

LG301*

LOCAL GOVERNMENT ACT 1995

Shire of Derby/West Kimberley

**ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND
PUBLIC PLACES AMENDMENT LOCAL LAW 2011**

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Derby/West Kimberley resolved on 16th December, 2010 to make the following local law.

1. Citation

This local law is the *Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law amended

The *Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the *Government Gazette* on 28 August 2001 is referred to as the principal local law. The principal local law is amended.

4. Preliminary

(1) Delete “authorized” wherever it is mentioned in the local law and substitute “authorised”.

(2) Delete “town planning scheme” wherever it is mentioned in the local law and substitute “local planning scheme”.

(3) Delete “*Road Traffic Code 1975*” wherever it is mentioned in the local law and substitute “*Road Traffic Code 2000*”.

(4) Delete “*Liquor Licensing Act 1988*” wherever it is mentioned in the local law and substitute “*Liquor Control Act 1988*”.

(5) Delete “*Town Planning and Development Act 1928*” wherever it is mentioned in the local law and substitute “*Planning and Development Act 2005*”.

5. Clause 1.2 corrections

In clause 1.2—

(a) in the definition “authorised person” delete “person authorised by the local government” and insert “person appointed by the local government”.

(b) delete the definition “town planning scheme” and insert in the correct alphabetical order—

“local planning scheme” means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

6. Clause 2.1 amended

In clause 2.1(a) delete “6 metre” and insert “6 metres”.

7. Clause 6.3 amended

Delete clause 6.3(3)

8. Clause 6.8 amended

In clause 6.8(1)(d) delete “*Weights and Measures Act 1915*” and insert “*Trade Measurement Administration Act 2006*”.

9. Clause 6.17 amended

(a) In clause 6.17(b) delete “*Health Act 1911*” and insert “*Food Act 2008*”.

(b) In clause 6.17(c) delete “any local law made under section 172 of the *Health Act 1911*” and insert “the requirements of the *Food Act 2008*”.

10. Clause 6.18 amended

In clause 6.18(1)(a) delete “any local law made under section 172 of the *Health Act 1911*” and insert “the *Food Act 2008*”.

11. Clause 7.7 amended

In clause 7.7(2)(b) delete “*mutatis mutandis*” and insert “with appropriate modifications”.

12. Clause 8.1 amended

In clause 8.1 delete “regulations 33 and 34” and insert “regulation 33”.

13. Schedule 1 amended

Delete Schedule 1 and insert—

Schedule 1—Prescribed Offences

[cl 10.4(1)]

Shire of Derby/West Kimberley Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law.

MODIFIED OFFENCES AND PENALTIES

Clause	Description	Modified Penalty \$
2.1(a)	Plant of 0.75m in height on thoroughfare within 6m of intersection	150
2.1(b)	Damaging lawn or garden	150
2.1(c)	Plant (except grass) on thoroughfare within 2m of carriageway	150
2.1(d)	Placing hazardous substance on footpath	150
2.1(e)	Damaging or interfering with signpost or structure on thoroughfare	350
2.1(f)	Playing games so as to impede vehicles or persons on thoroughfare	150
2.1(g)	Riding of skateboard or similar device on mall or verandah of shopping centre	150
2.2(1)(a)	Digging a trench through a kerb or footpath without a permit	150
2.2(1)(b)	Throwing or placing anything on a verge without a permit	150
2.2(1)(c)	Causing obstruction to vehicle or person on thoroughfare without a permit	150
2.2(1)(d)	Causing obstruction to water channel on thoroughfare without a permit	250
2.2(1)(e)	Placing or draining offensive fluid on thoroughfare without a permit	250
2.2(1)(g)	Lighting a fire on a thoroughfare without a permit	350
2.2(1)(h)	Felling tree onto thoroughfare without a permit	150
2.2(1)(i)	Installing pipes or stone on thoroughfare without a permit	150
2.2(1)(j)	Installing a hoist or other thing on a structure or land for use over a thoroughfare without a permit	350
2.2(1)(k)	Creating a nuisance on a thoroughfare without a permit	150
2.2(1)(l)	Placing a bulk rubbish container on a thoroughfare without a permit	150
2.2(1)(m)	Interfering with anything on a thoroughfare without a permit	150
2.3(1)	Consumption or possession of liquor on thoroughfare	150
2.4(1)	Failure to obtain permit for temporary crossing	250
2.5(2)	Failure to comply with notice to remove crossing and reinstate kerb	350
2.9(1)	Installation of verge treatment other than permissible verge treatment	250
2.10	Failure to maintain permissible verge treatment or placement of obstruction on verge	150
2.11	Failure to comply with notice to rectify default	150
2.17(2)	Failure to comply with sign on public place	150
2.19(1)	Driving or taking a vehicle on a closed thoroughfare	350
3.2(1)	Placing advertising sign or affixing any	150

Clause	Description	Modified Penalty \$
	advertisement on a thoroughfare without a permit	
3.2(3)	Erecting or placing of advertising sign in a prohibited area	150
4.1(1)	Animal or vehicle obstructing a public place or local government property	150
4.2(2)(a)	Animal on thoroughfare when not led, ridden or driven	150
4.2(2)(b)	Animal on public place with infectious disease	150
4.2(2)(c)	Training or racing animal on thoroughfare in built-up area	150
4.2(3)	Horse led, ridden or driven on thoroughfare in built-up area	150
4.6	Person leaving shopping trolley in public place other than trolley bay	150
4.7(2)	Failure to remove shopping trolley upon being advised of location	150
6.2(1)	Conducting of stall in public place without a permit	350
6.3(1)	Trading without a permit	350
6.8(1)(a)	Failure of stallholder or trader to display or carry permit	150
6.8(1)(b)	Stallholder or trader not displaying valid permit	150
6.8(1)(c)	Stallholder or trader not carrying certified scales when selling goods by weight	150
6.8(2)(a)	Attempting to sell goods or services within 300m of any open permanent shop or place of business selling goods or services of that kind	350
6.8(2)(b), (c), (d) & (e)	Stallholder or trader engaged in prohibited conduct	150
6.16	Establishment or conduct of outdoor eating facility without a permit	350
6.18	Failure of permit holder of outdoor eating facility to comply with obligations	150
6.20(1)	Use of equipment of outdoor eating facility without purchase of food or drink from facility	75
6.20(2)	Failure to leave outdoor eating facility when requested to do so by permit holder	75
7.5	Failure to comply with a condition of a permit	150
7.9	Failure to produce permit on request of authorised person	150
10.1	Failure to comply with notice given under local law	150

Dated: 31st March, 2011.

The Common Seal of the Shire of Derby/West Kimberley was affixed under the authority of a resolution of Council in the presence of—

**E. M. ARCHER, Shire President.
S. BURGE, Chief Executive Officer.**

LG305*

LOCAL GOVERNMENT ACT 1995

Shire of Derby/West Kimberley

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Derby/West Kimberley resolved on 16th December, 2010 to make the following local law.

1. Citation

This local law is the *Shire of Derby/West Kimberley Local Government Property Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law

In this local law, the *Shire of Derby/West Kimberley Local Government Property Local Law* published in the *Government Gazette* on 5 October 2001, as amended and published in the *Government Gazette* on 6 December 2002, is referred to as the principal local law. The principal local law is amended.

4. General correction

Throughout the principal local law delete “authorized” where it appears and insert “authorised”.

5. Clause 1.2 corrections

In clause 1.2—

- (a) in the definition “authorised person” delete “person authorised by the local government” and insert “person appointed by the local government”.
- (b) in the definition for “liquor”; delete “*Liquor Licensing Act 1988*” and insert “*Liquor Control Act 1988*”.

6. Title of statute updated

Delete “*Licensing*” and insert “*Control*” instead in—

- (a) clause 3.4(2)(h);
- (b) clause 3.15(1)(a)
- (c) clause 3.16(d)

7. Clause 3.13 amended

In clause 3.13(1)(a) delete “subclause 3,” and insert “subclause (3),”.

8. Divisions redesignated

In Part 5, redesignate Divisions “3”, “4” and “5” as Divisions “2”, “3” and “4”.

9. Section numbering redesignated

In Part 5 redesignate clauses “5.5”, “5.6” and “5.7” as sections “5.2”, “5.3” and “5.4”.

10. Clause 7.9 amended

In clauses 7.9(a) and (b) delete “Local Government” and insert “local government”—

11. Clause 7.10 amended

In clause 7.10 delete “Local Government” and insert “local government”—

12. Clause 8.1 amended

In clause 8.1 delete “regulations 33 and 34” and insert “regulation 33”.

14. Clause 9.4 amended

In clause 9.4, delete subclause (2) and re-designate subclause “(3)” as subclause “(2)”.

15. Schedule 1 amended

Delete Schedule 1 and insert—

Schedule 1—Prescribed Offences

[cl 10.4(1)]

Shire of Derby/West Kimberley Local Government Property Local Law

OFFENCES AND MODIFIED PENALTIES

Item No.	Clause	Description of Offence	Modified Penalty \$
1	2.4	Failure to comply with determination	125
2	3.6	Failure to comply with conditions of permit	125
3	3.13(1)	Failure to obtain a permit	125
4	3.14(3)	Failure to obtain permit to camp outside a facility	125
5	3.15(1)	Failure to obtain permit for liquor	125
6	3.16	Failure of permit holder to comply with responsibilities	125
7	4.2(1)	Behaviour detrimental to property	125
8	4.4	Under influence of liquor or prohibited drug	125
9	4.6(2)	Failure to comply with sign on local government property	125
10	5.5	Unauthorised entry to fenced or closed local government property	125
11	5.6	Gender not specified using entry of toilet block or change room	125
12	5.7(1)	Unauthorised presence of animal on aerodrome	300
13	5.7(2)	Animal wandering at large on aerodrome—person in charge	300
14	5.7(3)	Animal wandering at large on aerodrome—owner	300
15	6.1(1)	Unauthorised entry to function on local government property	125
16	10.1	Failure to comply with notice	200

Dated: 31st March, 2011.

The Common Seal of the Shire of Derby/West Kimberley was affixed under the authority of a resolution of Council in the presence of—

**E. M. ARCHER, Shire President.
S. BURGE, Chief Executive Officer.**

LG306*

LOCAL GOVERNMENT ACT 1995

Shire of Derby/West Kimberley

STANDING ORDERS AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995*, and under all other powers enabling it, the Council of the Shire of Derby/West Kimberley resolved on 16th December, 2010 to make the following local law.

1. Citation

This local law is the *Shire of Derby/West Kimberley Standing Orders Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law amended

The *Shire of Derby/West Kimberley Standing Orders Local Law 2001* as published in the *Government Gazette* on 28 August 2001 is referred to as the principal local law. The principal local law is amended.

4. General amendments

Throughout the local law where it appears—

- (a) delete “[insert name of local government]” and insert “Shire of Derby/West Kimberley”.
- (b) delete “[insert “Mayor” or “President]” and insert “President”.

5. Clause 1.1 amended

In clause 1.1(1) delete “[insert date]” and insert “2001”.

6. Clause 1.3 amended

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

- “councillor” means a person who holds the office of councillor on the Council and includes the President and Deputy President;
- “employee” means an employee of the local government;
- “local government” means the Shire of Derby/West Kimberley;
- “member” means the President, Deputy President or a councillor and includes, in the case of a committee, a member of the committee who is not the President, Deputy President or a councillor;
- “person presiding” means—
 - (a) in reference to a Council meeting the person who presides at the Council meeting in accordance with section 5.6 of the Act; and
 - (b) in reference to a committee, the presiding member;

7. Clause 3.1 amended

In clause 3.1(3) delete “Presiding Member” and insert “presiding member”.

8. Clause 3.2 amended

In clause 3.2(1)(h) delete “without discussion”.

9. Clause 3.4 amended

In clause 3.4—

- (a) in paragraph (g) delete “Local Government (Constitution) Regulations 1996” and insert “*Local Government (Constitution) Regulations 1998*”;
- (b) in sub-paragraph (g)(ii) delete “Local Government” and insert “local government”.

10. Clause 3.6 amended

In the heading of clause 3.6 delete “without discussion”.

11. Clause 3.9 amended

In clause 3.9(5) delete “policy” and insert “subject matter”.

12. Clause 3.12 amended

In clauses 3.12(1) and (2) delete “Presiding Member” and insert “presiding member”.

13. Clause 4.1 amended

In clause 4.1 delete “Regulation 14” and insert “regulation 14”.

14. Clause 4.2 amended

In clause 4.2—

- (a) in subclause (1) delete “Regulation 14.2” and insert “regulation 14.2”.**
- (b) delete subclause (2) and insert—**
 - (2) A member in receipt of confidential information is not to disclose such information except to the extent permitted by regulation 6(3) of the *Local Government (Rules of Conduct) Regulations 2007*.**
- (c) delete “Penalty \$5,000”.**

15. Clause 7.1 amended

In clause 7.1 delete “Regulation 11” and insert “regulation 11”.

16. Clause 8.1 amended

Delete clause 8.1 and insert—

8.1 Official Titles to be used

Members are to speak of each other in the Council or committee by their respective titles of President, councillor or member. Members in speaking of or addressing employees, are to designate them by their respective official titles.

17. Clause 8.4 amended

Delete clause 8.4 and insert—

8.4 Adverse Reflection

- (1) No member is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed.**
- (2) No member is to use offensive or objectionable expressions in reference to any member, employee, or any other person.**
- (3) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the person presiding is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes.**

18. Clause 9.1 amended

Delete clause 9.1 and insert—

9.1 Members Wishing to Speak

Every member wishing to speak is to indicate by show of hands or other method agreed upon by Council or committee. When invited, members are to address the Council or committee through the person presiding.

19. Clause 9.2 amended

In clause 9.2, delete “of the Council or a committee”.

20. Clause 9.4 amended

In clause 9.4, delete “of the Council or a committee”.

21. Clause 9.7 amended

In clause 9.7, delete “of the Council or a committee”.

22. Clause 9.8 amended

Delete clause 9.8 and insert—

9.8 Members Not to Interrupt

No member is to interrupt another member whilst speaking unless—

- (a) to raise a point of order;**
- (b) to call attention to the absence of a quorum;**
- (c) to make a personal explanation under clause 10.16; or**
- (d) to move a motion under clause 11(1)(e).**

23. Clause 9.9 amended

In clause 9.9 delete, “of the Council or a committee”.

24. Clause 10.1 amended

In clause 10.1, delete “of the Council or a committee”.

25. Clause 10.2 amended

In clause 10.2 delete “Regulation 10” and insert “regulation 10”.

26. Clause 10.16 amended

Delete clause 10.16 and insert—

10.16 Personal Explanation

(1) No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood.

(2) When a member makes a personal explanation, no reference is to be made to matters unnecessary for that purpose.

27. Clause 10.17 amended

Delete clause 10.17 and insert—

10.17 Personal Explanation—When Heard

A member wishing to make a personal explanation of matters referred to by any member then speaking, is entitled to be heard immediately, if the member then speaking consents at the time, but if the member who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

28. Clause 10.18 amended

Delete the heading of clause 10.18 and insert “Ruling on the admissibility of a personal explanation”.

29. Clause 10.19 amended

In clause 10.19(1) delete “question” and insert “motion”.

30. Clause 10.20 amended

In clause 10.20(d) delete “original” wherever it appears and insert “substantive”.

31. Clause 11.2 amended

In clause 11.2(2) delete “Clause 11.1” and insert “clause 11.1”.

32. Clause 11.3 amended

In clause 11.3 delete “person” and insert “member”.

33. Clause 12.7 amended

In clause 12.7—

(a) delete subclause (4) and insert—

(4) A member is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors, but this prohibition does not extend to the actual decision made as a result of such discussion and other information properly recorded in the minutes.

(b) delete “Penalty \$5,000”.

34. Clause 13.1 amended

In clause 13.1, delete “of the Council or committee”.

35. Clause 15.4 amended

In clause 15.4(c) delete “Local Government” and insert “local government”.

36. Clause 17.3 amended

Delete clause 17.3 and insert—

17.3 Presentation of Committee Reports

When the report of recommendations of a committee is placed before the Council, the adoption of the recommendations of the committee is to be moved by—

(a) the presiding member of the committee if the presiding member is a councillor and is in attendance; or

(b) a councillor who is a member of the committee, if the presiding member of the committee is not a councillor, or is absent; or

(c) otherwise, by a councillor who is not a member of the committee.

37. Clause 17.4 amended

In clause 17.4 delete “Presiding Member” and insert “presiding member”.

38. Clause 18.3 added

After clause 18.2, add—

18.3 Enforcement

(1) The person presiding at 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 local government 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.

39. Clause 19.1 amended

(a) In the heading of clause 19.1 delete “Council’s” and insert “Local Government’s”.

(b) In clauses 19.1(1), (2) and (5) delete “Local Government” and insert “local government”

Dated: 31st March, 2011.

The Common Seal of the Shire of Derby/West Kimberley was affixed under the authority of a resolution of Council in the presence of—

**E. M. ARCHER, Shire President.
S. BURGE, Chief Executive Officer.**

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**LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961**

**CITY OF
KALGOORLIE-BOULDER**

FENCING LOCAL LAW 2010

**LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961**

CITY OF KALGOORLIE-BOULDER

FENCING LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961

CITY OF KALGOORLIE-BOULDER

FENCING LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Kalgoorlie-Boulder resolved on 25 October 2010 to adopt the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Kalgoorlie-Boulder Fencing Local Law 2010*.

1.2 Purpose and effect

- (1) The purpose of this local law is to provide for the regulation, control and management of fences within the district.
- (2) The effect of this local law is to—
- (a) regulate, manage and control fences; and
 - (b) establish the standard of a “sufficient fence” according to land use.

1.3 Commencement

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

1.4 Repeal

The *City of Kalgoorlie-Boulder Local Law Relating to Fencing* published in the *Government Gazette* on 18 August 2000, as amended and published in the *Government Gazette* on the 23 November 2001, is repealed on the day this local law comes into operation.

1.5 Application

This local law applies throughout the district.

1.6 Interpretation

In this local law, unless the context requires otherwise—

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

“applicant” means a person who makes an application for approval under this local law;

“AS” means an Australian Standard published by the Standards Association of Australia;

“authorised person” means a person authorised 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;

“boundary fence” means a fence constructed on the boundary of a lot which abuts a thoroughfare;

“Building Surveyor” means a Building Surveyor of the local government;

“CEO” means the Chief Executive Officer of the local government;

“City” means the City of Kalgoorlie-Boulder;

“commercial lot” means a lot where a commercial use is or may be permitted under the local planning scheme, and is or will be the predominant use of the lot;

“dangerous” in relation to any fence means—

- (a) an electrified fence other than a fence approved by the local government under this local law;
- (b) a fence containing barbed wire other than a fence erected and maintained in accordance with this local law;

- (c) a fence containing exposed broken glass, asbestos fibre, razor wire or any other potentially harmful projection or material; or
- (d) a fence which is likely to collapse or fall, or part of which is likely to collapse or fall, from any cause;

“district” means the district of the local government;

“dividing fence” means a fence constructed on the boundary of a lot which abuts a thoroughfare;

“electrified fence” means a fence carrying or designed to carry an electric charge;

“fence” means any structure used or functioning as a barrier, irrespective of where it is located and includes any gate;

“front boundary” means the boundary line between a lot and the thoroughfare upon which that lot abuts, or in the case of a lot abutting on more than one thoroughfare the boundary line between the lot and the primary thoroughfare;

“front fence” means a fence erected on the front boundary of a lot or on a line adjacent to the front boundary;

“front setback area” means the area between the building line of a lot and the front boundary of that lot;

“height” in relation to a fence means the vertical distance between—

- (a) the top of the fence at any point; and
- (b) the ground level or, where the ground levels on each side of the fence are not the same, the higher ground level, immediately below that point;

“industrial lot” means a lot where an industrial use is or may be permitted under the local planning scheme and is or will be the predominant use of the lot;

“licence” means an electrified fence licence or a razor wire fence licence;

“local government” means the City of Kalgoorlie-Boulder;

“local government property” means anything except a thoroughfare—

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

“local planning scheme” means a local planning scheme of the local government made under the *Planning and Development Act 2005*;

“lot” has the meaning given to it in and for the purposes of the *Planning and Development Act 2005*;

“non-sacrificial graffiti protection” means a coating applied to a fence which is not removed in the process of removing graffiti;

“notice of breach” means a notice referred to in clause 5.1;

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

“owner” has the meaning given to it in the Act;

“residential lot” means a lot where a residential use is or may be permitted under the local planning scheme, and is or will be the predominant use of the lot;

“retaining wall” means any structure which prevents the movement of soil or retains soil or structures in order to allow ground levels of different elevations to exist adjacent to one another;

“rural lot” means a lot where a rural use—

- (a) is or may be permitted under the town planning scheme; and
- (b) is or will be the predominant use of the lot;

“Schedule” means a schedule to this local law;

“sufficient fence” means a fence that satisfies clause 2.1 and includes a fence of the description and quality agreed upon by the owners of adjoining lots which does not fail to satisfy clause 2.1; and

“thoroughfare” has the meaning given to it in the Act.

1.7 Fees and charges

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

PART 2—FENCES

Division 1—Sufficient fences

2.1 Sufficient fences

- (1) A person shall not erect a dividing fence or a boundary or dividing fence that is not a sufficient fence.
- (2) Pursuant to section 24 of the *Dividing Fences Act 1961* and subject to subclauses (3) and (4) of this local law, a sufficient fence—

- (a) on a residential lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of schedule 2;
 - (b) on a commercial lot or industrial lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of schedule 3; and
 - (c) on a rural lot is a dividing fence or a boundary fence constructed and maintained in accordance with the specifications and requirements of the schedule 4.
- (3) Where a fence is erected on or near the boundary between a residential lot and a commercial lot or industrial lot, a sufficient fence is a dividing fence constructed and maintained in accordance with the specifications and requirements of schedule 2.
- (4) Unless an authorised person determines otherwise, a sufficient fence on a boundary between lots other than those specified in subclauses (2) and (3) is a dividing fence constructed in accordance with the specifications and requirements of schedule 2.
- (5) Notwithstanding any other provisions in this local law, a dividing fence or boundary fence constructed of masonry, stone or concrete shall be a sufficient fence only if it is designed by a suitably qualified structural engineer and constructed in accordance with that design where—
- (a) it is greater than 1800 millimetres in height; or
 - (b) the Building Surveyor so requires.
- (6) Notwithstanding any other provision in this local law, a dividing fence or boundary fence shall not exceed 1800 millimetres in height unless the approval of the local government has been obtained to such a fence.

Division 2—General

2.2 Fences within front setback areas

- (1) A person shall not erect a fence within the front setback area, including along the side boundaries, unless the fence complies with the provisions of the local planning scheme.
- (2) Where there is inconsistency between the standards and requirements of this local law and those specified in the local planning scheme, the standards and requirements of the local planning scheme shall prevail.

2.3 Gates in fences

- (1) A person shall not erect a gate in a fence which does not—
- (a) open into the lot; or
 - (b) open by sliding parallel and on the inside of the fence, which it forms part of, when closed.

2.4 Depositing fencing material on public place

A person shall not deposit or permit the deposit of any materials whatsoever used in the construction or maintenance of any fence, on any thoroughfare, public place or local government property unless the approval of the local government has been obtained.

2.5 Alteration of ground levels

- (1) A fence constructed of corrugated fibre-reinforced pressed cement shall not have more than 150 millimetres difference in the ground levels on each side of the fence.
- (2) Where land has been filled or retained to a height of more than 500 millimetres above natural ground level at or within 1000 millimetres of a boundary of a lot, a person shall only erect a dividing fence that is a sufficient fence on the said filled land or retaining wall if the person produces to the local government the written agreement of the owners of the adjoining lot.
- (3) A person shall not alter the natural ground level of land on or within 1000 millimetres of the boundary of a lot, whether by removing soil or bringing onto the land any fill of any kind, by more than 500 millimetres without the approval of the local government.

2.6 Maintenance of fences

- (1) An owner of a lot on which a fence is erected shall maintain the fence in good condition so as to prevent it from becoming dangerous, dilapidated and unsightly to the amenity of the locality.
- (2) Where in the opinion of the local government or an authorised person, a fence is in a state of disrepair or is dangerous or is otherwise in breach of a provision of this local law, the local government or an authorised person may give a notice of breach under clause 5.1 to the owner of the lot on which the fence is erected.

2.7 Fences and sight lines

- (1) Where a front fence or a boundary fence is adjacent to a vehicle access point or a thoroughfare, the front fence or boundary fence is to have a sight line truncation or a reduction in height shall be provided at the property line to ensure adequate visibility, as follows—

- (a) at an intersection of a driveway with a road or right-of-way a minimum sight line truncation of 1.5 metres x 1.5 metres, where achievable, or as a minimum a sight line truncation of 1.0 metre x 1.0 metre for low and medium peak vehicle movements, and a sight line truncation of 3.0 metres x 3.0 metres where achievable, for high peak vehicle movements;
- (b) at an intersection of two roads a minimum sight line truncation of 3.0 metres x 3.0 metres.

A sight line truncation is not required on the entry side of a driveway where it is clearly defined as "ENTRY ONLY" or where a driveway is not less than 6.0 metres wide, and where appropriate signage and line marking is provided.

(2) Subclause (1) does not apply to a fence of open construction that does not obscure the lines of vision of a motorist using a vehicle access point or thoroughfare.

(3) A person shall not erect or maintain a fence without the sight line or height reduction required under subclause (2).

2.8 Fences across rights-of-way, public access ways or thoroughfares

A person must not, without the approval of the local government, erect or maintain a fence or obstruction of a temporary or permanent nature across any right-of-way, public access way or thoroughfare so as to impede or prevent use of those facilities in the manner for which they are intended and constructed.

2.9 General discretion of the local government

(1) Notwithstanding the provisions of clause 2.1, the local government may approve the erection or repair of a dividing fence which is not a sufficient fence where all of the owners of the lots to be separated by the dividing fence make an application for approval for that purpose.

(2) In determining whether to grant its approval under subclause (1), the local government may consider whether the erection or retention of the fence would have an adverse effect on—

- (a) the safe or convenient use of any land;
- (b) the safety or convenience of any person; or
- (c) the visual amenity of the locality.

Division 3—Fencing materials

2.10 Pre-used fencing materials

(1) Notwithstanding clause 2.1, a person shall not construct a fence on a residential lot, a commercial lot or an industrial lot from pre-used materials without the approval of the local government.

(2) Where the local government approves the use of pre-used materials in the construction of a fence under subclause (1) that approval shall be conditional on the applicant painting or treating the pre-used material as stated in or attached to the form of approval issued by the local government under clause 3.2.

2.11 Barbed wire fences and spiked or jagged materials

(1) An owner or occupier of a residential lot, a commercial lot or an industrial lot shall not erect, affix to or allow to remain on any fence on such a lot any barbed wire or other material with spiked or jagged projections, unless the approval of the local government has been obtained.

(2) Where an approval has been obtained in accordance with subclause (1), that approval shall be taken to have been issued subject to a condition that the owner or occupier shall not erect, affix or allow to remain on any fence bounding that lot any barbed wire or other materials with spiked or jagged projections unless such wire or materials are carried on posts set at an angle of 45 degrees into the lot, and unless the bottom row of wire or other materials is setback 150 millimetres from the face of the fence, is at least 2000 millimetres above ground level and the total height shall not exceed 2400 millimetres.

2.12 Electrified and razor wire fences

(1) An owner or occupier of a lot shall not—

- (a) construct or use an electrified fence on that lot without obtaining the approval of the local government; or
- (b) construct a fence wholly or partly of razor wire on that lot without obtaining the approval of the local government.

(2) The local government shall not approve an application for the purpose of subclause (1)(a)—

- (a) in respect of a lot which is or which abuts a residential lot;
- (b) unless the fence complies with "AS/NZS3016:2002 Electrical installations—Electricity security fences"; and
- (c) unless provision is made so as to enable the fence to be rendered inoperable during the hours of business operations, if any, on the lot where it is erected.

(3) The local government shall not approve an application for the purpose of subclause (1)(b)—

- (a) if the fence is within 3000 millimetres of the boundary of the lot; or
- (b) where any razor wire used in the construction of the fence is less than 2000 millimetres or more than 2400 millimetres above the ground level.

(4) An application for approval for the purpose of subclauses (1)(a) or (1)(b) shall be made by the owner of the lot on which the fence is or is to be erected, or by the occupier of the lot with the written consent of the owner.

2.13 Prohibited fencing materials

A person shall not affix or use broken glass in the construction of any fence.

Division 4—Tennis court fencing

2.14 Tennis court fencing

(1) A person shall not erect a fence around or partly around a tennis court on a lot unless—

- (a) the fence is not more than 3600 millimetres in height;
- (b) the whole of the fence is at least 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot; and
- (c) the fence is fabricated from 2.5 millimetre poly-vinyl chloride coated or galvanised wire 50 millimetre link mesh not more than 3600 millimetres in height, and is erected in accordance with the manufacturer's specifications.

(2) A person shall not erect a fence around or partly around any tennis court other than in accordance with subclause (1) without the approval of the local government.

(3) In determining any application for approval for the purpose of subclause (2), where the fence will be less than 900 millimetres from the boundary between the lot on which the tennis court is located and the adjoining lot, the local government shall invite the owner of the adjoining lot to make submissions on the proposal, and the local government shall have regard to any such submissions in making its decision under clause 3.2.

PART 3—APPROVALS

3.1 Application for approval

(1) Where a person is required to obtain the approval of the local government under this local law, that person shall apply for approval in accordance with subclause (2).

(2) An application for approval under this local law shall—

- (a) be in the form determined by the local government;
- (b) be signed by the applicant and the owner of the lot;
- (c) provide the information required by the form; and
- (d) be forwarded to the CEO together with any fee imposed and determined by the local government under and in accordance with sections 6.16 to 6.19 of the Act.

(3) The local government may require an applicant to provide additional information reasonably related to an application before determining an application for approval.

(4) The local government may refuse to consider an application for approval which is not in accordance with subclauses (2) and (3).

3.2 Decision on application for approval

(1) The local government may—

- (a) approve an application for approval unconditionally or subject to any conditions;
or
- (b) refuse to approve an application for approval.

(2) If the local government approves an application for approval, it is to issue to the applicant an approval in the form determined by the local government.

(3) If the local government refuses to approve an application for approval, it is to give written notice of that refusal to the applicant.

(4) Where a clause of this local law refers to conditions which may be imposed on an approval or which are to be taken to be imposed on an approval, the clause does not limit the power of the local government to impose other conditions on the approval under subclause (1)(a).

3.3 Compliance with approval

Where an application for approval has been approved, the applicant and the owner and occupier of the lot to which the approval relates, shall comply with the terms and any conditions of that approval.

3.4 Duration of approval

Unless otherwise stated in the form of approval, an approval granted under this local law runs with the lot to which it relates and for the avoidance of doubt, it may be relied upon

by any subsequent occupier or owner of the lot, and may be enforced against them by the local government.

PART 4—MISCELLANEOUS

4.1 False or misleading statement

A person shall not make a false or misleading statement in connection with any application, requirement or request under this local law.

PART 5—NOTICES OF BREACH

5.1 Notices of breach

(1) Where a breach of any provision of this local law has occurred in relation to a fence on a lot, the local government may give a notice in writing to the owner of that lot (“notice of breach”).

(2) A notice of breach shall—

- (a) specify the provision of this local law which has been breached;
- (b) specify the particulars of the breach; and
- (c) state that the owner is required to remedy the breach within the time specified in the notice.

(3) An owner given a notice of breach shall comply with the terms of the notice and remedy the breach within the time specified in the notice.

5.2 Limit on liability

An owner to whom a notice of breach has been given is not entitled to make any claim by way of damages or otherwise, against an authorised person, local government employee, local government appointed sub-contractor or other person authorised by the local government arising from anything done while they are acting under clause 5.1(3).

PART 6—OFFENCES

6.1 Offences and penalties

(1) A person who fails to comply with a notice of breach commits an offence and is liable upon conviction to a penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

(2) A person who fails to comply with or who contravenes any provision of this local law commits an offence and is liable on conviction to a penalty of not less than \$250 and not exceeding \$5000 and, if the offence is a continuing offence, to a maximum daily penalty of \$500.

6.2 Modified penalties

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

(2) The amount appearing in the final column of schedule 1 directly opposite a prescribed offence in that schedule is the modified penalty for that prescribed offence.

(3) For the purpose of guidance only, before giving an infringement notice to a person in respect of the commission of a prescribed offence, an authorised person should be satisfied that—

- (a) commission of the prescribed offence is a relatively minor matter; and
- (b) only straightforward issues of law and fact are involved in determining whether the prescribed offence was committed, and the facts in issue are readily ascertainable.

6.3 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice referred to in sections 9.16 and 9.17 of the Act is to be in or substantially in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*; and
- (b) the form of the withdrawal of infringement/notice referred to in section 9.20 of the Act is to be in or substantially in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

PART 7—OBJECTIONS AND REVIEW

7.1 Objections and review

When the local government makes a decision under clause 3.2, the provision of Part 9 Division 1 of the Act and regulation 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

Schedule 1
Prescribed offences

[clause 6.2(2)]

OFFENCES AND MODIFIED PENALTIES

Item No.	Clause No.	Nature of offence	Modified penalties \$
1	2.1(1)	Erect a fence which is not a sufficient fence	250
2	2.2	Erect a fence within the front setback area which does not comply with the local planning scheme.	250
3	2.3(a)	Erect a gate in a fence not opening into the lot	200
4	2.3(b)	Erect a gate in a fence not sliding parallel and inside of fence	200
5	2.6(1)	Failure to maintain a fence in good condition to prevent fence becoming dangerous, dilapidated or unsightly	250
6	2.7(3)	Erect a fence without the required sight line truncation or height reduction	250
7	2.8	Erect or maintain a fence or obstruction of temporary or permanent nature across a right-of-way, public access way or thoroughfare without approval	250
8	2.10(1)	Construct a dividing fence on a residential, commercial or industrial lot from pre-used materials without written approval	250
9	2.11(1)	Erect a fence using barbed wire or material with spiked or jagged projections in fence construction without approval	250
10	2.12(1)	Construct, erect or use razor wire in a fence or electrify a fence without approval	250
11	2.13	Affix, or use, any broken glass in a fence	250
12	2.14(1)(a)	Erect a tennis court fence higher than 3600 millimetres without approval	200
13	2.14(1)(b)	Erect tennis court fence less than 900 millimetres from boundary of adjoining lot without approval	200
14	2.14(1)(c)	Erect a link mesh fence higher than 3600 millimetres or not in accordance with manufacturer's specification without approval	200
15	3.3	Failure to comply with terms or conditions of approval	250
16	5.1(3)	Failure to comply with notice of breach	250

Schedule 2
Residential lot

[cl. 2.1(2)(a)]

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RESIDENTIAL LOT

1. Each of the identified category in this schedule, with minimum and maximum specifications where stated, is a "sufficient fence" on a Residential lot.

2. An application must be made to the local government for grant of consent to any variation to the specifications in this schedule.

(1) Timber fence

A fully enclosed timber fence is to be built to manufacturer's specifications or in accordance with established construction techniques.

Height: 1800 mm except with respect to the front setback;

Minimum height: subject to requirements and standards of local planning schemes.

(2) Corrugated fence

A fence constructed of corrugated fibre-reinforced pressed cement or steel-sheeting constructed to manufacturer's specifications or which otherwise satisfies the following specifications—

- (a) length: Minimum in-ground length of 25 per cent of the total length of the sheet;
Depth: Minimum in-ground depth of 600 mm;
- (b) total height and depth of fence to consist of a single continuous fibre-reinforced cement or steel sheet;
- (c) corrugated sheets to be lapped and capped with extruded "snap-fit" type capping in accordance with the manufacturer's written instructions; and
- (d) height: 1800 mm except with respect to the front setback;
Minimum height: subject to requirements and standards of local planning schemes.

(3) Brick, stone or concrete fence

A fence constructed of brick, stone or concrete which satisfies the following requirements and specifications—

- (a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 as amended;
- (b) the footing is to be designed in accordance with AS2870-1996 as amended;
- (c) fences to be offset at a minimum of 200 mm and at maximum 3000 mm centres; or 225 mm x 100 mm engaged piers to be provided at: maximum 3000 mm centres;
- (d) expansion joints in accordance with the manufacturer's written instructions; and
- (e) height of the fence to be 1800 mm, except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme.

(4) Composite fence

A composite fence which satisfies the following specifications for the brick construction—

- (a) a site classification is to be provided by a professional engineer in accordance with AS2870-1996 as amended;
- (b) the footing is to be designed in accordance with AS2870-1996 as amended;
- (c) height: maximum overall height of 1800 mm;
except with respect to front, side and rear setback areas for which there is no minimum height but subject to requirements and standards of local planning scheme;
- (d) brick fence of height not exceeding 1200 mm shall have brick piers of minimum of 230 mm x 230 mm x 1800 mm centres;
bonded to a maximum height base wall of 514 mm;
or
brick fence of height exceeding 1200 mm shall have brick piers of minimum of 230 mm x 230 mm x 1800 mm centres;
bonded to a maximum height base wall of 514 mm;
- (e) each pier shall be reinforced with,
one R10 galvanised starting rod for 230 mm x 230 mm piers; and
two R10 galvanised starting rods for 345 mm x 345 mm x 345 mm piers, each rod being 1500 mm high with a 250 mm horizontal leg bedded into the concrete footing;
set 65 mm above the base of the footing and
the top of the footing shall be 1 course (85 mm) below ground level;
- (f) cavity to brick piers to be filled with 20 MPa concrete;
- (g) minimum ultimate strength of brickwork shall be 20 MPa,
mortar shall be a mix of 1 part cement, 1 part lime and 6 parts sand;
- (h) the ground under the footings is to be compacted to 7 blows per 300 mm and checked with a standard falling weight penetrometer; and
- (i) control joints in brickwork shall be provided at piers at a maximum of 6 metre centres.

(5) Brick fence with base wall

A brick fence which satisfies the following specifications for the brick construction—

- (a) height not exceeding 1200 mm having brick piers of—
minimum of 230 mm x 230 mm x 2700 mm centres
bonded to the base wall; and
each pier shall be reinforced with one R10 galvanised starting rod as
previously specified;
or
 - (b) height exceeding 1200 mm having brick piers of—
minimum 345 mm x 345 mm x 2700 mm centres bonded to base wall; and
each pier shall be reinforced with two R10 galvanised starting rods as
previously specified.
- (6) **Brick fence with no base wall**
A brick fence which satisfies the following specifications for the brick
construction—
- (a) height not exceeding 1200 mm having brick piers
minimum 230 mm x 230 mm x 2700 mm centres
with no brick base wall; and
each pier shall be reinforced with one R10 galvanised starting rod as
previously specified;
or
 - (b) height exceeding 1200 mm having brick piers
minimum 345 mm x 345 mm x 2700 mm centres
with no brick base wall; and
each pier shall be reinforced with two R10 galvanised starting rods as
previously specified.

Schedule 3

Commercial lot or an Industrial lot

[clause 2.1(2)(b)]

**SPECIFICATIONS FOR A SUFFICIENT FENCE ON A COMMERCIAL LOT OR AN
INDUSTRIAL LOT**

1. Each of the identified category in this schedule, with minimum and maximum specifications where stated, is a “sufficient fence” on a commercial or an industrial lot.
2. An application must be made to the local government for grant of consent to any variation to the specifications in this schedule.
 - (1) **Galvanised or PVC fence and gate**
A fence constructed of galvanised or PVC coated non-rail link mesh, chain mesh or steel mesh which satisfies the following specifications—
 - (a) corner posts to be minimum 50 mm nominal bore x 3.5 mm
footings of a 225 mm diameter x 900 mm;
 - (b) intermediate posts to be minimum 37 mm nominal bore x 3.15 mm;
maximum 3.5 m centres; and
footings of 225 mm diameter x 600 mm;
 - (c) struts to be minimum 30 mm nominal bore x 3.15 mm fitted at each gate;
two at each corner post; and
footings 225 mm x 600 mm;
 - (d) cables to be affixed to the top centre and bottom of all posts; and
consists of two or more 3.15 mm wires twisted together; or
single 4 mm wire;
 - (e) non-rail link, chain or steel mesh is to be a height of 2000 mm on top; and
three strands of barbed wire carrying the fence to a height of 2400 mm in
accordance with requirements and standards of local planning schemes;
 - (f) galvanised link mesh wire to be 2000 mm in height;
constructed of 50 mm mesh 2.5 mm galvanised iron wire; and
to be strained, neatly secured and laced to the posts and affixed to cables.
 - (g) vehicle entry gates shall provide an opening not less than 3.6 m constructed
of 25 mm tubular framework;

one horizontal and one vertical stay constructed of 20 mm piping; and shall be covered with 50 mm x 2.5 mm galvanised link mesh strained to framework.

- (2) Gates shall be fixed with a drop bolt and locking attachment—
 - (a) a fence of cement sheet or steel-sheeting construction to the minimum specifications referred to in Item (b) of Schedule 2;
 - (b) a fence constructed of aluminium sheeting when supported on posts and rails provided that it is used behind a building line and is of a minimum height of 1800 mm but no greater than 2400 mm; or
 - (c) a fence of timber, brick, stone or concrete constructed to the minimum specifications referred to in Schedule 2.

—————
Schedule 4
 Rural lot

[clause 2.1(2)(c)]

SPECIFICATIONS FOR A SUFFICIENT FENCE ON A RURAL LOT

- 1. Each of the identified category in this schedule, with minimum and maximum specifications where stated is a “sufficient fence” on a rural lot.
- 2. An application must be made to the local government for grant of consent to any variation to the specifications in this schedule.

(1) Non-electrified fence

A fence that is a fence of posts and wire construction and satisfies the following specifications—

- (a) wire is to be high-tensile wire and not less than 2.5 mm;
- (b) minimum of 5 wires are to be used, generally with the lower wires spaced closer together than the higher wires so as to prevent smaller stock passing through, and connected to posts in all cases;
- (c) posts are to be of indigenous timber or other suitable material including—
 - (i) timber impregnated with a termite and fungicidal preservative;
 - (ii) standard iron star pickets; or
 - (iii) concrete;
- (d) posts are to be placed at not more than 10 metre intervals, set minimum 600 mm in the ground and 1200 mm above the ground;
- (e) if timber posts are used, posts are to be cut not less than 1800 mm long x 50 mm diameter at small end if round, or 125 mm x 60 mm if split or sawn; and
- (f) if strainer posts are to be not less than 2250 mm long and 150 mm diameter at the small end (tubular steel to be 50 mm in diameter) these strainer posts shall be placed a minimum of 1000 mm in the ground and set at all corners, gateways and fence line angles but not exceeding 200 metres apart.

(2) Electrified fence

An electrified fence having 4 wires is a sufficient fence that is constructed generally in accordance with a non-electrified fence.

—————
Schedule 5
 Electrified fence licence

[clause 2.12(1)(a)]

LICENCE FOR APPROVED ELECTRIFIED FENCE

This is to certify that
 of
 is licensed, subject to the conditions set out below, to have and use an electrified fence on.....

.....

 (address)

from20.....and until this licence is transferred or cancelled.

Dated.....20.....

Chief Executive Officer
City of Kalgoorlie-Boulder

Conditions of licence

The holder of the licence must—

- (a) display the licence in a prominent position on the land or premises on which the electrified fence has been constructed;
- (b) upon the request of the City produce to him or her this licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes;
- (d) obtain the written consent of the City prior to the commencement of any alteration, addition or other work relating to or affecting the electrified fence;
- (e) comply with AS/NZS 3016:2002 Electrical installations; and
- (f) following construction of the fence, lodge with Synergy a certificate of installation from a qualified electrician and comply with any requirements of Synergy regarding the construction of the fence.

Transfer by endorsement

This licence is transferred to

of

from and including the date of this endorsement.

Dated.....20.....

Chief Executive Officer
City of Kalgoorlie-Boulder

Schedule 6

Razor wire fence licence

[clause 2.12(1)(b)]

LICENCE FOR APPROVED RAZOR WIRE FENCE LICENCE

This is to certify that

of

is licensed, subject to the conditions set out below, to have a fence constructed wholly or partially of razor wire on.....

(address)

from 20.....and until this licence is transferred or cancelled.

Dated.....20.....

Chief Executive Officer
City of Kalgoorlie-Boulder

Conditions of licence

The holder of the licence must—

- (a) display this licence in a prominent position on the land or premises on which the fence has been constructed;
- (b) on the request of the City, produce to him or her this licence;
- (c) within 14 days of a change in the ownership or occupation of the land or premises in respect of which the licence has been granted, notify the Chief Executive Officer in writing of the details of that change or those changes; and
- (d) obtain the written consent of the City prior to the commencement of any alteration, addition or other work relating to or affecting the fence.

Transfer by endorsement

This licence is transferred to

.....
of

.....
from and including the date of this endorsement.

Dated.....20.....

.....

**Chief Executive Officer
City of Kalgoorlie-Boulder**

Dated 25 October 2010.

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

**R. S. YURYEVICH, RFD, AM, Mayor.
D. S. BURNETT, Chief Executive Officer.**

LG301*

LOCAL GOVERNMENT ACT 1995

DOG ACT 1976

DIVIDING FENCES ACT 1961

HEALTH ACT 1911

City of Stirling

REPEAL AND AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995*, *Dog Act 1976*, *Dividing Fences Act 1961* and the *Health Act 1911* and under all other powers enabling it, the Council of the City of Stirling resolved on 8 February 2011 to make the *City of Stirling Repeal and Amendment Local Law 2011* as follows—

- (1) This local law may be cited as the *City of Stirling Repeal and Amendment Local Law 2011*.
- (2) This local law commences on the 14th day after its publication in the *Government Gazette*.
- (3) The following City of Stirling by-laws and local laws are repealed—
 - (i) ‘Control of Tenement Houses’ as published in the *Government Gazette* on 17 July 1936, including all amendments;
 - (ii) ‘Building By-laws’ as published in the *Government Gazette* on 2 September 1938, including all amendments;
 - (iii) ‘Building By-laws’ as published in the *Government Gazette* on 16 August 1940, including all amendments;
 - (iv) ‘Building By-laws’ as published in the *Government Gazette* on 25 June 1954, including all amendments;
 - (v) ‘Constitution , By-laws and Regulations’ as published in the *Government Gazette* on 29 June 1960, including all amendments;
 - (vi) ‘Consolidation of Health By-laws’ as published in the *Government Gazette* on 30 May 1961, including all amendments;
 - (vii) ‘General By-laws’ as published in the *Government Gazette* on 12 May 1971, including all amendments, excluding by-laws 543-579 relating to ‘Signs, Hoardings and Billposting’ and the First Schedule relating to ‘New Street Alignments’, including all amendments;
- (4) The *City of Stirling Dogs Local Law 2008* published in the *Government Gazette* on 12 December 2008 is amended as follows—
 - (i) In clause 5.1, after ‘Act’, add ‘and s66J of the *Equal Opportunity Act 1984*’.
 - (ii) In clause 5.2(2)(b), delete ‘0’ and replace it with ‘5.1(1)(h)’.
 - (iii) In clause 6.1(2), delete ‘\$200’ and replace it with ‘\$2000’.
 - (iv) In Schedule 3, in the column for ‘Dangerous or Restricted Breed Dog Modified Penalty’, add—
 - (a) ‘\$400’ for an offence under clause 2.4(b);
 - (b) ‘\$200’ for an offence under clause 5.1(1)(i); and
 - (c) ‘\$200’ for an offence under clause 6.1(2).
- (5) The *City of Stirling Fencing Local Law 2008* published in the *Government Gazette* on 12 March 2009 is amended by the deletion of clause 1.7 and its heading.
- (6) The *City of Stirling Health Local Law 2009*, published in the *Government Gazette* on 26 March 2010 is amended by the insertion of ‘cow,’ after ‘sheep,’ in the definition of ‘large animal’ in clause 5.7.
- (7) The *City of Stirling Local Government Property Local Law 2009* published in the *Government Gazette* on 5 June 2009 is amended as follows—
 - (i) Deletion of the words ‘or is likely to behave’ in clause 4.7(1).
 - (ii) Delete clause 1.3 and insert—

“This local law applies—

 - (a) throughout the district; and
 - (b) in the water area for a distance of 200 metres seawards, from the western boundary, along the shoreline into the Indian Ocean, as approved by the Governor under section 3.6 of the *Local Government Act 1995* as published in the *Government Gazette* on 31 March 2009, No. 50, page 1029.”.

(iii) In clause 1.5 delete the “district” definition, and in alphabetical order insert—

“decency” means wearing of proper and adequate clothing for the occasion, so as to prevent indecent exposure;

“district” means the district of the City, as amended and notated in the Municipality Index and in the Municipality Boundary Amendments Register published in the *Government Gazette* on 29 October 2007, No. 225;

“glass container” means a glass bottle or vessel for drinking from, excluding glass containers for the storage of consumable food;

“indecent exposure” means the revealing to view of those parts of the body, especially the genitals, which by law and convention should be covered by clothing under the given circumstances;”.

(iv) Renumber clause 4.8 to 4.9, delete Item 2.6(5) in Schedule 2, Part 2 and add the following new clause 4.8—

“4.8 Glass containers

Unless authorised by a permit or by an authorised person, a person must not take a glass container—

- (a) on to Reserve 12992 (beach and coastal reserve);
- (b) within 5m of the edge of a swimming pool on local government property;
- (c) into an area set aside by a wall, fence, sandpit or other softfall surface as a children’s playground; or
- (d) within any area of local government property where a sign prohibits glass containers.”.

(v) Delete Items 2.6(5) and 2.8 in Schedule 2, Part 2 and insert the following as clause 4.9—

“4.9 Umbrellas and temporary shade structures

A person may erect an umbrella or temporary shade structure on local government property that is not enclosed, only if it—

- (a) is erected for protection from the sun or other elements;
- (b) has an area of 6m² or less;
- (c) has a height of 2.5m or less;
- (d) is removed by that person immediately on leaving the local government property;
- (e) is for private use; and
- (f) is not erected for advertising or promotional purposes unless in accordance with a permit or other prior authorisation given by the City.”.

(vi) Make the following amendments to Schedule 1—Prescribed Offences as follows—

(a) Add in the appropriate places—

Clause	Description	Modified Penalty \$
4.8	Taking glass container into prohibited area	125
4.9	Erecting unauthorised umbrella or shade structure on local government property	125

(b) Change ‘4.8(2)’ to ‘4.10(2)’.

(8) The *City of Stirling Meeting Procedures Local Law 2009* published in the *Government Gazette* on 16 April 2009 is amended as follows—

(i) Delete the words ‘and their deputies’ in clause 3.4.

(ii) Amend clause 4.2 by renumbering sub clauses 4.2(2) and 4.2(3) as sub clauses 4.2(3) and 4.2(4) respectively and inserting a new subclause (2) as follows—

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

1. Official opening.

2. Record of attendance, apologies and leave of absence.
 3. Memorandum of outstanding business.
 4. Disclosure of interest.
 5. Confirmation of minutes.
 6. Announcements by the presiding member.
 7. Reports (subject to clause 5.9(8)).
 8. Matters behind closed doors.
 9. Closure.”.
- (iii) In clause 4.2(4) replace ‘and (2)’ with ‘, (2) and (3)’.
- (iv) Replace ‘4’ with ‘7’ in subclause 4.5(2).
- (v) Delete clause 4.5(6) and replace it with the following—
- “(6) If a notice of motion is excluded under subclause (4), the Mayor is to advise the CEO who is to provide the reason for its exclusion to all members as soon as practicable.”.
- (vi) In the title of clause 4.8, after the word “Council” add “or committee”.
- (vii) In clause 4.8 after all instances of the word “Council” add “or a committee”.
- (viii) Insert new clauses 5.9(7) and 5.9(8) as follows—
- “(7) Where a deputation is to be received by the committee, the person or group comprising of the deputation is to address the meeting at the relevant part in the order of business as detailed in clause 4.2(2).
- (8) Any item of business to be discussed at a committee meeting that is subject of a received deputation, is to be brought forward in the order of business for the meeting as the next item of business after the deputation has been received.”.
- (ix) Delete clause 9.3(2) and replace it with the following—
- “(2) If no member opposes the motion, the presiding member may put the motion to the vote without debate.”.
- (x) In clause 4.7(3)(b), replace ‘an’ with ‘a financial or proximity’.
- (xi) In clause 4.7(3)(c), delete ‘or deputation’.
- (xii) In clause 7.9, replace ‘10’ with ‘5’.
- (9) The *City of Stirling Thoroughfares and Public Places Local Law 2009* published in the *Government Gazette* on 9 April 2009 is amended by—
- (i) In clause 1.5 amend the definition of “garden” by adding “but does not include the planting of a tree” after the word “plants”.
 - (ii) In clause 2.1—
 - (a) delete the sixth instance of the word “or” at the end of subclause (e);
 - (b) replace “.” with “; or” in subclause (f);
 - (c) add a new subclause (g) as follows—

“(g) install a tree on the verge unless approved in writing by the City.”.
 - (iii) The deletion of the words ‘or other verge treatment as determined by the City under a policy’ in clause 2.7(2)(c).
 - (iv) The deletion of the words ‘or other verge treatment’ in clause 2.7(2)(d).
- (10) The *City of Stirling Parking Local Law 2008* published in the *Government Gazette* on 20 March 2009 is amended as follows—
- (i) Deletion of clause 4.12(d).
 - (ii) Insert “or” after “;” in clause 4.12(b).
 - (iii) Replace “;” with “.” in clause 4.12(c).
 - (iv) In clause 7.9(1)(b), after ‘motor vehicle’, insertion of the words ‘or a vehicle or combination of vehicles that is 7.5 metres or more in length or exceeds a GVM of 3 tonnes’.
 - (v) Deletion of the word ‘adjacent’ in clause 7.9(1)(c).
 - (vi) Changing the modified penalty provision listed for items 65 and 77 of Schedule 2 from ‘60’ to ‘80’.

(vii) Add 'and includes a clearway as defined in the Code' to the definition of 'no stopping area' in clause 1.5.

Pursuant to section 342(1)(b) of the *Health Act 1911*, consented to clause 6 of the *City of Stirling Repeal and Amendment Local Law 2011*.

TARUN WEERAMANTHRI, Executive Director, Public Health,
Department of Health.

Dated: 3 March 2011.

Dated: 3 March 2011.

The Common Seal of the City of Stirling was affixed by authority of a resolution of the Council in the presence of—

DAVID BOOTHMAN, Mayor.
STUART JARDINE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

Shire of Roebourne

PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling the local government, the Council of the Shire of Roebourne resolved on 21 March 2011 to adopt the following local law.

1. Citation

This local law is cited as *the Shire of Roebourne Parking and Parking Facilities Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law

In this local law, the *Shire of Roebourne Parking and Parking Facilities Local Law 2010* published in the *Government Gazette* on 30 July 2010 is referred to as the principal local law. The principal local law is amended.

4. Clause 1.5 amended

4.1 In clause 1.5(1) delete the definitions “*attended parking station*”, “*currency*”, “*keep clear marking*”, “*loading zone*”, “*parents with prams*”, “*seniors parking sign*”, “*sign*” and “*thoroughfare*” and insert the following definitions in alphabetical order—

“*attended parking station*” means a parking station attended by a person appointed by the local government and in respect of which fees for the parking of a vehicle are payable immediately prior to the removal of the vehicle from the station;

“*currency*” means any notes and coins which are legal tender pursuant to the *Currency Act 1965 (Commonwealth)*;

“*disability parking bay*” means a portion of the carriageway or parking area set aside for the use of persons with disabilities and identified by and in accordance with *Local Government (Parking for Disabled Persons) Regulations 1988*;

“*keep clear marking*” means the words “keep clear” marked across all or part of a carriageway, with or without continuous lines marked across all or part of the carriageway;

“*loading zone*” means a length of carriageway, parking stall or parking area to which a “loading zone” sign applies;

“*parents with prams*” means a parking facility set aside for the use of people accompanied by a young child or children using a pram at the time to transport the child or children and identified in accordance with a permit issued by the local government;

“*path*” includes bicycle path, footpath, separated footpath and shared path;

“*residential street*” means a thoroughfare where the majority of properties abutting the thoroughfare are used for residential purposes;

“*seniors parking*” means a parking facility set aside for use by a senior person and identified in accordance with a permit issued by the local government;

“*senior person*” means a person aged 60 years or more;

“*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, using or stopping of vehicles;

“*thoroughfare*” means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end;

“*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; and

“*yellow edge line*” has the same meaning as given to it by the Code.

4.2 In clause 1.5(5), delete paragraph (b) and insert—

(b) it is defined in the Road Traffic Act or in the Code, it shall have the meaning given to it in the Road Traffic Act or the Code.

5. Clause 3.3 amended

In clause 3.3, after subclause (2), insert new subclause (3)—

(3) A person shall not stop or park a vehicle, other than a vehicle displaying a current ACROD sticker, on any land which has been set aside within a parking region as a parking bay marked for the use of people with disabilities.

6. Clause 4.1 amended

6.1 In clause 4.1, delete subclause (2) and re-number subclauses “(3)”, “(4)”, “(5)” and “(6)” to “(2)”, “(3)”, “(4)” and “(5)” respectively.

6.2 In clause 4.1(1), delete “Subject to subclause (2), a person” and insert “A person”.

7. Clause 4.5 amended

In clause 4.5(3), delete paragraph (f) and insert—

(f) on, over or across any footpath or pedestrian crossing or where there is no constructive footpath;

8. Clause 4.8 amended

In clause 4.8 delete paragraph (b) and insert—

(b) if that vehicle is not licensed under the Road Traffic Act;

9. Clause 4.10 amended

In clause 4.10, delete “upon” and insert “upon, across”.

10. Clause 4.12 amended

In clause 4.12, after subclause (2), insert new subclause (3)—

(3) Where permission is granted under subclause (1), the local government, the CEO or authorised person may withdraw permission at any time and that person and the vehicle to which permission was given to, must leave the thoroughfare or parking facility without delay.

11. Clause 4.13 amended

Delete clause 4.13 and its heading and insert—

4.13 Parking for persons with disabilities

(1) In this clause—

“*AS1428.1-2001*” means the standard called “Signs indicating access for people with disabilities” published by the Standards Association of Australia;

“*disability parking area*” is a length or area of a road—

(a) set aside for the use of people with disabilities under the Local Government (Parking for Disabled Persons) Regulations 1988;

(b) indicated by the words “Disabled Parking Only” clearly written on the ground or marked with a symbol indicating it is solely for use of persons with disabilities, and an elevated parking sign bearing the “international symbol for access for the disabled”.

“*disability vehicle*” means—

(a) a vehicle displaying a current ACROD sticker; and

(b) the ACROD sticker relates to the “driver” of that vehicle.

“*driver*” means—

(a) the driver of a “disability vehicle” or the passenger in that vehicle; and

(b) displays a current ACROD sticker; and

(c) who must disembark from that parked vehicle;

“*international symbol for access for the disabled*” means the symbol described in AS1428.1-2001.

(2) A driver shall not stop and park in a parking facility, parking area or parking bay that is marked for the sole use of people with disabilities unless he or she is using a disability vehicle.

(3) A driver of a disability vehicle may park that vehicle in a parking bay, parking facility or parking area other than in a parking stall marked solely for the use of people with disabilities, for twice the period of time permitted by the sign referable to that facility or area or bay.

12. Clause 4.16 amended

In clause 4.16, delete “shoeing” and insert “showing”.

13. Clause 4.17 amended

Delete “Division 3—Special events parking” and the entire clause 4.17.

14. Clause 5.13 amended

Delete clause 5.13 and its heading, and insert—

5.13 Stopping or driving on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not drive along or stop a vehicle so that any portion of the vehicle is on, over or across 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 by the sign.

15. Clause 5.16 amended

In clause 5.16, delete paragraphs (a) and (b) and insert—

- (a) on a carriageway or thoroughfare 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 or thoroughfare outside a built-up area, except on the shoulder of the carriageway, thoroughfare or in a truck bay or other area set aside for the parking of such vehicles.

16. Part 9 amended

16.1 Delete Part 9 heading and replace with—

PART 10—PENALTIES

16.2 Re-number clauses “9.1” and “9.2” to “10.1” and “10.2” respectively.

16.3 After Part 8 insert new Part 9—

PART 9—RESIDENTIAL PARKING PERMITS

9.1 Definitions

In this Part, unless the context otherwise requires—

“*dwelling unit*” means premises lawfully used for self-contained living quarters;

“*eligible person*” where used in relation to an application for a—

- (a) residential parking permit means a single house occupier, a unit occupier or a unit owner;
- (b) visitor’s parking permit means—
 - (i) a single house occupier;
 - (ii) a strata company;
 - (iii) a unit owner of a residential unit which is not a strata lot;

“*residential parking permit*” means a permit issued to a resident by the local government pursuant to clause 9.3(1);

“*residential unit*” means a dwelling unit which is part of a building adjacent to a part of a thoroughfare on which thoroughfare the stopping or parking of vehicles is prohibited for more than a specified period and which building contains—

- (a) two or more dwelling units with or without any non-residential units;
- (b) one dwelling unit with one or more non-residential units;

“*single house*” means a dwelling unit constructed on its own lot and used for self-contained living quarters and which is adjacent to a part of a road on which the stopping or parking of vehicles is prohibited for more than a specified period;

“*single house occupier*” means an occupier of a single house;

“strata company” has the meaning given to it in the Strata Titles Act 1985;

“*unit occupier*” means a person who is an occupier of a residential unit but does not include a unit owner;

“*unit owner*” means a person who is an owner of a residential unit; and

“*visitor’s parking permit*” means a permit issued by the local government pursuant to clause 9.3(2).

9.2 Exemption for permit holders

(1) Where on any part of a thoroughfare the stopping or parking of vehicles is prohibited by a sign for more than a specified period or

where any part of a thoroughfare is a metered space, the holder of a valid permit is exempted from such prohibition.

(2) The local government may also issue a permit which exempts the holder from compliance with the requirements of clauses 9.3(1) and 9.3(2).

(3) The exemption conferred by subclause (1) shall apply only—

- (a) to that part of a thoroughfare specified in the permit;
- (b) where the time restriction applicable to that part of the thoroughfare is for a period exceeding 30 minutes;
- (c) where the permit displayed is a residential parking permit to the vehicle specified in the residential parking permit;
- (d) if the permit is displayed in the vehicle or affixed to the windscreen of the vehicle so as to be clearly visible and able to be read by an authorised person from outside the vehicle; and
- (e) if the permit is valid.

(4) The exemption conferred by subclause (1) shall not, unless specifically noted on the permit, apply during any period in which the stopping or parking of vehicles is prohibited in the thoroughfare or the part of the thoroughfare specified in the permit.

9.3 Issue of permits

(1) The local government may upon a written application of an eligible person issue a residential parking permit.

(2) The local government may upon a written application of an eligible person issue for the occasional use of visitors, a visitor's parking permit.

(3) The local government's power to issue, replace and revoke permits under this Part may be exercised by an authorised officer.

(4) Notwithstanding any other provisions in this local law, the local government may approve the issue of a number of residential or visitor's parking permits to any owner or occupier on such terms and conditions as the local government sees fit.

9.4 Discretionary authority

Notwithstanding any other provisions in this local law which restrict the number of residential or visitors' parking permits that may be issued, the local government may approve the issue of one additional residential parking permit or one additional visitor's parking permit to any occupier on such terms and conditions as the local government sees fit.

9.5 Validity of permit

(1) Every residential parking permit or visitor's parking permit as the case may be shall cease to be valid upon—

- (a) the expiry of a period of 12 months from and including the date on which it is issued;
- (b) the holder of the permit ceasing to be an eligible person;
- (c) the revocation of the permit by the local government pursuant to clause 9.6;
- (d) the replacement of any permit by a new permit issued by the local government pursuant to clause 9.3.

9.6 Revocation of a permit

(1) The local government may at any time give an eligible person to whom a permit was issued pursuant to the provisions of this local law notice requiring that person to notify the local government of any reason why that permit should not be revoked.

(2) The local government shall give notice referred to in subclause (1) by serving a notice on the eligible person to whom the permit was issued.

(3) If within 7 days after the date of receipt of the notice referred to in subclause (2) the eligible person to whom the permit was issued—

- (a) fails to give the local government notice in writing of any reason why the permit should not be revoked;
- (b) gives the local government notice in writing of any reasons why the permit should not be revoked; then the local government may in its absolute discretion revoke that permit.

(4) For the purpose of subclause (3) the date of receipt of the notice shall be the date the notice was served.

(5) The local government shall give notice of the revocation by serving a notice on the eligible person to whom the permit was issued.

9.7 Removal of a permit from a vehicle

The holder of a residential parking permit shall forthwith upon that permit being revoked or ceasing to be valid remove the permit from the vehicle in which it is displayed or to which it is affixed.

9.8 Replacement of permit

(1) The local government may upon a written application of an eligible person and upon payment of the fee referred to in subclause (2), if any, issue a permit to replace a residential parking permit or visitor's parking permit which is lost, destroyed or stolen.

(2) The local government may determine and impose a fee for the issue of a replacement permit pursuant to this clause.

(3) Notwithstanding subclause (2), no fee shall be payable for the issue of a replacement permit if evidence is produced in writing to the satisfaction of the local government—

- (a) that the vehicle in which the permit is displayed has been disposed of;
- (b) that the vehicle's windscreen in which the permit is displayed has been replaced; or
- (c) which the local government considers warrants the waiving of the fee.

9.9 Display of residential or visitor's parking permits

A person shall not stop or park a vehicle in an area set aside for persons or vehicles of a particular class during any permitted period unless a valid permit is displayed inside the vehicle and is clearly visible to and able to be read by an authorised person from outside the vehicle at all times while the vehicle remains stopped or parked in the zone.

17. Schedule 2 amended

17.1 In the table in Schedule 2, delete items 17, 37, 55 and 62 (under the same column heading) and replace with—

Item No.	Clause No.	Description of Offence	Modified Penalty \$
17	4.2(1)(e)	Causing obstruction on carriageway	100
37	4.10	Driving or parking on reserve	250
55	5.23	Stopping in parents with prams parking area	120
62	7.10	Leaving vehicle so as to obstruct a public place	200

17.2 Re-number items "65" and "66" to "66" and "67" respectively.

17.3 After item 64 (under the same column heading) insert—

Item No.	Clause No.	Description of Offence	Modified Penalty \$
65	9.9	Failure to display a valid permit	100

Dated: 4 April 2011.

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

NICOLE LOCKWOOD, President.
COLLENE LONGMORE, Chief Executive Officer.

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**LOCAL GOVERNMENT ACT 1995
CEMETERIES ACT 1986**

SHIRE OF COOROW

**CEMETERIES LOCAL
LAW 2011**

LOCAL GOVERNMENT ACT 1995
CEMETERIES ACT 1986

SHIRE OF COOROW

CEMETERIES LOCAL LAW 2011

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LOCAL GOVERNMENT ACT 1995
CEMETERIES ACT 1986

SHIRE OF COOROW

CEMETERIES LOCAL LAW 2011

Under the powers conferred by the *Cemeteries Act 1986* and the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Coorow resolved on 20 March 2011 to make the following Local Law.

PART 1—PRELIMINARY

1.1 Citation

This Local Law is cited as the *Shire of Coorow Cemeteries Local Law 2011*.

1.2 Commencement

This Local Law comes into operation fourteen 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 for the orderly management of Cemeteries in accordance with established plans and to create offences for inappropriate behaviour within cemetery grounds.

(2) The effect of this Local Law is that all persons in the administration of the cemeteries, burying deceased in the cemeteries, or otherwise providing services to or making use of the cemeteries, are to comply with the provisions of this Local Law.

1.4 Application

This Local Law applies to the public cemetery located in Leeman Reserve No. 50328.

1.5 Interpretation

(1) In this Local Law unless the context otherwise requires—

“Act” means the *Cemeteries Act 1986*;

“animal” means any animal;

“ashes” means so much of the remains of a dead body after the due processes of cremation as may be contained in a standard sized cremation urn;

“authorised officer” means an employee of the Board authorised by the Board for the purposes of performing any function or exercising any power conferred upon an authorised officer by this Local Law;

“Board” means the Shire of Coorow;

“burial” has the same meaning as is given to it in the Act;

“cemetery” means any one or any part of the public cemeteries in the district of the local government, which the Governor, by order, has placed under the care control and management of the Board;

“CEO” means the Chief Executive Officer for the time being, of the Shire of Coorow and includes an acting Chief Executive Officer;

“dead body” has the same meaning given to it in the Act;

“funeral” includes the burial of a dead body and all associated processions and ceremonials but does not include so much of the ceremonial that is solely a religious rite;

“funeral director” means a person holding a current funeral director’s licence;

“grant” means a grant issued by the Board, of an exclusive right of burial in a grave;

“grave” means a specified area of the cemetery for burial;

“guide dog” has the same meaning as is given to that expression in the *Dog Act 1976*;

“holder” in relation to a grant includes—

(a) a person issued with a grant by the Board;

- (b) a person for the time being appearing to the Board to be the holder of a grant;
“local government” means the Shire of Coorow;
“memorial” means a memorial plaque or memorial as described in this Local Law or as otherwise approved by the Board;
“Minister” means the Minister for Local Government;
“monumental mason” means a person holding a current monumental mason’s licence;
“personal representative” means the administrator or executor of an estate of a deceased person;
“remains” means ashes or what remains of a dead body after burial;
“set fee” refers to fees and charges set by a resolution of the Board in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995* and published in the *Government Gazette*, under section 53 of the Act;
“single funeral permit” means a permit issued by the Board under section 20 or 21 of the Act which entitles the holder to conduct at the cemetery a funeral of a person named in the permit.

(2) Unless otherwise defined herein the terms and expressions used in this Local Law shall have the same meaning given to them in the Act.

(3) Where a term is not defined in this Local Law, the Act or Regulations, the term is to be taken from the Oxford Dictionary.

PART 2—ADMINISTRATION

2.1 Powers and functions of Chief Executive Officer

Subject to any directions given by the Board, the CEO shall exercise all the powers and functions of the Board in respect of the cemetery.

PART 3—APPLICATION FOR FUNERALS

3.1 Grant of right of burial

The Board may issue to a person a grant of right of burial, for the term specified in the Act, from time to time, upon—

- (a) written application by that person; and
- (b) payment of the set fee.

3.2 Application for burial

(1) A person may apply for approval to bury a dead body in the cemetery in the form determined by the Board from time to time.

(2) An application under subclause (1) is to be accompanied by the set fee.

3.3 Applications to be accompanied by certificates etc

All applications referred to in clause 3.2 shall be accompanied by either a medical certificate of death or a Coroner’s order of burial, and a certificate issued under clause 3.4, in respect of the body.

3.4 Certificate of identification

(1) After a dead body is placed in a coffin and prior to a dead body being removed to the cemetery, a person who personally knew the deceased shall identify the dead body and shall complete a certificate of identification in the form determined by the Board from time to time, unless—

- (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body.

(2) Where—

- (a) in the opinion of the funeral director, the dead body is not in a fit state to be viewed; or
- (b) after reasonable effort the funeral director is unable to arrange for a person to identify the dead body,

then the funeral director shall complete a certificate in the form determined by the Board from time to time.

3.5 Minimum notice required

All bookings to hold a funeral shall be made with the Board at least 2 working days prior to the time proposed for burial on the application, otherwise an extra charge may be made.

3.6 Time for burials

(1) Subject to subclause (2), a person shall only carry out a burial between the hours of 6:00 a.m. and 6:00 p.m. Monday to Sunday.

(2) A person shall not carry out a burial—

- (a) on Christmas Day; or
- (b) on Good Friday.

PART 4—FUNERAL DIRECTORS

4.1 Funeral director's licence expiry

A funeral director's licence shall expire on 30 June in each year.

4.2 Application for a single funeral permit

Every application for a single funeral permit made under section 20 or 21 of the Act shall include coffin specifications and details of the vehicle transporting the dead body to the gravesite.

4.3 Application may be refused

The Board may refuse an application for a single funeral permit if, in the opinion of the Board, either the coffin specifications or the details of the vehicle transporting the dead body to the gravesite are not structurally sound or are otherwise inadequate or inappropriate, or on any other grounds.

PART 5—FUNERALS

Division 1—General

5.1 Requirements for funerals and coffins

A person shall not bring a dead body into the cemetery unless—

- (a) the Board has approved an application for the burial of that dead body in accordance with Part 3 of this Local Law;
- (b) it is enclosed in a coffin which in the opinion of the Board is structurally sound and bears the name of the deceased person indelibly inscribed in legible characters on a plate on the coffin's lid; and
- (c) under the plate referred to in paragraph (b) there is a substantive lead strip bearing the surname of the deceased person stamped in legible characters, each character being not less than 10 mm in height.

5.2 Funeral processions

The time fixed by the Board for any burial shall be the time at which the funeral procession is to arrive at the cemetery gates, and, if not punctually observed, then the applicant who applied to hold the funeral under clause 3.1 shall pay the set fee for being late.

5.3 Vehicle access and speed limitations

(1) Subject to subclause 5.3(2), every funeral procession shall enter by the principal entrance, and no vehicle except the hearse, and official mourning coaches, shall be permitted to enter the interment area.

(2) This clause shall not apply to persons using wheelchairs or motorised wheelchairs.

(3) Vehicles shall proceed within the cemetery by the constructed roadway or other areas designated for the use of vehicles and shall not exceed the speed indicated by a sign.

5.4 Conduct of funeral by board

When conducting a funeral under section 22 of the Act the Board may—

- (a) require a written request for it to conduct a funeral to be lodged with it;
- (b) in its absolute discretion, charge any person requesting it to conduct a funeral the set fee for the conduct of that funeral by it;
- (c) where no fee or a reduced fee has been charged by it for the conduct of the funeral, determine the manner in which the funeral shall be conducted;
- (d) bury a dead body within cemeteries under the delegation of the Shire of Coorow and in conjunction with the Act;
- (e) specify an area in the cemetery where the dead body is to be buried or the ashes placed;
- (f) conduct the funeral notwithstanding the failure of a person to make any application or to obtain any consent required under this Local Law; and
- (g) do or require anything which it considers is necessary or convenient for the conduct of a funeral by it.

Division 2—Placement of Ashes

5.5 Disposal of ashes

(1) A personal representative of a deceased person whose body has been cremated may apply, in an application under clause 3.1 or otherwise, for permission to dispose of the ashes in the cemetery and upon payment of the set fee the Board may grant permission for the ashes to be disposed of by one of the following methods—

Niche wall,

Scattering to the winds, or

other memorials approved by the Board.

(2) Subject to subclauses (3) and (4), a person shall not place the ashes of a deceased person in the cemetery.

(3) An authorised officer may place the ashes of a deceased person in a cemetery in accordance with the Board's approval provided—

(a) the person requesting the placement of the ashes has the permission of the Board; and

(b) the ashes are placed within an area set aside for that purpose by the Board.

(4) An authorised officer may place the ashes of a deceased person within a grave in accordance with the Board approval, provided the person requesting the placement of the ashes has the written permission of the Board and the approval of the holder of the right of burial of the grave.

PART 6—BURIALS

6.1 Depth of graves

(1) A person shall not bury a coffin within the cemetery so that the distance from the top of the coffin to the original surface of the ground is not less than 750 mm.

(2) A person, with the permission of the CEO or authorised officer may bury a coffin so that the distance from the top of the coffin to the original surface of the ground is not less than 600 mm.

(3) The permission of the authorised officer in subclause (2) will only be granted where in the opinion of the authorised officer exceptional circumstances require granting of that permission.

6.2 Re-opening a grave

(1) Subject to subclause (2), if for the purpose of re-opening a grave in the cemetery, the Board finds it necessary to remove plants, grass, shrubs or other like matter from the grave, then the person ordering the re-opening of that grave shall bear the cost of the removal and any necessary reinstatement.

(2) If the Minister orders the exhumation of a body in accordance with section 58 of the Act, then the Minister may further order how and by whom the cost referred to in subclause (1) should be met.

6.3 Exhumation of a coffin

(1) Subject to subclause (2), a person shall not exhume a coffin in the cemetery for the purposes of re-burial within twelve (12) months after the date of its interment.

(2) Subclause (1) shall not apply where the exhumation is ordered or authorised pursuant to the Act.

(3) Subject to subclause (1) and (2) prior to any other exhumation, the holder of a grant must have applied in writing to the Board requesting the exhumation and the Board has authorised the exhumation.

6.4 Opening of coffin

(1) A person shall not open a coffin in the cemetery unless—

(a) the coffin is opened for the purposes of the exhumation of a dead body; or

(b) that person has produced to the Board an order signed by the Commission of Police and the Board has approved the opening of that coffin.

PART 7—MEMORIALS AND OTHER WORK

Division 1—General

7.1 Application for monumental work

A Board may require the written consent of the holder of the right of burial of the grave to accompany an application under section 30 of the Act.

7.2 Placement of monumental work

Every memorial shall be placed on proper and substantial foundations in accordance with the Board's specifications.

7.3 Removal of rubbish

All refuse, rubbish or surplus material remaining after memorial works are completed under a permit issued under section 30 of the Act shall be immediately removed from the cemetery by the person carrying out the same.

7.4 Operation of work

All material required in the erection and completion of any work shall, as far as possible, be prepared before being taken to the cemetery, and all materials required by tradesmen shall be admitted at such entrance as the CEO or an authorised officer shall direct.

7.5 Removal of sand, soil or loam

No sand, earth or other material shall be taken from any part of the cemetery for use in the erection of any memorial or work except with the written approval of the Board.

7.6 Hours of work

Persons shall not be permitted to carry out memorial or other work on graves within the cemetery other than during the hours of 8.00 a.m. and 6.00 p.m. on weekdays, and 8.00 a.m. and noon on Saturdays, without the written permission of the Board.

7.7 Unfinished work

Should any work by masons or others be not completed before 6 p.m. on weekdays and noon on Saturdays, they shall be required to leave the work in a neat and safe condition to the satisfaction of the CEO or an authorised officer.

7.8 Use of wood

No wooden fence, railing, cross or other wooden erection shall be allowed on or around any grave without the prior approval of the Board.

7.9 Plants and trees

No trees or shrubs shall be planted on any grave or within the cemetery except such as shall be approved by the CEO.

7.10 Supervision

All workers, whether employed by the Board or by any other person, shall at all times whilst within the boundaries of the cemetery be subject to the supervision of the CEO or an authorised officer and shall obey such directions as the CEO or an authorised officer may give.

7.11 Minor maintenance and repair works

Persons shall be permitted to carry out minor maintenance and repair works, not of a structural nature, such as cleaning, touch up painting, etc on graves, without seeking the approval of the Board.

7.12 Australian war graves

Notwithstanding anything in this Local Law to the contrary, the Office of Australian War Graves—

- (a) may place a memorial on a military grave; and
- (b) is not required to pay the set fee for any memorial that is placed upon a military grave.

7.13 Placing of glass domes and vases

A person shall not place glass domes, vases or other grave ornaments outside the perimeter of a grave in the cemetery as defined in the plans kept and maintained under section 40(2) of the Act.

Division 2—Lawn Section

7.14 Specifications of monuments

(1) All monuments in the lawn section of the cemetery shall—

- (a) be made of natural stone; and
- (b) be placed upon a base of natural stone; and
- (c) comply with the following specifications—
 - (i) the overall height of the monument above the original surface of the grave shall not exceed 1.05 m;
 - (ii) the height of the base of the monument above the original surface of the grave shall not be less than 150 mm nor more than 450 mm;
 - (iii) the width of the base of the monument shall not exceed 1.20 m;
 - (iv) the depth of the base of the monument shall not exceed 300 mm; and
- (d) have foundations extending to the bottom of the grave unless concrete beam foundations are provided by the Board.

(2) An admiralty bronze memorial plaque may be attached to a monument erected or being erected in the lawn section of the cemetery.

(3) A person shall not display any trade names or marks upon any monument erected within the lawn section of the cemetery.

7.15 Headstones

In the lawn section of the cemetery, that part of a headstone above its base shall not extend horizontally beyond that base.

Division 3—Memorial Plaque Section

7.16 Requirements of a memorial plaque

All memorials, placed in a memorial plaque section of the cemetery set aside by the Board, shall be supplied by the Board.

Division 4—Licensing of Monumental Masons

7.17 Monumental mason's licence

(1) The Board may upon receipt of an application in writing by any person and upon payment of the set fee issue to the applicant a monumental mason's licence.

(2) A licence issued under subclause (1) authorises the holder to carry out monumental works within the cemetery subject to the provisions of this Local Law and such conditions as the Board shall specify upon the issue of that licence.

7.18 Expiry date, non-transferability

A monumental mason's licence—

- (a) shall, subject to clause 7.19, be valid from the date specified therein until 30 June next following; and
- (b) is not transferable.

7.19 Carrying out monumental work

A person shall not carry out monumental work within the cemetery unless that person—

- (a) is the holder of a current monumental mason's licence issued pursuant to clause 7.15 or does so as the employee of a person who holds such a licence;
- (b) is authorised by the Board to do so; or
- (c) has received from the Board permission to do so during a funeral service.

7.20 Responsibilities of the holder of a monumental mason's licence

The holder of a monumental mason's licence shall be responsible for the compliance by every person purporting to be authorised to carry out monumental works within the cemetery pursuant to that licence with all the requirements and conditions of the licence, this Local Law, or any other written law which may affect the carrying out of monumental works.

7.21 Cancellation of a monumental mason's licence

(1) The Board may by notice in writing to the holder of a monumental mason's licence terminate the licence on any of the following grounds—

- (a) that the holder of the licence has committed a breach of the requirements and conditions of the licence, this Local Law, or any other written law which may affect the carrying out of monumental works;
- (b) that, in the opinion of the Board, the conduct of the holder of the licence or any person in the employ of that holder in carrying out or attempting to carry out any works within the cemetery, is inappropriate or unbecoming; or
- (c) that the holder of the licence has purported to transfer the licence issued to that holder.

(2) Upon the termination of a monumental mason's licence under this clause no part of any fee paid for the issue of that licence is refundable by the Board.

PART 8—GENERAL

8.1 Animals and guide dogs

(1) Subject to subclause (2), a person shall not bring an animal into or permit an animal to enter or remain in the cemetery, other than with the approval of the CEO or an authorised officer.

(2) Subclause (1) shall not apply to a hearing impaired person or a person who is blind or partially blind and is accompanied by a hearing or guide dog.

8.2 Damaging and removing of objects

Subject to clause 8.3(3), a person shall not damage, remove or pick any tree, plant, shrub or flower in the cemetery or any other object or thing on any grave or memorial or which is the property of the Board without the permission of the Board.

8.3 Flowers

(1) All flowers must be placed in vases or receptacles.

(2) No person shall plant trees, shrubs or plants in the cemetery without the prior approval of the Board.

(3) A person may remove withered flowers from a grave or memorial and these are to be placed in a receptacle provided by the Board for that purpose.

8.4 Littering and vandalism

A person shall not—

- (a) break or cause to be broken any glass, ceramic or other material in or upon the cemetery;
- (b) discard, deposit, leave or cause to be discarded, deposited or left any refuse or litter in or upon the cemetery other than in a receptacle provided for that purpose.

8.5 Advertising

A person shall not advertise or carry on any trade, business or profession within the cemetery without the prior written approval of the Board which consent may be granted subject to such conditions as the Board thinks fit.

8.6 Obeying signs and directions

A person shall obey all signs displayed, marked, placed or erected by the Board within the cemetery and any other lawful direction by the CEO or an authorised officer.

8.7 Removal from the cemetery

Any person failing to comply with any provisions of this Local Law or behaving in a manner that in the opinion of the Board, the CEO or an authorised officer is inappropriate in the cemetery may in the addition to any penalty provided by this Local Law, be ordered to leave the cemetery by the Board, the CEO or an authorised officer.

8.8 Fireworks or firearms

(1) A person shall not bring or discharge any fireworks within the cemetery.

(2) A person shall not bring or discharge any firearms within the cemetery except in the case of a military funeral when firearms may be brought into the cemetery and discharged by members of the Defence Force.

PART 9—OFFENCES AND MODIFIED PENALTIES

9.1 General

A person who commits a breach of any provisions of this Local Law commits an offence and shall on conviction be liable to a penalty not exceeding \$500.00 and if the offence is a continuing one to a further penalty not exceeding \$20.00 for every day or part of a day during which the offence has continued.

9.2 Modified penalties

(1) The offences specified in the Schedule 1 are offences which may be dealt with under section 63 of the Act.

(2) The modified penalty payable in respect of an offence specified in the Schedule 1 is set out in the fourth column of the Schedule 1.

(3) The prescribed form of the infringement notice referred to in section 63(1) of the Act is set out in the Schedule 2.

(4) The prescribed form of the notice withdrawing an infringement notice referred to in section 63(3) of the Act is set out in the Schedule 3.

Schedule 1
Prescribed offences
MODIFIED PENALTIES

[cl. 9.2(1)&(2)]

Item No.	Clause	Nature of Offence	Modified Penalty
1	5.3	Exceeding speed limit	\$100.00
2	5.3	Not driving on constructed vehicle areas	\$100.00
3	7.3	Not removing rubbish and surplus materials	\$100.00
4	7.7	Leaving uncompleted works in an untidy or unsafe condition	\$100.00
5	8.1(1)	Animal within cemetery	\$100.00
6	8.4	Littering and vandalism	\$100.00
7	8.5	Unauthorised advertising or trading	\$100.00

8	8.6	Disobeying sign or lawful direction	\$100.00
9		All other offences not specified	\$100.00

Schedule 2

Form 1

INFRINGEMENT NOTICE

[cl. 9.2(3)]

To: _____
(Name)

(Address)

It is alleged that at _____ : _____ hours on _____ day
of _____ 20_____ at _____

you committed the offence indicated below by an (x) in breach of clause _____ of the
Shire of Coorow Cemeteries Local Law 2011.

(Authorised Officer)

Offence

- Animal within cemetery
- Not removing rubbish and surplus materials
- Exceeding speed limit
- Leaving uncompleted works in an untidy or unsafe condition
- Littering and vandalism
- Unauthorised advertising or trading
- Not driving on constructed vehicle areas
- Disobeying sign or lawful direction
- Other Offence _____

§ _____

You may dispose of this matter—

By payment of the penalty as shown within 21 days of the date of this notice (or the date of the giving of this notice if that is a different date) to the Chief Executive Officer of the Shire of Coorow at Main Street Coorow, or Morcombe Road, Leeman, between the hours of 9:00 a.m. to 4.30 p.m. Monday to Friday.

Please make cheques payable to the Shire of Coorow. Payments by mail should be addressed to—

The Chief Executive Officer
Shire of Coorow
PO Box 42
Coorow WA 6515

If the penalty is not paid within the time specified, then a complaint of the alleged offence may be made and heard and determined by a court.

Schedule 3

Form 2

WITHDRAWAL OF INFRINGEMENT NOTICE

[cl. 9.2(4)]

No. _____ Date ____/____/____

To: [1] _____

Infringement Notice No. _____ dated ____/____/____ for the alleged offence of [2] _____

Penalty [3] \$ _____ is withdrawn.

[Delete whichever does not apply]

*** No further action will be taken.**

*** It is proposed to institute court proceedings for the alleged offence.**

[1] Insert name and address of alleged offender.

[2] Insert short particulars of offence alleged.

[3] Insert amount of penalty prescribed.

(Authorised Officer)

Dated this 20th day of March 2011.

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

**MOIRA J. GIRANDO, Shire President.
MARK J. HOOK, Chief Executive Officer.**

!201100068GG!



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LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

**STANDING ORDERS
LOCAL LAW 2011**

LOCAL GOVERNMENT ACT 1995

TOWN OF BASSENDEAN

STANDING ORDERS LOCAL LAW 2011

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LOCAL GOVERNMENT ACT 1995

CITY OF BASSENDEAN

STANDING ORDERS LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Bassendean resolved on 12 April 2011 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Town of Bassendean Standing Orders Local Law 2011*.

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 the local law is to provide the rules for the conduct of meetings of the Council, committees and electors.

(2) The effect of the local law is intended to result in—

- (a) better decision-making at meetings;
- (b) the orderly 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 the local law.

1.5 Interpretation

(1) In this local law unless the context otherwise requires—

absolute majority has the meaning given to it in the Act;

75% majority has the meaning given to it in the Act;

Act means the *Local Government Act 1995*;

CEO means the Chief Executive Officer of the Town;

Town means the Town of Bassendean;

committee means a committee of the Council established under section 5.8 of the Act;

committee meeting means a meeting of a committee;

council means the Council of the Town;

mayor means the mayor of the Town or other presiding member at a Council meeting under section 5.6 of the Act;

meeting means a meeting of the Council or a committee, as the context requires;

member has the meaning given to it in 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;

regulations means the *Local Government (Administration) Regulations 1996*;

simple majority means more than 50% of the members present and voting; and,

substantive motion means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

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

1.6 Repeal

The *Town of Bassendean Standing Orders Local Law 2006*, published in the *Government Gazette* on 15 December 2006, is repealed.

1.7 Provisions of the Act, Regulations and other legislation

(1) Throughout this local law, provisions of the Act and Regulations, and provisions of other legislation, are reproduced in a boxed format.

(2) The purpose of reproducing these provisions is to assist the reader by giving a fuller picture of related legislative provisions that also apply to meetings of the Council, committees and electors.

(3) The reproduced provisions of the Act and Regulations and other legislation—

(a) are to be treated as footnotes and are not part of this local law (see section 32(2) of the *Interpretation Act 1984*); and

(b) reproduce only the provisions that were in force at the time that the Council resolved to adopt this local law and therefore may not necessarily be correct at a future date.

PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

2.1 Establishment of committees

(1) The establishment of committees is dealt with in the Act.

(2) A Council resolution to establish a committee under section 5.8 of the Act is to include—

(a) the terms of reference of the committee;

(b) the number of council members, officers and other persons to be appointed to the committee;

(c) the names or titles of the council members and officers to be appointed to the committee;

(d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and

(e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

2.7 Resignation of committee members

The resignation of committee members is dealt with in the Regulations.

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.9 Committees to report

A committee—

(a) is answerable to the Council; and

(b) is to report on its activities when, and to the extent, required by the Council.

PART 3—CALLING AND CONVENING MEETINGS

3.1 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.

3.2 Calling Council meetings

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

3.3 Convening Council meetings

(1) The convening of a Council meeting is dealt with in the Act.

(2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5, in convening a special meeting of the Council.

(3) Where, in the opinion of the mayor or at least 1/3 rd of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the mayor, the presiding member of a committee or any 2 members of that committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

PART 4—PRESIDING MEMBER AND QUORUM

Division 1—Who presides

4.1 Who presides

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

4.2 When the deputy mayor can act

When the deputy mayor can act is dealt with in the Act.

4.3 Who acts if no mayor

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

4.4 Election of Presiding members of committees

The election of presiding members of committees and their deputies is dealt with in the Act.

4.5 Election of deputy presiding members of committees

The election of Deputy presiding members of committees is dealt with in the Act.

4.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

4.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

Division 2—Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the presiding member is—

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and**
- (b) if a quorum is not present at the expiry of that period, the presiding member is to adjourn the meeting to some future time or date.**

4.13 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present; or**
- (b) which is adjourned for want of a quorum,**

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

PART 5—BUSINESS OF A MEETING

5.1 Business to be specified

(1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or the Council.

(2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

(3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that—

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

(b) which remains unresolved.

(4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

5.2 Order of business

(1) The items of business to be dealt with at an ordinary meeting of the Council are set out in paragraphs (a) to (n) inclusive of this subclause. The order in which those items are to be dealt with is as resolved by the Council from time to time. In the absence of a resolution of the Council, the order is as follows—

(a) Declaration of opening/announcement of Visitors

(b) Public question time and Address by Members of the Public

(c) Attendances, apologies and applications for leave of absence

(d) Deputations

(e) Confirmation of minutes

(f) Announcements by the presiding person without discussion

(g) Petitions

(h) Declarations of interest

(i) Business deferred from previous meeting

(j) Reports

(k) Motions of which previous notice has been given

(l) Announcements of notices of motion for the next meeting

(m) Confidential business

(n) Closure

(2) The items of business to be dealt with at an ordinary meeting of a committee are set out in paragraphs (a) to (m) inclusive of this subclause. The order in which those items are to be dealt with, is as resolved by the committee, from time to time. In the absence of a resolution of the committee, the order is as follows—

(a) Declaration of opening/announcement of Visitors

(b) Public question time and Address by members of the Public

(c) Attendances, apologies and applications for leave of absence

(d) Deputations

(e) Confirmation of minutes

(f) Announcements by the presiding person without discussion

(g) Declarations of interest

(h) Business deferred from previous meeting

(i) Reports

(j) Motions of which previous notice has been given

(k) Announcements of notices of motion for the next meeting

(l) Confidential business

(m) Closure

(3) The order of business at any special meeting of the Council or a committee shall be in the order in which it appears in the agenda.

(4) Unless otherwise decided by the members present, the items of business for a meeting of the Council or a committee shall be considered in the sequence that they are listed in the agenda.

(5) At the resumption of an adjourned meeting the only business to be transacted is that which remains outstanding on the agenda of the adjourned meeting.

5.3 Motions of which previous notice has been given

(1) Unless the Act, Regulations or this local law otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of

which notice has been given in writing to the CEO and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.

(3) A notice of motion is to relate to the good governance of the district.

(4) The CEO—

- (a) may, with the concurrence of the mayor, exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of this local law or any other written law;
- (b) will inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
- (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
- (d) will provide an Officer Report to accompany the notice of motion that has relevant and material facts and circumstances pertaining to the notice of motion on such matters as strategic direction within the Council's adopted Strategic Plan, policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—

- (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

(6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 Adoption by En Bloc Voting

(1) In this clause *adoption by en bloc voting* means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.

(2) Subject to subclause (3), Council may pass an adoption by en bloc voting.

(3) An adoption by en bloc voting may not be used for a matter—

- (a) that requires a 75% majority or a special majority;
- (b) in which an interest has been disclosed;
- (c) that has been the subject of a petition or deputation;
- (d) that is a matter on which a member wishes to make a statement; or
- (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.

PART 6—PUBLIC PARTICIPATION

6.1 Meetings generally open to the public

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

6.2 Meetings not open to the public

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

(2) The Council or a committee, in 1 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)(a) may, by order of the presiding member, be removed from the meeting.

(5) While the resolution under subclause (2) remains in force, the operation of clause 7.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.

(6) A resolution under this clause may be made without notice.

(7) Unless the Council resolves otherwise, once the meeting is re-opened to members of the public, the presiding member is to ensure that any resolution of the Council made while

the meeting was closed is to be read out including a vote of a member to be included in the minutes.

6.3 Question time for the public

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

6.4 Question time for the public at certain meetings

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

6.5 Minimum question time for the public

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

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
 - (a) a response is given to the member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to—
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the presiding member may elect for the questions to be responded to as normal business correspondence.
- (7) The presiding member may decide that a public question shall not be responded to where—
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the presiding member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have 2 minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Addresses by members of the public

- (1) Each person wishing to address the Council on items listed on the agenda will be invited by the presiding member to do so stating their name, address and to which item/s listed on the agenda for that meeting.
- (2) The presiding member may rule that the subject matter does not relate to the current agenda, and that the Public Address not be heard.
- (3) The presiding member will determine the order of speakers to address the Council.
- (4) The public address session will be restricted to 15 minutes unless the Council, by resolution, decides otherwise.
- (5) Each person is restricted to 1 address of up to 3 minutes unless the Council, by decision, determines that they may speak for no more than a further 2 minutes.
- (6) The presiding member may suspend or adjourn the public address session at any time, and any person addressing the Council will resume their seat when called upon to do so by the presiding member.
- (7) The presiding member shall suspend the public address session if the person making the address resorts to personal denigration of any person or persons.
- (8) The presiding member may comment on the address given or call upon a Councillor or Officer to comment. They may decline and if the subject matter of the address has not been considered by the Council, no substantive comment shall be offered. Any comments shall not exceed 3 minutes.

(9) Any breach of the standing orders may result in the person being prohibited from addressing the meeting at which the breach occurs.

6.9 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.10 Deputations

(1) Any person or group wishing to be received as a deputation by the Council is to either—

- (a) apply, before the meeting, to the CEO for approval; or**
- (b) with the approval of the presiding member, at the meeting, address the Council.**

(2) The CEO may either—

- (a) approve the request and invite the deputation to attend a meeting of the Council; or**
- (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.**

(3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting—

- (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from members;**
- (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,**
- (c) additional members of the deputation may be allowed to speak with the leave of the presiding member.**

(4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.11 Petitions

(1) A petition is to—

- (a) be addressed to the mayor;**
- (b) be made by electors of the district;**
- (c) state the request on each page of the petition;**
- (d) contain the name, address and signature of each elector making the request, and the date each elector signed;**
- (e) contain a summary of the reasons for the request; and**
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.**

(2) Upon receiving a petition, the Town is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause(3).

(3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—

- (a) the matter is the subject of a report included in the agenda; and**
- (b) the Council has considered the issues raised in the petition.**

6.12 Presentations

(1) In this clause, a *presentation* means the acceptance of a gift or an award by the Council on behalf of the Town or the community.

(2) A presentation may be made to the Council at a meeting only with the prior approval of the Chief Executive Officer.

6.13 Participation at committee meetings

(1) In this clause a reference to a person is to a person who—

- (a) is entitled to attend a committee meeting;**
- (b) attends a committee meeting; and**
- (c) is not a member of that committee.**

(2) Without the consent of the presiding member, no person is to address a committee meeting.

(3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.

(4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.

(5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee room.

(6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.14 Council may meet to hear public submissions

(1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.

(2) The CEO and the mayor shall set the time and date of the meeting to provide the opportunity to be heard.

(3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the presiding member shall—

(a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;

(b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.10 to make a deputation on the issue; and

(c) cause minutes to be kept of the meeting to provide the opportunity to be heard.

(4) A meeting held under subclause (1) shall be conducted only to hear submissions. The Council shall not make resolutions at a meeting to provide the opportunity to be heard.

(5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.

(6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the presiding member.

(7) Once every member of the public has had the opportunity to make a submission the presiding member is to close the meeting.

(8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.

(9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.15 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Administration Offices, Old Perth Road Bassendean, the Bassendean Library, and on the Town's website.

6.16 Confidentiality of information withheld

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

(a) identified in the agenda of a Council or committee meeting under the item "Matters for which 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 purpose 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

(g) if the disclosure is required or permitted by law

6.17 Recording of proceedings

A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the permission of the presiding member. Council will record the meeting for minute taking purposes only and cannot guarantee the accuracy or the quality of this recording and it cannot be assumed to be a complete record of proceedings.

6.18 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 shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the presiding member.

(3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.

(5) A person shall not behave in a manner that is contrary to section 75 of *The Criminal Code*.

PART 7—CONDUCT OF MEMBERS

7.1 Members to be in their proper places

(1) At the first meeting held after each election day, the CEO is to draw lots for the seating arrangements of the Councillors in the Chambers.

(2) Each member is to occupy his or her allotted position at each Council meeting.

7.2 Respect to the presiding member

After the business of a Council has been commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

7.3 Titles to be used

A speaker, when referring to the mayor, deputy mayor or presiding member, or a member or officer, is to use the title of that person's office.

7.4 Advice of entry or departure

During the course of a meeting of the Council, a member is not to enter or leave the meeting without first advising the presiding member, in order to facilitate the recording in the minutes of the time of entry or departure.

7.5 Members to indicate their intention to speak

A member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

7.6 Priority of speaking

(1) The voting entitlement of a presiding person at a meeting is dealt with in the Act.

(2) The presiding person may participate in the discussion of any motion before the meeting provided that the presiding person addresses the meeting before the right of replay is exercised.

(3) The presiding person may move a motion provided that the presiding person vacates the chair before moving the motion and that the deputy presiding person or another member presides over the meeting during the time that the motion is debated and voted upon.

7.7 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the Council, subject to compliance with this local law.

7.8 Relevance

(1) A member is to 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—

(i) any irrelevant, repetitious, offensive or insulting language by a member; or

(ii) any breach of order or decorum by a member; and

(b) direct that member, if speaking, to discontinue his or her speech.

(3) A member is to comply with the direction of the presiding member under subclause (2) by immediately ceasing to speak.

7.9 Speaking twice

A member is not to address the Council more than once on any motion or amendment except—

(a) as the mover of a substantive motion, to exercise a right of reply;

(b) to raise a point of order; or

(c) to make a personal explanation.

7.10 Duration of speeches

(1) A member is not to speak on any matter for more than 3 minutes without the consent of the Council which, if given, is to be given without debate.

(2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 5 minutes.

7.11 No speaking after conclusion of debate

A member is not to speak on any motion or amendment—

- (a) after the mover has replied; or**
- (b) after the question has been put.**

7.12 No interruption

A member is not to interrupt another member who is speaking unless—

- (a) to raise a point of order;**
- (b) to call attention to the absence of a quorum;**
- (c) to make a personal explanation under clause 7.13; or**
- (d) to move a procedural motion that the member be no longer heard (see clause 10.9).**

7.13 Personal explanations

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

(3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

7.14 No re-opening of discussion

A member is not to re-open discussion on any Council decision, except to move that the decision be revoked or changed (see Part 15).

7.15 Adverse reflection

(1) A member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 15).

(2) A member is not—

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

(3) A member is not to use offensive or objectionable expressions in reference to any member, officer or other person.

(4) If a member specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes—

- (a) the presiding member is to cause the words used to be taken down and read to the meeting for verification; and**
- (b) the Council may, by resolution, decide to record those words in the minutes.**

7.16 Withdrawal of offensive language

(1) A member who, in the opinion of the presiding member, uses an expression which—

- (a) in the absence of a resolution under clause 7.15—**
 - (i) reflects adversely on the character or actions of another member or officer; or**
 - (ii) imputes any motive to a member or officer; or**
- (b) is offensive or insulting,**

must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.

(2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

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 necessary, may call any member to order.

(2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every member present is to preserve strict silence so that the presiding member may be heard without interruption.

(3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.7, but to preserve order.

8.2 Point of order

- (1) A member may object, by way of a point of order, only to a breach of—**
 - (a) any of this local law; or**
 - (b) any other written law.**
- (2) Despite anything in this local law to the contrary, a point of order—**
 - (a) takes precedence over any discussion; and**
 - (b) until determined, suspends the consideration or discussion of any other matter.**

8.3 Procedures on a point of order

- (1) A member who is addressing the presiding member is not to be interrupted except on a point of order.**
- (2) A member interrupted on a point of order is to resume his or her seat until—**
 - (a) the member raising the point of order has been heard; and**
 - (b) the presiding member has ruled on the point of order,****and, if permitted, the member who has been interrupted may then proceed.**

8.4 Calling attention to breach

A member may, at any time, draw the attention of the presiding member to any breach of this local law.

8.5 Ruling by the presiding member

- (1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.**
- (2) A ruling by the presiding member on a point of order—**
 - (a) is not to be the subject of debate or comment; and**
 - (b) is to be final unless the majority of members then present and voting on a motion moved immediately after the ruling, dissent from the ruling.**
- (3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that—**
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and**
 - (b) a statement made or act done by a member is out of order, the presiding member may require the member to make an explanation, retraction or apology.**

8.6 Continued breach of order

If a member—

- (a) persists in any conduct that the presiding member had ruled is out of order; or**
- (b) refuses to make an explanation, retraction or apology required by the presiding member under clause 8.5(3),**

the presiding member may direct the member to refrain from taking any further part in that meeting, other than by voting, and the member is to comply with that direction.

8.7 Right of presiding member to adjourn

- (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 on the same day or to another day.**

PART 9—DEBATE OF SUBSTANTIVE MOTIONS

9.1 Motions to be stated and in writing

Any member who wishes to move a substantive motion or an amendment to a substantive motion—

- (a) is to state the substance of the motion before speaking to it; and**
- (b) if required by the presiding member, is to put the motion or amendment in writing.**

9.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.**
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.**

9.3 Unopposed business

(1) Immediately after a substantive 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 declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.

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

(5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 15).

9.4 Only 1 substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than 1 substantive motion at any time.

9.5 Order of call in debate

The presiding member is to call speakers to a substantive motion in the following order—

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

9.6 Limit of debate

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

9.7 Member may require question to be read

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

9.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

9.9 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

9.10 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

9.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

9.12 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

9.13 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

9.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

9.15 Withdrawal of motion or amendment

(1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

9.16 Right of reply

(1) The mover of a substantive motion has the right of reply.

- (2) The mover of any amendment to a substantive motion has a right of reply.
- (3) The right of the reply may only be exercised—
 - (a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or
 - (b) where 1 or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply—
 - (a) no other member is to speak on the question;
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

PART 10—PROCEDURAL MOTIONS

10.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 9), a member may move the following procedural motions—

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the presiding member be disagreed with;
- (g) that the meeting be closed to the public (see clause 6.2);
- (h) that the motion be deferred.

10.2 No debate

(1) The mover of a motion specified in paragraph (a), (b), (c), (f), (g) or (h) of clause 10.1 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 specified in paragraph (d) or (e) of clause 10.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

10.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

10.4 Procedural motions—right of reply on substantive motion

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

10.5 Meeting to proceed to the next business

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 Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

10.6 Debate to be adjourned

A motion “that the debate be adjourned”—

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

10.7 Meeting now adjourn

(1) A member is not to move or second more than 1 motion of adjournment during the same sitting of the Council.

(2) Before putting the motion for the adjournment of the Council, the presiding member may seek leave of the Council to deal first with matters that may be the subject of an adoption by en block voting (see clause 5.4).

(3) A motion “that the meeting now adjourn”—

- (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the Council determines otherwise.

10.8 Question to be put

- (1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion “that the question be now put” is carried during discussion of an amendment, the presiding member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

10.9 Member to be no longer heard

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

10.10 Ruling of the presiding member to be disagreed with

If the motion “that the ruling of the presiding member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 11—DISCLOSURE OF INTERESTS

11.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

PART 12—VOTING

12.1 Question—when put

- (1) 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 question to the Council; and
 - (b) if requested by any member, is to again state the terms of the question.

(2) A member is not to leave the meeting when the presiding member is putting any question.

12.2 Voting

Voting is dealt with in the Act and the Regulations.

12.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

12.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the presiding member—
- (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and,
 - (d) is, subject to this clause, to declare the result.
- (2) If a member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded—
- (a) his or her vote; or,
 - (b) the vote of all members present,
- on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (4) If a member calls for a division—
- (a) those voting in the affirmative are to pass to the right of the Chair; and
 - (b) those voting in the negative are to pass to the left of the Chair.
- (5) For every division, the CEO is to record—
- (a) the name of each member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

PART 13—MINUTES OF MEETINGS

13.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

13.2 Content of minutes

(1) The content of minutes is dealt with in the Regulations.

(2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

13.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

13.4 Confirmation of minutes

(1) When minutes of an ordinary meeting of the Council are distributed for consideration prior to their confirmation at the next meeting, if a member is dissatisfied with the accuracy of the minutes, the member may provide the Town with a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.

(2) At the next ordinary meeting of the Council, the member who provided the alternative wording shall, at the time for confirmation of minutes—

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

(3) Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

PART 14—ADJOURNMENT OF MEETING

14.1 Meeting may be adjourned

The Council may adjourn any meeting—

(a) to a later time on the same day; or

(b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

14.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law—

(a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;

(b) debate is to be resumed at the next meeting at the point where it was interrupted; and

(c) the provisions of clause 7.9 [speaking twice] apply when the debate is resumed.

PART 15—REVOKING OR CHANGING DECISIONS

15.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

15.2 Limitations on powers to revoke or change decisions

(1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision—

(a) where, at the time the motion is moved or notice is given, any action has been taken under clause 15.3 to implement the decision; or

(b) where the decision is procedural in its form or effect.

(2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

15.3 Implementing a decision

(1) In this clause—

(a) *authorisation* means a licence, permit, approval or other means of authorising a person to do anything;

(b) *implement*, in relation to a decision, includes—

(i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and

(ii) take any other action to give effect to the decision; and

(c) *valid notice of revocation motion* means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the standing orders and may be considered, but has not yet been considered, by the Council or a committee as the case may be.

(2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until after 10.00am of the first business day after the commencement of the meeting at which the decision was made.

(3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

(4) A decision made at a meeting is not to be implemented by the CEO or any other person—

(a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and

(b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.

(5) The CEO is to ensure that members of the public attending the meeting are informed by an appropriate notice that a decision to grant an authorisation—

(a) is to take effect only in accordance with this clause; and

(b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

PART 16—SUSPENSION OF STANDING ORDERS

16.1 Suspension of standing orders

(1) A member may at any time move that the operation of 1 or more of the provisions of this local law be suspended.

(2) A member moving a motion under subclause (1) is to state the reasons for the motion but no other discussion is to take place.

(3) A motion under subclause (1) which is—

(a) seconded; and

(b) carried by an absolute majority,

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.

16.2 Where standing orders do not apply

(1) In situations where—

(a) 1 or more provisions of this local law 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 is moved and carried under clause 10.10.

16.3 Cases not provided for in standing orders

The presiding member is to decide questions of order, procedure, debate, or otherwise in cases where this local law, the Act or the Regulations are silent. The decision of the presiding member in these cases is final, except where a motion is moved and carried under clause 10.10.

PART 17—MEETINGS OF ELECTORS

17.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

17.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Regulations.

17.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

17.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

17.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

17.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

17.7 Procedure for electors' meetings

(1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

(2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

17.8 Participation of non-electors

A person who is not an elector of the Town shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

17.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

17.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

17.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

PART 18—ENFORCEMENT

18.1 Penalty for breach

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

Penalty—up to \$1,000

18.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated 12 April 2011.

The Common Seal of the Town of Bassendean was affixed by resolution of the Council in the presence of—

**JOHN ROSS HENRY GANGELL, Mayor.
ROBERT CHARLES JARVIS, Chief Executive Officer.**

LG301*

LOCAL GOVERNMENT ACT 1995

City of Gosnells

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the *City of Gosnells* resolved on 19 April 2011 to make the following local law.

1. Citation

This local law is the *City of Gosnells Local Government Property Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law

In this local law the *City of Gosnells Local Government Property Local Law 2009* as published in the *Government Gazette* on 24 February 2009, is referred to as the principal local law. The principal local law is amended.

Clause 1.3 amended

In clause 1.3—

- (a) delete the definition “decency”;
- (b) in alphabetical order of the terms being defined, insert the definition—
“indecent exposure” means the revealing to view of those parts of the body, especially the genitals, which by law and convention should be covered by clothing under the given circumstances.

Clause 2.2 amended

In clause 2.2 insert a new subclause after subclause (7) to read—

- (8) A decision under subclauses (3) or (4) is not to be delegated by the Council.

Clause 2.8 amended

In clause 2.8 subclause (2) delete paragraph “(l)”.

Clause 3.12 amended

In clause 3.12, subclause (1)—

- (a) in paragraph (a) after the word “permit;” insert the word “or”;
- (b) in paragraph (b) after the word “permit;” delete “; or” and insert “.”; and
- (c) delete paragraph “c”.

Clause 3.16 amended

In clause 3.16 delete paragraph (a) and substitute it with—

- (a) take reasonable steps to maintain law and order by all in attendance at any function for which the local government property has been hired;

Clause 4.6 amended

In clause 4.6—

- (a) delete the title and insert “Appropriate behaviour and adequate clothing”
- (b) in subclause (2) delete the words “secure decency” where they appear in the second line and insert the words “prevent indecent exposure”.

Clause 5.3 amended

Delete clause 5.3 and insert the following—

5.3 A Person, club, organisation or association conducting a function at an aquatic centre shall take reasonable steps to—

- (a) prevent overcrowding;
- (b) ensure that no damage is done to the buildings or fencing or any other portion of an aquatic centre; and
- (c) ensure that these local laws are observed by all competitors, officials and spectators attending the function.

Clause 5.5 amended

In clause 5.5 after the word “centre” where it appears on the second line, insert the words “to record or transmit an image”.

Clause 8.3 amended

In clause 8.3 delete subclause (2).

Clause 8.5 deleted

Delete clause 8.5.

Schedule 1 amended

In Schedule 1—

- (a) delete reference to clause 4.6(1)(a);**
- (b) insert 5.3 and include the text “Failure to meet responsibilities for conduct at a function” with a modified penalty of \$100;**
- (c) amend 5.5 by deleting the text “Using a camera device” and replacing with “Record or transmit an image”; and**
- (d) delete reference to clause 8.5(2).**

Dated: 2 May 2011.

The Common Seal of the City of Gosnells was affixed by authority of a resolution of the Council in the presence of—

**O. SEARLE JP, Mayor.
I. COWIE, Chief Executive Officer.**

LG302*

LOCAL GOVERNMENT ACT 1995
DOG ACT 1976
City of Rockingham
DOGS AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and the *Dog Act 1976* and under all other powers enabling it, the Council of the City of Rockingham resolved on 22 February 2011 to make the following local law.

1. Citation

This local law may be cited as the *City of Rockingham Dogs Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law

In this local law, the *City of Rockingham Dogs Local Law 2000* published in the *Government Gazette* on 4 December 2000, as amended and published in the *Government Gazette* on 10 September 2010, is referred to as the principal local law. The principal local law is amended.

4. Clause 5.1 amended

In subclause (1), delete paragraphs (c), (d) and (e) and insert--

- (c) a food business as defined by section 10 of the *Food Act 2008* (WA) including "dining and drinking areas" as stated in Standard 3.2.2, Clause 24 of the *Food Standards Code*;
- (d) a public swimming pool;
- (e) any public beach except those listed in Schedule 4; and
- (f) any public reserve except those listed in Schedule 4.

5. Clause 5.2 amended

Delete subclause 1 and insert --

- 1. Subject to clause 5.1 and subclause (2) of this clause, for the purposes of sections 31 and 32 of the Act, the beaches, reserves and freehold land either owned or under the care, control and management of the local government as indicated by sign or signs as listed in Schedule 4.

6. Schedule 4 inserted

After Schedule 3, insert--

Schedule 4
DOG EXERCISE AREAS

(Clause 5.2)

Table 1—Reserves and freehold land dog exercise areas

Column 1	Column 2
BALDIVIS	SAFETY BAY
Baldivis Reserve Volume 1 and 2	Bequia Reserve
Trusty Park	Catalina Reserve
	Costa Rica Reserve
COOLOONGUP	Janet Park
Alf Powell Reserve	Forrester Road Reserve
Breaden Drive Reserve	Georgetown Drive Reserve
Deanne A Reserve	Gumnut Reserve
Deanna B Reserve	Malibu A, Malibu B
Elanora Drive	Malibu C, Malibu D
Glencoe Reserve	Mayfield Crescent
Grange Reserve	Nettleton Way Reserve
Hourglass Reserve	Panama Place Reserve
Madison Place Reserve	Royal Road Reserve
Paul Garnett Oval	Safety Bay Foreshore—Berry to June
St Michaels Reserve	Safety Bay Foreshore—Carlisle to Berry
Solquest Park	

Column 1	Column 2
GOLDEN BAY George Foster Reserve Golden Bay Foreshore Sawley Close Nature Reserve Tangadee Reserve	Safety Bay Foreshore—June to Malibu Wallsend Street Reserve Wilson Park
HILLMAN Calume Street Buffer Zone Ennis/Dixon Road Reserve Gabyon Park	SECRET HARBOUR Secret Harbour Foreshore Secret Harbour Oval
PERON Peron Park Point Peron Foreshore	SHOALWATER Apex Reserve Shoalwater Oval
PORT KENNEDY Majestic Close Reserve St Raphael Reserve Veterans Memorial Park— Endeavour Drive	SINGLETON Beacon Reserve Bight Reefs Reserve Singleton Reserve Whitehead Reserve
ROCKINGHAM Andromeda Wind Park Anniversary Park Volume 1 and 2 Antilla Place Reserve Aries Court Ashford Avenue Reserve Bayview Reserve Benjamin Way Reserve Bungaree Oval Careeba Park Casserley/Seabrooke Catalpa Christison Way Reserve Derwent Park Diamantina Reserve Dixon Road Conservation Area/Patterson Rd Dixon Road Reserve Volume 1 and 2 Dowling Street Reserve Falcon Reserve Governor Reserve Haselmere Circus Reserve Hercules Street Windbreak Houston Reserve Lewington Reserve Lynx Way Reserve Naval Memorial Park Volume 1 and 2 Rockingham Oval Volume 1 and 2 Rosewood Seabrooke Reserve Sepia Court Reserve Stan Twight Reserve Volume 1, 2 and 3 Sycamore Park	WARNBRO Balaka Reserve Bristol Reserve Cadbury Street Reserve Cannes Place Reserve Dress Circle Indigo Reserve La Seyne Reserve Galway Gardens Reserve Orleans Drive Reserve Swallowtail Reserve Drainage Tarwarri Park The Bay Foreshore Warnbro Torbay Mews Reserve Torcross Reserve Turner Street Reserve Warnbro Beach Road to Francis Warnbro Parklands Warnbro Recreation Centre/Oval— Volume 1 and 2 Welch Way Reserve
	WAIKIKI Blair Court Reserve Fairview Reserve Java Park Lakemba Reserve Gidgi Way Reserve Gnangara Oval Hinds Court Reserve Morningson Reserve Rand Avenue Reserve Volume 1 and 2 Santa Monica Reserve Seahaven Reserve Shelton Street Waikiki Foreshore—Malibu to Warnbro Beach Road

Column 1	Column 2
The Esplanade—Fisher to Hymus Warramunga Reserve	

Table 2—Beach dog exercise areas

BEACH EXERCISE AREAS--

1. The public beach bounded on the east by Rockingham Road, on the north by the northern boundary of the district, and on the west by a prolongation of Weld Street.
2. The public beach bounded on the east by Hymus Street and extending generally in a westerly direction and then in a southerly direction and bounded on the south by Boundary Road.
3. The public beach bounded on the north by a prolongation of McLarty Road, on the east by Arcadia Drive and on the south by the northern boundary of Mersey Point carpark.
4. The public beach bounded on the west from the eastern side of the Bent Street boat ramp, on the north by Safety Bay Road and on the east from the western side of the Donald Drive boat ramp.
5. The public beach bounded on the north by, and 40 metres to the north, of a prolongation of Shelton Street, on the east by Blakey and Fendham Streets and on the south by a prolongation of St Malo Close.
6. The public beach bounded on the north by the northern-most part of Capella Pass carpark beach access and extending generally in a southerly direction for a distance of 1km.
7. The public beach bounded on the north by the boundary of Port Kennedy and Secret Harbour and in a southerly direction to the public beach access of Siracusa Court carpark.
8. The public beach bounded on the north by a prolongation of Crystaluna Drive and extending in a southerly direction for a distance of 500 metres.
9. The public beach bounded on the north by a prolongation of Bight Reefs Road and extending in a southerly direction to the southern boundary of the district.

Dated: 27 April 2011.

The Common Seal of the City of Rockingham was affixed by authority of a resolution of the Council in the presence of—

BARRY SAMMELS, Mayor.
ANDREW HAMMOND, Chief Executive Officer.

LG303*

LOCAL GOVERNMENT ACT 1995
DIVIDING FENCES ACT 1961

City of Rockingham

FENCING AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Dividing Fences Act 1961*, *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Rockingham resolved on 27 April 2011 to make the following local law.

1. Citation

This local law may be cited as the *City of Rockingham Fencing Amendment Local Law 2011*.

2. Commencement

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

3. Principal local law

In this local law, the *City of Rockingham Fencing Local Law 2000* published in the *Government Gazette* on 21 March 2001, as amended and published in the *Government Gazette* on 1 November 2002 and on 19 November 2010, is referred to as the principal local law. The principal local law is amended.

4. Clause 6 amended

Delete the designation “(3)” in the first instance and re-designate it “(1)”.

Dated: 27 April 2011.

The Common Seal of the City of Rockingham was affixed by authority of a resolution of the Council in the presence of—

BARRY SAMMELS, Mayor.
ANDREW HAMMOND, Chief Executive Officer.

!201100075GG!



WESTERN
AUSTRALIAN
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LOCAL GOVERNMENT ACT 1995

SHIRE OF BUSSELTON

**STANDING ORDERS
LOCAL LAW 2010**

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STANDING ORDERS LOCAL LAW 2010

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LOCAL GOVERNMENT ACT 1995

SHIRE OF BUSSELTON

STANDING ORDERS LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Busselton resolved on 27 April 2011 to make this local law.

PART 1—PRELIMINARY

1.1 Citation

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

1.2 Commencement

This local law comes into operation on the 14th day after the day on which it is published in the *Government Gazette*.

1.3 Application and intent

(1) This local law provides rules and guidelines which apply to the conduct of meetings of the Council and its committees.

(2) All meetings are to be conducted in accordance with the Act, the Administration Regulations and this local law.

(3) This local law is intended to result in—

- (a) better decision-making by the Council and committees;
- (b) the orderly conduct of meetings dealing with Council business;
- (c) better understanding of the process of conducting meetings; and
- (d) the more efficient and effective use of time at meetings.

1.4 Interpretation

(1) In this local law unless the context otherwise requires—

“absolute majority” has the meaning given to it in the Act;

“Administration Regulations” means the *Local Government (Administration) Regulations 1996*;

“75% majority” has the meaning given to it in the Act;

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

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

“committee” means a committee of the Council established under section 5.8 of the Act;

“Council” means the Council of the Shire;

“councillor” has the same meaning as is given to it in the Act;

“deputy president” means the deputy president of the Shire;

“employee” means an employee of the Shire;

“meeting” means a meeting of the Council or a committee, as the context requires;

“member” means—

(a) in relation to the Council, an elected member of the Shire;

(b) in relation to a committee, a member of that committee;

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

“president” means the president of the Shire;

“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;

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

“Shire” means the Shire of Busselton;

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

“special majority” has the same meaning as is given to it in the Act;

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

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

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

1.5 Repeal

The Proceedings and Business of Council Local Law 2004, published in the *Government Gazette* on 23 March 2004, is repealed.

PART 2—ESTABLISHMENT AND MEMBERSHIP OF COMMITTEES

2.1 Establishment of committees

(1) The establishment of committees is dealt with in the Act.

(2) A Council resolution to establish a committee under section 5.8 of the Act is to include—

(a) the terms of reference of the committee;

(b) either—

(i) the names or titles of the members, employees and any other persons to be appointed to the committee; or

(ii) the number of members, officers and any other persons to be appointed to the committee and a provision that they be appointed under a separate resolution; and

(c) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.

2.2 Types of committees

The types of committees are dealt with in the Act.

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

2.5 Appointment of committee members

The appointment of committee members is dealt with in the Act.

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

2.7 Appointment of deputies

The appointment of a person to be a deputy of a member of a committee is dealt with in the Act.

2.8 Resignation of committee members

The resignation of committee members is dealt with in the Administration Regulations.

2.9 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

2.10 Committees to report

A committee—

(a) is answerable to the Council;

(b) is to report on its activities when, and to the extent, required by the Council; and

(c) is to prepare and submit to the Council reports containing recommendations.

PART 3—CALLING AND CONVENING MEETINGS

3.1 Ordinary and special Council meetings

(1) Ordinary and special Council meetings are dealt with in the Act.

(2) An ordinary meeting of the Council is for the purpose of considering and dealing with the ordinary business of the Council.

(3) A special meeting of the Council may be held for the purpose of considering and dealing with Council business that is either urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

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

3.3 Convening Council meetings

(1) The convening of a Council meeting is dealt with in the Act.

(2) Subject to subclause (3), the CEO is to give at least 72 hours notice, for the purposes of section 5.5 of the Act, in convening a special meeting of the Council.

(3) Where, in the opinion of the president or at least one-third of the members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

A meeting of a committee is to be held—

(a) if called for in a verbal or written request to the CEO by the president or the presiding member of the committee, advising the date and purpose of the proposed meeting;

(b) if called for by at least one-third of the members of the committee in a notice to the CEO, setting out the date and purpose of the proposed meeting; or

(c) in accordance with a decision of the Council or the committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Administration Regulations.

PART 4—PRESIDING MEMBER AND QUORUM

Division 1—Presiding Member

4.1 Who presides

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

4.2 When the deputy president can act

When the deputy president can act is dealt with in the Act.

4.3 Who acts if no president

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

4.4 Election of presiding members of committees

The election of presiding members of committees is dealt with in the Act.

4.5 Election of deputy presiding members of committees

The election of deputy presiding members of committees is dealt with in the Act.

4.6 Functions of deputy presiding members

The functions of deputy presiding members are dealt with in the Act.

4.7 Who acts if no presiding member

Who acts if no presiding member is dealt with in the Act.

Division 2—Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Administration Regulations.

4.12 Procedure where quorum not present during a meeting

If, at any time during a meeting, a quorum is not present—

- (a) the presiding member is immediately to suspend the proceedings of the meeting for a period of up to 15 minutes;
- (b) if a quorum is not present at the expiry of the suspension period under paragraph (a), the presiding member may either adjourn the meeting to some future time or date or may extend the extension period for a further period of up to 30 minutes; and
- (c) if a quorum is not present at the expiry of the extended period of suspension under paragraph (b), the presiding member is to adjourn the meeting to a later time on the same day or to another day.

4.13 Names to be recorded

At any meeting—

- (a) at which there is not a quorum present; or
 - (b) which is adjourned for want of a quorum,
- the names of the members then present are to be recorded in the minutes.

4.14 Adjourned meeting procedures

Where a meeting is adjourned for want of a quorum—

- (a) the names of members who have spoken on a matter that was interrupted by the adjournment are to be recorded in the minutes and clause 8.9 applies when the debate on the matter is resumed; and
- (b) the resumed meeting is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

PART 5—BUSINESS OF A MEETING

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the presiding member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) No business is to be transacted at a committee meeting other than that specified in the agenda, or in the notice of the meeting as the purpose of the meeting, without the approval of the presiding member or a decision of the committee.
- (4) Where a Council meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports at that ordinary meeting.
- (5) Where a committee meeting is adjourned to the next ordinary committee meeting, the business unresolved at the meeting that is adjourned is to be given precedence at that ordinary meeting.
- (6) Where a Council or committee meeting is adjourned to a meeting not described in subclause (4) or (5), no business is to be transacted at that later meeting other than that—
 - (a) specified in the notice of the meeting that is adjourned; and
 - (b) which remains unresolved.

5.2 Order of business

(1) Unless otherwise decided by the presiding member or the Council, the order of business at any ordinary meeting of the Council is to be as follows—

- * Declaration of opening/announcement of visitors
- * Attendance
 - Apologies
 - Approved leave of absence
- * Prayer
- * Public question time
 - Response to previous public questions taken on notice
 - Public question time
- * Announcements without discussion
 - Announcements by the presiding member
 - Announcements by other members at the invitation of the presiding member
- * Applications for Leave of Absence
- * Presentations
 - Petitions
 - Presentations by parties with an interest
- * Confirmation of minutes
- * Disclosure of interests
- * Reports

- Reports of committees
- Reports of the CEO.
- * Motions of which previous notice has been given
- * Meeting closed to public
 - Matters for which the meeting may be closed
 - Public reading of resolutions that may be made public
- * Questions from members
 - Response to previous questions from members taken on notice
 - Questions from members
- * Public question time
- * Closure.

(2) Unless otherwise decided by the presiding member or the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the notice of, or agenda for, the meeting.

Note: in exercising its discretion relating to the order of business under subclause (1) and (2), a meeting must comply with the requirements of the Act and Administration Regulations relating to public question time (see clauses 6.3-6.6 below).

(3) Despite subclauses (1) and (2), 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.

5.3 Grant of leave of absence

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

5.4 Announcements without discussion

Announcements made at a Council meeting are—

- (a) to inform the Council of matters of importance to the Council;
- (b) to be brief and concise; and
- (c) not to be the subject of any discussion.

5.5 Motions of which previous notice has been given

(1) Unless the Act, Administration 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 and which has been included on the agenda.

(2) A notice of motion under subclause (1) is to be given at least 21 clear days before the meeting at which the motion is moved.

(3) A notice of motion must relate to the good governance of the district.

(4) The CEO—

- (a) with the concurrence of the president, may exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any of these standing orders or any other written law;
- (b) is to inform members on each occasion that a notice has been excluded and the reasons for that exclusion;
- (c) may, after consultation with the member where this is practicable, make such amendments to the form but not the substance as will bring the notice of motion into due form; and
- (d) may provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.

(5) A motion of which notice has been given is to lapse unless—

- (a) the member who gave notice of it, or some other member authorised by the originating member in writing, moves the motion when called on; or
- (b) the Council or the committee on a motion agrees to defer consideration of the motion to a later stage or date.

5.6 Adoption by exception resolution

(1) In this clause “adoption by exception resolution” means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the committee or employee recommendation as the Council resolution.

(2) The Council may pass an adoption by exception resolution.

(3) An adoption by exception resolution may not be used for a matter—

- (a) that requires an absolute majority, a 75% majority or a special majority;
- (b) in which an interest has been disclosed;
- (c) that is a matter on which a member wishes to ask a question;
- (d) that is a matter on which a member wishes to make a statement; or

- (e) that is a matter on which a member wishes to move a motion that is different to the recommendation.
- (4) Subject to subclause (5), a member is to identify an item for exclusion from the adoption by exception resolution and the reason for the exclusion by the provision of written notification, including the motion that is different to the recommendation if applicable, by 3pm on the day before the meeting.
- (5) A member can seek the permission of the Presiding Member at the meeting to be allowed to move a motion of which notice has not been given in accordance with subclause (4), however, any motion of which notice has been given in accordance with subclause (4) will take priority.
- (6) Where a matter is excluded from the adoption by exception resolution in accordance with subclause 3(e) or subclause (5) and it contains a recommendation from a committee, members shall first be given the option to debate the committee recommendation.

PART 6—PUBLIC PARTICIPATION

6.1 Meetings generally open to the public

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

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a 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 to members of the public a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried—
- (a) the presiding member is to direct all members of the public and any employees specified to leave the meeting;
 - (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)(a) may, by order of the presiding member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended unless the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Once the meeting is reopened to members of the public, the presiding member is to ensure that, if members of the public return to the meeting, any resolution made while the meeting was closed is to be read out or summarised.

6.3 Question time for the public

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

6.4 Question time for the public at certain meetings

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

6.5 Minimum question time for the public

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

6.6 Procedures for question time for the public

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

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice for later response.
- (3) When a question is taken on notice the CEO is to ensure that—
- (a) a response is given to the member of the public in writing prior to the next meeting; and
 - (b) a summary of the response is presented to and recorded in the minutes of the next meeting.
- (4) Each member of the public with one or more questions is to be given an equal and fair opportunity, to be determined by the presiding member, to ask the question or questions.
- (5) The presiding member may decide that a public question is not to be responded to where—

- (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
- (b) the member of the public uses public question time to make a statement;
- (c) the member of the public asks a question that is offensive or defamatory in nature;
- (d) the member of the public has asked a number of questions about the same or a similar matter and the Presiding Member is of a view that the question or questions have already been answered or the matter adequately dealt with.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the presiding member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor is to be recorded in the minutes.

6.9 Petitions

(1) A petition, in order to be considered by the Council, is to—

- (a) be addressed to the president;
- (b) be made by electors of the district;
- (c) state the request on each page of the petition;
- (d) contain the name, address and signature of each elector making the request;
- (e) contain a summary of the reasons for the request;
- (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given;
- (g) be respectful and temperate in its language.

Notwithstanding these requirements, the Presiding Member may allow the petition to be considered in circumstances where the petition complies with the majority of the requirements.

(2) In response to a petition presented to it, the Council may determine—

- (a) that the petition be received;
- (b) that the petition be rejected; or
- (c) that the petition be received and referred to the CEO to prepare a report to the Council or a committee.

(3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—

- (a) the matter is the subject of a report included in the agenda; and
- (b) the Council has considered the issues raised in the petition.

6.10 Presentations by parties with an interest

(1) Once an agenda of a meeting of Council has been issued, parties with a demonstrable interest in any item listed on the agenda for discussion may seek to present to the Council at the time during the meeting allocated for this purpose.

(2) A person must demonstrate that they are a party with an interest in an item on the agenda by stating their name, the item to which they wish to speak, whether or not they are in agreement with the recommendation in the agenda and they are—

- (a) The applicant or one duly authorised representative of the applicant; or
- (b) An adjoining neighbour sharing a common length of boundary or directly opposite neighbour of the affected property; or
- (c) One person duly representing a community-based organisation where an item on the agenda has broad community impact and is associated with the objectives of the organisation; or
- (d) Such other person as in the opinion of the presiding member has a significant direct interest or is duly representing those that have a significant direct interest in the item.

(3) A person addressing Council on an agenda item will be limited to a period of 5 minutes unless the person is granted an extension by the presiding member.

(4) Members may, through the presiding member, question a person addressing Council on the item but no debate or general discussion will be permitted.

6.11 Participation at committee meetings

(1) In this clause a reference to a person is to a person who—

- (a) is entitled to attend a committee meeting;
- (b) attends a committee meeting; and
- (c) is not a member of that committee.

(2) Without the consent of the presiding member, no person is to address a committee meeting.

(3) The presiding member of a committee may allow a person to make an oral submission to the committee for up to 5 minutes.

(4) A person addressing the committee with the consent of the presiding member is to cease that address immediately after being directed to do so by the presiding member.

(5) A person who fails to comply with a direction of the presiding member under subclause (4) may, by order of the presiding member, be removed from the committee meeting.

6.12 Confidentiality of information withheld

(1) Information withheld by the CEO from the public under regulation 14(2) of the Administration Regulations is to be marked "*Confidential*" in the agenda.

6.13 Recording of proceedings

A person must not use any electronic, visual or vocal recording device or instrument to record the proceedings of a meeting without the permission of the presiding member.

6.14 Prevention of disturbance

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

(2) A person addressing a meeting must extend due courtesy and respect to the Council or the committee and the processes under which it operates and must comply with any direction by the presiding member.

(3) A person present at or observing a meeting must not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(4) A person must ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting.

(5) The presiding member may warn a person who fails to comply with this clause.

(6) If—

(a) after being warned, the person again acts contrary to this clause, or to any of these standing orders; 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.

(7) 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 7—QUESTIONS BY MEMBERS

7.1 Questions without notice

(1) Subject to clause 10.16(4), members may ask questions without notice—

(a) In relation to an item on the notice paper during discussion or debate on the matter; or

(b) In relation to the good government of persons in the district during the agenda item questions from members.

(2) A member requesting general information at a meeting may ask a question without notice and with the consent of the presiding member, may ask one or more further questions.

(3) Where possible the respondent is to endeavour to answer the question to the best of his or her knowledge and ability, however, if the information is unavailable or the answer requires research or investigation, the respondent may ask that—

(a) the question is taken on notice; and

(b) the answer to the question be given to the members as soon as practicable.

(4) Every question and answer—

(a) is to be brief and concise; and

(b) is not to be accompanied by argument, expression of opinion or statement of facts, except to the extent necessary to explain the question or answer.

(5) In answering any question, a respondent may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting, correct, add to or otherwise amend the original answer.

PART 8—CONDUCT OF MEMBERS

8.1 Members to be in their proper places at Council meetings

(1) At the first meeting held after each election day, the members will be allocated a position at the Council table by a ballot conducted by the CEO after considering requests for a specific allocation for special circumstances.

(2) Each member is to occupy his or her allotted position at each Council meeting.

8.2 Respect to the presiding member

After the business of a meeting has commenced, a member is not to enter or leave the meeting without first paying due respect to the presiding member.

8.3 Titles to be used

A speaker, when referring to the president, deputy president or presiding member, or a member or employee, is to use the title of that person's office.

8.4 Entering or leaving a meeting

During the course of a meeting, a member is not to enter or leave the meeting without first giving an appropriate indication, in order to facilitate the recording in the minutes of the time of entry or departure.

8.5 Members to indicate their intention to speak

A member who wishes to speak at a meeting is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the presiding member.

8.6 Priority of speaking

(1) Where two or more members indicate, at the same time, their intention to speak, the presiding member is to decide which member is entitled to be heard first.

(2) A decision of the presiding member under subclause (1) is not open to discussion or dissent.

(3) A member is to cease speaking immediately after being asked to do so by the presiding member.

8.7 Presiding member may take part in debates

The presiding member may take part in a discussion of any matter before the meeting, subject to compliance with this local law.

8.8 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—

(i) any irrelevant, repetitious, offensive or insulting language by a member; or

(ii) any breach of order by a member; and

(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.

8.9 Speaking twice

A member must not address the meeting more than once on any motion or amendment except—

(a) as the mover of a substantive motion or an amendment, to exercise a right of reply;

(b) to raise a point of order; or

(c) to make a personal explanation.

This clause does not apply to committee meetings unless the committee by resolution decides that it should apply to a meeting, part or parts of a meeting.

8.10 Duration of speeches

(1) A member must not speak on any matter for more than 5 minutes without the consent of the members which, if given, is to be given without debate.

(2) An extension under this clause cannot be given to allow a member's total speaking time to exceed 10 minutes.

8.11 No speaking after conclusion of debate

A member must not speak on any motion or amendment—

(a) after the mover has replied; or

(b) after the motion or amendment has been put.

8.12 No interruption

A member must not interrupt another member who is speaking unless—

(a) to raise a point of order;

(b) to call attention to the absence of a quorum; or

(c) to make a personal explanation under clause 8.13.

8.13 Personal explanations

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

(2) The personal explanation is to be heard at the conclusion of the speech by the other member.

(3) A member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.14 No reopening of discussion

A member must not reopen discussion on any decision, except to move that the decision be revoked or changed (see Part 16).

8.15 Adverse reflection

(1) A member must not reflect adversely on a decision of the Council or committee except on a motion that the decision be revoked or changed (see Part 16).

(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 meeting resolves, without debate, that the matter then before the meeting cannot otherwise be adequately considered.

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

(4) If a member specifically requests, immediately after their use, that any particular words used by a member that reflect adversely on another member or employee be recorded in the minutes, the member making the request is to provide the words to the meeting for verification and the presiding member is to cause the words used to be taken down and recorded in the minutes.

8.16 Withdrawal of offensive language

(1) A member who, in the opinion of the presiding member, uses an expression which—

(a) in the absence of a resolution under clause 8.15—

(i) reflects adversely on the character or actions of another member or an employee; or

(ii) imputes any motive to another member or an employee; or

(b) is offensive or objectionable,

must, when directed by the presiding member, withdraw the expression and make a satisfactory apology.

(2) If a member fails to comply with a direction of the presiding member under subclause (1), the presiding member may refuse to hear the member further on the matter then under discussion and call on the next speaker.

PART 9—PRESERVING ORDER

9.1 Presiding member to preserve order

(1) The presiding member is to preserve order, and, whenever he or she considers necessary, may call any member to order.

(2) When the presiding member speaks during a debate, any member then speaking, or indicating that he or she wishes to speak, must immediately sit down and every member present must preserve strict silence so that the presiding member may be heard without interruption.

(3) Subclause (2) is not to be used by the presiding member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order

(1) A member may object, by way of a point of order, only to a breach of—

(a) any of these standing orders; or

(b) any other written law.

(2) Despite anything in this local law to the contrary, a point of order—

(a) takes precedence over any discussion; and

(b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

(1) A member who is addressing the presiding member must not be interrupted except on a point of order.

(2) A member interrupted on a point of order must resume his or her seat until—

(a) the member raising the point of order has been heard; and

(b) the presiding member has ruled on the point of order,

and, if permitted, the member who has been interrupted may then proceed.

9.4 Calling attention to breach

A member may, at any time, draw the attention of the presiding member to any breach of this local law.

9.5 Ruling by the presiding member

(1) The presiding member is to rule on any point of order which is raised by either upholding or rejecting the point of order.

(2) A ruling by the presiding member on a point of order—

(a) is not to be the subject of debate or comment; and

(b) is to be final unless the majority of members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.

(3) Subject to a motion of dissent being carried under subclause (2), if the presiding member rules that—

(a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and

(b) a statement made or act done by a member is out of order, the presiding member may direct the member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a member—

(a) persists in any conduct that the presiding member had ruled is out of order; or

(b) refuses to comply with a direction from the presiding member (such as a direction under clause 8.8(2)(b), 8.16(1) or 9.5(3)(b)),

the presiding member may direct the member to refrain from taking any further part in the debate on the matter then before the meeting, other than by voting, and the member must comply with that direction.

9.7 Right of presiding member to adjourn

(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 on the same day or to another day.

PART 10—DEBATE OF SUBSTANTIVE MOTIONS

10.1 Motions to be stated and in writing

(1) A member who wishes to move a substantive motion or an amendment to a substantive 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 he or she is required to do so by the presiding member.

10.2 Motions to be supported

(1) A substantive motion or an amendment to a substantive 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 regulation 10 of the Administration Regulations.

10.3 Unopposed business

(1) Immediately after a substantive 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 immediately proceed to put the matter to the vote.

10.4 Only one substantive motion at a time

The presiding member is not to accept a substantive motion while another substantive motion is being debated.

10.5 Complex motions

The presiding member may require that a complex substantive motion, or a complex amendment to a substantive 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.

10.6 Order of call in debate

(1) The presiding member is to call speakers to a substantive motion in the following order—

(a) the mover to state the motion;

- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

(2) When called on to speak, the seconder to a motion may elect to reserve that right and speak to the motion at a later time when a speaker for the motion is called.

10.7 Member may require motion or amendment to be read

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

10.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Number and order of amendments

(1) No more than three amendments may be proposed to a substantive motion unless the presiding member determines that further amendments are to be permitted.

(2) Where an amendment is moved to a substantive motion, a second or subsequent amendment is not to be moved or considered until the first amendment has been withdrawn, carried or lost.

(3) An amendment may be proposed to a substantive motion either in its original terms or as subsequently amended.

10.10 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.12 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.13 Mover of motion may speak on amendment

Any member, including the mover of a motion, may speak during debate on an amendment.

10.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and a further amendment may be moved, subject to the limitation on the number of amendments in clause 10.9.

10.15 Withdrawal of motion or amendment

(1) Subject to subclause (2), the members may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.

(2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.16 Right of reply

(1) The mover of a substantive motion has the right of reply.

(2) The mover of any amendment to a substantive motion has a right of reply.

(3) The right of reply may be exercised only—

(a) where no amendment is moved to the substantive motion—at the conclusion of the discussion on the motion; or

(b) where one or more amendments have been moved to the substantive motion—at the conclusion of the discussion on the substantive motion and any amendments.

(4) After the mover of the substantive motion has commenced the reply—

(a) no other member is to speak on the motion;

(b) there is to be no further discussion on, question about or any further amendment to, the motion.

(5) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

(6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote, subject to any requirement to read the motion under clause 10.7 before the vote.

PART 11—PROCEDURAL MOTIONS

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 10), a member may move the following procedural motions—

- (a) that the item be referred or adjourned to a Council or a committee meeting;
- (b) that the meeting now adjourn;
- (c) that the motion or amendment be now put;
- (d) that the ruling of the presiding member be disagreed with;
- (e) that the meeting be closed to the public (see clause 6.2).

11.2 Who may move

A member who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, cannot move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.3 Procedural motions—right of reply on substantive motion

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

11.4 Item to be referred or adjourned

(1) A motion “that the item be referred or adjourned”—

- (a) is, in the case of a referral, to state the Council or committee meeting to which the item is to be referred and the time of that meeting (and the reasons for the motion);
- (b) is, in the case of an adjournment, to state the time to which the debate on the item is to be adjourned (and the reasons for the motion); and
- (c) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but is to continue at the meeting, and at the time, stated in the motion.

(2) If a motion “that the item be adjourned” is carried at a meeting—

- (a) the names of members who have spoken on the item are to be recorded in the minutes; and
- (b) clause 8.9 is to apply when the debate on the item is resumed.

11.5 Meeting now adjourn

(1) A member is not to move or second more than one motion of adjournment during the same meeting.

(2) Before putting the motion for the adjournment, the presiding member may seek leave of the meeting to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.6).

(3) A motion “that the meeting now adjourn”—

- (a) is to state the time and date to which the meeting is to be adjourned; and
- (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.

(4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the presiding member or the meeting determines otherwise.

11.6 Motion or amendment to be put

(1) If the motion “that the motion be now put”, is carried during debate on a substantive motion without amendment, the presiding member is to offer the right of reply and then put the motion to the vote without further debate.

(2) If the motion “that the amendment be now put” is carried during discussion of an amendment, the presiding member is to offer the right of reply in relation to the amendment and then put the amendment to the vote without further debate.

(3) This motion, if lost, causes debate to continue.

11.7 Ruling of the presiding member to be disagreed with

If the motion “that the ruling of the presiding member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

PART 12—DISCLOSURE OF INTERESTS

12.1 Disclosure of interests

The requirements for members and employees to disclose financial and other interests, the nature of the interests that must be disclosed, and related matters are dealt with in the Act, the Administration Regulations, the Rules of Conduct Regulations and the Code of Conduct.

12.2 Separation of committee recommendations

Where, at a committee meeting, a member discloses a financial interest in a matter, and the matter is included in the recommendations (or part of the recommendations) of the committee to a Council or committee meeting that will or may be attended by the member, the agenda of that Council or committee meeting is to separate the relevant recommendation (or the relevant part of the recommendation) from other recommendations of the committee.

Note: the purpose of this clause is to enable the member to declare the interest and leave the room before the consideration of the matter in which he or she has the interest.

PART 13—VOTING

13.1 Motion—when put

(1) Immediately after the debate on any motion 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 any member, is to again state the terms of the motion.

(2) A member is not to leave the meeting when the presiding member is putting any motion.

13.2 Voting

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

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

13.4 Method of taking vote

(1) In taking the vote on any motion or amendment the presiding member—

(a) is to put the motion or amendment, first in the affirmative, and then in the negative;

(b) may put the motion or amendment in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;

(c) is to count and determine the votes of members in any way (such as electronically or by a show of hands) that enables a record to be taken of each member's vote; and

(d) subject to this clause, is to declare the result.

(2) The CEO is ensure that the minutes record whether or not the motion is carried unanimously, and if the motion is not carried unanimously—

(a) the name of each member who voted; and

(b) whether he or she voted in the affirmative or negative.

PART 14—MINUTES OF MEETINGS

14.1 Keeping of minutes

The keeping and confirmation of minutes are dealt with in the Act.

14.2 Content of minutes

The content of minutes is dealt with in the Administration Regulations.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Administration Regulations.

14.4 Confirmation of minutes

(1) If a member is dissatisfied with the accuracy of the draft minutes, he or she is to provide alternative wording to amend the draft minutes for consideration of the members present at the meeting where the minutes are to be confirmed.

(2) At that meeting, the member who provided the alternative wording shall, at the time for confirmation of minutes—

(a) state the item or items with which he or she is dissatisfied; and

(b) propose a motion clearly outlining the alternative wording to amend the minutes.

PART 15—ADJOURNMENT OF MEETING

15.1 Meeting may be adjourned

The Council or a committee may adjourn any meeting—

(a) to a later time on the same day; or

(b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under this local law—

- (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 apply when the debate is resumed.

PART 16—REVOKING OR CHANGING DECISIONS

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Administration Regulations.

PART 17—SUSPENSION OF STANDING ORDERS

17.1 Suspension of standing orders

- (1) A member may at any time move that the operation of one or more of these standing orders be suspended.
- (2) A motion under subclause (1) which is seconded and carried is to suspend the operation of the standing order or orders to which the motion relates for the duration of the meeting or such other part of the meeting specified in the motion, unless the meeting earlier resolves otherwise.

17.2 Where standing orders do not apply

- (1) In situations where—
 - (a) one or more of these standing orders have been suspended; or
 - (b) a matter is not regulated by the Act, the Administration 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 is moved and carried under clause 11.7.

PART 18—MEETINGS OF ELECTORS

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

18.2 Matters for discussion at electors' general meetings

The matters to be discussed at electors' general meetings are dealt with in the Administration Regulations.

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Administration Regulations.

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Administration Regulations.
- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the presiding member is to have regard to this local law.

18.8 Participation of non-electors

A person who is not an elector of the Shire must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

Note: A person who is not an elector of the Shire cannot vote at an electors' meeting (see clause 18.9).

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Administration Regulations.

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

PART 19—ENFORCEMENT

19.1 Penalty for breach

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

Penalty—\$1,000.00 and a daily penalty of \$100.00.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

PART 20—COMMON SEAL

20.1 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.

20.2 Register

The CEO is to maintain a register that is to record, in respect of each occasion when the common seal is affixed to a document—

- (a) the date that the common seal was affixed;**
- (b) the nature of the document; and**
- (c) the parties described in the document.**

20.3 Use of common seal

The use of the common seal is dealt with in the Act.

Dated: 27 April 2011.

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

IAN. W. STUBBS, President.
MICHAEL S. L. ARCHER, Chief Executive Officer.
