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LOCAL GOVERNMENT ACT 1995

SHIRE OF EAST PILBARA

**STANDING ORDERS
LOCAL LAW 2010**

LOCAL GOVERNMENT ACT 1995

SHIRE OF EAST PILBARA

STANDING ORDERS LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995

SHIRE OF EAST PILBARA

STANDING ORDERS LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of East Pilbara resolved on 17 December 2010 to make the following local law.

PART 1—PRELIMINARY**1.1 Citation**

This local law is the *Shire of East Pilbara Standing Orders Local Law 2010*.

1.2 Commencement

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

1.3 Purpose and effect

- (1) The purpose of this local law is to provide the rules for the conduct of meetings of the Council, Committees and electors.
- (2) The effect of this local law is intended to result in—
 - (a) better decision-making at meetings;
 - (b) the orderly and efficient conduct of meetings; and
 - (c) greater community understanding of the business of the Council.

1.4 Application

All meetings of the Council, Committees and the electors are to be conducted in accordance with the Act, the Regulations and this local law.

1.5 Interpretation

- (1) In this local law, unless the contrary otherwise requires—
 - “**absolute majority**” has the meaning given to it in the Act;
 - “**Act**” means the *Local Government Act 1995*;
 - “**Administration Regulations**” means the *Local Government (Administration) Regulations 1996*;
 - “**CEO**” means the Chief Executive Officer of the Shire;
 - “**Committee**” means a Committee of the Council established under the Act;
 - “**Council**” means the Council of the Shire of East Pilbara;
 - “**Councillor**” has the same meaning as is given to it in the Act;
 - “**deputation**” means a verbal submission at a Council or Committee meeting on an agenda item made by a person who has a direct interest in the agenda item;
 - “**employee**” means an employee of the Shire;
 - “**external body**” includes—
 - (a) a Regional council;
 - (b) an incorporated or unincorporated association;
 - (c) a trust;
 - (d) a tribunal;
 - (e) a government agency, instrumentality, board or committee; and
 - (f) any other external body,to which the Shire is entitled, or has been invited, to provide a representative;
 - “**implement**”, in relation to a decision, includes—
 - (a) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (b) take other action to give effect to the decision;

“member”—

- (a) in relation to the Council, means the Shire President or a Councillor; and
- (b) in relation to a Committee, means a member of the Committee;

“Minister” means the Minister responsible for administering the Act;

“Presiding Member” means—

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a Committee, the person presiding under sections 5.12, 5.13 and 5.14 of the Act;

“primary motion” means an original motion or an original motion as amended, but does not include an amendment motion or a procedural motion;

“Rules of Conduct Regulations” means the *Local Government (Rules of Conduct) Regulations 2007*;

“revocation motion” means a motion to revoke or change a decision made at a Council or Committee meeting;

“Shire” means the Shire of East Pilbara;

“Shire President” means the Shire President of the Shire;

“simple majority” means more than 50% of the members present and voting at meetings;

“standing orders” means the meeting procedures and/or rules on the conduct and behaviour of persons at a meeting of the Council, Committee or electors; and

“the Regulations” means a reference to both the *Local Government (Administration) Regulations 1996* and the *Local Government (Rules of Conduct) Regulations 2007*;

“this local law” means the *Shire of East Pilbara Standing Orders Local Law 2010*;

“urgent business” means business dealt with in accordance with clause 4.13.

(2) Unless otherwise defined, the terms used in this local law have the meaning given to them in the Act and the Regulations.

1.6 Repeal

The *Shire of East Pilbara Standing Orders Local Law 1999* published in the *Government Gazette* on 8 October 1999 is repealed.

PART 2—CALLING AND CONVENING MEETINGS**2.1 Ordinary and special Council meetings**

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

2.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

2.3 Calling Committee meetings

A meeting of a Committee is to be held—

- (a) in the case of a special meeting, if called for in a verbal or written notice to the CEO by the Presiding Member, setting out the date and purpose of the proposed meeting;
- (b) in the case of a special meeting, if called for by at least 2 members of the Committee in a written notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) in the case of an ordinary or special meeting, if so decided by the Council or the Committee.

2.4 Convening ordinary and special Council meetings

The convening of ordinary and special Council meetings is dealt with in the Act.

2.5 Convening ordinary and special Committee meetings

- (1) The CEO is to convene an ordinary meeting of a Committee by giving each member at least 72 hours notice of the date, time, place and an agenda for the meeting.
- (2) The CEO is to convene a special meeting of a Committee by giving each member notice, before the meeting, of the date, time, place and an agenda for the meeting.
- (3) The CEO is to give notice of meetings referred to in subclauses (1) and (2) to every member of the Council.

PART 3—PRESIDING MEMBER AND QUORUM**3.1 Who presides at Council meetings**

Who presides at a Council meeting is dealt with in the Act.

3.2 When Deputy Shire President can preside

When the Deputy Shire President can preside is dealt with in the Act.

3.3 Who presides if no Shire President or Deputy Shire President

Who presides if the Shire President or Deputy Shire President are absent or unavailable is dealt with in the Act.

3.4 Election of Presiding Members and Deputy Presiding Members of Committees

The election of Presiding Members and Deputy Presiding Members is dealt with in the Act.

3.5 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

3.6 Who acts if no Presiding Member

Who acts if there is no Presiding Member is dealt with in the Act.

3.7 Quorum for meetings

The quorum for meetings is dealt with in the Act.

3.8 Quorum to be present

The Council or a Committee is not to transact business at a meeting unless a quorum is present.

3.9 Procedure if quorum not present

The procedure if a quorum is not present to begin a meeting is dealt with in the Administration Regulations.

3.10 Loss of quorum during a meeting

(1) If at any time during a meeting a quorum is not present, the Presiding Member upon becoming aware of that fact is to suspend the proceedings of the meeting for up to 15 minutes.

(2) If a quorum is not present at the expiration of the period in subclause (1), the Presiding Member may suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a future time and date.

(3) A record is to be taken of all those who have spoken on the subject under consideration at the time of the adjournment.

3.11 Debate on motion to be resumed

(1) Where the debate on any motion is interrupted at a Council or Committee meeting which is adjourned under clause 3.10, that debate is to be resumed at the next meeting at the point where it was so interrupted.

(2) Where the interruption in subclause (1) occurs at an ordinary meeting, the resumption is to be at the next ordinary meeting unless a special meeting is called earlier for the purpose.

(3) Where the interruption in subclause (1) occurs at a special meeting, the resumption is to be at the next special meeting called to consider the same business or at the next ordinary meeting if it occurs before a special meeting can be called.

3.12 Names to be recorded

At any meeting—

(a) at which there is not a quorum of members present; or

(b) which is adjourned under clause 3.10,

the names of the members then present are to be recorded in the minutes of the meeting.

PART 4—BUSINESS OF THE MEETING**4.1 Business to be specified in agenda**

(1) No business is to be transacted at any ordinary meeting of the Council or Committee, other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council or Committee, except matters which the Act or this local law permits to be dealt with without notice.

(2) No business is to be transacted at a special meeting of the Council or Committee, other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.

(3) No business is to be transacted at an adjourned meeting of the Council or Committee other than that—

(a) specified in the agenda of the meeting which had been adjourned; and

(b) which remains unsolved,

except in the case of an adjournment to the next ordinary meeting of the Council or Committee, when the business unresolved at the adjourned meeting is to be the first business to be considered at that ordinary meeting.

(4) Despite subclauses (1) to (3), the CEO may include on the agenda of a Council or Committee meeting, in an appropriate place within the order of business, any matter which must be decided, or which he or she considers is appropriate to be decided, by that meeting.

4.2 Meeting to proceed to business

A meeting is to proceed to business as soon after the time stated in the notice as a quorum is constituted.

4.3 Order of business

(1) Unless otherwise decided by the Council the order of business at an ordinary meeting of the Council is to be as follows—

- (a) declaration of opening/announcement of visitors;
- (b) record of attendance/apologies/leave of absence;
- (c) response to previous public questions taken on notice;
- (d) public question time;
- (e) petitions/deputations/presentations;
- (f) applications for leave of absence;
- (g) confirmation of minutes of previous Council meeting;
- (h) members reports;
- (i) officers reports;
- (j) motions of which previous notice has been given;
- (k) new business of an urgent nature introduced by a decision of Council;
- (l) confidential matters behind closed doors;
- (m) general business;
- (n) date of next meeting;
- (o) closure.

(2) Unless otherwise decided by the Committee, the order of business at any ordinary meeting of the Committee is to be as follows—

- (a) declaration of opening/announcement of visitors;
- (b) record of attendance/apologies/leave of absence;
- (c) response to previous public questions taken on notice;
- (d) public question time;
- (e) petitions/deputations/presentations;
- (f) applications for leave of absence;
- (g) confirmation of minutes of previous Council meeting;
- (h) members reports;
- (i) officers reports;
- (j) motions of which previous notice has been given;
- (k) new business of an urgent nature introduced by a decision of Council;
- (l) confidential matters behind closed doors;
- (m) general business;
- (n) date of next meeting;
- (o) closure.

(3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or a Committee is to be the order in which that business stands in the agenda of the meeting.

4.4 Leave of absence

The grant of leave of absence is dealt with in the Act.

4.5 Confirmation of minutes

(1) Confirmation of minutes is dealt with in the Act.

(2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.

4.6 Questions by members of which due notice has been given

(1) A member who wishes to ask a question at a meeting of the Council is to give the CEO written notice of the text of the question at least 8 hours before the meeting of the Council, and the question is to, as far as practicable, be answered in writing at that meeting.

(2) As far as practicable, the CEO is to ensure that a written answer to a question under subclause (1) is to be given at the meeting.

(3) If the CEO considers that the question breaches or may breach this local law or any other law—

- (a) the CEO is to refer the question to the Shire President;
- (b) the Shire President is to exclude the question if he or she concurs with the view of the CEO; and
- (c) if the question is excluded, the CEO is to give all members, as soon as practicable but not later than the next ordinary meeting, the reasons for the exclusion.

(4) Notice of a question that is not excluded is to be included, if practicable, in the agenda, or is otherwise to be tabled at the meeting.

(5) Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon unless with the consent of the Shire President.

4.7 Correspondence

- (1) Correspondence placed before a meeting of the Council or a Committee must relate to a matter on the agenda of the meeting.
- (2) Correspondence may be placed before the Council or a Committee in the form of a precis that contains all relevant and material facts.
- (3) Where correspondence contains a matter to be decided by the Council or the Committee, the CEO is, if the circumstances permit, to recommend a course of action to the Council or the Committee or state the alternative.
- (4) Correspondence placed before a meeting of the Council or a Committee is not to be the subject of discussion or questions from members.

4.8 Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.
- (2) A petition to the Council is—
 - (a) as far as practicable, to be prepared in the form prescribed in the Schedule;
 - (b) to be addressed to the Council and forwarded to a member or the CEO;
 - (c) to state the name and address of the person to whom correspondence, in respect of the petition, may be served; and
 - (d) to be respectful and temperate in its language.
- (3) The presentation of a petition is to be confined to the reading of the petition.
- (4) The only motions in respect of a petition that are in order are that—
 - (a) the petition is received;
 - (b) a report on the petition be prepared; or
 - (c) the petition be referred to a Committee.

4.9 Matters for which the meeting may be closed

For the convenience of members of the public, the Council or a Committee may identify by decision, early in the meeting, any matter on the agenda of the meeting, the discussion of which is to be closed to members of the public, and that matter may be deferred as the last item of the meeting.

4.10 Reports

- (1) The functions of the CEO, including to advise the Council and Committees and implementing decisions, are dealt with in the Act.
- (2) The CEO may prepare, or cause to be prepared, a report on an item, that in the CEO's opinion requires consideration by the Council or the Committee, including any report of a late or urgent nature.
- (3) Where a report has been prepared in accordance with subclause (2), the CEO is to deliver the report to members of the Council or the Committee (as the case may be) or, in the case of urgency or other special circumstances, table the report at the meeting.
- (4) The CEO may, with the consent of the Presiding Member, withdraw an item or report listed in the agenda.

4.11 Motions of which previous notice has been given

- (1) Unless the Act, the Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be signed by the member and given to the CEO at least 4 clear working days before the meeting at which the motion is to be moved.
- (3) A notice of motion must relate to a matter for which the Council is responsible.
- (4) The CEO—
 - (a) may, with the concurrence of the Presiding Member, exclude from the agenda any notice of motion that they consider to be out of order; or
 - (b) may, after consultation with the member who gave notice of the motion, make such amendments to the form, but not the substance, to bring the notice of motion into due form; and
 - (c) must provide relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, financial and legal implications.
- (5) If a notice of motion is excluded under subclause (4)(a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A notice of motion is not out of order because—
 - (a) the proposal involved is considered to be objectionable; or
 - (b) it raises a matter for which the Council is not responsible unless, in the opinion of the Presiding Member, the matter is one of significant public interest or importance.
- (7) A motion of which notice has been given is to lapse unless—
 - (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or Committee on a motion agrees to defer consideration of the motion to a later stage or date.

(8) If a notice of motion is given and lapses, a notice of motion in the same terms or to the same effect may be given for consideration at a subsequent meeting of the Council or Committee, but if the motion again lapses, the Council or Committee is not to consider a motion in the same terms or to the same effect at a subsequent meeting until at least 3 months have elapsed from the date of the meeting at which the motion last lapsed.

(9) For the purpose of clarification, where a notice of motion is moved and seconded at a meeting of the Council or Committee, it is to be treated as a primary motion.

4.12 Representation on external bodies

(1) Correspondence inviting the Council to submit a nomination for appointment to an external body is to be referred by the CEO to the Council or an appropriate Committee.

(2) When speaking or voting on any item or business at a meeting of an external body, a member appointed to that body is to have regard to the decisions, policies and practices of the Shire.

4.13 Urgent business

(1) A member, at an ordinary meeting of the Council, may move a motion involving business that is not included in the agenda for that meeting if the Presiding Member has first consented to the business being raised because the Presiding Members considers that either—

- (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
- (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the Shire.

(2) If a member objects to a motion moved under subclause (1), the motion is to be of no effect unless it is agreed to by an absolute majority.

(3) Subclauses (1) and (2) do not apply to a revocation motion being considered as urgent business in accordance with clause 11.2.

4.14 General business

(1) A member may raise any item of general business at a Committee meeting that they consider requires the attention of the Committee within its role as established by the Council.

(2) If a Committee wishes to take further action, after discussing an item raised under subclause (1), it must first ask the CEO to prepare a report on the item and consider that report.

4.15 Closure

At the conclusion of all business, or when otherwise determined by the meeting, the Presiding Member is to declare the meeting closed and the closing time is to be recorded in the minutes of the meeting.

PART 5—PUBLIC PARTICIPATION

5.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

5.2 Procedure to close meetings to the public

(1) The CEO may, at any time, recommend that a meeting or part of meeting be closed to members of the public.

(2) The Council or a Committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

(3) If a resolution under subclause (2) is carried—

- (a) the Presiding Member is to direct everyone to leave the meeting except—
 - (i) the members;
 - (ii) the CEO; and
 - (iii) any officer specified by the Presiding Member;

and

- (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the Committee, by resolution, decides otherwise.

(4) A person who fails to comply with a direction under subclause (3) may, by order of the Presiding Member, be removed from the meeting.

(5) A resolution under this clause may be made without notice of the relevant motion.

(6) Unless the Council or Committee resolves otherwise, once the meeting is reopened to members of the public, the Presiding Member is to ensure that any resolution of the Council or Committee made while the meeting was closed, is to be read out including details of any voting record.

5.3 Question time for the public

Question time for the public at meetings is dealt with in the Act.

5.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Administration Regulations.

5.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Administration Regulations.

5.6 Procedures for question time for the public

Procedures for question time for the public is dealt with in the Administration Regulations.

5.7 Other procedures for question time for the public

- (1) Questions asked by the public are to relate to the business of the Council and are not to be in the form of a statement or personal opinion.
- (2) Unless determined otherwise under the Administration Regulations, the procedure for the asking of and responding to questions raised by members of the public at a meeting, shall be as follows—
 - (a) a member of the public who raises a question during question time is to state their name and address;
 - (b) it is preferred that questions be submitted in writing in which case they will be read out by the CEO but questions may be asked orally;
 - (c) questions are to be answered by the member or employee nominated by the Presiding Member;
 - (d) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
 - (e) no discussion of a question or answer is to take place; and
 - (f) when a question is taken on notice under subclause (d), a response is to be given to the member of the public in writing, and a copy is to be included in the agenda of the next meeting of the Council or Committee, as the case requires.
- (3) The Presiding Member may reject any question that may be deemed offensive towards, or reflects adversely upon the character and/or any actions, of any member of the Council or employee of the Shire.
- (4) Where a response to a question is given at a meeting, a summary of the question and the response is to be included in the minutes of the meeting.
- (5) There is to be no public question time in meetings of Committees other than a Committee to which the Council has delegated a power or duty, or which is open to the public.

5.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a Committee, the Presiding Member may—

- (a) invite the person to sit beside the Presiding Member or at the meeting table;
- (b) acknowledge the presence of the distinguished visitor at an appropriate time during the meeting;
- (c) direct that the presence of the distinguished visitor be recorded in the minutes.

5.9 Deputations

- (1) A deputation wishing to be received by a Committee must apply in writing to the CEO who is to forward the written request to the Presiding Member of the relevant Committee.
- (2) The Presiding Member may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Committee, or may instruct the CEO to refer the request to the Committee to decide whether or not to receive the deputation.
- (3) A deputation invited to attend a meeting—
 - (a) must not exceed 5 persons, only 2 of whom may address the meeting, although others may respond to specific questions from the members; and
 - (b) must not address the meeting for a period exceeding 10 minutes without the agreement of the meeting.
- (4) For the purpose of determining who may address the Committee on an issue, all those people either in favour of or opposed to an item are deemed to comprise a single deputation.
- (5) A matter which is the subject of a deputation to a Committee is not to be decided by that Committee until the deputation has completed its presentation.

5.10 Attending Committee meetings as an observer

- (1) The Shire President or a Councillor may attend any meeting of a Committee as an observer, even if the Shire President or Councillor is not a member of that Committee.
- (2) A deputy to a member of a Committee appointed under clause 14.4 may attend a meeting of that Committee as an observer, even if the deputy is not acting in the capacity of the member.
- (3) The Shire President or Councillor in the case of subclause (1), or deputy to a member attending a Committee meeting as an observer in the case of subclause (2)—
 - (a) may, with the consent of the Presiding Member, speak, but cannot vote on any motion before the Committee; and
 - (b) must sit in the area set aside for observers separated from the Committee members.

5.11 Public inspection of agenda materials

Public inspection of agenda materials is dealt with in the Administration Regulations.

5.12 Public access to unconfirmed minutes of meetings

Public access to unconfirmed minutes of Council and Committee meetings is dealt with in the Administration Regulations.

5.13 Confidentiality of information withheld

(1) Information withheld by the CEO from members of the public under the Administration Regulations is to be—

- (a) identified in the agenda of a Council or Committee meeting under the item “Matters for which the meeting may be closed”; and
- (b) marked “confidential” in the agenda; and
- (c) kept confidential by members and employees until the Council or Committee resolves otherwise.

(2) A member or an employee who has—

- (a) confidential information under subclause (1); or
- (b) information that is provided or disclosed for the purposes of or during a meeting, or part of a meeting, that is closed to the public,

is not to disclose any of that information to any person other than another member or an employee to the extent necessary for the purpose of carrying out his or her duties.

(3) Subclause (2) does not prevent a member or employee from disclosing information—

- (a) at a closed meeting;
- (b) to the extent specified by the Council and subject to such other conditions as the Council determines;
- (c) that is already in the public domain;
- (d) to an officer of the Department;
- (e) to the Minister;
- (f) to a legal practitioner for the purpose of obtaining legal advice; or
- (g) if the disclosure is required or permitted by law.

5.14 Media attendance

Media persons are to be permitted to attend meetings of the Council or Committees that are open to the public, in such part of the Council Chamber or meeting room as may be set aside for their accommodation, but must withdraw during any period when the meeting is closed to the public.

5.15 Recording of meeting prohibited

(1) A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the Council or Committee unless, the Presiding Member or CEO has given permission to do so.

(2) If the Presiding Member or CEO gives permission under subclause (1), he or she is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of that permission.

5.16 Prevention of disturbance

(1) A reference in this clause to a “person” is to a person other than a member.

(2) A person addressing the Council or a Committee must extend due courtesy and respect to the Council or Committee and the processes under which it operates and must comply with any direction from the Presiding Member.

(3) A person must not interrupt or interfere with the proceedings of any meeting of the Council or a Committee, whether by expressing approval or dissent, by conversing or by any other means.

(4) The Presiding Member may warn a person who fails to comply with this clause.

(5) If—

- (a) after being warned, the person again acts contrary to this clause, or to the direction; or
- (b) a person refuses or fails to comply with a direction by the Presiding Member,

the Presiding Member may expel the person from the meeting by ordering him or her to leave the meeting room.

(6) A person who is ordered to leave the meeting room and fails to do so may, by order of the Presiding Member, be removed from the meeting room and, if the Presiding Member orders, from the premises.

PART 6—DISCLOSURE OF INTERESTS**6.1 Disclosure of members’ financial and proximity interests**

The disclosure of direct and indirect financial interests and proximity interests by members and employees is dealt with in the Act.

6.2 Meeting to be informed of financial and proximity interests

Procedures for informing the meeting of disclosures in clause 6.1 are dealt with in the Act.

6.3 Disclosing member not to participate

The participation at meetings of a member that has disclosed an interest in clause 6.1 is dealt with in the Act.

6.4 When disclosing members can participate

The procedures for allowing participation in meetings of members disclosing an interest in clause 6.1 are dealt with in the Act.

6.5 Invitation to return to provide information

(1) Where a member has disclosed an interest in clause 6.1, and has departed from the Council Chamber or meeting room, the meeting may invite the member to return to provide information in respect of the matter or in respect of the member's interest in the matter.

(2) A member invited to return under subclause (1) must withdraw after providing the information.

6.6 Substitution of deputy at Committee meetings

Where a member discloses an interest in an item under clause 6.1 and withdraws from a meeting of a Committee, the Presiding Member may invite the disclosing member's deputy, if present, to participate as a member of the Committee in place of the disclosing member during the consideration of that item only.

6.7 Disclosure by members who are observers at Committee meetings

The obligation to disclose an interest in clause 6.1 is to apply to all members present at Committee meetings including a member attending a Committee in the capacity of an observer.

6.8 Disclosure of impartiality interests

The disclosure of impartiality interests at meetings by the Shire President and Councillors is dealt with in the Rules of Conduct Regulations.

6.9 Other persons to disclose impartiality interests

(1) In this clause, a reference to—

- (a) “**person**” means an employee and/or a member of a Committee that is not either the Shire President or a Councillor; and
- (b) “**interest**” means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

(2) A person who has an interest in any matter to be discussed at a meeting attended by the person must disclose the nature of the interest—

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed.

(3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

(4) Subclause (2) does not apply if—

- (a) a person fails to disclose an interest because the person did not know he or she had an interest in the matter; or
- (b) a person fails to disclose an interest because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person disclosed the interest as soon as possible after the discussion began.

(5) If, under subclause (2)(a), a person discloses an interest in a written notice given to the CEO before a meeting then—

- (a) before the meeting, the CEO is to cause the notice to be given to the Presiding Member of the meeting; and
- (b) at the meeting, the Presiding Member is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure relates is discussed.

(6) If—

- (a) under subclause (2)(b) or (4)(b) a person's interest in a matter is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of a person's interest in a matter is brought to the attention of the persons present at a meeting,
- the nature of the interest is to be recorded in the minutes of the hearing.

6.10 On-going disclosure required

The obligation to disclose an interest under this Part applies in regard to each meeting at which the matter, the subject of the interest, arises.

6.11 Approval by Minister to be recorded

If the Minister approves of the participation in a meeting of a disclosing member, the conditions of the approval are to be recorded in the minutes of the meeting and the register of financial interests.

PART 7—CONDUCT OF MEMBERS**7.1 Official titles to be used**

A speaker, when speaking or referring to the Shire President or Deputy Shire President, or to a Councillor or employee, must use the title of that person's office.

7.2 Members to occupy own seats

(1) At meetings of the Council, each member is to occupy the place assigned to that member within the Council Chamber.

(2) At the first meeting held after each ordinary elections day the CEO is to allot, by random draw, a position at the Council table to each Councillor and the Councillor is to occupy that position when present at meetings of the Council until such time as there is a call by a majority of Councillors for a re-allotment of positions.

7.3 Members not to interrupt

A member must not interrupt another member while speaking unless—

- (a) to raise a point of order under clause 8.3;
- (b) to call attention to the absence of quorum;
- (c) to make a personal explanation under clause 10.4; or
- (d) to move a procedural motion that the member no longer heard (under clause 12.1(i) and 13.9).

7.4 No adverse reflection on decision

(1) A member must not reflect adversely on a decision of the Council or a Committee except on a motion that the decision be revoked or changed.

(2) A member must not—

- (a) reflect adversely on the character or actions of another member or employee; or
- (b) impute any motive to a member or employee,

unless the Council or Committee resolves, without debate, that the motion then before the Council or Committee cannot otherwise be adequately considered.

7.5 Offensive language

(1) A member must not use offensive or objectionable expressions in reference to any member, employee or other person.

(2) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and then to be recorded in the minutes.

7.6 Direction to withdraw

A member who, in the opinion of the Presiding Member and in the absence of a resolution under clause 7.4(2),—

- (a) reflects adversely on the character or actions of another member or employee;
- (b) imputes an expression that is offensive or objectionable;
- (c) uses an expression that is offensive or objectionable,

must, when directed by the Presiding Member, withdraw the reflection, imputation or expression and make a satisfactory apology.

7.7 Members who wish to speak

A member who wishes to speak—

- (a) is to indicate his or her intention to speak by the method determined by the Council or Committee; and
- (b) when invited by the Presiding Member to speak, must address the meeting through the Presiding Member.

7.8 Priority of speaking

If two or more members of the Council or a Committee indicate, at the same time, their intention to speak, the Presiding Member is to decide which member is to be heard first.

7.9 The Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council or Committee as the case may be.

7.10 Relevance

(1) A member must restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

(2) The Presiding Member, at any time, may—

- (a) call the attention of the meeting to any irrelevant or repetitious remarks by a member; or
- (b) direct that member, if speaking, to discontinue his or her speech.

(3) A member must comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

7.11 Limitation on members speaking

- (1) Only the mover of a motion or an amendment may speak twice on the same motion or the same amendment unless, permitted by the meeting (on a majority vote).
- (2) The mover of a motion or an amendment—
 - (a) is to speak to that motion or amendment first, after it has been seconded; and
 - (b) has the right of reply and in exercising that right must confine the reply to previous speakers' comments and not introduce any new matters.
- (3) A member must not speak on any motion or an amendment after the mover has replied and the motion or amendment is to be immediately put to the vote by the Presiding Member.
- (4) A member may speak on a motion or an amendment, or reply, for a period of only 5 minutes, unless an extension of time is granted by the Council without debate, but a member's total speaking time must not exceed 10 minutes.

7.12 Questions during debate

- (1) A member may ask a question at any time during the debate on a motion or an amendment before the mover of the motion or amendment has replied.
- (2) Subject to subclause (3), a member who asks one or more questions will not be taken to have spoken on the matter.

7.13 Re-opening discussion on decisions

A member must not re-open discussion on any decision of the Council or Committee, except for the purpose of moving a revocation motion under clause 11.2.

PART 8—PRESERVING ORDER**8.1 Presiding Member to preserve order**

- (1) The Presiding Member is to preserve order and, whenever he or she considers it necessary, may call any member or other person to order.
- (2) When the Presiding Member, during the progress of a debate, is to raise or rule on a point of order, any member or person then speaking, or offering to speak, is to be silent so that the Presiding Member may be heard without interruption.

8.2 Points of order

Without limitation, the following acts are to be taken as being out of order—

- (a) discussion of a matter not before the meeting;
- (b) the use of offensive or objectionable language; or
- (c) the violation of any written law, including this local law, provided that the member making the point of order states the written law believed to be breached.

8.3 Procedures on a point of order

- (1) Upon a matter of order arising during the progress of a debate, any member may raise a point of order with the Presiding Member including interrupting the speaker.
- (2) Any member who is speaking when a point of order is raised in subclause (1), is to immediately stop speaking while the Presiding Member listens to the point of order.
- (3) A member raising a point of order is to specify one of the grounds of the breach of order before speaking further on the matter.
- (4) A member who is expressing a difference of opinion or contradicting a speaker is not to be taken as raising a point of order.

8.4 Continued breach of order

If a member—

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) fails or refuses to comply with a direction from the Presiding Member,

the Presiding Member may direct the member to refrain from taking any further part in the debate of the item, other than voting, and the member must comply with that direction.

8.5 Presiding Member may adjourn meeting

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time of the same day or to another day.
- (4) If there is an adjournment under this clause, the names of the members who have spoken on the matter before the adjournment are to be recorded.

PART 9—MOTIONS AND AMENDMENTS**9.1 Recommendations in reports**

(1) Where the Council or a Committee adopts a recommendation contained in a report, either with or without amendment, the recommendation so adopted is taken to be a decision of the Council or the Committee (as the case may be).

(2) Where a motion, if carried, would be significantly different from the relevant written recommendation of any employee or Committee, the reason for the decision is to be recorded in the minutes of the meeting in accordance with the Regulations.

(3) A Committee may make a recommendation to the Council which—

- (a) is relevant to the purpose for which the Committee is established by the Council; and
- (b) the Committee considers requires consideration by the Council.

(4) Where a Committee makes a recommendation for consideration by the Council, the CEO must prepare or cause to be prepared, a report to the Council with respect to the recommendation.

9.2 Adoption of recommendations en bloc

A member may move a motion to adopt by one resolution, all the recommendations or a group of recommendations from a Committee or several reports, without amendment or qualification after having first identified those recommendations, if any—

- (a) which require adoption by an absolute or special majority vote;
- (b) in which an interest has been disclosed;
- (c) that has been subject of a petition or deputation;
- (d) which any member has indicated the wish to debate; and
- (e) in which any member has indicated the wish to ask a question or to raise a point of clarification,

and, each of those recommendations referred to in paragraphs (a), (b), (c), (d) and (e) must be considered separately.

9.3 Motions

(1) A member who wishes to move a primary motion, or an amendment to a primary motion—

- (a) is to state the substance of the motion before speaking to it; and
- (b) is to put the motion or amendment in writing if—
 - (i) in the opinion of the Presiding Member, the motion or amendment is significantly different to the relevant written recommendation of a Committee or an employee (including a person who, under a contract for services with the Shire, provides advice or a report on the matter); or
 - (ii) the member is otherwise required to do so by the Presiding Member.

(2) The written terms of the motion or amendment are to be given to the CEO who is to ensure that they are recorded in the minutes.

(3) The Presiding Member may require that a complex primary motion, or a complex amendment to a primary motion, is to be broken down and put in the form of more than one motion, each of which is to be put in sequence.

9.4 Motions to be seconded

(1) A motion, or an amendment to a motion, is not open to debate until it has been seconded.

(2) A motion to revoke or change a decision made at a Council or Committee meeting is not open to debate unless, the motion has the support required under the Administration Regulations.

(3) A member seconding a motion has the right to speak on the motion later in the debate.

(4) A motion is not to be amended by the mover without the consent of the seconder.

9.5 Unopposed motions

(1) Immediately after a motion has been moved and seconded, the Presiding Member may ask the meeting if any member opposes it.

(2) If no member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.

(3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or Committee.

(4) If a member opposes a motion, the motion is to be dealt with under this Part.

9.6 Withdrawing motions

(1) A motion or amendment may be withdrawn by the mover, with the consent of the seconder, and no member is to speak on it after it has been withdrawn.

(2) If an amendment has been proposed to a primary motion, the primary motion cannot be withdrawn, except by consent of the majority of members, until the amendment proposed has been withdrawn or lost.

9.7 One motion at a time

The Council or a Committee—

- (a) is not to accept a substantive motion while another substantive motion is being debated; and
- (b) is not to consider more than one substantive motion at any time.

9.8 Permissible motions on recommendation from Committee

A recommendation made by a Committee may be—

- (a) adopted by the Council without amendment;
- (b) rejected by the Council and replaced by an alternative decision;
- (c) subject to clause 9.9(2), amended and adopted as amended by the Council; or
- (d) referred back to the Committee for further consideration.

9.9 Amendments

(1) A member may move an amendment to a primary motion at any time during debate on the motion, except—

- (a) if the mover has been called by the Presiding Member to exercise the right of reply;
- (b) if the member has already spoken to the primary motion;
- (c) if another amendment is being debated, or has not been withdrawn, carried or lost; or
- (d) during debate on a procedural motion.

(2) An amendment must be relevant to the primary motion to which it is moved and must not have the effect of negating the primary motion.

(3) An amendment to a primary motion is to take only one of the following forms—

- (a) that certain words be omitted;
- (b) that certain parts be omitted and others substituted or added; or
- (c) that certain words be added.

(4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the primary motion is put to the vote.

(5) Where an amendment is carried, the primary motion as amended is, for all purposes of subsequent debate, to be treated as a primary motion.

(6) An amendment must be read by the mover before being seconded.

PART 10—DEBATE OF MOTIONS**10.1 Order of call in debate**

The Presiding Member is to call speakers to a motion or amendment in the following order—

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) other speakers against and for the motion, alternating in view, if any; and
- (f) the mover takes right of reply which closes debate.

10.2 Limit of debate

The Presiding Member may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

10.3 Member may require motion to be read

A member may require the motion under discussion to be read at any time during a debate, but not so as to interrupt any other member who is speaking.

10.4 Personal explanation

(1) A member who wishes to make a personal explanation relating to a matter referred to by another member who is then speaking must indicate to the Presiding Member his or her intention to make personal explanation.

(2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other member.

10.5 Crossing Council Chambers or meeting room

(1) When the Presiding Member is putting any motion to the vote, a member must not leave or cross the Council Chamber or meeting room.

(2) A member must not, while any other member is speaking, pass between the speaker and the Chair.

10.6 Voting

Voting at meetings is dealt with in the Act and the Administration Regulations.

10.7 Motion—when put

Immediately after the debate on any question is concluded, and the right of reply has been exercised, the Presiding Member—

- (a) is to put the motion to the meeting; and
- (b) if requested by a member, is again to state the terms of the motion.

10.8 Method of taking vote

- (1) The Presiding Member, in taking the vote on any motion, is to—
 - (a) put the motion, first in the affirmative and then in the negative;
 - (b) determine whether the affirmative or the negative has the majority of votes; and
 - (c) declare the result of the vote.
- (2) The motion put under subclause (1) may be put as often as is necessary to enable the Presiding Member to determine whether the affirmative or the negative has the majority votes.
- (3) The result of voting is to be determined on the count of raised hands but it may be determined on the voices unless a member calls for a show of hands.

PART 11—REVOCATION MOTIONS**11.1 Requirements to revoke or change decisions**

The requirements to revoke or change a decision made at a meeting are dealt with in the Administration Regulations.

11.2 Revocation motion at the same meeting—procedures

- (1) A member who moves a revocation motion at the same meeting where the decision is made must—
 - (a) clearly identify the decision to be revoked or changed; and
 - (b) clearly state the reason for the decision to be revoked or changed.
- (2) If the CEO receives a notice of a revocation motion to revoke a decision made at a meeting before the close of that meeting, the CEO must immediately advise the Presiding Member of the substance of the revocation motion and raise it as an item of urgent business under clause 4.13.
- (3) Where the Presiding Member is advised of a revocation motion under subclause (2), he or she is to—
 - (a) advise the meeting of the notice;
 - (b) state the substance of the revocation motion;
 - (c) determine whether there is sufficient support under clause 11.1; and
 - (d) if there is sufficient support, deal with the revocation motion.

11.3 Revocation motion after meeting—procedures

- (1) A member wishing to move a revocation motion at a future meeting of the Council or a Committee must give to the CEO notice of the revocation motion, which is to—
 - (a) be in writing;
 - (b) specify the decision proposed to be revoked or changed;
 - (c) include a reason or reasons for the revocation motion;
 - (d) be supported by the number of members required under the Regulations;
 - (e) specify the date of the ordinary or special meeting of the Council or the Committee where it is to be presented, as the case may be; and
 - (f) be given to the CEO in accordance with the notice of motion provisions in clause 4.11.
- (2) Any notice of revocation motion given to the CEO must be dealt with in accordance with 4.11.

11.4 Implementation of a decision

No steps are to be taken to implement or give effect to a decision if—

- (a) there is a valid notice of revocation motion that has the support of members required by the Administration Regulations; and
- (b) the notice of revocation motion was received before any action was taken to implement the decision.

PART 12—PROCEDURAL MOTIONS**12.1 Permissible procedural motions**

In addition to the right to move an amendment to a primary motion, a member may move any of the following procedural motions—

- (a) that the motion be deferred;
- (b) that the meeting now adjourned;
- (c) that the debate be adjourned;
- (d) that the motion be now put;
- (e) that the motion lie on the table;
- (f) that the meeting proceed to the next item of business;
- (g) that the meeting be closed to members of the public;

- (h) that the ruling of the Presiding Member be overruled;
- (i) that the member be no longer heard; or
- (j) that the item be referred back to the (appropriate) Committee.

12.2 No debate on procedural motions

(1) The mover of a motion stated in each of paragraphs (a), (b), (c), (e), (f), (g), (i) and (j) of clause 12.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion stated in each of paragraphs (d) and (h) of clause 12.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

12.3 Who may move

With the exception of subclause 12.1(h), a member who has moved, seconded, or spoken for or against the primary motion, or any amendment to the primary motion, cannot move any procedural motion which, if carried, would close the debate on the primary motion or amendment.

12.4 Procedural motions—right of reply on primary motion

The carrying of a procedural motion which closes debate on the primary motion or amendment and forces a decision on the primary motion or amendment does not deny the right of reply to the mover of the primary motion.

PART 13—EFFECT OF PROCEDURAL MOTIONS

13.1 The motion be deferred—effect of motion

(1) If a motion “that the motion be deferred”, is carried, then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at a time and date specified in the motion.

(2) A motion “that the motion be deferred” must not be moved in respect of the election of a Presiding Member or the Deputy Shire President.

(3) A member must not, at the same meeting, move or second more than one motion “that the motion be deferred” in respect of the same item.

13.2 The meeting now adjourn—effect of motion

(1) If a motion “that the meeting now adjourn”, is carried, then the meeting is to be adjourned to a time and date specified in the motion, or where no time and date is specified, to such time and date as the Presiding Member declares, or to the next ordinary meeting.

(2) Where debate on a motion is interrupted by an adjournment under subclause (1)—

- (a) the debate is to be resumed at the date and time specified as required in subclause (1) and at the point where it was so interrupted; and
- (b) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
- (c) the provisions of clause 7.11 apply when the debate is resumed.

(3) If a motion “that the meeting now adjourn” is lost, no similar motion is to be moved until—

- (a) after the conclusion of the business under discussion at the time the motion was moved; or
- (b) if the motion was moved on the conclusion of an item of business, after the conclusion of the next item of business; or
- (c) after the conclusion of any other business allowed precedence by the meeting.

(4) A member must not, at the same meeting, move or second more than one motion for the adjournment of the meeting.

13.3 The debate be adjourned—effect of motion

(1) If a motion “that the debate be adjourned”, is carried—

- (a) all debate on the primary motion or amendment is to cease and is to continue at a time and date specified in the motion;
- (b) the names of members who have spoken on the matter are to be recorded in the minutes; and
- (c) the provisions of clause 7.11 apply when the debate is resumed.

(2) A motion “that the debate be adjourned” must not be moved in respect of the election of a Presiding Member or the Deputy Shire President.

(3) A member must not, at the same meeting, move or second more than one motion “that the debate be adjourned” in respect of the same item.

13.4 The motion be now put—effect of motion

(1) If a motion “that the motion be now put”, is carried, during discussion of a primary motion, the Presiding Member is to offer the right of reply and then immediately put the motion to the vote without further debate.

(2) If the motion “that the motion be now put”, is carried, during debate of an amendment, the Presiding Member is to put the amendment to the vote without further debate.

(3) If the motion “that the motion be now put”, is lost, debate is to continue.

13.5 The motion lie on the table—effect of motion

- (1) If a motion “that the motion lie on the table”, is carried, debate on the primary motion and any amendment must cease and the meeting is to proceed to the next item of business.
- (2) Debate on the motion laid on the table is to be adjourned until such time (if any) as the meeting resolves to take the motion from the table.
- (3) Where debate on a motion is interrupted by laying a motion on the table under subclause (1)—
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 7.11 apply when the debate is resumed.
- (4) A motion “that the motion lie on the table” must not be moved in respect of the election of a Presiding Member or the Deputy Shire President.
- (5) A member moving the taking of the motion from the table is entitled to speak first on the resumption of the debate.

13.6 Meeting to proceed to the next business—effect of motion

- (1) The motion “that the meeting proceed to the next item of business”, if carried, has the effect that—
 - (a) the debate on the substantive motion or amendment ceases immediately;
 - (b) no decision is made on the substantive motion;
 - (c) the meeting moves to the next item of business; and
 - (d) there is no requirement for the matter to be raised again for consideration.
- (2) A motion “that the meeting proceed to the next item of business” must not be moved in respect of the election of a Presiding Member or the Deputy Shire President.

13.7 Meeting be closed to members of the public—effect of motion

If a motion “that the meeting be closed to members of the public”, is carried, then the Presiding Member is to close the meeting in accordance with clause 5.2.

13.8 Ruling by the Presiding Member be overruled—effect of motion

If a motion “that the ruling of the Presiding Member be overruled”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

13.9 Member be no longer heard—effect of motion

If a motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved must not speak further on the current primary motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the primary motion.

13.10 Item be referred back to Committee—effect of motion

- (1) If a motion “that the item be referred back to Committee”, is carried, debate on the primary motion and any amendment is to cease and the primary motion, excluding any amendment, is to be referred back to the appropriate Committee for further consideration.
- (2) If the motion in subclause (1) is lost, debate on the primary motion or amendment is to continue.

PART 14—COMMITTEES OF THE COUNCIL**14.1 Establishment, types and membership of Committees**

The establishment, types and membership of Committees is dealt with in the Act.

14.2 Tenure of Committee membership

The tenure of Committee membership is dealt with in the Act.

14.3 Delegation of power to Committees

Delegation of powers and duties to Committees is dealt with in the Act.

14.4 Appointment of deputy members

The appointment of a deputy to a member of a Committee is dealt with in the Act.

14.5 Standing orders apply to Committees

Unless otherwise specifically provided, this local law applies generally to the proceedings of Committees, except for—

- (a) clause 7.2 (relating to seating);
- (b) clause 7.11(1) (relating to the limit on the number of speeches).

14.6 Communications by Committees

A Committee must not communicate with any person or authority except through the Chief Executive Officer.

PART 15—PROCEDURAL MATTERS**15.1 Presiding Member to ensure compliance**

The Presiding Member of a meeting is to ensure compliance with this local law.

15.2 Suspension of standing orders

- (1) A member may, at any time, move that the operation of one or more of the standing orders or clauses be suspended.

(2) A member moving a motion under subclause (1) is to identify the clause or clauses containing the standing orders to be suspended, and state the reasons for the motion, but no other discussion is to take place.

(3) A motion under subclause (1) which is seconded and carried is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

15.3 Cases not provided for in standing orders

(1) In situations where—

(a) standing orders have been suspended; or

(b) a matter is not regulated by the Act, the Regulations or this local law,

the Presiding Member is to decide questions relating to the conduct of the meeting.

(2) The decision of the Presiding Member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 12.1(h).

15.4 Electors' meetings

The requirements for meeting of the electors are dealt with in the Act and the Administration Regulations.

15.5 Electors' meetings—standing orders apply

The standing orders apply, so far as is practicable, to any meeting of electors, but where there is any inconsistency between the provisions of this local law and the provisions of the Act, the latter shall prevail.

15.6 Restriction on voting and speaking at electors' meetings

The restriction on voting and speaking at electors' meetings is dealt with in the Administration Regulations.

15.7 Penalty for contravention of the standing orders

A person who breaches a provision of this local law commits an offence.

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

15.8 Who can prosecute

Who can prosecute is dealt with in the Act.

PART 16—COMMON SEAL

16.1 Custody of the Common Seal

The CEO is to have charge of the Common Seal of the Shire, and is responsible for the safe custody and proper use of it.

16.2 Use of Common Seal

The use of the Common Seal is dealt with in the Act.

Schedule

PETITION TO THE SHIRE OF EAST PILBARA

[cl.4.8(2)(a)]

To the Shire President and Councillors of the Shire of East Pilbara

We, the undersigned, do respectfully request that the Council—

[Here set out a concise statement of facts and the action sought]

Correspondence in respect of this petition should be addressed to—

[Here set out the name and address of the person]

The names and addresses of your petitioners are as follows—

DATE	FULL NAME	ADDRESS	SIGNATURE
		AGREE/DISAGREE/NO OPINION	

Note: Petitioners may contact the CEO of the Shire of East Pilbara if they wish to withdraw from the petition or change their comment

Dated 17 December 2010

The Common Seal of the Shire of East Pilbara was affixed by authority of a resolution of the Council in the presence of—

LYNNE CRAIGIE, Shire President.
ALLEN COOPER, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF RAVENSTHORPE

PARKING AND PARKING FACILITIES LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995

SHIRE OF RAVENSTHORPE

PARKING AND PARKING FACILITIES LOCAL LAW 2010

Under the powers conferred by the Local Government Act 1995 and under all other powers enabling it, the Council of the Shire of Ravensthorpe resolved on 19 August, 2010 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Ravensthorpe Parking and Parking Facilities Local Law 2010*.

1.2 Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Definitions

In this local law unless the context otherwise requires—

“ACROD sticker” has the same meaning given to it by the Code;

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

“authorised person” means a person appointed by the local government under section 9.10 of the Act, to perform any of the functions of an authorised person under this local law;

“authorised vehicle” means a vehicle authorised by the local government, CEO, authorised person or by any written law to park on a thoroughfare or parking facility;

“bicycle” has the meaning given to it by the Code;

“bicycle path” has the meaning given to it by the Code;

“bus” has the meaning given to it by the Code;

“bus embayment” has the meaning given to it by the Code;

“bus stop” has the meaning given to it by the Code;

“bus zone” has the meaning given to it by the Code;

“caravan” means a vehicle that is fitted or designed to allow human habitation and which is drawn by another vehicle, or which is capable of self-propulsion;

“carriageway” means a portion of thoroughfare that is improved, designed or ordinarily used for vehicular traffic and includes the shoulders, and areas, including embayments, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and where a thoroughfare has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately;

“centre” in relation to a carriageway, means a line or a series of lines, marks or other indications—

(i) for a two-way carriageway—placed so as to delineate vehicular traffic travelling in different directions; or

(ii) in the absence of any such lines, marks or other indications—the middle of the main, travelled portion of the carriageway;

“children’s crossing” has the meaning given to it by the Code;

“CEO” means the Chief Executive Officer of the Shire of Ravensthorpe;

“Code” means the *Road Traffic Code 2000*;

“commercial vehicle” means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers, and includes any motor vehicle that is designed primarily for the

carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

“district” means the district of the local government;

“driver” means any person driving or in control of a vehicle;

“edge line” for a carriageway means a line marked along the carriageway at or near the far left or the far right of the carriageway;

“emergency vehicle” has the meaning given to it by the Code;

“footpath” has the meaning given to it by the Code;

“GVM” (which stands for “gross vehicle mass”) has the meaning given to it by the Code;

“Loading Zone” means a parking stall which is set aside for use by commercial vehicles if there is a sign referable to that stall marked “Loading Zone”;

“local government” means the Shire of Ravensthorpe;

“mail zone” has the meaning given to it by the Code;

“median strip” has the meaning given to it by the Code;

“metered space” means a section or part of a metered zone that is adjacent to a parking meter and that is marked or defined by painted lines or by metallic studs or similar devices for the purpose of indicating where a vehicle may be parked on payment of a fee or charge;

“metered zone” means any thoroughfare or reserve, or part of any thoroughfare or reserve, in which parking meters regulate the parking of vehicles;

“motorcycle” has the meaning given to it by the Code;

“motor vehicle” means a self-propelled vehicle that is not operated on rails; and the expression includes a trailer, semi-trailer or caravan while attached to a motor vehicle, but does not include a power assisted pedal cycle;

“no parking area” has the meaning given to it by the Code;

“no parking sign” means a sign with the words “no parking” in red letters on a white background, or the letter “P” within a red annulus and a red diagonal line across it on a white background;

“no stopping area” has the meaning given to it by the Code;

“no stopping sign” means a sign with the words “no stopping” or “no standing” in red letters on a white background or the letter “S” within a red annulus and a red diagonal line across it on a white background;

“occupier” has the meaning given to it by the Act;

“owner”—

- (a) where used in relation to a vehicle licensed under the Road Traffic Act, means the person in whose name the vehicle has been registered under that Road Traffic Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

“park”, in relation to a vehicle, means to permit a vehicle, whether attended or not by any person, to remain stationary except for the purpose of—

- (a) avoiding conflict with other traffic; or
- (b) complying with the provisions of any law; or
- (c) taking up or setting down persons or goods (maximum of 2 minutes);

“parking area” has the meaning given to it by the Code;

“parking facilities” includes land, buildings, shelters, metered zones, metered spaces, parking stalls and other facilities open to the public generally for the parking of vehicles with or without charge and signs, notices and facilities used in connection with the parking of vehicles;

“parking meter” includes the stand on which the meter is erected and a ticket issuing machine;

“parking region” means the whole of the district except for those areas, roads, bridges and subways under the control and direction of the Commissioner of Main Roads;

“parking stall” means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked, but does not include a metered space;

“parking station” means any land, or structure provided for the purpose of accommodating vehicles with or without charge, but does not include a metered zone or metered space;

“pedestrian crossing” has the meaning given to it by the Code;

“public place” means any place to which the public has access whether or not that place is on private property;

“reserve” means any land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*; or which is an “otherwise unvested facility” within section 3.53 of the Act;

“Road Traffic Act” means the *Road Traffic Act 1974*;

“Schedule” means a Schedule to this local law;

“shared zone” has the meaning given to it by the Code;

“sign” includes a traffic sign, inscription, road marking, mark, structure or device approved by the local government on which may be shown words, numbers, expressions or symbols, and which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

“special purpose vehicle” has the meaning given to it by the Code;

“stop” in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;

“symbol” includes any symbol specified by Australian Standard 1742.11-1999 and any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;

“taxi” means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;

“taxi zone” has the meaning given to it by the Code;

“thoroughfare” has the meaning given to it by the Act;

“ticket issuing machine” means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it shall be lawful to remain parked in a metered space to which the machine is referable;

“traffic island” has the meaning given to it by the Code;

“trailer” means any vehicle without motive power of its own, designed for attachment to a motor vehicle for the purpose of being towed, but does not include the rear portion of an articulated vehicle, or a side car;

“unattended”, in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle;

“vehicle” has the meaning given to it by the Code; and

“verge” means the portion of a thoroughfare which lies between the boundary of a carriageway and the adjacent property line but does not include a footpath.

1.4 Application of particular definitions

(1) For the purposes of the application of the definitions “no parking area” and “parking area” an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.

(2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.5 Application

(1) Subject to subclause (2), this local law applies to the parking region as described in Schedule 1.

(2) This local law does not apply to a parking facility or a parking station that is not occupied by the local government, unless the local government and the owner or occupier of that facility or station have agreed in writing that this local law will apply to that facility or station.

(3) The agreement referred to in subclause (2) may be made on such terms and conditions as the parties may agree.

(4) Where a parking facility or a parking station is identified in Schedule 3, then the facility or station shall be deemed to be a parking station to which this local law applies and it shall not be necessary to prove that it is the subject of an agreement referred to in subclause (2).

1.6 Classes of vehicles

For the purpose of this local law, vehicles are divided into classes as follows—

- (a) buses;

- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis; and
- (e) all other vehicles.

1.7 Powers of local government

The local government may, by resolution, prohibit or regulate by signs or otherwise, the stopping or parking of any vehicle or any class of vehicles in any part of the parking region but must do so consistently with the provisions of this local law.

1.8 Determination of fees, charges and costs

All fees, charges and costs referred to in this local law shall be determined and imposed by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

PART 2—SIGNS

2.1 Erection of signs

The local government may erect a sign for the purposes of this local law on any land, building or other structure within the parking region.

2.2 Compliance with signs

(1) A person shall comply with the direction on every sign displayed, marked, placed or erected pursuant to this local law.

(2) An inscription or symbol on a sign operates and has effect according to its tenor and a person contravening the direction on a sign commits an offence under this local law.

2.3 Unauthorised signs and defacing of signs

A person shall not without the approval of the local government—

- (a) display, mark, set up or exhibit a sign purporting to be or resembling a sign marked, set up or exhibited by the local government under this local law;
- (b) remove, deface or misuse a sign or property set up or exhibited by the local government under this local law or attempt to do any such act; or
- (c) affix a board, sign, placard, notice or other thing to, or paint or write upon any part of a sign set up or exhibited by the local government under this local law.

2.4 General provisions about signs

(1) A sign marked, erected, set up, established or displayed on or near a thoroughfare or in a parking station is, in the absence of evidence to the contrary, deemed to be a sign marked, erected, set up, established or displayed under the authority of this local law.

(2) The first 3 letters of any day of the week when used on a sign indicate that day of the week.

(3) For the purpose of this local law, the local government may use (AS 1742.11-1999), as a guide for the development or marking of signs, but is not bound to do so and, where it does use it as a guide may vary any of the provisions of (AS 1742.11-1999) as it sees fit.

2.5 Application of this local law to pre-existing signs and private properties

(1) A sign that—

- (a) was erected by the local government or the Commissioner of Main Roads prior to the coming into operation of this local law and;
- (b) relates to the parking of vehicles within the parking region,

shall be deemed for the purposes of this local law to have been erected by the local government under the authority of this local law.

(2) A sign that was erected on a private property prior to the coming into operation of this local law, and that states or stated to the effect that there was no unauthorised parking, shall be deemed for the purposes of this local law to have been erected under the authority of this local law.

(3) An inscription or symbol on a sign referred to in subclause (1) or (2) operates and has effect according to its tenor.

2.6 Part of thoroughfare to which sign applies

Where under this local law the parking of vehicles in a thoroughfare is controlled by a sign, the sign shall be read as applying to that part of the thoroughfare which—

- (a) lies beyond the sign;
- (b) lies between the sign and the next sign beyond that sign; and
- (c) is on that side of the thoroughfare nearest to the sign.

PART 3—METERED ZONES

3.1 Determination of metered zones

(1) The local government may by resolution constitute, determine and vary metered spaces and metered zones.

(2) In respect of metered spaces and metered zones the local government may by resolution determine—

- (a) permitted times and conditions of parking depending on and varying with the locality;**
- (b) classes of vehicles which are permitted to park;**
- (c) the amount payable for parking; and**
- (d) the manner of parking.**

(3) Where the local government makes a determination under subsections (1) and (2) it shall erect signs to give effect to the determination.

3.2 Parking fee to be paid

Subject to clause 3.5, a person shall not park a vehicle in a metered space unless the appropriate fee as indicated by a sign on the parking meter referable to the space is inserted into the parking meter.

3.3 Limitation on parking in metered space

The payment of a fee under clause 3.2 shall entitle a person to park the vehicle in a metered space for the period shown on the parking meter, but does not authorize the parking of the vehicle during any time when parking in that space may be prohibited in accordance with this local law.

3.4 No parking when meter is expired

Subject to clause 3.5, a person shall not leave or permit a vehicle to remain parked in a metered space during the hours when a fee is payable to park the vehicle in the space when the parking meter referable to that space exhibits the sign “Expired” or a negative time.

3.5 Suspension of requirement to pay fee

The local government may from time to time by a resolution declare that the provisions of clauses 3.2 and 3.4 shall not apply during the periods and days specified in the resolution.

3.6 Vehicles to be within metered space

Subject to subclause (b)—

- (a) A person shall not park a vehicle in a metered space in a thoroughfare otherwise than parallel to and as close to the kerb as practicable and wholly within the space, provided that where a metered space is set out otherwise than parallel to the kerb the vehicle need only park wholly within the space.**
- (b) If a vehicle is too long or too wide to fit completely within a single metered space then the person parking the vehicle shall do so within the minimum number of metered spaces needed to park that vehicle.**
- (c) A person shall not park a vehicle partly within and partly outside a metered zone.**

3.7 Permitted insertions in parking meters

(1) A person shall not insert into a parking meter anything other than the designations of coin or banknote or such other permitted form of payment indicated by a sign on the parking meter.

(2) The insertion of a coin or banknote into any parking meter or the making of payment in such other form as may be permitted shall be effected only in accordance with the instructions printed on that particular meter.

3.8 Parking ticket to be clearly visible

A driver of a vehicle left parked in a metered zone which is regulated by a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

3.9 One vehicle per metered space

A person shall not park or attempt to park a vehicle in a metered space in which another vehicle is parking.

3.10 No parking when hood on meter

Notwithstanding any other provision of this local law and notwithstanding any other sign or notice, a person shall not park a vehicle in a metered space if the parking meter referable to such metered space has a hood marked “No Parking”, “Reserved Parking” or “Temporary Bus Stand” or equivalent symbols depicting these purposes except with the permission of the local government or an authorised person.

PART 4—PARKING STALLS AND PARKING STATIONS

4.1 Determination of parking stalls and parking stations

(1) The local government may by resolution constitute, determine and vary—

- (a) parking stalls;**
- (b) parking stations;**

- (c) permitted time and conditions of parking in parking stalls and parking stations which may vary with the locality;
- (d) permitted classes of vehicles which may park in parking stalls and parking stations;
- (e) permitted classes of persons who may park in specified parking stalls or parking stations; and
- (f) the manner of parking in parking stalls and parking stations.

(2) Where the local government makes a resolution under subsection (1) it shall erect signs to give effect to the determination.

4.2 Vehicles to be within parking stall on thoroughfare

(1) Subject to subclause (2), (3) and (4), a person shall not park a vehicle in a parking stall in a thoroughfare otherwise than—

- (a) parallel to and as close to the kerb as is practicable;
- (b) wholly within the stall; and
- (c) headed in the direction of the movement of traffic on the side of the thoroughfare in which the stall is situated.

(2) Subject to subclause (3) where a parking stall in a thoroughfare is set out otherwise than parallel to the kerb, then a person must park a vehicle in that stall wholly within it.

(3) If a vehicle is too long or too wide to fit completely within a single parking stall then the person parking the vehicle shall do so within the minimum number of parking stalls needed to park that vehicle.

(4) A person shall not park a vehicle partly within and partly outside a parking area.

4.3 Payment of fee to park in parking station

A person shall not park a vehicle or permit a vehicle to remain parked in any parking station during any period for which a fee is payable unless—

- (a) in the case of a parking station having an authorised person on duty, the appropriate fee is paid when demanded; or
- (b) in the case of a parking station equipped with parking meters, the appropriate fee is inserted in the meter or the required payment is made in such other form as may be permitted.

4.4 Suspension of parking station restrictions

The local government may by resolution declare that the provisions of clause 4.3 do not apply during periods on particular days in relation to particular parking stations as specified in such resolution.

4.5 Vehicle not to be removed until fee paid

A person shall not remove a vehicle which has been parked in a parking station until there has been paid the appropriate fee for the period for which the vehicle has been parked.

4.6 Entitlement to receipt

A person paying a fee at a parking station is to be entitled to receive a receipt on demand showing the period of parking covered by such payment.

4.7 Parking ticket to be clearly visible

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in such a position that the ticket is clearly visible to and the expiry time or time for which the ticket remains valid is able to be read by an authorised person examining the ticket from outside the vehicle.

4.8 Parking prohibitions and restrictions

(1) A person shall not—

- (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
- (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
- (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
- (d) park or attempt to park a vehicle in a parking stall in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a stall marked "M/C", if the bicycle is parked in accordance with subclause (2).

(2) No person shall park any bicycle—

- (a) in a parking stall other than in a stall marked "M/C"; and
- (b) in such stall other than against the kerb.

(3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—

- (a) the driver's vehicle displays an ACROD sticker; and
- (b) a person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.

PART 5—PARKING GENERALLY

5.1 Restrictions on parking in particular areas

(1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—

- (a) if by a sign it is set apart for the parking of vehicles of a different class;
- (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
- (c) during any period when the parking of vehicles is prohibited by a sign.

(2) In this clause, “driver” means a driver where—

- (a) the driver's vehicle displays an ACROD sticker; and
- (b) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
 - (i) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.

(3) A person shall not park a vehicle—

- (a) in a no parking area;
- (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
- (c) in a stall marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.

(4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked “M/C”.

(5) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.

5.2 Parking vehicle on a carriageway

(1) A person parking a vehicle on a carriageway other than in a parking stall shall park it—

- (a) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (b) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
- (c) so that at least 3 metres of the width of the carriageway lies between the vehicle and the farther boundary of the carriageway, or any continuous line or median strip, or between the vehicle and a vehicle parked on the farther side of the carriageway;
- (d) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
- (e) so that it does not obstruct any vehicle on the carriageway,

unless otherwise indicated on a parking regulation sign or markings on the roadway.

(2) In this clause, “continuous dividing line” means—

- (a) a single continuous dividing line only;
- (b) a single continuous dividing line to the left or right of a broken dividing line; or
- (c) two parallel continuous dividing lines.

5.3 When parallel and right-angled parking apply

Where a traffic sign associated with a parking area is not inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), then unless a sign associated with the parking area indicates, or marks on the carriageway indicate, that vehicles have to park in a different position, where the parking area is—

- (a) adjacent to the boundary of a carriageway, a person parking a vehicle in the parking area shall park it as near as practicable to and parallel with that boundary; and
- (b) at or near the centre of the carriageway, a person parking a vehicle in that parking area shall park it at approximately right angles to the centre of the carriageway.

5.4 When angle parking applies

(1) This clause does not apply to—

- (a) a passenger vehicle or a commercial vehicle with a mass including any load, of over 3 tonnes; or**
- (b) a person parking either a motor cycle without a trailer or a bicycle.**

(2) Where a sign associated with a parking area is inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), a person parking a vehicle in the area shall park the vehicle at an angle of approximately 45 degrees to the centre of the carriageway unless otherwise indicated by the inscription on the parking sign or by marks on the carriageway.

5.5 General prohibitions on parking

(1) This clause does not apply to a vehicle parked in a parking stall nor to a bicycle in a bicycle rack.

(2) Subclauses (2)(c), (e) and (g) do not apply to a vehicle which parks in a bus embayment.

(3) Subject to any law relating to intersections with traffic control signals a person shall not park a vehicle so that any portion of the vehicle is—

- (a) between any other stationary vehicles and the centre of the carriageway;**
- (b) on or adjacent to a median strip;**
- (c) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;**
- (d) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;**
- (e) on or within 10 metres of any portion of a carriageway bounded by a traffic island;**
- (f) on any footpath or pedestrian crossing;**
- (g) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines or between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;**
- (h) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;**
- (i) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;**
- (j) within 3 metres of a public letter pillar box, unless the vehicle is being used for the purposes of collecting postal articles from the pillar box; or**
- (k) within 10 metres of the nearer property line of any thoroughfare intersecting the thoroughfare on the side on which the vehicle is parked,**

unless a sign or markings on the carriageway indicate otherwise.

(3) A person shall not park a vehicle so that any portion of the vehicle is within 10 metres of the departure side of—

- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers; or**
- (b) a children’s crossing or pedestrian crossing.**

(4) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of the approach side of—

- (a) a sign inscribed with the words “Bus Stop” or “Hail Bus Here” (or with equivalent symbols depicting these purposes) unless the vehicle is a bus stopped to take up or set down passengers;**
- (b) a children’s crossing or pedestrian crossing.**

(5) A person shall not park a vehicle so that any portion of the vehicle is within 20 metres of either the approach side or the departure side of the nearest rail of a railway level crossing.

5.6 Authorised person may order vehicle on thoroughfare to be moved

The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.

5.7 Authorised person may mark tyres

(1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.

(2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

5.8 No movement of vehicles to avoid time limitation

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility.

(2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least two hours.

5.9 No parking of vehicles exposed for sale and in other circumstances

A person shall not park a vehicle on any portion of a thoroughfare—

- (a) for the purpose of exposing it for sale;
- (b) if that vehicle is not licensed under the Road Traffic Act;
- (c) if that vehicle is a trailer or a caravan unattached to a motor vehicle; or
- (d) for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare.

5.10 Parking on private land

(1) In this clause a reference to “land” does not include land—

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*;
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;
- (d) which is the subject of an agreement referred to in subclause 1.5(2); or
- (e) which is identified in Schedule 3.

(2) A person shall not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.

(3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person shall not park a vehicle on the land otherwise than in accordance with the consent.

5.11 Parking on reserves

No person other than an employee of the local government in the course of his or her duties or a person authorised by the local government shall drive or park a vehicle upon or over any portion of a reserve other than upon an area specifically set aside for that purpose.

5.12 Suspension of parking limitations for urgent, essential or official duties

(1) Where by a sign the parking of vehicles is permitted for a limited time on a portion of a thoroughfare or parking facility, the local government, the CEO or an authorised person may, subject to the Code, permit a person to park a vehicle in that portion of the thoroughfare or parking facility for longer than the permitted time in order that the person may carry out urgent, essential or official duties.

(2) Where permission is granted under subclause (1), the local government, the CEO or an authorised person may prohibit the use by any other vehicle of that portion of the thoroughfare or parking facility to which the permission relates, for the duration of that permission.

PART 6—PARKING AND STOPPING GENERALLY

Division 1—Parking and stopping generally

6.1 No stopping and no parking signs, and yellow edge lines

(1) No stopping—

A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.

(2) No parking—

A driver shall not stop on a length of carriageway or in an area to which a “no parking” sign applies, unless the driver is—

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

(3) No stopping on a carriageway with yellow edge lines—

A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.

Division 2—Stopping in zones for particular vehicles

6.2 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is—

(a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or

(b) a motor vehicle taking up or setting down passengers,

but, in any event, shall not remain in that loading zone—

(c) for longer than a time indicated on the “loading zone” sign; or

(d) longer than 30 minutes (if no time is indicated on the sign).

6.3 Stopping in a taxi zone or a bus zone

(1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.

(2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the “bus zone” sign applying to the bus zone.

6.4 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

6.5 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.

Division 3—Other places where stopping is restricted

6.6 Stopping in a shared zone

A driver shall not stop in a shared zone unless—

(a) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law;

(b) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;

(c) the driver is dropping off, or picking up, passengers or goods; or

(d) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

6.7 Double parking

(1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.

(2) This clause does not apply to—

(a) driver stopped in traffic; or

(b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

6.8 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

6.9 Stopping on a bridge or in a tunnel, etc.

(1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless—

(a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or

(b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

(2) A driver shall not stop a vehicle in a tunnel or underpass unless—

(a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or

(b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

6.10 Stopping on crests, curves, etc.

(1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.

(2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.11 Stopping near a fire hydrant etc.

(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless—

- (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or**
- (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.**

6.12 Stopping at or near a bus stop

(1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10 metres of the departure side of a bus stop, unless—

- (a) the vehicle is a public bus stopped to take up or set down passengers; or**
- (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.**

(2) In this clause—

- (a) distances are measured in the direction in which the driver is driving; and**
- (b) a trailer attached to a public bus is deemed to be a part of the public bus.**

6.13 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.

6.14 Stopping on verge

(1) A person shall not—

- (a) stop a vehicle (other than a bicycle);**
- (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or**
- (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,**

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

6.15 Obstructing access to and from a path, driveway, etc.

(1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless—

- (a) the driver is dropping off, or picking up, passengers; or**
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.**

(2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless—

- (a) the driver is dropping off, or picking up, passengers; or**
- (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under this local law.**

6.16 Stopping near a letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver—

- (a) is dropping off, or picking up, passengers or mail; or**
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under this local law.**

6.17 Stopping on a carriageway—heavy and long vehicles

(1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding 1 hour, unless engaged in the picking up or setting down of goods; or**
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.**

(2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

6.18 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a “bicycle parking” sign applies, unless the driver is dropping off, or picking up, passengers.

6.19 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a “motor cycle parking” sign applies, or an area marked “M/C” unless—

- (a) the vehicle is a motor cycle; or**
- (b) the driver is dropping off, or picking up, passengers.**

6.20 Stopping in a parking stall for people with disabilities

(1) A driver shall not stop in a parking area for people with disabilities unless—

- (a) the driver’s vehicle displays an ACROD sticker; and**
- (b) either the driver or the passenger in that vehicle is a person with disabilities.**

(2) In this clause a “parking area for people with disabilities” is a length or area—

- (a) to which a “permissive parking” sign displaying a people with disabilities symbol applies;**
- (b) to which a “people with disabilities parking” sign applies;**
- (c) indicated by a road marking (a “people with disabilities road marking”) that consists of, or includes, a people with disabilities symbol; or**
- (d) set aside within a parking region as a “parking stall for use of a person with a disability” under the *Local Government (Parking for Disabled Persons) Regulations 1988*.**

PART 7—MISCELLANEOUS

7.1 Removal of notices on vehicle

A person, other than the driver of the vehicle or a person acting under the direction of the driver of the vehicle, shall not remove from the vehicle any notice put on the vehicle by an authorised person.

7.2 Special purpose and emergency vehicles

Notwithstanding anything to the contrary in this local law, the driver of—

- (a) a special purpose vehicle may, only in the course of his or her duties and when it is expedient and safe to do so, stop, or park the vehicle in any place, at any time; and**
- (b) an emergency vehicle may, in the course of his or her duties and when it is expedient and safe to do so or where he or she honestly and reasonably believes that it is expedient and safe to do so, stop, or park the vehicle at any place, at any time.**

7.3 Vehicles not to obstruct a public place

(1) A person shall not leave a vehicle, or any part of a vehicle, in a public place so that it obstructs the use of any part of that public place without the permission of the local government or unless authorized under any written law.

(2) A person will not contravene subclause (1) where the vehicle is left for a period not exceeding 24 hours.

PART 8—PENALTIES

8.1 Offences and penalties

(1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

(4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.2 Form of notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

Schedule 1 PARKING REGION

[cl. 1.5]

The parking region is the whole of the district, but excludes the following portions of the district—

- (1) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (2) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (3) any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

Schedule 2 PRESCRIBED OFFENCES

[cl. 8.1(4)]

OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.2	Failure to pay fee for metered space	55
2	2.3	Parking in excess of period shown on metered space	40
3	2.4	Parking when meter has expired	55
4	2.6(1)	Failure to park wholly within metered space	40
5	2.6(3)	Parking outside metered zone	40
6	2.7	Non-permitted insertion in parking meter	55
7	2.8	Failure to display ticket clearly in metered zone	50
8	2.9	Parking or attempting to park a vehicle in a metered space occupied by another vehicle	40
9	2.10	Parking contrary to a meter hood	50
10	3.2	Failure to park wholly within parking stall	60
11	3.2(4)	Failure to park wholly within parking area	60
12	3.3	Failure to pay parking station fee	55
13	3.5	Leaving without paying parking station fee	55
14	3.7	Failure to display ticket clearly in parking station	50
15	3.8(1)(a)	Causing obstruction in parking station	50
16	3.8(1)(b)	Parking contrary to sign in parking station	50
17	3.8(1)(b)	Parking a vehicle in a parking station for the disabled	120

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
18	3.8(1)(c)	Parking contrary to directions of Authorised Person	60
19	3.8(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	40
20	4.1(1)(a)	Parking wrong class of vehicle	40
21	4.1(1)(b)	Parking by persons of a different class	45
22	4.1(1)(c)	Parking during prohibited period	45
23	4.1(3)(a)	Parking in no parking area	60
24	4.1(3)(b)	Parking contrary to signs or limitations	60
25	4.1(3)(c)	Parking vehicle in motor cycle only area	60
26	4.1(4)	Parking motor cycle in stall not marked "M/C"	60
27	4.1(5)	Parking without permission in an area designated for "Authorised Vehicles Only"	60
28	4.2(1)(a)	Failure to park on the left of two-way carriageway	60
29	4.2(1)(b)	Failure to park on boundary of one-way carriageway	60
30	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	60
31	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	45
32	4.2(1)(d)	Parking closer than 1 metre from another vehicle	40
33	4.2(1)(e)	Causing obstruction	60
34	4.3(b)	Failure to park at approximate right angle	60
35	4.4(2)	Failure to park at an appropriate angle	60
36	4.5(2)(a) and 7.2	Double parking	60
37	4.5(2)(b)	Parking on or adjacent to a median strip	60
38	4.5(2)(c)	Denying access to private drive or right of way	60
39	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	60
40	4.5(2)(e)	Parking within 10 metres of traffic island	60
41	4.5(2)(f)	Parking on footpath/pedestrian crossing	60
42	4.5(2)(g)	Parking contrary to continuous line markings	60
43	4.5(2)(h)	Parking on intersection	60
44	4.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	60
45	4.5(2)(j)	Parking within 3 metres of public letter box	60
46	4.5(2)(k)	Parking within 10 metres of intersection	60
47	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	60
48	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	60
49	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	60
50	4.6	Parking contrary to direction of authorised person	60
51	4.7(2)	Removing mark of authorised person	60
52	4.8	Moving vehicle to avoid time limitation	60
53	4.9(a)	Parking in thoroughfare for purpose of sale	60
54	4.9(b)	Parking unlicensed vehicle in thoroughfare	60
55	4.9(c)	Parking a trailer/caravan on a thoroughfare	60
56	4.9(d)	Parking in thoroughfare for purpose of repairs	60
57	4.10(1) or (2)	Parking on land that is not a parking facility without consent	60
58	4.10(3)	Parking on land not in accordance with consent	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
59	4.11	Driving or parking on reserve	60
60	5.1(1)	Stopping contrary to a "no stopping" sign	60
61	5.1(2)	Parking contrary to a "no parking" sign	60
62	5.1(3)	Stopping within continuous yellow lines	60
63	6.1	Stopping unlawfully in a loading zone	60
64	6.2	Stopping unlawfully in a taxi zone or bus zone	60
65	6.3	Stopping unlawfully in a mail zone	60
66	6.4	Stopping in a zone contrary to a sign	60
67	7.1	Stopping in a shared zone	60
68	7.3	Stopping near an obstruction	60
69	7.4	Stopping on a bridge or tunnel	60
70	7.5	Stopping on crests/curves etc	60
71	7.6	Stopping near fire hydrant	60
72	7.7	Stopping near bus stop	60
73	7.8	Stopping on path, median strip or traffic island	60
74	7.9	Stopping on verge	60
75	7.10	Obstructing path, a driveway etc	60
76	7.11	Stopping near letter box	60
77	7.12	Stopping heavy or long vehicles on carriageway	60
78	7.13	Stopping in bicycle parking area	60
79	7.14	Stopping in motorcycle parking area	60
80	7.15	Stopping in disabled parking area	120
81	8.6	Leaving vehicle so as to obstruct a public place	60
82		All other offences not specified	60

Schedule 3
DEEMED PARKING STATIONS

PARKING STATIONS AND PARKING FACILITIES

[cl. 1.5(4)]

Dated: 2 February 2011.

The Common Seal of the Shire of Ravensthorpe was hereto affixed by the authority of a resolution of the Council in the presence of—

**Cr I. GOLDFINCH, Shire President.
P. DURTANOVICH, Chief Executive Officer.**

LOCAL GOVERNMENT ACT 1995

SHIRE OF RAVENSTHORPE

STANDING ORDERS AMENDMENT LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Ravensthorpe resolved on 19 August, 2010 to make the following local law.

1. Citation

This local law may be cited as the *Shire of Ravensthorpe Standing Orders Amendment Local Law 2010*.

2. Commencement

This local law will come into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

3. Local law amended

The *Shire of Ravensthorpe Standing Orders Local Law 2003* as published in the *Government Gazette* on 11 May 2004 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.3 amended

In clause 1.3(1), in alphabetical order of the terms being defined, insert the definitions—

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

“Local Government” means the Shire of Ravensthorpe;

“member” means the President or a councillor and includes in the case of a committee, a member of the committee who is not the President or a councillor;

5. Clause 1.4 amended

Delete clause 1.4 and insert—

1.4 Repeal

The following local laws are repealed—

The Municipality of the Shire of Ravensthorpe By-laws Relating to Standing Orders published in the *Government Gazette* of 29 April 1983.

6. Clause 3.2 amended

Delete clause 3.2(1) and insert—

(1) The order of business at any ordinary meeting of the Council shall be as decided by the President and the CEO unless the Council resolves what the order of business shall be.

7. Clause 4.2 amended

In clause 4.2(2)—

(a) delete “employee of the Council” occurring twice and insert “employee of the Local Government” in each instance; and

(b) delete “Penalty \$5,000”.

8. Clause 8.4 amended

In clause 8.4(2)—

(a) delete “employee of the Council” and insert “employee of the Local Government”; and

(b) delete “Penalty \$1,000”.

9. Clause 12.7 amended

In clause 12.7(4) delete “Penalty \$5,000”.

10. Clause 14.1 amended

In clause 14.1(3)(b), delete “employee of the Council” and insert “employee of the Local Government”.

11. Clause 15.8 amended

In clause 15.8(1) delete “Penalty \$500”.

12. Clause 18.3 additional clause

After clause 18.2, add—

18.3 Enforcement

(1) The Presiding Member of any Council or committee meeting is authorised to enforce the Standing Orders during the course of the meeting and to liaise with the CEO where appropriate regarding the appropriate action to be taken for any breach.

(2) No action shall be taken by the Shire of Ravensthorpe to institute legal proceedings for an alleged breach of the Standing Orders unless by resolution of Council.

(3) Council may resolve to deal with any alleged breach of the Standing Orders through the application of the procedures contained within the *Local Government (Rules of Conduct) Regulations 2007*.

(4) Penalties under the Standing Orders are as per the Act and the Regulations.

Dated: 2 February 2011.

The Common Seal of the Shire of Ravensthorpe was affixed under the authority of a resolution of Council in the presence of—

**Cr I. GOLDFINCH, Shire President.
P. DURTANOVICH, Chief Executive Officer.**

LG305*

LOCAL GOVERNMENT ACT 1995

Town of Kwinana

PARKING AND PARKING FACILITIES LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Town of Kwinana resolved on 15 December 2010 to adopt the following local law.

Preamble

The principal local law *Town of Vincent Parking and Parking Facilities Local Law 2007* as published in the *Government Gazette* on 21 November 2007, including the amendments as published in the *Government Gazette* on 5 August 2008 and on 27 February 2009, is adopted as the local law of the Town of Kwinana with the modifications as set out below.

1. Preliminary

Delete the words “Town of Vincent” wherever they appear in this local law and insert “Town of Kwinana” instead.

2. Part 1 amended

2.1 Delete clause 1.1 and insert—

1.1 Citation

This local law is the *Town of Kwinana Parking and Parking Facilities Local Law 2010*.

2.2 In clause 1.2(1) delete “objective” and insert “purpose”, and delete clause 1.2 heading and insert—

1.2 Purpose and effect

2.3 Delete clause 1.4 and insert—

The Town of Kwinana Parking Local Law 2000 published in the *Government Gazette* on 29 November 2000 is repealed.

2.4 In clause 1.5 delete subclauses (1) and (4) and insert respectively—

(1) Subject to subclause (2), this local law applies to the parking region as described in Schedule 1.

(4) Where a parking facility or a parking station is identified in Schedule 6, the facility or station shall be deemed to be a facility or station to which this local law applies.

2.5 In clause 1.6 delete the definitions “authorised person” and “parking region”, and insert the following definitions in alphabetical order—

“authorised person” means a person appointed by the local government under section 9.10 or the Act, to perform any of the functions of an authorised person under this local law;

“parking region” means the whole of the district except for those areas, roads, bridges and subways under the control and direction of the Commissioner of Main Roads;

“costs” of the local government include its administrative costs;

“residential zone” means land within the residential zone specified within the Town of Kwinana’s local planning scheme dealing with zoning;

“special residential zone” means land within the special residential zone specified within the Town of Kwinana’s local planning scheme dealing with zoning;

3. Part 3 amended

3.1 In clause 3.1 designate the first subclause “(1)” and insert new subclause (2)—

(2) Where the local government makes a determination under subclause (1) it shall erect signs to give effect to the determination.

4. Part 4 amended

4.1 In clause 4.1 delete subclause (4).

4.2 In clause 4.1 re-designate subclause “(5)” to “(4)”.

4.3 In clause 4.9(1)(e) delete “Schedule 7” and insert “Schedule 6”.

4.4 Delete clause 4.14 and its heading and insert—

4.14 Vehicles prohibited in the residential and special residential zones

(1) No person shall park for more than 4 hours consecutively within the residential and special residential zones—

- (a) more than one commercial vehicle;
 - (b) any vehicle which, due to its size or load, is not capable of being completely housed within a garage or building approved by council; or
 - (c) a vehicle which, together with its load, exceeds 3 metres in height.
- (2) No person shall, within the residential and special residential zones—
- (a) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is completely housed within a garage or building approved by council; or
 - (b) park or allow to remain stationary a commercial vehicle of a load capacity exceeding 2 tonnes or allow the vehicle to remain stationary.
- (3) Subclauses (1) and (2) do not apply to—
- (a) a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises; or
 - (b) a commercial vehicle associated with building works being carried out on the premises.

5. Part 5 amended

5.1 Delete clause 5.17 and its heading and insert—

5.17 Stopping on a carriageway—heavy and long vehicles

Subject to any clause to the contrary or sign referable to the carriageway, a person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is eight metres or more in length or exceeds a GVM of 4.5 tonnes—

- (a) on a carriageway in a built-up area, for any period exceeding 2 hours, unless engaged in the picking up or setting down of goods; or
- (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of such vehicles.

6. Part 7 amended

6.1 In clauses 7.3(1) and 7.3(2) delete “Schedule 8” and insert “Schedule 7”.

6.2 In clause 7.6 delete subclauses (2) and (5) and insert respectively—

- (2) The local government shall give notice referred to in subclause (1) in the form of Item 3(a) of Schedule 8 by serving the notice on the eligible person to whom the permit was issued.
- (5) The local government shall give notice of the revocation in the form of Item 3(b) of Schedule 8 by serving the notice on the eligible person to whom the permit was issued.

7. Part 9 amended

7.1 In clause 9.2 delete paragraphs (a) and (c) and insert respectively—

- (a) notice to the owner of a vehicle involved in an offence referred to in section 9.13 of the Act is that of the form in Schedule 3;
- (c) withdrawal of infringement notice referred to in section 9.20 of the Act is that of the form in Schedule 5.

8. Schedules amended

8.1 Delete Schedules 1 to 9 and insert—

Schedule 1—Parking region

[cl. 1.5(1)]

LOCAL GOVERNMENT ACT 1995

Town of Kwinana Parking and Parking Facilities Local Law 2010

PARKING REGION

The parking region is the whole of the district, but excludes the following portions of the district—

1. the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;

2. prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads;
3. any road which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that road is carried out subject to the control and direction of the Commissioner of Main Roads or has been delegated by the Commissioner to the local government.

Schedule 2—Prescribed offences

[cl.9.1(4)]

LOCAL GOVERNMENT ACT 1995

Town of Kwinana Parking and Parking Facilities Local Law 2010

OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1.	2.2(1), (2)	Failure to comply with signs	50
2.	2.3(a)	Unauthorised display, marking, setting up, exhibiting of a sign	125
3.	2.3(b)	Unauthorised removal, defacing or misuse of a sign	70
4.	2.3(c)	Unauthorised affixing anything to a sign	60
5.	3.2(1)(a)	Failure to park parallel to and as close to the kerb as practicable in a parking stall	60
6.	3.2(1)(b)	Failure to park wholly within parking stall	60
7.	3.2(1)(C)	Failure to park in the direction of the movement of traffic in a parking stall	60
8.	3.2(4)	Failure to park wholly within parking area	50
9.	3.3(1)(a)	Causing obstruction in parking station	125
10.	3.3(1)(b)	Parking contrary to sign in parking station	50
11.	3.3(1)(C)	Parking contrary to directions of authorised person	150
12.	3.3(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	50
13.	4.1(1)(a)	Parking by vehicles of a different class	85
14.	4.1(1)(b)	Parking by persons of a different class	85
15.	4.1(1)(C)	Parking during prohibited period	85
16.	4.1(3)(a)	Parking in no parking area	85
17.	4.1(3)(b)	Parking contrary to signs or limitations	50
18.	4.1(3)(C)	Parking vehicle in motorcycle only area	50
19.	4.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	85
20.	4.2(1)(a)	Failure to park on the left of two-way carriageway	60
21.	4.2(1)(b)	Failure to park on boundary of one-way carriageway	60
22.	4.2(1)(a) or 4.2(1)(b)	Parking against the flow of traffic	60
23.	4.2(1)(c)	Parking when distance from farther boundary less than 3 metres	100
24.	4.2(1)(d)	Parking closer than 1 metre from another vehicle	50
25.	4.2(1)(e)	Causing obstruction	125
26.	4.3(b)	Failure to park at approximate right angle	50
27.	4.4(2)	Failure to park at an appropriate angle	50
28.	4.5(2)(a)	Double parking	125

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
29.	4.5(2)(b)	Parking on or adjacent to a median strip	60
30.	4.5(2)(c)	Denying access to private drive or right of way	125
31.	4.5(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	125
32.	4.5(2)(e)	Parking within 10 metres of traffic island	60
33.	4.5(2)(f)	Parking on footpath/pedestrian crossing	150
34.	4.5(2)(g)	Parking closer than 3 metres to double longitudinal lines	125
35.	4.5(2)(h)	Parking on intersection	150
36.	4.5(2)(i)	Parking within 1 metre of fire hydrant or fire plug	50
37.	4.5(2)(j)	Parking within 3 metres of public letter box	50
38.	4.5(2)(k)	Parking within 10 metres of intersection	60
39.	4.5(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	50
40.	4.5(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	50
41.	4.5(5)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	50
42.	4.6	Parking contrary to direction of authorised person	150
43.	4.7(1), (2) or (3)	Moving vehicle to avoid time limitation	85
44.	4.8(a)	Parking in thoroughfare for purpose of sale	125
45.	4.8(b)	Parking unlicensed vehicle in thoroughfare	100
46.	4.8(C)	Parking a trailer/caravan on a thoroughfare	100
47.	4.8(d)	Parking in thoroughfare for purpose of repairs	125
48.	4.9(2)	Parking on land that is not a parking facility without consent	125
49.	4.9(3)	Parking on land not in accordance with consent	125
50.	4.10	Driving or parking on a reserve	125
51.	4.11	Parking on a verge	60
52.	4.13(1)	Failure to display an unexpired parking ticket	60
53.	4.13(2)(a)	Deface, alter, add to, erase, obliterate or otherwise interfere with a parking ticket	150
54.	4.13(2)(b)	Display a defaced, altered obliterated or otherwise interfered with parking ticket	150
55.	4.13(2)(c)	Produce a defaced, altered obliterated or otherwise interfered with parking ticket	150
56.	4.14(1)(a)	Parking more than one commercial vehicle in excess of 4 hours in a Residential or Special Residential Zone	60
57.	4.14(1)(b)	Parking oversize vehicle in excess of 4 hours in a Residential or Special Residential Zone	85
58.	4.14(1)(c)	Parking vehicle over 3m in height in excess of 4 hours in a Residential or Special Residential Zone	85

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
59.	4.14(2)	Repairing, servicing or cleaning commercial vehicle other than in a garage or building in a Residential or Special Residential Zone	85
60.	4.14(3)	Parking commercial vehicle exceeding 2 tonnes load capacity in a Residential or Special Residential Zone.	125
61.	5.1(1)	Stopping contrary to a no stopping sign	125
62.	5.1(2)	Parking contrary to a no parking sign	85
63.	5.1(3)	Stopping within continuous yellow lines	125
64.	5.2	Stopping unlawfully in a loading zone	85
65.	5.3	Stopping unlawfully in a taxi zone or bus zone	100
66.	5.4	Stopping unlawfully in a mail zone	70
67.	5.5	Stopping in a zone contrary to a sign	50
68.	5.6	Stopping in a shared zone	50
69.	5.7(1)	Double parking	125
70.	5.8	Stopping near an obstruction	125
71.	5.9	Stopping on a bridge or tunnel	100
72.	5.10	Stopping on crests/curves etc	100
73.	5.11	Stopping near fire hydrant	70
74.	5.12(1)	Stopping near bus stop	85
75.	5.13	Stopping on path, median strip or traffic island	125
76.	5.14(1)	Stopping on verge	60
77.	5.15	Obstructing path, a driveway etc	125
78.	5.16	Stopping near letter box	50
79.	5.17	Stopping heavy or long vehicles on carriageway	85
80.	5.18	Stopping in bicycle parking area	60
81.	5.19	Stopping in motorcycle parking area	60
82.	5.20	Stopping or parking in a stall set up as an eating area	85
83.	5.21	Stopping or parking contrary to requirements of a permit	60
84.	5.22	Stopping or parking a vehicle (other than a bicycle or motorcycle) in a parking stall approved for motorcycles	60
85.	6.1(1)	Damaging or interfering with ticket issuing machine	150
86.	6.1(2)	Affixing a board, sign, placard or notice or marking any ticket issuing machine	60
87.	6.1(3)	Inserting other than a coin in a ticket issuing machine	50
88.	6.1(4)	Operating a ticket issuing machine contrary to instructions	50
89.	6.2(2)	Failure to pay appropriate fee	60
90.	6.3(1)(a)	Failure to display an unexpired parking ticket	60
91.	6.3(1)(b)	Failure to display a valid parking ticket	60
92.	6.4(1)	Stopping or parking for longer than the maximum period	60
93.	6.5(1)(a)	Failure to stop or park parallel to the kerb in a ticket machine zone	60
94.	6.5(1)(b)	Failure to stop or park as close to the kerb as practicable in a ticket machine zone	60
95.	6.5(1)(c)	Failure to stop or park wholly within a parking stall in a ticket machine zone	60

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
96.	6.5(1)(d)	Failure to stop or park in direction of movement of traffic in a ticket machine zone	50
97.	7.9	Failure to display a valid permit	85
98.	8.3	Failure to comply with a lawful direction of an authorised person	150
99.	8.4	Failure to leave local government property when lawfully directed to do so by an authorised person	150
100.	8.5(2)	Removing or interfering with a lawful mark on a tyre	150
101.	8.6	Removing a notice on a vehicle	125
102.	8.8(1)	Leaving a vehicle in a public place or thoroughfare so as to cause an obstruction	125
103.	8.9	Attempting to or removing, damaging, defacing, misusing or interfering with any part of a parking station or parking facility	150
104.		All other offences not specified	85

Schedule 3—Notice to vehicle owner

[cl. 9.2(a)]

**LOCAL GOVERNMENT ACT 1995
Town of Kwinana Parking and Parking Facilities Local Law 2010
NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE**

Date / /

To: [1]

of: [2]

It is alleged that on / / at [3]

at [4] your vehicle—

make:

model:.....

registration:

was involved in the commission of the following offence—

.....

.....

.....

.....

contrary to clause of the *Town of Kwinana Parking and Parking Facilities Local Law 2010*.

You are required under section 9.13 of the *Local Government Act 1995* to identify the person who was the driver or person in charge of the vehicle at the time when the offence is alleged to have been committed.

If you do not prove otherwise, you will be deemed to have committed the offence unless—

- (a) within 28 days after being served with this notice—
 - (i) you inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; or
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed;

or

(b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

[5]

[6]

Insert—

- [1] Name of owner or 'the owner'
- [2] Address of owner (not required if owner not named)
- [3] Time of alleged offence
- [4] Location of alleged offence
- [5] Signature of authorised person
- [6] Name and title of authorised person giving notice

Schedule 4—Infringement notice

[cl 9.2(b)]

LOCAL GOVERNMENT ACT 1995

Town of Kwinana Parking and Parking Facilities Local Law 2010

NOTICE OF INFRINGEMENT

Serial No

Date / /

To: [1]

of: [2]

It is alleged that on / / at [3]

at [4]

in respect of vehicle—

make:

model:.....

registration:.....

you committed the following offence—

.....
.....
.....

contrary to clause of the *Town of Kwinana Parking and Parking Facilities Local Law 2010*.

The modified penalty for the offence is \$

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty may be paid to an authorised person at [5] within a period of 28 days after the giving of this notice.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable by you.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

[6]

[7]

Insert—

- [1] Name of alleged offender or 'the owner'
- [2] Address of alleged offender
- [3] Time of alleged offence
- [4] Location of alleged offence
- [5] Place where modified penalty may be paid
- [6] Signature of authorised person
- [7] Name and title of authorised person giving notice

Schedule 5—Infringement withdrawal notice

[cl. 9.2(c)]

LOCAL GOVERNMENT ACT 1995

Town of Kwinana Parking and Parking Facilities Local Law 2010

WITHDRAWEL OF INFRINGEMENT NOTICE

Serial No

Date / /

To: [1]

of: [2]

Infringement Notice No. **dated** / /

in respect of vehicle—

make:

model:.....

registration:

for the alleged offence of

.....

.....

.....

.....

.....

has been withdrawn.

The modified penalty of \$

- **has been paid and a refund is enclosed.***
- **has not been paid and should not be paid.***

**Delete whichever is inapplicable*

[3]

[4]

Insert—

[1] **Name of alleged offender to whom infringement notice was given or 'the owner'**

[2] **Address of alleged offender.**

[3] **Signature of authorised person**

[4] **Name and title of authorised person giving notice**

Schedule 6—Parking Stations

[cl. 1.5(4) & 4.9(1)(e)]

LOCAL GOVERNMENT ACT 1995

Town of Kwinana Parking and Parking Facilities Local Law 2010

PARKING STATIONS UNDER CARE, CONTROL AND MANAGEMENT OF THE TOWN OF KWINANA


No.	Description	Night/Day Parking	Days and Hours of Operation
1	Kwinana Hub Shopping Centre being part lot 3 bounded by Gilmore, Chisham and Challenger Avenues, Town Centre, Kwinana.	Day Parking	Monday to Sunday, 8.00am to 8.00pm inclusive

Schedule 7—Parking Permits


[cl. 7.3(1)&(2)]

**LOCAL GOVERNMENT ACT 1995
Town of Kwinana Parking and Parking Facilities Local Law 2010**

ITEM 1—RESIDENTIAL PARKING PERMIT

	<p>Local Government Act 1995 Town of Kwinana Parking and Parking Facilities Local Law 2010</p>
	<p>RESIDENTIAL PARKING PERMIT</p>
<p>PERMIT No.</p>	
<p>Vehicle Make/Type:Registration No:.....</p>	
<p>Exempted Road/Metered Space:</p>	

ITEM 2—VISITOR'S PARKING PERMIT

	<p>Local Government Act 1995 Town of Kwinana Parking and Parking Facilities Local Law 2010</p>
	<p>RESIDENTIAL PARKING PERMIT VISITOR'S PARKING PERMIT</p>
<p>PERMIT No.</p>	
<p>Exempted Road:</p>	
<p>Name of Person to Whom Exemption Issued:</p>	
<p>..... Expiry Date:</p>	
<p>For the Town of Kwinana</p>	

Schedule 8—Revoking of permits

[cl. 7.6(2)&(5)]

**LOCAL GOVERNMENT ACT 1995
Town of Kwinana Parking and Parking Facilities Local Law 2010**

ITEM 3(a) NOTICE OF INTENT TO REVOKE PERMIT

Notice of Intention to Revoke Permit

Take notice that within seven days from the day of the person to whom (Residential Parking Permit/Visitors Parking Permit)* No was issued is required to give the local government notice in writing of any reason why that permit should not be revoked. If no written notice is received by the local government within that time, local government may revoke that permit.

.....
for Town of Kwinana

.....
Date of Service

* Delete whichever is inapplicable

LOCAL GOVERNMENT ACT 1995
Town of Kwinana Parking and Parking Facilities Local Law 2010
ITEM 3(b) NOTICE OF REVOCATION OF PERMIT

ITEM 3(b)

Notice of Revocation of Permit

Take notice that from and including the day of
..... (Residential Parking Permit/Visitor's Parking Permit)* No
..... is revoked and invalid.

.....

for Town of Kwinana

* Delete whichever is inapplicable

Dated: 15 December 2010.

The common seal of the Town of Kwinana was affixed by the authority of a resolution of the Council in the presence of—

CAROL ADAMS, Mayor.

NEIL HARTLEY, Chief Executive Officer.
