - Local Authorities Community Project Income	626,500	1,008,229	(123,442)	884,787	-
2352 - WaRM - Waste and Resource Management	-	148,800	-	148,800	-
2380 - R2R - Mala'ia Road	-	1,069	-	1,069	-
2381 - Warruwi Community Hall Upgrade	-	372,669	-	372,669	-
2384 - ABA - Maningrida Oval Changerooms	-	395,196	(6,225)	388,971	-
2386 - Gunbalanya Oval Lighting	-	624,000	(312,423)	555,585	-
2387 - Seeding New Investment	-	18,691	-	18,691	-
2390 - Regional and Remote Burials Grant - MAN and WAR	-	43,000	-	43,000	-
2391 - Regional and Remote Burials Grant - MINJILNAG	-	50,000	-	50,000	-
2392 - LRCI Phase 4 - Part B - Malabam Road - Maningrida	-	281,544	(490)	281,054	-
2393 - Critical upgrades to Minilang staff housing	-	158,682	(69,232)	89,450	-
2394 - Purchase of a New Garbage Compactor	-	250,000	-	250,000	-
2395 - Brockman Oval Grandstand Installation	-	86,700	(9,621)	77,079	-
2396 - Brockman Oval Lights - Jabiru	-	150,000	-	150,000	-
2397 - Revitalisation Project - Jabiru	-	16,500	-	16,500	-
2398 - West Arnhem Cemetery Establishment - MANINGRIDA	-	415,000	-	415,000	-
2399 - Upgrade for Maningrida Rd and airport road funeral access	-	500,000	(446,262)	128,253	-
2400 - R2R - Airport Road, Maningrida - From Lot Lot 438 to Lot 739	-	-	(224,032)	-	(224,032)
2401 - R2R - Warruwi Internal Road, Warruwi, From Lot 98 to Lot 73	-	-	(180)	-	(180)
2403 - R2R - Warruwi Internal Road, Warruwi, From Lot 4 to Lot 148	-	-	(387)	-	(387)
2405 - R2R - Top Camp Road, Maningrida - From lot 196 to lot 162	-	-	(32,613)	-	(32,613)
TOTAL CORE SERVICES-TIED	1,560,382	4,520,080	(1,249,722)	3,870,908	(282,026)
3001 - Home Care Packages Program (HCP)	-	60,482	(49,352)	11,130	-
3002 - Commonwealth Home Support Program (CHSP)	-	17,566	(35,862)	-	(18,296)
3003 - NT Jobs Package - Aged Care	-	257,217	(66,334)	190,884	-
3004 - Night Patrol	-	541,824	(218,901)	322,923	-
3009 - Warruwi Outside School Hours Care	-	36,139	(6,590)	29,549	-
3012 - Remote Sport Program	-	54,775	(8,180)	46,595	-
3025 - Deliver Indigenous Broadcasting Programs (RIBS)	-	53,991	(8,477)	45,514	-
3028 - Manage Creche	-	762,305	(62,802)	699,503	-
3073 - Long Day Care Toy & Equipment Grant Program	-	1,635	-	1,635	-
3087 - Women's Safe House : Gunbalanya	-	-	(2,876)	-	(2,876)
3120 - Domestic Family & Sexual Violence Program	-	35,652	-	35,652	-
3127 - Aged Care Transitional Support	-	22,549	-	22,549	-
3129 - Strong Women for Healthy Country Network Forum	-	1,135	-	1,135	-
3130 - eHCP Home Care Packages Program	-	132,534	(50,101)	82,433	-
3131 - TEABBA Staff Funding - Indigenous Broadcasting Prgm (RIBS)	-	12,329	-	12,329	-
3133 - Youth Mobile Gym Program - Maningrida	-	760	-	760	-
3135 - E-Tools - Commonwealth Home Support Program (CHSP)	-	748,321	(12,818)	735,504	-

Restricted Assets-Tied Grant Funding	Annual Budget 2024-2025	Cash received to date (incl. Carried Forward)	Expenses to date	Balance as at 31st August 2024	Overspent Activities
3139 - Flexible Support Packages and COVID-19 Service Delivery Cost	-	67,288	-	67,288	-
3141 - Get Up Stand Up Show Up - NAIDOC Week Activity	-	11,005	(2,968)	8,037	-
3142 - Kurrung Sports Carnival - Sports Australia	-	24,684	(2,175)	22,509	-
3145 - Celebrating Aboriginal Culture (Australia Day)	-	1,746	(1,632)	114	-
3150 - Ninja Warrior Obstacle Course	-	1,157	-	1,157	-
3152 - TFHC - Womens Safe House NPA	-	200,202	-	200,202	-
3154 - Sports and Recreation	-	250,989	(119,777)	131,212	-
3156 - Warddeken Basketball Tournament	-	50,000	-	50,000	-
3157 - West Arnhem Youth Leadership Summit	-	85,000	-	85,000	-
TOTAL COMMUNITY SERVICES	-	3,431,289	(648,844)	2,803,617	(21,172)
Total	1,560,382	7,951,369	(1,898,566)	6,674,525	(303,198)

Monthly Financial Report for Local Authority Areas

Operating Income and Expenditure for Local Authorities for the Period Ending 31 August 2024

	NOTES	Regional Office / Unallocated			Minijilang LA			Warruwi LA			Gunbalanya LA		
		YTD Actuals \$	YTD Budget \$	YTD Variance \$	YTD Actuals \$	YTD Budget \$	YTD Variance \$	YTD Actuals \$	YTD Budget \$	YTD Variance \$	YTD Actuals \$	YTD Budget \$	YTD Variance \$
OPERATING INCOME													
Rates		3,608	3,608	0	10,620	10,620	0	17,201	17,201	0	64,964	64,964	0
Charges		0	0	0	11,310	11,310	0	17,777	17,777	0	65,104	65,104	0
Fees and Charges		26,342	26,747	(405)	0	3,550	(3,550)	0	2,267	(2,267)	905	8,192	(7,286)
Operating Grants and Subsidies		1,960,722	2,431,715	(470,993)	6,150	90,639	(84,489)	9,783	96,477	(86,694)	193,209	26,617	166,593
Interest / Investment Income		34,428	25,667	8,761	0	0	0	0	0	0	0	0	0
Commercial and Other Income		859,949	1,042,308	(182,359)	126,340	161,665	(35,325)	66,428	131,945	(65,517)	194,180	369,821	(175,642)
TOTAL OPERATING INCOME		2,885,049	3,530,044	(644,995)	154,420	277,783	(123,364)	111,190	265,667	(154,477)	518,362	534,697	(16,335)
OPERATING EXPENDITURE													
Employee Expenses		944,049	1,211,752	(267,703)	245,312	291,890	(46,578)	322,554	353,833	(31,279)	312,206	403,791	(91,586)
Materials and Contracts		119,081	422,556	(303,475)	98,659	85,259	13,399	30,769	75,434	(44,665)	168,261	239,302	(71,040)
Elected Member Allowances		61,743	59,667	2,077	0	0	0	0	0	0	0	0	0
Elected Member Expenses		1,733	10,933	(9,201)	0	0	0	0	0	0	0	0	0
Council Committee & LA Allowances		0	0	0	0	1,113	(1,113)	0	1,475	(1,475)	2,200	2,025	175
Council Committee & LA Expenses		0	0	0	0	26	(26)	0	0	0	0	0	0
Depreciation, Amortisation and Impairment		912,728	912,728	0	0	0	0	0	0	0	0	0	0
Interest Expenses		0	0	0	0	0	0	0	0	0	0	0	0
Other Expenses		302,532	532,579	(230,047)	99,633	153,454	(53,821)	96,071	141,130	(45,059)	119,890	192,542	(72,652)
TOTAL OPERATING EXPENDITURE		2,341,866	3,150,215	(808,350)	443,604	531,742	(88,138)	449,394	571,872	(122,478)	602,557	837,660	(235,103)
OPERATING SURPLUS / DEFICIT		543,183	379,829	163,354	(289,184)	(253,959)	(35,225)	(338,204)	(306,206)	(31,999)	(84,195)	(302,963)	218,768

	NOTES	Maningrida LA			Kakadu Ward Advisory Committee			Total		
		YTD Actuals \$	YTD Budget \$	YTD Variance \$	YTD Actuals \$	YTD Budget \$	YTD Variance \$	YTD Actuals \$	YTD Budget \$	YTD Variance \$
OPERATING INCOME										
Rates		109,046	109,046	0	239,200	239,200	0	444,638	444,638	0
Charges		122,542	122,542	0	339,905	506,146	(166,241)	556,638	722,879	(166,241)
Fees and Charges		7,893	9,100	(1,207)	104,275	66,573	37,702	139,415	116,428	22,987
Operating Grants and Subsidies		526,011	61,867	464,144	39,752	28,314	11,438	2,735,627	2,735,627	0
Interest / Investment Income		0	0	0	0	0	0	34,428	25,667	8,761
Commercial and Other Income		165,892	259,511	(93,619)	214,716	249,440	(34,724)	1,627,506	2,214,691	(587,185)
TOTAL OPERATING INCOME		931,384	562,065	369,319	937,848	1,089,674	(151,826)	5,538,252	6,259,930	(721,678)
OPERATING EXPENDITURE										
Employee Expenses		327,795	381,862	(54,067)	638,403	680,600	(42,196)	2,790,319	3,323,728	(533,408)
Materials and Contracts		848,932	244,777	604,155	147,469	250,642	(103,174)	1,413,171	1,317,971	95,200
Elected Member Allowances		0	0	0	0	0	0	61,743	59,667	2,077
Elected Member Expenses		0	0	0	0	0	0	1,733	10,933	(9,201)
Council Committee & LA Allowances		0	2,000	(2,000)	0	0	0	2,200	6,613	(4,413)
Council Committee & LA Expenses		0	0	0	0	0	0	0	26	(26)
Depreciation, Amortisation and Impairment		0	0	0	0	0	0	912,728	912,728	0
Interest Expenses		0	0	0	0	0	0	0	0	0
Other Expenses		174,617	220,965	(46,347)	510,313	356,556	153,757	1,303,056	1,597,226	(294,170)
TOTAL OPERATING EXPENDITURE		1,351,344	849,603	501,741	1,296,185	1,287,798	8,387	6,484,949	7,228,891	(743,942)
OPERATING SURPLUS / DEFICIT		(419,960)	(287,538)	(132,422)	(358,337)	(198,125)	(160,212)	(946,698)	(968,961)	22,263

Member and CEO Council Credit Card Transactions for the Month

Where a council credit card has been issued to an Elected Member and/or the CEO, a list per cardholder of all credit card transactions in the month is to be published including the name of the supplier, the amount for each transaction and the reason for the transaction.

Cardholder Name: Mayor James Woods

Transaction Date	Amount \$	Supplier's Name	Reason for the Transaction
Total	\$ -		

Cardholder Name: CEO Andrew Walsh

Transaction Date	Amount \$	Supplier's Name	Reason for the Transaction
06/08/24	\$ 35.56	Cater Me Café	Farewell ED of LG Unit - bring a plate lunch
08/08/24	\$ 5.00	Waterfront Parking	Parking for meeting in Darwin
09/08/24	\$ 660.00	Maxx Car Care	Detailing for Mayorai vehicle
22/08/24	\$ 981.02	Webjet	Flights - HR Manager - 25-30.08 Brisbane-Darwin-return
Total	\$ 1,681.58		

9/23/24, 9:24 AM

Transaction Detail



Card details and transactions report

23 September 2024 09:54 AEST

Office: West Arnhem Regional Council
Company: WEST ARNHEM REGIONAL COUNCIL
Reporting level: WEST ARNHEM REGIONAL COUNCIL 02-01
Cardholder: WOODS, JAMES x
Start date: 30 August 2024
End date: 30 August 2024

Card details

Card type: Corporate MasterCard
Status: Active as at: 23 September 2024
09:53 AEST
Limit: 5,000
Closing balance: AUD 0.00 as at: 30 August 2024

9/23/24, 9:14 AM

Transaction Detail

**Card details and transactions report****23 September 2024 09:44 AEST**

Office: West Arnhem Regional Council
 Company: WEST ARNHEM REGIONAL COUNCIL
 Reporting level: WEST ARNHEM REGIONAL COUNCIL 02-01
 Cardholder: WALSH, ANDREW
 Start date: 30 August 2024
 End date: 30 August 2024

Card details

Card type:	Corporate MasterCard	
Status:	Active	as at: 23 September 2024 09:44 AEST
		Limit: 15,000
Closing balance:	AUD 1,681.58-	as at: 30 August 2024 09:44 AEST

Note: This list of transactions is not an official statement and is subject to change.

*** END OF LIST ***

Westpac Banking Corporation, ABN 33 007 457 141.

WEST ARNHAM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	10.1
Title:	Elected Member Questions with or without Notice
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

The purpose of this report is to give Elected Members a forum in which to table items they wish to be debated by Council.

RECOMMENDATION

That the Chairperson invites questions with or without notice from Elected Members.

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

Agenda Reference:	11.1
Title:	Closure to the Public for the Discussion of Confidential Items
Author:	Jasmine Mortimore, Governance Advisor

SUMMARY

Pursuant to section 99(2) and 293(1) of the *Local Government Act 2019* and regulation 52 of the *Local Government (General) Regulations 2021*, the meeting is to be closed to the public to consider confidential matters.

LEGISLATION AND POLICY

Section 99(2) of the *Local Government Act 2019*
Regulations 51 and 52 of the *Local Government (Administration) Regulations 2021*

RECOMMENDATION

That pursuant to section 99(2) and 293(1) of the *Local Government Act 2019* and section 52 of the *Local Government (General) Regulations 2021* the meeting be closed to the public to consider the Confidential items of the Agenda.

ATTACHMENTS

Nil

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

EXCLUSION OF THE PUBLIC

The information in this section of the agenda is classed as confidential under section 293(1) of the *Local Government Act 2019* and regulation 52 of the *Local Government (Administration) Regulations 2021*.

WEST ARNHEM REGIONAL COUNCIL

FOR THE MEETING 30 SEPTEMBER 2024

RE-ADMITTANCE OF THE PUBLIC

13 NEXT MEETING

14 MEETING DECLARED CLOSED