

LG301*

LOCAL GOVERNMENT ACT 1995

City of Fremantle

PLASTIC BAG REDUCTION LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Fremantle resolved on 25 February 2015 to make the following local law.

1. Citation

This local law may be cited as the *City of Fremantle Plastic Bag Reduction Local Law 2015*.

2. Commencement

This local law comes into operation 180 days after the date of its publication in the *Government Gazette*.

3. Application

This local law shall apply throughout the district.

4. Definitions

In this local law unless the context otherwise requires—

Act means the *Local Government Act 1995*;

alternative shopping bag means—

- (a) a biodegradable bag;
- (b) a reusable plastic bag; or
- (c) any other shopping bag that is not a single use plastic shopping bag;

AS means Australian Standard as published by Standards Australia;

authorised person means a person authorised by the local government under section 9.10 of the Act to administer or enforce the local law;

biodegradable bag means a carry bag comprised of material of a type that has been assessed and tested in accordance with the relevant standard and can, in accordance with the relevant standard, be designated as compostable;

district means the district of the local government;

local government means the City of Fremantle;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

relevant standard means AS 4736/2006 Biodegradable plastics—Biodegradable plastics suitable for composting and other microbial treatment as amended from time to time;

retailer means a person selling retail goods;

reusable plastic bag means a carry bag—

- (a) the body of which comprises (in whole or in part) polyethylene, polypropylene or polyethylene terephthalate with a thickness of 60 microns or more; and
- (b) that includes handles;

Schedule means a schedule to this local law; and

single use plastic shopping bag means—

- (a) a carry bag—
 - (i) the body of which comprises (in whole or in part) polyethylene, polypropylene or polyethylene terephthalate with a thickness of less than 60 microns; and
 - (ii) that includes handles;

but does not include—

- (b) a biodegradable bag;
- (c) a reusable plastic bag; or
- (d) a plastic bag that constitutes, or forms an integral part of, the packaging in which goods are sealed prior to sale.

5. Retailer not to provide single use plastic shopping bag

(1) A retailer shall not provide a single use plastic shopping bag to a customer as a means of carrying goods purchased, or to be purchased, from the retailer.

(2) It is a defence to a charge under subclause (1) if the retailer proves that he or she believed on reasonable grounds that the bag was not a single use plastic shopping bag.

(3) The prohibition contained in subclause (1) applies whether or not a fee is charged to the customer for provision of a single use plastic shopping bag.

(4) Subclause (1) shall not prevent a retailer from providing an alternative shopping bag to a customer as a means of carrying goods purchased, or to be purchased, from the retailer.

6. Person must not represent that supplied single use plastic shopping bag is not a single use plastic shopping bag

A person who is in the business of selling or providing plastic bags to retailers shall not sell, supply or provide a bag to a retailer knowing that it is a single use plastic shopping bag if prior to, or in the course of, selling, supplying or providing the bag, the person represents to the retailer that the bag is not a single use plastic shopping bag.

7. Offences and general penalty

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

(2) Any person who commits an offence under this local law is liable, upon conviction, to a penalty not exceeding \$2,500, and if the offence is of a continuing nature, to an additional penalty not exceeding \$250 for each day or part of a day during which the offence has continued.

8. Prescribed offences

(1) An offence against a clause specified in Schedule 1 is a prescribed offence for the purposes of section 9.16(1) of the Act.

(2) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in Schedule 1.

(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.

9. Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (b) the form of the notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

Schedule 1

PRESCRIBED OFFENCES

(Clause 8)

Clause	Description	Modified Penalty \$
5(1)	Provision of single use plastic shopping bag by retailer	\$150
6	Representing to retailer that supplied single use plastic shopping bag is not a single use plastic shopping bag	\$250

Dated this 5th day of March 2015.

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

B. PETTITT, Mayor.
G. MacKENZIE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF EXMOUTH

MEETING PROCEDURES LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Exmouth resolved on 19 February 2015 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Exmouth Meeting Procedures Local Law 2015*.

1.2 Commencement

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

1.3 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 local government;

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 local government;

local government means the Shire of Exmouth;

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

member has the meaning given to it in the Act;

Minister means the Minister for Local Government;

President means the President of the local government or other presiding member at a Council meeting under section 5.6 of 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.

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.

(3) This local law is to apply to the conduct of committee meetings.

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 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

The CEO is to call a meeting of any committee when requested by the President, the presiding member of a committee or any two 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 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 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 under Items 11 and 12 at that ordinary meeting.

5.2 Order of business

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

1. Declaration of opening and announcement of visitors
2. Record of attendance, apologies and approved leave of absence
3. Response to previous public questions taken on notice
4. Public questions time
5. Declarations of interest
6. Applications for leave of absence
7. Confirmation of minutes of previous meetings
8. Announcements by presiding person
9. Petitions, deputations, presentations and submissions
10. Method of dealing with agenda business
11. Reports of Elected Members
 - 11.1. Shire Presidents Report
 - 11.2. Elected members
12. Reports
 - 12.1. Reports of committees
 - 12.2. Reports of Officers

13. Elected Members motions of which previous notice has been given
14. New business of an urgent nature introduced by decision of meeting
15. Meeting closed to the public
 - 15.1. Matters to be considered behind closed doors
 - 15.2. Public reading of resolutions that may be made public
16. Closure of meeting

(2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.

(3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.

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 8 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 President, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any 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) may provide to the Council 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 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 New business of an urgent nature

(1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the presiding member that is carried by the meeting, be raised without notice and decided by the meeting.

(2) In subclause (1), *cases of extreme urgency or other special circumstances* means matters that have arisen after the preparation of the agenda that are considered by the presiding member to be of such importance and urgency that they are unable to be dealt with administratively by the local government and must be considered and dealt with by the Council before the next meeting.

5.5 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 officer recommendation as the Council resolution.

(2) Subject to subclause (3), the local government may pass an adoption by exception resolution.

(3) An adoption by exception resolution 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 one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.

- (3) If a resolution under subclause (2) is carried—
 - (a) the presiding member is to direct everyone to leave the meeting except—
 - (i) the members;
 - (ii) the CEO; and
 - (iii) any officer specified by the presiding member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3)(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 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 reopened 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 two 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 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.

6.9 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.

6.10 Petitions

- (1) A petition 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, 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 local government 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.

6.11 Presentations

- (1) In this clause, a presentation means the acceptance of a gift or an award by the Council on behalf of the local government or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 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.

6.13 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 President 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 6.9 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).

6.14 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 offices of the local government.

6.15 Confidentiality of information withheld

(1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be—

- (a) identified in the agenda of a Council meeting under clause 5.2 'Matters to be considered behind closed doors';
 - (b) marked *Confidential* in the agenda; and
 - (c) kept confidential by officers and members until the Council resolves otherwise.
- (2) A member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed 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 officer to the extent necessary for the purpose of carrying out his or her duties.
- (3) Subclause (2) does not apply where a member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.16 Recording of proceedings

- (1) A person is not to use any electronic, visual or audio recording device or instrument to record the proceedings of the Council without the written permission of the presiding member.
- (2) If the presiding member gives permission under subclause (1), he or she is to advise the meeting, immediately before the recording is commenced, that such permission has been given and the nature and extent of the permission.

6.17 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.

PART 7—QUESTIONS BY MEMBERS

7.1 Questions by members

- (1) Members may ask questions relating to an item on the notice paper or on matters related to the good government of persons in the district.
- (2) A member requesting general information from an officer at a Council meeting may ask a question without notice and with the consent of the presiding member, may ask one or more further questions of that officer or another officer present at the meeting.
- (3) Where possible the officer shall 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 officer may ask that—
 - (a) the question be placed on notice for the next meeting of Council; and
 - (b) the answer to the question be given to the member who asked it within 14 days.
- (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, an officer may qualify his or her answer and may at a later time in the meeting or at a subsequent meeting alter, correct, add to or otherwise amend the original answer.

PART 8—CONDUCT OF MEMBERS

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, the CEO is to allot, alphabetically a position at the Council table to each member.
- (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 Council has been 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 officer, is to use the title of that person's office.

8.4 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 or entry or departure.

8.5 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.

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 Council, subject to compliance with this local law.

8.8 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.

8.9 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.

8.10 Duration of speeches

- (1) A member is not to speak on any matter for more than 5 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 10 minutes.

8.11 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.

8.12 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 8.13; or
- (d) to move a procedural motion that the member be no longer heard under clause 11(1)(e).

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 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.

8.14 No reopening of discussion

A member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed.

8.15 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.

(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,

unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.

(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.

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 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 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 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.

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 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.

9.3 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 remain silent 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 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.

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 make an explanation, retraction or apology required by the presiding member under clause 9.5(3),

the presiding member may direct the member to refrain from taking any further part in the debate of that item, other than by voting, and the member is to 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

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.

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 meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

10.3 Only one 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 one substantive motion at any time.

10.4 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.

10.5 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.

10.6 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.

10.7 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.

10.8 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.

10.9 Form of an amendment

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

10.10 Amendment must not negate original motion

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

10.11 Relevance of amendments

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

10.12 Mover of motion may speak on amendment

Any member may speak during debate on an amendment.

10.13 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.

10.14 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.

10.15 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 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 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 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 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 under clause 6.2.

11.2 No debate

(1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

(2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 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.

11.3 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.

11.4 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.

11.5 Meeting to proceed to the next business

The motion that the meeting proceed to the next 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.

11.6 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.

11.7 Meeting now adjourn

(1) A member is not to move or second more than one 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 exception resolution under clause 5.5.

(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.

11.8 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.

11.9 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.

11.10 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 12—DISCLOSURE OF INTERESTS

12.1 Disclosure of interests

Disclosure of interests is dealt with in the Act.

PART 13—VOTING

13.1 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.

13.2 Voting

Voting is dealt with in the Act and the 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 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.

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

- (1) The content of minutes is dealt with in the Regulations.
- (2) In addition to the matters required by regulation 11 of the Regulations, 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.

14.3 Public inspection of unconfirmed minutes

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

14.4 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 local government 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 15—ADJOURNMENT OF MEETING

15.1 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.

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 in relation to speaking twice 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 Regulations.

16.2 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 16.3 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.

16.3 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 this local law 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 the afternoon 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 17—SUSPENSION OF LOCAL LAW

17.1 Suspension of local law

(1) A member may at any time move that the operation of one 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.

17.2 Where local law does not apply

(1) In situations where—

- (a) one 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 11.10.

17.3 Cases not provided for in local law

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 11.10.

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 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 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 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 local government shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so.

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the 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 \$500.00.

19.2 Who can prosecute

Who can prosecute is dealt with in the Act.

Dated: 19 February 2015.

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

Cr C. SHALES, President.
A. W. PRICE, Chief Executive Officer.

LOCAL GOVERNMENT ACT 1995

SHIRE OF EXMOUTH

PARKING LOCAL LAW 2015

Under the powers conferred on it by the *Local Government Act 1995* and under all other relevant powers, the Council of the Shire of Exmouth resolved on 19 February 2015 to make this local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Exmouth Parking Local Law 2015*.

1.2 Commencement

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

1.3 Repeal

The Shire of Exmouth Local Law Relating to Parking and Parking Facilities published in the *Government Gazette* on 23 October 1998 is repealed.

1.4 Application

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

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

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

1.5 Definitions

In this local law—

Act means the *Local Government Act 1995*;

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;

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

bay includes 'stall' and 'space';

bicycle has the meaning given to it in the Code;

bicycle path has the meaning given to it in the Code;

bus has the meaning given to it in the Code;

bus embayment has the meaning given to it in the Code;

bus stop has the meaning given to it in the Code;

bus zone has the meaning given to it in the Code;

caravan has the meaning given to it in the *Caravan Parks and Camping Grounds Act 1995*, as amended;

carriageway means—

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

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

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

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

children's crossing has the meaning given to it in the Code;

CEO means the Chief Executive Officer of the local government;

Code means the *Road Traffic Code 2000*;

commercial vehicle—

- (a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

disability parking permit has the meaning given to it by the *Local Government (Parking for People with Disabilities) Regulations 2014*;

district means the district of the local government;

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

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

emergency vehicle has the meaning given to it in the Code;

footpath has the meaning given to it in the Code;

GVM (which stands for 'gross vehicle mass') has the meaning given to it in the Code;

loading zone means a parking bay which is set aside for use by commercial vehicles if there is a sign referable to that bay marked 'loading zone';

local government means the Shire of Exmouth;

mail zone has the meaning given to it in the Code;

median strip has the meaning given to it in the Code;

motor cycle has the meaning given to it in the Code;

motor vehicle—

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

nature strip has the meaning given to it in the Code;

no parking area has the meaning given to it in the Code;

no parking sign means a sign with—

- (a) the words 'no parking' in red letters on a white background; or
- (b) the letter 'P' within a red annulus and a red diagonal line across it on a white background;

no stopping area has the meaning given to it in the Code;

no stopping sign means a sign with—

- (a) the words 'no stopping' or 'no standing' in red letters on a white background;
- (b) the words 'no stopping' or 'no standing' in white letters on a red background; or
- (c) the letter 'S' within a red annulus and a red diagonal line across it on a white background.

occupier has the meaning given to it in the Act;

owner—

- (a) where used in relation to a vehicle licensed under the *Road Traffic Act 1974*, means the person in whose name the vehicle has been registered under that Act;
- (b) where used in relation to any other vehicle, means the person who owns, or is entitled to possession of that vehicle; and
- (c) where used in relation to land, has the meaning given to it by the Act;

park has the meaning given to it in the Code;

parking area has the meaning given to it in the Code;

parking facilities includes—

- (a) land, buildings, shelters, parking stations, parking bays and other facilities open to the public generally for the parking of vehicles with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

parking region means the area described in Schedule 1;

parking bay means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking station means any land, or structure provided for the purpose of accommodating vehicles with or without charge;

path has the same meaning given to it in the Code;

pedestrian crossing has the meaning given to it in the Code;

public bus has the meaning given to it in the Code;

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

reserve means any land—

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

right of way means a portion of land that is—

- (a) shown and marked ‘Right of Way’ or ‘R.O.W’, or coloured or marked in any other way to signify that the portion of land is a right of way, on any plan or diagram deposited with the Registrar of Titles that is subject to the provisions of section 167A of the *Transfer of Land Act 1893*;
- (b) shown on a diagram or plan of survey relating to a subdivision that is created as a right of way and vested in the Crown under section 152 of the *Planning and Development Act 2005*; or
- (c) shown and marked as a right of way on a map or plan deposited with the Registrar of Titles and transferred to the Crown under the *Transfer of Land Act 1893*,

but does not include—

- (i) a private driveway; or
- (ii) a right of way created by easement between two parties;

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

Schedule means a Schedule to this local law;

shared zone has the meaning given to it in the Code;

sign includes a traffic sign, inscription, road marking, mark, structure or device on which may be shown words, numbers, expressions or symbols, that is—

- (a) approved by the local government; and
- (b) placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles;

special purpose vehicle has the meaning given to it in the Code;

stop has the meaning given to it in the Code;

symbol includes any symbol specified by Australian Standard 1742.11-1999 (Manual of uniform control devices, Part 11: Parking controls) and any symbol specified from time to time by Standards Australia for use in the regulation of parking, and any reference to the wording of any sign in this local law includes a reference to the corresponding symbol;

taxi means a taxi within the meaning of the *Taxi Act 1994*;

taxi zone has the meaning given to it in the Code;

thoroughfare has the meaning given to it by the Act;

traffic island has the meaning given to it in the Code;

trailer has the meaning given to it in the Code;

vehicle has the meaning given to it in the Road Traffic Act; and

verge has the same meaning as **nature strip**.

1.6 Application of particular definitions

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

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

1.7 Pre-existing signs

(1) A sign that—

- (i) was erected by the local government or the Commissioner of Main Roads before the commencement of this local law; and
- (ii) relates to the parking of vehicles within the parking region,

is to be deemed to have been erected by the local government under this local law.

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

(3) Where an inscription, word, number, expression or symbol on a sign referred to in subclause (1) relates to the stopping of vehicles, it is to be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

1.8 Classes of vehicles

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

- (i) buses;
- (ii) commercial vehicles;
- (iii) motorcycles and bicycles;
- (iv) taxis; and
- (v) all other vehicles.

1.9 Part of thoroughfare to which sign applies

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

- (i) is beyond the sign;
- (ii) is between that sign and the next sign; and
- (iii) is on that side of the thoroughfare nearest to the sign.

1.10 Powers of the local government

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

PART 2—PARKING BAYS AND PARKING STATIONS

2.1 Determination of parking bays and parking stations

The local government may constitute, determine and indicate by signs—

- (i) parking bays;
- (ii) parking stations;
- (iii) permitted time and conditions of parking in parking bays and parking stations which may vary with the locality;
- (iv) permitted classes of vehicles which may park in parking bays and parking stations;
- (v) permitted classes of persons who may park in specified parking bays or parking stations; and
- (vi) the manner of parking in parking bays and parking stations.

2.2 Vehicles to be within parking bay on thoroughfare

(1) Subject to subclause (2), a person must not park a vehicle in a parking bay in a thoroughfare otherwise than—

- (i) where the parking bay is set out parallel to the kerb—parallel to and as close to the kerb as is practicable;
- (ii) wholly within the bay; and
- (iii) headed in the direction of the movement of traffic on the side of the thoroughfare in which the bay is situated.

(2) If a vehicle is too long or too wide to fit completely within a single parking bay then the person parking the vehicle must do so within the minimum number of parking bays needed to park that vehicle.

(3) A person must not park a vehicle partly within and partly outside a parking area.

2.3 Parking prohibitions and restrictions

(1) A person must not—

- (i) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
- (ii) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station or parking bay contrary to a sign referable to that part;
- (iii) permit a vehicle to park on any part of a parking station or parking bay, if an authorised person directs the driver of the vehicle to move the vehicle; or
- (iv) park or attempt to park a vehicle in a parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked 'motorcycles only', if the bicycle is parked in accordance with subclause (2).

(2) A person must not park a bicycle—

- (i) in a parking bay other than in a bay marked 'motorcycles only'; and
- (ii) in such bay other than against the kerb.

(3) Despite subclause (1)(ii), a driver may park a vehicle in a bay that is in a parking area (except where it is in a parking area for people with a disability) for twice the length of time allowed if—

- (i) the driver's vehicle displays a disability parking permit; and
- (ii) a person with a disability to whom that disability parking permit relates is either the driver of, or a passenger in, the vehicle.

PART 3—PARKING GENERALLY

3.1 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person must not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—
- (i) if by a sign it is set apart for the parking of vehicles of a different class;
 - (ii) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (iii) during any period when the parking of vehicles is prohibited by a sign.
- (2) Subclause (3) applies to a driver if—
- (i) the driver's vehicle displays an disability parking permit; and
 - (ii) a disabled person to whom the disability parking permit relates is either the driver of the vehicle or a passenger in the vehicle.
- (3) A driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates, for twice the period indicated on the sign.
- (4) A person must not park a vehicle—
- (i) in a no parking area;
 - (ii) in a parking area, except in accordance both with the signs relating to the parking area and with this local law;
 - (iii) in a bay marked 'motorcycle only', unless the vehicle is a bicycle or a motorcycle without a sidecar or a trailer; or
 - (iv) at any time in a right of way.
- (5) A person must not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating 'Authorised Vehicles Only'.

3.2 Event parking

- (1) A sign may indicate that all or part of a parking station, road or public place is set aside, during the period indicated in the sign, for the parking of vehicles by persons attending a particular event.
- (2) The local government may issue to a person a permit in respect of all or part of a parking station, road or public place for an event referred to in subclause (1).
- (3) A person must not park or stop a vehicle, or permit a vehicle to remain parked, in any area that is set aside under subclause (1) unless the permit issued under subclause (2) for the relevant event is displayed inside the vehicle so that it is clearly visible to an authorised person examining the ticket from outside the vehicle.

3.3 Parking vehicle on a carriageway

- (1) Unless otherwise permitted by a sign, a person parking a vehicle on a carriageway other than in a parking bay must park it—
- (i) in the case of a two-way carriageway, so that it is as near as practicable to and parallel with, the left boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (ii) in the case of a one-way carriageway, so that it is as near as practicable to and parallel with either boundary of the carriageway and headed in the direction of the movement of traffic on the side of the thoroughfare on which the vehicle is parked;
 - (iii) so that at least 3 metres of the width of the carriageway lies between—
 - (1) the vehicle and the farther boundary of the carriageway, or any continuous dividing line or median strip; or
 - (2) between the vehicle and any part of a vehicle parked on the farther side of the carriageway;
 - (iv) so that the front and the rear of the vehicle respectively is not less than 1 metre from any other vehicle, except a motorcycle without a trailer, or a bicycle parked in accordance with this local law; and
 - (v) so that it does not obstruct any vehicle on the carriageway.
- (2) In this clause, 'continuous dividing line' means—
- (i) a single continuous dividing line only;
 - (ii) a single continuous dividing line to the left or right of a broken dividing line; or
 - (iii) 2 parallel continuous dividing lines.

3.4 When parallel and right-angled parking apply

Where a sign relating to a parking area is not inscribed with the words 'angle parking' (or with an equivalent symbol depicting this purpose), then unless a sign relating to the parking area indicates, that vehicles have to park in a different position, where the parking area is—

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

3.5 When angle parking applies

(1) This clause does not apply to—

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

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

3.6 General prohibitions on parking

(1) This clause does not apply to a vehicle parked in a parking bay or to a bicycle in a bicycle rack.

(2) Subclauses (3)(c), (e) and (g) do not apply to a vehicle parked in a bus embayment.

(3) Unless a sign indicates otherwise, a person must not park a vehicle so that any portion of the vehicle is—

- (i) between any other stationary vehicle and the centre of the carriageway;
- (ii) on or adjacent to a median strip;
- (iii) obstructing a right of way, private drive or carriageway or so close as to deny a vehicle reasonable access to or egress from the right of way, private drive or carriageway;
- (iv) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
- (v) on or within 10 metres of any portion of a carriageway bounded by a traffic island;
- (vi) on any footpath or pedestrian crossing;
- (vii) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines;
- (viii) between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line;
- (ix) on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway;
- (x) within 1 metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug;
- (xi) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is parked; or

(4) A person must not park a vehicle so that any portion of the vehicle is within 20 metres of the approach site, or within 10 metres of the departure side, of—

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

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

3.7 Authorised person may order vehicle on thoroughfare to be moved

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

3.8 Authorised person may mark tyres

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

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

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

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

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

3.10 Parking on private land

(1) In this clause a reference to ‘land’ does not include land—

- (i) which belongs to the local government;

- (ii) of which the local government is the management body under the *Land Administration Act 1997*;
 - (iii) which is an 'otherwise unvested facility' within section 3.53 of the Act;
 - (iv) which is the subject of an agreement referred to in clause 1.4(2).
- (2) A person must not park a vehicle on land without the consent of the owner or occupier of the land on which the vehicle is parked.
- (3) Where the owner or occupier of the land, by a sign referable to that land or otherwise, consents to the parking of vehicles of a specified class or classes on the land for a limited period, a person must not park a vehicle on the land otherwise than in accordance with the consent.

3.11 Parking on reserves

Other than an employee of the local government in the course of his or her duties or a person authorised by the local government, a person must not drive or park a vehicle on or over any portion of a reserve other than upon an area specifically set aside for that purpose.

PART 4—STOPPING GENERALLY

4.1 No stopping

- (1) A driver must not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (2) A driver must not stop at the side of a carriageway marked with a continuous yellow edge line.

4.2 No parking

- (1) A driver must not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver—
- (i) is dropping off, or picking up, passengers or goods;
 - (ii) does not leave the vehicle unattended; and
 - (iii) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.
- (2) For the purposes of subclause (1)—'unattended', in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle.

PART 5—STOPPING IN ZONES FOR PARTICULAR VEHICLES

5.1 Stopping in a loading zone

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

- (i) a commercial vehicle engaged in the picking up or setting down of goods; or
- (ii) a motor vehicle taking up or setting down passengers,

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

- (iii) for longer than a time indicated on the 'loading zone' sign; or
- (iv) for longer than 30 minutes (if no time is indicated on the 'loading zone' sign).

5.2 Stopping in a taxi zone or a bus zone

- (1) A driver must not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver must not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

5.3 Other limitations in zones

A person must not stop a vehicle in a zone to which a sign applies if stopping the vehicle would be contrary to any limitation with respect to the class of persons or vehicles, or the specific activity allowed, as indicated by additional words on the sign.

PART 6—OTHER PLACES WHERE STOPPING IS RESTRICTED

6.1 Stopping in a shared zone

A driver must not stop in a shared zone unless—

- (i) the driver stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law;
- (ii) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under this local law;
- (iii) the driver is dropping off, or picking up, passengers or goods; or
- (iv) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

6.2 Double parking

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

(2) This clause does not apply to—

- (i) a driver stopped in traffic; or
- (ii) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

6.3 Stopping near an obstruction

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

6.4 Stopping on a bridge, etc.

A driver must not stop a vehicle on a bridge, causeway, ramp or similar structure unless—

- (i) the carriageway is at least as wide on the structure as it is on each of the approaches and a sign does not prohibit stopping; or
- (ii) the driver stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.

6.5 Stopping on crests, curves, etc.

A driver must not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle from a distance of 50 metres.

6.6 Stopping near a fire hydrant etc.

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

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

(2) For the purposes of subclause (1)—‘**unattended**’, in relation to a vehicle, means that the driver has left the vehicle and is more than 3 metres from the closest point of the vehicle.

6.7 Stopping at or near a bus stop

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

- (i) the vehicle is a public bus stopped to take up or set down passengers; or
- (ii) the driver stops at a place on a length of carriageway, or in an area, where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.

(2) In this clause, distances are measured in the direction in which the driver is driving.

6.8 Stopping on a path, median strip or traffic island

The driver of a vehicle (other than a bicycle or an animal) must not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in a place where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.

6.9 Stopping on a verge

(1) A person must not—

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

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is—

- (i) the owner or occupier of the premises immediately adjacent to that verge; or
- (ii) is authorised by the occupier of those premises to stop the vehicle so that any portion of it is on that verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle if—

- (i) it is being loaded or unloaded with reasonable expedition with goods or merchandise collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked; and
- (ii) no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

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

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

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

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

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

6.11 Stopping on a carriageway—heavy and long vehicles

(1) Unless engaged in the picking up or getting down of goods, a person must not park, on a carriageway for any period exceeding one hour, a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 8 metres or more in length or exceeds a GVM of 4.5 tonnes.

(2) Nothing in this clause affects the operation of any other clause in this local law, or any other written law relating to the parking or stopping of vehicles.

6.12 Stopping on a carriageway with a bicycle parking sign

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

6.13 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle must not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'motorcycle only' unless—

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

PART 7—MISCELLANEOUS

7.1 Removal of notices on vehicle

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

7.2 Unauthorised signs and defacing of signs

A person must not without the authority of the local government—

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

7.3 Signs must be complied with

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

7.4 General provisions about signs

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

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

7.5 Special purpose and emergency vehicles

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

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

7.6 Vehicles not to obstruct a public place

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

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

PART 8—ENFORCEMENT

8.1 Legal proceedings

Evidentiary provisions relating to offences involving vehicles are contained in Division 2 of Part 9 of the Act.

8.2 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law is to be liable, on conviction, to a penalty not less than \$250 and not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.3 Form of notices

For the purposes of this local law—

- (i) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 3;
- (ii) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (iii) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 3; and
- (iv) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

SCHEDULE 1—PARKING REGION

[Clause 1.4]

The parking region is the whole of the district except—

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

SCHEDULE 2—PRESCRIBED OFFENCES

[Clause 8.2(4)]

Item No.	Clause No.	Nature of offence	Modified penalty \$
1	2.2(1)	Failure to park wholly within parking bay	60
2	2.2(3)	Failure to park wholly within parking area	60
3	2.3(1)(i)	Causing obstruction in parking station	80
4	2.3(1)(ii)	Parking contrary to sign in parking station	60
5	2.3(1)(iii)	Parking contrary to directions of authorised person	60
6	2.3(1)(iv)	Parking or attempting to park a vehicle in a parking bay occupied by another vehicle	60
7	3.1(1)(i)	Parking wrong class of vehicle	60
8	3.1(1)(ii)	Parking by persons of a different class	60
9	3.1(1)(iii)	Parking during prohibited period	80
10	3.1(4)(i)	Parking in no parking area	80
11	3.1(4)(ii)	Parking contrary to signs or limitations	60
12	3.1(4)(iii)	Parking vehicle in motor cycle only area	60
13	3.1(4)(iv)	Parking vehicle in a right of way	60
14	3.1(4)(v)	Parking vehicle in excess of maximum time	60
15	3.1(5)	Parking without permission in an area designated for 'Authorised Vehicles Only'	60
16	3.2(3)	Failure to display event parking permit	60
17	3.3(1)(i)	Failure to park on the left of two-way carriageway	80
18	3.3(1)(ii)	Failure to park on boundary of one-way carriageway	60
19	3.3(1)(i) or (ii)	Parking against the flow of traffic	80
20	3.3(1)(iii)	Parking when distance from farther boundary less than 3 metres	60

Item No.	Clause No.	Nature of offence	Modified penalty \$
21	3.3(1)(iv)	Parking closer than 1 metre from another vehicle	60
22	3.3(1)(v)	Causing obstruction	80
23	3.4(i) or (ii)	Failure to park at approximate right angle or parallel to carriageway	60
24	3.5(2)	Failure to park at an appropriate angle	60
25	3.6(3)(i)	Double parking	60
26	3.6(3)(ii)	Parking on or adjacent to a median strip	80
27	3.6(3)(iii)	Denying access to private drive or right of way	80
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SCHEDULE 3—INFRINGEMENTS NOTICE FORMS

LOCAL GOVERNMENT ACT 1995

FORM 1

[Clause 8.3(i)]

PARKING LOCAL LAW 2015

NOTICE TO OWNER OF VEHICLE INVOLVED IN OFFENCE

Date / /

To: (1).....

of: (2).....

It is alleged that on / / at (3).....

at (4)..... your vehicle—

make: ;

model: ;

registration: ,

was involved in the commission of the following offence—

.....

.....

.....

.....

contrary to clause of the **Parking Local Law**.

You are required under section 9.13 of *the Local Government Act 1995* to identify the person who was

the driver or person in charge of the vehicle at the time when the offence is alleged to have been

committed.

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

(a) within 28 days after being served with this notice;

(i) you inform the Chief Executive Officer or another authorised officer of the local

government as to the identity and address of the person who was the driver or person

in charge of the vehicle at the time the offence is alleged to have been committed; and

(ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being

unlawfully used, at the time the offence is alleged to have been committed;

or

(b) you were given an infringement notice for the alleged offence and the modified penalty

specified in it is paid within 28 days after the notice was given or such further time as is

allowed.

(5)

(6)

Insert—

(1) Name of owner or 'the owner'

(2) Address of owner (not required if owner not named)

(3) Time of alleged offence

(4) Location of alleged offence

(5) Signature of authorised person

(6) Name and title of authorised person giving notice

SCHEDULE 3

LOCAL GOVERNMENT ACT 1995

FORM 2

[Clause 8.3(ii)]

PARKING LOCAL LAW 2015

INFRINGEMENT NOTICE

Serial No

Date / /

To: (1).....

of: (2).....

It is alleged that on / / at (3).....

at (4).....

in respect of vehicle—

make: ;

model: ;

registration: ,

you committed the following offence—

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

contrary to clause of the **Parking Local Law**.

The modified penalty for the offence is \$

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

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

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

(6)

(7)

Insert—

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

—————
SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 3
 [Clause 8.3(iii)]
PARKING LOCAL LAW 2015
INFRINGEMENT NOTICE

Serial No

Date / /

To: (1).....

of: (2).....

It is alleged that on / / at (3)

at (4)

in respect of vehicle—

make: ;

model: ;

registration: ,

you committed the following offence—

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

contrary to clause of the **Parking Local Law**.

The modified penalty for the offence is \$

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

Unless within 28 days after being served with this notice—

- (a) you pay the modified penalty; or
- (b) you—
 - (i) inform the Chief Executive Officer or another authorised officer of the local government as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
 - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed,

you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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

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

- (6)
- (7)

Insert—

- (1) Name of owner or 'the owner'
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

SCHEDULE 3
LOCAL GOVERNMENT ACT 1995
FORM 4
[Clause 8.3(iv)]
PARKING LOCAL LAW 2015
WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No
Date / /

To: (1).....
of: (2).....
Infringement Notice No. dated / /
in respect of vehicle—

make: ;
model: ;
registration: ,
for the alleged offence of
.....
.....

has been withdrawn.
The modified penalty of \$
has been paid and a refund is enclosed.
has not been paid and should not be paid.
delete as appropriate.

- (3)
- (4)

Insert—

- (1) Name of alleged offender to whom infringement notice was given or 'the owner'.
- (2) Address of alleged offender.
- (3) Signature of authorised person.
- (4) Name and title of authorised person giving notice.

Dated: 19 February 2015.

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

Cr C. SHALES, President.
A. W. PRICE, Chief Executive Officer.

!2015052GG!

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LOCAL GOVERNMENT ACT 1995

TOWN OF PORT HEDLAND

PARKING LOCAL LAW 2015

LOCAL GOVERNMENT ACT 1995

TOWN OF PORT HEDLAND

PARKING LOCAL LAW 2015

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LOCAL GOVERNMENT ACT 1995

TOWN OF PORT HEDLAND

PARKING LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Town of Port Hedland resolved on 25 February 2015 to make the following local law.

PART 1— PRELIMINARY

1.1 Citation

This local law is cited as the *Town of Port Hedland Parking Local Law 2015*.

1.2 Commencement

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

1.3 Repeal

The *Town of Port Hedland Parking Local Laws* as published in the *Government Gazette* on 3 April 1998, is repealed.

1.4 Application

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

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

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

1.5 Definitions

In this Local Law unless the context otherwise requires—

Act means the *Local Government Act 1995*;

all terrain vehicle means any motorised off-road vehicle designed to travel on four low pressure tyres, having a seat designed to be straddled by the operator and handlebars for steering control;

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;

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

bicycle has the meaning given to it in the Code;

bicycle lane has the meaning given to it in the Code;

bicycle path has the meaning given to it in the Code;

bicycle path road marking has the meaning given to it in the Code;

bicycle stand means a stationary fixture to which a bicycle can be securely attached to prevent theft;

bus has the meaning given to it in the Code;

bus embayment has the meaning given to it in the Code;

bus lane has the meaning given to it in the Code;

bus lane road marking has the meaning given to it in the Code;

bus stop has the meaning given to it in the Code;

bus zone has the meaning given to it in the Code;

caravan has the meaning given to it in the *Caravan Parks and Camping Grounds Act 1995*;

carriageway has the meaning given to it in the Code;

centre has the meaning given to it in the Code;

children's crossing has the meaning given to it in the Code;

CEO means the Chief Executive Officer of the local government and includes an Acting Chief Executive Officer;

Code means the *Road Traffic Code 2000*;

commercial vehicle—

- (a) means a motor vehicle constructed for the conveyance of goods or merchandise, or for the conveyance of materials used in any trade, business, industry or work whatsoever, other than a motor vehicle for the conveyance of passengers; and
- (b) includes any motor vehicle that is designed primarily for the carriage of persons, but which has been fitted or adapted for the conveyance of the goods, merchandise or materials referred to, and is in fact used for that purpose;

continuous dividing line has the meaning given to it in the Code;

district means the district of the local government;

disability parking permit has the meaning given to it in the *Local Government (Parking for People with Disabilities) Regulations 2014*;

dividing strip has the meaning given to it in the Code;

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

dwelling unit means premises lawfully used for self contained living quarters;

edge line has the meaning given to it in the Code;

emergency vehicle has the meaning given to it in the Code;

footpath has the meaning given to it in the Code;

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

heavy vehicle has the meaning given to it in the Code;

intersection has the meaning given to it in the Code;

keep clear marking has the meaning given to it in the Code;

kerb means and includes the constructed border or edge of the portion of a road paved for the use of vehicular traffic where any constructed border exists at the edge of the paved road whether any footpath has been constructed or not;

level crossing has the meaning given to it in the Code;

loading zone has the meaning given to it in the Code;

local government means the Town of Port Hedland;

mail zone has the meaning given to it in the Code;

median strip has the meaning given to it in the Code;

motor cycle has the meaning given to it in the Code;

motor vehicle has the meaning given to it in the Road Traffic Act;

nature strip has the meaning given to it in the Code;

no parking area has the meaning given to it in the Code;

no parking sign means a sign with the letter ‘P’ within a red annulus and a red diagonal line across it on a white background;

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

no stopping sign means a sign with the letter ‘S’ within a red annulus and a red diagonal line across it on a white background;

obstruction has the meaning given to it in the Code;

occupier has the meaning given to it in the Act;

one-way carriageway has the meaning given to it in the Code;

owner—

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

painted island has the meaning given to it in the Code;

park has the meaning given to it in the Code;

parking area has the meaning given to it in the Code;

parking bay means a section or part of a thoroughfare or of a parking station which is marked or defined by painted lines, metallic studs, coloured bricks or pavers or similar devices for the purpose of indicating where a vehicle may be parked;

parking control sign has the meaning given to it in the Code;

parking facility includes—

- (a) land, buildings, shelters, parking stations, parking bays and other facilities open to the public generally for the parking of vehicles, with or without charge; and
- (b) signs, notices and facilities used in connection with the parking of vehicles;

- parking meter** means a ticket issuing machine and includes the stand on which the ticket issuing machine is erected;
- parking region** means the area described in Schedule 1;
- parking station** means any land, or structure provided for the purpose of parking multiple vehicles, with or without charge;
- path** has the meaning given to it in the Code;
- pedestrian** has the meaning given to it in the Code;
- pedestrian crossing** has the meaning given to it in the Code;
- property line** means a lateral boundary of the thoroughfare;
- public bus** has the meaning given to it in the Code;
- public place** means any place to which the public has access whether or not that place is on private property;
- quad bike** has the same meaning as *all terrain vehicle*;
- reserve** means any land—
- (a) which belongs to the local government;
 - (b) of which the local government is the management body under the *Land Administration Act 1997*; or
 - (c) which is an “otherwise unvested facility” within section 3.53 of the Act;
- right of way** means any lane, passage, thoroughfare, way, whether private or public, over which any person in addition to the owner has a right of carriageway;
- road** has the same meaning as *carriageway*;
- road marking** has the meaning given to it in the Code;
- Road Traffic Act** means the *Road Traffic Act 1974*;
- Schedule** means a Schedule to this local law;
- shared zone** has the meaning given to it in the Code;
- shared path** has the meaning given to it in the Code;
- sign** includes—
- (a) a traffic sign, inscription, mark, structure or device on which may be shown words, numbers, expressions or symbols which has been approved by the local government;
 - (b) which is placed on or near a thoroughfare or within a parking station or reserve for the purpose of prohibiting, regulating, guiding, directing or restricting the parking of vehicles; and
 - (c) includes a “parking control” sign;
- special purpose vehicle** has the meaning given to it in the Code;
- strata company** has the meaning given to it in the *Strata Titles Act 1985*;
- symbol** includes any symbol specified from time to time by Standards Australia for use in the regulation of parking and any reference to the wording of any sign in this local law shall be also deemed to include a reference to the corresponding symbol;
- T-intersection** has the meaning given to it in the Code;
- taxi** has the meaning given to it in the Code;
- taxi zone** has the meaning given to it in the Code;
- thoroughfare** has the meaning given to it in the Act;
- ticket issuing machine** means a parking meter which issues, as a result of money being inserted in the machine or such other form of payment as may be permitted to be made, a ticket showing the period during which it is to be lawful to remain parked in the area to which the machine relates;
- traffic island** has the meaning given to it by the Code;
- trailer** has the meaning given to it in the Code;
- truck** has the meaning given to it in the Code;
- unattended** in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle;
- vehicle** has the meaning given to it in the Road Traffic Act; and
- verge** has the same meaning as *nature strip*.

1.6 Application of particular definitions

- (1) For the purposes of the application of the definitions “no parking area” and “parking area” an arrow inscribed on a traffic sign erected at an angle to the boundary of the carriageway is deemed to be pointing in the direction in which it would point, if the signs were turned at an angle of less than 90 degrees until parallel with the boundary.
- (2) Unless the context otherwise requires, where a term is used, but not defined, in this local law, and that term is defined in the Road Traffic Act or in the Code, then the term shall have the meaning given to it in that Act or the Code.

1.7 Pre-existing signs

(1) A sign that—

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

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

(2) An inscription, word, number, expression or symbol on a sign referred to in subclause (1) operates and has effect according to its tenor, and where the inscription, word, number, expression or symbol on a sign referred to in subclause (1) relates to the stopping of vehicles, it is to be deemed for the purposes of this local law to operate and have effect as if it related to the parking of vehicles.

1.8 Classes of vehicles

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

- (a) buses;
- (b) commercial vehicles;
- (c) motorcycles and bicycles;
- (d) taxis;
- (e) trucks;
- (e) heavy vehicles; and
- (f) all other vehicles.

1.9 Part of thoroughfare to which sign applies

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

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

1.10 Powers of the local government

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

1.11 Notes do not form part of the local law

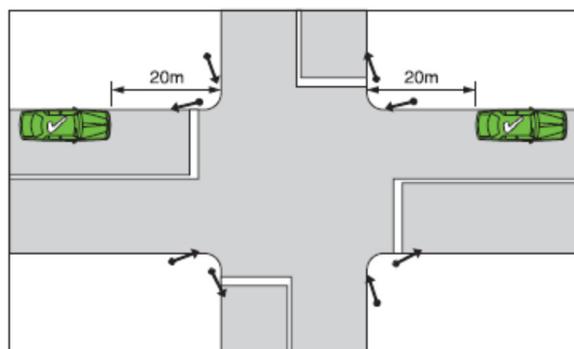
- (1) In this local law notes are included in a boxed format.
- (2) The purpose of including notes is to assist the reader in the interpretation or administration of this local law.
- (3) The notes are to be treated as footnotes and are not part of this local law (see section 32(2) of the *Interpretation Act 1984*).

PART 2—STOPPING GENERALLY

2.1 No stopping

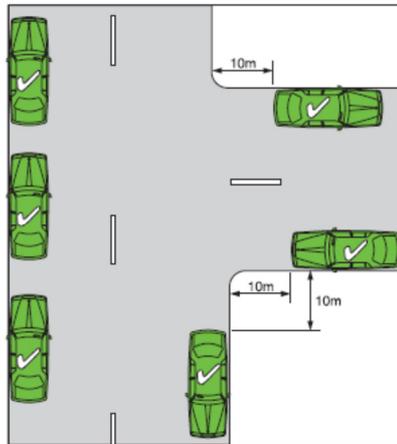
- (1) A driver shall not stop on a part of a carriageway, or in an area—
 - (a) to which a 'no stopping' sign applies; or
 - (b) during the times a sign specifies a 'no stopping' restriction is in operation; or
 - (c) where the stopping of vehicles is permitted for a specified time and the vehicle has been stopped for longer than that time.
- (2) A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line.
- (3) Unless a sign indicates otherwise, a person shall not stop a vehicle so that any portion of the vehicle is—
 - (a) within 20 metres from the nearest point of an intersecting carriageway at an intersection with traffic-control signals;

Example of measurement of distance—intersection with traffic control signals



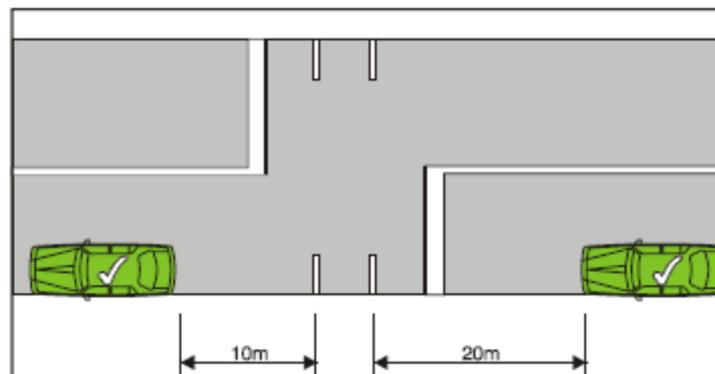
- (b) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway (without traffic-control signals) intersecting that carriageway on the side on which the vehicle is stopped, unless the person stops, if the intersection is a T-intersection—along the continuous side of the continuing road at the intersection;

Example of measurement of distance—T-intersection without traffic lights



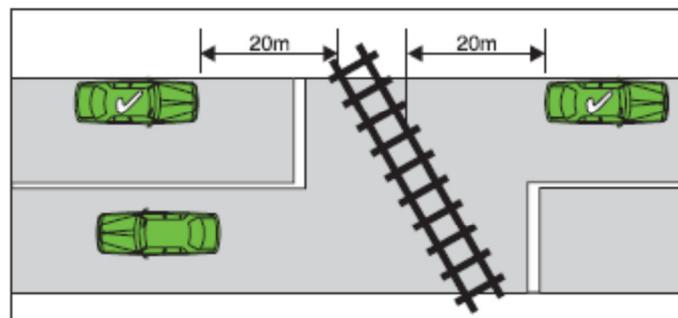
- (c) within 20 metres of the approach side of a pedestrian crossing or children's crossing, except where the pedestrian crossing is at an intersection; or
 (d) within 10 metres of the departure side of a pedestrian crossing or children's crossing, except where the pedestrian crossing is at an intersection;

Example of measurement of distance—Children's and Pedestrian crossing



- (e) within 10 metres, of a marked foot crossing that is not at an intersection, before the traffic-control signal pole nearest to the driver at the marked foot crossing and 3 metres after the marked foot crossing;
 (f) within 20 metres, of a level crossing, before the nearest rail or track to a driver approaching the crossing and 20 metres after the nearest rail or track to a driver leaving the crossing.

Example of measurement of distance—level crossing



2.2 Stopping on a Clearway

A driver shall not stop on a part of a carriageway to which a clearway sign applies, unless the driver is dropping off, or picking up passengers.

2.3 Stopping on keep clear markings

A driver shall not stop on an area of a carriageway marked with a keep clear marking.

PART 3—STOPPING IN ZONES FOR PARTICULAR VEHICLES

3.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is a commercial vehicle or a truck engaged in the picking up or setting down of goods being no less than 14kg in weight and no less than 0.20 cubic metres in measurement in any event, shall not remain in that loading zone—

- (c) for longer than a time indicated on the “loading zone” sign; or
- (d) for longer than 30 minutes (if no time is indicated on the “loading zone” sign).

3.2 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the “bus zone” sign applying to the bus zone.
- (3) In subclause (1), the driver of a taxi shall not leave the taxi unattended.

3.3 Stopping in a mail zone

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

3.4 Other limitations in zones

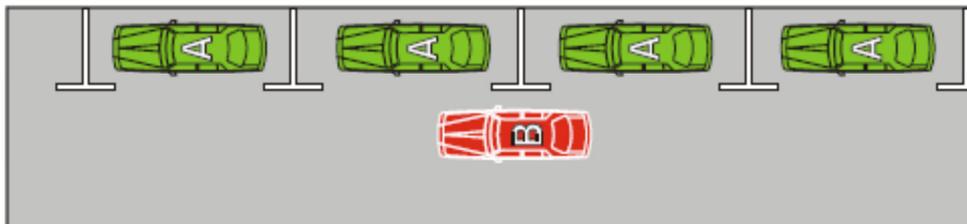
A person shall not stop a vehicle in a zone to which a sign applies if stopping the vehicle would be contrary to any limitation with respect to the class of persons or vehicles, or the specific activity allowed, as indicated by additional words on the sign.

PART 4—OTHER PLACES WHERE STOPPING IS RESTRICTED

4.1 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to—
 - (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with this local law.

Example of double parking



Vehicle 'B' is stopped in contravention of clause 4.1(1).

4.2 Stopping near an obstruction

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

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

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless—
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a sign does not prohibit stopping; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a sign applies and the driver is permitted to stop at that place under this local law.
- (2) A driver shall not stop a vehicle in a tunnel or underpass unless—
 - (a) the carriageway is at least as wide in the tunnel or underpass as it is on each of the approaches and a sign does not prohibit stopping; or
 - (b) the driver of a motor vehicle stops at a bus stop, or in a bus zone or parking area marked on the carriageway, for the purpose of setting down or taking up passengers.

4.4 Stopping on crests, curves, etc.

A driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle from a distance of 50 metres.

4.5 Stopping near a fire hydrant etc.

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

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

4.6 Stopping at or near a bus stop

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

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

(2) In this clause, distances are measured in the direction in which the driver is driving.

4.7 Stopping on a path, dividing strip, median strip, painted island or traffic island

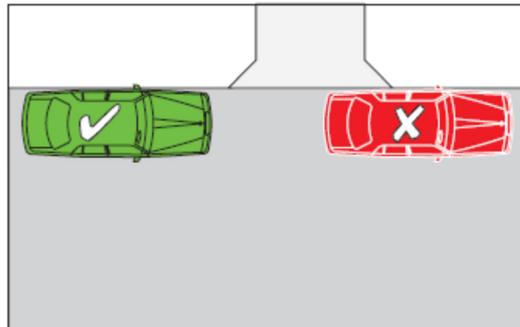
The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, dividing strip, median strip, painted island, or traffic island, unless the driver stops in a place where the driver is permitted to stop at that place under this local law, whether by a sign or otherwise.

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

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

(2) A driver shall not stop a vehicle on or across a driveway, right of way, private drive or other way of access for vehicles travelling to or from adjacent land, unless the driver is dropping off, or picking up, passengers.

Example of blocking a driveway



The vehicle marked with an 'x' is stopped in contravention of clause 4.8(2)

4.9 Stopping near a letter box

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

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

4.10 Stopping on a carriageway—Trucks, heavy and long vehicles

(1) Unless engaged in the picking up or setting down of goods, a person shall not stop, on a carriageway, a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of vehicles, is 5 metres or more in length or exceeds a GVM of 4.5 tonnes.

(2) Nothing in this clause affects the operation of any other clause in this local law, or any other written law relating to the parking or stopping of vehicles.

4.11 No Parking

A driver shall not park on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver does not leave the vehicle unattended.

4.12 Stopping and parking on a verge

(1) A person shall not—

- (a) stop or park a vehicle (other than a bicycle);
- (b) stop or park a commercial vehicle, truck, heavy vehicle, bus, trailer, all terrain vehicle, or caravan (whether attached or unattached to a vehicle);

- (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge;
- (d) stop or park a vehicle exposing it for sale;
- (e) stop or park a vehicle for the purpose of effecting repairs to it, other than the minimum repairs necessary to enable the vehicle to be moved to a place other than a thoroughfare;

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is—

- (a) except in the case of a strata property, the owner or occupier of the premises immediately adjacent to that verge; or
- (b) except in the case of a strata property, authorised by the occupier of those premises to stop the vehicle so that any portion of it is on that verge; or
- (c) in the case of a strata property, authorised by the Strata Company of those premises to stop the vehicle so that any portion of it is on that verge.

(3) Subclause (1)(b) does not apply to a commercial vehicle or a truck if—

- (a) it is being loaded or unloaded with reasonable expedition with goods or merchandise collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle or truck is parked; and
- (b) no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

PART 5—PARKING BAYS AND PARKING STATIONS

5.1 Determination of parking bays and parking stations

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

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

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

5.2 Vehicles to be within parking bay on carriageway

(1) Subject to subclause (2), a person shall not park a vehicle in a parking bay on a carriageway otherwise than—

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

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

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

5.3 Payment of fee to park in parking station

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

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

5.4 Suspension of parking station restrictions

The local government may declare that clause 5.3 is not to apply during the period, in relation to a particular parking station, specified in the resolution.

5.5 Vehicle not to be removed until fee paid

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

5.6 Entitlement to receipt

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

5.7 Parking ticket to be clearly visible

A driver of a vehicle in a parking station which is equipped with a ticket issuing machine shall on purchasing a ticket from the machine for a period of parking, place the ticket inside the vehicle in a position where—

- (a) the ticket is clearly visible to; and
- (b) the expiry time or time for which the ticket remains valid is able to be read by, an authorised person examining the ticket from outside the vehicle.

5.8 Locking of parking station

At the expiration of the hours of operation of a parking station, the local government may lock a parking station or otherwise prevent the movement of vehicles within, to or from it.

5.9 Parking prohibitions and restrictions

- (1) A person shall not—
 - (a) park a vehicle so as to obstruct an entrance to, or an exit from a parking station, or an access way within a parking station;
 - (b) except with the permission of the local government or an authorised person park a vehicle on any part of a parking station contrary to a sign referable to that part;
 - (c) permit a vehicle to park on any part of a parking station, if an authorised person directs the driver of such vehicle to move the vehicle; or
 - (d) park or attempt to park a vehicle in a parking bay in which another vehicle is parked but this paragraph does not prevent the parking of a motorcycle and a bicycle together in a bay marked “M/C”, if the bicycle is parked in accordance with subclause (2).
- (2) No person shall park any bicycle—
 - (a) in a parking bay other than in a bay marked “M/C”; and
 - (b) in such bay other than against the kerb.
- (3) A driver may park a vehicle in a parking bay (except in a parking area for people with disabilities) for twice the length of time allowed, provided that—
 - (a) the driver’s vehicle displays a disability parking permit; and
 - (b) a person with disabilities to which that disability parking permit relates is either the driver of or a passenger in the vehicle.

PART 6—PARKING GENERALLY**6.1 Restrictions on parking in particular areas**

- (1) Subject to clause 6.2, a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station—
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2) A person shall not park a vehicle—
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this local law;
 - (c) in a bay marked “M/C” unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle;
 - (d) at any time in a right of way; or
 - € unless clause 6.11 applies, for more than the maximum time specified by a sign.
- (3) A person shall not, without the prior permission of the local government, the CEO, or an authorised person, park a vehicle in an area designated by a sign stating “Authorised Vehicles Only”.
- (4) Subject to clause 3.1, a person shall not park a vehicle to off load goods.
- (5) In subclause (4) “goods” means an article or collection of articles weighing at least 14kg and at least 0.20 cubic metres in measurement.

6.2 Time extension for people with disabilities

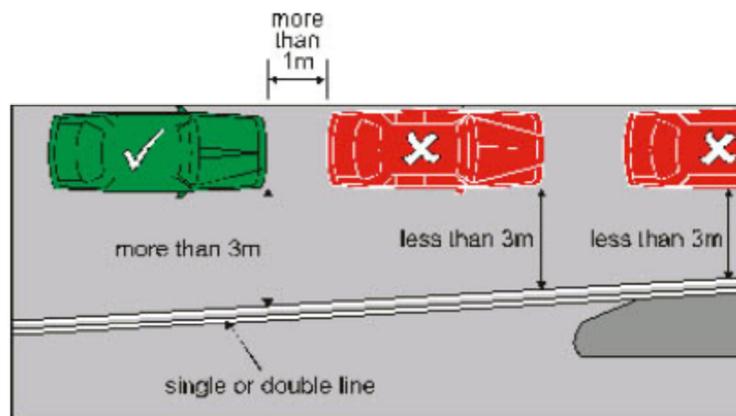
- (1) This clause applies to a driver if—
 - (a) the driver’s vehicle displays a disability parking permit; and
 - (b) a person with a disability is either the driver or a passenger in the vehicle.
- (2) A driver may park continuously on a length of carriageway, or in an area, to which a “permissive parking” sign applies (except in a parking area for people with disabilities) for twice the period indicated on the sign.

6.3 Parallel parking on a carriageway (except in a median strip parking area)

(1) Unless otherwise permitted by a sign, a driver parking a vehicle on a carriageway other than in a parking bay shall—

- (a) subject to subclause (4), in the case of a two-way carriageway, park the vehicle so that it is as near as practicable to and parallel with, the left boundary of the carriageway and facing in the direction of travel of vehicles in the marked lane or line of traffic on, or next to, the part of the carriageway where the driver parks;
- (b) subject to subclause (4), in the case of a one-way carriageway, park the vehicle so that it is as near as practicable to and parallel with either boundary of the carriageway unless otherwise indicated by information on or with a sign;
- (c) in the case of a carriageway that has a continuous dividing line, dividing strip or median strip, park the vehicle at least 3 metres from the continuous line, dividing strip or median strip;

Parallel parking—minimum distance from other vehicles and dividing strip



In the above example, the vehicles marked with an 'x' are parked in contravention of this local law.

- (d) in the case of a carriageway with no continuous dividing line or median strip, park the vehicle so that there is at least 3 metres of the carriageway alongside the vehicle that is clear for other vehicles to pass.
- (2) A driver of a vehicle shall park the vehicle so that it is not less than 1.2 metres from any other vehicle, except a motorcycle without a trailer, or a bicycle, parked in accordance with this local law.
 - (3) A driver of a vehicle shall park the vehicle so that it does not obstruct any vehicle on the carriageway.
 - (4) Subclauses (1)(a) and (1)(b) shall not apply to the rider of a motor cycle if the rider parks the motor cycle so at least one wheel is as near as practicable to the far left or far right of the carriageway.

6.4 Parallel parking in a median strip parking area

(1) Unless otherwise permitted by a sign, a driver parking a vehicle in a median strip parking area shall park the vehicle—

- (a) to face in the direction of travel of vehicles in the marked lane or line of traffic to the left of the driver;
- (b) parallel, and as near as practicable, to the centre of the median strip; and
- (c) if the driver does not park in a parking bay—at least one metre from the closest point of any vehicle in front of it and any vehicle behind it.

6.5 Angle parking

(1) This clause does not apply to—

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

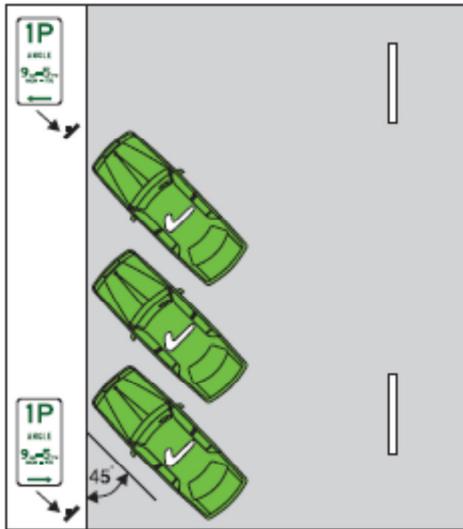
(2) Where a sign relating to a parking area is inscribed with the words “angle parking” (or with an equivalent symbol depicting this purpose), a driver parking a vehicle in the area shall park the vehicle—

- (a) at an angle of 45 degrees, or as near as practicable to 45 degrees, to the centre of the carriageway; and

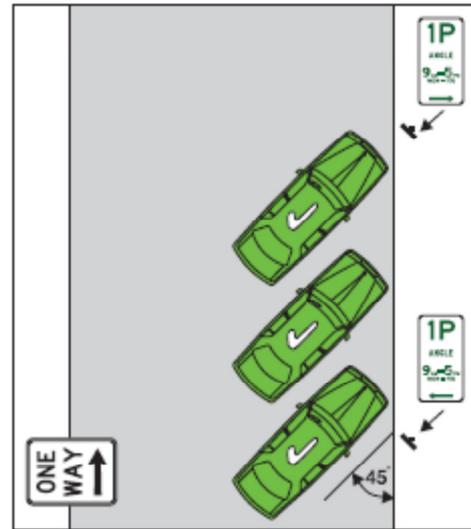
- (b) if the vehicle is parked on the side of a carriageway—with the rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the driver parks;

unless otherwise indicated by the sign or by marks on the carriageway.

Example 1
 Parking at 45°
 at the side of a two-way
 carriageway



Example 2
 Parking at 45°
 at the right side of a
 one-way carriageway

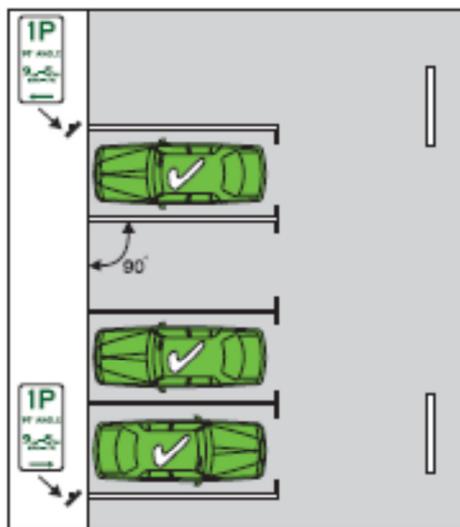


- (3) Where a sign relating to a parking area indicates that the driver's vehicle must be parked at an angle of 90 degrees, (or with an equivalent symbol depicting this purpose), the driver—

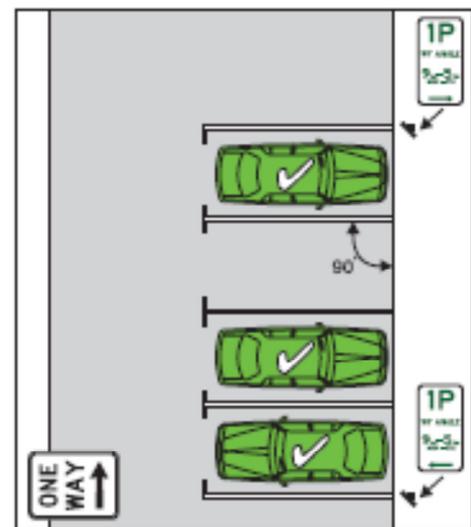
- (a) shall park the vehicle so the vehicle is at an angle as near as practicable to 90 degrees; and
- (b) if the vehicle is parked on the side of a carriageway—may park the vehicle with either the front or rear of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the driver parks;

unless otherwise indicated by the sign or by marks on the carriageway.

Example 1
 Parking at 90°
 at the side of a two-way
 carriageway



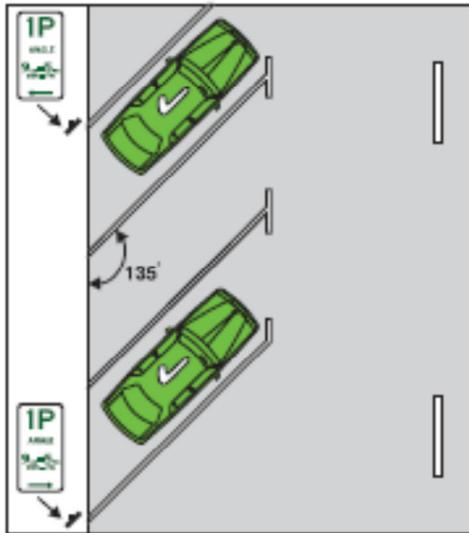
Example 2
 Parking at 90°
 at the right side of a
 one-way carriageway



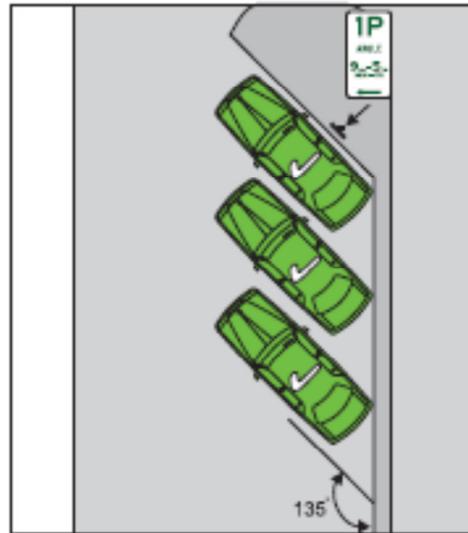
(4) Where a sign relating to a parking area indicates that the driver's vehicle must be parked at an angle of 135 degrees, (or with an equivalent symbol depicting this purpose), the driver shall park—

- (a) so the vehicle is at an angle as near as practicable to 135 degrees; and
- (b) if the vehicle is parked on the side of a carriageway—with the front of the vehicle nearest to traffic in the marked lane or line of traffic next to the part of the carriageway where the driver parks.

Example 1
Parking at 135°
at the side of a carriageway



Example 2
Parking at 135°
in a median strip parking area



6.6 Parking in parking bays

A driver of a vehicle shall park the vehicle so that it is entirely within the confines of any parking bay marked on the carriageway.

6.7 Vehicle to be wholly within parking area

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

6.8 General prohibitions on parking

- (1) This clause does not apply to a vehicle parked in a parking bay nor to a bicycle in a bicycle stand.
- (2) Subject to any law relating to intersections with traffic control signals, a person shall not park a vehicle so that any portion of the vehicle is—
 - (a) between any other stationary vehicles and the centre of the carriageway;
 - (b) alongside or opposite any excavation, works, hoarding, scaffolding or obstruction on the carriageway, if the vehicle would obstruct traffic;
 - (c) between the boundaries of a carriageway and any double longitudinal line consisting of two continuous lines;
 - (d) between a double longitudinal line consisting of a continuous line and a broken or dotted line and the boundary of a carriageway nearer to the continuous line, unless there is a distance of at least 3 metres clear between the vehicle and the double longitudinal line; or

€ on an intersection, except adjacent to a carriageway boundary that is not broken by an intersecting carriageway.

6.9 Authorised person may order vehicle on thoroughfare to be moved

- (1) The driver of a vehicle shall not park that vehicle on any part of a thoroughfare in contravention of this local law after an authorised person has directed the driver to move it.
- (2) If the driver of a vehicle fails to comply with a direction given under subclause (1), an authorised person may impound the vehicle and may recover the costs of the removal of the vehicle from the driver of the vehicle.

6.10 Authorised person may mark tyres

- (1) An authorised person may mark the tyres of a vehicle parked in a parking facility with chalk or any other non-indelible substance for a purpose connected with or arising out of his or her duties or powers.
- (2) A person shall not remove a mark made by an authorised person so that the purpose of the affixing of such a mark is defeated or likely to be defeated.

6.11 No movement of vehicles to avoid time limitation

(1) Where the parking of vehicles in a parking facility is permitted for a limited time, a person shall not move a vehicle within the parking facility so that the total time of parking exceeds the maximum time allowed for parking in the parking facility, unless the vehicle has first been removed from that parking facility for at least one (1) hour.

(2) Where the parking of vehicles in a thoroughfare is permitted for a limited time, a person shall not move a vehicle along that thoroughfare so that the total time of parking exceeds the maximum time permitted, unless the vehicle has first been removed from the thoroughfare for at least one (1) hour.

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

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

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

6.13 Parking on private land

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

- (a) which belongs to the local government;
- (b) of which the local government is the management body under the *Land Administration Act 1997*;
- (c) which is an “otherwise unvested facility” within section 3.53 of the Act;
- (d) which is the subject of an agreement referred to in clause 1.4 (2).

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

6.14 Driving or parking on reserves

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

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

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

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

PART 7—MISCELLANEOUS**7.1 Removal of notices on vehicle**

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

7.2 Unauthorised signs and defacing of signs

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

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

7.3 Signs shall be complied with

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

7.4 General provisions about signs

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

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

7.5 Special purpose and emergency vehicles

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

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

7.6 Vehicles not to obstruct a public place

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

PART 8—PENALTIES**8.1 Legal proceedings**

Evidentiary provisions relating to offences involving vehicles are contained in Division 2 of Part 9 of the Act.

8.2 Offences and penalties

- (1) A person who breaches a provision of this local law commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite a clause specified in that Schedule is the modified penalty for an offence against that clause.

8.3 Form of notices

For the purposes of this local law—

- (a) the form of the notice referred to in section 9.13 of the Act is that of Form 1 in Schedule 1;
- (b) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 3;
- (c) the form of the infringement notice referred to in section 9.17 of the Act which incorporates the notice referred to in section 9.13 of the Act, is that of Form 3 in Schedule 3; and
- (d) the form of the notice referred to in section 9.20 of the Act is that of Form 4 in Schedule 3.

—————
Schedule 1
PARKING REGION

[Clause 1.5]

The parking region is the whole of the district except—

- (a) the approach and departure prohibition areas of all existing and future traffic control signal installations as determined by the Commissioner of Main Roads;
- (b) prohibition areas applicable to all existing and future bridges and subways as determined by the Commissioner of Main Roads; and
- (c) any thoroughfare which comes under the control of the Commissioner of Main Roads unless the control of parking and parking facilities on that thoroughfare has been delegated by the Commissioner of Main Roads to the local government.

—————
Schedule 2
PRESCRIBED OFFENCES

[Clause 8.2]

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.1(1)	Stopping on part of a carriageway to which a 'no stopping sign' applies	100
2	2.1(2)	Stopping at the side of a carriageway marked with continuous yellow edge line	100
3	3.1	Stopping in a loading zone unlawfully	100
4	3.2	Stopping in a taxi zone or bus zone unlawfully	120

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
5	3.3	Stopping in a mail zone	100
6	3.4	Stopping in a zone contrary to a sign	100
7	4.1 and 6.8 (2)(a)	Double parking	100
8	4.2	Stopping near an obstruction	100
9	4.3 (1) or (2)	Stopping on a bridge or in a tunnel	100
10	4.4	Stopping on crests/curves etc	100
11	4.5	Stopping near a fire hydrant	100
12	4.6	Stopping at or near bus stop	100
13	4.7	Stopping on path, dividing strip, median strip, painted island or traffic island	100
14	4.8(1)	Obstructing access to and from path	120
15	4.8(2)	Stopping on or across a driveway, private drive or right of way	120
16	4.9	Stopping near a letter box	100
17	4.10	Stopping trucks, heavy or long vehicles on carriageway	100
18	4.11	Parking contrary to a 'no parking sign'	100
19	4.12	Stopping and parking on verge	100
20	5.2(1) and 6.6	Failure to park wholly within parking bay	100
21	5.2(3) and 6.7	Failure to park wholly within parking area	100
22	5.3	Failure to pay parking station fee	100
23	5.5	Remove vehicle without paying parking station fee	100
24	5.7	Failure to clearly display ticket in vehicle parked in parking station	100
25	5.9(1) (a)	Causing obstruction to entry or exit in parking station	100
26	5.9(1) (b)	Parking contrary to sign in parking station	100
27	5.9(1) (c)	Parking contrary to directions of authorised person	100
28	5.9(1) (d)	Parking or attempt to park a vehicle in a parking bay occupied by another vehicle	100
29	6.1(1) (a)	Parking wrong class of vehicle in a thoroughfare or parking station	100
30	6.1(1)(b)	Parking by persons of a different class in a thoroughfare or parking station	100
31	6.1(1)(c)	Parking in a thoroughfare or parking station when prohibited by a sign	100
32	6.1(2)(a)	Parking in no parking area	100
33	6.1(2)(b)	Parking contrary to signs or limitations	100
34	6.1(2)(c)	Parking vehicle in motor cycle only area	100
35	6.1(2)(d)	Parking vehicle in a right of way	100
36	6.1(2)€	Parking vehicle in excess of maximum time specified by a sign	100
37	6.1(3)	Parking without permission in an area designated for 'Authorised Vehicles Only'	100
38	6.3(1)(a)	Failure to park on the left boundary of two-way carriageway	100
39	6.3(1)(b)	Failure to parallel park on either boundary of one-way carriageway	100
40	6.3(1)(a) or (b)	Parking against the direction of travel of vehicles	100
41	6.3(1)(c)	Parking of vehicle when distance from continuous line, dividing strip or median strip is less than 3 metres	100
42	6.3(3)	Parking of vehicle and causing obstruction on carriageway	100
43	6.4	Failure to parallel park in a median strip parking area	100
44	6.5	Failure to park at 45 degree angle where a sign indicates 'angle parking'	100
45	6.8(2)(b)	Parking beside excavation or obstruction on carriageway so as to obstruct traffic	100

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
46	6.8(2)(c)	Parking of vehicle beside a double longitudinal line and a continuous line where the clear distance is less than 3 metres from the vehicle to the double longitudinal line	100
47	6.9(1)	Parking contrary to direction of authorised person	100
48	6.10(2)	Removing mark of authorised person	100
49	6.11	Moving vehicle to avoid time limitation	100
50	6.12(a)	Parking vehicle in a thoroughfare or on a verge for purpose of sale	100
51	6.12(b)	Parking unlicensed vehicle in thoroughfare	100
52	6.12(c)	Parking trailer, motorbike, all terrain vehicle or caravan on a thoroughfare or verge	100
53	6.12(d)	Parking vehicle in thoroughfare for purpose of repairs	100
54	6.13(2)	Parking vehicle on land that is not a parking facility without consent	100
55	6.14	Drive or park on a reserve not set aside for that purpose	100
56	7.6	Leaving vehicle so as to obstruct a public place	100
57		All other offences not specified	100

Schedule 3

NOTICE REQUIRING OWNER OF VEHICLE TO IDENTIFY DRIVER

Form 1

[Clause 8.3(a)]

Date / /

To: ⁽¹⁾
of: ⁽²⁾

It is alleged that on / / at ⁽³⁾
at ⁽⁴⁾ your vehicle—

make: ; model: ; registration:
was involved in the commission of the following offence—

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

contrary to clause of the—

- Town of Port Hedland Parking Local Law 2015*
- Local Government (Parking for People with Disabilities) Regulations 2014.*

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

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

- (a) within 28 days after being served with this notice—
 - (i) you inform the Chief Executive Officer or another authorised officer of the Town as to the identity and address of the person who was the driver or person in charge of the vehicle at the time the offence is alleged to have been committed; and
 - (ii) you satisfy the Chief Executive Officer that the vehicle had been stolen, or was being unlawfully used, at the time the offence is alleged to have been committed; or
- (b) you were given an infringement notice for the alleged offence and the modified penalty specified in it is paid within 28 days after the notice was given or such further time as is allowed.

⁽⁵⁾

⁽⁶⁾

Insert—

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

Schedule 3
INFRINGEMENT NOTICE
Form 2

[Clause 8.3(b)]

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

at (4) in

respect of vehicle—

make: ; model: ; registration:

you committed the following offence—

.....

.....

.....

contrary to clause of the—

- checkbox Town of Port Hedland Parking Local Law 2015
checkbox Local Government (Parking for People with Disabilities) Regulations 2014.

The modified penalty for the offence is \$

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

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

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

(6)

(7)

Insert—

- (1) Name of alleged offender or “the owner”
(2) Address of alleged offender
(3) Time of alleged offence
(4) Location of alleged offence
(6) Signature of authorised person
(7) Name and title of authorised person giving notice

Schedule 3
INFRINGEMENT NOTICE AND NOTICE REQUIRING OWNER OF VEHICLE
TO IDENTIFY DRIVER
Form 3

[Clause 8.3(c)]

Serial No

Date / /

To: (1)

of: (2)

It is alleged that on / / at (3)

..... (4)

..... in

respect of vehicle—

make: ; model: ; registration:

you committed the following offence—.....
.....
contrary to clause of the—

- Town of Port Hedland Parking Local Law 2015*
- Local Government (Parking for People with Disabilities) Regulations 2014.*

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

Unless within 28 days after being served with this notice—

- (a) you pay the modified penalty; or
- (b) you—
 - (i) inform the Chief Executive Officer or another authorised person at the Town as to the identity and address of the person who was the driver or person in charge of the above vehicle at the time the offence is alleged to have been committed; or
 - (ii) satisfy the Chief Executive Officer that the above vehicle had been stolen or was being unlawfully used at the time the offence is alleged to have been committed, you will, in the absence of proof to the contrary, be deemed to have committed the above offence and court proceedings may be instituted against you.

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

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

- (6)
- (7)

Insert—

- (1) Name of owner or “the owner”
- (2) Address of owner (not required if owner not named)
- (3) Time of alleged offence
- (4) Location of alleged offence
- (5) Place where modified penalty may be paid
- (6) Signature of authorised person
- (7) Name and title of authorised person giving notice

Schedule 3
WITHDRAWAL OF INFRINGEMENT NOTICE
Form 4

[Clause 8.3(d)]

Serial No
Date / /

To: ⁽¹⁾

of: ⁽²⁾

Infringement Notice No. dated / /
in respect of vehicle— make: ; model: ;
registration: ,
for the alleged offence of

.....

.....

.....

has been withdrawn.

The modified penalty of \$

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

..... ⁽³⁾

..... ⁽⁴⁾

Insert—

- (1) Name of alleged offender to whom infringement notice was given or “the owner”.
- (2) Address of alleged offender.
- (3) Signature of authorised person
- (4) Name and title of authorised person giving notice

Dated: 13 March 2015.

The Common Seal of the Town of Port Hedland was affixed by authority of a resolution of the Council in the presence of—

K. HOWLETT, Mayor.

M. OSBORNE, Chief Executive Officer.

LG302*

LOCAL GOVERNMENT ACT 1995

City of Fremantle

ALFRESCO DINING LOCAL LAW 2014 (NO. 2)

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Fremantle resolved on 25 March 2015 to make the following Local Law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Fremantle Alfresco Dining Local Law (No. 2) 2014*.

1.2 Commencement

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

1.3 Repeal

The *City of Fremantle Alfresco Dining Local Law 2014* as published in the *Government Gazette* on 18 July 2014 is repealed.

1.4 Application

This local law applies throughout the district.

1.5 Interpretation

In this local law, unless the context otherwise requires—

Act means the *Local Government Act 1995*;

alfresco dining area means an area in which tables, chairs and other structures are provided for the purpose of the supply of food or beverages or both to the public or the consumption of food or beverages or both by the public;

alfresco dining means outdoor dining or drinking or both in a public place;

authorised person means the CEO or any other person authorised by the local government under section 9.10 of the Act to be an authorised person for the purposes of enforcing the provisions of this local law;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

food business has the same meaning as the *Food Act 2008*;

fee means a fee or charge imposed under sections 6.16 to 6.19 of the Act;

furniture means chairs, tables, waiter's stations, planter boxes, umbrellas, screens, barriers, awnings, portable gas heaters and any other structure set up in the alfresco dining area;

Health Act means the *Health Act 1911*;

licence means a licence issued by the local government under this local law to set up and conduct an alfresco dining area;

licence period means the period referred to in clause 2.9;

licence plan means a plan attached to and forming part of a licence depicting the parts of a street or public place within which an alfresco dining area may be set up and conducted;

licensee means a proprietor of a food business who holds a valid licence;

Liquor Control Act means the *Liquor Control Act 1988*;

local government means the City of Fremantle;

local public notice has the meaning given to it in section 1.7 of the Act;

month means calendar month;

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

public place means any thoroughfare, pedestrian mall or local government property;

proprietor has the same meaning as the *Food Act 2008*;

Regulations means the *Local Government (Functions and General) Regulations 1996*;

utility means any public or private body which provides an essential service, such as electricity, gas, water, drainage, sewerage, telecommunications or traffic control, and has equipment on, in or under a public place for that purpose;

valid, in relation to a licence issued under this local law, means current and for which all the associated fees have been paid in full; and

vehicle crossing means a crossing used by vehicles to allow access from a thoroughfare to private land or a private thoroughfare.

PART 2—LICENCE

2.1 Licence required

Unless exempt under clause 2.2, a person shall not set up or conduct an alfresco dining area in any public place—

- (a) other than in a portion of a public place adjoining a food business;
- (b) unless the person is the proprietor of a food business or is acting on behalf of the proprietor of a food business referred to in paragraph (a);
- (c) unless the person is the holder of a valid licence issued under this local law; and
- (d) other than in accordance with the licence plan and any terms and conditions set out in, or applying in respect of, the licence.

2.2 Exemptions

- (1) The local government may exempt a person or class of persons in writing from the requirement to have a licence.
- (2) Any exemption in subclause (1) may be exercised—
 - (a) on the application of a person; or
 - (b) at the local government's discretion.
- (3) An exemption in subclause (1) may be given subject to any conditions the local government sees fit.
- (4) An exemption may apply to, or be in respect of—
 - (a) a particular event, street festival, carnival or activity approved by the Local government;
 - (b) particular goods or services; or
 - (c) a period of time.

2.3 Application for a licence

- (1) A person who is required to obtain a licence under this local law shall apply for the licence in accordance with subclause (2).
- (2) An application for a licence under this local law shall—
 - (a) be in the form determined by the local government;
 - (b) be signed by the proprietor of a food business adjacent to the portion of the public place to which the application relates;
 - (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.
- (3) The local government may require an applicant to provide additional information reasonably related to an application before determining the application.
- (4) The local government may require an applicant to give local public notice of the application for a licence.
- (5) The local government may refuse to consider an application for a licence which is not in accordance with subclause (2) or where the applicant has not complied with subclauses (3) or (4).

2.4 Relevant considerations in determining application for licence

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

- (a) any relevant policies of the local government; and
- (b) any other matters that it considers to be relevant.

2.5 Decision on application for licence

- (1) The local government may, in respect of an application for a licence—
 - (a) approve the application unconditionally or subject to any conditions; or
 - (b) refuse to approve the application.
- (2) The local Government may refuse an application for a license if its opinion—

- (a) the proposed alfresco area does not conform with the requirements of this local law or any other relevant law;
 - (b) the proposed alfresco area does not conform with the requirements of any relevant policies of the local government;
 - (c) the use of the proposed alfresco area is likely to cause a nuisance; or
 - (d) the proposed licensee has been convicted during the preceding 5 years of an offence against—
 - (i) this local law;
 - (ii) the Health Act;
 - (iii) the Liquor Control Act; or
 - (iv) any other written law that affects alfresco dining.
- (3) If the local government approves an application for a licence, it is to issue to the applicant a licence in the form determined by the local government.
- (4) If the local government refuses to approve an application for a licence, it is, as soon as practicable after the decision is made—
- (a) to give the applicant written notice of, and written reasons for, the refusal; and
 - (b) to inform the applicant of his or her rights, under Part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.
- (5) Where a clause of this local law refers to conditions which may be imposed on a licence of which are to be taken to be imposed on a licence, the clause does not limit the power of the local government to impose other conditions on the licence under subclause (1)(a).

2.6 Conditions which may be imposed on a licence

The local government may approve an application for a licence subject to conditions relating to—

- (a) the area or location to which the licence applies;
- (b) the number, type, form and construction, as the case may be, of any furniture which may be used in the alfresco dining area;
- (c) the care, maintenance and cleaning of any furniture used in the alfresco dining area;
- (d) the removal and storage of furniture used in the alfresco dining area prior to the closure of the adjacent food business;
- (e) the alfresco dining area not impeding or obstructing a public place used by either pedestrians or vehicles;
- (f) the requirement to maintain clear sight lines for vehicles entering or leaving a thoroughfare or a vehicle crossing;
- (g) the obtaining of public risk insurance in an amount and on the terms reasonably required by the local government;
- (h) the grant of another approval, permit, licence or authorisation which may be required under any written law;
- (i) the duration and commencement of the licence;
- (j) the placement of advertising on furniture within the alfresco dining area;
- (k) the payment of all fees, charges, rates and taxes levied or incurred as a result of the establishment and operation of the alfresco dining area;
- (m) the payment of costs associated with the local government preparing the public place for the use as an alfresco dining area including but not limited to the reshaping of footpaths and marking the boundaries of the alfresco dining area.

2.7 Compliance with conditions

Where—

- (a) an application for a licence has been approved subject to conditions; or
 - (b) a licence is to be taken to be subject to conditions under this local law,
- the licensee shall comply with each of those conditions.

2.8 Amendment of licence conditions

- (1) A licensee may apply in writing to the local government to amend any of the terms of conditions of the licence.
- (2) The local government may, in respect of an application under subclause (1)—
- (a) amend the licence, either in accordance with the application or otherwise as it sees fit; or
 - (b) decline to amend the licence.

(3) The local government may, at any time, amend any of the terms and conditions of the licence.

(4) If the local government amends a licence under this clause, it is to notify the licensee in writing of the amendment as soon as practicable after the amendment is made and, unless otherwise specified in the amendment, the amended term or condition, or both, of the licence apply from the date of the notification.

(5) If the local government amends a licence otherwise than in accordance with an application from the licensee, it is, as soon as practicable after the decision to amend is made—

- (a) to give the licensee written notice of, and written reasons for, its decision to amend; and
- (b) inform the licensee of his or her rights, under part 9, Division 1 of the Act, to object to, and apply for a review of, the decision.

2.9 Duration of licence

A licence is valid for twelve months from the date on which it is issued, unless it is—

- (a) otherwise stated in this local law or in the licence; or
- (b) cancelled under clause 2.12

2.10 Renewal of licence

(1) A licensee may renew the licence by paying the fee imposed and determined by the local government.

(2) The provisions of the local law relevant to the licence which is to be renewed shall apply, with such modifications as are required, to an application for the renewal of a licence.

2.11 Transfer of licence

(1) An application for the transfer of a valid licence is to—

- (a) be in the form determined by the local government;
- (b) provide the information required by the form;
- (c) be signed by the licensee and the proposed transferee of the licence; and
- (d) be forwarded to the CEO together with any transfer fee imposed and determined by the local government.

(2) The local government may refuse to consider or determine an application for the transfer of a licence, which is not in accordance with subclause (1).

(3) The local government may approve an application for the transfer of a licence, refuse to approve it or approve it subject to such terms and conditions as it sees fit, and if it is approved, the proposed transferee shall become the licensee from the date of the approval.

2.12 Cancellation of suspension of licence

(1) A licence may be cancelled by the local government on any one or more of the following grounds—

- (a) the licensee has not complied with—
 - (i) a condition of the licence; or
 - (ii) a provision of this local law or any other written law which may relate to the activity regulated by the licence;
- (b) if it is relevant to the activity regulated by the licence—
 - (i) the licensee is an undischarged bankrupt, or is in liquidation;
 - (ii) the licensee has entered into a composition arrangement with creditors; or
 - (iii) a manager, administrator, trustee, receiver, or receiver and manager, is appointed in relation to any part of the licensee's undertakings or property;
- (c) the proprietor of the food business changes; or
- (d) the setting up or conduct of the alfresco dining area, or the behaviour of customers within the alfresco dining area, is causing a nuisance.

(2) The local government may cancel or suspend a licence if the local government or a utility requires access to or near the place to which a licence applies, for the purposes of the carrying out works in or near the vicinity of that place.

(3) If the local government cancels or suspends a licence under this clause, it is, as soon as practicable after the decision is made—

- (a) to give the licensee written notice of, and reasons for, the decision; and
- (b) inform the licensee of his or her rights, under part 9, Division 1 of the Act, to object to, and apply for review of, the decision; and

- (c) the cancellation or suspension takes effect from the date on which the licensee is served with the cancellation or suspension notice.
- (4) On the cancellation of a licence, the licensee shall return the licence as soon as practicable to the local government.
- (5) On the cancellation or suspension of a licence, the licensee is, subject to sub-clause (6), to be taken to have forfeited any fees paid in respect of the licence.
- (6) Where a licence is cancelled or suspended through no fault of the licensee, the local government shall refund to the licensee all or part of the licence fee in respect of what would otherwise have been the balance of the terms of the licence.

2.13 Display and production of licence

A licensee shall produce to an authorised person his or her valid licence immediately on being required to do so by an authorised person.

PART 3—ENFORCEMENT

3.1 Direction of authorised person to be obeyed

- (1) A licensee who is given a lawful direction by an authorised person shall comply with that direction.
- (2) A licensee shall not obstruct or hinder an authorised person in the performance of that person's duties.

3.2 Notice to repair damage to public place

Where any portion of a public place has been damaged as a result of the use of that public place as an alfresco dining area, the local government may, by notice to the licensee, order the licensee to repair or replace that portion of the public place to the satisfaction of the local government.

3.3 Removal and impounding of goods

Where an alfresco dining area is conducted without a licence or in contravention of a condition of a licence, any furniture may be removed and impounded under regulation 29 of the Regulations by an authorised person.

3.4 Public access

No person shall set up or conduct an alfresco dining area that prohibits public access to that area unless that area is located on private land.

3.5 Offences

- (1) A person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) An offence against a clause specified in the schedule 1 of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.
- (3) A person who commits an offence under this local law shall be liable, on conviction to a penalty not exceeding \$5,000 and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day of part of a day during which the offence has continued.

3.6 Infringement and infringement withdrawal notice

For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.17 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
- (b) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

3.7 Offence description and Modified Penalty

The amount appearing in the final column of Schedule 1 directly opposite an offence described in that schedule is the modified penalty for that offence.

3.8 Authorised persons

Unless expressly state otherwise by the local government, a person appointed by the local government to be an authorised person for the purposes of this local law is taken to have also been appointed by the local government to be an authorised person for the purposes of sections 9.13 and 9.16 of the Act in relation to offences against this local law.

Schedule 1

City of Fremantle

Alfresco Dining Amendment Local Law 2014

Offences and Modified Penalties

Item No.	Clause No.	Nature of Offence	Modified Penalty \$
1	2.1(c)	Set up or conduct an alfresco dining area without a valid licence	300
2	2.7	Failure to comply with a condition of licence	100
3	2.13	Failure to produce to an authorised person a valid licence when requested to do so	100
4		Other offences not specified	100

Dated: 26 March 2015.

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

BRAD PETTITT, Mayor.
GRAEME MacKENZIE, Chief Executive Officer.

!2015058GG!

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LOCAL GOVERNMENT ACT 1995

SHIRE OF CUE

**STANDING ORDERS LOCAL
LAW 2015**

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LOCAL GOVERNMENT ACT 1995

SHIRE OF CUE

STANDING ORDERS LOCAL LAW 2015

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Cue resolved on 17 March 2015 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *Shire of Cue Standing Orders Local Law 2015*.

1.2 Commencement

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

1.3 Application

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

1.4 Interpretation

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

absolute 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 of Cue

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

Council means the Council of the Shire of Cue;

Councillor has the same meaning as is given to it in the Act;

employee means an employee of the local government;

meeting means a meeting of the Council or a Committee as the context requires;

member means—

(a) in relation to the Council, the President or a Councillor; or

(b) in relation to a Committee, a person appointed to that Committee by the local government;

President means the President of the Shire of Cue;

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*;

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

local government means the Shire of Cue;

simple majority means more than 50 per cent of the members present and voting at meetings;

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; 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 have the same meaning given to them in the Act and Regulations.

1.5 Repeal

The *Shire of Cue Standing Orders Local Law 2012* as published in the *Government Gazette* on 1 June 2012 is repealed.

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

- (1) Ordinary and special Council meetings are dealt with in the Act.
- (2) An ordinary meeting of the Council 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.

2.2 Calling Council meetings

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

2.3 Calling Committee meetings

A meeting of a Committee is to be held—

- (a) 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 written notice to the CEO, setting out the date and purpose of the proposed meeting; or
- (c) if so decided by the Council or the Committee.

2.4 Convening ordinary and special Council meetings

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

2.5 Convening Committee meetings

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

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

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

3.2 When Deputy President can preside

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

3.3 Who presides if no President or Deputy President

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

3.4 Election of Presiding Members and Deputy Presiding Members of Committees

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

3.5 Functions of Deputy Presiding Members of Committees

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

3.6 Who acts if no Presiding Member of Committees

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

3.7 Quorum for meetings

The quorum for meetings is dealt with in the Act.

3.8 Procedure if quorum not present

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

3.9 Loss of quorum during a meeting

- (1) If at any time during a meeting a quorum is not present, the Presiding Member, upon becoming aware of that fact, is to suspend the proceedings of the meeting for up to 15 minutes.
- (2) If a quorum is not present at the expiration of the period in subclause (1), the Presiding Member may suspend the proceedings of the meeting for a further period of up to 15 minutes or adjourn the meeting to a future time and date.
- (3) If a quorum is not present at the expiration of the extended period in subclause (2), the Presiding Member is to adjourn the meeting to a future time and date.
- (4) At any meeting that is adjourned for want of a quorum, the names of the members present and the names of all those members who have spoken on the subject under consideration at the time of the adjournment shall be recorded in the minutes.

3.10 Debate on motion to be resumed

Where a meeting is adjourned for want of a quorum, the resumed meeting is to continue from the point at which it was adjourned, unless the Presiding Member or the meeting determines otherwise.

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

- (1) No business is to be transacted at any meeting other than that specified in the agenda without the approval of the Presiding Member or a decision of the meeting.
- (2) No business is to be transacted at a special meeting of the Council other than that specified in the agenda, and to which notice as to the purpose of the meeting has been given.
- (3) No business is to be transacted at an adjourned meeting other than that—
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved,

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

4.2 Meeting to proceed to business

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

4.3 Order of business

- (1) Unless otherwise decided by the Presiding Member or the Council, the order of business at an ordinary meeting of the Council is to be as follows—
 - (a) declaration of opening;
 - (b) apologies and approved leave of absence;
 - (c) disclosure of members' interests;
 - (d) public question time;
 - (e) confirmation of minutes;
 - (f) applications for leave of absence
 - (g) deputations;
 - (h) petitions;
 - (i) announcements without discussion;
 - (j) reports;
 - (k) motions by members of which previous notice has been given;
 - (l) motions for consideration at the next meeting;
 - (m) new business of an urgent nature;
 - (n) matters for which the meeting may be closed; and
 - (o) closure.
- (2) Unless otherwise decided by the Committee, the order of business at any meeting of a Committee is to be as follows—
 - (a) declaration of opening;
 - (b) apologies;
 - (c) disclosure of members' interests;
 - (d) question time for the public;
 - (e) confirmation of minutes;
 - (f) reports;
 - (g) general business pertaining to the Committee;
 - (h) matters for which the meeting may be closed; and
 - (i) closure.
- (3) Unless otherwise decided by the members present, the order of business at any special meeting of the Council is to be the order in which that business stands in the notice of, or the agenda of the meeting.

4.4 Grant of leave of absence

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

4.5 Confirmation of minutes

- (1) Confirmation of minutes is dealt with in the Act.
- (2) When minutes are being confirmed, discussion is not to be permitted other than discussion as to their accuracy as a record of the proceedings.
- (3) 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.
- (4) 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 minute.

4.6 Petitions

- (1) A petition, in order to be considered by the Council is to—
 - (a) be addressed to the President;
 - (b) state the request on each page of the petition;
 - (c) contain a summary of the reasons for the request;
 - (d) for each person who has signed it, show the person's name and address
 - (e) state the name and an address of one person to whom notice to the petitioners can be sent; and
 - (f) be respectful and temperate in its language.
- (2) Notwithstanding the requirements of subclause (1), the Presiding Member may allow the petition to be considered in circumstances where the petition complies with the majority of the requirements.
- (3) 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.

4.7 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, unless the Council resolves otherwise.

4.8 Motions by members of which previous notice has been given

- (1) Unless the Act, Regulations or 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 signed by the member and given to the CEO at least 5 clear working days before the meeting at which the motion is to be moved.
- (3) A notice of motion must relate to the good governance of the district
- (4) The CEO—
 - (a) may with the concurrence of the President, exclude from the agenda any notice of motion deemed to be, or likely to involve, a breach of any local law or any other written law; or
 - (b) may after consultation with the member who gave notice of the motion, make such amendments to the form but not the substance to bring the notice of motion into due form; and
 - (c) must provide relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, financial and legal implications.
- (5) If a notice of motion is excluded under subclause (4) (a), the CEO is to provide the reason for its exclusion to all members as soon as practicable.
- (6) A motion of which notice has been given is to lapse unless—
 - (a) the member who gave notice, or another member authorised by him or her in writing, moves the motion when called on; or
 - (b) the Council or Committee on a motion agrees to defer consideration of the motion to a later stage or date.

4.9 Urgent business

- (1) In cases of extreme urgency, matters may, on a motion that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency' means matters that have arisen after the distribution of the agenda and are considered by the meeting to be of such importance and urgency that—
 - (a) the nature of the business is such that the business cannot await inclusion in the agenda for the next meeting; or
 - (b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government.
- (3) Before debate begins on a matter under this clause that is not the subject of a written employee report to the meeting, the Presiding Member is to ask the CEO to give a verbal report to the meeting.
- (4) The minutes of the meeting are to include a summary of the verbal report and any recommendations of the CEO.

PART 5—PUBLIC PARTICIPATION**5.1 Meetings generally open to the public**

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

5.2 Procedure to close meetings to the public

(1) The CEO may, at any time, recommend that a meeting or part of 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; 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) A resolution under this clause may be made without notice.

(6) Once the meeting is re-opened 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.

5.3 Public question time

Public question time at meetings is dealt with in the Act.

5.4 Public question time at certain meetings

Public question time at certain meetings is dealt with in the Regulations.

5.5 Minimum question time for the public

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

5.6 Procedures for question time for the public

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

5.7 Other procedures for public question time

(1) Questions asked by the public are not to be in the form of a statement or a personal opinion.

(2) The procedure for the asking of and responding to questions raised by members of the public at a meeting shall be as follows—

- (a) a member of the public who raises a question during public question time is to state their name and address;
- (b) questions are to be answered by the Presiding Member or a member or employee nominated by the Presiding Member;
- (c) questions may be taken on notice, at the determination of the Presiding Member, and the Presiding Member may determine that any complex question requiring research be answered only in writing;
- (d) no discussion of a question or answer is to take place; and
- (e) when a question is taken on notice under subclause (b) a response is to be given to the member of the public in writing, and a copy, or a summary of the response, is to be presented to and recorded in the minutes of the next meeting of the Council or Committee as the case requires.

(3) 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, 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.

5.8 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 may direct that the presence of the distinguished visitor be recorded in the minutes.

5.9 Deputations

(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 as a deputation 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.

5.10 Attending Committee meetings as an observer

(1) A Councillor may attend any meeting of a Committee as an observer, even if the Councillor is not a member of that Committee.

(2) A deputy to a member of a Committee may attend a meeting of that Committee as an observer, even if the deputy is not acting in the capacity of the member.

(3) The Councillor in the case of subclause (1), or deputy to a member attending a Committee meeting as an observer in the case of subclause (2) may, with the consent of the Presiding Member, speak, but cannot vote, on any motion before the Committee.

5.11 Public inspection of agenda materials

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

5.12 Public access to unconfirmed minutes of meetings

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

5.13 Confidentiality of information withheld

Information withheld by the CEO from the public under the Regulations, is to be marked “confidential” in the agenda.

5.14 Recording of meeting

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

(2) If a person is permitted to record proceedings under this clause, the Presiding Member is to advise the meeting, immediately before the recording is commenced, that the recording is permitted and the extent of that permission.

5.15 Prevention of disturbance

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

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

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

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

(5) If—

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

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

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

PART 6—DISCLOSURE OF INTERESTS

6.1 Disclosure of 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 and the Rules of Conduct Regulations.

PART 7—CONDUCT OF MEMBERS

7.1 Official titles to be used

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

7.2 Members to occupy own seats

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

(2) At the first meeting held after each ordinary election day, the CEO is to assign a seating position in the Council Chamber to each member by conducting a ballot after considering requests for a specific allocation for special circumstances.

7.3 Members not to interrupt

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

- (a) to raise a point of order under clause 8.2;
- (b) to call attention to the absence of a quorum; or
- (c) to make a personal explanation under clause 10.4

7.4 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.

(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.

7.5 Direction to withdraw

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

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

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

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

7.6 Members who wish to speak

A member who wishes to speak—

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

7.7 Priority of speaking

(1) If 2 or more members indicate, at the same time, their intention to speak, the Presiding Member is to decide which member is 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.

7.8 The Presiding Member may take part in debates

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

7.9 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 call the attention of the meeting to—

- (a) any irrelevant, repetitious, offensive or insulting language by a member; or
- (b) any breach of order by a member.

7.10 Speaking twice

(1) 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.

(2) 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.

7.11 Limitation on members speaking

(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.

7.12 Re-opening discussion on decisions

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

7.13 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.

7.14 Entering and leaving during a meeting

(1) 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.

(2) 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.

PART 8—PRESERVING ORDER

8.1 Presiding Member to preserve order

(1) The Presiding Member is to preserve order and, whenever he or she considers it necessary, may call any member to order.

(2) When the Presiding Member speaks during a debate any member then speaking, or offering to speak, is to be silent 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 7.8, 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 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 must not be interrupted except on a point of order.

(2) A member interrupted on a point of order must immediately discontinue speaking 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 up holding 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 Council immediately after the ruling resolves that the ruling be disagreed with.

(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.

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 comply with a direction from the Presiding Member,

the Presiding Member may direct the member to refrain from taking any further part in the debate on the matter then before the meeting, other than by voting, and the member must comply with that direction.

8.7 Presiding Member may adjourn meeting

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

PART 9—MOTIONS AND AMENDMENTS**9.1 Motions**

- (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 the member is required to do so by the Presiding Member.
- (2) 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.

9.2 Motions to be seconded

- (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 the Regulations.
- (3) A motion is not to be altered by the mover without the consent of the seconder.

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 immediately proceed to put the matter to the vote.

9.4 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the members may, without debate, grant leave to withdraw a substantive 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.

9.5 One motion to be debated at a time

The Presiding Member is not to accept a substantive motion while another substantive motion is being debated.

9.6 Amendments

- (1) An amendment must add, delete, or substitute words to the substantive motion.
- (2) An amendment must be relevant to the substantive motion in respect of which it is moved and must not have the effect of negating the substantive motion.
- (3) Any member, including the mover of a motion, may speak during debate on an amendment.
- (4) Only one amendment is to be debated at a time, but as often as an amendment is withdrawn, carried or lost, another amendment may be moved before the substantive motion is put to the vote.
- (5) Where an amendment is carried, the substantive motion as amended is, for all purposes of subsequent debate, to be treated as a substantive motion.

9.7 Revoke or change decisions

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

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

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

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

10.2 Limit of debate

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

10.3 Member may require motion or amendment to be read

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

10.4 Personal explanation

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

10.5 Voting

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

10.6 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.

10.7 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.

10.8 Method of taking vote

(1) The Presiding Member, in taking the vote on any motion or amendment, is to—

- (a) put the motion or amendment, first in the affirmative and then in the negative;
- (b) determine whether the affirmative or the negative has the majority of votes; and
- (c) declare the result of the vote.

(2) The motion or amendment put under subclause (1) may be put as often as is necessary to enable the Presiding Member to determine whether the affirmative or the negative has the majority of votes.

(3) The result of voting is to be determined on the count of raised hands.

(4) The CEO is to 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 11—PROCEDURAL MOTIONS**11.1 Permissible procedural motions**

In addition to the right to move an amendment to a substantive motion, a member may move any of 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 meeting be closed to members of the public;
- (e) that the ruling of the Presiding Member be disagreed with;

11.2 Who may move

A member who has moved, seconded, or spoken for or against the substantive motion or amendment, 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 7.10 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) 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.
- (3) A meeting adjourned under subclause (2) 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.

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

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

PART 12—COMMITTEES**12.1 Establishment, types and membership 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.

12.2 Types of Committees

The types of Committees are dealt with in the Act.

12.3 Delegation of power to Committees

Delegation of some powers and duties to Committees and the limits on the delegation of some powers and duties to certain Committees are dealt with in the Act.

12.4 Register of delegations to Committees

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

12.5 Appointment of Committee members

The appointment of Committee members is dealt with in the Act

12.6 Appointment of deputy members

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

12.7 Tenure of Committee membership

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

12.8 Resignation of Committee members

The resignation of Committee members is dealt with in the Administration Regulations.

12.9 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 13—OTHER MATTERS

13.1 Suspension of Standing Orders

(1) A member may, at any time, move that the operation of one or more of the clauses in the local law 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.

13.2 Cases not provided for in Standing Orders

(1) In situations where—

- (a) one or more clauses of the local law have been suspended under clause 13.1; or
- (b) a matter is not regulated by the Act, the Regulations or this local law,

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

(2) The decision of the Presiding Member under subclause (1) is final, except where a motion of dissent is moved and carried under clause 11.7.

13.3 Electors' meetings

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

13.4 Electors' meetings—Standing Orders apply

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

13.5 Restriction on voting at electors' meetings

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

13.6 Participation of non-electors

(1) A person who is not an elector of the local government must not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits the person do so;

(2) A person who is not an elector of the local government cannot vote at an electors' meeting.

13.7 Penalty for contravention of local law

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

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

13.8 Who can prosecute

Who can prosecute is dealt with in the Act.

PART 14—COMMON SEAL**14.1 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.

14.2 Use of Common Seal

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

14.3 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.

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

Cr ROGER LE MAITRE, Shire President.
JOHN McCLEARY, Chief Executive Officer.
